

Straddling the Arctic Circle in the east central part of the State, Yukon Flats is Alaska's largest Interior valley. The Yukon River, fifth largest in North America and 2,300 miles long from its source in Canada to its mouth in the Bering Sea, bisects the broad, level floodplain of Yukon Flats for 290 miles. More than 40,000 shallow lakes and ponds averaging 23 acres each dot the floodplain and more than 25,000 miles of streams traverse the lowland regions. Upland terrain, where lakes are few or absent, is the source of drainage systems important to the perpetuation of the adequate processes and wetland ecology of the Flats. More than 10 major streams, including the Porcupine River with its headwaters in Canada, cross the floodplain before discharging into the Yukon River. Extensive flooding of lowland areas plays a dominant role in the ecology of the river as it is the primary source of water for the many lakes and ponds of the Yukon Flats basin.

Summer temperatures are higher than at any other place of comparable latitude in North America, with temperatures frequently reaching into the 80's. Conversely, the protective mountains which make possible the high summer temperatures create a giant natural frost pocket where winter temperatures approach the coldest of any inhabited area. While the growing season is short, averaging about 80 days, long hours of sunlight produce a rich growth of aquatic vegetation in the lakes and ponds. Soils are underlain with permafrost ranging from less than a foot to several feet, which contributes to pond permanence as percolation is slight and loss of water is primarily due to transpiration and evaporation. This abundance of shallow, fertile, dependable water sources makes the Yukon Flats one of the world's most outstanding waterfowl production and utilization areas.

The Yukon Flats basin contributes an annual flight of 2,100,000 ducks and 16,500 geese to all the Flyways, Canada and Mexico. Significant continental populations include lessed scaup (5.6 percent), pintails (3.2 percent), wigeon (3.9 percent), shoveller (3.2 percent) and canvasback (15 to 25 percent), as well as 11,000 sandhill cranes, 15,000 loons and 100,000 grebe. Approximately 25 percent of this production will come from the Federal lands within the refuge as drawn.

Fish and wildlife inhabiting the Yukon Flats are both varied and seasonally abundant. Mammals found in the area and its surrounding drainages include caribou, moose, wolverine, grizzly and black bear, wolf, beaver, mink and Dall sheep. Most of the Flats provides critical range for moose, an important animal in maintenance of local subsistence lifestyles. Birch and aspen, characteristic of the secondary stage of forests following natural fires, and willow, a pioneer on sandbars and other areas, are preferred moose foods. The numerous ponds and marshes with their abundance of aquatic plants further enhance the area as moose habitat. Two of Alaska's 13 caribou herds use much of the Yukon drainage surrounding the Flats. Both of these herds are of international significance, ranging from the area well into Canada.

One hundred and thirty species of birds have been recorded; most are migratory, but 13 species remain year around. The area is particularly important for waterfowl and other birds commonly associated with aquatic habitats. In the years of drought in the prairie provinces of Canada, birds displaced from their traditional breeding areas con-

tinue north seeking stable water levels. In such years, the Yukon Flats waterfowl contribution is even greater than enumerated above, and it is increasing in significance as long-term wetland losses continue in the southern breeding areas. Migratory birds and fish, particularly waterfowl and salmon, are of national and international interest in view of conservation treaty agreements with other nations, which commit the United States to the preservation of these resources and their habitats. The migratory bird treaties with Great Britain and Mexico are particularly relevant to management of the wildlife refuge. The abundance of lakes, ponds and stream channels of the Yukon Flats provides irreplaceable habitat for birds from all four flyways of the North American continent. Waterfowl use the basin during migration and for nesting and molting purposes. Fall populations exceed 2.5 million birds, which provide numerous recreational opportunities and benefits for thousands of persons as they migrate southward through Canada, to virtually all of the lower 48 states, and Mexico.

Of the 5 species of Pacific salmon utilizing the Yukon River, only coho, chum and chinook ascend as far as the Flats to spawn. Chinook salmon of the Yukon probably travel further upstream to spawn than anywhere else in the world, reaching Nisutlin Lake in Canada, nearly 2,000 miles from the sea. The physical makeup and genetics of these salmon populations is the key to maintenance of this resource. Although salmon do not spawn in significant numbers within the refuge portion of the basin, salmon escapement from the forest portion totals nearly 300,000 fish annually. The waters also abound with northern pike, whitefish and 19 other species of fish.

The singular characteristic of the management program of the Yukon Flats National Wildlife Refuge is to protect outstanding natural wildlife habitats required for perpetuation of the myriad forms of wildlife of local, national and international significance. Preservation of these natural populations and their habitats as components of this ecosystem is required to maintain adequate fish and wildlife populations for continuation of the opportunity for subsistence uses by local inhabitants as well as migratory wildlife populations enjoyed and used by people throughout North America and, in the case of some species, Asia and elsewhere.

The remaining major watershed in the refuge, the Hodzana drainage and its vital hydrologic contribution to the area, is recognized as a special value of the refuge.

The Committee adopted an amendment in which the development of agricultural potential in the refuge pursuant to existing law shall not necessarily be prohibited or mandated by this Act or other existing law. In the event that agricultural development is permitted within the refuge, such development is to be designed and conducted so as to minimize, to the maximum extent possible, any adverse effects on the natural values of the unit.

#### TITLE IV—NATIONAL CONSERVATION AREAS

The Committee amendment establishes four National Conservation Areas in Alaska to be administered by the Bureau of Land Management. The Committee also proposes the designation of one BLM-administered National Recreation Area. These designations are not included in H.R. 39 as passed by the House.

## OVERVIEW

The concept of establishing National Conservation Areas on public lands to be administered under multiple use principles was first formally acknowledged with enactment of the Act of October 21, 1970 (16 U.S.C. 460y et seq.), which authorized establishment of the King Range National Conservation Area in California. This area was recognized as warranting special management consideration by the Bureau of Land Management (BLM) because of the diverse geographic and ecologic conditions found in this coastal region of California and the variety of resource values. Thus, Congress directed that land ownership in the area should be consolidated and the lands should be managed under a program of multiple use and sustained yield and administered for the conservation, development, and management of all its natural resources.

Predating establishment of this first National Conservation Area was a growing awareness that the public lands managed by the Secretary through the BLM possessed an array of resources of national significance and that the lands should, for the most part, be retained in Federal ownership for management under the principles of multiple use and sustained yield. The Classification and Multiple Use Act of 1964 (43 U.S.C. 1411 et seq.) had already provided the BLM with a legislative mandate and authority to review the public lands and establish their suitability for disposal or retention for management under these multiple use principles at least for an interim period.

On October 21, 1976, the Congress enacted the Federal Land Policy and Management Act (FLPMA), which declared that the public lands were generally to be retained in Federal ownership. The Act provided that: (1) the lands and their resources are to be systematically inventoried on a continuing basis, and are to be subject to land use planning revised when appropriate; (2) management is to be on the basis of multiple use and sustained yield in accordance with land use plans, providing for harmonious and coordinated management of the various resources without permanent impairment of the productivity; and (3) when appropriate, the lands may be used for less than all of their resources, including protection of certain public lands in a natural condition. Consistent with these principles, Congress in FLPMA exercised its prerogative by designating certain lands in the California desert as a "conservation area" under BLM administration, thus providing "for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality."

It is within the framework of this historical progression of increasing acknowledgment that the public lands have high value to the nation as a whole for multiple use management that the committee has made substantial additions to the national conservation areas to be administered through the BLM. While these areas merit special recognition and require special management considerations, multiple use principles should be observed generally. These additions have been made in the form of four national conservation areas. Additionally, one national recreation area has been designated for administration by the BLM. Special emphasis would be given to conservation and

recreation management in this area, but compatible resource development would be permitted.

Because national conservation areas that would be established have outstanding multiple use values including scenic, recreational, historic, and cultural, as well as a broad range of natural resource values, it is the purpose of such designations to provide for the immediate and future protection of such lands within the framework of multiple use and sustained yield, and the maintenance of environmental quality. Management will be pursuant to the applicable provisions of the Committee amendment and the FLPMA. Thus, management of these lands will include inventory (Section 201 of the FLPMA), land use planning (Section 202), acquisitions (Section 205), management of use, occupancy, and development (Section 302), studies, cooperative agreements and contributions (Section 307), advisory councils and public participation (Section 309), issuance of rules and regulations (Section 310), provision for rights-of-way (Title V), and all other provisions dealing with management in Federal ownership except certain provisions for disposal. It is intended that these lands will be retained in Federal ownership. No further State or Native selections may be made within the units. Where consistent with land use plans, minerals development may be permitted by the Secretary under the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.) or the Materials Act of 1947 (30 U.S.C. 601 et seq.). Where consistent with land use plans, the Secretary may classify and open lands to location under the mining laws. However, the Secretary may regulate such mining activity as he deems necessary to provide for the protection of resource and environmental values in the designated conservation and recreation areas. Any patent issued on any such mining claim shall convey title only to the minerals together with the right to use the surface of the lands for mining purposes, and shall continue to be subject to such regulations.

Establishment of the White Mountains National Recreation Area is recommended to encourage a full complement of outdoor recreation opportunities and conservation of scenic, scientific, and natural values without automatically foreclosing opportunity for appropriate development and utilization of other resources. In administering this area, the BLM should be guided by appropriate statutory authority in existing law and Section 1312 of the Committee amendment.

*Section 401(1) : Baird Mountains National Conservation Area*

The proposed Baird Mountains National Conservation Area (NCA) encompasses an area of approximately 2.2 million acres of public lands located north and east of the coastal city of Kotzebue. Lying north of the Arctic Circle, the area is generally underlain with permafrost except in a few localized areas in the Squirrel and Kobuk River drainages. Major features of the NCA include the Kobuk River on the south, the Noatak River in the west, and the Baird Mountains to the north. The drainages of the Agashashok and Squirrel Rivers lie entirely within the proposed NCA.

Subsistence use of wildlife and vegetative resources is still prevalent among local residents in this area. A variety of resources, including waterfowl, large terrestrial mammals, fish, and berries and other vegetative resources is utilized. Sea mammals are also an important constit-

uent of the subsistence diet and to some extent are obtained by direct harvest from seasonal campsites along the coast.

Well drained areas along the Kobuk and Noatak Rivers support lowland spruce and balsam poplar forests, while mixed hardwood and spruce forests are found on the uplands of the Squirrel River drainage. Poorly drained lowland areas along the rivers support a moist and wet tundra mosaic. In the higher elevations, alpine or dry tundra is prevalent vegetation type.

The forest resources in the area are located near the limit of the tree line. While not considered a commercial forest area, the area has importance for production of houselogs and firewood for local use. There is a history of previous reindeer grazing use. Incursions by caribou and an influx of wolves associated with the caribou were detrimental to and eventually forced relocation of the surviving reindeer herd. The area is utilized as summer and especially as fall range for the Arctic caribou herd. The land management plan for the area should address the past, present, and possible future needs for reindeer grazing and the impacts, thereof.

Some potential exists for oil and gas production in the lower Noatak and Kobuk River areas. This area lies on the perimeter of a potential oil and gas bearing basin. The Baird Mountains lie within an identified metal province with potential for copper, gold, lead, and zinc deposits. Gold placer deposits have been exploited in the Squirrel River area. Gravel deposits along the river bottoms may be of local importance.

Moose are found generally throughout the area, but are especially concentrated in the lowland areas of the Noatak, Squirrel, and Kobuk Rivers in winter. Dall sheep are found in the Baird Mountains. Grizzly bear are found throughout the area, but are particularly concentrated along the Noatak lowlands in summer and fall and in the Squirrel River and Kobuk River drainages in the fall as well. The Kobuk Valley has long been known as wintering range for the Arctic caribou herd. Wolves tend to concentrate in the area in association with the caribou. Furbearers, such as the arctic and red foxes, the wolverine, ground squirrels, muskrat, beaver, and mink are found in the area. Lynx, associated primarily with its principal prey species, the snowshoe hare, can be found in the shrub growth areas.

The Noatak and Kobuk River systems support runs primarily of chum salmon. The Noatak in particular supports an arctic char run which sustains a substantial sport and subsistence fishery. Other locally important fish species include the sheefish, grayling, northern pike, and several species of whitefish. Protection and conservation of the fish and wildlife and their habitats for the long term public use and enjoyment, including the satisfaction of subsistence needs, are objectives that the Committee felt could be best met through multiple use management. Such management should give special consideration to protection of caribou range and migration routes.

It is also intended that the Squirrel River and other rivers and streams be protected and their water quality maintained pending development of land use and resource management recommendations. Planning and management will give consideration to natural and cultural values of scientific interest in the lower Noatak River Valley.

Mineral entry consistent with maintenance of the quality of the environment may also be permitted in the Secretary's discretion pursuant to the land use plan for the unit.

The lower Noatak River is part of a larger Biosphere Reserve designated by UNESCO in its Man and the Biosphere program. As such, the area has high importance for scientific research. The Committee expects the BLM to work closely with the appropriate agencies and other groups, in developing a research program for the area, which would be coordinated with research efforts throughout the Noatak Valley. The lower Noatak is also part of the Cape Krusenstern National Archeological District and on the National Register of Historic Places. Scores of archeological sites can be found throughout the area. The recognition in the planning and management of the area's scientific and cultural importance is paramount.

*Section 401(2) : Chandalar National Conservation Area*

The proposed Chandalar National Conservation Area (NCA) is located in the Brooks Range from the continental divide at the crest southerly to the forested lowlands of the Chandalar River. Approximately 880,000 acres of public lands currently managed by the BLM are included in the area. As is to be expected in an area with such a range of altitude, climate and vegetative cover vary widely. Mixed upland spruce-hardwood forest is found in the better drained areas of the lowlands. Poorly drained areas of the lowlands and slopes support wet or moist tundra vegetation. On the better drained slopes and peaks the predominant vegetation is dry alpine tundra. Areas of barren ground are evident in the higher and steeper mountain peaks. Most of the area is underlaid with permafrost, which significantly affects drainage patterns and soil moisture conditions.

The Venetie Indian Reservation abuts the proposed conservation area to the southeast. Lands adjoining the area to the north and east are identified as an addition to the Arctic Game Range. To the west, lands have been identified for conveyance to the State.

A variety of wildlife is found in the diverse habitats of the conservation area. Moose generally are found widely distributed throughout the area but not in any highly significant numbers. Because of the terrain, only limited winter range is available along the stream bottoms. Dall sheep are relatively common in the higher elevations. Grizzly bear range throughout the area, while black bear are located in the forested lowland areas. The Porcupine caribou herd utilizes migration routes through the Brooks Range which cross the NCA. These routes are critical to permit proper movement of the herd to different seasonal ranges. The NCA includes a minor portion of the current wintering range. Wolves often are found in association with caribou.

Summer visitors include a number of waterfowl species although waterfowl habitat is limited in the area and generally supports low numbers of nesting birds. A number of shore birds and passerines nest in the area also. Birds of prey include rough legged hawks, golden eagles, gyrfalcons, and several species of owls. Fish species common in the area include lake trout, northern pike, grayling, arctic char, and several species of whitefish.

Subsistence harvest of wildlife in the NCA is thought to be substantial by residents of the nearby villages of Venetie and Arctic Village.

