# STATUS OF FEDERAL LANDS IN ALASKA



## HEARING

BEFORE THE

## COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

MANAGEMENT OF LANDS UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

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DECEMBER 10, 1974



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# STATUS OF FEDERAL LANDS IN ALASKA

TUESDAY, DECEMBER 10, 1974

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
*Washington, D.C.*

The committee met, pursuant to notice, at 10 a.m. in room 3110, Dirksen Office Building, Hon. Floyd K. Haskell, presiding.

Present: Senators Haskell, Church, Metcalf, Metzenbaum, and Stevens.

Also present: Jerry T. Verkler, staff director; Steven P. Quarles, special counsel; D. Michael Harvey, professional staff member; and Harrison Loesch, minority counsel.

## OPENING STATEMENT OF HON. FLOYD K. HASKELL, A U.S. SENATOR FROM THE STATE OF COLORADO

Senator HASKELL. The subject of today's hearing by the full Interior Committee is the interim management of Federal lands in Alaska pending final congressional action on the legislative proposals to set aside certain lands as components of the National Park, Wildlife Refuge, Wild and Scenic Rivers, and Forest Systems.

These proposals arise from section 17(d)(2) of Alaska Native Claims Settlement Act. This particular provision was a floor amendment authored by Senator Bible and supported by Senators Jackson and Metcalf.

As these three advocates of section 17(d)(2) are all members of this committee and as the entire Settlement Act was a product of this committee's deliberations, we have an abiding interest in this subject matter.

Of particular concern to this committee will be any actions which the Department may have taken or might take to reduce the ability of Congress to decide which public lands in Alaska shall be designated as components of the four systems.

Therefore, we will wish to explore today what efforts the Interior Department is making to insure that the lands proposed for designation in the various legislative proposals pending before Congress are protected pending congressional consideration and what problems, if any, the Department may be experiencing in providing that protection.

In particular, as the chairman has previously announced, the committee will wish to discuss with the departmental representative the following items:

One: The recent identification of potential transportation corridors and to what extent these corridors cross lands identified in the legislative proposals;

Two: What is the status of and the Department's position on State selection of any of those lands;

Three: The status of any of those lands which have since been identified for possible Native selection if they are not selected;

Four: The recent recommendation to the Committee on Interior and Insular Affairs in the House of Representatives that authority be given to identify petroleum reserves on public lands, including d-2 lands; and

Five: The effect, if any, of the ultimate definition of "navigable waters" upon the lands identified in the legislative proposals.

Twice, the Chairman has written the Secretary of the Interior requesting 60-day advance notice to the committee of any actions concerning Federal lands in Alaska which would affect the various Alaska lands legislative proposals pending before Congress.

This hearing is another attempt by this committee to inform itself of any developments which might impact upon its legislative prerogatives.

At this point I would like to insert in the record a copy of a letter from Senator Jackson to Hon. Rogers C. B. Morton and a staff memorandum to members of the Interior Committee.

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
*Washington, D.C., November 18, 1974.*

Hon. ROGERS C. B. MORTON,
*Secretary of the Interior,*
*Washington, D.C.*

MY DEAR MR. SECRETARY: I have received a copy of your letter to Chairman Haley of the House Committee on Interior and Insular Affairs setting out the Department of Interior's views on Section 204(d) of H.R. 16800, which is the House Public Lands Subcommittee's version of the organic act for the Bureau of Land Management. Section 204(d) deals with establishment of national petroleum reserves on public lands.

The views evpressed in your letter represent a major shift in Administration policy. Implementation of your recommendations would require a major change in the present statutory system for management of the Naval Petroleum Reserves.

Furthermore, it appears that your proposal would amend the Alaska Native Claims Settlement Act of 1971 and the Wilderness Act of 1964. Establishment of national petroleum reserves on public lands in Alaska could preclude native selections and might even prevent conveyance of lands already selected by Alaska natives pursuant to the Settlement Act. National petroleum reserves established in areas of the national wildlife refuge system included in the national wilderness preservation system would, as I understand your proposal, be open to oil and gas leasing. This is not permitted under existing law.

In view of the fact that no public hearings have been held on these proposals and your Department's advocacy for action in this Congress, I would appreciate a report setting forth answers to the following questions:

1. What is the Department's present plan to implement the policy you recommend?

2. How many acres would be leased?

3. What would the time frame for leasing be?

4. I am particularly concerned about the provision in your draft bill which would allow extension of a lease after the lessee shows that "development of the leased lands would not be economic because of the lack of pipelines or other means of transporting oil or gas produced from the lease." Wouldn't this allow oil companies to obtain leases on the Artic Slope and then not produce oil and gas until they wished to do so simply by not constructing pipelines?

5. Shouldn't leases be granted subject to delivery to market of a given volume by a certain time?

6. Would Navy or Standard of California oil at Elk Hills be priced as "old" or "new" oil?

I must point out that your letter is misleading in stating that "existing law is inadequate to provide for the full development and production of Elk Hills or for the exploration, development, and production of Pet IV."

The Secretary of the Navy is specifically authorized by 10 U.S.C. Sec. 7422 to both explore and develop the Naval Petroleum and oil shale reserves subject only to the approval of the President.

As I am sure you are aware, I have long urged accelerated exploration and development of the Naval Petroleum Reserves particularly Naval Petroleum Reserve No. 4. The $60 million appropriation for FY 1974 for exploration and development in Naval Petroleum Reserves Nos. 1 and 4 originated in the Senate as a floor amendment which I sponsored. The Senate has also passed S.J. Res. 176 after amending it to require the accelerated exploration of Petroleum Reserve Nos. 1 and 4. Because the Administration failed to request funds for any exploration or development of the Reserves in its FY 1975 budget request, the Congress on its own initiative has appropriated $62.5 for that purpose.

I have for many years also actively sought the enactment of an organic act for the Bureau of Land Management which the Senate passed in July. I am hopeful that the House Committee will report out a bill similar to S. 424 soon after the recess so that we can send a BLM Organic Act to the President this year. I have shared the concern you have previously expressed about a number of provisions added by the House Subcommittee on Public Lands dealing with matters only peripherally related to the management of the National Resource Lands. Retention of these provisions, such as Section 204(d), will make it much more difficult to resolve differences between the House and Senate bills.

The major policy issues raised by your proposal should be fully aired at public hearings and subjected to full debate in both the Senate and the House of Representatives before their adoption. I see little opportunity for this in the limited time left and the crowded agenda facing the 93rd Congress.

I believe that the question of the future development of the Naval Petroleum Reserves should be considered in separate legislation and given a very high priority in the 94th Congress. It is my own view that these reserves should be explored and developed by the Federal Government by contracts with private industry.

In order to help me in future consideration of this subject, I would like a detailed analysis of the various policy options for development and production of the Naval Petroleum Reserves and for the disposition of that production which have been considered by the Department of the Interior and other agencies in the Executive Branch. I assume this includes the Federal exploration and development option.

Please indicate the advantages and disadvantages of each option, as you see them, and the factors which led to the Department's conclusion to adopt the policy recommendtions set out in your October 18 letter.

I look forward to hearing from you soon.

Sincerely yours,

HENRY M. JACKSON,
*Chairman.*

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U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
*Washington, D.C., December 9, 1974.*

Re Tomorrow's hearing on management of Alaska lands pending congressional action on d–2 lands proposals under the Alaska Native Claims Settlement Act.

Memorandum to: Members, Senate Committee on Interior and Insular Affairs.
From: Steven P. Quarles, Special Counsel.

Tomorrow, at 10:00 a.m. in Room 3110 Dirksen Senate Office Building, the Committee will hold a hearing on the management of certain Alaska lands by the Department of the Interior pending Congressional action on the d–2 lands proposals (lands proposed to be included in the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems) provided for in the Alaska Native Claims Settlement Act (ANCSA). The single witness will be Royston C. Hughes, Assistant Secretary, Program, Management and Budget, Department of the Interior.

The subject of the hearing was described in the Chairman's letter of December 2, 1974 to Secretary Morton: "Of particular concern to this Committee will

be any actions which the Department may have taken or might take to reduce the ability of Congress to decide which public lands in Alaska shall be designated as components of the National Park, Wildlife Refuge, Forest, and Wild and Scenic Rivers systems."

Set out below is a background memorandum on ANCSA, the d–2 lands, existing status of land ownership in Alaska, and potential problems of management of Alaska lands which might limit Congressional prerogatives in selecting lands to incorporate in the four systems.

### A. ANCSA AND SECTION 17(d)(1) AND (2)

On December 18, 1971, the President signed into law ANCSA (P.L. 92–203, 85 Stat. 688). This legislation extinguished all aboriginal claims to land in Alaska and in return provided the Natives (individually and through 12 Regional Corporations and numerous Village Corporations established under the law's provisions) with a land settlement of approximately 40 million acres and a monetary settlement of nearly a billion dollars ($462,500,000 from the general fund of the Treasury, and $500 million from mineral revenues from lands in Alaska conveyed to the State under the Statehood Act after the enactment of ANCSA and from the remaining Federal lands, except Naval Petroleum Reserve No. 4).

Section 17(d)(1) of the Act authorizes the Secretary of the Interior to withdraw such public domain lands as he deems advisable to ensure that the public interest in them is properly protected.

Section 17(d)(2) of the Act authorizes the Secretary to withdraw up to 80 million acres of land to be studied for possible additon to the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems. The same paragraph also requires all legislative proposals arising from such studies to be submitted to the Congress within 2 years, by December 18, 1973, and provides a five year period for Congress to act following receipt of the legislation. During this period land in those proposals withdrawn under 17(d)(2) would not be subject to appropriation under the public land laws.

### B. LEGISLATIVE HISTORY

By the passage of the Alaska Statehood Act in 1959, nearly 85 million of the 375 million acres in Alaska had been reserved by the federal government for military uses (including the 23 million-acre Naval Petroleum Reserve No. 4), national parks, wildlife refuges, or national forests. Except for 600,000 privately-owned acres, the remainder was unreserved public domain.

As the State began to select the 103 million acres it was entitled to under the Statehood Act, it met the increasingly sronger opposition of Eskimos, Aleuts, and Indians who were defending their aboriginal rights to the same land. In the face of these conflicting land claims, in 1966 then Secretary of the Interior Stewart Udall imposed a freeze on all Alaska public lands—halting any further Federal withdrawals, state selection, homesteading, or private development. The freeze was subsequently extended by Secretary Hickel pending Congressional consideration of the Alaska Native land claims. Resolution of the Native claims question became a priority national task with the 1968 oil strike at Prudhoe Bay as the Secretary could not grant a permit for a pipeline to transport Prudhoe oil with land ownership questions unresolved and the land freeze in effect.

Congressional rather than judicial determination of the Native Claims was clearly expected. The problem of resolving these claims has in one form or another been with the Congress since the United States purchased Alaska from Russia 106 years ago. Since that time the Congress periodically dealt with various aspects of the land claims question in connection with legislation dealing with Alaska or Indian people. The most important of these measures reserved the question for future determination by the Congress.

The Organic Act of 1884; Act of May 16, 1884 (24 Stat. 388), established Alaska as a land district and provided that the laws of the United States relating to mining claims were to have full force and effect. With repsect to the Indians and other Natives inhabiting Alaska, it provided in Section 8:

". . . That the Indians or other persons in said district not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress . . ."

The Senate report on the proposed Organic Act cautioned against the opening up all of the lands by stating:

"Another reason against present action on this subject is found in the fact that the rights of the Indians to the land, or some necessary part of it, have not yet been the subject of negotiation or inquiry. It would be obviously unjust to throw the whole district open to settlement under our land laws until we are advised what just claim the Indians may have. . . ."

Section 4 of the Alaska Statehood Act, signed on July 7, 1958, provided that the State and its people forever disclaim all right and title to any land or property not granted or confirmed to the state or its political subdivisions by or under the authority of the Statehood Act, the right or title to which was held by the United States. This disclaimer likewise applied to any lands or other property (including fishing rights), the right or title to which were held by any Indians, Eskimos, or Aleuts or by the United States in trust for them. Finally, the section provided that no attempt would be made to consider the legal merits of indigenous rights but the matter would be in status quo for either future legislative action or judicial determination.

