

ALASKA PENINSULA WILDERNESS DESIGNATION ACT OF 1993

HEARING
BEFORE THE
SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS
OF THE
COMMITTEE ON
NATURAL RESOURCES
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

H.R. 1688

TO DESIGNATE WILDERNESS, ACQUIRE CERTAIN VALUABLE
INHOLDINGS WITHIN NATIONAL WILDLIFE REFUGES AND NATIONAL
PARK SYSTEM UNITS, AND FOR OTHER PURPOSES

HEARING HELD IN WASHINGTON, DC
OCTOBER 28, 1993

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H.R. 1688, THE ALASKA PENINSULA WILDERNESS DESIGNATION ACT OF 1993

THURSDAY, OCTOBER 28, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
Washington, DC.

The subcommittee met at 9:48 a.m., pursuant to notice, in room 2325 of the Rayburn House Office Building, Hon. Karan English, presiding.

STATEMENT OF HON. KARAN ENGLISH

Ms. ENGLISH. The Subcommittee on Oversight and Investigations will come to order for the purpose of conducting a hearing on H.R. 1688, the Alaska Peninsula Wilderness Designation Act of 1993.

This legislation was introduced by our colleague Congressman Young of Alaska on April 2, 1993, but has a long legislative history. Mr. Young first introduced a bill on this subject in the 101st Congress on October 26, 1990.

In the last Congress the subcommittee held a hearing on April 2, 1992, and the full committee marked up the substitute legislation on July 8. The House approved the measure on July 24, 1992, but it did not receive consideration in the Senate.

H.R. 1688 is essentially the same bill which passed the House without controversy last year. The bill provides for the acquisition of about 275,000 acres of inholdings owned by Koniag, Incorporated, an Alaska Native Regional Corporation. These inholdings are in two national wildlife refuges and a national park on the Alaska Peninsula. The bill also designates approximately 2.7 million acres of wilderness within these three conservation system units.

At the outset I want to convey Chairman Miller's apologies to the witnesses for his absence. He has a conflict with a markup in another subcommittee, and rather than inconvenience those who have come all the way from Alaska for this hearing and unduly delay the considerations of Mr. Young's legislation, I was asked to substitute for him, and I am pleased to do that.

At this point I would like to recognize Mr. Young for an opening statement.

[The bill, H.R. 1688, and background material follow:]

103^D CONGRESS
1ST SESSION

H. R. 1688

To designate wilderness, acquire certain valuable inholdings within National Wildlife Refuges and National Park System Units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 1993

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

A BILL

To designate wilderness, acquire certain valuable inholdings within National Wildlife Refuges and National Park System Units, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alaska Peninsula Wil-
5 derness Designation Act of 1993”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

8 (1) The term “land” means lands, waters, and
9 interests therein;

1 (2) The term “public lands” means land situ-
2 ated in Alaska which, after the date of enactment of
3 this Act, the title is in the United States, except—

4 (A) land selections of the State of Alaska
5 which have been tentatively approved or validly
6 selected under the Alaska Statehood Act and
7 lands which have been confirmed to, validly se-
8 lected by, or granted to the Territory of Alaska
9 or the State under any other provisions of
10 Federal law; and

11 (B) land selections of a Native Corporation
12 made under the Alaska Native Claims Settle-
13 ment Act (43 U.S.C. 1601 et seq.) which have
14 not been conveyed to a Native Corporation, un-
15 less any such selection is determined to be in-
16 valid or is relinquished.

17 (3) The term “Native Corporation” means any
18 Regional Corporation, any Village Corporation, any
19 Native group and those Native entities which have
20 incorporated pursuant to section 14(h)(3) of the
21 Alaska Native Claims Settlement Act (43 U.S.C.
22 1613(h)(3)).

23 (4) The term “Regional Corporation” has the
24 same meaning as such term has under section 3(g)
25 of the Alaska Native Claims Settlement Act.

1 (5) The term “Village Corporation” has the
2 same meaning as such term has under section 3(j)
3 of the Alaska Native Claims Settlement Act.

4 (6) The term “Native group” has the same
5 meaning as such term has under sections 3(d) and
6 14(h)(2) of the Alaska Native Claims Settlement
7 Act.

8 (7) The term “Secretary” means the Secretary
9 of the Interior.

10 (8) The term “Alaska Statehood Act” means
11 the Act entitled “An Act to provide for the admis-
12 sion of the State of Alaska into the Union”, ap-
13 proved July 7, 1958 (72 Stat. 339), as amended.

14 (9) The term “State” means the State of
15 Alaska.

16 (10) The term “Koniag” means Koniag, Incor-
17 porated, a Regional Corporation.

18 (11) The term “Selection Rights” means those
19 rights granted to Koniag pursuant to sections 12(a),
20 12(b), and 14(h)(8) of the Alaska Native Claims
21 Settlement Act (85 Stat. 688), as amended, to re-
22 ceive title to the oil and gas rights and other inter-
23 ests in the subsurface estate of approximately two
24 hundred and seventy-five thousand acres of public
25 lands in the State of Alaska which lands are identi-

1 fied as “Koniag Selections” on the map entitled
2 “Koniag Interest Lands, Alaska Peninsula”, dated
3 May 1989.

4 (12) The term “agency” includes—

5 (A) any instrumentality of the United
6 States;

7 (B) any element of an agency; and

8 (C) any wholly owned or mixed-owned cor-
9 poration of the United States Government iden-
10 tified in chapter 91 of title 31, United States
11 Code.

12 (13) The term “property” has the same mean-
13 ing as is provided the term in section 12(b)(7) of
14 Public Law 94-9204 (43 U.S.C. 1611 note), as
15 amended.”.

16 **SEC. 3. DESIGNATION OF WILDERNESS.**

17 (a) DESIGNATION OF WILDERNESS.—The public
18 lands within the boundaries depicted as “Proposed Wilder-
19 ness” on the following identified maps are hereby des-
20 ignated as wilderness, and therefore as components of the
21 National Wilderness Preservation System, with the no-
22 menclature and approximate acreage as indicated below:

23 (1) Aniakchak Wilderness of approximately five
24 hundred and three thousand acres within the
25 Aniakchak National Monument and Preserve and

1 which is generally depicted upon the map entitled
2 “Aniakchak Wilderness” dated July 1992.

3 (2) Alaska Peninsula Wilderness of approxi-
4 mately one million eight hundred and seventy-six
5 thousand acres within the Alaska Peninsula Na-
6 tional Wildlife Refuge and which is generally de-
7 picted upon the map entitled “Alaska Peninsula Wil-
8 derness” dated July 1992.

9 (3) Approximately three hundred and forty-
10 seven thousand acres within the Becharof National
11 Wildlife Refuge as an addition to the existing
12 Becharof Wilderness, as generally depicted upon the
13 map entitled “Becharof Additional Wilderness”
14 dated July 1992.

15 (b) MAP AND LEGAL DESCRIPTION.—As soon as
16 practicable after the enactment of this Act, a map and
17 legal description of each wilderness area designated by this
18 Act shall be published in the Federal Register and filed
19 with the Committee on Interior and Insular Affairs and
20 the Committee on Merchant Marine and Fisheries of the
21 House of Representatives and with the Committee on En-
22 ergy and Natural Resources of the Senate. Each such legal
23 description shall have the same force and effect as if in-
24 cluded in this Act, except that the Secretary may correct
25 clerical and typographical errors in such legal description

1 and map. A copy of each map shall be available for public
2 inspection in an appropriate office of the National Park
3 Service and the Fish and Wildlife Service, Department of
4 the Interior.

5 (c) LANDS INCLUDED.—Except for those lands sub-
6 ject to Koniag Selection Rights which are subsequently re-
7 linquished pursuant to section 5, only those lands within
8 the boundaries of any wilderness area which are public
9 lands (as such term is defined in this Act) shall be deemed
10 to be included as a portion of such area. No lands within
11 the boundaries of any wilderness area designated pursuant
12 to section 3(a) hereof and which, before, on, or after the
13 date of enactment of this Act, are conveyed to the State,
14 to any Native Corporation, or to any private party, shall
15 be subject to the regulations applicable solely to public
16 lands within such wilderness areas. Any lands subject to
17 Koniag Selection Rights relinquished to the United States
18 pursuant to section 5 which are within the boundaries of
19 a wilderness area designated by this Act shall become part
20 of such wilderness areas and be administered accordingly.

21 **SEC. 4. MANAGEMENT OF WILDERNESS AREAS.**

22 (a) GENERALLY.—Except as provided in subsection
23 (b) of this section, and subject to valid existing rights, the
24 lands designated as Aniakchak Wilderness by this Act
25 shall be managed by the Secretary of the Interior in the

1 same manner as the lands designated as wilderness by sec-
2 tion 701 of the Alaska National Interest Lands Conserva-
3 tion Act (16 U.S.C. 3101 et seq.), and the other lands
4 designated as wilderness by this Act shall be managed by
5 such Secretary in the same manner as the lands des-
6 ignated as wilderness by section 702 of such Act.

7 (b) PERMITS.—(1) Any special use or concession per-
8 mit which was in existence during 1991 for operations on
9 lands designated as wilderness by this Act and which ex-
10 cept for designation of such lands as wilderness could have
11 remained in effect or been renewed by or reissued to the
12 same permittee, may be renewed or reissued to such per-
13 mittee, subject to the provisions of this subsection.

14 (2) Nothing in this Act shall require renewal or
15 reissuance of a permit if the Secretary, for reasons other
16 than the designation of lands as wilderness, determines
17 that such action would be inconsistent with applicable law
18 or established regulations. Nothing in this Act shall pre-
19 clude the Secretary from canceling or otherwise restricting
20 any permit for any reason other than the designation of
21 lands as wilderness.

22 (3) No renewal or reissuance of a permit described
23 in paragraph (1) of this subsection shall be for a period
24 longer than the lifetime of the permittee, and no such per-
25 mit shall be transferable or assignable.

1 (4) Designation of lands as wilderness shall not pre-
2 vent any structures and other improvements authorized by
3 a permit described in paragraph (1), including cabins,
4 from continuing to be used, maintained, and if necessary,
5 replaced, to the extent otherwise permissible, but no addi-
6 tional structures or other improvements shall be permitted
7 on lands so designated.

8 **SEC. 5. ACQUISITION OF KONIAG SELECTION RIGHTS.**

9 (a) **IN GENERAL.**—(1) If the Secretary receives from
10 Koniag a timely tender of relinquishment of the Selection
11 Rights, the Secretary shall accept such tender no later
12 than 60 days after its receipt, and shall notify the Sec-
13 retary of the Treasury of such acceptance.

14 (2) For purposes of this subsection, a tender by
15 Koniag shall be timely if it is received by the Secretary
16 no later than 180 days after either—

17 (A) receipt by Koniag of the Secretary's deter-
18 mination of the value of the Selection Rights pursu-
19 ant to subsection (b) of this section, or

20 (B) the outcome of the procedures established
21 by subsection (b) of this section for resolution of any
22 dispute regarding such value,

23 whichever last occurs, unless the Secretary and Koniag
24 agree to modify his deadline.

1 (b) VALUE.—(1) The value of the Selection Rights
2 shall be equal to the fair market value of the oil and gas
3 interests, and where appropriate the fair market value of
4 the subsurface estate of the lands or interests in lands.

5 (2) Within 90 days after the date of enactment of
6 this Act, Koniag and the Secretary shall meet to determine
7 the identity of a qualified appraiser who shall perform an
8 appraisal of the Selection Rights in conformity with the
9 standards of the Appraisal Foundation and utilizing the
10 methodology customarily used by the Minerals Manage-
11 ment Service of the Department of the Interior in valuing
12 such interests. Such appraiser shall be selected by the mu-
13 tual agreement of Koniag and the Secretary, or if such
14 agreement is not reached within 60 days after such initial
15 meeting, then Koniag and the Secretary, no later than 90
16 days after such initial meeting, shall each designate an
17 appraiser who is qualified to perform the appraisal. The
18 2 appraisers so identified shall select a third qualified ap-
19 praiser who shall perform the appraisal. Within 180 days
20 after the selection of the third appraiser, a written ap-
21 praisal report setting out the value of the Selection Rights
22 and the methodology used to arrive at it, shall be delivered
23 to the Secretary and to Koniag.

24 (3) Within 60 days after the receipt of the appraisal
25 report described in paragraph (2), the Secretary shall de-

1 terminate the value of the Selection Rights and shall imme-
2 diately notify Koniag of such determination. If Koniag
3 does not agree with the value as determined by the Sec-
4 retary, the procedures specified in section 206(d) of Public
5 Law 94-579, as amended, shall be used to establish the
6 value, but the average value per acre of the Selection
7 Rights shall not be more than \$300.

8 **SEC. 6. KONIAG ACCOUNT.**

9 (a) ESTABLISHMENT.—(1) Notwithstanding any
10 other provision of law, on October 1, 1996, the Secretary
11 of the Treasury, in consultation with the Secretary, shall
12 establish a Koniag Account.

13 (2) Beginning on October 1, 1996, the balance of the
14 account shall—

15 (A) be available to Koniag for bidding on and
16 purchasing property sold at public sale, subject to
17 the conditions described in paragraph (3); and

18 (B) remain available until expended.

19 (3)(A) Koniag may use the account established under
20 paragraph (1) to bid as any other bidder for property
21 (wherever located) at any public sale by an agency and
22 may purchase the property in accordance with applicable
23 laws and regulations of the agency offering the property
24 for sale. Notwithstanding any other provision of law, the
25 right to draw against such account shall be assignable in

1 whole or in part by Koniag, but no assignment shall be
2 recognized by the Secretary of the Treasury until written
3 notice thereof is filed with the Secretary of the Treasury
4 and the Secretary of the Interior by Koniag.