Sports harvest is light and primarily associated with commercial guiding operations.

There appears to be little potential for nonmetallic minerals and for fossil fuels. The geology is, however, more favorable for the deposition of metallic minerals. The Brooks Range, generally, based on geological evidence, has potential for metallic mineral deposits. Just 30 to 90 miles west of the NCA are three major placer gold deposits with associated base metals. Interspersed are a number of lesser finds. There has been little significant mineralization elsewhere. Although there are ample common varieties of minerals for almost any need, including sand and gravel, there has been no extraction.

In proposing the Chandalar NCA, the Committee wished to establish the Congressional intent of retaining the lands in Federal ownership and the intent to preserve the ecosystem. Of particular importance is the need to protect and conserve the outstanding fish and wildlife resources and their habitats for long term public use and enjoyment, and to protect migration routes and range of the Porcupine caribou herd. The Committee intends, however, that mineral development and other resources development be permitted to the extent that it is consistent with maintenance of the quality of the environment and as identified in land use plans required by the FLPMA.

*Section 401 (3) : Nowitna National Conservation Area*

The proposed Nowitna National Conservation Area (NCA) is located along the south bank of the Yukon River upstream from Ruby. It includes the entire watershed of the Nowitna River and its principal tributaries, the Sulukna, Titna, and Big Mud Rivers. The unit comprises 3.5 million acres of public lands administered through the Bureau of Land Management.

The northern boundary of the NCA is the Yukon River. The bed of the Yukon River was transferred to State ownership upon enactment of the Alaska Statehood Act. All public lands south of the north bank of the Yukon River from Straight Island to Darwin Island are included in the Nowitna National Conservation Area.

Resource values in the Nowitna National Conservation Area include excellent habitat for moose in the Nowitna Flats, and waterfowl habitat. These wetlands support a waterfowl population primarily of ducks and geese. In addition, this is one of the few areas in Alaska where trumpeter swan populations are known to be increasing.

The Nowitna River has high recreational and transportation values. In fact, it has been recommended for inclusion in the Wild and Scenic Rivers System. Recreational boating, agate collecting, and sport hunting are increasing on this river. The area is also an important subsistence use area for the nearby residents of Ruby. Vegetation is varied and often influenced by drainage patterns established or fixed by permafrost conditions.

On the better drained slopes of the rolling terrain, mixed stands of white spruce, birch, and aspen may be found. North facing slopes and poorly drained slopes may contain a mixture of black spruce and birch. Only a relatively small portion of the higher elevations in the proposed NCA is covered by alpine tundra vegetation. The white spruce forests of the lower Nowitna and Yukon Rivers have commercial

harvest potential. The State and the Native corporations will own and manage most of the commercial forest lands outside of the NCA. The planning process for the area should consider whether the forest resources of the NCA could support and help sustain any commercial logging operation in the area and with proper planning and management could be compatible with subsistence living and other non-consumptive uses.

A variety of birds and mammals inhabit the area, as typically found throughout the interior of the State. The moose is the most common ungulate and is found widely distributed throughout the area. Significant concentrations occur along the Nowitna and Yukon River valley bottoms during the fall and winter seasons. Occasionally, caribou may be found in the southerly portion of the proposed conservation area, especially on the higher hills during the summer. The Yukon River system supports runs of king, chum, and coho salmon. A small commercial fishery is located on the Yukon River between Ruby and Tanana, which includes the river area fronting on the NCA. Grayling, northern pike, burbot, whitefish, and sheefish offer sport fishing and subsistence opportunities. The Nowitna River is noted for its pike and sheefish fishery and as a rearing area for the Yukon River fishery.

There is no record of significant mining in the Nowitna National Conservation Area, although several small, one- or two-man operations have been conducted there. To the west is the still productive Ruby-Poorman-Ophir area, long known as a gold placer area. To the north across the Yukon River is an area, possibly an extension of the Ruby-Poorman-Ophir zone, containing several base metal outcrops of interest. Although there is little production from this area, there is evidence of base metal as well as gold mineralization in the NCA. Geologically, the area is virtually identical to the lands to the west and north. Major faults, which may control deposition, extend in a northeast, southwest direction through the NCA. Lowlands covered with deep unconsolidated material to the south of the Yukon River prevent meaningful surface geologic investigation. To date, only minor mineralization has been found in the Nowitna Hills but known prospecting has not been of a sophisticated nature.

In proposing the Nowitna NCA, the Committee wished to establish the Congressional intent of retaining the lands in Federal ownership and the intent to preserve the ecosystem of the Nowitna River and surrounding wetlands because of their important role as habitat and staging areas for geese, trumpeter swan, and other waterfowl. This is to be considered a major goal of the land use plan developed for the area.

It is also the Committee's intent that the plan developed for the area explore possibilities of making timber available to support commercial logging operations in cooperation with operations on adjacent Native and State Lands. Furthermore, the Committee expects continued recognition of historic subsistence activities and design management necessary to support continuation of this important use.

The Nowitna River which is a primary value of the proposed area should be managed to protect water quality and the river's scenic and recreation qualities.

*Section 401(4) : Steese National Conservation Area*

Steese National Conservation Area (NCA) is composed of two units adjoining State selected lands along the Steese Highway. Located between Fairbanks and Circle in north central Alaska, the Northern Unit encloses the upper mountainous drainages of Preacher Creek, the principal tributary to Birch Creek. The Southern Unit contains the mountainous headwaters of Birch Creek. The Steese National Conservation Area comprises 1,220,000 acres of public lands. The North Unit comprises 540,000 acres; the South Unit comprises 680,000 acres.

The Lime Peak and Pinnel Mountain areas in the North Unit contain small bands of Dall sheep as does the mountainous divide between the Salcha River and Birch Creek along the south boundary of the South Unit. Caribou are found in scattered bands and the entire NCA occupies historic range of the Fortymile caribou herd. Moose are found throughout the area but are concentrated along the upper Birch Creek area in the South Unit. Significant waterfowl habitat is located to the north in the Yukon Flats National Wildlife Refuge.

Access to the Steese National Conservation Area is generally by unmaintained spur roads from the Steese Highway. This provides outstanding future potential for developing full scale public outdoor recreation uses stressing a natural setting. The headwaters area in the NCA provide pleasing scenery, but is not as spectacular as the White Mountains National Recreation Area immediately to the west. Rolling, flat-topped tundra ridges invite hiking and offer vast vistas to the north across the Yukon Flats and gently rising mountains along the higher watershed divides to the east and west. The Pinnel Mountain Trail which traverses the area provides excellent foot access to the North Unit from the Steese Highway. This trail was constructed by BLM and is an example of the type of outdoor recreation opportunity available in the Steese National Conservation Area.

The Steese National Conservation Area presents an area of transitional land uses. Those portions adjacent to the State lands have significant multiple use potential for environmentally sound mineral development. Further into the NCA, primary uses emphasize outdoor recreation in a natural setting.

Birch Creek is the single most important resource in the Steese National Conservation Area. It is recommended for designation as a Wild River under the Wild and Scenic Rivers Act. Its excellent road accessibility provides immediate high use potential. This use will greatly increase in the future.

The Committee intends that mineral development may be permitted in the area consistent with applicable existing law and Section 402 of the Committee amendment.

*Section 403 : White Mountains National Recreation Area*

The White Mountains National Recreation Area (NRA) is located in central Alaska approximately 25 miles north of Fairbanks. Comprising 1 million acres of public lands administered by the Bureau of Land Management, it incorporates the largely undeveloped mountainous watershed of Beaver Creek. The White Mountains contain many exposed outcroppings of white limestone. Cliffs contrasted with alpine

tundra uplands, open forested valleys, and variegated exposures of other bedrock provide spectacular scenic backdrop for the free flowing Beaver Creek. The overall landscape is superior in its scenic quality. Long tundra ridges surmounted with stark rock outcroppings provide excellent opportunities for year around outdoor recreation in a primitive setting. The BLM has constructed hiking and snowmachine trails and maintains a recreational shelter cabin on Beaver Creek at Big Bend. Several historic overland winter mail and gold rush trails to mining camps north of the area cross the western portion of the NRA.

The White Mountains are at the apex of two divergent structural trends. Geology is complex with much folding and faulting accompanied by metamorphism and igneous activity. The upper drainages of Beaver Creek contain well known and long worked deposits of placer gold. These continue to be mined today. An occurrence of radioactive deposits in the vicinity of Cache Mountain caused a recent rush to locate mining claims. Some of the limestone deposits may be of sufficient extent and quality for use as building stone and cement manufacturing. There are no active plans to use these limestone deposits and the general region is believed to contain only moderate potential for other minerals.

Moose are found throughout the area and are concentrated during the winter along Beaver Creek. There are several bands of Dall sheep residing along the higher elevations of the White Mountains. Totalling approximately 850 animals, these sheep provide a readily accessible population for sport hunting close to one of Alaska's major population centers.

The White Mountains area was formerly a major calving and wintering area for the Fortymile caribou herd. Although caribou are now found well to the east in the Salcha and Charley River watersheds, continued use by small scattered bands in the White Mountains suggests future potential for increased numbers. Wolves, black bear, and grizzly bear are found throughout.

Beaver Creek is the central thread binding existing and future land uses together in the White Mountain NRA. This magnificent, free flowing clear water stream supports an excellent grayling sport fishing opportunity. Several local air taxi operators provide air access to fishing areas. The grayling resource is also attracting winter use into the Big Bend area where waters remain open. Northern pike are found in the extreme northern portions of the NRA, but are more common on the sluggish waters and sloughs of the Yukon Flats to the north.

The White Mountains National Recreation Area is readily accessible from the existing Steese and Elliott Highways. Several primitive trails lead from the Elliott Highway providing off road vehicular access under favorable conditions to mining areas in the upper Beaver Creek drainage. These primitive access roads, together with the trails and a remote cabin program, encourage year around recreation. With improved access, the full potential for high quality boating, fishing, hunting, and hiking in a primitive setting can be realized.

Designation of the White Mountains NRA will assure accelerated emphasis by the BLM in meeting high quality outdoor recreation uses for the public in an area readily accessible by road. This largely un-

developed scenic area will serve residents and visitors to the Fairbanks area, thereby helping reduce impacts on other more remote and fragile areas such as the Yukon Flats.

The Committee notes that this is an area which has long been recognized by the State as a prime recreation area. The area is currently on the State's interest lands list because of outstanding recreation potential. While the Committee determined that these lands should remain in Federal ownership, the Committee strongly urges the Secretary to work closely with the State of Alaska, in developing the land management plan for the area.

*Section 404: Rights of Holders of Unperfected Mining Claims*

The Committee amendment includes a provision regarding unperfected mining claims located within the units established by Title IV. This provision establishes a moratorium on validity determinations under the mining laws so long as the holder of the claim complies with the provision of the section including reasonable regulations prescribed by the Secretary to protect specific resources of the unit or a conservation system unit which is affected by the mining operation. The moratorium expires on September 30, 1982.

Information gathered by the holder of an unperfected mining claim during the moratorium shall be used in a subsequent validity determination if the holder submits such data within 180 days following the termination of moratorium period. Any patent issued pursuant to the use of such information shall be only to the minerals. The holder shall be entitled to use the surface of the claim for necessary mining operations subject to reasonable regulations.

The Committee adopted this provision to permit qualified holders further time to perfect their claims. Because the establishment of the conservation areas and the White Mountains National Recreation Area includes a general withdrawal of the areas from the mining laws, validity of such claims would be determined as of the time of such withdrawal. Section 405 provides specific criteria under which holders will be allowed an additional time period to gather information to be utilized in a determination of validity.

The Committee also adopted a provision which grants holders of unperfected mining claims properly located, recorded and maintained prior to November 16, 1978 a 2 year preference to rerecord a claim or to obtain a lease to remove minerals as appropriate when the Secretary opens an area to mining under the provisions of this Act. The establishment of these areas may invalidate some claims and it is the intent of the Committee that the holder of such a claim have the option to develop minerals in the area of his claim once the area is reopened.

## TITLE V—NATIONAL FOREST SYSTEM

The Committee amendment, unlike the House-passed bill, designates a new national forest unit in the interior of Alaska. The Committee recommends the establishment of a 5.6 million acre Porcupine National Forest in northeastern Alaska.

This proposal comprised of extensive lowlands, plateaus, and low hills, lies generally east of Fort Yukon. Habitat for fish and wildlife including abundant wetlands for waterfowl, commercially valuable

timber, hunting, fishing, and water oriented recreation opportunities as well as oil and gas potential comprise a regionally and nationally significant resource base. Fort Yukon (population 600) and Chalkyitsik (70) are the principal communities on or near the proposal, however, people from other villages on the Yukon Flats occasionally use the area. Populations are increasing and low income and unemployment are problems. Subsistence use of resources to supplement incomes is still a necessity. The proper management of wildlife, wood products, recreational development and the development of oil and gas resources can contribute to and assist in stabilizing the area's economy.

There are 3.8 million acres of forested and providing watershed protection, wildlife habitat, recreation values and wood products for local use. Additionally about 300,000 acres of commercial forest lands combined with timber from adjacent Native land could provide the basis for a sustained production of good products and a valuable supplement to the local economy.

The Yukon and Kandik basins are potential oil and gas reserves of national significance with speculative recoverable oil estimated at 1.7 billion barrels. Almost 2 million acres "highly favorable" for minerals occur. Uranium potential occurs on 1.2 million acres. Should discovery and subsequent development occur, the local and national impacts would be very significant.

A wide range of habitat supports most of Alaska's interior fish and game species. Moose, bear, furbearers, salmon, and a variety of sport-fish are of combined importance for recreation and a subsistence purposes. Of prime importance, however, is some 800,000 acres of wetlands, supporting 20-25 percent of the Yukon Flats waterfowl production which is nationally significant. Because of these significant wildlife values, this area was recommended by the House and the Administration for Wildlife Refuge status.

Recognizing the very high fish and wildlife values of the area, the Committee inserted a requirement that this national forest be managed under special regulations to assure that protection of fish and wildlife and their habitat shall be the primary purpose for management. The Committee expects the Forest Service to consider the professional advice of the Fish and Wildlife Service in developing such regulations for this new national forest and for the Copper River additions to the Chugach National Forest and the Copper River—Bering River portions of the existing national forest.

Like the House bill, the Committee amendment also makes several other additions to the existing national forests in Alaska.

#### *Section 505: Misty Fjords National Monument*

The Misty Fjords is an essentially untouched 1.453 million-acre area in the Coast Mountains representing nearly all of the wilderness features found in southeast Alaska. Spectacular fjords with sea cliffs rising thousands of feet, low rocky shorelines, sheer water falls, coastal and interior mountains rising over 6,000 feet, active glaciers, high and lowland rivers and lakes are interlaced with salt water channels, inlets, and bays. Wildlife representative of nearly all ecosystems in southeast Alaska can be found here. The Monument is neatly bound into a management unit by the Portland Canal and the international

boundary to the east, the Unuk River drainage and international boundary to the north and the East Behm Canal to the west.

The Misty Fjords would be established as a national monument containing approximately 1.453 million acres of public lands, and managed by the U.S. Forest Service.