In the four years preceding the passage of ANCSA, numerous bills providing for the settlement of Alaska Native land claims were introduced in the Congress. All failed of passage until the 91st Congress when S. 1830 passed the Senate but failed to pass the House.

Early in the first session of the 92nd Congress, S. 35 was introduced in the Senate. This bill's provisions were identical to those of S. 1830 as it passed the Senate. Among those provisions was section 24(a)(3) which required the Secretary to study all unreserved public lands in Alaska "which are suitable for inclusion as recreation, wilderness, or wildlife management areas within the National Park System and National Wildlife Refuge System", advise Congress of the studies' results, and make the appropriate withdrawals.

The House moved first in the 92nd Congress when on September 28, 1971, the House Interior Committee reported H.R. 10367. The reported bill did not provide for the withdrawal of national interest lands, although it did provide for the withdrawal of all unreserved public lands that had not been classified by the Secretary of the Interior. Proposals to provide a lengthy extension of PLO 4582, as amended, (the land freeze) and to provide for general planning for parks, transportation, development, etc. sponsored by Congressman Saylor and Udall were voted down in the Committee. The Saylor-Udall amendment to H.R. 10367 was introduced on the floor of the House when the bill came up for consideration. This amendment would have provided for the designation of 50 million acres of national interest lands in addition to nearly 50 milion acres of land already classified in Alaska by the Secretary of the Interior prior to the expiration of the Multiple Use and Classification Act of 1964. The amendment was rejected, and H.R. 10367 passed the House on October 20, 1971, as it was reported out by the Committee.

Section 24 of S. 35, as reported by the Senate Interior Committee on October 21, 1971, contained a new subsection (a) establishing a Federal-State Land Use Planning Commission with some regulatory authority and review power over proposed State and Native selections. The scope of the studies to be conducted by the Secretary in subsection 24(c) (formerly section 24(a)(3)) was enlarged to include potential national forest lands.

During floor debate on the measure, Senators Bible, Jackson, and Metcalf introduced and fought successfully for an amendment to subsection (c) which, among other things: (1) provided for study of "classified" lands as well as unreserved lands; (2) replaced the 2 year withdrawal period with a five-year withdrawal to allow Congressional consideration of legislation; and (3) allowed State identification of withdrawn areas for purposes of State selection, but did not allow tentative approval or patenting of such lands pending Congressional action.

In addition to reducing the Planning Commision's powers to advisory only, the House-Senate Conference adopted a compromise substitute to section 24(c) which limited the withdrawal to 80 million acres and added the Wild and Scenic Rivers System to the other three national systems for which lands are to be identified in the study process. Section 17(d)(2) of the bill, as reported by the conference and signed into law on December 18, 1971, required the Secretary to:

. . . withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, and from selection by Regional Corporations pursuant

to Section 11, up to, but not to exceed, eighty million acres of unreserved public lands in the State of Alaska, including previously classified lands, which the Secretary deems are suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems . . .

### C. POST-ANCSA LAND WITHDRAWALS

In March 1972, the Secretary made preliminary withdrawals of lands in Alaska for this purpose. As, completion of the withdrawals was to be accomplished within 9 months from the effective date of the Settlement Act, final withdrawals of the so-called "d–2" or "national interest" lands was made in September 1972 by Public Land Orders 5250 through 5257. Changes between the preliminary and final withdrawals reflected recommendations of the Joint Federal-State Land Use Planning Commission and an out-of-court settlement of a law suit by the State against the Secretary concerning land which was also identified by the State for selection under the Statehood Act. Of the areas tentatively identified in March 1972, about 14 million acres were placed in d–1 withdrawals or in State or Native land selection areas. A slightly smaller total acreage was added to the initial d–2 withdrawals, thus holding the overall total colse to the 80-mililon-acre limitation.

The total acreage of the land withdrawn under Section 17(d)(2) was 79 million acres. An additional 47 million acres was set aside for study as "public interest" lands under section 17(d)(1). Also withdrawn were 112 mililon acres to serve as a "pool" from which the Natives are to select their 40 million acres. Finally, Morton also withdrew a 4.5 million-acre utility corridor for the oil pipeline and a second smaller utility corridor for a possible gas pipeline adjoining the Arctic National Wildlife Range.

### D. CONGRESSIONAL LAND SELECTIONS: THE D–2 LEGISLATIVE PROPOSALS

Section 17(d)(2) gave the Secretary two years from the date of enactment to make his recommendations to the Congress concerning which lands should be incorporated in the four systems. On December 17, 1973, the Secretary submitted his legislative proposal, subsequently introduced by Senators Jackson and Fannin (by request) as S. 2917. The bill proposes to enlarge two existing national parks and to create nine new parks for a total addition of 32.26 million acres to the National Park System, which now embraces approximately 30 million acres. It would also create nine new wildlife refuges, adding 31.59 million acres to a National Wildlife Refuge System which now contains 30.4 million acres. Three new national forest system areas totalling 18.8 million acres would be established. The following new components of the wild and scenic river system would be designated: six components entirely within national park areas, five entirely within national wildlife refuge areas, one within both a park and a refuge, four entirely within national forest areas, and four (totalling .82 million acres) on public domain lands. The total area encompassed by S. 2917 is 83.47 million acres.

Senator Jackson also introduced (by request) the citizens' proposal, S. 2918, which recommends 27.5 million acres more for the National Park System than does S. 2917, and an extra 11.6 mililon acres for wildlife refuges. The total land involved in S. 2918 is 106 million acres. Also pending before Congress, is Representative Dingell's bill which proposes to set aside 133.5 million acres in Alaska for wildlife refuges.

Prior to, contemporenously with, and subsequent to Congressional consideration of these legislative proposals, both the Natives and the State will exercise land selection rights.

### E. NATIVE LAND SELECTIONS

The Natives are entitled to select 40 million acres under the provisions of ANCSA. However, Native ownership may exceed the 40 million acre settlement figure by perhaps another two million acres, depending upon the election available to certain Natives to take existing Native reserves in lieu of land rights under ANCSA, and depending upon the total grants of land under the Alaska Native Allotment Act of 1906 which exceed the "hardship" lands provided for in ANCSA. Some overlap of acreage exists between Native selection rights and existing National Forest and Wildlife Refuge withdrawals because all Federal withdrawals, except National Defense (excluding NPR No. 4) and National

Park lands, are subject to limited Native selection rights. If these selection rights are fully exercised in the Tongass Forest in Southeast Alaska and in the Chugach National Forest and National Wildlife Refuge lands in other parts of Alaska, approximately 2.5 million acres will be removed from existing Federal withdrawals. However, provision was made in the Act to replace lands so removed from the National Wildlife Refuges and approximately 1.9 million acres will be replaced.

F. STATE LAND SELECTIONS

Prior to passage of the Settlement Act, the State of Alaska had either selected, received tentative approval for patent, or received patent to 26 million acres of land. Some of these selected or tentatively approved lands also may be selected by Alaska Native village corporations. If the Native selection rights are fully exercised, it is estimated that 2.6 million acres will be removed from current State selected land for Native ownership. But this acreage will be added back to the remaining selection rights of the State.

Total State ownership in Alaska, if all selections are made, will be over 104 million acres, exclusive of submerged lands. General grant selections of 102.5 million acres and community expansion selections of 800,000 acres are provided for in the Statehood Act. An additional 1.1 million acres of Mental Health and University lands were granted prior to statehood.

In January, 1972, the State nominated some 77 million acres for selection and relinquished 36.4 million acres of that selection after settlement of the suit between the State and the Secretary of the Interior when many of the March, 1972, Secretarial withdrawals of d–2 lands conflicted with these State selections. Thus current patented, tentatively approved, and selected State lands now total over 66 million acres.

Lands due to the State may come from 11 million acres of public domain lands now unappropriated and unreserved, from d–2 lands not permanently reserved by Congress, from lands now withdrawn for Native selection but not finally selected by Native corporations, or from lands now withdrawn from classification by the Secretary of the Interior. They may also come from some lands now in existing Federal reserves upon revocation or reduction of such reserves.

G. PRIVATE LAND SELECTIONS

There are also privately owned or applied-for lands within Alaska which may affect the d–2 lands. Though such total acres are small compared with the millions of acres in other categories, the number of tracts is large, and in many instances, their location strategic. Land status records now show 8,500 applications for approximately 21,000 tracts under the Alaska Native Allotment Act and an estimated 50,000 to 60,000 unpatented mining claims, in addition to the 70,000 acres of land in Alaska already patented to individuals under public land laws.

H. LIKELY FINAL ALASKA LAND OWNERSHIP PATTERN

Esther Wunnicke, staff member of the Federal-State Land Use Planning Commission for Alaska, estimates that, if 80 million acres are placed in the four systems, this land together with existing units of the four systems in Alaska, military lands and the probable total of 45 million acres of public domain remaining after all selection rights have been exercised, will leave approximately 59 percent of Alaska land in Federal ownership; 30 percent will be in State ownership; and 11 percent will be owned by Native Regional and Village Corporations.

I. INTERIM MANAGEMENT OF THE D–2 LANDS PENDING CONGRESSIONAL ACTION: ISSUES TO BE CONSIDERED IN THE HEARING

In his December 2, 1974 letter to Secretary Morton requesting a Departmental witness, the Chairman states:

"We will wish to explore with you what efforts your Department is making to insure that the lands proposed for designation in the various legislative proposals pending before Congress are protected pending Congressional consideration and what problems, if any, you may be experiencing in providing that protection."

He also listed five specific issues, which are quoted below and are accompanied by short discussions:

(1) "the recent identification of potential transportation corridors and to what extent these corridors cross lands identified in the legislative proposals."

Section 17(b) of ANCSA is the primary authority for the reservation of public easements in patents conveyed to Native village and regional corporations. Section 17(b) vests the Secretary of the Interior with final responsibility for making such reservations. Prior to doing so, he is required by Section 17(b)(3) to consult with the State of Alaska and the Land Use Planning Commission. In turn, Section 17(b)(1) directs the Commission to identify those public easements across lands selected by Native village and regional corporations and at periodic points along the courses of major waterways which are reasonably necessary to guarantee international treaty obligations and a full right of public use and access for recreation, hunting, transportation, utilities, docks, and such other public uses as the Commission determines to be important. In accomplishing this responsibility, the Commission is required to consult with appropriate government agencies to review proposed transportation plans, and to receive and review the statements and recommendations of interested organizations and individuals concerning the need for, and the proposed location of, easements. BLM regulations published in the Federal Reigster of May 30, 1973, embellished upon these provisions. Most important of the regulations' provisions was the one which provides that the Secretary will terminate all easements if they are not used for the purpose intended by the date specified or, if no deadline is provided, by December 18, 2001.

Selections of lands by Native village corporations are to be completed by December 18, 1974; whereas, regional corporations are to complete land selections by December 18, 1975. Once selected, transfer of ownership normally takes place within six months. Easements are presently being written into the patents for selected land. Several controversies surround these easements, most notable of which is the decision to take linear easements rather than access point easements along bodies of water.

However, in relation to the d–2 lands, most controversial are the BLM transportion and utility corridor easement proposals contained in the BLM's October 1974 document "Multimodal Transportation and Utility Corridor Systems in Alaska: A Preliminary, Conceptual Analysis". This report not only explores potential corridor easements across Native lands but also d–2 lands.

The Director of the BLM, in a letter to the Alaska Governor, recognizes the controversial nature of the report when he states:

"The report can . . . be an initial basis for working with the State, Joint Federal-State Land Use Planning Commission and the Congress in determining the best location of corridors and rights-of-way where the Department has proposed addition of approximately 83 million acres of public lands in Alaska to the national park, forest, refuge and wild and scenic rivers systems. Reservations for each of the suggested Primary Corridors across public lands being conveyed to Alaskan Native Village and Regional Corporations will be terminated or modified whenever it has been concluded that a particular mode or corridor is not needed; the State determines that its lands not be involved and there is no apparent alternative routing; or where the Congress determines that corridors or rights-of-way not cross proposed additions to the national park, forest, refuge an wild and scenic rivers systems and there is no apparent alternative routing."

Committe staff has suggested to legislative counsel of the Interior Department that the witness might wish to describe the effect of the report's proposals on S. 2917 and S. 2918 and the official status of the report.

(2) "what is the status of and the Department's position on State selection of any of those lands."