5 (B) In conducting a transaction described in subpara-
6 graph (A), an agency shall accept, in the same manner
7 as cash, any amount tendered from the account estab-
8 lished by the Secretary of the Treasury under paragraph
9 (1). The Secretary of the Treasury shall adjust the bal-
10 ance of the account to reflect the transaction.

11 (C) The Secretary of the Treasury, in consultation
12 with the Secretary of the Interior, shall establish proce-
13 dures to permit the account established under paragraph
14 (1) to—

- 15 (i) receive deposits;
- 16 (ii) make deposits into escrow when an escrow
17 is required for the sale of any property; and
- 18 (iii) reinstate to the account any unused escrow
19 deposits in the event sales are not consummated.

20 (b) AMOUNT.—The initial balance of the account es-
21 tablished in subsection (a) shall be equal to the value of
22 the Selection Rights as determined pursuant to section 5
23 of this Act.

24 (c) TREATMENT OF AMOUNTS FROM ACCOUNT.—(1)
25 The Secretary of the Treasury shall deem as cash pay-

1 ments any amount tendered from the account established
2 pursuant to subsection (a) and received by agencies as
3 proceeds from a public sale of property, and shall make
4 any transfers necessary to allow an agency to use the pro-
5 ceeds in the event an agency is authorized by law to use
6 the proceeds for a specific purpose.

7 (2)(A) Subject to subparagraph (B), the Secretary of
8 the Treasury and the heads of agencies shall administer
9 sales pursuant to this section in the same manner as is
10 provided for any other Alaska native corporation author-
11 ized by law as of the date of enactment of this section
12 (including the use of similar accounts for bidding on and
13 purchasing property sold for public sale).

14 (B) Amounts in an account created for the benefit
15 of a specific Alaska native corporation may not be used
16 to satisfy the property purchase obligations of any other
17 Alaska native corporation.

18 (d) REVENUES.—The Selection Rights shall be
19 deemed to be an interest in the subsurface for purposes
20 of section 7(i) of the Alaska Native Claims Settlement Act
21 (43 U.S.C. 1601 et seq.).

○

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October 20, 1993

MEMORANDUM

TO: Members, Subcommittee on Oversight and Investigations
FROM: George Miller, Chairman
SUBJECT: Hearing on H.R. 1688, "Alaska Peninsula Wilderness Designation Act of 1993"

On Thursday, October 28, the Subcommittee will hold a hearing on the Alaska Peninsula Wilderness Designation Act of 1993 which was introduced by Ranking Minority Member, Rep. Don Young. The hearing will be held in the Natural Resources Committee Hearing Room, 1324 Longworth, beginning at 9:45 am.

H.R. 1688 designates approximately 2.7 million acres of wilderness within the Aniakchak National Monument and Preserve, Alaska Peninsula National Wildlife Refuge and Becharof National Wildlife Refuge and directs the Secretary of the Interior to acquire 275,000 acres of oil and gas selection rights from an Alaska Native regional corporation, Koniag, which constitute an inholding within those units. The bill is nearly identical to legislation which passed the House in the 102nd Congress on August 3, 1992 (H.R. 1219).

Koniag's Oil and Gas Selection Rights

Koniag, Inc. is one of thirteen regional corporations established by the 1971 Alaska Native Claims Settlement Act ("ANCSA"). This Act extinguished the aboriginal title of Alaska's 75,000 Eskimos, Indians and Aleuts in exchange for 44 million acres of land and nearly \$1 billion. The land and money in the settlement was distributed to regional and village corporations in which individual Alaska Natives enrolled as shareholders. Approximately 3,400 people, most of whom are Aleut or Russian Aleut, are enrolled as shareholders in Koniag. As part of its land entitlement under ANCSA, Koniag retains approximately 275,000 acres of selection rights to oil and gas subsurface estate on the Alaska Peninsula in southwest Alaska.

H.R. 1688 directs the Secretary of the Interior to acquire Koniag's oil and gas rights on the Alaska Peninsula. Koniag will be compensated with a property account that can be used to purchase surplus federal or RTC property. The value of the property account will be determined by the Secretary of the Interior following an appraisal of the "fair market value" of Koniag's oil and gas selection rights, but is limited to no more than \$300 per acre.

Significantly, seventy percent of all revenues received by Koniag from the sale or use of the property account will be distributed to other Alaska Native regional corporations pursuant to section 7(i) of ANCSA.

Wilderness Designations

In the 1980 Alaska National Interest Lands Conservation Act ("ANILCA") Congress designated 104 million acres of new, federal reserved lands in Alaska. Seventy seven million acres - or approximately 90 percent of the total nation's wildlife refuge lands - are within Alaska. ANILCA created nine of Alaska's 16 wildlife refuges and added about 27 million acres to existing refuges. ANILCA also designated about 19 million acres within the boundaries of the Alaska refuges as wilderness.

Pursuant to section 1317 of ANILCA, the Secretary of the Interior was directed to review all Alaska refuge lands not already designated as wilderness by ANILCA to determine their suitability for wilderness. In turn, the President was required to submit recommendations to Congress. According to a 1989 GAO investigation done at the Subcommittee's request, Fish and Wildlife Service planning teams determined that an additional 52.6 million acres in Alaska wildlife refuges would qualify for wilderness designation. (See: Alaska Wildlife Refuges: Restrictive Criteria Used to Recommend Additional Wilderness" GAO/RCED-89-155, September 1989). Despite the 1987 deadline for recommendations to the Congress established by section 1317 of ANILCA, no recommendations have been submitted.

Aniakchak National Monument and Preserve

One of the most remote of Alaska's national park areas, the Aniakchak National Monument and Preserve features the 6-mile wide Aniakchak Caldera created by the collapse of the central part of a volcano. No lands in Aniakchak were designated wilderness by ANILCA. According to the U.S. Park Service, wildlife within the area include caribou, brown bears, and salmon.

H.R. 1688 designates 503,000 acres of new wilderness within the Aniakchak National Monument and Preserve. This reflects the park manager's preference with small additions to make boundaries more uniform.

Alaska Peninsula National Wildlife Refuge

The Alaska Peninsula National Wildlife Refuge was established by Congress in ANILCA. According to the U.S. Fish and Wildlife Service, the 4.7 million acre refuge:

contains a variety of landscapes including tundra, lakes, wetlands, fjords, volcanic peaks, and rugged cliffs. The Ugashik, Meshik, and Chignik rivers, and the Ugashik Lakes, provide habitat necessary for the five species of salmon that spawn in the refuge. Over 30 species of mammals are present, including brown bear, moose, caribou, wolves and wolverine. Sea otters, sea lions, and harbor seals inhabit the Pacific coast shoreline. The refuge's lakes and wetlands are also heavily used by migrating waterfowl.

H.R. 1688 designates 1,876,000 acres of new wilderness within the Alaska Peninsula Refuge. This reflects both the Alaska Fish and Wildlife Service planning teams' recommendations and the refuge manager's preference. According to GAO, a total of 3,360,000 acres were determined to qualify for designation as wilderness.

Becharof National Wildlife Refuge

The Becharof National Wildlife Refuge encompasses about 1.2 million acres and is located on the Alaska Peninsula approximately 300 air miles southwest of Anchorage. About 477,000 acres (35 percent) of wilderness was designated when Congress established the refuge in ANILCA. Included within the refuge boundaries is the 290,000 acre Becharof Lake. According to the U.S. Fish and Wildlife Service, the range of habitat in the Becharof Refuge supports a mix of wildlife species including brown bear, moose, caribou, tundra swans, and five species of salmon.

H.R. 1688 designates 347,000 acres of new wilderness within the Becharof Refuge. This reflects both the Alaska Fish and Wildlife Service planning teams' recommendations and the refuge manager's preference. According to GAO, a total of 606,000 acres were determined to qualify as wilderness.

Administration Position

In July 1993, the Department of the Interior testified before the Senate Energy and Natural Resources Committee in opposition to a similar bill, S. 855, which provides for the acquisition of Koniag's inholdings but does not contain H.R. 1688's wilderness designations. The Department is reviewing its previous testimony especially in light of the wilderness designations contained in the House bill.

A draft witness list is attached. Please contact Jeff Petrich or Julie Petro of my committee staff at 225-1714 with any questions.

STATEMENT OF HON. DON YOUNG

Mr. YOUNG. Thank you, Madam Chairman. I want to thank you for having this hearing.

You made a statement that this bill has a long history, and I have a written statement I would like to submit for the record that covers the necessity of the bill and the justification for the bill.

It's rare that I'm one that sits in this committee and asks for a wilderness bill, but this is an example where Alaskans, the environmental community and a Native corporation, which I think is justified in requesting this legislation, can all work together with the Administration, the previous Administration and this Administration also, in trying to achieve a goal of providing a justifiable settlement to Koniag and also improve the wilderness designation in the State of Alaska.

There will be some suggestions I know from Mr. Gilman, who will be testifying, and of course Frank Pagano, and I've read the testimony of the Administration, and I believe we can all work together to solve this problem.

Hopefully through your leadership, Madam Chairman, we'll be able to move forward with this legislation, as it was done last year, get it over to the Senate and encourage the Senate to do something positive in the arena of wilderness and a justifiable settlement for a Native corporation.

Thank you, Madam Chairman.

[The prepared statement of Mr. Young follows:]

HONORABLE DON YOUNG

Mr. Chairman: I want to thank you for holding this hearing this morning. I want to welcome Frank Pagano, President of Koniag Incorporated and Brad Gillman as well as the other witnesses here this morning.

It is not often that you find me supporting a wilderness bill. However, in this case, I believe we can work-out a solution that everyone can live with.

As many of you know, this is a situation where an Alaska Native Corporation, Koniag, is attempting to get equity for title they were given to lands under ANCSA in 1971. ANCSA provided 44 million acres of land and nearly \$1 billion to Alaska Natives as a settlement for claims to their native lands. Koniag was given title to 275,000 acres of subsurface on the Alaska Peninsula. In 1980 ANILCA passed and designated roughly 104 million acres of wilderness, parks

and refuges throughout Alaska. **Some of those designations took place on surface lands on the Alaska Peninsula and directly effect the ability of Koniag to gain value from their lands.** With this bill, I am trying to bring equity to Koniag, whose lands are essentially useless. However, given circumstances beyond my control, wilderness is the only way we can move the bill forward.

Many people in my state fear wilderness because of the uncertainty it brings. They don't trust the federal government. This bill allows Alaskans to take part in the designation process. Last year we were able to come up with a bill that brings some certainty. With the 7(i) provision, we are able to help one Native Corporation while helping others at the same time. We were also able to protect existing

guides and outfitters - their rights to continue to use lands for which they hold permits will not be cut off simply because there is a change in the status of the lands. We also went to great lengths to see that the transportation corridors were protected. All this **gives credibility to Alaskan's in the wilderness debate.**

Alaskans need to remember that ANILCA directed the Secretary of Interior to examine all non-wilderness areas and determine their wilderness suitability - GAO found, at the request of this Committee, that over 50 million acres of lands in Alaska were recommended for wilderness designation. Many of the lands included in this bill were among them.

I have heard opposition from those who live on the Peninsula. I am sympathetic to their concerns and look forward to working with them. The committee needs to see clear examples of reasons why there is opposition to wilderness.

If I had it my way, this bill would have no wilderness. This situation should be resolved on the merits - Koniag should be made whole. From an equity standpoint, wilderness is not necessary. But some have said unless there is wilderness, Koniag deserves no equity. The merits of the case are simple: Alaska Natives were given title to select lands on the Alaska Peninsula and have done so in the form of subsurface selections. Because lands on the surface have been designated wilderness, parks or otherwise, Koniag cannot do

anything with its lands because such use is not compatible with the reason for which the conservation units were created.

As many of you know the Secretary of Interior spent some time in Alaska this summer. He was briefed on this issue and many others facing Alaskans. I look forward as we did last year to working with the various groups interested in this bill to craft something that everyone can live with.

Ms. ENGLISH. Thank you.

Our first witnesses this morning are Paul Gertler, Special Assistant with the Fish and Wildlife Service, and Destry Jarvis, a Special Assistant with the National Park Service.

Welcome to the subcommittee.

Your statements will be placed in the record in their entirety, and you may proceed for the next few minutes as you are most comfortable to do so.

STATEMENT OF PAUL GERTLER, SPECIAL ASSISTANT, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY DESTRY JARVIS, SPECIAL ASSISTANT, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. GERTLER. Thank you very much. I will summarize the testimony that has been submitted in writing.

I am Paul Gertler, Special Assistant for the Deputy Director of the U.S. Fish and Wildlife Service, Department of the Interior.

I am pleased to be able to present the Department's views on H.R. 1688, the Alaska Peninsula Wilderness Designation Act.

I am accompanied by Destry Jarvis, Special Assistant to the Director of the National Park Service, and he will respond to questions on applicability of this bill on Park Service lands.

The Department of the Interior strongly supports the wilderness designations proposed by H.R. 1688, provided that issues relating to the appraisal process and valuation mentioned below can be resolved with the committee, and that we can deal with the need to find offsets to the cost of the acquisition of subsurface rights. Then we will be able to support the bill. We are eager to work with the committee to resolve these and other issues.

The 1,876,000 acres of wilderness designated by H.R. 1688 for the Alaska Peninsula National Wildlife Refuge is the same figure contained in the preferred alternative for the 1985 Final Environmental Impact Statement and Comprehensive Conservation Plan for the refuge.

However, after review of all comments received and some technical questions, a Supplemental Environmental Impact Statement and wilderness review and record of decision was finalized in 1988 that recommended 640,000 of wilderness.

After additional consideration this year, the Department now supports the larger acreage recommended in 1985, which is reflected in H.R. 1688.

We do, however, desire to incorporate some additional lands into the wilderness area which were excluded previously because they were in private ownership. We also understand that Representative Young may desire to have some modifications made to the 1985 proposed boundaries, and we will be glad to work with the committee to develop final boundaries and maps for this wilderness area.