The Unuk River, with headwaters in Canada, has major recreational potential. The watershed is steeply mountainous with numerous glaciers and lakes, and the climate and surroundings vary from marine coastal to interior. Geological features such as colorful mineral springs and lava flows around blue lake add to the significance of the area. South of the Unuk, the Chickamin River system and the Le Duc River originate in glaciers high in the mountains of the monument. Rudyerd Bay Fjords and beautiful Walker Cove are surrounded by high, cold lakes, and mountains extending eastward into the Canadian ranges. Numerous lakes throughout the monument provide back-country access to the heart of the area and offer excellent fishing and opportunities for outdoor recreation. Of the 2,000 salmon streams in southeast Alaska fewer than 20 support King Salmon. Five of those King Salmon streams are within the monument, the Unuk, Chickamin, Wilson, Blossom, and Keta.

The committee last year established the area of the monument as a unit of the National Park System. After consideration of that designation, the committee agreed with the House that the area should remain in the Tongass National Forest as a statutorily created monument. The boundary of the monument is identical to the boundary of the National Park Preserve established by the Committee amendment last year except for a minor boundary adjustment along the Portland Canal.

The committee amendment provides statutory direction to the Forest Service regarding management of the monument. The area is to continue to be managed as part of the Tongass National Forest subject to specific exceptions:

1. The area is statutorily withdrawn from the mining and mineral leasing laws and from future selection under Alaska Statehood Act or the Alaska Native Claims Settlement Act;
2. The area is closed to the sale or harvest of timber under Forest Service timber sale program;
3. The area is to be treated under section 1106(b) for the purpose of granting rights-of-way for transportation and utility systems under title XI of this act.

The committee adopted a number of specific provisions regarding the effect of the monument designation on the evaluation and operation of mining claims in the monument.

The committee intends that mining on existing claims shall be permitted under reasonable regulations designed to make that activity compatible to maximum extent feasible with the purposes of the monument. Mining in the monument centers around the Quartz Hill mineral deposit, a series of claims held by the U.S. Borax and Chemical Corp. These claims are presently being evaluated, but there are indications that the deposit represents one of the largest molybdenum discoveries in the world. The committee intends that the evaluation and development of these claims be permitted to continue should that prove eco-

nominally feasible, and intends to avoid the implication that mining or related activities are inherently incompatible with the purposes for which the monument was established. The committee amendment also include a number of provisions to allow qualified claims to be further evaluated and developed. The committee also recognizes the great fisheries values of the area and has included specific direction to the Secretary of Agriculture to use his existing authority to protect these values.

The committee intends that existing Forest Service regulations governing mining operations apply except to the extent that new regulations are promulgated. These new regulations are to be designed to provide environmental safeguards under which development of the claims can continue, not to prevent their evaluation and development.

In order to aid in validating these claims, special provision is made to determine validity as of November 30, 1978. The Committee does not intend this to affect litigation concerning withdrawals made subsequent to that date. A further provision states that the Mining in the Parks Act applies only to National Park Monuments, and thus not to this unit.

The committee has provided a process under which the Secretary is to issue a special use permit for a surface access road to the Quartz Hill deposit for bulk sampling purposes. The process includes preparation of a document by U.S. Borax and the managing agency analyzing the major design concepts for development of the mine, as part of the process for issuance of the special use permit. The analysis is not expected to outline any final plan for the development, as the committee realizes that the claims are still in the process of evaluation, and that final plans for the possible development have not yet been formulated by the company.

The committee believes that this analysis will assist the Secretary in the preparation of the environmental impact statement for access and bulk sampling which is to be prepared concurrently. This EIS is to use the information developed for the existing EIS previously prepared on the application by the U.S. Borax for access to the Quartz Hill area. The Committee has provided specific areas which it feels need to be examined in addition to updating the old information such as the effects of the road on groundwater flow and the impacts associated with widening an existing road as opposed to providing for such widening during construction of the access road for bulk sampling. A prime concern is that the surface access road be one that can be utilized in the eventual mine development phase, if possible, and that the construction of the road be accomplished with such use in mind where feasible. The EIS is to be prepared within 12 months, and the Secretary is to make his final decision within four months thereafter, provided that the Secretary has determined that the field work for gathering baseline data and data analysis for the 1981 field season have been completed. The committee has allowed the next two field seasons for the gathering of baseline data prior to issuance of the special use permit, and urges the Secretary to initiate data collection in the 1980 season.

It is the committee's intent that the Secretary issue the special use permit unless he determines that the construction would cause an un-

reasonable risk of significant irreparable harm to the viable productivity of the habitats of fish management indicator species (including but not limited to anadromous and other foodfish species). If the Secretary denies the permit, the burden of proof is on him in any judicial review of that decision.

The committee adopted a modified version of section 1109, of this act which provides for expedited judicial review of any administrative action regarding this section.

The committee provided a specific entitlement to a lease and necessary associated permits for the holder of claims at Quartz Hill, determined to be valid as of November 30, 1978. Such leases shall be issued only if three specific criteria are met and shall be limited to a size necessary to permit the "mining or milling" operations associated with milling purposes to be carried out. The committee intends that such lease encompass functions directly connected with or facilitating the removal and processing of the ore—for example, pumping works, miners' accommodations, mine offices, workshops, ore storage, or waste and tailing disposal. The committee also intends that the Secretary issue necessary and associated permits to allow the purposes of the lease to be carried out. Other functions such as power generation, transmission of power, transportation facilities, and impoundment of water—to the extent they are not associated with a conventional mill-site or "mining or milling purposes" as that phrase is interpreted under the mining laws of the United States—should be subject to the customary special use permit process within the Department of Agriculture.

*Section 506: Unperfected Mining Claims in Misty Fjords National Monument*

A series of provisions drawn from the House-passed bill which permit the expansion of rights to explore unperfected mining claims were included in the committee amendments. These provisions permit the holder of an unperfected claim to continue working towards making a valid discovery under the mining laws on such claims within three-quarters of a mile of claims on which valid discovery has already been made. A patent for such expanded claims would be for the minerals only with the right to use the surface to develop the claim.

A provision has been included to permit the leasing of sites for milling purposes. Because of the statutory withdrawal from operation of the mining laws, a holder of a valid mining claim cannot locate such sites under the general mining laws. This provision authorizes the Secretary to lease a site for milling purposes to the holder of a claim.

The committee intends that the Secretary use his discretion to lease sites for mining or milling purposes consistent with the conditions of this section, but that he not unreasonably deny a site or lease in order to block development of a claim. The committee expects the Secretary to work with the claimants to determine appropriate locations in order to permit economic operations, but that the limitation on size and number of leases issued be consistent with the mining laws of the United States. The Committee recognizes that "mining or milling purposes" can include a number of appurtenant uses, directly connected with or facilitating the removal and processing of ore—for example, but not

necessarily limited to, pumping works, miners' accommodations, mine offices or shops, ore storage, or waste and tailing disposal. The committee does not intend that lease uses include uses customarily dealt with through special use permits, but it does intend that necessary and associated permits be issued to allow the purposes of the lease to be carried out if a lease is issued.

The term of the lease for milling purposes is to be continued until the deposit is exhausted or the lessee has failed to use the leased site for 2 years. The Secretary may extend the lease even if it is not used under special circumstances, such as casualty, or force of nature, or governmental action beyond the control of the lessee which prevent the sites leased from being utilized.

The committee notes that nothing in this title affects the authorities of the Secretary to regulate mining activities, including, but not limited to, the issuance of special use permits for activities undertaken under an approved operating plan, or for the use of timber and other materials within rights-of-way under general regulation of the mining laws.

*Section 507: Fisheries on National Forest Lands in Alaska*

The committee recognizes that there may be a potential for conflict between mineral development and a healthy commercial fishery. The committee has included this section to assure, to the maximum extent feasible, that the developing mineral industry does not conflict with an existing industry, commercial fishing. The general section directs the Secretary to review existing regulations and promulgate new ones, consistent with his existing authorities, should he determine necessary, to protect fisheries habitat under his jurisdiction. An additional subsection deals specifically with the Quartz Hill project, and emphasizes areas of concern to be addressed by the Secretary as further mining plans are considered for development of that deposit. The committee received assurances that this deposit can be developed in an environmentally sound manner, and has included these provisions to aid in attaining that goal. Only one subsection dealing with emergencies, extends the Secretary's existing authority. Otherwise, these provisions provide no new statutory authority to the Secretary. This section does not alter the State of Alaska's authority over fish and game management, water quality, or other responsibilities under existing law.

The more general subsection, 507(a), applies to all National Forest lands in Alaska, and directs the Secretary to review existing regulations and those under development to determine what, if any, new regulations are necessary to carry out the directive to maintain fisheries habitat, to the maximum extent feasible, and to maintain present and continued productivity of the habitat from mining impacts. Any new regulations would be pursuant to his existing authority and promulgated following standard procedures. This section specifically requires the Secretary to consult with the State of Alaska in order to coordinate his efforts with those of the State in its capacity as manager of the fishery populations.

The committee recognizes that the "present and continued" productivity of fishery habitat can be variable or cyclical due to changes in

the natural environment and in fisheries regulation. By maintaining present and continued productivity, the committee intends that the casual effects of mining operations on the habitat not significantly reduce the ability of that habitat to produce fish as it could have produced had mining activities not occurred. Maintenance of productivity is not intended to mean maintenance of a specific level in the natural productivity cycle but rather is maintenance of such productivity of specific fisheries systems without adding through mining activities impetus to any natural decline in productivity. The committee recognizes that the State of Alaska is involved in measuring these variations or cyclical changes as part of its role in fisheries management and intends the Secretary to seek assistance from and cooperate fully with the State in determining the productivity of the habitat and the cyclical nature of such productivity and the cause of such variations or cyclical changes.

Section 507(b) provides a framework for preparation and evaluation of mining plans governing operations at the Quartz Hill deposit. These provisions emphasize that such plans must be based on adequate information and studies which the Secretary determines are adequate and are needed to evaluate the environmental impacts of such development. These provisions are not intended to require unattainable standards in order to prevent approval of the plans, nor are they mere paperwork hurdles in the path of unhindered development. The committee has provided areas of emphasis for the Secretary to deal with during the development of mining plans.

The goal is to maintain the habitat of the fisheries producing system so that such system is capable of producing at or above current levels of production after the mine has ceased operations. The committee intends that required studies be carried out in a timely manner so that necessary information and data are developed to support succeeding stages of the plan of operations. The committee believes that such studies can go forward concurrently with development of the various stages of the mining plan.

The studies performed under this section are to be commensurate with the level of activities proposed by the operator. Since some proposed activities will require extensive studies including the collection of data over an extended period, it is recommended that the operator carry out those studies well in advance of the application for permit. This is to help ensure that the Secretary has the required studies completed to the degree necessary to evaluate the impacts of the proposed action and design. The studies required in this paragraph should have as their ultimate goal the development of a model of the fisheries producing system that is capable, if possible, of estimating the quantitative effects of mining operations on the fishery habitat and populations. It is also recognized that such knowledge does not now exist, but over time, better approximations should be obtainable. In formulating such models, areas of uncertainty should be identified, and the risks evaluated to the extent feasible. The range of possible effects should be fully explored and delineated. The responsibility for determining the adequacy of the studies lies with the Secretary.

Under this section, the Secretary is charged with the responsibility of determining that the plan includes adequate provisions for pre-

venting, to the maximum extent feasible, significant adverse environmental impacts to the fishery habitat. Mitigation through reclamation, through offsetting impacts by other activities, or through other means, should be considered part of this standard if it is not feasible to prevent such impacts.

A specific suspension authority, applicable only to the operation at Quartz Hill, is included in subsection (b). It is the intent of the committee that this authority be utilized only in exigent circumstances and only if no other alternative, including modification of mining plans, can be effective. The Committee notes that the suspension authority is limited to seven (7) days after which time a court order is required and that authority is to be utilized only to suspend that part of operations which is causing the harm.

*Section 508: Native land exchanges on Admiralty Island*

The committee modified, and transferred to title V, several provisions from title VII of S. 9 relating to Native corporation selections on Admiralty Island in the Tongass National Forest. The language of the House passed bill is almost identical to that contained in S. 9, as introduced.

Section 703(b)(1)-(3) directed the Secretary of Agriculture to exchange the timber rights to lands selected by the village corporation, Kootznoowoo, Inc., for rights elsewhere in the Forest identified by mutual agreement within 1 year. If such mutually agreed upon timber rights cannot be identified, Kootznoowoo, Inc., may select 23,040 acres of lands in any location in the forest other than wilderness or wilderness study areas.

The committee adopted an amendment (sec. 508(a)) which provides the Secretary with general exchange authority under section 22(f) of the Settlement Act, for the selection rights of Kootznoowoo, Inc. and Sealaska, Inc.

Section 703(b)(4) directed the Secretary to seek a voluntary exchange of the selection rights of Goldbelt, Inc. and Shee Atika, Inc. on Admiralty Island for lands elsewhere in the forest.

After the introduction of S. 9, Goldbelt, Inc. reached agreement with the Secretary on a land exchange in which its selection rights to approximately 23,000 acres on North Admiralty were relinquished for selection rights to approximately 29,000 acres in the Port Houghton and Hobart Bay area. This agreement is ratified in the committee amendment. (Sec. 508(b).)

The committee also agreed to an amendment (Sec. 508(c)) which would convey to Shee Atika, Inc. the lands relinquished by Goldbelt, Inc., located about 25 to 30 miles from the Village of Angoon. In return, Shee Atika, Inc., would relinquish its selections in the Hood Bay area of Admiralty Island. Both areas comprise approximately 23,000 acres. The lands relinquished at Hood Bay are ranked much higher from an environmental and recreational standpoint.

The committee is aware that this amendment would settle pending litigation against the Secretary of the Interior. The lawsuit challenges the validity of the Secretary's withdrawal for native selection on Admiralty Island. In discussing the amendment, the committee noted that Shee Atika receives no funds under the Settlement Act and, be-

cause of the lawsuit, has yet to receive its land entitlement. Without a legislative solution, it will be many years before the litigation is concluded, and Shee Atika, Inc. could go bankrupt in the interim.

Section 703(b) (5) was modified in committee to place an authorization ceiling of \$2 million on the funds available for reimbursement to Goldbelt, Inc., Shee Atika, Inc., and Kootznoowoo, Inc. for land selection expenses incurred as a result of the aforementioned litigation. Clarifying language to include consultant's fees as a reimbursable expense was also adopted in committee.

## TITLE VI—NATIONAL WILD AND SCENIC RIVERS SYSTEM

The Committee designated 24 rivers as components of the Wild and Scenic Rivers System and 10 rivers for study under the provisions of the Wild and Scenic Rivers Act. The House designated 10 rivers as components of the System, and 10 rivers for study. It should be noted, however, that the Committee chose to designate 17 rivers within parks and refuges and 7 outside parks and refuges as components of the Wild and Scenic Rivers System, H.R. 39, as passed the House, only formally designates 10 rivers outside such units and 22 within such units for inclusion within the system.