In January 1972, one month after ANCSA was signed, the State of Alaska made a surprise selection of its remaining entitlement under the Statehood Act: 77 million acres. Two months later, the Secretary made his 79 million acre d–2 lands withdrawal and many portions of this withdrawal (and, for that matter, also of the d–1 lands withdrawal) overlapped the State's January selections. The State filed suit against the d–2 withdrawals in April 1972. Five months later, in September 1972, Secretary Morton and Governor Egan announced a settlement of the lawsuit in which the State relinguished approximately 35 million acres of its 77 million acre January selections and Interior made some of the land within its March d–2 withdrawals available for State selection and changed other March d–2 withdrawals to d–1 withdrawals (d–1 withdrawals allow metalliferous mining and discretionary State selection). These two actions involved a change of status of a total of 14 million acres.

This summer, the State requested patent to the 42 million acres which were identified in January, 1972, and not relinquished as part of the out-of-court settlement. The Department is presently conducting the necessary patenting procedures. Dr. Edgar Wayburn, Chairman of the Alaska Task Force, Sierra Club, in a September 19, 1974, letter to the Chairman claims that the prospective patenting would involve 6.5 million acres of land identified by S. 2917 or S. 2918. He states: "It includes about 3 million acres of the proposed Lake Clark National Park, about 2 million acres of the proposed Gates of the Arctic National Park, about 600,000 acres on the South side of McKinley National Park for an addition to that park, and 875,000 acres, a logical addition to the Arctic National Wildlife Refuge Range."

On May 17, 1974, the Chairman wrote a second letter to Secretary Morton requesting that the House and Senate Interior and Insular Affairs Committees be notified 60 days before approving any transfers of lands that would significantly affect Alaskan lands in any legislation pending before Congress. In a response five months later the Secretary said:

"This request would result in many delays of conveyances due to the generation of a considerable volume of notices to the committees. For example, S. 2918 (National Conservation Areas) covers all of the area under State selection application as well as five Native village selection areas, on the Alaska peninsula . . .

"We also must point out that this request is not in consonance with the 'Memorandum of Understanding between the State of Alaska and the United States' dated September 1, 1972. On that date Secretary Morton and Governor Egan agreed that, in partial consideration for the Secretary's promises to withdraw certain lands under section 17(d)(1) rather than under section 17(d)(2)(A) of ANCSA, the State would relinquish significant amounts of those lands identified (nominated) for State acquisition in January 1972. As a result of this agreement, the State's action, C.A. No. A–48–72, against Secretary Morton was ordered dismissed with prejudice by the United States District Court in Alaska. Subsequently, as a result of Secretary Morton's referring certain of the (d)(1) withdrawn lands for inclusion in his 'four systems' recommendations (S. 2917) to Congress, the State filed J–74–3 on April 19, 1974, alleging failure to abide by the September 1, 1972, memorandum. Thus, it would appear that any delays in processing any other duly selected lands would probably result in future suits by the State to assure prompt conveyance of their land entitlement rights as prescribed by the Alaska Statehood Act."

The staff suggested to Interior legislative counsel that the Committee would most likely wish to explore with the witness the Department's intent to patent to the State lands contained in S. 2917 and S. 2918 prior to Congressional consideration of those proposals.

(3) "the status of any of those lands which have since been identified for possible Native selection if they are not selected."

Subsequent to the withdrawal of land under section 17(d)(2), the Secretary withdrew certain of those lands as "village deficiency lands" for possible Native selection (including apparently approximately 240,000 acres in the Noatak River delta). It would appear that under ANCSA and the Statehood Act, should the Natives not select these lands, instead of reverting to d–2 status for Congressional consideration, they would be available for State selection.

Staff suggested that the Interior witness may wish to explain this situation to the Committee and suggest whether any alternative approach to providing these lands for Native selection might have preserved their d–2 status in the absence of selection.

(4) "the recent recommendation to the Committee on Interior and Insular Affairs in the House of Representatives that authority be given to identify petroleum reserves on public lands, including d–2 lands."

As you undoubtedly know, in an October 18, 1974, letter to the Chairman of the House Interior Committee, the Secretary supported an amendment to the BLM Organic Act now pending before the full House Committee which would provide him with authority to establish and lease "national petroleum reserves" on all public lands except national park units and wilderness units after 1983, but including all wildlife refuges, wild and scenic rivers, naval petroleum reserves, and wilderness prior to 1984. Among other things, this provision would allow the Secretary to override not only all Native selections but all d–2 land selections prior to Congressional consideration of S. 2917 and S. 2918 and, upon enactment of a d–2 lands law, all lands it would place in three of the four systems.

(5) "the effect, if any, of the ultimate definition of 'navigable waters' upon the lands identified in the legislative proposals."

The question of "navigable waters" definition may have a fundamental effect on the extent of Native selections. If the term is defined so as to include fairly small bodies of water, Native selections will extend over larger areas and thus may result in more selections of deficiency withdrawals from d–2 and d–1 status lands. No definition has yet been determined.

Staff suggested that the Departmental witness may wish to discuss the definition problem and its possible impact upon the legislative proposals.

Senator HASKELL. Now, you gentlemen have a number of maps and I think we would operate more intelligently if we moved down there, I wish each one of you, for the benefit of the reporter, would identify himself so she can get it down.

Would you do that?

Mr. HUGHES. I am Assistant Secretary Hughes. To my right is the legislative counsel, Ken Brown, and, to his right is Paul Kirton, an attorney from the Solicitor's Office.

To my left is Mr. Hecker from the BLM staff.

Senator HASKELL. Fine. We will come on down.

Mr. HUGHES. Would you like me to run through the statement first?

Senator HASKELL. We really want to get down to brass tacks. I do not know how brass tacks your statement is.

Mr. HUGHES. I will read it for you and then we will lay the maps out on the table.

## STATEMENT OF ROYSTON C. HUGHES, ASSISTANT SECRETARY, DEPARTMENT OF THE INTERIOR

Mr. HUGHES. I appreciate the opportunity to appear before you today to discuss several matters relating to the management of lands identified pursuant to paragraph 17(d) (1) and (2) of the Alaska Native Claims Settlement Act for inclusion in the National Park, National Forest, National Wildlife Refuge, and Wild and Scenic River Systems, popularly called the "four systems," and the efforts the Department is making to insure that the lands proposed for designation in the various legislative proposals before Congress are protected pending congressional consideration.

By letter of December 2, the chairman of this committee expressed a wish to explore any problems being experienced in providing protection of the "four systems" lands pending congressional action.

The letter identified five specific items for discussion today. My presentation will follow the order of the listing of the questions.

In the correspondence between this committee and the Department, we have been attempting to devise a workable method for informing the Congress of departmental actions to be taken in Alaska which may affect legislative proposals before the Congress.

Most of the projected land transfers are mandated by the Alaska Statehood Act and the Alaska Native Claims Settlement Act and are not subject to secretarial discretion. In addition, we anticipate thousands of seperate conveyances.

As you can see, this would generate an enormous quantity of paperwork if notice were given the Congress in each case. Consequently, we suggest that the maps and overlays which we will submit to the committee be treated as the notice of land transfers which may effect "four system" proposals.

The Secretary will be making conveyances as requested to the State of Alaska and Native corporations from those lands now withdrawn for that purpose.

Those withdrawals are clearly illustrated on the map and, when examined with the overlay we have supplied, they provide a very clear picture of how existing legislative proposals may be affected as we proceed with required conveyances.

The basic map shows the Alaska land withdrawals. It illustrates the various categories of land status and the administration's legislative proposal, S. 2917.

It would be helpful if we lay the maps out.

Senator HASKELL. If anybody here is particularly interested in seeing these maps, none of us have any objection to your coming up and looking over our shoulders as long as you do not have a cold.

Mr. HUGHES. We can leave the BLM people behind to show these for the public.

Senator HASKELL. Fine.

We will give a rerun.

Mr. HUGHES. Overlays will illustrate the geographical area that would be affected by: 1, S. 2918, the National Interest Lands Reservation Act; 2, S. 3599, Nunamiut Wildlands; 3, S. 1622 and H.R. 7121, Klondike Gold Rush Historical Park; 4, H.R. 2295, Wildlife Refuge System; and 5, H.R. 15856, National Wildlife Refuge Organic Act.

Other overlays will show: 1, a composite of the total area covered by proposed legislation; 2, State selections which the State of Alaska has asked be patented; 3, the current status of processing State selections post-ANCSA; and 4, preliminary corridor systems designations.

Potential transportation corridors: The Alaska primary corridor system study addressed the critical question of how best to identify individual and multiuse transportation corridors in a large undeveloped land mass on the eve of very rapid change.

Development of a system that would bring people into sparsely populated areas where residents are dependent upon the land for subsistence was weighed against present and future National and State energy and mineral supply needs and the objective of preserving the rich Alaskan culture while simultaneously assuring that outstanding scenic, wildlife, fisheries, and wild areas are both preserved and accessible.

The proposals in the report contain planning concepts and processes to assist in the development of a comprehensive land use plan, rather than just an inflexible transportation system.

Alternative choices were provided wherever it was possible to do so. The data reflects an interdisciplinary approach to transportation planning and is based upon the best available data from a variety of sources.

Although the report is a preliminary one, it should provide a useful framework for public discussion and further detailed study.

The primary corridor system is defined as a network of corridors intended for the systematic transport of energy and other high value resources from their point of origin to processing or transshipment points in other regions of the State.

The network will identify transportation routes for resources with national or statewide significance. It is analogous to transportation

networks that exist in contiguous States, consisting of navigation, highway, railway, and pipeline networks.

The primary corridor system would provide for relatively high volume movement of bulky goods over long distances. The system would supplement, but not replace, the air mode throughout the State and expand the existing intermodal surface transportation and utility system in Alaska.

Similarly, it would be a logical starting point in balancing local considerations with public access needs.

The primary corridor system study was designed pursuant to several acts of Congress. The Alaska Native Claims Settlement Act authorized the Secretary to reserve public easements across lands being transferred into private Native ownership.

The act of November 16, 1973, Public Law 93–153, which, among other things, amends section 28 of the Mineral Leasing Act and which also contains the Trans-Alaska Pipeline Authorization Act, authorizes development of a plan for joint use of rights-of-way to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way under the principles established in that act. It also authorizes an assessment of the need for a national system of transportation and utility corridors across Federal lands and an assessment of potential routes in Alaska for construction of pipelines and other transportation systems to move natural gas and oil down through Canada to markets in the United States.

The preparation of the joint environmental impact statement by the Department of the Interior and Federal Power Commission, evaluating applications by the Alaskan Arctic Gas Pipeline Co. and the El Paso-Alaska Co. to transport natural gas from the Prudhoe Bay field is authorized by law.

The initial purpose of the proposed primary corridor system study will be to anticipate Alaska's future development needs for minerals other than oil and gas and for wildlife, fish, agriculture, timber, scenic, recreational, and historic resources in balance with the preservation of the State's unique natural and primitive aspects.

The primary corridor system study was designed to address two other needs: To provide a framework for public discusion and further detailed study as it addresses the issue of the best method to identify individual transportation needs and multiuse potentials in a large undeveloped land mass on the verge of rapid change; and to provide a mechanism whereby the State, Federal-State Land Use Planning Commission, and the Congress can work to determine the best location for corridors and rights-of-way where the Department has proposed an addition of approximately 83 million acres of public lands to the "four systems."

The preliminary location of the suggested primary corridor system was based upon existing conditions without regard to land ownership.

Reservations of each of the suggested primary corridors across public lands being conveyed pursuant to the Alaska Native Claims Settlement Act can be terminated or modified whenever the Secretary determines that a particular mode or corridor is not needed; or when the State decides that its lands should not be involved and no apparent alternative routing exists or if the Congress determines that corridors or rights-of-way should not cross proposed additions to the "four systems" and no apparent alternative routing exists.

The advice of the Joint Federal-State Land Use Planning Commission will have a significant impact upon the final decisions concerning location of the corridors.

The major emphasis of BLM's study is to address the need for land use planning and a determination of the best way to transport energy of other high value resources.

The preliminary report on the corridor system indicates that 12 percent of the primary corridor system would fall within national interest—d–2—lands and 39 percent within other Federal lands or a total of 51 percent on Federal lands.