Although the National Park Service's 1988 Final Environmental Impact Statement for its wilderness recommendation for the Aniakchak National Monument Preserve recommended designation of 293,336 acres as wilderness and potential wilderness. The National Park Service has reviewed this recommendation and now believes that a larger wilderness designation, similar to the 503,000 acres in H.R. 1688, is appropriate.

The National Park Service thinks some acreage and boundary adjustments to those noted in H.R. 1688 are needed to avoid management problems, and we'll be happy to work with the committee to identify manageable boundaries.

With respect to the wilderness management provisions of the bill, we note that the provisions of Section 4(b) are not necessary. There is existing authority to renew or continue permits in wilderness, and Secretary Babbitt has recently implemented new Departmental policies for concession and special use permits in Alaska refuges. We therefore believe Section 4(b) should be deleted.

The acquisition of Koniag's selection rights under this bill will not only serve to permit the significant expansion of the National Wilderness Preservation System, but will also enhance the management of the affected conservation system units by perfecting the Federal Government's interests in the lands within these units.

We are concerned, however, about the bill's requirements that the appraisals be done using the methodology customarily used by the Minerals Management Service. Rather, we believe that the 1992 Uniform Federal Appraisal Standards for Federal Land Acquisition, as established by the Department of Justice, must be used so that the mineral interests are fairly valued.

We have several additional concerns about the appraisal process and methodology. We would like to work with the committee staff to address the following types of issues:

What type of appraisal system is appropriate;

What instructions should be given to the appraisers;

What type of tie-breaking procedure is appropriate; and

If arbitration is invoked, what standards should govern the process.

By resolving these and related issues, we can assure that the public interest in a fair and accurate appraisal is served.

Since mineral appraisals are often time-consuming and expensive activities, we welcome a recent offer by Koniag to pay the costs of the appraisal required by H.R. 1688. Upon acceptance by the Secretary of the relinquishments of their selection rights, Koniag would have their property account increased by an amount equal to half of the cost of the appraisal.

With these changes we would urge prompt enactment of H.R. 1688.

Thank you for the opportunity to testify on this issue. I will be pleased to respond to any questions you may have.

[Prepared statement of Mr. Gertler follows.]

TESTIMONY OF PAUL GERTLER, SPECIAL ASSISTANT TO THE DEPUTY DIRECTOR, UNITED STATES FISH AND WILDLIFE SERVICE, BEFORE THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, HOUSE COMMITTEE ON NATURAL RESOURCES, REGARDING H.R. 1688, ALASKA PENINSULA WILDERNESS DESIGNATION ACT OF 1993

October 28, 1993

Mr. Chairman, I am Paul Gertler, Special Assistant to the Deputy Director of the United States Fish and Wildlife Service, Department of the Interior. I am pleased to be able to present the Department's views on H.R. 1688, the Alaska Peninsula Wilderness Designation Act.

The Department of the Interior strongly supports the wilderness designations proposed by H.R. 1688. Provided that issues relating to the appraisal process and valuation mentioned below can be resolved with the Committee, and we can deal with the need to find offsets to the cost of the acquisition of subsurface rights, then we will be able to support the bill. We are eager to work with the Committee to resolve these and other issues.

Section 3 of the bill designates as wilderness substantial acreage on three Conservation System Units on the Alaska Peninsula. On the Aniakchak National Preserve and Monument, 503,000 acres would be designated as wilderness. Within Alaska Peninsula National Wildlife Refuge, a wilderness area of 1,876,000 acres would be established; and 347,000 acres would be added to the present wilderness area within Becharof National Wildlife Refuge.

Section 4 of the bill provides for administration of the designated

areas as if they had been designated wilderness by sections 701 and 702 of the Alaska National Interest Lands Conservation Act, except as otherwise provided.

For lands designated as wilderness by the bill, section 4(b) provides that any special use or concession permit in effect in 1991 that could have remained in force or been renewed, except for the designation of wilderness, may be (but is not required to be) renewed or reissued for a period not to exceed the lifetime of the permittee.

Section 4(b) also provides that any authorized cabins or other structures within the area designated as wilderness by the bill may continue to be used, maintained and replaced to the extent otherwise permissible.

If they are offered by Koniag not later than 180 days after determination of their value, section 5 of the bill provides that the Secretary must accept a relinquishment of the rights granted to Koniag by the Alaska Native Claims Settlement Act to receive title to the oil and gas estate on approximately 275,000 acres of public land.

Section 5(c) provides for an appraisal of the value of the selection rights by an appraiser jointly selected by the Secretary and Koniag. However, in the event they are unable to agree

directly on an appraiser, the Secretary and Koniag would each designate an appraiser, and the two of them would select the person to actually conduct the appraisal.

Within 60 days of receipt of the appraisal report, the Secretary of the Interior would be required to determine the value of the selection rights, and to notify Koniag of those values. In the event Koniag does not agree with the Secretary's determination, the procedures provided in the Land Exchange Facilitation Act would be used to determine the value of the rights.

Section 6 provides that the Secretary of the Treasury shall establish an account for Koniag, in an amount equal to the value of the relinquished selection rights. The account would be available to Koniag for purchasing property offered for sale by any agency or instrumentality of the United States. The Office of Management and Budget advises us that this provision would be subject to the Pay-As-You-Go (PAYGO) provisions of the Omnibus Reconciliation Act of 1990. PAYGO costs would be scored as an increase in budget authority in the year that the selection rights are acquired by the Secretary, not when the account is created and funds become available to Koniag.

The 1,876,000 acres of wilderness designated by H.R. 1688 for the Alaska Peninsula National Wildlife Refuge is the same figure contained in the Preferred Alternative for the 1985 Final

Environmental Impact Statement/Comprehensive Conservation Plan (CCP) for the refuge and the signed Record of Decision.

However, after review of all comments received and some technical questions regarding the wilderness review portion of the CCP, a Supplemental Environmental Impact Statement and Wilderness Review for the Alaska Peninsula National Wildlife Refuge was issued and finalized in 1988. The Supplemental EIS concluded that 640,000 acres was the preferable figure to recommend.

After additional consideration this year, the Department now supports the larger acreage recommended in 1985, which is reflected in H.R. 1688.

We do, however, desire to incorporate some additional lands into the wilderness area which were excluded previously because they were in private ownership. We also understand that Representative Young may desire to have some modifications made to the 1985 proposed boundaries, and we will be glad to work with the Committee to develop final boundaries and maps for this wilderness area.

The designation of an additional 347,000 acres in Becharof National Wildlife Refuge conforms to the Final CCP and Record of Decision for that unit.

The National Park Service's Final Environmental Impact Statement

for its wilderness recommendation for the Aniakchak National Monument and Preserve, completed in 1988, recommended designation of 293,336 acres as wilderness and potential wilderness.

The National Park Service has reviewed the recommendations of the Final Environmental Impact Statement and now believes that a larger acreage for wilderness designation within Aniakchak is appropriate. The acreage and boundaries proposed in H.R. 1688 could present some management problems. The National Park Service will be happy to work with the Committee to identify manageable boundaries.

With respect to the wilderness management provision of the bill, we note that the provisions of section 4(b) are not necessary. There is existing authority to renew or continue permits in wilderness areas, and Secretary Babbitt has recently implemented new Departmental policies for concession and special use permits in Alaska refuges. We therefore believe section 4(b) should be deleted.

The acquisition of Koniag's selection rights under this bill will not only serve to permit the significant expansion of the National Wilderness Preservation System, but will also enhance the management of the affected conservation system units by perfecting the federal government's interests in the lands within these units.

We are concerned, however, about the bill's requirement that the appraisals be done using the methodology customarily used by the

Minerals Management Service. Rather, we believe that the 1992 Uniform Federal Appraisal Standards for Federal Land Acquisition, as established by the Department of Justice, must be used so that the mineral interests are fairly valued.

We have several additional concerns about the appraisal process and methodology. We would like to work with the Committee staff to address the following types of issues: (1) what type of appraisal system is appropriate; (2) what instructions should be given to the appraisers; (3) what type of tie-breaking procedure is appropriate; (4) if arbitration is invoked, what standards should govern the process. By resolving these and related issues, we can assure that the public interest in a fair and accurate appraisal is served.

Since mineral appraisals are often time-consuming and expensive activities, we welcome a recent offer by Koniag to pay the cost of the appraisal required by H.R. 1688. Upon acceptance by the Secretary of the relinquishment of their selection rights, Koniag would have their property account increased by an amount equal to half of the cost of the appraisal.

Thank you for the opportunity to testify on this issue, Mr. Chairman. I will be pleased to respond to any questions you may have.

Ms. ENGLISH. Thank you.

Mr. Jarvis, do you have anything to add to that?

Mr. JARVIS. No, madam. Our formal statement was incorporated into that which was presented by Mr. Gertler, and I would be happy to answer questions about Aniakchak National Monument and Preserve.

Ms. ENGLISH. I have a couple of questions, and I assume Mr. Young might have a couple, too.

I thank you very much for the testimony, and I also look forward to an opportunity for people to work together and work out some of the concerns that have yet to be resolved.

In July the Department testified in opposition to S. 855, which is the Senate bill to acquire the same inholdings involved in this bill. Can you clarify for the record why you are more supportive of Mr. Young's legislation and not the Senate Bill.

Mr. GERTLER. Yes, I would be pleased to. I think the essential difference, and the reason why we are in support of H.R. 1688, the wilderness provisions that are in this bill. We find that that would add to the value of the conservation units in question. Without those provisions the testimony that we previously provided on S. 855 would still be current.

Ms. ENGLISH. Mr. Jarvis, did you want to add to that?

Mr. JARVIS. No. That reflects our views as well, Madam Chairman.

Ms. ENGLISH. In testimony which we will hear later today from one of the local government representatives several questions are raised which we would appreciate both of you responding to.

The first is, Would residents continue to be able to land their aircraft in the wilderness area or land their vessels on the coastlines in order to hunt and fish?

Mr. GERTLER. The answer to that in wildlife refuges would be yes. It is specifically provided by ANILCA that they have that right to continue to land their aircraft and their boats in wilderness areas.

Mr. JARVIS. The same is true for the preserve, Madam Chairman. The wilderness designation does not alter the current management policy that affects either the monument or the preserve, with one exception, and that exception has nothing to do with landing of planes or boats. They may do so.

Ms. ENGLISH. What is the exception?

Mr. JARVIS. The exception is in the case of the two hunting camps which are currently exclusive-use camps. The only way that they would be permitted to remain is as public-use cabins. So the exclusivity would change, but the cabins would remain, or the facility would remain with the wilderness designation.

Ms. ENGLISH. Will the Federal Government assert control of commercial fishing activities off the shores of the wilderness areas?

Mr. GERTLER. Any control that the Federal Government might exert on commercial fisheries would not be related to a wilderness designation. If any part of the Federal Government had the authority to regulate those activities, it would be separate from wilderness.

Ms. ENGLISH. Would the enhancement or restoration of wild-run salmon stocks be prohibited in the river systems within the wilderness designation?

Mr. GERTLER. Such activities would not necessarily be prohibited by wilderness designation. I think that what would occur would be that the scale of the activity that would be proposed in enhancement or restoration would be considered, and depending upon the scale of the facilities or the disturbance that would be involved in that activity, there may be some regulation, but there would not be a prohibition on enhancement and restoration activities.

Mr. JARVIS. In the case of the monument, enhancement activities would not be permitted now. So that the wilderness designation would not change that.

Ms. ENGLISH. Would commercial guides be allowed to engage in their enterprise within the wilderness area, and would they also be allowed to land aircraft and vessels?

Mr. GERTLER. Yes, they would so long as those activities were related to their acting in their official capacity as guides.

Mr. JARVIS. And in the case of the monument and preserve, the status quo, which is that they may land, would continue even in wilderness under ANILCA.

Ms. ENGLISH. Mr. Young.

Mr. YOUNG. I appreciate the testimony especially when it's short. You know, we worked on this legislation, and two things concern me the most. I want you to be aware of this. This is a finely crafted piece of legislation, and it's difficult to get the support of everyone, including the guides and the local governments, et cetera, and what we're trying to do is work together. Keep that in mind.

The thing that concerns me is that Section 4[b] is recommended to be done away with. We have not had a good record with Fish and Wildlife and with the Secretary in this regard. Secretary Babbitt's new recommendations are unacceptable, and I want you to know that.

We went through the guides' operation and tried to make sure that they have an understanding that they will not be submissible to the Secretary in a non-renewable permit process. It's because of a great deal of contention we had before on a five-year. I don't mind the five- and ten-year automatic or, if they have met the requirements, a renewal period.

So I hope that you're willing to sit down and work on 4[b] and not totally drop it, because if we do that, then we have opposition to the bill and it will generate opposition to the bill from other arenas. Don't be locked into concrete with that, Mr. Gertler, because it is required. I mean it is part of ANILCA. We do have a five year or ten year, and we want to continue that. Secretary Babbitt's statement that it's at the discretion of the Secretary deeply concerns me because these people are part of the system now, and I want to continue to have them as part of the system.

Do you understand that transportation corridors are protected under this provision? Is that your understanding on the transportation corridors primarily for the State?

Mr. GERTLER. I am not aware of that. I think I would have to check with the Department and respond to you in writing as to

what the Department's understanding is on the transportation corridors.

Mr. YOUNG. Right now we have transportation corridors across those lands.

Mr. GERTLER. Across the wilderness designation?

Mr. YOUNG. Yes.

Mr. GERTLER. I will have to check with the Department, and we will respond in writing.

Mr. YOUNG. All right. That's important to me because the State now, you know, is not overexcited about this legislation, and one of the reasons is they do not want to be deprived. In ANILCA we have transportation corridors, and you're aware of that I hope.