The Committee recognizes that Alaska's rivers, streams, and estuaries provide spawning, rearing and wintering areas for anadromous fish and shellfish upon which the State's commercial fisheries—its third-largest industry—depend. Fish and marine mammals supply an estimated 85 percent of the subsistence food requirements of rural Alaskan residents according to the Alaska Department of Fish and Game.

Many of the State's rivers are major recreational resources, with values which range from some of the world's finest sport fishing, to float trips through remote wilderness areas unsurpassed anywhere else in the world. Sport hunters commonly use Alaskan rivers for access, and hikers seek out brush-free routes on the slopes of the frozen rivers.

Alaska's rivers serve important transportation functions, especially given the State's relatively undeveloped road system. During the ice-free months there is extensive riverboat and barge traffic on the major rivers between the villages for general transportation and subsistence. Continuation of these uses is assured in this legislation.

Under the Committee amendment, the following rivers would be designated as components of the National Wild and Scenic Rivers System: Upper Alatna, Andreafsky, Aniakchak, Charley, Upper Chikladrotna, Delta, Upper Ivishak, Upper John, Upper Mulchatna, Noatak, Upper North Fork of Koyukuk, Salmon, Selawik, Upper Sheenjek, Tinayguk, Tlikakila, Unalakleet, and Wind.

The following rivers would be designated for wilderness study: Colville, Etivluk-Nigu, Kanektok, Kisaralik, Melozitna, Porcupine, Lower Sheenjek, Situk, Utukok, and Yukon (Ramparts).

Two rivers located within the proposed Porcupine National Forest were designated for study by the Committee. It was felt that since these rivers (the lower Sheenjek and Porcupine) are integral parts of the forest proposal, they should be studied in conjunction with the land use management plan which the Forest Service will prepare for the area rather than be designated at this time.

In administering wild and scenic rivers in Alaska, the Committee expects the appropriate Secretary to carefully consider access needs in terms of the special access authority granted him in Title XI of the Committee amendment. Holders of mining claims, for example, may need access up and down proposed wild and scenic rivers or study rivers in connection with various mining activities. Likewise, inholders should not be denied reasonable access to their inholdings as a result of wild and scenic river designation.

*Section 606: Wild and Scenic River Administrative Provisions*

Unlike the House, the Committee agreed to only a few changes in the Wild and Scenic Rivers Act relative to Alaska. Most significantly, the Committee amendment gives the Secretary the authority to establish a river protection zone extending up to two miles from the ordinary high water mark on both sides of wild and scenic rivers outside of conservation system units designated by the Committee amendment. This flexibility to establish a buffer zone is needed because of the expansive vistas, unique fish and wildlife resources and ecological systems associated with these rivers. These zones are to be administered in accordance with Section 1312 of the Committee amendment (NRA management). Finally, the Committee notes that the establishment of such zones is discretionary with the Secretary. These zones should be designated only where resource values directly associated with the river require such additional protection.

**TITLE VII—WILDERNESS IN THE NATIONAL PARK SYSTEM**

The Committee amendment would designate some 29 million acres within new and existing national park units in Alaska as Wilderness. The House version of H.R. 39 would similarly designate some 34 million acres. The Committee chose not to designate wilderness within the following park units, included in the House version of H.R. 39: Yukon-Charley, Cape Krusenstern, Kenai Fjords, Aniakchak, and Bering Land Bridge. With the exception of a portion of the Yukon-Charley area which the Committee designated for formal wilderness study, the Committee agreed to postpone wilderness designation for these areas until after completion of the mandated wilderness review (Sec. 1317).

*Section 701(1): Denali Wilderness*

Denali Wilderness consisting of about 1,912,000 acres is located in the existing national park.

Within the existing Mount McKinley National Park, essentially all of the park is designated wilderness, except for existing developments. Along the existing highway through the park, the wilderness boundary begins 150 feet on either side of the center line of the road and 150 feet back from the edge of all existing turnouts and parking areas. The wilderness boundary is situated 300 feet from the edge of existing visitor centers, campgrounds, and management structures along the highway.

An area of 150 feet on either side of a segment of the Stampede Trail has been left out of wilderness from the park boundary to Stampede.

*Section 701(2) : Gates of the Arctic Wilderness*

Gates of the Arctic Wilderness contains about 4,801,000 acres in Gates of the Arctic National Park. It is the intent of the Committee that the two park units managed as wilderness.

Likewise the Committee feels that the National Park System is well-represented by designating a major wilderness park in the Brooks Range.

The Committee recommends a substantial change from the House version for wilderness in this area. The Committee's recommendation is consistent with the changes made in the classifications for the area.

*Section 701(3) : Glacier Bay Wilderness*

Glacier Bay Wilderness consists of about 2,770,000 acres of lands and waters within the expanded Glacier Bay National Park. Almost all of the park, including some salt water areas and all islands will be managed as wilderness. Excluded from wilderness are most of the marine waters and those sites, existing and potential, that the park management plan has identified for development, as described in the current park plan and in the Administration's wilderness proposal for the area. The Committee adopted the established Interior Department policy concerning enclaves and included them in the wilderness.

The Committee realizes that the movements of glaciers may in time open new water areas. It is the intent of the Committee that where the wilderness boundary is currently drawn at the edge of tidewater glaciers, the Secretary be authorized to allow the continued use of motorized access to the base of the glaciers, even if they retreat further into the present wilderness area. The Committee adopted the Administration recommendation that some water areas should be specified for non-motorized water recreation.

*Section 701(4) : Katmai Wilderness*

Katmai Wilderness consists of about 3,418,000 acres within Katmai National Park. The Committee included wilderness designation within both the existing area and all of the national park additions. The Committee did not propose any wilderness for the preserve at this time. Within the existing national park, the wilderness is basically that as originally proposed by the Administration with minor changes. There was a slight expansion of the Bay of Islands wilderness, due to the fragile nature of this rich biological resource and its recreational value. The entire Savonski River and the lower part of Lake Grosvenor were included within wilderness. The Committee recognized that the river and lake are periodically utilized by motorized boats for administrative purposes of transporting supplies and equipment to Grosvenor Camp. The Committee believes that this can be considered under access provisions of this Act.

The wilderness boundary starts 300 feet from either side of the midpoint of the roadway connecting Brooks Camp and the Valley of Ten Thousand Smokes. The Committee also included Brooks Lake within the wilderness. In the reports submitted to the Committee from the Department of the Interior, it was stated that Brooks Lake is occasionally used for the landing of aircraft when wind conditions on Nakanek Lake prohibit the lake's use. Brooks Lake is also used for the landings of aircraft for the purposes of access to the portion of the

park and for administrative purposes. The Committee believes that these specific uses, which are limited, may be allowed within wilderness. The Secretary can designate the lake as a designated landing spot for the purposes of access. The Committee adopted the two wilderness exclusions that the Department of the Interior proposed along the coast, at Kukak Bay and Geographic Harbor. The exclusions had been proposed in the park management plan as possible future development sites.

Nonvianuk Lake was excluded from wilderness for the purposes of utilizing this area for new park developments and visitor use areas, although the islands in the lake are designated wilderness as is the southshore.

The Committee recommendation is similar to the House Proposal, varying where the Committee changed boundary lines for the management unit.

*Section 701(5) : Kobuk Valley Wilderness*

Kobuk Valley Wilderness consists of approximately 190,000 acres of public lands.

The wilderness unit includes essentially the Waring Mountains south of the Kobuk River, and the Kobuk Sand Dunes. An area along the Kobuk River, which is a working river for local individuals and where most park uses will be located, was not designated as wilderness.

The Committee disagreed with the House concerning the designation of wilderness in the northern portion of the unit at this time.

The Secretary is authorized to construct facilities that relate to the Kobuk Sand Dunes, as referred to in Title II.

*Section 701(6) : Lake Clark Wilderness*

Lake Clark Wilderness consists of about 2,468,000 acres within Lake Clark National Park and Preserve. The wilderness includes most of the lands within the national park except for the following areas: Lower Twin Lake, most of Lake Clark, Crescent Lake, Hickerson Lake, and Native selected lands on the east side of the park. A portion of the Preserve including Lachbuna Lake, and lands partly surrounding but excluding Telequana Lake and Two Lakes are designated as wilderness.

Lake Clark Park/Preserve has some of the best potential for recreation in the State, because of its easy access from Anchorage. The designation as wilderness of the mountainous core area and some of the key lowland areas ensures that there will be a balance between higher density recreation on the fringes of the area and high quality wilderness public use in the heart of the park and preserve.

The Committee modified some of the wilderness exclusions to be left out of wilderness sufficient lands for possible development of recreational sites, while retaining the wilderness qualities of the unit.

*Section 701(7) : Noatak Wilderness*

Noatak Wilderness consists of about 5,413,000 acres within the Noatak National Preserve. The designation of the Noatak wilderness ensures that the basic purposes for the establishment of the area will be achieved. The scientific values that make the Noatak National Preserve unique relate to its being the largest untouched Arctic watershed in

North America. Thus the area contributes to the gathering of benchmark data about the natural environments of the Arctic. The Noatak Valley is crossed twice annually by the Arctic caribou herd, whose migration routes must be protected.

The watershed of the Kelly River was excluded from the wilderness. All lands from the Kelly upstream to the Gates of the Arctic National Park boundary are designated wilderness.

The designation of the Noatak as a Biosphere Reserve adds to the merits of wilderness protection for the area and underlines the Committee decision that the Noatak should be closed to mineral exploration. The Committee left out of wilderness sufficient lands for the development of a western corridor between Noatak National Preserve and Cape Krusenstern National Monument connecting the north slope with the interior of the State.

#### *Section 701(8) : Wrangell-St. Elias Wilderness*

The Wrangell-St. Elias Wilderness consists of approximately 8,700,000 acres within the Wrangell-St. Elias National Park and Preserve. None of the National Recreation Area has been designated wilderness at this time. Most of the park has been designated wilderness by the Committee with the following exceptions deleted for possible future development or access: The Copper and Tanada Lakes area on the north side; the Kuskulana drainage; the Nikoli Pass-Sourdough Hill-Chitistone Canyon area in the Chitina Valley; the White River-Ptarmington Lake area; and areas at Tebay Lakes, the mouth of the Bremner River valley and Icy Bay. A portion of the coast heavily used by fishermen by Yakutat has also been excluded.

Substantial acreage has been designated as wilderness within the Wrangell-St. Elias National Preserve. These areas were considered by the Committee for park status. The Committee adopted the preserve designation for the lands in order to allow the continuation of Dall sheep hunting. The Committee did feel that the lands, while in the preserve should still receive maximum resource protection. Thus the recommendation for wilderness status within the preserve.

The Committee included within its wilderness recommendation a substantial amount of the Wrangell-St. Elias National Preserve. As discussed in Title II, the preserve category is used here to protect the park qualities of the area while allowing sport hunting to continue. In designating the preserve as wilderness the Committee does not intend that the wilderness designation be used in any way to negate the purposes of the preserve.

The Committee notes that the Wilderness Act and the access provisions of this act allow for the continuation of aircraft and motorboats in wilderness areas where those uses have been established. This is meant to relate to patterns of use, not specific uses by specific individuals. National Park Service regulations further state that such uses can be allowed only when a finding has been made that the purpose, character, and manner of such uses is suitable to the specific wilderness under consideration. The Committee has made that finding for the Wrangell-St. Elias Wilderness. Continued aircraft use and landings are consistent with the purpose, character and manner of this wilderness area. The Committee also notes that under National Park Service regulations, heliports, helipads, and airstrips are usually not allowable. This relates to the construction of major facilities.

The Committee notes that access into the Wrangell mountains by hunters must be by aircraft, since the area is so vast. Gravel bars, gravel plateaus, and lakes are all used as landing spots. At times, minimal improvements are necessary for safety purposes which do not require major construction. Such improvements will be allowed to continue. The Committee also notes that there are several landing strips that have been constructed within the area which are utilized today for access. The Park Service shall allow continued access to these landing strips and may permit airstrip maintenance. However, nothing in this Act is meant to imply that the Park Service has any obligation or requirement to maintain airstrips used solely for guided hunting trips.

In general the Committee notes that the Wilderness Act and the access provisions of this act have built in flexibility which can allow existing uses to operate. Different Federal agencies have applied differing standards in interpreting the Wilderness Act. It is the intent of the Committee that the National Park Service develop regulations for the management of wilderness in Alaska that take into account a liberal interpretation of the Wilderness Act and to allow as many of the existing uses to continue as provided for by the access provisions of this act. Since there are no units of the National Park System which are as vast as the new Alaska areas, the Committee feels that Park regulations should be revised and expanded to address those issues which are a part of public policy and legislative record.

The Committee also notes that sport hunting guides who operate in the area utilize hunting camps as a base of operation. There is precedent for such uses in Forest Service Wilderness in the western United States. In developing new regulations for wilderness management the Park Service should take the need for hunting camps into consideration. The Committee has provided that such existing and new uses are to be permitted subject to reasonable regulation under Section 1316.

*Section 702: Designation of Wilderness and Wilderness Study Areas Within the National Wildlife Refuge System*

H.R. 39, as passed the House, would designate approximately 27 million acres of wilderness within the National Wildlife Refuge System. The Committee amendment adds some 4.3 million acres of refuge land to the Wilderness System. Wilderness designations in units of the National Wildlife Refuge System are designed to further the purposes and management objectives of each specific unit. Wilderness classification provides the United States Fish and Wildlife Service with a legislative mandate to preserve wildlife habitat in a natural condition for those species requiring a wilderness condition so that wildlife utilization is assured in the future. However, the occurrence of unique geological, cultural or recreational attributes or physiographic provinces included within a Wilderness Unit are considered to be a major contribution to the overall value of such an area.

In making its wilderness determinations the Committee generally chose to designate only those units which had completed the review processes described by the Wilderness Act. The one exception was designation of the unit in the Waring Mountains of the Selawik National Wildlife Refuge which adjoins a portion of a wilderness unit designated in the Kobuk Valley National Park.

*Alaska Maritime Wilderness.*—The Committee designated wilderness units within the Alaska Maritime Wildlife Refuge on the existing Aleutian Islands (1,300,000 acres) and Semidi (250,000 acres) wildlife refuge units and Unimak Island (910,000 acres) which is part of the Aleutian Island Refuge. These units are described individually below.

*Section 702(1) : Aleutian Island Wilderness*

The Administration has completed a wilderness review of the Aleutian Islands National Wildlife Refuge. Most of the refuge, except for portions of Amchitka Island (an important military site), Atka Island, Amlia Island and a few smaller areas, has been found suitable for wilderness designation. The Committee has placed this major portion of the refuge into the Wilderness System.

These fog-shrouded, volcanic islands are rich in fish and wildlife, especially seabirds and marine mammals. About 60,000 sea otters thrive in Aleutian waters, less than two centuries after their Alaskan populations were decimated by Russian fur hunters. More than 75,000 sea lions and thousands of hair seals haul out on islands and rocks and a few walrus stop occasionally on Amak Island. Some 183 species of birds have been recorded on the islands, including hundreds of thousands of puffins, murrelets, auklets, gulls and kittiwakes, fulmars and petrels. Most of the world's emperor geese winter in the area and endangered Aleutian Canada geese now nest on Buldir Island and are being restored to Amchitka. Bald eagles and peregrine falcons are common. Four species of salmon and Dolly Varden spawn in freshwater streams.