Twenty-seven percent will fall within native lands and 22 percent within State lands. Less than 1 percent would involve private lands. These are shown on one of the overlays.

Management and protection of lands within legislative proposals: All lands in the Department proposal for inclusion in the "four systems," which was introduced as S. 2917, are covered by the section 17(d)(1) withdrawals, in addition to lands covered by section 17(d)(2) withdrawal.

The lands in the 17(d)(2) withdrawal are withdrawn from all forms of appropriation under the public lands laws, including the mineral leasing and mining laws. The lands covered by the 17(d)(1) withdrawal are withdrawn from all forms of appropriations except metalliferous mining.

With respect to lands not covered by S. 2917, the extensive 17(d)(1) withdrawal of all lands removes these lands from all appropriation under the public land laws except metalliferous mining until the Secretary specifically makes them available pursuant to a process of classification.

Those lands presently withdrawn from Native selection are withdrawn from all forms of appropriation and, in addition, have an overriding 17(d)(1) withdrawal that has the same degree of segregation as the Native withdrawals do.

Thus, when the legislative and secretarial withdrawals for Native selection expire, those lands not selected by the Natives are withdrawn from all forms of appropriation, including mineral leasing and metalliferous mining.

Selection by the State of Alaska of those lands after the Native withdrawal has expired on December 18, 1975, would be permitted.

We believe this affords a high degree of protection to those additional lands which Congress may wish to examine as it considers proposals for new national parks, national wildlife refuges, national forests, and wild and scenic rivers in Alaska.

Departmental policy for management of lands covered by S. 2917 calls for additional care to avoid uses that might jeopardize the future commitment of the lands to permanent Federal management under these four systems.

Environmental guidelines and procedures by the Department are followed for all actions. Any permitted use will contain terms and conditions necessary to reflect the provisions of the Alaska Native Claims Settlement Act and to protect the environment.

Use considerations are coordinated with the Federal agencies involved in the legislative proposals. Interim management of the lands covered by the legislative proposals considers the programs in the pro-

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posed legislation, the accompanying environmental statements, and the consultation of the involved Federal agencies.

Action has been initiated to develop interim management plans for each of the administration's legislative proposals. For lands withdrawn under the provision of section 17(d)(1) of the ANCSA, classification by the secretary is a prerequisite to the approval of all uses or disposals of these withdrawn lands.

Planned land transfers, shown on the accompanying withdrawal maps, will be made pursuant to either the Alaska Native Claims Settlement Act or the Alaska Statehood Act.

Applications of persons with valid existing rights who have made lawful entry into the public lands in compliance with the public land laws for the purpose of gaining title and who have fulfilled all requirements for obtaining title must continue to be processed as provided for in the Alaska Native Claims Settlement Act and the Alaska Statehood Act.

Prior to the Alaska Native Claims Settlement Act, selection of lands by the State moved very slowly, mainly due to the unresolved issue of Native claims.

The legislative history and the conference report on the Alaska Native Claims Settlement Act emphasizes that the act is intended to protect and promote the interests of the State of Alaska and the general public, as well as those of the Natives.

The act's conference report states that State selections may proceed immediately in areas outside the Native withdrawal areas. State selections and conveyance of lands to the State, in accordance with the obligations of the Statehood Act, is essential.

The secretary had recognized certain areas that the State of Alaska had identified for selection when he consulted with the State after passage of the Alaska Native Claims Settlement Act.

The secretary then withdrew those areas to permit State selections. At that time, the secretary also withdrew land for Native selection and for d-2 purposes, thereby maintaining a proper and equitable balance of the three major interests involved.

While the withdrawal for State selection of these identified areas did not permit the State to select all the lands remaining in its entitlement under the Statehood Act, the secretary's action did constitute a substantial step toward that goal.

The Department will continue to work with the State to identify lands that may be selected in the future. Classification by the secretary is a prerequisite to any future State selections.

As is our practice, the Department will notify and consult with the congressional committees in advance of such classifications.

At the request of the State, we are processing—adjudicating—some of the State selections within the areas withdrawn by the secretary for that purpose.

As illustrated on the land withdrawal maps, we have patented some of the lands that were tentatively approved or selected prior to the land freeze and the Alaska Native Claims Settlement Act.

The State of Alaska has been directed to publish the required notice, allowing all persons claiming the land adversely to file their objections to the issuances of patent for the State-selected lands, as illustrated on the submitted maps. Following this publication period, the selection will be adjudicated accordingly.

An examination of the maps shows that the major portion of the State selections being processed has no impact upon any of the legislative proposals relating to Alaska.

The land withdrawal maps illustrate the areas withdrawn by the Alaska Native Claims Settlement Act and by the secretary in accordance with the act from which the Natives can make their selections.

It cannot be determined at this time which of these lands will be selected because the deadlines for the majority of the selections are December 18, 1974, and December 18, 1975, but the maps do illustrate the relationship of the Native withdrawals to the legislative proposals.

Naval petroleum reserves—this Department no longer advocates the specific recommendations contained in our letter to Chairman Haley of the House Interior and Insular Affairs Committee regarding the legislative proposal by Congressman Melcher dealing with naval petroleum reserves.

We believe that existing naval petroleum reserves can make a significant contribution to our very serious domestic energy needs in a manner which will not impair military readiness or national security and that they should be utilized for that purpose.

But, as you know, President Ford has directed the Secretary of the Interior, the Secretary of Defense, and the Secretary of the Navy to prepare recommendations for the responsible use of our naval petroleum reserves.

At present, we are working with the Department of the Navy to meet this objective and we believe we have made significant progress toward arriving at some workable options for the President.

Navigable waters—the legal concept of navigability of any water cannot be a universal formula but always depends upon the facts in a particular case. Determination of navigability is handled on a case-by-case basis.

Since the Department is charged with the administration of the public lands, the secretary has the responsibility to determine what is public land. In decisions concerning the navigability of water and which lands, below waters, are public lands, the Department works closely with the States but the final determination rests with the secretary.

If there is a disagreement, the matter can always be taken to the courts.

A long line of court decisions has supplied broad general criteria for determining navigability of waters: Waters are navigable when they are used or are susceptible of being used in their ordinary conditions as highways for commerce over which trade and travel are or may be conducted in the customary manner of trade and travel on water.

The water, in its ordinary condition, must afford a channel for useful commerce.

Senator HASKELL. Thank you, Secretary Hughes.

Mr. HECKER. This is the administration's proposal delineated in the area. The dark purple outlined areas illustrate the legislative proposals with the administration's proposal S. 2917 so that is the geographical area, there.

Mr. HUGHES. This is the expansion of Mount McKinley Park designated.

Mr. BROWN. I think we ought to start from the beginning as to the different colors.

On this map, the brown areas represent existing Federal established areas, such as the Naval Research Center, Katmai National Monument, the Arctic National Wildlife Range, and the Tongass National Forest.

The orange is the existing withdrawal for the Alaska pipeline.

Mr. HUGHES. Here is an additional withdrawal. This is for potential gas pipeline. The pink areas are presently withdrawn for Native selection. The bright red is the so-called core township in which each Native village—you see there the bright red core township.

The white represents an area immediately around it and the pink represents the withdrawals necessary to satisfy Native selection entitlement.

Senator METCALF. Are they regional?

Mr. BROWN. Yes. These are regional and the darker are the villages. The light green areas are the so-called d–1 areas that are held in Federal ownership. They will ultimately be classified by the Department for a variety of uses and then made available as it is deemed appropriate for whatever resources they may contain.

The dark green areas are the areas originally withdrawn by the Secretary for study for inclusion in the forest systems at the time the Secretary made his specific recommendations to Congress. They were, of course, modified because they were studied in the interim period so, in some cases, they include the P1 you see, here, here, and over here [indicating] so the ultimate proposals that went to the Congress are illustrated by the purple line and, in most cases, they contain the dark green.

Senator HASKELL. Let me ask you a couple of basic questions.

The d–2 acreage is meant to be about 1 million acres, is that right?

Mr. BROWN. Yes.

Senator HASKELL. In that legislation, was that specified geographically or was that left up to the Secretary to make an indication of what he wanted?

Mr. BROWN. The Secretary was requested to make a study of the site.

Senator HASKELL. He could select wherever he wished and that is what these outlines are?

Mr. BROWN. Yes, sir.

In the dark blue areas—those are areas that have already been patented to the State of Alaska under the Statehood Act. The medium blue areas that have been so-called TAed or Tentatively Approved. That is, they have been given an interim conveyance status.

Senator HASKELL. To the State of Alaska?

Mr. BROWN. Yes, sir.

The light blue are the areas that the State has applied for and we are in the process of working at a conveyance.

Senator HASKELL. This is where we could run into loggerheads, I assume.

Let's say Congress decided this little neck here [indicating] should be cut off and the blue lines should go across the State as applied in here. If you folks give that to the State, then it is Katie bar the doors as far as you are concerned.

Mr. HUGHES. Take the land. I could do that in the lower 48.

Senator HASKELL. But if you folks act pretty fast in giving the State what it wants, then we are dead except for condemnation.

Is that right?

Mr. HUGHES. On the other side, the State has access to 103 million acres.

Senator HASKELL. But nobody said where their 3 million were or where the public's 80 million were.

Mr. HUGHES. But the implication was the State would have the right to indicate where they wanted the land.

Senator HASKELL. All right.

What the Congress indicated—they wanted the 80 million acres? Was there priority given?

Mr. HUGHES. No.

Mr. BROWN. No. There is no priority but, because the Secretary was obliged to proceed with the statutes, there are certain rights vested. You may disagree with what the Secretary has done but, in this case, where the State has already said, we want to select this area, and it has been vacant, it has not been withdrawn for another purpose, our lawyers tell us that they then have a property right.

The property right vests as of the time they file the selection.

Senator METCALF. There are certain basic vested rights in these areas. For instance, in the brown and green, a lot of that was Federal areas and subject to expansion; wildlife refuges, parks, and so forth.

Now, it is your decision to study those. Did that withdraw it from selection completely?

Mr. BROWN. Yes, we withdrew those at that time. We withdrew them for study and that, then, removed them from availability for State selection.

Mr. HUGHES. There is no blue inside the purple.

Senator METCALF. I understand. I can see that.

So, when you drew this line, you had, at that time—you had drawn the net Senator Haskell referred to that had been withdrawn from the State selection but, having made the determination, then they opened up the other land for selection and vested property rights, according to your attorneys, as established by the State selection.

Is that right?

Mr. BROWN. Yes.

Mr. KIRTON. Some were selected before and some after, Senator.

Senator METCALF. Yes; but it is the blue that was patented before, the deep blue.

Mr. KIRTON. The light blue is that which has not been adjudicated yet. They have filed on that.

The adjudication process determines whether the land is available for selection at the time of the filing and, if it was available, then the property right is vested.

Senator METCALF. For instance, there is a little tiny junk of light blue that is already patented—before the Alaska Native Claims Act was passed.

Mr. BROWN. Yes, sir.

Senator METCALF. That is why you had to draw that blue line.

I was referring to the Katmai National Forest.

Mr. HECKER. The purple line delineates the legislative proposed areas under 17(d)(2). They are all listed on the map that has had wide circulation within the National Scenic Rivers System.

We have some wild and scenic rivers identified that are located outside of the particularly geographically proposed area and these are wild and scenic rivers that have been so identified and an occasional one here.

There are wild and scenic rivers beyond that located within these legislative proposed areas, of course.

Senator METCALF. But these are subject only to the Wild and Scenic Rivers easements and so forth. The land itself would be open for selection.

Mr. HECKER. No.

These are d–2 withdrawals, as well; subject to d–2 withdrawals within these boundaries.

Mr. HUGHES. Two miles within on either side.

Senator METCALF. Now, what is this area here?

Mr. HECKER. It is one additional category of land status. These were Indian reservations established, of course, under congressional and executive purposes in years past and, under section 19 of the Alaska Native Claims Settlement Act, the village corporations located within those Indian reservations which were, of course, revoked by the Native Claims Act had the option of electing to acquire those reserves and foregoing their benefits under the Native Claims Act.

These former Indian reservations in the buff color have elected, under section 19, to acquire their former Indian reserves and forgo their benefits under the Indian Claims Act. That is that category on the ledger.