Mr. GERTLER. Yes.

Mr. YOUNG. And if we have new designation, we don't want to lose those transportation corridors, because if you look at the land mass, they could be critical in the far, far future. I don't think they're going to be critical in the near future, but we hope that's taken into consideration, too, as we work on this legislation.

I have no further questions, Madam Chairman.

Ms. ENGLISH. Thank you both very much. I appreciate your time and testimony.

The next witness is Frank Pagano, President of Koniag, Incorporated, Anchorage, Alaska.

Mr. YOUNG. Madam Chairman, before we continue, may I congratulate you. You not only got Koniag correct, but you got Pagano correct; that is a miracle. [Laughter.]

Ms. ENGLISH. Well I lucked out. [Laughter.]

Mr. Pagano.

STATEMENT OF FRANK PAGANO, PRESIDENT, KONIAG, INC., ANCHORAGE, AK, ACCOMPANIED BY WILLIAM H. TIMME, ESQ., LAW FIRM OF MIDDLETON, TIMME & LUKE, ANCHORAGE, AK

Mr. PAGANO. Madam Chair, my name is Frank Pagano. I am a shareholder, director and president of Koniag, Inc. Koniag is an Alaska Native Regional Corporation created under the Alaska Native Claims Settlement Act for the Alaska Natives of Kodiak Island archipelago.

With me this morning at the witness table is Bill Timme, Koniag counsel.

On behalf of Koniag and its shareholders, I would like to express our appreciation to the Chairman and the members of the committee, and especially to our Representative Don Young, for your consideration today of Representative Young's H.R. 1688. Koniag supports the adoption of H.R. 1688.

Koniag would also like to express its appreciation to Secretary Babbitt. I had the opportunity to meet the Secretary in August in Alaska, and he said that the Department would review its position on this legislation. It is apparent from the Department's testimony that the review did occur and that it resulted in the Department's reconsideration of its earlier position on the legislation.

H.R. 1688 is nearly identical to H.R. 1219, which was passed by the House on August 3, 1992. Unfortunately, during the closing

weeks of that Congress the Senate was not able to take action on it.

H.R. 1688 provides for the acquisition from Koniag of its right to receive title under ANCSA to certain inholdings in the Aniakchak National Monument, the Becharof Wildlife Refuge and the Alaska Peninsula Wildlife Refuge.

The interests to be received by Koniag are basically the oil and gas rights on approximately 275,000 acres of land. Once these selection rights are exercised by Koniag, Koniag would not only have the right to explore, develop and produce oil and gas from the lands it selects, but it will also have the right of access across adjacent refuge and monument lands in order to reach its lands.

H.R. 1688 would determine the value of the inholdings by an independent appraisal. Koniag has agreed to accept a ceiling on the value of an average value of \$300 per acre based upon the precedents created by prior acquisitions.

If there are concerns about the form of payment in H.R. 1688, Koniag is willing to work with the committee's staff to develop an alternative compensation method so long as it would result in the payment of a fair value within a reasonable time.

Koniag has also agreed that the consideration which is to be paid would be subject to the revenue sharing provisions of Section 7[i] of ANCSA. Under 7[i], 70 percent of the compensation received by Koniag would be shared with the other Alaska regional corporations, village corporations and at-large shareholders.

Thus, not only will the acquisition of these inholdings benefit the monument and refuges in which they are located, but through the provisions of Section 7[i] of ANCSA all of the Native corporations in Alaska will share in the distributions of the proceeds from them.

It is Koniag's understanding that the wilderness provision of the legislation will not interfere with the corridors in the area proposed by the Bristol Bay Cooperative Management Plan and that the existing rights and permits of the guides, outfitters and hunters using the proposed wilderness areas will be continued. Given these protections, the designation of wilderness would not be unduly restrictive.

Koniag understands that other regions may have concerns about wilderness designations in their regions. While the recommendations appear to be reasonable in Koniag's region, they are not experts about the other regions. We would defer to the expertise of the other regions with respect to their concerns and request that the committee would give them due consideration.

An essential feature of Koniag's motivation in selling its interests in these inholdings is its hope to use a significant portion of its share of the proceeds to establish a settlement trust for the benefit of its shareholders. This would be a permanent fund which, if prudently managed, will provide an income stream for future generations. Having had its share of ill-advised investments, Koniag does not want to see history repeated.

On behalf of Koniag, I want to express our sincere appreciation for the consideration that the committee and the staff has given to H.R. 1688. Should there be any concerns that you or your staff may have with the legislation, we will be willing to work with you and the staff to resolve them to the committee's satisfaction.

We would appreciate the committee's approval of the legislation. If there is any additional information that we could provide that may be of assistance to you, we would be happy to do so.

Thank you.

[Prepared statement of Mr. Pagano follows:]

**Testimony of
FRANK PAGANO
On behalf of Koniag, Inc.
Before the House Committee on Natural Resources
October 28, 1993**

Mr. Chairman: My name is Frank Pagano. I am a shareholder, director and President of Koniag, Inc. Koniag is an Alaska Native Regional Corporation created under the Alaska Native Claims Settlement Act (ANCSA) for the Alaska Natives of the Kodiak Island archipelago.

On behalf of Koniag and its shareholders, I would like to express our appreciation to the Chairman and the members of the Committee and especially to our Representative Don Young, for your consideration of Congressman Young's H. R. 1688. Koniag supports the adoption of H. R. 1688.

I would also like to express our appreciation to Secretary Babbitt. When we met with the Secretary in August in Alaska, he said that the Department would review its position on the legislation. From the testimony of the Department, it appears that the review did occur and the Department has seriously considered the advantages presented by the enactment of this legislation.

H. R. 1688 is nearly identical to H. R. 1219, which passed this Committee in 1992, and passed the House in the 102nd Congress on August 3, 1992. Unfortunately during the closing weeks of that Congress, the Senate was not able to take action on it.

In the 70's, under the provisions of ANCSA, Koniag and a number of Village Corporations in its region were required to make "in lieu" land selections on the Alaska Peninsula. These lands are hundreds of miles from the lands adjacent to the villages. They were required to be selected because there were not sufficient available public lands on Kodiak to satisfy all of the corporations' land entitlements.

Under Section 1427 of the Alaska National Interest Lands Conservation Act, enacted in 1980, virtually all of the Corporations' interest in these lands were exchanged for lands on Afognak Island. Koniag, however, retained its rights to acquire oil and gas rights and certain other subsurface interests in approximately 275,000 acres of land within the boundaries of one national monument and two national wildlife refuges. Once these selection rights are exercised by Koniag, Koniag would not only have the right to explore, develop and produce oil and gas from the lands it selects, but will also have the right of access across adjacent refuge and monument lands in order to reach its lands.

The acquisition of these rights, either through exchange or by direct acquisition, would prevent the potentially disruptive effect that Koniag's inholdings would have on the management of the units. As part of the Submerged Lands Act's inholding review, the Koniag inholdings in the national monument have been ranked by the National Park Service as one of its top priorities for acquisition. Many of the tracts of land subject to Koniag's refuge inholdings were also highly ranked by the Fish and Wildlife Service.

Following discussions with members of the conservation community, Koniag had agreed to make its selection rights in these areas available for acquisition by the United States. It is Koniag's intent that, with the exception of its right to select

cemeteries and historical sites under Section 14(h)(1) of ANCSA, all of its selection rights on the Alaska Peninsula, whether for only oil and gas rights or for the entire subsurface estate, would be acquired under H. R. 1688. Koniag's decision is based on certain fundamental principles which are incorporated in H.R. 1688.

First, the consideration which Koniag is to receive must be based upon the fair market value of the rights it is giving up. We believe an independent appraisal is the best mechanism to determine that value. Based upon discussions with representatives of the Bureau of Land Management and the Fish and Wildlife Service, it was agreed that Koniag's rights to acquire oil and gas interests should be valued utilizing the mechanism which the BLM uses to value tracts in the National Petroleum Reserve in Alaska. This would result the entire oil and gas estate to be conveyed to Koniag being valued. Should there be a disagreement as to the value arrived at by the process, then the procedures authorized under the Federal Land Exchange Facilitation Act of 1988 and as set out in 43 USC 1716(d), would be used to resolve it. Koniag is willing to accept a ceiling of an average value of \$300 per acre, based upon the precedents created by prior acquisitions.

Second, while H.R. 1688 proposes that Koniag be compensated with a property account to be established in the Treasury for it to utilize in purchasing surplus federal or RTC property, Koniag is willing to work with the Committee's staff to develop alternative compensation mechanisms which would also result in the payment of a fair value within a reasonable time, should a change in the mechanism prove to be desirable.

We are likewise aware of the limitations resulting from the various budget agreement and the concerns of the deficit be reduced. Therefore, we are willing to

explore such changes as may be necessary to bring the compensation mechanism into conformity with them.

Thirdly, because the interests which Koniag is relinquishing are based upon a regional corporation's right to the subsurface, we have agreed that the legislation clearly reflect the status of the law, that the consideration which is to be paid would be subject to the revenue sharing provisions of Section 7(i) of ANCSA. Under 7(i), 70% of the compensation received by Koniag would be shared with the other Alaska regional corporations, village corporations and at-large shareholders.

Since sharing under Section 7(i) is accounted for on a cash basis, Koniag wants to make certain that incurs no obligation to make a distribution until it has received cash. For instance, if Koniag were to receive real property in exchange for its rights, it should not have to make a distribution until it either sells the property or the property generates a revenue stream.

Another fundamental concept which is not included in H.R. 1688 but which arises under ANCSA, is Koniag's intent to use a significant portion of its share of the proceeds from the transfer of its interests, to establish a Settlement Trust for the benefit of its shareholders. This would be a permanent fund which, if prudently managed, will provide an income stream for future generations. Having had its share of ill-advised investments, Koniag does not want to see history repeated.

The present Board of Directors believes that in order for such a trust to be truly protected, it must be managed by trustees who are independent of the control by any future Board of Directors. The trustees must owe their allegiance solely to the Trust. Under the existing law, there is an ambiguity as to whether a Board may

create a Trust in which it does not retain the right to appoint and remove the trustees. Because of this ambiguity, we are requesting that the Committee provide for an amendment to ANCSA which will clarify that a Board may irrevocably delegate to another entity the power to appoint and remove the trustees.

We have reviewed the wilderness provisions of the bill. It is our understanding that they include the lands recommended by the professional managers of the Monument and the Refuges, as well as the lands subject to the inholdings being acquired under the bill. Importantly, the wilderness configuration results in the preservation of the access corridors designated in the Bristol Bay Plan in the units of the Refuges in which Koniag's interests are located. We are also pleased to see that the legislation recognizes the rights and permits of the guides, outfitters and hunters currently using the units and provides for their continued use. Thus, the legislation's wilderness provisions reflect a balanced blend of preservation and flexibility for the future.

These comments are, of course, primarily directed to the wilderness designations within the Koniag region. However, we are not experts as to the effect of the wilderness in the other regions. To the extent that other regions have concerns about the designations within their regions, we would defer to their expertise and request that the Committee would listen to them and address their concerns where appropriate.

We understand that the Fish and Wildlife Service may have some concerns about some of the technical provisions of the legislation. We have met with representatives of the Service to address their concerns and are confident that we will be able to arrive at an agreeable resolution of their concerns

On behalf of Koniag, I want to express our sincere appreciation for the consideration that the Committee and the staff has given to H.R. 1688. If there is any additional information that we could provide that may be of assistance to you, we would be happy to do so.

Ms. ENGLISH. Thank you very much for your testimony.

On behalf of Chairman Miller and the subcommittee, I want to express our appreciation for your cooperation and your willingness to work on creative solutions to the land management issues in Alaska. Thank you very much for that.

The Department of the Interior has identified a number of concerns in its testimony. Are there any issues which you do not think can be resolved?

Mr. PAGANO. No; I believe any issue can be resolved.

Ms. ENGLISH. A great attitude.

The local governments on the Alaska Peninsula have raised concerns about the wilderness designations in the bill. Do you have any response to the opposition?

Mr. PAGANO. No, not at this time.

Ms. ENGLISH. Mr. Young.

Mr. YOUNG. Madam Chairman, that's a bone of contention here. I very honestly have looked at this map, and I think we can work with the borough. If you look at the lands that are discussed here, very little of the lands are in the borough itself. Most of the lands are outside the borough that are to be designed as wilderness.

I do think that there is some question that you brought up before about the fishermen. They are very concerned that they can still land and still dock. I know we would like to take out one little wilderness area designation there for Aniakchak Bay because it's the only deep-water port in that area. If we can solve that problem, I think the borough will be comfortable.

We receive phone calls that you're going to make a wilderness and we can't fish there. That's not the intent of this legislation, and I don't think it's the intent of Mr. Pagano or the Corporation or anybody in this room, including the Department of the Interior.

The big thing is once we all agree that it can be solved, as Mr. Pagano has said, then we have to sit down with staff ourselves and alleviate the concerns, and we can do that. We can write it so everybody is protected, and yet again, as I said before, we achieve this area as a wilderness area that I don't usually support, but it's natural and people want it. Environmentalists want it and corporations want it, and as long as no one is hurt, there is no real objection to it. So I think it can be worked out.

Ms. ENGLISH. Thank you.

I really appreciate you coming all of this distance to testify today. Thanks very much.

Mr. PAGANO. Thank you.

Ms. ENGLISH. The next witness is Dr. Edgar Wayburn, chairman of the Alaska Task Force, Sierra Club, and he is accompanied by Jack Hession, Alaska representative, Sierra Club in Anchorage, Alaska.

Welcome.