The wilderness area's value as an outdoor scientific laboratory is expected to grow as the world's major island ecosystems are altered by man. The varied natural plant and animal communities of the Aleutians offer many opportunities for biological research.

*Section 702(2) : Izembek Wilderness*

The Administration completed a wilderness study of the Izembek National Wildlife Refuge and submitted a wilderness proposal to Congress in April 1971. In response to this recommendation, the Committee has placed most of the Refuge into the Wilderness System.

The Izembek Wilderness, as designated by the Committee, includes 301,450 acres of the existing 415,300-acre Izembek National Wildlife Range located on the extreme tip of the Alaska Peninsula. The existing Range, which was established by Executive Order in 1960, contains another 95,300 acres of tidal lands below the mean high tide line which are subject to State jurisdiction.

Included within the Izembek wilderness is the Cape Krenitzin Peninsula. The peninsula is a 1,450-acre, geographical and ecological extension of the Alaska Peninsula land mass which is separated from the mainland by a narrow channel. Notwithstanding this fact, Cape Krenitzin was included within the Aleutian Islands National Wildlife Refuge at the time that refuge was established in 1913. The Committee intends that the Secretary should alter the present boundary and administer this peninsula as a part of the redesignated Izembek National Wildlife Refuge.

The Izembek Wildlife Refuge is important largely to the millions of waterfowl and shorebirds which rest and feed there for several

months during spring and fall migrations. Its northern intertidal zones lie within the Bristol Bay estuary, one of the most biologically productive marine areas in the world. Rugged volcanic pinnacles over 6,000 feet high dominate mountain areas of the Refuge. Many shallow lagoons, tide channels and flats exist along the coast. Most of the tidal flats are covered with eelgrass beds, the largest in the world. The eelgrass beds are the primary attraction of the Refuge to waterfowl. In this regard, the Committee intends that scientific research regarding the eelgrass beds, along with the use of structures and motorized equipment necessary for such research, will continue within the Izembek Wilderness.

Nearly the entire West Coast population of about 250,000 black brant (a small marine goose) uses the Izembek lagoon during migrations, along with most of the North American population of emperor geese. About 100,000 lesser Canada geese move through each fall, as well as small numbers of the endangered Aleutian race of Canada goose. Whistling swans occupy the area throughout the year. Between 200,000 and 300,000 dabbling ducks stop during migration and a somewhat greater number of diving ducks use the area at other times of the year. Bald eagles and the nonendangered peregrine falcon are year-round residents, with concentrations of up to 100 eagles sometimes observed along salmon-spawning streams.

Large mammals include abundant brown bears, caribou and wolves. Between 10,000 to 15,000 sea otters inhabit the waters off Izembek. Ringed, bearded, harbor and fur seals, walrus, beluga whales and porpoises also frequent these waters. Four species of salmon, Dolly Vardena and rainbow trout inhabit streams and lakes and king crabs, halibut and razor clams are abundant in lagoons and offshore waters.

#### *Section 702(3): Kenai Wilderness*

The Kenai Wilderness is located within the Kenai National Wildlife Refuge and consists of about 1,350,000 acres in three units—Canoe Lakes, Andy Simons and Mystery Creek. The wilderness units represent a diverse area of scenic mountains, glaciers, lowland lakes, forests, muskegs and rivers that support thousands of big game animals, numerous smaller mammals, a wide variety of birds and an abundance of fish.

Once entirely wilderness, the refuge is now bisected by the Sterling Highway and other transportation routes which provides access to recreation facilities and commercial developments. Much of the wildlife refuge remains as pristine wilderness, however, and the wilderness units have been carefully drawn to preserve significant portions of the area for wildlife and public benefit. The wildlife refuge with its diversity of scenery, wildlife, fishery and water resources offers unusual opportunities for high-quality recreation which the wilderness is designed to perpetuate.

The area is one of the most important outdoor recreation areas in Alaska for fishing, hunting, camping, scenic driving, wildlife observation, photography, berry picking, hiking, canoeing, and wildlife/wilderness-oriented boating and cross-country skiing, and the Committee believes wilderness designation recommended may well enhance these recreational uses.

*Section 702(4) : Semidi Wilderness*

The Administration has completed a wilderness study of the Semidi National Wildlife Refuge. The Committee designated the entire refuge, including the submerged lands, as part of the Wilderness System.

The remote, treeless islands of this refuge lie south of the Alaska Peninsula in the North Pacific Ocean. Discovered in 1741 by the Russian explorer Vitus Bering, they apparently were not occupied by Natives. Extensive seabird colonies are located on the islands' cliffs. Common and thick-billed murre, black-legged kittiwakes, Pacific fulmars and horned puffins are the most numerous species. They number in the millions. A total of 43 bird species has been identified on the islands. Harbor seals and sea lions maintain rookeries on several islands. Sea otters are present but not abundant. The wilderness area's remoteness does not lend itself to public use and there are few well-protected bays suitable for anchorage. The surrounding waters are seldom calm enough for seaplane landings.

*Section 702(5) : Selawik Wilderness*

Selawik Wilderness is located in the northern part of the Selawik National Wildlife Refuge. The wilderness contains about 240,000 acres and adjoins the sand dune—Waring Mountains portion of the Kobuk Valley National Park Wilderness.

Habitats of the wildlife refuge, located adjacent to the wilderness, support virtually unaltered fish and wildlife populations and are used by portions of the Western Arctic caribou herd for migration. Grizzly bear, wolf and wolverine are also present. The western half of the Wildlife Refuge and part of the wilderness is used extensively for subsistence. Wilderness designation also will lend resource protection to watershed values of the unit.

*Section 702(6) : Unimak Island Wilderness*

The Administration has completed a wilderness study of Unimak Island, the largest of the Aleutian Islands. The Committee adopted the 910,000-acre recommendation placing the island into the Wilderness System.

This remote, fog-bound island in the Aleutian Islands National Wildlife Refuge is nearly 1 million acres in size. Unique geological features of the island include the striking 10,000-foot cone of Shishaldin Volcano, the highest peak in the Aleutian chain and a national natural landmark; the Fisher Caldera, a crater lake formed by the collapse of an ancient volcano's cone; and black sand beaches, sand dunes and lagoons.

Twenty-five species of mammals inhabit the wilderness area, including brown bears, caribou, wolves and river otters. Sea lions and harbor seals are abundant and walrus are sometimes observed. Sea otters, once decimated in number by overhunting, are again present in good numbers and northern fur seals migrate annually through the turbulent waters of Unimak Pass. Spectacular concentrations of waterfowl—black brant, lesser Canada geese and emperor geese—stop to feed during migrations, especially in the eelgrass beds of the island's largest lagoons. Whistling swans are present year-round. Thousands of ducks, including eiders and scoters, winter on Unimak lagoons.

The several million slender-billed shearwaters sometimes seen in Unimak Pass are one of the most remarkable assemblages of seabirds in the world. Pelagic cormorants, black-legged kittiwakes and common murre nest on cliffs and bald eagles and peregrine falcons are commonly observed. Four species of salmon and Dolly Varden inhabit fresh-water streams.

Several old Aleut village sites are of archeological value and a new generation of Aleuts reside at False Pass. Unimak's remoteness limits the public use made of the island. Most visits are by local residents, who hunt, trap, fish, dig clams and pick berries.

## TITLE VII—NATIONAL FOREST WILDERNESS

H.R. 39, as passed by the House, would designate some 5.87 million acres of the Tongass National Forest as wilderness. Additionally, the House bill would designate a wilderness study area of approximately 460,000 acres in the Chugach National Forest. The Committee amendment would add 4.40 million acres of the Tongass to the Wilderness System and require a wilderness study for some 2 million acres of the Chugach National Forest. As discussed below, the Committee amendment also places approximately 1.75 million acres of the Tongass into a special management category.

Listed below are the wilderness areas, wilderness study areas, and special management areas proposed by the Committee amendment:

	<i>Millions of acres</i>
Wilderness (Tongass Forest) :	
Admiralty Island.....	0.541
Coronation Island.....	.019
Endicott River.....	.094
Maurille Islands.....	.004
N. Misty Fjords.....	1.363
Petersburg Creek.....	.050
Russell Fjord.....	.307
South Baranoff.....	.314
South Prince of Wales.....	.097
Stikine-LeConte.....	.443
Tebenkof Bay.....	.065
Tracy Arm-Fords Terror.....	.678
Warren Island.....	.011
West Chichagof-Yakobi.....	.265
Total.....	<u>4.251</u>
Special Management Areas (Tongass Forest) :	
Duncan Canal.....	.091
Etolin Island.....	.082
East Behm Canal.....	.237
Idaho Inlet-Mud Bay.....	.109
Karta.....	.049
Rocky Pass.....	.082
South Misty Fjords.....	.322
West Admiralty Island.....	.467
Yakutat Forelands.....	.319
Total.....	<u>1.757</u>
Wilderness Study Area (Chugach Forest) : Nellie-Juan-College Fjord.....	2.000

## WILDERNESS DESIGNATION IN THE TONGASS NATIONAL FOREST

*Background: The Forest*

The Tongass National Forest is situated in southeastern Alaska, encompassing an area from Yakutat Bay on the North to the Canadian border on the east and south. Tongass National Forest, containing approximately 16 million acres, is the Nation's largest national forest and was established in 1907. The forest has an active commercial timber harvest program important to the economy of southeastern Alaska.

Administration of the Tongass National Forest was primarily custodial until the mid-1950's. For decades prior to that time, however, the policy of territorial leaders and the Forest Service was directed toward initiating a timber industry in southeast Alaska as a means of strengthening and diversifying the local economic base, which was primarily centered in the salmon fishing industry.

The timber industry in southeast Alaska utilizes a local softwood forest primarily composed of western hemlock (62 percent) and Sitka Spruce (30 percent) and minor amounts of red and yellow cedar. Over 95 percent of the total timber harvest is manufactured into sulphite pulp or into cants. (Cants are debarked, squared-off logs which comply with applicable primary manufacture laws.) The balance is manufactured into dimension lumber or left in round log form. In recent years, slightly over half of the pulp and all of the cants have been exported to Japan with the balance of the pulp going to market in the lower 48. The dimension lumber is primarily for local consumption.

Southeast Alaska is characterized by high labor and construction costs. Under free market conditions, this would normally have prevented the development of local processing facilities. Timber harvested within the region would have been exported in round log form to be processed in an area having lower costs such as Puget Sound or Japan. Forest Service policy for the Tongass, however, has always required local primary manufacturing for the purpose of adding growth and stabilization to the local economy. In order to make local manufacturing attractive, the Forest Service adjusts stumpage fees downward to offset the higher-manufacturing costs. This causes the total revenues generated from timber sales to be much less than they would be if the export of timber in round log form were permitted.

Within southeast Alaska, the market is not of sufficient magnitude to justify development of a diversified wood products industry to satisfy local demands. Southeast Alaska has not been competitive in markets within the Continental United States for most wood products except for the possible exportation of round logs or cants to the Puget Sound area. Therefore, it is generally assumed that in the foreseeable future, the vast majority of the timber from the Tongass will continue to be exported to the Pacific Rim market—most notably, Japan.

*The Timber Industry*

The timber industry in southeast is dominated by two companies each having integrated pulp and cant processing facilities. These are (1) Louisiana Pacific Ketchikan, which operates the pulp mill in Ketchikan, Ketchikan Spruce Mill, and Annette Hemlock Mill at Metlakatla, and (2) Alaska Pulp America which operates the pulp mill in Sitka (Alaska Lumber and Pulp), the Wrangell Mill, and

Alaska Wood Products also in Wrangell. The two pulp mills and their related cant mills account for 87.2 percent of the region's production capacity and it is estimated that they account for over 95 percent of actual log consumption.

The same two companies also dominate the timber harvest from the Tongass. LPK and APA held 50-year contracts guaranteeing 192.5 mmbf and 104.2 mmbf annually respectively. These contracts were negotiated when the pulp mills were constructed. The two pulp mills and their related cant mills and logging companies account for 75.9 percent of all independent sales volumes purchased during this period and 88 percent of all volumes purchased since 1973.

This overwhelming dominance of the southeast timber industry by two companies was not always the case. Originally, the two pulp mills operated independently of the region's cant mills. However, there was a distinct trend towards consolidation, spurred by the greater efficiency of an intergated milling operation, which could divert the higher grade logs into cant production and the balance plus cant mill residuals into pulp.

### *Native Timber*

Under the provisions of ANCSA, each Native village on the Tongass National Forest will receive 23,040 acres of national forest land. Sitka and Juneau urban Native corporations each will also receive 23,040 acres. Sealaska, the southeast Alaska regional corporation, is eligible to select an estimated 279,000 acres from the national forest. These selections, along with selections for historical sites, cemeteries, and small isolated Native groups, will remove an estimated 525,000 acres from the Tongass.

While this amount is relatively insignificant in terms of gross acres—comprising some 3 percent of the forest land base—the impact on future timber harvest levels may be substantial. The vast majority of the land selected by the Natives contains very high timber values. The Forest Service estimates that this 500,000 acres represents some 20–25 percent of the commercial forest land left in the Tongass. Therefore, regardless of what action the Congress takes relative to wilderness in Southeast, a half-million acres of the finest remaining timber lands in the Tongass will be transferred to private ownership. It is not clear at this point what plans the Natives might have for managing this resource. However, given the Japanese preference for round logs and the fact that private landowners are exempt from primary manufacturing laws, it seems likely that the Natives will export most of their timber to the Pacific Rim markets in the form of round logs.

There are several other factors, however, on which there is considerably less agreement. The assumptions one wishes to make regarding these factors listed below are very important relative to projecting the impact of wilderness designation in Southeast on levels of employment in the timber industry.

- (1) What will be the level of harvest from Native lands, i.e., sustained yield or accelerated harvest?
- (2) When will this timber become available and impact the existing market?
- (3) How much Native timber will prove not to be exportable in the form of round logs and therefore, available for existing industry in the form of cants or pulp logs?

(4) How many jobs will the harvesting of this Native timber generate in Southeast Alaska and who will get those jobs?

A related, and perhaps even more basic question is what level of harvest should the National Forest be asked to produce, given the fact that a significant percentage of the best commercial forest land has been removed from public ownership?

#### *Timber Harvest Levels*

For a variety of reasons, timber harvest levels on the Tongass have varied considerably from year to year. The table below depicts the annual harvest from the Tongass for the period 1970-1977.

*Harvest, scaled volume million board feet<sup>1</sup>*

Year:		
1970	-----	560
1971	-----	528
1972	-----	547
1973	-----	588
1974	-----	544
1975	-----	408
1976	-----	462
1977	-----	488
Average	-----	520

<sup>1</sup> Rounded to the nearest 1 million board feet.

#### *Employment*

Like the annual harvest, the number of people employed in Southeast Alaska varies from year to year. As might be expected, a large percentage of jobs in the area are seasonal. The table below sets out the average annual employment by industry in Southeast Alaska from 1970-1976.