Senator HASKELL. Just to sharpen the issues; I just want to get the issues clarified.

This land outlined in the very deep purple—is that roughly 80 million acres?

Mr. HECKER. That is 83 million acres.

Senator HASKELL. Then you folks have indicated that this outlined area is, in fact, the 80 million which should be reserved to the United States under the forest system.

Mr. BROWN. Yes, sir.

Senator HASKELL. You folks have also indicated the land in the very light blue could be available for State selection.

Mr. BROWN. The State has requested it be conveyed to them. They have made their selection, in effect.

Senator HASKELL. Have you fellows agreed with the State, yet?

Mr. BROWN. No. Final adjudication has not taken place on the areas in the lighter blue.

Senator HASKELL. What I am getting at is: If you are correct in that this area in the dark blue, purple is the lands that may be used in the forest systems, basically you are saying to us; set up your forest systems within those areas and we, by withdrawing the light blue for other purposes, have, in effect, given a vested right to the State which cannot be impinged upon for Congress.

That is basically what you have said.

Mr. BROWN. To some extent, that is foreclosed by some of the options to Congress. The options, of course, would still be there to extend

a particular park or refuge over into State lands but then you would be in the same situation you are in the lower 48 where you would be condemning or purchasing from the State.

Mr. HUGHES. It might be fair to introduce here that, while some people think we have withdrawn enough land for the forest system; some people think we have withdrawn too much.

The residents of the State of Alaska have accused the people of some degree of "lucking up."

Senator HASKELL. I am sure there is a difference in viewpoint.

Mr. HECKER. We now have overlays that will illustrate some of the other legislative proposals that have been made.

Senator HASKELL. We were talking about S. 2917 which is the administration bill.

Mr. HUGHES. That is right.

Mr. HECKER. This is S. 2918.

Senator HASKELL. Whose proposal is this?

Mr. HECKER. This has been introduced. It is basically the conservationists bill. It is the National Interest Lands Reservation Act. Senator Jackson introduced it.

As you can see, this is delineated in black where it would tend to deviate from the administration's proposal. You have an example on the Mount McKinley proposal; the dark purple is the legislative proposal. The Department has come forth with this, as you can see in this proposal, as a small addition in a couple of areas.

They have expanded it here and there and you can see it. So the Mount McKinley example is a very close identification of the two proposals.

Senator METCALF. What Senator Haskell elicited from you is the inquiry as to whether inclusion of these areas, which are light blue, would mean we would have to go forward with inholding or condemnation of the land or a trade of land, as far as the State is concerned.

Mr. BROWN. Yes, sir.

Senator HASKELL. So Congress is foreclosed, right now, because the State has made their selection, of passing this legislation unless we put up some money for appropriation or land exchange.

Mr. HUGHES. It goes over into Native land, also.

Mr. HECKER. It is ——

Senator METCALF. Tell us a bit about Native lands.

Mr. HECKER. This is an example where land presently withdrawn from the Natives is in the pink—in the conservationists' bill.

This is at the peninsula.

Other examples of the conservationists' bill include State land and Native lands on the peninsula, here [indicating], there they have large acreages of land presently withdrawn from the Natives——

Senator METCALF. This includes everything; all of the villages.

Mr. HECKER. These are villages and, remember, the village can select up to three townships of that State selected or TAed lands.

Senator METCALF. Would accrue here to the pink villages, the red villages?

Mr. HECKER. That is right, Senator.

Senator HASKELL. Here is a huge spot, here [indicating]. Is this line your line and what is that pink, again?

Mr. HECKER. Native withdrawal.

Mr. HUGHES. You can see it is sizable.

Mr. HECKER. Various other significant Native withdrawals are right here [indicating].

Senator STEVENS. What is the total on the overlay, if I may ask?

Mr. HECKER. I do not have an accumulation of the total of the acreages within the S. 2918 proposed legislation. It is well in excess of the 80-some million in the Department's bill.

Senator METCALF. In S. 2917, the total was 83 million acres.

Senator STEVENS. I have both maps. I have never been able to figure out the total of the other one. That is why I wondered.

Mr. HUGHES. We will supply, for the record, a reasonable estimate of acreage.

[The estimate of acreage appears in the appendix.]

Mr. HECKER. We have also plotted some additional proposed legislations.

This is, of course, the Arctic Slopes, the gates of the Arctic type proposal that has been submitted. It is delineated, of course, for the Nuniamit [ph] Wildlands Arctic Slope and see how it relates to both the Department's proposal and to the conservationists proposal.

Where the overlap in additions are, they include substantial areas of additional Native areas and here, and also beyond.

Mr. BROWN. This is a Native-sponsored proposal. As Mr. Harvey would agree, it is a unique area. It is not a national park or wildlife refuge.

Mr. BROWN. It talks in terms of some resource development.

Mr. HARVEY. It is a special creature.

Mr. BROWN. They would accommodate some resource developments in that area.

Senator STEVENS. I did not know it included those State lands. You show it including State lands, too.

Mr. KIRTON. It does take in some State lands.

The answer to your other question is 106. I will have one of our staff people back here figure it.

Mr. HECKER. This is a wildlife refuge system proposal by Congressman Dingell, H.R. 2295. All of the areas within the red delineations proposed for a national wildlife refuge system.

Mr. HECKER. These are large areas, down here [indicating], of national forest State lands and Native lands.

Senator METCALF. In the event the Dingell bill is passed substantialy as proposed, it would create problems with the State—that is the light blue—problems with the Native villages—that is the red squares—problems with the regional selections and the white lands—

Mr. HUGHES. It would be a most complex problem for us, for everybody.

Senator METCALF. It would mean substantial purchases of additional land if we could not—How much is included in that?

Do you know?

Mr. HARVEY. I have seen estimates of 135 million acres.

Mr. HUGHES. It is 135 to 150 million acres.

Senator METCALF. How much is included in the Dingell bill?

Mr. HUGHES. Just the red area.

Senator METCALF. That would be an addition to the national parks.

Mr. HUGHES. The existing Federal entities would stay.

Senator HASKELL. What is the basis of these red loops?

Mr. BROWN. They are really drawn on the resource border. That is why they are not squared off.

They are topographical contours as opposed to using survey lines.

Senator HASKELL. That is just wildlife refuges?

Senator METCALF. So, in addition, there would be national parks, national forests——

Mr. HUGHES. You already have existing refuges in this red span down here.

Senator METCALF. So the existing refuges are ones such as the Kenai Moose range.

Mr. HECKER. The next we have is Congressman Dingell's—basically, his National Wildlife Refuge System Organic Act of 1974, H.R. 15856.

Senator HASKELL. Is this in substitution for this other bill?

Mr. HECKER. It is my understanding that it is a refinement.

Mr. QUARLES. What is the acreage of that?

Mr. HECKER. He has refined it, up here on the slope, to only take certain areas but this includes the existing refuges as well.

What we did, we made a composite of the geographical extent of all of these legislative proposals and this illustrates the extent of coverage of proposed legislation of the State of Alaska.

Senator HASKELL. This is cumulative.

Mr. HECKER. This is cumulative total.

Senator STEVENS. We are talking about national interest legislation.

Senator HASKELL. This is everybody's; it is yours, it is Dingell's, it is conservationists' so you have just taken the outermost boundaries of everything.

Mr. HUGHES. The worst case.

[Laughter.]

Senator STEVENS. That is the one we will be talking about.

Mr. KIRTON. Do not forget that we are taking offshore lands, too.

Senator HASKELL. That is right.

Senator STEVENS. I hope some of my future opponents do not take you literally.

Mr. QUARLES. Do you have a figure on those cumulative acres?

Mr. HUGHES. We will supply those for the record.

Senator HASKELL. Now, what is this?

Mr. HECKER. These are some of the State selected lands that the State recently requested that we get on——

Senator HASKELL. It would be inside of, probably, some of your areas of S. 2817 as well as others?

Mr. HECKER. Small parts of it.

Now, it would be advantageous to pull the overlays off.

Senator STEVENS. In fairness, I would like to raise an issue here.

You are involved in the Land Claim Settlement Bill and you will recall that the first land we took out was the State selections, the statements that have been filed to date.

Are any of these selections those that were filed before the date of the land claims act?

You will recall we exempted from the definition of public lands those lands that had been applied for by the State before the date.

Mr. HUGHES. The blues are patented.

Mr. HECKER. There are lands applied for by the State prior to the passage of the Native Claims Act. This land was TAed to the State prior to the passage of the act. This land was selected by the State prior to the Native Claims Act.

Senator STEVENS. It was excluded from public lands that were—I think we better make that clear. That was the first major compromise in the land.

At the time we were dealing with the land settlement, we took the lands that had been selected by the State first and excluded them from the definition.

Senator HASKELL. At that time?

Senator STEVENS. At that time—so they were not subject to the national interest designation.

Senator HASKELL. Can we identify those on this map? Are they in any color?

Senator STEVENS. They should be in blue.

Mr. HECKER. I will give you a map of the State land selection.

Senator STEVENS. That too, conflicts, as far as we are going here.

In effect, we treated this as having been bounded.

Mr. HUGHES. It is complicated.

Senator STEVENS. Yes; it is very much complicated.

Mr. HECKER. This map illustrates the land status in Alaska prior to the passage of the Land Claims Act. The light medium blue is that which was TAed and then the crosshatch was under pending application at the time of passage.

Senator HASKELL. Is it a legal fact that the blue on this map belongs, indisputably, to the State of Alaska? Is that what this law said when it was passed?

Is everything applied for as of that date—does not come within the scope of the act?

Senator STEVENS. Who has a copy of the Land Claims Act? I know the definition of the lands. It is excluded, but as a practical matter, it is still discretionary.

Mr. HECKER. They have a restricted selection right of three townships.

Senator STEVENS. The State agreed to that in the hearing.

Paul, do you disagree?

Mr. KIRTON. No; I was trying to see here, to get this clear, that the basic law is only final State selection of vesting property.

Now, Congress excluded anything selected by the State prior to January 17, 1969, which was the official date of the beginning of the freeze.

Senator HASKELL. When you use the term selected, are you using it in the meaning of applied for?

Mr. KIRTON. Can I come back to that in a minute?

There is a special case on that question too, so they eliminated that from everything under the act except village selection.

Now, in section two of the act——

Senator METCALF. You said that Congress did that.

Mr. KIRTON. Yes; they give the State 1 year in which to sue and challenge the constitutionality of their action. The State did not bring that suit. You knew they were not going to because they made representations to you in the hearing so that really does not override the general rule, if you follow me.

They acquiesced in that action as far as village selections go.

Now, this applied for business, Senator, coming back to that, the State has followed the practice of applying in large blocks without predetermining ownership or availability on smaller segments within the larger area. The case has come to the ninth circuit in which the courts have said that when they apply for it, that does not constitute a valid selection if it is not available. But the moment it becomes available, if the State ratifies that selection by any kind of action indicating an attempt to ratify, the selection does.

Senator STEVENS. I am saying, viz-a-viz the national interest withdrawal concept—this section excluded—excludes from the definition of public lands which are available for these national interest withdrawals, land selections of the State of Alaska.

Mr. KIRTON. Even land identification is excluded from that, Senator. You went a step further in that exclusion.

Senator STEVENS. Land selections which have patented, tentatively approved under the State act, or identified for selection by the State of Alaska prior to January 17, 1969—that was the date after which we could not make any selections because of the freeze.

Senator HASKELL. So we cannot goof around with any of the lands in blue.

Senator STEVENS. You could, but it is a matter of trade with the State.

There is authorization under this bill to make a transfer to the State. It is not foreclosed but Congress is foreclosed unless you want to amend that.

Senator METCALF. We can amend that. Title is vested there.

Senator STEVENS. There is still a discretionary act on the part of the secretary because there may be inholdings in there and there may also be, under the Native selection, some of the agreements we made here in the hearings that Paul mentioned—rights of natives within those areas.

Senator METCALF. What are these red lines?

Mr. HECKER. The red lines were a preliminary cut of regional boundaries for the Native corporations.

Mr. Hughes. Jumping back to the testimony for just a moment, I might read this portion: Prior to the Alaska Native Claims Settlement Act, selection of lands by the State moved very slowly, mainly due to the unresolved issue of Native claims.