STATEMENT OF EDGAR WAYBURN, M.D., CHAIRMAN, ALASKA TASK FORCE, SIERRA CLUB, ACCOMPANIED BY JACK HESSION, ALASKA REPRESENTATIVE, SIERRA CLUB, ANCHORAGE, AK

Dr. WAYBURN. Good morning. Thank you, Madam Chairman, for this opportunity to appear on behalf of the Sierra Club.

I am Edgar Wayburn, chairman of the Sierra Club's Alaska Task Force, and with me this morning is Jack Hession, our Alaska representative.

With the subcommittee's permission, Madam Chairman, I would like to summarize my remarks and request that my full statement be placed in the hearing record.

Ms. ENGLISH. Without objection.

Dr. WAYBURN. We endorse the basic purposes of H.R. 1688, which are to acquire subsurface selections of the Koniag Corporation and to classify as wilderness federal lands within the Alaska Peninsula and Becharof National Wildlife Refuge and within Aniakchak National Monument and Preserve.

Acquisition of Koniag's 275,000 acres of subsurface interests, which are limited to oil and gas only, would benefit Koniag and other Native corporations via the revenue-sharing mechanism of ANCSA.

Acquisition would also give the Federal Government complete ownership of the refuges and monument and preserve tracts involved and thereby make the tracts eligible for wilderness designation.

H.R. 1688 would designate 2.7 million acres of wilderness, including the 275,000 acres that would no longer be encumbered by Koniag's subsurface selections. This is an excellent proposal as far as it goes, and we commend Mr. Young for it.

We recommend also to the committee that the remaining 2.1 million acres of eligible lands be added to the wilderness system for a total of 4.8 million acres and doing the wilderness reviews of the three conservation units. Virtually all of the federal lands within the units were found to qualify for addition to the Wilderness System.

I would like to emphasize that the usual conflicts between wilderness designation and development interests are not present. There is no conflict with the timber and mining industries or with the oil and gas industry, which have shown no interest in exploration of these uplands.

The one apparent major conflict is with hypothetical transportation and utility system routes across the peninsula. H.R. 1688 does not designate wilderness for the areas it identifies as probable routes. These corridors, however, are purely speculative and should not be allowed to preempt wilderness classification.

Title XI of the Alaska National Interest Lands Act is the appropriate procedure for considering proposed transportation corridors that would cross the peninsula's national conservation units, including wilderness areas, and should the need arise for such, Title XI could be used.

Thank you very much for the opportunity to present our views.
[Prepared statement of Dr. Wayburn follows.]

SIERRA CLUB



408 C Street, N.E. Washington, D.C. 20002 202-547-1141

Final copy

STATEMENT OF EDGAR WAYBURN, M.D.
CHAIRMAN, ALASKA TASK FORCE
SIERRA CLUB

on

H.R. 1688, ALASKA PENINSULA WILDERNESS DESIGNATION ACT OF 1993

before the

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, D.C.

OCTOBER 28, 1993

Good morning. I am Edgar Wayburn. I welcome this opportunity to testify on behalf of the Sierra Club and its Alaska Task Force, which I chair. The Sierra Club is a national environmental organization of over 500,000 members, including approximately 1700 members in the Alaska Chapter. Accompanying me this morning is Jack Hession, our Alaska Representative from Anchorage, Alaska.

In summary, the Sierra Clubs recommends:

--federal acquisition of oil and gas interests owned by the Koniag corporation within the Alaska Peninsula and Becharof national wildlife refuges, and within Aniakchak National Monument and Preserve;

--wilderness designation for all of the eligible federal lands in these units for a total of approximately 4.83 million acres, as opposed to H.R. 1688's 2.72 million acres;

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." *John Muir*
National Headquarters: 730 Polk Street, San Francisco, California 94109 (415) 776-2211

--deletion of Sec. 4 (b) on permits, which would modify existing U.S. Fish and Wildlife Service commercial use permit and concession policy at the behest of certain commercial sport hunting and fishing guides; and

--designation of wilderness for 2,000 acres at Yantarni Bay within the Alaska Peninsula National Wildlife Refuge. H.R. 1688 omits this otherwise qualified acreage from its wilderness designation in order to satisfy the special interests of guides operating in that area;

Wilderness and acquisition of Koniag selections

On three previous occasions we have gone on record as supporting the basic thrust of H.R. 1688: acquisition of Koniag's subsurface interests on the Alaska Peninsula--which are limited to oil and gas selection rights--and the addition of federal conservation system unit lands on the peninsula to the wilderness system.

We do so again here this morning. H.R. 1688 is very similar to last year's H.R. 1219. The chief difference is that the use of potential Outer Continental Shelf leasing revenues for acquisition of Koniag's interests has been replaced by an account that Koniag would draw on to bid for surplus federal assets. We suggested this change in our previous testimony, and welcome its adoption.

Koniag's subsurface selections evidently do not contain oil and gas deposits, or if deposits have been located they do not contain economically recoverable reserves. As the likelihood of development is very low or even non-existent, Koniag's selections do not constitute a development threat to the overlying refuge and monument/preserve lands. However, the property interests preclude the addition of the overlying refuge and monument/preserve lands to the wilderness system. If Congress were to designate the surrounding refuge and monument/preserve lands as wilderness, the tracts encumbered by Koniag's property interests would be islands of non-wilderness in a sea of wilderness, a pattern that would complicate management and make little planning sense.

In short, the purpose of acquisition is to bring the tracts involved into full public ownership, and thereby enable them to receive the wilderness status they deserve.

Wilderness designations

H.R. 1688 designates approximately 2.7 million acres as wilderness, including the 275,000 acres that would no longer be encumbered by Koniag's subsurface selections. We think this is an excellent proposal, as far as it goes, and commend Mr. Young for it. We also recommend that the Committee complete the task

by adding all qualified federal lands to the wilderness system, for a total of 4.8 million acres.

During the wilderness reviews of the three units as directed by this Committee in Sec. 1317 of ANILCA, virtually all of the federal lands studied were found to qualify for the wilderness system.

Taken as a whole, the areas we propose for wilderness contain a dazzling array of wilderness, wildlife, and scenic values. As a recent planning document of the U.S. Fish and Wildlife Service notes, the Alaska Peninsula and adjacent Becharof refuges are the most scenically diverse of the 16 refuges in Alaska. It is this stunning combination of natural values that render these federal lands such outstanding candidates for the wilderness system.

The differing wilderness recommendations are summarized as follows:

<u>Conservation System Unit</u>	<u>H.R. 1688</u>	<u>Sierra Club</u>
Alaska Peninsula NWR	1,876,000	3,541,000
Becharof NWR	347,000	695,000
Aniakchak National Monument and Preserve	503,000	602,779
Total	2,726,000	4,838,779

I also want to emphasize that the usual conflicts between wilderness designation and extractive industries are not present. There is no conflict with the timber or mining industries, or with the oil and gas industry, which has shown no interest in exploration of these federal uplands. The one apparent conflict is the question of cross-peninsula transportation routes, a matter that deserves some comment.

H.R. 1688 omits approximately two million acres qualified for wilderness, primarily in areas identified as potential routes for several trans-peninsula transportation and utility system corridors. These corridors are based on the hope that future mineral discoveries or other developments elsewhere in Alaska will necessitate the construction of roads, railroads, pipelines, and so on across the Alaska Peninsula.

These speculative routes should not be allowed to stand in the way of wilderness designation. Title 11 of the Alaska Lands Act (ANILCA) is this Committee's procedure for dealing with possible future transportation needs across Alaska's national conservation system units, including wilderness areas. It provides a systematic process for Congressional and Presidential review of various alternative routes, and expedited decision-making.

Thus even if all of the qualified lands in the three peninsula conservation units were designated as wilderness, as we propose,

a cross-peninsula transportation corridor (or corridors) could be authorized through wilderness provided that after careful evaluation of the alternatives Congress determined the crossing to be in the national interest.

In conclusion, Mr. Chairman, we once again urge the Committee to endorse the basic purposes of H.R. 1688, but also to add perfecting amendments designed to make the bill more consistent with the national interest, as outlined above. The lands found qualified for wilderness designation are of international conservation and wilderness importance, and real conflicts with other resource interests are minimal. These superlative refuge and monument areas fully deserve the added protection wilderness system status would afford.

Thank you for this opportunity to present our views.

Ms. ENGLISH. Mr. Hession, do you have any additional comments you would like to make?

Mr. HESSION. Not at this time, Madam Chairman. I would be happy to assist Dr. Wayburn with any questions you might have.

Ms. ENGLISH. I have a couple.

First of all, I want to thank Dr. Wayburn very much. Chairman Miller regrets not being able to be here this morning. He did want to attend and convey his personal appreciation for your testimony.

I understand there is a long history of Sierra Club involvement in Alaska lands issues, and we very much welcome your contributions.

Your testimony this morning in effect says that the Congress should reject the Department's wilderness recommendations as adopted in the bill and designate 4.83 million acres representing every eligible acre of federal land in the area as wilderness. Does your recommendation reflect the views of other environmental groups as well?

Dr. WAYBURN. As far as I know. I don't know any environmental group which is opposed to that.

Ms. ENGLISH. Mr. Hession, do you want to add to that at all?

Mr. HESSION. Yes; thank you, Madam Chairman. Last year the Wilderness Society testifying on the virtually identical bill also supported wilderness for eligible lands. These lands were reviewed during the late 1980s by the Park Service and the U.S. Fish and Wildlife Service as directed by this committee, and as Dr. Wayburn testified, virtually all of them were found to be fully qualified for addition to the System.

Essentially what we're suggesting here is that the committee take a comprehensive approach to the issue and, instead of having to revisit it perhaps, look at it now. It has been studied, there are few conflicts, and why not move ahead.

Dr. Wayburn did mention the one problem of transportation corridors, and we think the committee has designed a mechanism that would allow such future corridors to be considered, and therefore there is no real need to leave out millions of acres simply because of some potential future need for a corridor.

Ms. ENGLISH. If we do not include all of the 4.83 million acres, as both of you have suggested, and stick with the 2.7 million as proposed by Mr. Young and as endorsed by the Administration, what will be the position of the Sierra Club? Will you oppose the bill?

Dr. WAYBURN. We will support the bill, but we will continue to urge you to amend it to include all of the wilderness which is de facto wilderness now.

Ms. ENGLISH. Mr. Hession, would you like to add anything to that?

Mr. HESSION. No. I think Dr. Wayburn stated that quite well. Thank you.

Ms. ENGLISH. One more question, and then I believe Mr. Young may have some questions.

What is the Sierra Club's position on S. 855, the Senate bill which has no wilderness?

Dr. WAYBURN. We think that that bill ignores the facts and that there is no reason for transferring Koniag's land to the Federal

Government if wilderness is not established. The reason for the transference from the point of view of the Federal Government is that it makes the surface and subsurface lands both Federal, and under those circumstances they can be made wilderness. They could not be made wilderness now as long as the subsurface lands belong to Koniag. So we just don't see any reason for the arguments in the Senate bill.

Ms. ENGLISH. Mr. Hession, do you have any additional comments?

Mr. HESSION. No. Thank you.

Ms. ENGLISH. Well thank you gentlemen very much.

Representative Young.

Mr. YOUNG. I don't have any questions. I want to thank Dr. Wayburn for being here. You know, I feel kind of like holding hands with my ex-girlfriend. It's dangerous, especially when you're married to someone else. [Laughter.]

I understand why you're asking for more but, again as I mentioned, we are trying to get support. As you know, in the State your position of more wilderness is objected to by local governments, guides, et cetera. So I'm hoping, as you mentioned, you would support the bill with the present acreage in it because that's going to sell the way it is. I'm really working very hard to try to get the Governor and some other people to understand it.

In Alaska, as you know, a large majority of the people say enough is enough and regardless of the merits, and that's my big battle. They don't see the wisdom of this, and I'm going to have to try to sell it to them. So I hope you don't get locked into all of it. I've often said that next to Bruce Vento both of you are the same, including Jack.

Jack and I go back a long way, Madam Chairman. We were allies in the Eagle Preserve. It was one of the better pieces of legislation and I never got credit for it. We've been adversaries about 88 percent of the time on most issues, but it has been sort of a friendly relationship.

I just hope that both nationally and locally that there is an education process on the merits of this legislation. I mean go to the merits of it. I understand your position of wanting to get more, but it's just that if we get more we might lose the legislation that's proposed. So let's be very careful how we work together with everybody because this is a hard sell in Alaska right now.

I do thank you both for coming down.

Dr. WAYBURN. Mr. Young, I understand. It's simply logical to include the whole thing.

Mr. YOUNG. Yes, but logic and politics sometime don't work, as you know.

Dr. WAYBURN. I've noticed that myself. [Laughter.]

Mr. YOUNG. I want to thank you both.

Ms. ENGLISH. Thank you both, gentlemen, very much.

Is Mr. Brad Gilman here?

[No response.]

In those circumstances what do we do?

Mr. YOUNG. Madam Chairman, I'll submit his testimony for the record at this time, if it hasn't already been submitted.

I do believe some of his concerns have been addressed by the witnesses. There is a difference of opinion on corridors and that situation.

The concern, I want you to understand, if you look at what he has submitted for the record is the Aleutians East Borough, and their efforts to try to establish an economic base there are very, very recognized by this Member, and I think we can address those problems.

Again, it goes back to we'll all sit down and we'll all work it out, because if we go too far one way or the other way the bill is not going to go anywhere. I have two Senators I have to work with, and it has got to be a mutual working relationship and everybody has got to give a little bit, and I mean everybody.

But I think Mr. Gilman's testimony being submitted for the record at this time would be sufficient.

Ms. ENGLISH. Okay. Well we will do that without objection.