AVERAGE ANNUAL EMPLOYMENT BY INDUSTRY, SOUTHEAST ALASKA, 1970-76

Primary employment	1970	1971	1972	1973	1974	1975	1976	7-yr average
Commercial fishing/fish processing	2,107	1,776	2,092	2,193	2,328	1,976	2,252	2,101
Government (State/Federal)	3,925	3,996	3,911	4,061	4,305	4,534	4,757	4,213
Timber: Logging pulp, lumber, product transport	2,767	2,746	2,844	3,224	3,579	3,013	2,869	3,006
Tourism	480	540	600	670	740	830	920	683

In terms of percentage of the total workforce, almost 20 percent of the population are directly involved in government jobs; some 13 percent of the workforce are employed directly in the timber industry, and an additional 13 percent are employed in the fishing/tourism sectors. In addition to those directly employed in the primary employment sectors, some 11,500 people or 54 percent of the workforce are employed in jobs induced by those primary categories listed above.

In a regional context, timber related activities are of primary importance in the Ketchikan area and the Chatham area excluding Juneau, accounting for more than half the primary employment in each. Commercial fishing and fish processing is significant in the Ketchikan area and many of the smaller villages, and accounts for approximately two-thirds of the primary employment in the Stikine area. Juneau is most heavily dependent on government jobs with some 90 percent of the primary employment in the area government-related.

### *Commercial Fishing and Fish Processing*

For the period 1970–1976, southeast Alaska fish harvesting activities were heavily dependent upon the remnants of the salmon runs within the region. Other fin fish—primarily halibut and herring—came in a distant second in volume and value, with shell fish a smaller but still significant third. In general terms, the fishing industry in Southeast has declined rather significantly in recent years, but still is very important in terms of employment opportunities for area residents. The future of this segment of the region's basic economy will depend in some part on the various public supported enhancement and development programs. Given the importance of the fishing industry to the Southeast Alaska economy, land use decisions having a direct impact on salmon habitat and estuarine environments must carefully consider the requirements of the commercial fishing industry in the area.

### *Minerals*

Although historically very important, mining activities, and consequently mineral-related employment, have been relatively insignificant in the southeast region in recent years. However, modern exploration methods have led to the discovery of several new ore bodies which could be potentially profitable to develop. Chief among these new discoveries which would be directly affected by proposed wilderness designation in Southeast are: the Quartz Hill molybdenum deposit near Ketchikan; the Takanis nickel-copper-cobalt ore-body on Yakobi Island, and the Big Sore zinc-silver-lead-copper-gold deposits on Greens Creek near Hawk Inlet on Admiralty Island. Of course, actual development of these or other mineral deposits in the Tongass depend on a number of factors including a variety of land-use decisions, issuance of various permits, and future world and/or domestic markets for mineral products.

### *Committee Wilderness Recommendations*

Southeastern Alaska is a unique part of the State, encompassing the largest part of the North Pacific coastal rain forest in Alaska. It is this rain forest, or portions of it, which (1) is highly prized by many for its environmental and aesthetic values; (2) contains some of the finest timber resources in the United States; and (3) provides significant habitat for a myriad of fish and wildlife species. While the Committee is aware the some nine million acres of the Tongass National Forest is comprising of non-commercial forest land or land which is not forested at all (snow and ice, muskeg, etc.) and is essentially *de facto* wilderness, the Committee recognizes the need to protect a significant portion of the more biologically rich forest lands through wilderness designation.

In recommending wilderness designation for portions of Southeastern Alaska, the Committee attempted to ensure that such designation would not adversely impact the existing timber industry in the area. Specifically, the Committee attempted to develop a wilderness package for the Tongass which would maintain a potential average annual harvest and supply of 520 million board feet of timber for the industry. While the Committee noted that the annual harvest for the period 1975–1977 has been only 450 mmbf., the Committee recog-

nized the cyclical nature of the industry and sought to maintain supply levels at or near the 1970-1977 average of 520 mmbf.

In an effort to reach this goal, the Committee agreed to authorize a program of intensive forest management, road building, and loan programs to increase timber yields on the Tongass. There is general agreement that timber supplies on the forest can be greatly enhanced through the investment of moneys for pre-commercial thinning, pre-reading, and purchase of more advanced logging equipment. Indeed, without these investments, it appears that the forest simply cannot be managed in a balanced manner given the existing level of timber activity in the area, and the desire or need to protect other resource values. This conflict exists on the Tongass regardless of what decisions the Congress may make regarding wilderness designation for the area.

To help ensure an adequate timber base the Committee also agreed to designate several special management areas in the Tongass. These areas have been so designated by the Committee primarily for two reasons. First, they are generally regarded as possessing significant recreational, wildlife, watershed, scenic, wild land and fishery values. Additionally, however, these areas also contain high timber values which the Committee felt should not be forgone at this time given the generally unsettled nature of the timber supply picture on the Tongass.

Designation of these key areas in the forest as special management areas will afford Congress an opportunity to make a more informed decision in years to come relative to the best use of these lands. Deferral of these areas from either wilderness designation or timber harvesting at this time will allow Congress to better assess (1) the long-term demand for timber from the forest; (2) the effect Native owned timber may have on the wood products market; (3) the effect of the investment package authorized by the Committee; (4) the need for additional wilderness in the area; and (5) the overall management of the Tongass forest in light of the National Forest Management Act and the Resources Planning Act.

The Committee agreed to designate some 4.41 million acres of the Tongass as wilderness. Taken together, these areas represent an additional reduction of potential timber harvest in the Tongass of some 80 or less mmbf. annually over what would already be unavailable or deferred for resource protection purposes under the "A-base" alternative of the draft Tongass Land Use Management Plan (TLUMP). (See pp. 69-79 of the Draft for a discussion of this base.) The Committee also placed some 1.76 million acres of the Tongass in the special management category. These areas could yield some 100-130 mmbf. of timber on an annual basis depending upon the level of forest management ultimately practiced.

The Committee estimates that the investment package authorized for the Tongass should increase timber yield by some 60-75 mmbf. annually. The Committee also notes that there will likely be some infusion of Native owned timber into the existing local industry as the Natives begin to harvest their forest resources. While it is clear that most of this Native timber will be exported to Japan in round log form, it is also clear that some of the timber off natives lands will not be export quality (in terms of round logs) and will find its way into

the area's existing pulp and saw mills. Some 10 mmbf. of State lands timber annually may also have impact.

Set forth below in tabular form is a summary of the Committee's action last year relative to timber availability and wilderness designation in the Tongass. While some of the base data has changed slightly since the completion of the TLUMP, the assumptions and approach employed by the Committee in designating wilderness in Southeast Alaska are still valid.

Estimated Timber Yield Available for Harvest Each Year: <sup>1</sup>	<i>Million board feet</i>
Total potential sustained yield from all classifications (excludes State or Native timber)-----	1,180
Unregulated (reserved, small parcels, 75-plus percent slopes, soil hazards) -----	-290
Other reserved and not available (various timber retention factors applied for resource protection)-----	-172
<hr/>	
Total potential sustained yield less unregulated and other reserved...	718
Marginal (available but subject to economic or technical restraints -----	-158
<hr/>	
Net total sustained annual yield of standard and special categories or "available average annual harvest"-----	560
<hr/>	
<b>Estimated Effect of Committee Wilderness Package:</b>	
Total annual potential yield less what is reserved, non-harvestable, or marginal "A-base"-----	560
10,000,000 per year investment for increased timber yield and \$5,000,000 loan fund-----	60
Impact of Native timber-----	36
<hr/>	
Estimated allowable cut before deductions-----	656
Additional Reduction for Proposed Wilderness Designation-----	-80
Additional reduction for possible relocation of Native timber off Admiralty Island-----	-7
<hr/>	
Annual allowable cut less wilderness and Native timber relocation -----	569

<sup>1</sup> Assumes the "A-base" Alternative from the Tongass Land Use Management Plan including a \$1,600,000 investment for preroading into selected areas.

Thus, it appears that the Committee recommendations will indeed protect the existing timber industry in Southeast while providing wilderness designation for several key areas.

The Committee realizes that there is some disagreement regarding the figures presented above relative to timber availability, potential yield investment opportunities, etc. During its deliberations, the Committee was unable to obtain a consistent set of data from the Forest Service regarding these factors. However, the Committee feels that the numbers employed in the calculations above are fair estimates of the effect the Committee actions will have on timber supply levels from the Tongass.

## TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

### OVERVIEW

Alaska's more than 200 rural villages are unique in that they are the last communities in the United States in which a substantial number of residents are still dependent upon the harvest of renewable re-

sources on the public lands for their sustenance. The importance of subsistence uses of such resources to the physical, economic and cultural well-being of Alaska Natives and other rural residents has been exhaustively chronicled in testimony presented at hearings, town meetings and workshops held by the committee during consideration of both the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act. The committee notes that the report of the Committee on Interior and Insular Affairs of the House of Representatives on H.R. 39 (House Report No. 95-1045, Part I, pp. 181-187) documents the importance of such uses in considerable detail.

#### HISTORY OF CONCERN

The Committee has had a long-standing concern for the protection of subsistence resources and uses in Alaska. In Section 21 of S. 35, the Senate version of the Alaska Native Claims Settlement Act, the Secretary was directed to establish subsistence zones on the public lands, and, in circumstances in which subsistence resources or uses were threatened, to exercise his closure authority by prohibiting all consumptive uses of such resources within a zone except for subsistence uses by Alaska Natives. The conferees failed to adopt this provision in the conference report; however, the statement of the managers clearly established the intent of the Congress that the Secretary exercise his closure authority in a manner consistent with the purposes of Section 21:

The conference committee, after careful consideration believes that all Native interest in subsistence resource lands can and will be protected by the secretary through the exercise of his existing withdrawal authority. The secretary could, for example, withdraw appropriate lands and classify them in a manner which would protect native subsistence needs and requirements by closing appropriate lands to entry by non-residents when the subsistence resources of these lands are in short supply or otherwise threatened. The conference committee expects both the secretary and the state to take any action necessary to protect the subsistence needs of the natives.

In 1973, the committee adopted, and the Congress enacted, provisions in the Trans-Alaska Oil Pipeline Act (P.L. 93-153) which provided for strict liability of the pipeline right-of-way holder for "fish, wildlife, biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes" and required stipulations in all oil and gas pipeline right-of-way permits to protect the "interests of individuals living in the general area of the right-of-way permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes." Other Acts of Congress also have recognized the unique dependence of rural Alaskans on subsistence resources. For example, the Marine Mammal Protection Act includes a subsistence exemption for Native residents of coastal villages in Alaska (16 U.S.C. 1371(b)). Similarly, subsistence uses by Alaska Natives and other residents of Native villages are exempted from coverage of the Endangered Species Act (16 U.S.C. 1539(e)).

## COMMITTEE AMENDMENT

The subsistence management provisions of S. 9 as introduced reflect a delicate balance between the traditional responsibility of the State of Alaska for the regulation of fish and wildlife populations within the State and the responsibility of the Federal Government for the attainment of national interest goals, including the protection of the traditional lifestyle and culture of Alaska Natives.

The Committee amendment differs from Title VII of H.R. 39, as passed by the House of Representatives in two respects. The first relates to subsistence hunting by local residents within national parks and monuments. Under the Committee amendment, parks and monuments are closed to all forms of hunting unless subsistence uses are permitted by this Act. Subsistence resources commissions are to be established to recommend a program for subsistence hunting in such parks and monuments.

The second major difference is the means for enforcement of the subsistence preference. The House bill requires the Secretary to take certain administrative actions if he determines that the State has failed to establish a subsistence program or to implement such a program in a manner which adequately satisfies the preference for subsistence uses. While the committee has retained broad Federal guidelines to ensure the adequate implementation of the subsistence preference on the public lands and the Secretary's ongoing responsibility to monitor the State's implementation of such preference, the Committee believes that the responsibility of the Secretary to ensure the protection of subsistence uses and the satisfaction of subsistence needs of Alaska Natives and other rural residents can best be met by providing legal representation for such residents before the United States District Court in appropriate instances in which the Secretary has determined, after consultation with the State, that the State has not timely or adequately provided for the preference for subsistence uses. Although it is the intent of the committee to neither enlarge nor diminish any existing authority of the Secretary to take appropriate administrative action to protect subsistence uses and satisfy subsistence needs of rural residents of Alaska, the committee believes that the responsibilities and authorities of the Secretary and the United States District Court set forth in section 804-807 ensure the protection of subsistence activities and the discharge of Federal responsibilities.

During consideration of Alaska National Interest Lands legislation, the Committee adopted several changes to the subsistence management and use title in S. 9 which clarify the Committee's intent and improve the workability of the subsistence management system.

Major changes adopted by the Committee include:

*The Conservation of Healthy Populations of Fish and Wildlife*

Long-term protection of fish and wildlife populations is necessary to ensure the continuation of the opportunity for a subsistence way of life. Consequently, subsistence uses on the public lands must be conducted in a manner consistent with "the conservation of healthy populations of fish and wildlife", an approach emphasized by the Committee in a series of amendments to incorporate that concept into the language of Sections 802(1), 808(b), and 815 (1) and (3). It also

should be noted that a recommendation of a regional council pursuant to Section 805 would not be supported by substantial evidence if the recommendation is inconsistent with the conservation of healthy populations of fish and wildlife. The Committee intends the phrase "the conservation of healthy populations of fish and wildlife" to mean the maintenance of fish and wildlife resources and their habitats in a condition which assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystems, including recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species; and ensures maximum practicable diversity of options for the future. The greater the ignorance of the resource parameters, particularly of the ability and capacity of a population or species to respond to changes in its ecosystem, the greater the safety factor must be. Thus, in order to insure that subsistence uses are compatible with the maintenance of healthy populations of fish and wildlife, it must be recognized that the likelihood of irreversible or long-term adverse effects to a population or species must be proportional to the magnitude of the risks caused by a proposed use of such population or species.

The Committee recognizes that the management policies and legal authorities of the National Park System and the National Wildlife Refuge System may require different interpretations and application of the "healthy population" concept consistent with the management objectives of each system. Accordingly, the Committee recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and manipulation of the components of the ecosystem.

#### *Definition of "Subsistence Uses"*

Although many residents of cities such as Ketchikan, Juneau, Anchorage, and Fairbanks harvest renewable resources from the public lands for personal or family consumption, by its very nature a "subsistence use" is something done only by Native and non-Native residents of "rural" Alaska. The Committee adopted an amendment to clarify this point by limiting application of the definition to areas of "rural" Alaska including communities such as Dillingham, Bethel, Nome, Kotzebue, Barrow, and other Native and non-Native villages scattered throughout the State. However, the Committee does not intend to imply that the rural nature of such communities is a static condition; the direction of the economic development and rural character of such communities may change over time. It should be emphasized that this amendment is not intended to impose a "durational" rural residency requirement in the definition or impede the traditional movement of Alaska residents between the rural areas and the major population centers and vice versa. Nor does the amendment prohibit the taking of fish and wildlife on certain public lands by normal residents. Rather, nonsubsistence uses may continue in accordance with existing law but do not enjoy any preference on the public lands, and, consequently, may be restricted pursuant to Section 804 when necessary to protect subsistence resources or to ensure the satisfaction of the subsistence needs of rural residents.