The legislative history and the conference report on the Alaska Native Claims Settlement Act emphasizes that the act is intended to protect and promote the interests of the State of Alaska and the General public, as well as those of the Natives.

The act's conference report states that State selections may proceed immediately in areas outside the Native withdrawal areas. State selections and conveyance of lands to the State in accordance with the obligations of the Statehood Act is essential.

Senator STEVENS. Now, we did put in—appurtenant to this blue area when the State had completed its selection process and identification process so early—we put in an exchange provision not only to work out the problems of the national interest, but to work out the problems of the Native corporations in that area which is practically landlocked because of the prior selections.

That is one of the basic reasons for that trade provision. It is like the Taylor Grazing Act. It just takes an agreement.

Mr. HARVEY. There is nothing under the Native Claims Act to preclude that land under that act.

Senator STEVENS. You excluded it from public lands.

Do not misunderstand me—in the lower 48—but if you want to do it, it is a State land—you either trade for it or pay for it.

Senator METCALF. We could include it in a reference, for instance just as we did in any one of the 48 States.

Senator STEVENS. It would be inholding or you would eliminate it by trade or purchase. I agree to the power. I just hope we do not get that far.

Senator METCALF. I thought——

Senator STEVENS. I have a proposal I think the State will be in agreement with.

I think you will be surprised.

Mr. HUGHES. We have one final transparency which illustrates the core system.

Senator HASKELL. Before we go to that, do we have, on the record, how much acreage the State of Alaska has applied since the date of this act? I think that ought to be a part of the record.

Mr. HECKER. Prior to the Native Claims Act, the State had applied for 25½ million acres. As illustrated on this map, 6 million of it was patented in the dark blue, 8 million was in the TA status, the light blue, and 11½ million was in the blue hatch status of these pending applications.

Senator STEVENS. That is correct.

Do you remember that our estimate was 26 million acres?

Senator HASKELL. Now, since that——

Mr. HECKER. Post-Native claims.

First of all, the State did file approximately 77 million acres of applications in January of 1972. When the Secretary then made his withdrawals for the d-2 acres, d-1, and the Native areas, he also, after negotiations with the State, recognized approximately 35 million of that 77 million acres. That was withdrawn under 17(d)(1), permitting State selection so that now, the State has recognized applications as illustrated on the current status map in blue—67.8 million acres.

Senator HASKELL. That is since the date of the act.

Mr. HECKER. There are 103 million.

Senator STEVENS. That still leaves 64 percent.

Mr. KIRTON. 2 million acres they are entitled to under the other act, also.

Mr. HECKER. Over 35 million acres are remaining for selection and entitlement.

This map illustrates—the light blue was under application—that the State, within the last year, has come in and requested we proceed to patent these areas delineated on this overlay and in our prerequisite administrative work this is where we are.

Of course, we say we have proceeded to patent some of the land that was either TAed or selected by the State prior to the Native Claims Act. That is illustrated in blue onthis overlay, so an update is this [indicating], on the North Slope, that has been patented to the State.

Senator HASKELL. Was that land applied for before the date of the act?

Mr. HECKER. That is right.

One million acres of it was even TAed before the Native Claims Act. All of this on the North Slope is tentatively approved. We have TAed some additional areas in the blue hatch since the passage of the Native Claims Act. This, of course, was applied for prior to the Native Claims Act.

We have permission to publish in the newspapers so any adverse claims can come forth for the areas in the dotted sybil tone patterns. There is approximately 24 million acres that the State has been directed to publish.

Senator HASKELL. Who is likely to own land within that area?

Mr. KIRTON. Trade sites, manufacturing, mining claims, homesteads—and what else?

Trade manufacturing sites. That is where you apply for land to set up a trading post.

Originally, they hoped sawmills, canneries, other pioneer indsutrial——

Senator METCALF. There are some native holdings in there?

Mr. KIRTON. Yes.

Mr. HECKER. We would illustrate the small amount of conflict that does exist with this prerequisite administrative area. We are talking on this which is a composite of underlegislative consideration.

As you see, very little of it infringes on anybody's legislative proposal, only in a couple of little boundaries, here [indicating].

Remember, this is a composite of everyone's legislative proposals.

Senator HASKELL. This makes a difference but tell us, before the date of the act?

Mr. HECKER. Yes.

Senator METCALF. There is no question in anybody's mind of the legislative history of that.

Senator HASKELL. The others here——

Senator METCALF. There is no conflct.

There is a little conflict there [indicating].

Mr. HECKER. Just around the edges, primarily. Over 75 percent of this is no conflict whatsoever.

Senator METCALF. This is a wild river.

Mr. HECKER. That is a wild river under the conservationists' proposal.

Senator STEVENS. This Aleutian chain is a good example of why I hope the committee will follow Senator Bible's original concept of taking areas of the State and then going up and looking at it.

It is entirely possible we could meet every conservation objective, every State objective, and every Native objective with some innovative thing about what is necessary to potect the wildlife areas in the chain.

It is not my opinion to totally withdraw the chain in order to protect the waterfowl, basically, and some of the animals are there. The Native people—I think it is consistent with their purposes to have the protection of that resource and it is generally a fishing area but I think we woud have to see it and realize, in order to get to Adak, you have to fly 1,200 miles from Anchorage. It is 2,400 to Atka from Anchorage.

We are not talking about a little peninsula. You are talking about an island archipelago that is going out beyond Australia.

I think if we sit down and talk to the people who have conflicting desire I think we could work it out. I think some of these areas of the North Slope area could be worked out—conservationists' objections and the Natives' desire to inventory resources in the area but I do not think we can do it all at once.

That is one-fifth the size of the United States.

Senator METCALF. What happens in this area [indicating]. It is under which bill?

It is not the national wildlife bill of Congressman Dingell. It is the conservationists' bill.

Mr. HECKER. Yes.

Senator METCALF. When does title vest in the State?

Senator STEVENS. That was not land that was identified before 1969.

Mr. HUGHES. That was part of the compromise.

Senator STEVENS. As far as I am personally concerned, I think the Congress has a duty under the Land Claims Act. We have 5 years to pursue and, in the areas where there is no conflict, the BLM should move forward as quickly as possible, get those lands identified and get them into State hands so whatever economy can be spurred in those areas—this is basically a hard rock mineral area; very much a hard rock mineral area. That is my memory, anyway.

When you can get some of those things out, it will relieve the pressures on some of the rest of the lands that are still in dispute.

Senator HASKELL. If I understand it correctly, I would agree with you, Ted. This indicates the outermost boundaries of everybody; the conservationists, you folks, Congressman Dingell, and everybody else so, basically, there should be no conflict.

Senator STEVENS. If there is no conflict, the State selection should proceed. The first priority is, I believe, under the Land Claims Act; the Native blue selection priority, and that must be worked out and, of course, our most acute problem is the Cooke Inlet.

I think we ought to have some way of getting guidelines for proceeding, there, too. This is the Cooke Inlet area [indicating].

The State had selected, basically, all around this periphery, plus the moose range, plus the military withdrawals and there is practically no land left.

Senator STEVENS. The President of Cooke Inlet says he would like to have the act amended.

I understand what you want to do but I would hope we would try to negotiate a settlement before we start amending this act. It took us months to work that act out and I think if your group and the Department of the Interior and the State sit down together with the knowledge you can work it out, we will have to amend the act but I think it will ultimately be worked out.

Gentlemen, I appreciate your allowing me in here. We originally talked about it because of the problems that came up this past Congress. We talked about getting a sector; the first sector that was selected from Anchorage Base over to Mount McKinley and over to the Tongas area to get a look at it and I think that is the first area of the Federal land use areas so we would all be dealing with the same basic document.

If you can set your priorities where you would like to go I am sure the State is more than willing to work with you on any area you want to proceed on first but this is impossible to deal with on a statewide basis. It must be dealt with on an areawide basis.

There is just too much land.

To start from Anchorage and come out here [indicating] and look at the end of this and really understand what you are seeing, it will take you 4 or 5 days, alone, on the chain.

Senator METCALF. Is there any objection from anybody to go ahead and take care of this land?

Senator HASKELL. There is no—absolutely no conflict.

Mr. HUGHES. Where the land has no conflict we can proceed but there are conflicts in some areas.

Senator STEVENS. You have published part of it already, have you not?

Mr. BROWN. Senator Metcalf asked about this particular area, here [indicating], and we believe the State has certain vested rights in that area because that area was open to selection and they filed their selection application.

Senator METCALF. You mean their vested rights, even though it is only an area of publication, direct?

Mr. KIRTON. The publications followed the filing to put people on notice so if anybody has an adverse claim to the State selection, they could come forward.

Senator METCALF. But it does not vest any rights; publication.

Mr. HUGHES. It is previously selected land use.

Mr. BROWN. Let me discuss publication for a second.

Publication would simply reveal rights that were vested prior to when the State's rights were vested so they could not possibly take those.

Mr. BROWN. It has been the Department's position to proceed with that in all these areas.

Mr. HARVEY. Theoretically, those are the areas this committee would be concerned with.

Senator HASKELL. Now, hold the phone just a minute. If there is a conflict—and I am not giving a legal opinion—I do not doubt that, but there may be a contrary view.

I think the Department would be ill advised to go ahead and patent land where there are two opposing congressional views; where there is no problem, by all manner of means, go ahead but I can see us bumping heads, maybe. I do not know enough about this yet but I can see us bumping heads rather severely over something like this.

Mr. HUGHES. This does not impact a d–2 proposal. This is a——

Mr. HECKER. It is not our d–2.

Senator HASKELL. It may not be your d–2 but it is our d–2.

Mr. BROWN. Senator, I would like to speak to that again.

I think the dilemma the Secretary faces in here, he was mandated by the act to withdraw 80 million. We are a little over that at 83.46 million.

The State has the right to prompt conveyance of lands which it believes it is entitled to and for us to, now, seem to say; no, we will not

pass any lands to you that will conflict with any legislative proposal recommended by a Member of Congress—that would create a very significacnt dilemma for the State, I am afraid.

Senator HASKELL. When you have all this here which has absolutely no conflict on it, I would suggest that you proceed where you have absolutely no conflict because, if you start proceeding where you do have it, we may bump heads.

I do not know whether we will. I do not know where it is. I do not know what it looks like.

Senator STEVENS. I hope you would not put down some hard and fast rules. I can envision someone just saying, withdraw the whole thing and that would lead us to some problems.

I think we are trying to identify what conflict that is.

Senator METCALF. There are conflicts here with the Kenai Moose Range.

Senator STEVENS. I think we can identify those and we might be able to get people to modify that. That would take a little negotiation.

Senator HASKELL. That is an excellent idea.

Senator METCALF. I think so, too.

Senator HASKELL. Why does the Department not do this for us? Give us a description of the nature of the conflicts where they overlap and maybe we could look at it.

Senator STEVENS. It would be a very beneficial service you could perform, my friend.

Senator METCALF. I have to leave in a few minutes.

Would you show us the wilderness proposal? Do you have something on that?

Mr. HUGHES. Specific overlay for the wilderness?

Mr. BROWN. We have no wilderness proposals.

Senator METCALF. The President just sent up a wilderness bill.

Mr. BROWN. Those are on the existing areas. We would have to supply that for the record.

Mr. KIRTON. Those that existed prior to the passage.

Senator METCALF. I just wondered if you had any way to show us what was cut out of that original proposal so we know what the new administration wilderness proposal would be.

Mr. BROWN. We would have to supply that for the record. That would cover the areas in the brown that have already been established and we do not have that with us today but, before you leave, Senator Metcalf——

One thing I think is very significant insofar as conflicts are concerned and that is the Native areas. You will see, as under these other system proposals, there is a great deal of Native land, land set aside for Native selection; far more than there is land that the State has identified so, if you are talking about things and the conveyances that may impact potential conservation proposals, conveyance to the Natives which will begin as of December 18—they have begun now—will impact them considerably more.

Senator HASKELL. The Natives are probably in a different status.

Were they given more absolute rights in that bill?

Senator METCALF. Let me state it and then you correct me.

As I remember it, the Native villages have a top priority and they can select land in and around the villages but the Native regional corporations are subject to the national interest lands.

Is that right?

Mr. BROWN. Yes, sir.

But we have already made our kind of land pattern by making withdrawals for the Native appropriations, withdrawals for our conservation proposals under the Secretary's recommendations.