[Prepared statement of Brad Gilman, Washington Representative, Aleutians East Borough follows:]

**Testimony of Brad Gilman
on Behalf of the Aleutians East Borough
on H.R. 1688
The Alaska Peninsula Wilderness Designation Act of 1993
October 28, 1993**

Mr. Chairman, my name is Brad Gilman. I serve as the Washington Representative for the Aleutians East Borough. The Borough is composed of the Alaska Native communities of Akutan, False Pass, King Cove, Sand Point, and Nelson Lagoon, and the City of Cold Bay. We have approximately 2500 residents living within the Borough, most of whom are descendants of the Aleut tribes.

The Aleutians East Borough supports Mr. Young's effort to find some way for Alaska Native shareholders of Koniag, Inc. to receive fair value for their subsurface interests within public land conservation units. When such subsurface lands are on or adjacent to Federal lands, Alaska Native Corporations are effectively estopped from realizing any value for the settlement of their aboriginal rights. The establishment of property accounts for Alaska Native Corporations is a fair way for Alaska Native peoples to receive value for the settlement of their aboriginal rights, while at the same time promoting the public policy objective of inholding consolidation within the conservation units. The Borough believes that inholding consolidation and fair value for Alaska Native settlement lands should drive the discussion of property accounts. Wilderness designations should have no place in this discussion.

The Borough and its residents oppose H.R. 1688 as currently drafted. Approximately half of the acreage to be designated as wilderness under Section 3(a)(2) of H.R. 1688 is within the Borough's boundaries, as well as some acreage within the Becharof designation. The land in question lies between Cold Bay and Pavlof Bay, an area used by a wide array of the Borough's residents. It is ironic that we are even discussing wilderness designations for this area. Due to its remote location and lack of roads, the portion of the Alaska Peninsula National Wildlife Refuge is in fact a wilderness in the truest sense. Other than the residents of the area who enter the Refuge for recreational purposes to hunting and fish, there are very few people who access the Refuge. The debate over wilderness in the East Aleutian/Alaska Peninsula area appears to us to be a meaningless exercise.

What a wilderness designation may do is antagonize the local residents by restricting their ability to use the area to hunt and fish. Both the Aleut and non-Native residents use these lands for subsistence and recreational activities. The Borough residents are concerned that the legislation may result in dramatic restrictions on the use of motorized vehicles, such aircraft and vessels, both of which are necessary to allow residents to access the Refuge and

its resources. Wilderness designations invariably lead to regulations to restrict the use of such motorized craft. The legislation as drafted does not provide an indefinite, open-ended right for citizens to use planes or vessels to access the Refuge. Such access is an important part of the lifestyle for those residing in such a remote area of the world.

We are not aware at this time about how many Federally permitted facilities reside within these lands. While H.R. 1688 attempts to grandfather existing structures, the language of the bill creates a clear incentive for the Department of the Interior to seek to cancel or otherwise restrict any permitted activity in order to restore the area to its wilderness status. The Fish and Wildlife Service has always had a reputation for questioning human activity within refuge systems. The continuation of human activity within a wilderness area would receive intensified scrutiny. Under the legislation, permits may not be transferred or assigned, nor may they be willed to the heirs of the original permittee. We predict that Interior would become extremely creative in squeezing out remaining permit holders in the coming years.

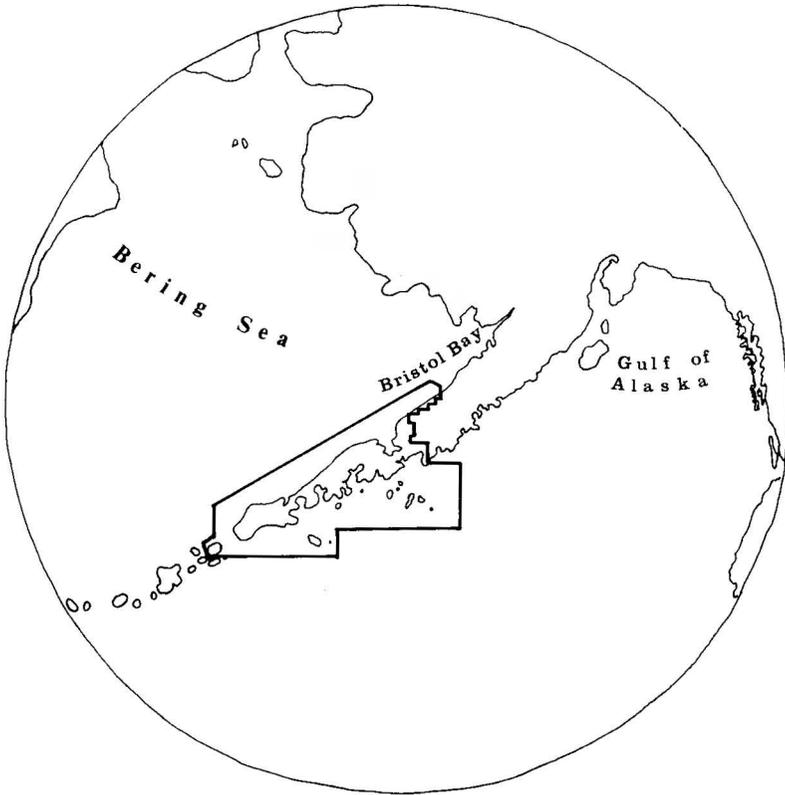
Finally, we have very serious questions about the impact of a wilderness designation on fishing activity or the enhancement or restoration of anadromous fish streams. A significant portion of the proposed wilderness designation runs along the coastline. Any effort to curtail commercial fishing along this coastline would have a serious impact on the ability of the residents to earn a livelihood. Additionally, there are numerous natural salmon streams on the Refuge. Any effort to rehabilitate or enhance these natural salmon runs could be prohibited under a wilderness designation.

It should be noted for the record that the proposed wilderness designations, for the most part, are not located within the Koniag geographic region. To the extent that there are any discussions of transforming refuge land to wilderness land in order to create a Koniag property account, the land under consideration should be located within the Koniag region. Additionally, the proposed wilderness designation is far greater than that originally proposed by the Fish and Wildlife Service when it studied wilderness options for the Alaska Peninsula. Borough officials have had a brief opportunity to scan the Alaska Peninsula National Wildlife Refuge--Wilderness Review Amendments and Supplemental Environmental Impact Statement. FWS had recommended Alternative A within the SEIS, or roughly 640,000 acres. H.R. 1688 triples the original recommendation. Moreover, it appears that many of the lands proposed by this legislation were recommended for "minimal management", and were not contemplated to be included within the wilderness category by FWS.

Finally, the Borough would like to recommend the following prior to any further consideration of this bill:

1. Field hearings should be undertaken in the Bristol Bay and the Aleutian Island regions so that the citizens most affected by the proposed designations are given a meaningful forum for public participation.
2. The maps referred to in the bill should be duplicated and distributed to the local governments in the region. We have pieced together as best we could the proposed lands to be designated, however, we are still unclear precisely what land would be included in the formal designation.
3. Comparison of the proposed wilderness designations in H.R. 1688 with the Wilderness Review Amendments and Supplemental EIS.
4. The following questions on use need to be answered:
 - a. Would residents continue to be able to land their aircraft in the wilderness area or land their vessels on the coastline in order to hunt and fish?
 - b. May the Federal government assert control of commercial fishing activities off the shores of the wilderness areas?
 - c. Would the enhancement or restoration of wild run salmon stocks be prohibited in the river systems within the wilderness designation?
 - d. Would commercial guides be allowed to engage in their enterprise within the wilderness area? Would they be allowed to land aircraft and vessels?

The residents of the area do not yet fully understand the implications of this designation, however, all believe this law would be used to dramatically restrict human activity on the Alaska Peninsula. We are opposed to H.R. 1688 and request that any further discussion of it be discontinued as long as wilderness designations are part of the bill.



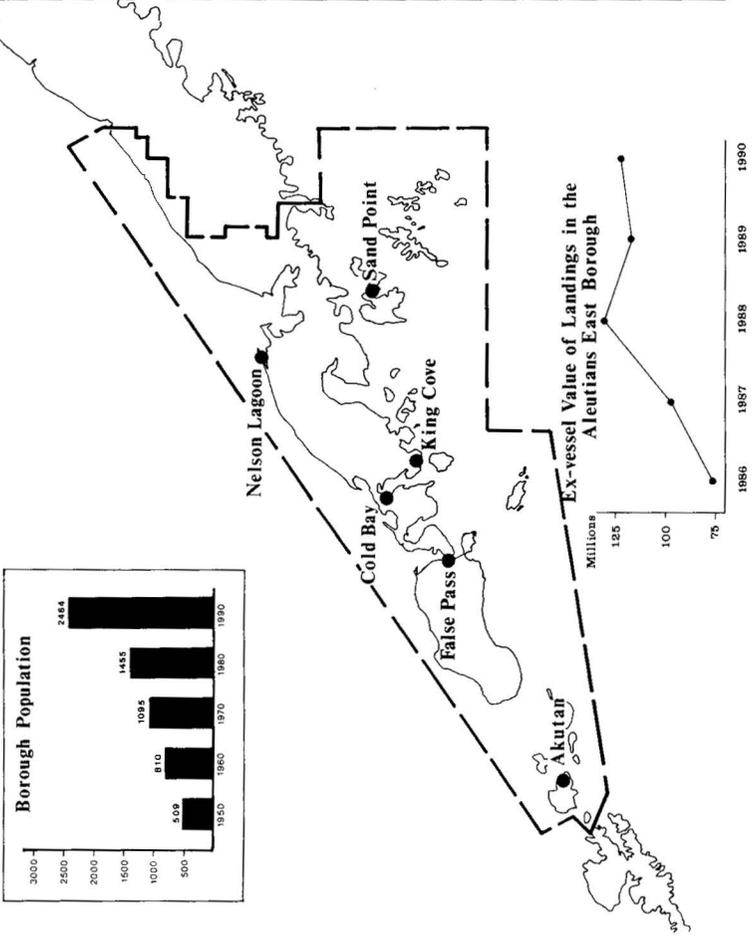
Aleutians East Borough

Borough Services

	Akutan	Bay	False Pass	King Cove	Nelson Lagoon	Sand Point
Water Availability	yes	yes	yes	yes	yes	no
Telephone	yes	yes	yes	yes	yes	no
Repair Vessel	no	no	no	no	yes	no
Repair Boat	no	no	no	no	no	no
No. of Harbor Ships	—	—	—	—	85	140
No. of Docks	2	1	4	2	0	1
Length of Aerial	no	10000	2630	4300	3300	4000 ²
Boat Helibout	no	no	no	no	150 ton	no
Fuel	yes	yes	yes	yes	yes	no
Medical Services	MLP ³	MLP	CHA	MLP	CHA	MLP
Warehousing	yes	yes	no	yes	no	yes
Groceries	yes	yes	yes	yes	yes	yes
Logging	yes	yes	yes	yes	yes	yes
Public Phone/Fax	yes	yes	yes	yes	yes	yes
Recreational Facilities	yes	yes	yes	yes	yes	yes ⁵
Restaurants	1	1	no	1	no	4
Maine Garbage Disposal	yes	yes	no	yes	no	yes
Pest Storage	yes	no	yes ²	yes	no	yes
Ice	yes	no	no	yes	no	yes

1. Cruise vessel berth 2. Closed until 1992 3. Make/size unknown
 4. Community health aide 5. Includes swimming pool

Matanuska City Borough
 P.O. Box 548
 Sand Point, Alaska 99661
 907-381-4159



The Aleutians East Borough

The Aleutians East Borough is a fairly young borough. Formed in 1987, it includes six communities that range in size from over 1000 people to just under 100. The Aleutians East Borough does, however, have a long history -- over one hundred years of commercial fishing. The 1990 catch was worth over \$123,805,933.

Since their discovery in the eighteenth century, the Aleutians have always represented a wealth of possibilities. The Russians found great success with the fur trade, and when the United States bought the territory that tradition was continued and expanded upon. Whaling stations, fox farms and commercial fishing operations quickly developed all along the chain. Today, the bottomfishing industry presents the possibility of a whole new era with a combination of resources and facilities to meet the challenge.

The Aleutians East Borough, cooperating with the local communities, is involved in a number of capital improvement projects. Akutan, False Pass and King Cove have new docks or have docks planned and ready for construction. The Aleutians

East Borough is ready for a major airport expansion program in Sand Point and is redesigning the Cold Bay dock which adjoins the only instrumented, crosswind airport in the Aleutians. The communities are also developing adjacent uplands and providing utilities, warehouses, lease lots, pot storage areas, and other support facilities.

The diversity of facilities, services and resources within the borough make it an ideal place to establish a new business or expand an existing one. Cold Bay has one of the largest paved crosswind runways in the state, enabling parts and service from Anchorage within 24 hours. Borough-wide resources include the fishing industry which now has five major onshore fish processing plants that service both the Bering Sea and Pacific Ocean fisheries. Two major exploratory mining operations are active within the borough, one in Sand Point (Battle Mountain Gold) and one on Unga Island (Alaska Apollo). The communities all provide basic amenities including sewer and water, schools, medical facilities and electricity. In addition excellent boat harbor facilities and potential upland development areas are available in many communities.



Akutan

Located on the north shore of Akutan Harbor on the east coast of Akutan Island, Akutan is 17 miles east of Unalaska and 750 miles southwest of Anchorage.

The community was founded in 1878 as a fur storage and trading port by the Western Fur and Trading Co. The company's resident agent helped establish a commercial cod fishing and processing business that quickly attracted nearby villagers to the area.

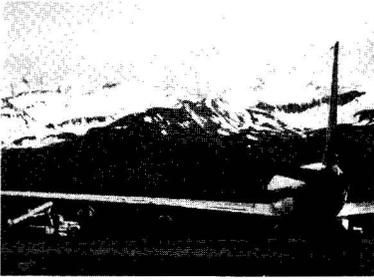
Commercial fishing and fish processing currently dominate Akutan's economy. Akutan's close proximity to Unalaska and major harvest grounds makes it a key port for future development activities. Trident Seafoods has a major bottomfish plant just west of the village. Deep Sea Fisheries also has a permanent processing vessel in the bay and are planning to build an 18-acre plant complex. Akutan Harbor is frequently used by other processing vessels during the fishing season. Processing and crew work provide seasonal employment for about 25 residents. There is also some employment at the school, post office, store, tavern and clinic.