The definition has been modified to eliminate the "for personal or family consumption" limitation upon the taking of wild, renewable resources for "customary trade". The Committee does not intend that "customary trade" be construed to permit the establishment of significant commercial enterprises under the guise of "subsistence uses". The Committee expects the Secretary and the State to closely monitor the "customary trade" component of the definition and promulgate regulations consistent with the intent of the subsistence title.

#### *Local And Regional Participation*

An amendment to section 805 clarifies that regardless of whether the regional council system is established by the Secretary or the State, the relationship between the regional councils and the Secretary or the State is the same; that is, either the Secretary or the State may choose not to follow a recommendation made by a council if the recommendation is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. Another important amendment clarifies that if the State enacts and implements laws of general applicability which satisfy the requirements of Sections 803, 804, and 805, then, unless and until repealed, such State laws shall supersede Sections 803, 804, and 805 insofar as such sections govern State responsibility for the taking of fish and wildlife on the public lands for subsistence uses.

#### *Judicial Enforcement*

The major amendment to Section 807 clarifies that while the Secretary is not required to hold a hearing (either informal or pursuant to formal procedures set forth in the Administrative Procedures Act) prior to bringing a civil action against the State on behalf of a local committee or regional council, he is required, prior to bringing such action, to make a determination in writing setting forth substantial evidence that the State has failed to make adequate and timely provision of the subsistence preference after having been provided a reasonable opportunity to do so, and that such failure threatens the ability of local residents to satisfy their subsistence needs.

#### *Subsistence and Land-Use Decisions*

The Committee adopted two important technical amendments to Section 810. The first substitutes the well-recognized legal standard of "reasonable" in place of "adequate" to describe the steps which the head of a Federal agency must take to minimize adverse impacts on subsistence uses prior to permitting a withdrawal, reservation, lease, permit, or other use, occupancy, or disposition of the public lands which would significantly restrict subsistence uses, although it should be recognized that steps which are "inadequate" to minimize adverse impacts will rarely be "reasonable" within the meaning of this section. The second amendment clarifies that the requirements of Section 810 are "procedural" in that until the requirements of the section have been satisfied the proposed action may not proceed, but once the requirements of the section are satisfied and incorporated into existing land use planning processes the proposed action may proceed even though its effect may be adverse to subsistence uses.

*Elimination of the 10-Year Level of Use*

The Committee adopted an amendment to Section 815(1) which eliminated the 10-year standard of measurement on the level of subsistence uses on the public lands. In place of the 10-year standard the Committee substituted language to clarify that nothing in the subsistence management and use title is intended to permit the level of subsistence uses of fish and wildlife within a conservation system unit to be inconsistent with "the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife". The reference to "natural and healthy populations" with respect to national parks and monuments recognizes that the management policies of those units may entail methods of resource and habitat protection different from methods appropriate for other types of conservation system units.

*Nonsubsistence Uses of Fish and Wildlife on the Public Lands*

An amendment to Section 815(3) clarifies that the subsistence management and use title is not intended to restrict nonsubsistence uses of fish and wildlife permitted on the public lands except as necessary pursuant to Sections 804 and 816. Nonsubsistence uses also may be appropriately restricted in accordance with other applicable laws in addition to the subsistence title.

The amendments described above are the major clarifying amendments to the subsistence management and use title adopted by the Committee. However, the Committee also adopted a number of technical amendments which are consistent with the title developed last year and which improve the technical workability of the subsistence management system. It also should be noted that nothing in Sections 802, 804, or 807 is intended to affect the Secretary's closure authority pursuant to Section 816.

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

Title IX of S. 9, as introduced, established an expedited legislative conveyance procedure for Native land selections under the Alaska Native Claims Settlement Act and for State selections under the Alaska Statehood Act. Several other provisions designed to facilitate State and native land conveyances were also included in Title IX. The title was adopted by the Committee as a means, along with the designation of national interest lands in the remainder of the bill, to help resolve Alaska's uncertain land ownership status with respect to State and Native land selections and conveyances. Title IX contains the substantive provisions which follow from the finding in Title I, that a prompt and thorough resolution of the status of Alaska public lands is in the best interest of everyone in the Nation.

Several minor amendments to Title IX were agreed to by the Committee and are described in the discussion below.

H.R. 39, as passed by the House, contains language which is similar to the Committee amendment with respect to conveyances to village corporations and other provisions related to native lands, but does not include a provision comparable to Section 902 (other Conveyances to Native Corporations).

With respect to conveyances to the State of Alaska, the House bill is substantially narrower in scope than the Committee amendment. Most significantly the House bill does not provide for the legislative conveyance of prior state selections or of lands specified in the State's "wish-list" of lands.

#### *Native Land Conveyances*

Section 14 of the Alaska Native Claims Settlement Act required the Secretary to issue conveyances to Native village and regional corporations immediately after the lands were selected from the withdrawals. This mandate for immediate conveyance was consistent with the Congressional commitment in Section 2(b) of the Act that the settlement should "be accomplished rapidly, with certainty, in conformity with the real economic and social needs of the Natives, without litigation (and) with maximum participation by Natives in decisions affecting their rights and property. . . ."

The Committee notes, however, that, despite Congress' directive of an early transfer of title, the Natives collectively have not been able to acquire title to more than 5 million of their 44 million acre entitlement, 7 years after the enactment of ANCSA.

The Committee is aware that the present Administration has undertaken an extensive review of its policies and procedures regarding implementation of the Settlement Act, and that measures are being taken to greatly improve that implementation. Nonetheless, the Committee believes this legislation is an appropriate means of resolving some of the problems which have impeded swift implementation of the Settlement Act.

The Bureau of Land Management, charged with the responsibility for adjudicating the Native land selections, complains that it lacks sufficient manpower and funds to process expeditiously the substantial number of selection applications that have been filed. Some estimates are given that at least five more years will be required to process the bulk of the remaining applications.

Mindful, however, of the commitment made to the Natives in 1971 when their aboriginal titles were extinguished in exchange for the prompt conveyance of 44 million acres plus a cash settlement, the Committee has determined that fairness, justice and equity demand the provision for an expedited conveyancing process in this bill. Title IX provides such a process. The Committee recognizes that such an expedited process will impose difficult administrative tasks, but nonetheless is of opinion that the new implementation procedures being adopted by the Administration can meet this challenge.

The Committee adopted an amendment to Section 901 which allows a Native village corporation to choose to receive conveyance of its "core township" entitlement pursuant to either the terms of Section 901 or the existing administrative conveyance procedure. The amendment is consistent with the optional procedure language contained in Section 902(e). The amendments require a Native corporation to file a document of election with the Secretary within 180 days after the date of enactment of this Act or the date of determination of eligibility of the corporation to receive benefits under the Alaska Native Claims Settlement Act, whichever is later, in order to receive convey-

ance of lands pursuant to Section 901. Title to lands conveyed pursuant to Section 901 shall pass to the corporation upon the filing of the certificate.

### *Land Taxation*

Because there have been unanticipated delays in the conveyance of lands to Native Corporations, the 20 year tax moratorium originally proposed by Congress on undeveloped lands has become much less meaningful. Therefore, the Committee has determined that the tax moratorium on underdeveloped lands should be extended to 20 years from the date of conveyance of each tract of land. In addition, the amendment allows exploration for oil and other minerals on Native lands without loss of the protection from real estate taxation. The amendment also allows lands to be placed back under the tax moratorium if they are developed and then revert to their undeveloped status.

### *Alaska Native Allotments*

Section 905 approves specified applications for allotments under the 1906 Alaska Native Allotment Act and provides further authority for the amendment and adjustment of such applications. The Committee's intent is to promote allotment finality by Section 905 and thereby to promote conveyance finality under the Alaska Native Claims Settlement Act.

Section 18 of the Alaska Native Claims Settlement Act repealed the 1906 Alaska Native Allotment Act, 34 Stat. 197, as amended, 70 Stat. 954 (1956). Native allotment claims transmitted to the Department of the Interior on or before December 18, 1971 were, however, preserved by Section 18. Under current departmental regulations, all timely allotment applications must be field-examined and adjudicated on a parcel-by-parcel basis, a process which has proved to be time-consuming and expensive.

Until shortly before the passage of the Alaska Native Claims Settlement Act, rural Alaska Natives were generally unaware of the availability of allotments. A longstanding failure to implement the 1906 Act, cultural and language barriers, and the isolation of most Alaska villages resulted in a low application rate until the late 1960's. In 1970, an allotment assistance program jointly implemented by the Rural Alaska Community Action Program and the Bureau of Indian Affairs, began to reach Natives residing in remote villages.

The resultant increase in the application rate left over 7,400 allotment claims to be adjudicated following the passage of the Alaska Native Claims Settlement Act. Most applicants had long been qualified for allotments, but had neither the means nor the technical knowledge necessary to initiate the process earlier. The complexities of allotment adjudication, as well as uncertainty introduced by litigation, have slowed the allotment process and pose a risk that multiple re-adjudications of certain applications will be necessary.

The pendency of large numbers of allotment applications will impede timely conveyance of lands to Native village corporations, notwithstanding other statutory measures to expedite such conveyances. Over ninety percent of the village corporations have "top-filed" allotment applications falling within their selections. Presently, approxi-

mately discrete, top-filed allotment parcels remain to be adjudicated. The allotment applications have precedence over the corporate selections. If an allotment application is approved, the allotted acreage is not taken from the corporation's entitlement. If an allotment application is eventually rejected, the top-filed land goes to the corporation under its secondary selection.

As a result of the top-filing process, neither the boundaries of the village-owned lands nor the allotment inholdings can be determined with finality until each top-filed allotment within a corporation's selection is adjudicated. The statutory approval implemented by Section 905 is intended to summarily approve allotments in all cases where no countervailing interest requires full adjudication. It is anticipated that final conveyance of land to village corporations will thereby be expedited and that the village reconveyance plans required by Section 14(c) of the Alaska Native Claims Settlement Act will be made less burdensome and confusing.

An amendment to Section 905 clarifies that the purview of the section includes all Alaska Native allotment applications which were pending before the Department of the Interior on "or before" December 18, 1971. The amendment clarifies that applications which were erroneously rejected by the Secretary prior to December 18, 1971, without an opportunity for hearing shall be approved or adjudicated by the Secretary pursuant to the terms of the section.

#### *State Selections and Conveyances*

Numerous provisions proposed by the State for facilitating future State action to receive its land entitlement under the Alaska Statehood Act are incorporated into Title IX. In addition, the Committee has provided for an immediate, legislative conveyance of a considerable portion of that entitlement, to reduce further delays in State selections which have been incident to the Alaska Native Claims Settlement Act.

Several modifications to the language of Section 906 were agreed to by the Committee. Subsection (d) was updated to include a series of selections made in the national forests pursuant to Section 6(a) of the Statehood Act. The amendment conveys all such valid selections approved by the Secretary of Agriculture prior to July 1, 1979. The subsection was also modified to exclude certain State selections within the Bristol Bay Cooperative Region, as discussed in the Committee report on Section 1204.

The Committee modified subsection (j) by adding classifications or designations pursuant to the National Forest Management Act to a list of actions which cannot bar future State selections. Withdrawals under the Federal Land Policy and Management Act exceeding 5,000 acres (except those approved by a concurrent Congressional resolution) were also added to the list in subsection (j).

Other minor technical changes were also agreed to.

The Committee considered a savings clause in regard to the validity of State land selections and felt it to be unnecessary. The Committee does not intend that existing State land selections made pursuant to the Alaska Statehood Act shall be deemed to have been validated or invalidated by the provisions of this Act, except as expressly provided in this Act.

### *Alaska Land Bank Program*

Section 907 establishes the Alaska Land Bank Program. The program is intended to facilitate both the protection of Native land and the effective management of Federal and State land. The Committee recognizes that one of the major purposes of the Alaska Native Claims Settlement Act is to provide Alaska Native villages legal title to, and control over, lands essential to their survival as a community and a culture. The Committee intends that lands conveyed pursuant to the Alaska Native Claims Settlement Act are to remain in native ownership as a legacy to be passed from generation to generation. The Alaska Land Bank Program establishes a process through which undeveloped and unimproved Native land (or any interest therein), much of which is critical wildlife habitat selected as traditional areas of high Native subsistence use, can be protected from disorderly, unplanned development and from involuntary passing from Native ownership.

The Committee also recognizes that activities on private lands can have either a positive or a deleterious effect on the management of adjoining Federal and State lands. This is particularly true in the case of Native lands. Native village and regional corporations are the largest private land owners in the State, and in many instances Native lands are either completely or effectively surrounded by conservation system units. Consequently, the Alaska Land Bank Program also establishes a process for the voluntary cooperative management of all private lands, Native and non-Native, which adjoin Federal or State lands.

The Committee adopted technical changes in Section 907, including an amendment which clarifies that the interim benefits provided under subsection (d) to Native lands for 3 years after enactment of this Act, do not attach to mortgaged or encumbered land.

## TITLE X—NORTH SLOPE LANDS STUDIES, OIL AND GAS LEASING, AND MINERAL RESOURCE ASSESSMENT PROGRAMS

### FEDERAL NORTH SLOPE LANDS STUDY PROGRAM

In S. 9, as introduced, Title X establishes a study program for Federal lands in the North Slope area of Alaska with three components: (1) oil and gas exploration; (2) wildlife; and, (3) transportation.

The Secretary is to make findings about the resources on these lands, and submit the study and findings to Congress within 8 years. As part of the study, the Secretary is directed to conduct an oil and gas exploration program on the existing Arctic National Wildlife Range and submit recommendations and a plan for core drilling on the Range within 6 years. A plan for core drilling may be implemented if the Congress passes a concurrent resolution approving the plan.

S. 9 thus required that all elements of resource use and preservation will be presented to the Congress at the same time—wilderness values, access consideration, oil and gas potential, and impacts on fish and wildlife values.

The Committee amended the North Slope study provisions of Title X by removing the National Petroleum Reserve, Alaska from the pur-

view of the study program. The effect of this deletion is to permit existing law to continue to apply to NPRA. The studies required by the Naval Petroleum Reserves Production Act of 1976 will be submitted to the Congress in January 1980. At that time, the Committee will have an opportunity to consider a range of options for appropriate use of the reserve. Under the Committee amendment the North Slope study provisions would apply to Federal lands north of 68° north latitude and east of the western boundary of the NPRA, including the expanded Arctic Wildlife Range, but would not include lands within NPRA, the Noatak National Preserve and National Recreation Area, Gates of the Arctic National Park and Preserve, and the Chandalar National Conservation Area.

Section 1002, the portion of the study relating to oil and gas exploration in the Arctic Wildlife Range was substantially modified by the Committee.

In that section the Secretary is directed to publish a baseline study of the fish and wildlife of the coastal plain within eighteen months after the date of enactment, and to continue to gather information during the 5-year resource assessment period provided for in the section.

Within 2 years of enactment, the Secretary is to publish guidelines for oil and gas exploration activities which include restrictions necessary to protect fish and wildlife, and their habitats, and the environment.

Thereafter, any person may submit an exploration plan to the Secretary for approval. Exploration plans submitted by the U.S.G.S. may only be approved if no other person has submitted a plan.