In those areas where we did not have a conservation proposal and a Native proposal and no Native withdrawal area now exists, the Natives would have a priority for selection there, even though some other Member of Congress may have introduced a proposal that would cover the Native lands.

We believe we are compelled to proceed to convey to the Natives, as they make their requests, although it may foreclose some of Congress' options.

Mr. KIRKTON. Senator Metcalf, in what you have said—let us say the regional selections, when they conflict with a d–2 withdrawal of the Secretary; that is called only an identification and must wait for Congress.

The statute is not expressed in such a way that if the regions selected conflict with some other proposed piece of legislation that we must wait. In fact, the statute said we must immediately convey in a number of regions to put us on notice that, if we do not, they are going to get mandatory injunctions to compel us to.

Senator HASKELL. Do you consider that the Natives have a higher status under the act than the State does, for example?

I realize your opinion is the State, where it has indicated it wants land, but is not subject to the Secretary's d–2.

I understand the State will prevail but do you have any stronger opinion when it comes to Natives?

Mr. BROWN. I would say it is about the same in these areas that we withdrew from the Natives. When they make their application for land, the Secretary feels he must convey it to them.

Mr. HUGHES. The same is true in the blue.

Mr. KIRTON. It depends on the area. Some have priorities.

Mr. BROWN. Where the Secretary and the Natives could not come to agreement on where they wanted land and where we thought we ought to have land for the forest system proposals, we have dual situations, here and here [indicating]. There is one over here and one up here.

Those areas, then, will be left to Congress to decide whether it should go to the Natives or to the park, refuge, or whatever it may be. Then those Native corporations will have additional time to make selections.

Senator CHURCH. I did not get here until late and I am not sure I understand the full definition of d–2 lands.

Are they the lands under conflicting claims? Could someone give me a brief definition of the d–2 lands on the map, here—point them out to me?

Mr. BROWN. The d–2 lands are the lands the Secretary would move for study for later submission to the Congress. The d–2 refers to the withdrawal and the areas in the very dark green are those areas the Secretary originally withdrew for study.

Subsequently, when he prepared his recommendations to Congress,

he made some modifications based on that study so we have some lands in another category, such as d–1, which are included in these areas but they are commonly all referred to as d–2.

That has been a term that has been accepted for four different proposals.

Senator CHURCH. I will have some written questions I would like to submit, Mr. Chairman, if I may, for answer on the part of the Department.

[The written questions appear in the appendix.]

Mr. HUGHES. Basically, what we have outlined here are the various categories of proposals for withdrawals, easement, reservations by the Department; particularly at this point in time, we ask the Bureau of Land Management to come up with a proposed system of easement reservations over the entire State in order to provide a means by which future development of the State might be accommodated.

For example, potential pipeline route out of Naval Petroleum Reserve 4.

Senator HASKELL. Highways?

Mr. HUGHES. Yes.

The State has provided the Department——

Senator HASKELL. I gather there is substantial disagreement. I read the article in Audubon. There is substantial disagreement between the State and other people as far as highways go.

Mr. HUGHES. That is right.

The Secretary feels the Department has an obligation to look at the area of corridor and easement reservation prior to the conveying of large blocks of land as we approach December 18 and the Native village selection deadline approaches.

The Secretary feels he has to come up with a selection on the finalization of whether we should reserve easement by corridors to allow development.

Senator HASKELL. Would you reserve part across what you have withdrawn as a d–2 land?

Mr. HUGHES. It would make sense.

We do not have the specific map yet but my personal answer as the chairman of our Native Claims Task Force is; yes, we would have to do that to be consistent with our own logic; however, that would be a final decision of the Congress.

Senator HASKELL. Here, gentlemen, is a substantial area of disagreement.

If the d–2 area—the committee thinks the wilderness should be here and the State has asked for a highway to go through it, this is a real problem.

Mr. HUGHES. Where we are now, the Secretary asked the Bureau of Land Management to look at all of the possible options and come up with a proposal. The corridors shown on this map [indicating]; they are now BLM's proposal.

The proposal will go through various stages. We have talked to the Federal/State Land Use Commission. There will be public hearings in late January around the State of Alaska to get input from the Native community, the public at large, and the State on the various conflicts.

Senator HASKELL. January in Alaska?

Mr. HUGHES. Yes.

We feel there is some urgency as far as time is concerned because if word is going to be conveyed to the Natives and an easement reserved on that land, the Natives ought to know that quickly.

Senator METCALF. May I ask: Do some of these corridors go through the proposed wilderness areas the President has sent up?

Mr. HUGHES. I do not think so.

Senator HASKELL. How about some of the proposed wilderness area? I told you I have read Bob Klein's article. He says there is certain disagreement on certain wilderness areas and the State wants a highway through an area where there is really disagreement.

Are some of these highways going to go through some of these proposed wilderness areas?

Mr. HUGHES. In the d–2's—I do not think we have any highways through the wilderness areas.

Mr. BROWN. Some of these are alternatives.

Senator METCALF. What are you going to do here in the Catanine [ph] National Moose Range?

Mr. HUGHES. The Secretary feels there is an obligation if, in fact, there will be development facilitated by some sort of corridor system. It would save the Federal Government a considerable amount of money if we place easement reservations on those areas, rather than convey—rather than having to condemn them and having to spend millions of dollars later on.

That is part of the basic plan.

Mr. OULETTE. There is approximately 3,000 miles of road existing in Alaska; most of it in the southeastern portion of the State. The pipeline road is just constructed. The majority of the rest of the proposals are alternatives that have been looked at by the corridor study, trying to utilize criteria set up that they have developed—a criteria within these little booklets—they have utilized these in trying to locate the most logical routes to utilize the resources that are available; primarily energy and other minerals, agriculture, timber, and so on.

In other words, a brief summation of what they look at or the proposition they look at was; if we had to develop a road system in Alaska to remove energy and mineral resources, agricultural and timber, where would be the most logical routes?

And, in looking at these road systems, they did not consider the land status. In other words, they just considered the State a blank.

This is what they had to do.

Now, they had available to them a statewide resource inventory that has been conducted for a period of 3½ years and, utilizing the superlative—what I mean by that is critical wildlife habitats, areas of high sea—they tried, in most instances, in their criteria to avoid conflict with those in locating their alternative corridor routes.

They have proposals from the State, other Federal agencies, and private industrial groups on where the majority of energy resources are located and what they feel are the proposed routes they would need to get the energy to market in the lower 48.

Mr. HUGHES. I think it is fair to say at this time that this is a compromise. BLM has taken input from several sources and come with a proposal to the Secretary. We get additional input through these public hearings, additional comments, and hopefully, by mid-February, the Secretary will be at a point where he can make the decision as to

what map we will use if, in fact, we use any map; if we make any reservations on the map of Alaska in order to provide the Federal Government with a say of orderly development.

Mr. OULETTE. I might also add, the corridor team took a look at these corridors to see where more than one use of that corridor could be put within that corridor. In other words, they are evaluating this by roads, transmission line——

Mr. HUGHES. Multipurpose corridors and the map does contain alternatives so there could be fewer lines on here to accommodate the same level of activity or development but we are trying to come up with the options available.

Senator HASKELL. Steve Quarles points out to me—I guess this is from the Director of the BLM to the Governor on the bill on this business or corridor.

You say that your plan will be modified where Congress determines the corridor's right-of-way does not cross proposed additions to the national park system but now if you are going to issue these darned things in February, how are we going to have to make that determination?

Mr. HUGHES. One of the unresolved issues for the Secretary is how we handle the d–2 proposals. One proposal comes on one board on the d–2 and would continue on the other board and the Secretary has to make the decision.

I am sure he will consult with the committee.

Senator HASKELL. This is where—unless we enact legislation promptly, this is where by putting corridors——

Your idea of planning and our idea of planning might be the same. I do not know but it may be different.

Mr. HUGHES. We are trying to avoid——

Mr. BROWN. I do not think that is necessarily the case, Senator.

All this would do, if this were adopted by the Secretary—it would only be implemented at the stage of reservations of easements and conveyances to the natives so let's assume, if you had this reservation running here, you have a reservation through here and you would have one through here [indicating] but when you go to a d–2 area, since there is no land conveyance to take place there, there really is nothing existing.

Mr. HUGHES. But you show an intent.

Mr. BROWN. What you then do, if the Secretary said, I recommend we cross this area at the border, you come to the congress and say, I recommend to you, the Congress, that you specify in your legislation if you create this area as a national park, that this particular corridor I have designated here be designated a corridor.

Mr. HUGHES. You, in effect, changing the d–2.

Mr. QUARLES. If you put in these easements for the transportation corridors and they end up going from point to point on d–2 land, if, subsequently Congress makes the decision that it does not want a road there, then do you have to go—you still, in some ways, have foreclosed.

You would have to go back an condemn additional native land to shift the easement to a new point.

Mr. HUGHES. If the route were voided by not being able to cross a d–2 land.

Mr. KIRTON. That is an exchange of what you have for what you want.

Senator HASKELL. Thank you gentlemen.

This is not a simple situation.

Mr. HUGHES. No, sir. It is very complex.

Senator HASKELL. Senator Church will send you questions and I may have some questions.

Mr. HUGHES. We will leave the entire set of maps. We will provide the various cumulative effects of the various legislative proposals.

Senator HASKELL. I have a feeling that Ted Stevens is right when he says we have to attack those areas.

The hearing is adjourned.

[Whereupon, at 11:25 a.m., the hearing was adjourned.]

# APPENDIX

Responses to Questions Submitted by Committee Members of
of Royston Hughes

## Responses to Verbal Questions Submitted by the Committee

*Question 1.* How many acres in Alaska are within the legislative proposal S. 2018, the National Interest Lands Reservation Act?

Answer. S. 2918 includes approximately 106.1 million acres. Based on the language of the proposal, this acreage includes some State selected and tentatively approved lands, and Native withdrawn lands not expected to be selected.

*Question 2.* How many acres in Alaska are within the legislative proposal H.R. 2295, Wildlife Refuge System?

Answer. H.R. 2295 (Wildlife Refuge System) encompasses approximately 67.2 million acres. This acreage consists of various categories of land status including land withdrawn for Native selection, land selected by the State of Alaska, land withdrawn under sections 17(d)(1) and (d)(2) of ANCSA, and other Federal reserved land.

*Question 3.* How many acres in Alaska are in the legislative proposal H.R. 15856, National Wildlife Refuge Organic Act?

Answer. H.R. 15856 includes various categories of land status including land withdrawn for Native selections, land selected by the State of Alaska, land withdrawn under sections 17(d)(1) and (d)(2) of ANCSA, other Federal reserved lands such as Petroleum Reserve No. 4, etc. It is estimated that H.R. 15856 includes approximately 86.2 million acres of Federal land withdrawn under sections 17(d)(1) and (d)(2). Because of the difficulty in interpreting what other lands are or could be included, it appears possible that over 100 million acres of Federal public land could be involved.

*Question 4.* What is the total area within the consolidated legislative proposals (S. 2918, S. 3599, S. 1622, H.R. 2295, and H.R. 15856)?

Answer. It is estimated that the composite of these legislative proposals cover a total land area of approximately 252,944,000 acres.

## Responses to Written Questions Submitted by Senator Church

In addition to the statement submitted to the committee on December 10, 1974, we feel that some general remarks as to interim management of the public lands within the Administration's legislative proposals would be helpful to make the answers to the specific questions more meaningful.

Sections 17 and 22 of the Alaska Native Claims Settlement Act (ANCSA), as supplemented by the specific provisions of the land withdrawal orders, provide for the continuing administration of the lands withdrawn by or pursuant to the ANCSA. This administration is carried out under the numerous existing applicable laws and regulations.

All lands in the Department's legislative proposals are covered by a sec. 17(d)(1) withdrawal. In addition, much of the land is covered by a sec. 17(d)(2) withdrawal. The lands under the sec. 17(d)(2) withdrawals are withdrawn from all forms of appropriation under the public land laws, including the mineral leasing and mining laws, and selection by the State of Alaska. The sec. 17(d)(1) withdrawals provide the same protection except for metalliferous mining.