Communications in Akutan include phones, CB radios, facsimile, mail plane and television. The community has a school with grades kindergarten through twelve. There are community electricity, water and sewer systems. Freight arrives by ship on a weekly basis and is delivered to the community dock.

Cold Bay

Located on the west shore of Cold Bay, 40 miles from the extreme westerly tip of the Alaska Peninsula, the City of Cold Bay is 630 miles southwest from Anchorage and 180 miles from Unalaska.

The airport, which was originally built as part of a large air base in the 1940's is one of the largest in the state with a 10,000 foot crosswind paved runway. Most residents are employed directly or indirectly in its operation and



maintenance. The community also has a major fuel dock. Planning for dock expansion, upgrading and reorientation is underway. A multi-purpose dock is expected to be in place by 1993.

Because of its central location and modern airport, Cold Bay is a hub for the surrounding communities. It has promising future as a service center for the bottomfish industry with regard to product transportation, crew changes, emergency medical care, fuel and other supplies.

Cold Bay is also home to one of the largest hatcheries in the world at Russell Creek, which produces pinks and sockeye salmon. Additionally Cold Bay is the entrance to the 320,893 acre Izembek National Wildlife Refuge and the southwestern portion of the 3.5 million acre Alaska Peninsula Wildlife Refuge.

Communications in Cold Bay include phones, mail planes, jet service twice a day, six days/week, television and radio. The community, with a population of 148, is served by a church, health clinic, and a school with grades kindergarten through twelve. Community water, sewer and electricity are available. Freight arrives on regularly scheduled cargo planes and barges.

False Pass

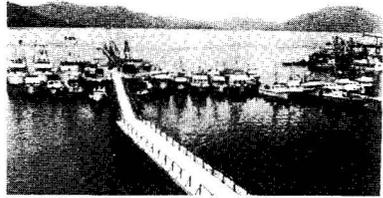
False Pass is strategically located on the Isanotski Strait which separates the Alaska Peninsula and the Aleutian Islands. The Strait provides the shortest transit route between the Gulf of Alaska and the Bering Sea and has U.S. Coast Guard maintained navigation aids.

False Pass is 35 miles southwest of Cold Bay and 670 miles southwest of Anchorage.

A Multi-Purpose Public Dock will be completed in 1992. The new dock will accommodate heavy traffic from crab boats, floating processors, freighters, barges, and Alaska Marine Highway vessels.

Also planned is a marine industrial park with support services which will offer business opportunities to boost the local economy.

False Pass, with a population of 68, has a school with grades kindergarten through twelve and a health clinic with a community health aide. Other services include mail and passenger planes from Cold Bay, phones, television, and radio. Freight arrives by cargo plane and by barge and ship that presently use the Peter Pan Seafoods Company dock.

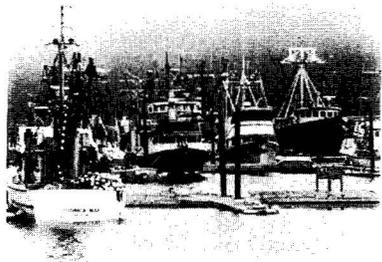


King Cove

King Cove is located on the Pacific side of the Alaska Peninsula, 18 miles southeast of Cold Bay, 625 miles southwest of Anchorage.

King Cove is one of the largest communities in the Borough. It was founded in 1911 when Pacific American Fisheries built a salmon cannery and has maintained its importance as a major fishing center in southwest Alaska for over seventy-five years. The current population is approximately 850. Today, Peter Pan cannery is one of the largest fish processing operations in the entire United States. Its facilities attract boats from both the Pacific Ocean and Bering Sea.

King Cove has a strong, stable economy most of which is based on fishing and seafood processing. Both public and private facilities have continued to improve with the growth and prosperity of the community. Presently, the King Cove harbor has over 80 spaces for permanent and temporary



vessel moorings, a 150-ton boat haulout, uplands boat storage, and a large warehouse with individual storage lockers and a major net loft area. The harbor is also one of southwest Alaska's premier crab pot storage location with over 10,000 pots currently being stored. Additional land is available for more pot storage.

The city recently extended water and electricity throughout the harbor. The community's first deep water dock is expected to begin port operations in 1992. Excellent opportunities are available in the harbor and port areas for developing additional marine and fisheries related services.

The community has a modern school, medical clinic, new community center, library, and recreation facilities. Marine freight arrives weekly from Seattle. Daily airline service from Anchorage provides reliable passenger and cargo services via the community's airport.



Nelson Lagoon

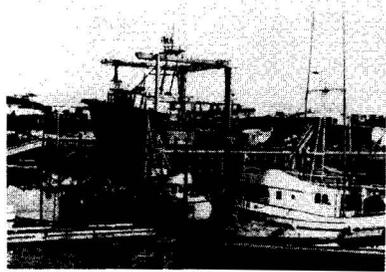
Nelson Lagoon is located on a narrow spit that separates the coastal areas of western Alaska from the Bering Sea, 550 miles southwest of Anchorage. It has a population of about 60.

The community derived its name from the lagoon, which was named for Edward William Nelson of the U. S. Signal Corps, who explored the Yukon Delta region between 1877 and 1920. The area was settled in 1906 when a salmon saltery was built there. A cannery operated from 1915 to 1917, but there has been no local plant since. For many years Nelson Lagoon was a seasonal camp, however families began to settle and a school was established in 1965.

The economy is based on commercial fishing. Nelson Lagoon has a 3,300 foot airfield. Local boats are stored onshore in the community. Subsistence hunting and fishing for caribou, fox, wolverine, geese and seal helps compensate for the seasonal nature of the work.

Several hundred thousand migratory waterfowl and shorebirds stop in the Nelson Lagoon area in the spring, and their numbers swell to over a thousand in the fall.

Nelson Lagoon has phones and mail service. There is a community utility system and a modern school. Freight arrives by ship once a year or by barge via Port Moller or False Pass.



Sand Point

Located on Humboldt Harbor on the north coast of Popof Island, Sand Point is 570 air miles from Anchorage.

Founded in the 1870's as a cod fishing station, Sand Point has consistently played a major role in the commercial fishing industry as both a repair and supply center. Currently the home of the largest fishing fleet in the Aleutian chain, this community of 1,000 has an annual growth rate of over seven percent. The state provides a number of subregional services for the community including: public safety, fish and game and a court system.

Sand Point's 25-acre boat harbor was built in the mid-1970's. It features 140-plus slips and a 150-ton marine travel lift. A 700-foot steel sheet pile dock provides additional moorage adjacent to three acres of uplands available for development. Trident Seafoods has a major bottomfish and salmon plant in the community which also provides fuel and other services. Peter Pan Seafoods has a new dock and storage and transfer facilities near the airport.

The community has several churches and one school with grades kindergarten through twelve. There are community water, sewer and electricity systems. Freight arrives by air cargo, ship and barge. The airport has direct service to Anchorage.

Ms. ENGLISH. Also, I think the subcommittee has received several letters of opposition to the bill from the Bristol Bay Borough and the Lake and Peninsula Borough and perhaps some other local governments in area, and all these comments will be entered into the record today.

[EDITOR'S NOTE.—These letters may be found in the appendix.]

Ms. ENGLISH. If there are no other questions, then the subcommittee is adjourned.

[The subcommittee adjourned at 10:26 o'clock a.m., subject to the call of the Chair.]

APPENDIX

OCTOBER 28, 1993

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

BRISTOL BAY NATIVE CORPORATION

800 CORDOVA / PO. BOX 100220 / ANCHORAGE, ALASKA 99510 / (907) 278-3602
TELECOPY (907) 276-3924

October 26, 1993

Honorable George Miller
Chair, Committee on Natural Resources
US. House of Representatives
Washington, DC.

Dear Representative Miller:

These comments about HR1688 are submitted for your consideration and for the record of the public hearing. Bristol Bay Native Corporation does not support this legislation. BBNC participated in the Wilderness Review process for Becharof, Alaska Peninsula, and Aniakchak conservation system units. The 2.7 million acres proposed in HR 1688 far exceeds the 1.3 million acres recommended by the National Park Service and the US Fish and Wildlife following exhaustive public dialogue and meetings throughout the region. To designate 2.7 million acres based on the recommendations of a since departed refuge manager and a planning team of agency bureaucrats mocks the public process.

Congress has previously designated extensive Wilderness areas in the Bristol Bay region. The Izembek Refuge contains 300,000 acres of Wilderness. Becharof Refuge already contains 400,000 acres of Wilderness. Togiak Refuge contains 2,270,000 acres of Wilderness. Existing refuge Wilderness totals nearly 3 million acres. Park totals are similarly impressive. Katmai contains 3,426,000 acres of Wilderness and Lake Clark adds 2,618,000 acres for a total of more than 6 million acres. These facts are lost in the confusing collection of maps which accompany HR 1688. The deliberation process should include the entire region so that the HR 1688 proposals can be seen in conjunction with existing Wilderness. BBNC prepared such a map and furnishes it for the record. It portrays as accurately as possible the 11.7 million acres of existing and proposed Wilderness in the region.

We appreciate and support the efforts of Koniag to trade its mineral rights for more valuable properties located elsewhere. Oil and gas rights in frontier areas like the Alaska Peninsula are highly speculative and Koniag's decision to seek properties that will benefit current shareholders could be right for them. However HR 1688 fails to recognize the entire inholding acquisition list developed by the Interior agencies for the

Alaska Peninsula. Any legislation that proposes such fundamental changes to the land management regime should provide comprehensively for the acquisition of the inholdings sought by agency planners. Amend HR 1688 to allow other inholders whose properties are sought by Interior agencies access to the process crafted for Koniag.

BBNC believes that Wilderness designations will negatively impact resource development activities of those companies and communities currently residing on the Peninsula. The provision of a cross peninsula corridor into Wide Bay for instance is negated by the designation of a portion of the Bay's uplands as Wilderness. This boundary should be moved south. A similar stumbling block is proposed for Kujulik Bay. The potentially best deep water port site on the mid peninsula, Aniakchak Bay, will be all designated Wilderness. Federal agencies, BLM, MMS, and the Federal State Land Use Planning Commission spent many years and completed numerous studies to determine the best port and corridor designations for the Peninsula. HR 1688 should be amended to insure that these natural resources are not locked in Wilderness designations.

The legislation pays little heed to BLM's study of the Peninsula's oil and gas potential. Although portions of the Peninsula are not valuable for these resources Wilderness designations overlay areas that BLM rated as highly prospective in its study. Testimony suggests that 30 wells in 90 years without a commercial discovery means that there is no potential but it is a vast area which has hardly been explored. Recent discoveries in Cook Inlet, an area with similar geology, came after many had given up in the province. BLM prepared their reports as part of the CCP process and developed impressive maps which when overlaid with the wilderness proposals show numerous conflicts. Designating these areas for Wilderness management sells the economic potential of the region short.

Perhaps the future is tourism and you are putting us in the drivers seat by designating so much Wilderness in the region. If that is the case we want better access to the business opportunities that come with the Refuge and Park management regime. Instead HR 1688 grandfathers particular uses by one group of users at the expense of the local economy. ANILCA preferences for concessions are ignored by Interior agencies and the regional economy suffers as dollars and jobs leave the region. HR 1688 should be amended to insure that the communities on the Peninsula will be the focus of economic strategies associated with Park and Refuge management.

Although there are more brown bears than people on the Peninsula both the bears and the people depend on the salmon fishery for their survival. HR 1688 should be amended to insure that fishery enhancement activities may take place in the wilderness designations. The preserve and protect strategy of the federal agencies makes it difficult to do fishery enhancement projects as it is and without specific direction in the legislation the Wilderness designation could make it impossible. These projects are

often necessary to protect salmon runs and improve their productivity. Both the bears and the fishermen support this amendment.

These concerns and opposition to the legislation by the villages , local government, and regional governments on the Peninsula lead us to the conclusion that HR 1688 is not in the best interest of the region, state or nation. The amendments that we have described would improve the bill but fundamentally you are buying land rights that are not sought by the managing agency and designating wilderness without support of the public process designed by Congress for that purpose. For these reasons the legislation should be dramatically amended or rejected.

BBNC appreciates this opportunity to comment on legislation which has such a direct impact on its interests. We are sorry that Alaska hearings were not held.

Sincerely,

A handwritten signature in cursive script that reads "Hjalmar E. Olson".

Hjalmar Olson
President & Chief Executive Officer

Attachments
Board Resolution
Village Resolution
APC correspondence

RESOLUTION 92 - 27

WHEREAS, H.R. 1219, the Alaska Peninsula Wilderness Designation, October of 1992 has passed the U.S. House of Representatives and is now under consideration in the U.S. Senate;

WHEREAS, H.R. 1219 authorizes Koniag, Inc. to sell to the United States 275,000 acres of its subsurface estate located on the Alaska Peninsula;

WHEREAS, H.R. 1219 also establishes 2.8 million acres of wilderness on the Alaska Peninsula, although in the federal planning process in 1985-87, there were recommendations for only 1.3 million acres;

WHEREAS, several Native villages on the Alaska Peninsula have earlier expressed their opposition to wilderness status on the Alaska Peninsula, but have not been able to express their views on this new wilderness designation because Congress has not held hearings in Alaska on H.R. 1219;

NOW THEREFORE, BE IT RESOLVED that the Bristol Bay Native Corporation (BBNC) supports the sale provisions of the Koniag subsurface estate to the United States, but only if the revenues from that sale are subject to the provisions of the Section 7(i) Settlement Agreement;

FURTHER RESOLVED that BBNC opposes the wilderness provisions of H.R. 1219 because they are not in the best interests of Alaska, the BBNC, and the Native villages located on the Alaska Peninsula.