Exploration activities are limited to seismic and geophysical work. Seismic surveys shall be conducted only through the use of vibration source equipment rather than dynamite or other explosives to provide seismic readouts. All data and information obtained from exploration shall be submitted to the Secretary. Certain types of information will remain confidential.

The Committee amendment contains a civil penalties provision for persons who are found to have violated plans or permits issued under this section.

The Secretary is required to report to Congress within 5 years after enactment on the results of the exploration, and its impact on fish and wildlife. The report is to contain his recommendation regarding further exploration and development of oil and gas within the coastal plain.

The remaining components of the North Slope Study are identical to the provisions of S. 9.

The North Slope of Alaska presented one of the more difficult policy decisions for the Committee. The presence of the largest oil field ever discovered in the United States, the growing dependence on imported oil and the possibility that one of the nation's most important wildlife areas, the Arctic National Wildlife Range (ANWR), might contain large quantities of oil and gas obligated the Committee to weigh the relative importance of the nation of maintenance of a basically untouched wildlife habitat or the development of critically needed oil and natural gas resources. While most of the lands involved in the North Slope study were not originally a part of the (d) (2) with-

drawals, the designation of approximately 13 million acres of wilderness in the existing Arctic National Wildlife Range and its extensions by the House brought the issue of North Slope policy before this Committee.

The Committee was particularly concerned with the ANWR. In hearings and in markup, conflicting and uncertain information was presented to the Committee about the extent of oil and gas resources on the Range and the effect development and production of those reserves would have on the wildlife inhabiting the Range and the Range itself. The nationally and internationally recognized wildlife and wilderness values of the Range are described in the discussion of the Committee amendments to Title III. The Committee was determined that a decision as to the development of the Range be made only with adequate information and the full participation of the Congress.

The Committee agreed to add an Arctic Research Study provision to Title X. The amendment would require the Secretary of the Interior, the Secretary of Defense, and the Secretary of Energy to study the importance of the Naval Arctic Research Laboratory (NARL) at Point Barrow, Alaska.

H.R. 39, as passed by the House, contains no provisions which are comparable to the Federal North Slope Lands Study Program. Instead, the House bill designates 13.4 million acres of the Arctic Wildlife Range as wilderness, thus foreclosing any oil and gas exploration in the area. The National Petroleum Reserve—Alaska is reclassified as the Techepuk-Utukok National Wildlife Refuge and is opened to private petroleum exploration and development. Section 306 of the House bill authorizes a study of the barren ground caribou herds north of the Yukon and Tanana Rivers.

#### OIL AND GAS LEASING PROGRAM ON NON-NORTH SLOPE LANDS

In attempting to treat the North Slope in a comprehensive way, the Committee was also aware that unnecessary pressure to develop oil and gas could be brought to bear on the North Slope if the policy for oil and gas exploration on all Federal Lands in Alaska was not integrated with the North Slope Study. As a result, the Committee considered and approved a provision which directs the Secretary to develop a program for oil and gas leasing of other Federal lands in Alaska. These lands have, for all practical purposes, been closed to mineral leasing since 1966. The Committee is hopeful that if exploration efforts are begun in these areas and significant oil and gas discoveries are made, there might be less pressure to develop the North Slope, in particular the ANWR.

This oil and gas leasing program will apply to all Federal lands in Alaska (other than lands covered by the North Slope Study and the National Petroleum Reserve—Alaska), except where applicable law would prohibit such leasing or on those refuges where the Secretary determines that exploration for and development of oil and gas would be incompatible with the purposes for which the refuge was established. This oil and gas leasing program is therefore applicable to all national recreation areas, BLM conservation areas, and all National Forest lands, and all river protection zones established in connection with wild and scenic rivers.

There are 23 possible sedimentary basins in Alaska and its Continental Shelf according to information supplied to the Committee by the Federal State Land Use Planning Commissions. Exploratory drilling has occurred in at least eight of the basins. Government conducted seismic exploration and test drilling will continue on the National Petroleum Reserve—Alaska (NPR-A) under the authority granted the Secretary of the Interior under the NPR-A Production Act of 1976 (P.L. 94-258).

Almost 1,000 wells have been drilled in Alaska and 19 proven oil and gas fields have been discovered. Major oil corporations have entered into contracts with several regional Native corporations for exploration on private lands. Outer Continental Shelf (OCS) leases in the Gulf of Alaska province have been let and other lease sales in the lower Cook inlet province may be scheduled in the near future. The State is currently considering lease sales in several State-owned areas. Other Federal OCS lease sales are also scheduled during the next several years, including a possible Federal-State lease sale being considered for a coastal portion of the Beaufort Sea.

Alaska has approximately 65 million acres of land having good potential for oil and gas based on rock structure data and possible reservoir size. Of the 54 million acres of Federal lands with good petroleum potential, 45 percent were in the following land classifications prior to December 1978:

	<i>Million acres</i>
National Parks-----	1.8
National Wildlife Refuges-----	6.0
National Forests-----	0.5
National Petroleum Reserve—Alaska-----	17.7
(d) (2) Withdrawals-----	4.7

The Arctic Region of Alaska, north of the Brooks Range and extending from the Canadian border westward to the Chukchi Sea, is an area of strong interest for environmental and wildlife values as well as an area which contains some of the best possibilities for major new petroleum discoveries under United States jurisdiction. According to studies by the Federal Government and the State of Alaska, the areas of highest interest from an energy viewpoint lie across the entire midsection of the National Petroleum Reserve—Alaska, extend into the current producing area surrounding Prudhoe Bay and continue along the coastal plain into the Arctic National Wildlife Range.

Arctic Alaska provides favorable conditions for oil and gas deposits in several kinds of geological structures. Current knowledge indicates the best prospects are probably (1) along the Barrow Arch, off Beaufort Sea Coast through the Prudhoe Bay Field and into the north-west corner and central coastal plain of the Arctic National Wildlife Range, and (2) deep beneath the folded and thrust rocks of the foothills region of the north flank of the Brooks Range, on State, Federal, Native and NPRA lands. Because of the recent discovery of the Prudhoe Bay field and the accompanying development activities that have taken place in that area, i.e. the construction of the Trans Alaska Pipeline system, the areas in the vicinity of the Prudhoe Bay field continue to be of potentially great importance to the nation's energy budget.

The Prudhoe Bay Field in the center of the Barrow Arch is the largest oil and gas deposit ever discovered in North America. While it is possible that another of similar size might be found in Arctic Alaska, many experts feel the odds are against it. However, recent discoveries by Exxon in the vicinity of Flaxman Island and Point Thompson, 55 miles northeast of Prudhoe Bay, have increased the interest in the possibilities of significant additional oil and gas production from the Arctic region.

An oil field of 300 million barrels or more of recoverable reserves is regarded as a "very large" field. Outside of Alaska, only 71 fields of this size have ever been discovered in the United States. The last was found in 1956.

An oil field of 1 billion barrels or greater is regarded as a "giant" field. Only 14 such fields have been discovered in the United States.

Because of the high cost of oil and gas exploration, development and production in the Arctic region, marginal reservoir size is much larger than in the lower 48. It is generally thought that reservoirs less than 1 billion barrels would have to be near existing transportation facilities to warrant production. However, reservoirs of multibillion barrel capacity would be of national significance and because of conflicting energy and environmental values in this area, would require a systematic evaluation of the entire north slope oil and gas policy to adequately evaluate and, if necessary, accommodate such a discovery.

The oil and gas exploration, development, and production program established in Title XII of the House bill is similar in several respects to Section 1008. It applies to the Teshepuk-Utukok National Wildlife Refuge, non-wilderness portions of other refuges, and BLM lands.

#### OIL AND GAS LEASE APPLICATIONS

The Committee amendment includes language to require that a refuge manager act on lease applications for oil and gas exploration and development on refuges. Under existing law, the granting of an application is a matter of agency discretion. The Committee felt that a time requirement should be placed on the consideration of these applications and that the refuge manager should be required to state his reasons for accepting or rejecting an application. In this way, the applicant will know the status of his application and will have the opportunity to challenge the reasons upon which the decision of the refuge manager was based.

The language is similar to a provision in Title XII of H.R. 39 as passed by the House.

#### MINERAL RESOURCE ASSESSMENT; REPORT

The Committee provision for a mineral assessment on all public lands in Alaska was modified to ensure cooperation between Federal and State governments in the program. It is similar to Section 816 of the House bill.

The Committee amendment contains additional language to require the President to recommend as to the advisability of private mineral extraction activities in conservation system units where such activities would otherwise be prohibited.

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

OVERVIEW

The Committee adopted a substitute text for the provisions in Title XI of S. 9, establishing procedures for the approval or disapproval of applications for transportation and utility systems into and across conservation system units.

The title also contains provisions covering special access rights, temporary access, and access to inholdings, and provisions relating to the North Slope Haul Road, and the Stikine River.

The provisions for approval of rights-of-ways across conservation system units in Title X of H.R. 39, as passed by the House are similar to the Committee amendment except with respect to the role of the Secretary of Transportation. Section 802 is virtually identical to the Committee provisions on special access, temporary access and access to inholdings.

TRANSPORTATION AND UTILITY SYSTEMS

The types of systems covered by the procedures set forth in the first five sections of Title XI include pipelines, airstrips, roads, and railroads.<sup>1</sup> The uses for these systems include private and commercial transportation of passengers and shipment of goods. The principal use of concern to the Committee was provision of access to and from resource development areas. Five conclusions made in a Joint Federal-State Land Use Planning Commission Study, entitled "Transportation and Development of Alaska Natural Resources", were of particular significance to the Committee's decision addressing this category of access:

(1) Transportation has been seen to be a necessary, but not sufficient, condition for natural resource development. In other words, transportation may permit resource development, but it cannot cause it. For example, several situations were analyzed in which reduction of transport cost to zero still left development cost greater than anticipated revenues.

(2) The analysis of total costs of specific resource development revealed that the significantly greater Alaska costs were attributable to both pecuniary (historic inflationary) costs and real costs of production. While pecuniary costs may gradually decline over time, relative to the rest of the Nation, the real costs are much more difficult to reduce.

(3) Transport costs, in relation to total costs, cannot be isolated as the major impediment to resource development. Oil, with 50 percent of its market price absorbed by transportation costs,

<sup>1</sup> In section 1102(4)(B)(vi) reference is made to "Improved rights-of-way for snow machines, air cushion vehicles, and other all-terrain vehicles." In this case improved rights-of-way means routes which are of a permanent, year-round nature and would involve substantial alteration of the terrain or vegetation such as grading, gravelling of surfaces, or other such construction.

Trail rights-of-way which are annually or periodically marked, brushed, or broken for traditional transportation by snow machines or other such off-road vehicles are not intended to be included in the above referenced section, rather, such trails are intended to be subject to the provisions governing traditional access in other sections of the act.

can support its own highly sophisticated transport system. Most other Alaska resources are simply unable to do this. Under present economic conditions, the resources simply are not valued that highly by the marketplace. Furthermore, a general reduction of relative costs, and especially labor costs, would have a much greater effect in terms of increasing the competitive position of most Alaska natural resources than would reduced transport costs.

(4) With the exception of oil and gas, broad scale development of Alaska natural resources must be considered to be far in the future, and in some instances may never occur. This conclusion is based both on the overall structure of present costs of resource development and on an assessment of future changes in costs and market prices for Alaska resources.

(5) In addition to great uncertainty as to when resource development might occur, there is equally great uncertainty as to where such development would occur, what form such development would take, or how much resource development would be involved. Furthermore, we do not know the market destination of the resource.

Therefore, the Committee believes that Alaska National Interest Lands legislation cannot designate at this time the routes of transportation corridors. The location, timing, type and magnitude of resource development is unknown, market destinations for the produced resources are unknown, and, due to the forces of technological change, both the product form and appropriate transport mode cannot be anticipated with any degree of certainty. These same unknowns suggest as well, that it would be fruitless to attempt to draw boundaries of conservation systems units to leave open transportation corridors.

The prime motivating factor for a consolidated process of transportation for Alaska's conservation unit was the uncertainty with which transportation needs can be determined. Alaska has few roads and no statewide transportation network. Presently, the bulk of Alaska, particularly where the majority of the areas established by the Committee are located, is accessible only by air or water. Future surface transportation needs cannot be addressed by the designation of a system of corridors.

Instead, the Committee devised a process to provide for access across conservation systems units when the resource development activities are to begin and when the mode of transportation and destinations of the resource to be extracted are known.

The process will involve the Secretary, the State of Alaska in planning future surface transportation needs. This alters the traditional discretionary role of most existing law for conservation units, but replaces it with a system which will insure orderly transportation planning.

The Committee does not agree with the arguments that existing law is sufficient to site transportation corridors. First of all, existing law makes siting of roads and airports, particularly, but other modes as well, very difficult if not impossible in wilderness, parks, wild and scenic rivers, and wildlife refuges (in descending order of difficulty). Secondly, existing law makes for bad decisions from a land planning

and environmental standpoint because it is incremental in nature. Quite often, decisions are made and EIS's are written by the Federal land managers on individual facilities across individual tracts of land after investments have been made in the facility which make alternatives uneconomic. There is insufficient prior State and Federal cooperative planning on a statewide basis to develop other transportation routes. Statewide planning could result in fewer, less environmentally obtrusive, and multi-modal transportation facilities.

Based on these considerations, the Committee adopted a procedure for future siting of transportation facilities which supersedes rather than supplements existing law. It contains provisions which would require the following:

(1) Early cooperative State-Federal planning which encompasses avoidance of conservation system units and establishment of multimodal transportation corridors or encourages less environmentally damaging transportation modes.

(2) Establishment of a procedure for siting across individual conservation system units which involves both the Federal land manager and DOT (as well as the regulatory agencies).

(3) Additional steps for the more highly prized land. Congressional approval should be required for permanent transportation facilities across the National Park System (other than National Recreation Areas) and wilderness. An expedited process for congressional approval is set forth for right-of-way applications across such areas. For all other areas, the Committee believes a decision by the Secretary, the Secretary of Transportation, the appropriate regulatory authority, or the President is adequate.

(4) Consideration of:

(a) the need for, and economic feasibility of the transportation or utility system to be placed in the right-of-way;

(b) alternative routes and modes of access, including a determination whether there is any economically feasible and prudent alternative;

(c) possibility of rights-of-way corridors;

(d) adverse environmental impacts, including impacts on subsistence resources;

(e) adverse environmental impacts, including impacts on rural, traditional lifestyles;

(f) impacts which would adversely affect, or prohibit the achievement of, the purposes for which the conservation system unit was established; and

(g) measure to avoid or minimize the impacts.

(5) If the right-of-way is issued, attachment of stipulations to require that all such impacts be prevented or minimized.

The Committee amendment makes several clarifying and technical changes to the provisions contained in S. 9.

By distinguishing between the terms "right-of-way" and "transportation and utility systems" the reported bill makes it clear that Title XI provides a single comprehensive statutory authority for the approval or disapproval of applications for all facets of such systems.

The decisionmaking authority of the Secretary of Transportation is expressly limited to those systems for which he has responsibility