ADOPTED this 28th day of August, 1992 at Anchorage, Alaska.



 Chairman



 Secretary

RESOLUTION 93 - 01

WHEREAS, legislation similar to H.R. 1219, the Alaska Peninsula Wilderness Designation, October of 1992 may be introduced in the new Congress; and

WHEREAS, H.R. 1219 would authorize Koniag, Inc. to sell to the United States 275,000 acres of its subsurface estate located on the Alaska Peninsula; and

WHEREAS, H.R. 1219 would designate 2.8 million acres of wilderness on the Alaska Peninsula, although in the federal planning process in 1985-87., there were recommendations for only 1.3 million acres; and

WHEREAS, several Native villages on the Alaska Peninsula have earlier expressed their opposition to wilderness status on the Alaska Peninsula, but have not been able to express their views on this new wilderness designation because Congress did not hold hearings in Alaska on H.R. 1219;

NOW THEREFORE, BE IT RESOLVED that the undersigned officers and directors of Bristol Bay villages support the sale provisions of the Koniag subsurface estate to the United States as long as the revenues from that sale are subject to the provisions of the Section 7(i) Settlement Agreement; and

FURTHER RESOLVED that the undersigned officers and directors of Bristol Bay villages oppose the wilderness provisions of H.R. 1219 because they are not in the best interests of Alaska, the Native villages located on the Alaska Peninsula, and the Bristol Bay Native Corporation and request that any congressional consideration of new wilderness designations on the peninsula include hearings in Alaska and the Bristol Bay region.

ADOPTED this 23rd day of February, 1993 at Anchorage, Alaska.

Joseph A. Hill

Post-Kodiak APC treasurer

Mary J. Nielsen

So. Naknek APC Ch. Mgr.

Fred J. Angason

So. Naknek APC member

Colleen Christensen

Pilot Point Native Corp Secretary

Carol Ann J.

So. Naknek

~~John P. Krumm, CEO~~
~~John P. Krumm~~
John P. Krumm

~~First State Native Corp.~~
~~P.O. Box 61 Nainok~~
~~7943 - VIK INC. LTD~~
~~Box 34 VIK A25~~

Adelheid Herrmann

P.O. Box 263 Nainok, Ak
9963

Jed Nickerson

P.O. Box 1309 Dillingham, AK
99576

Euntha A. Hunt

P.O. Box 188 DLG 9957

Juhiahechuk

P.O. Box Elkwook AK

Jugue S

B B N C

Beverly C Cloud

Pedro Bay Corp

William S. Olson

B B N C

Juhiahechuk

Woods, Ak

John P. Krumm

B B N C

Richard Lasser

Oceanside Corp

Richard Lasser

Oceanside Corp.

<u>John Kosbark</u>	<u>Oceanside Corp.</u>
<u>Sam G. G.</u>	<u>Oceanside Corp.</u>
<u>Harry W. Kosbark</u>	<u>Oceanside Corp.</u>
<u>Bernard Starkey</u>	<u>Far West Inc.</u>
<u>Claudia Carlson</u>	<u>Far West Inc.</u>
<u>Robin Starkey</u>	<u>Far West Inc.</u>
<u>Miriam Olson</u>	<u>Alkayak Marine Ltd.</u>
<u>Shirley L. Clay & Book</u>	<u>Alkayak Marine Ltd.</u>
<u>Wendell Gander</u>	<u>Stuyahok Ltd.</u>
<u>Gust B. Gander</u>	<u>" "</u>
<u>Timothy Andrew</u>	<u>Stuyahok Limited</u>
<u>Simon Checknot</u>	<u>Stuyahok Ltd.</u>
<u>Maria Andrew G.</u>	<u>Stuyahok Ltd.</u>
<u>Daniel J. O'Hara</u>	<u>Valencia, Alaska</u>

<u>Mally Nelson</u>	<u>Ekwoh Native Ltd</u>
<u>Janita Karginisvicius</u>	<u>Ekwok Natives Limited</u>
<u>Julie Brandon</u>	<u>Ekwok Native Limited</u>
<u>Janina King</u>	<u>Ekwok Native Limited</u>
<u>Harold Nelson</u>	<u>Bechang Cop - Egeyik</u>
<u>Harold S. Simchen</u>	<u>Pilot Point Native Corp</u>
<u>Maes Toyukak</u>	<u>Manokotak, Alaska 99628</u>
<u>William W. Thompson</u>	<u>Choggiong</u>
<u>John A. [unclear]</u>	<u>CHOGGIUNG</u>
<u>[unclear]</u>	<u>Pangvik, Inc., Ltd.</u>
<u>Hubert W. JohnsonST</u>	<u>Pangvik, Alaska</u>
<u>John C. Knuteen Pres</u>	<u>Pangvik, Inc., Ltd. Alaska</u>
<u>Ellen B. Copland</u>	<u>Bone</u>
<u>Nick Sluzgi</u>	<u>Bay View</u>

<u>Edgar Shagin</u>	<u>Bay View, Inc.</u>
<u>Nasirullah Huttak</u>	<u>ALEKNAGIK NATIVES LTD.</u>
<u>Joe Humber</u>	<u>Enigok</u>
<u>Richard H. Hagg</u>	<u>Saguyak inc.</u>
<u>George Andria</u>	<u>Saguyak Inc.</u>
<u>Al Chung</u>	<u>Shy Inc</u>
<u>Sharon J. Carr</u>	<u>Saguyak, Inc.</u>
<u>Joseph L. Clark</u>	<u>Saguyak Inc.</u>
<u>— * J</u>	<u>EBNC</u>
<u>Lennis F. Shagin</u>	<u>Oceanside</u>
<u>Edna Smith</u>	<u>Oceanside Corp.</u>
<u>Myrtle Aneln</u>	<u>INL Shagin Network</u>
<u>Rosa M. Pacheco</u>	<u>Mikuel</u>
<u>Dolly Herrmann</u>	<u>Pangvik Inc Ltd, Nakne</u>

Jana Heath

Naknek, Ak - Paug-vik

Mathie & Jost

Twin Hills, Ak

Wassilla

Levelock Native Ltd

Sri Chandra
Prasad Bora

Levelock Native Ltd

City of Manaktok

Wassilla Inupiat

Manaktok Native Limited

CCW

Togiak Natives Ltd

Ally Wassilla

A.P.C Member

Daniel Hialan

So. Naknek

Phonda Kuyori

Chyuk Lagoon Native Corp

Colleen Jones

Chyuk Lagoon Native Corp

ALASKA PENINSULA CORPORATION

800 Cordova St., Suite 103

P.O. Box 104360

Anchorage, Alaska 99510

Telephone (907) 274-2433

Telecopier/Facsimile (907) 274-8694

September 29, 1992

Honorable Ted Stevens
 United States Senate
 522 Hart Building
 Washington, D.C. 20510-0201
 FAX 202-224-1044

Dear Senator Stevens:

The Alaska Peninsula Corporation is the village corporation for South Naknek, Ugashik and Port Heiden. The Alaska Peninsula Corporation owns 230,480 acres of surface land on the Alaska Peninsula as their share of the settlement of the Alaska Native Claims Settlement Act.

The Alaska Peninsula Corporation is opposed to H.R.1219. APC cannot support the congressional designation of 2.8 million acres of wilderness in the peninsula's park and refuge units because it would adversely impact the economic viability of the corporation.

APC's only asset, other than money in its stock portfolio, is land that is on the Alaska Peninsula.

H.R.1219 would discourage mineral industry exploration and investment on the peninsula. It would frustrate fishery enhancement programs. Without a commercial fishery, the shareholders of APC would lose their only source of income today.

H.R.1219 would decrease state land development opportunities on the peninsula. This would deny APC an opportunity to participate in future development of its lands. And finally, it would block access to the all weather ports in the Pacific, further isolating the land holdings of APC.

APC has participated in past hearings on classifications of land on the Peninsula. We have opposed previous attempts to lock away our land. We feel that H.R.1219 is an even more sinister attempt to lock away our holdings.

Thank you for your considerations and we urge that you heed our pleading and reject H.R.1219.

Ralph Angasan Sr. by [signature]
 Ralph Angasan Sr., President
 ALASKA PENINSULA CORPORATION

cc. BBNC
 Koniag
 Alaska Federation of Natives



Lake and Peninsula Borough

P.O. Box 495
King Salmon, Alaska 99613

Telephone: (907) 246-3421
Fax: (907) 246-6602



October 26, 1993

The Honorable Don Young
United States House of Representatives
Washington, D.C. 20510

RE: Alaska Peninsula Wilderness Legislation

Dear Representative Young:

We appreciate your help in continuing to oppose the Alaska Peninsula Wilderness legislation. We understand that last year's effort to designate nearly 3 million acres of the Alaska Peninsula as wilderness is back again as H.R. 1688. The Lake and Peninsula Borough went on record last year as strongly opposing the wilderness provisions of H.R. 1219. The Borough's position remains unchanged. We strongly urge you to not only oppose this legislation, but to do everything possible to see that it does not become law.

We have talked with other local government and native entities in the region, and as nearly as we can determine, this bill is opposed by virtually all state, local and private interests on the Peninsula. Thank you for your efforts to assure that this legislation is defeated.

Sincerely,

Glen K. Vernon
Borough Manager

cc: Senator Ted Stevens
Tom Hawkins, HBNC
Frank Pagano, Koniag
Alice Petrovelli, Aleut Corp.
Marideth Sandier, SWAMC
Bob Justner, Aleutians East Borough
Ed Pefferman, Bristol Bay Borough
Sue Flensburg, BECRSA
Robin Samuelsen, BBNA

**LAKE AND PENINSULA BOROUGH
RESOLUTION NO. 93-04**

**A RESOLUTION OF THE LAKE AND PENINSULA BOROUGH ASSEMBLY
URGING THE U.S. SENATE TO OPPOSE THE WILDERNESS PROVISIONS
OF H.R. 1219.**

- WHEREAS,** the Lake and Peninsula Borough Assembly desires to promote economic development in the region; and
- WHEREAS,** the provisions of H.R. 1219 would designate an additional 2.8 million acres of the Alaska Peninsula as wilderness, thereby further diminishing opportunities for fishery enhancement activities and transportation options to cross the Alaska Peninsula to connect Bristol Bay with potential deep water ports on the Pacific side of the Peninsula; and
- WHEREAS,** the federal planning process conducted during the period 1985-1987 resulted in federal agency recommendations for the creation of only 1.3 million additional acres of wilderness on the Alaska Peninsula; and
- WHEREAS,** prior to designation of any additional acreage to wilderness status, comprehensive planning should be completed to identify which lands should be held out for transportation corridors across the Alaska Peninsula and for fishery enhancement activities; and
- WHEREAS,** no determination on H.R. 1219 should be made until the Congress holds hearings in the region and throughout the State of Alaska.

NOW, THEREFORE, BE IT RESOLVED that the Lake and Peninsula Borough Assembly joins the many other public and private entities in the region in urging the U.S. Senate to oppose the wilderness provisions of H.R. 1219 because they are not in the best interests of the Lake and Peninsula Borough or the State of Alaska.

PASSED AND APPROVED this 16th day of February, 1993.

IN WITNESS WHEREOF:


Mayor

ATTEST:


Borough Clerk

October 28, 1993

*The Honorable George Miller
United States House of Representatives
2205 Rayburn House Office Building
Washington, DC 20515-0607*

Dear Representative Miller:

I would like to take this opportunity to comment on House Resolution 1688, the Alaska Peninsula Wilderness Act.

The State of Alaska does not take issue with Koniag's desire to exchange a portion of its subsurface inholdings in Alaska's parks and refuges for lands elsewhere or other compensation. However, we are strongly opposed to legislation that would designate large areas on the Alaska Peninsula as wilderness.

Federal lands in Alaska total over 217 million acres, of which more than 68 million are already designated wilderness. Additionally, almost 60 percent of the federal land holdings in Alaska are contained in parks and refuges. Alaska lands have contributed the most acreage of any of the states to the National Park system, the National Wildlife Refuge system and the wilderness-managed lands of the nation. The actions proposed by this legislation for converting more federal land designations into wilderness are unwarranted.

As Governor of the State of Alaska, my responsibilities include both the stewardship of our natural resources and the well-being of our citizens. Massive wilderness withdrawals undermine the ability of Alaska citizens to use, not abuse, the land in the manner it has been used for generations.

We have not ignored the natural environment with which we are blessed in Alaska. In fact, the State of Alaska has more area protected by state designations than any other state in the union. Our environmental protection laws are the equal of any other state.

The Alaska National Interest Lands Conservation Act (ANILCA) recognized, specifically, that enough of Alaska has been designated as wilderness. Section 101(d) of ANILCA states:

*The Honorable George Miller
October 28, 1993
Page 2*

This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people...and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby.

Additional wilderness withdrawals will have a significant and negative impact on the citizens of Alaska. They undermine the balance attempted by ANILCA.

For these reasons, the State of Alaska strongly urges the removal of the wilderness provisions of this bill and that the Konig provisions be allowed to go forward.

Thank you for considering our views. We look forward to working with you and your staff.

With best regards.

Sincerely,

S/S WALTER J. HICKEL

*Walter J. Hickel
Governor*

*cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young*

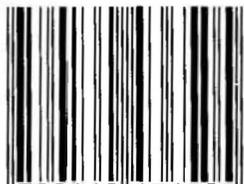
*bcc: Mr. John Katz
Dr. Paul Rusanowski*

*WJH/WDO/BPM/ec
Miller.ltr*

*0110/12
Alaska Peninsula Wilderness
Act-Oppose further wilderness
designation*



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