Interim management of the lands within the legislative proposals takes into consideration the programs set forth in the proposed legislation, the accompanying environmental statements, and consultation of the involved Federal agencies. Based upon these considerations, interim management plans and guidelines are being developed for each of the areas within the legislative proposals. These interim management plans will be carried out under existing laws and regulations.

The Bureau of Land Management (BLM) has established a ranking position on the staff of the Alaska State Director for coordination of interim management of the lands within the legislative proposals.

Departmental policy for the lands within the legislative proposals calls for added care to prevent and avoid uses that might jeopardize the future commitment of the lands to permanent Federal management under the "four national systems." We believe that careful and coordinated interim management under applicable existing laws and regulations, and within the specific provisions of the land withdrawal orders, can provide a high degree of protection pending legislative action.

*Question 1.* Has the Interior Department established any regulations governing the use of the d–2 lands during the time Congress is considering the legislation? When do you expect to establish and enforce such regulations?

Response. Administration of the land within the legislative proposals is being carried out under existing applicable laws and regulations. Interim management guidelines are being developed for the areas involved. Departmental environmental procedures and guidelines are followed for all management decisions. Any permitted use, pursuant to existing regulations and consistent with the interim management guidelines, contains terms and conditions necessary to protect these lands. Therefore, no new regulations are anticipated now.

*Question 2.* Will they apply equally to all of the d–2 proposals, including the 19 million acres recommended for new national forests?

Response. Yes, the interim management policies apply equally to the lands within the proposed national forests.

*Question 3.* I notice that several proposed national interest areas have d–1 lands within their boundaries. Do you intend to use your existing authority to withdraw these d–1 lands from new entry under the Mining Law of 1872; Why or why not?

Response. Further withdrawal from mining of d–1 lands, within the four national systems proposals, is being considered. In some of the d–1 areas, an additional item that must be considered in further withdrawl from mining, is the Memorandum of Understanding of September 2, 1972, between the United States and the State of Alaska, entered into in order to settle the State lawsuit. In partial consideration for provisions to withdraw certain lands under sec. 17(d)(1) rather than under sec. 17(d)(2), the State agreed to relinquish significant amounts of those lands identified for State selection in January 1972, thereby eliminating the conflict between State selections and d–2 withdrawals. The State had identified those lands for selection in order, among other reasons, to preserve certain areas of the State for resource development, particularly through metalliferous mining. Subsequently, as a result of the Department including certain of these d–1 lands in the legislative proposals, the State filed another suit on April 9, 1974, alleging failure of the Department to abide by the September 1972 agreement.

Since some of the d–1 lands where metalliferous mining segregation is being considered concerns lands involved in the Memorandum of Understanding, additional consultation with the State of Alaska may be advisable before coming to any conclusion on this matter.

*Question 4.* What regulations, if any, and what enforcement provisions, if any, have you promulgated for access to valid existing rights such as mining claims on d–1 lands within d–2 proposals? For access to valid existing rights on d–2 lands?

Response. As a general proposition, those persons having valid existing rights have the right to cross public domain lands to reach their entries. This has been a long standing practice for many years. The power to regulate is limited when a property right exists. Thus we have not promulgated new regulations concerning rights to private holdings on either d–1 or d–2 withdrawn lands.

*Question 5.* Are you aware of any damage to the terrain from off-road vehicle use that has occurred on d–2 lands?

Response. Because of the vastness of the areas involved, use of d–2 lands by off-road vehicles by a variety of users is undoubtedly occurring without our knowledge. When we become aware of uses by off-road vehicles that cause damage, action to prevent further damage is initiated. The majority of known damages by off-road vehicles are caused by mining claim activity. The only means of correcting adverse impacts is through appropriate court proceedings.

*Question 6.* If such damage has occurred, could you submit a list of such d–2 areas? Could you also include photographs?

Response. Some d–2 areas where known damages have occurred by use of off-road vehicles are:

(1) Fish Trap Lake. The Department has initiated trespass action against the violator.

(2) Kantishna area (Glen Creek-Moose Creek) adjacent to the nothern boundary of Mt. McKinley National Park. In this area we are aware of and concerned about impacts to the surface caused by mining claimants conducting mining claims activity on claims established prior to ANCSA. Damages were occurring prior to the ANCSA and are continuing since the passage of ANCSA.

(3) We are aware of an area north of Kobuk near the headwaters of the Ambler River, where use of off-road vehicles by mining interests, pursuing pre-ANCSA claims, is occurring and causing surface damages.

*Question 7.* As part of your interim management guidelines and regulations, do you intend to close the d–2 areas to off-road vehicles during the snow-free months?

and during the months of snow except for snow machines used for subsistence purposes? If not, why not?

Response. The use of d–2 areas by off-road vehicles, except for snow machine use, for subsistence purposes will be a management item considered by the Department in the development of the interim management guidelines for each of the proposed legislative areas. Whether or not this type of use will be involved on the d–2 areas depends on the objectives of the respective policies of the involved agencies.

*Question 8.* If there are not regulations in effect for seismic exploration for oil and gas on d–2 lands, how is this kind of activity controlled? Are seismic operations on d–2 and d–1 lands monitored by Interior?

Response. Because of the potential for damage of the surface, the Department discourages any seismic exploration on lands within the legislative proposals. At the persuasion of the Department, no recently known seismic exploration has occurred on d–1 or d–2 withdrawn lands. Geologic mapping and the study of surface geology without the use of heavy equipment and motor vehicles are permitted with adequate stipulations and restrictions to protect the land. The involved Federal Agencies are consulted in consideration of this type of use.

43 CFR 3045 provides the procedures to be followed in conducting geophysical (oil and gas) explorations (seismic operations) on public lands. These regulations require anyone desiring to conduct oil and gas exploration operations, prior to entry upon the lands, to file a "Notice of Intent to Conduct Oil and Gas Exploration Operation" on a form approved by the Director of the Bureau of Land Management.

The Notice of Intent Form 3045–1 (copy attached) is required for permission to conduct seismic exploration on dual withdrawn lands, i.e., lands withdrawn under sections 11(a)(3) and 17(d)(2) and located within legislative proposals. This form contains terms and conditions to protect the land from damages. It requires BLM to review and approve the applicant's notice of intent and add special stipulations as needed. These special stipulations have to be accepted by the applicant before exploratory operations can commence.

Applicants are being required to use this same notice of intent form for seismic exploration on lands withdrawn for Native selections. It is also anticipated that this form will be required for any applications on d–1 withdrawn lands.

All seismic operations are monitored by the Bureau of Land Management. Before the applicant's bond is released, his operation is checked to assure that he has complied with all the terms, conditions, and special stipulations of his approved notice of intent.

*Question 9.* Do you intend to include such regulations for seismic exploration in your interim management guidelines or regulations for the d–2 lands? Will the Interior Department provide for increased monitoring of seismic operations?

Response. The Department discourages any seismic exploration on d–2 lands. Proponents of seismic exploration on d–2 lands have been informed that no seismic exploration will be permitted pending legislative action. Should the necessity arise where seismic exploration on d–2 lands is contemplated, the involved Federal Agencies would be consulted and the procedures now being used for dual withdrawn areas would be followed in considering such a use request.

In the event the seismic exploration operations in the State of Alaska increase, the Department will expand its monitoring program.

*Question 10.* Will the interim management regulations apply equally to d–1 lands, including Native withdrawals that will revert to d–1 once Native selections are completed?

Response. The interim management policies on land within the legislative proposals apply equally to the d–1 lands and Native withdrawn lands not selected and which will become d–1. The d–1 lands are withdrawn from all forms of appropriation under the public land laws including mineral leasing, except metalliferous mining, until the Secretary specifically makes them available pursuant to a process of classification. The d–1 lands are managed under existing policy and regulations. Those lands presently withdrawn for Native selection are withdrawn from all forms of appropriation, including mineral leasing and mining laws. These Native withdrawals also have an overriding d–1 withdrawal that is effective when the Native withdrawal expires; this overriding d–1 withdrawal has the same degree of segregation as the Native withdrawal. Therefore, when the legislative and Secretarial withdrawals (sections 11(a)(1) and (3) for Na-

tive selection expire, those lands not selected by the Natives remain withdrawn under section 17(d)(1).

Management policies for land within the Administration's legislative proposals apply equally to d–1 land and Native withdrawn lands that are not selected.

*Question 11.* Regarding fire control on the d–2 lands, will the interim management regulations include provision for consultation with the National Park Service, Fish and Wildlife Service. and Bureau of Outdoor Recreation prior to a decision to fight a fire on d–2 lands?

Response. Coordination with the involved Agencies is on a preoccurrence basis. Annually, the BLM Alaska State Director presents to the involved agencies the fire control procedures to be used during the fire season. On problem fires, the involved Agency is consulted on a case-by-case basis for their recommendations.

*Question 12.* Have military maneuvers been permitted on d–2 lands—on d–1 lands?

Response. Requests by the military for maneuvers on lands other than military withdrawn lands, are reviewed on a case-by-case basis. Any permitted uses contain special controls and stipulations for protection of the area. One permit was issued in the King Salmon area on Native withdrawn and d–2 areas. This permitted a military exercise by helicopter and airborne personnel on foot. No cross country movement by wheeled or tracked vehicles was permitted. The permit was coordinated with the involved Agencies and contained special stipulations to protect the area involved.

*Question 13.* With the exception of the proposed new national forests, the other three conservation systems' proposals provide for "areas of ecological concern." What is an area of ecological concern? Could you submit to use the present land status for each of the areas of ecological concern?

Response. "Areas of Ecological Concern" are areas of interdependent relationships to the proposal area in key wildlife habitat maintenance, maintenance of visual and scenic integrity, protective buffers around key waters and wildlife populations, interrelated vegetative and wildlife use patterns where degradation of one element could seriously alter the other, and significant areas of cultural (archeological, historical, and sociological) relationship to the proposal or an adjacent Native culture or population. Enclosed is a land withdrawal status map that illustrates the areas of ecological concern.

*Question 14.* With respect to d–1 lands within your areas of ecological concern, including withdrawals that will revert to d–1 following Native land selections, do you intend to allow State selection in these d–1 areas of ecological concern? Will you classify them for multiple use? Or will you refrain from making such a classification until this subcommittee acts?

Response. The d–1 lands are withdrawn for study to determine the proper classification of the lands and to ascertain the public values in the lands which need protection. Therefore, future use of these lands will be based on land use plans. Moreover, classification by the Secretary is a prerequisite to the approval of permitted uses or disposals. The Department will continue to work with the State of Alaska to identify lands that may be selected in the future toward fulfilling the land grant responsibilities to the State. Classification by the Secretary is a prerequisite to any State selection. As is our practice, the Department will notify and consult with the congressional committees in advance of such classifications.

*Question 15.* With respect to State and Native lands within your areas of ecological concern, do you intend to seek cooperative management agreements with State and Native landowners?

Response. We hope that specific cooperative agreements can be negotiated with any adjacent land managers and owners within the "Areas of Ecological Concern" to insure complementary protection of the values and resources of the proposal, with control and management of such lands retained by the owners and managers.

Management of the proposals as well as the "Areas of Ecological Concern" should include a mutual working dialogue between Federal landowners and surrounding land managers. It is reasonable that if landowners in "Areas of Ecological Concern" are to consider managing their lands in a "manner compatible with proposal values," then in return, their views should be considered within the limits of applicable laws and regulations in the management of Federal lands.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

# NOTICE OF INTENT TO CONDUCT OIL AND GAS EXPLORATION OPERATIONS

Notice Number

| Applicant(s) | Address *(include zip cod.* |
|---|---|
| Operator | Address *(include zip code)* |
| Contractor(s) | Address *(include zip code)* |

hereby apply for authorization to conduct exploration operations pursuant to the provisions of 43 CFR 3045 now or hereafter in force across and upon the following-described lands *(give description of lands by township, attach map or maps showing lands to be entered or affected)*

Type of operation to be conducted *(give brief description)*

Exploration operations will be conducted during the period *(date)* from to

Attached ☐ $ Surface protection bond ☐ $ Surety bond ☐ Rider to Nationwide bond
☐ Rider to Statewide bond ☐ Bond to be furnished

Upon completion of exploration operations the undersigned agrees to notify the Authorized Officer that authorized exploration operations have been completed in conformance with the general and special terms and stipulations of the notice.

The undersigned hereby agrees (1) that he will not enter upon the described land until he has been informed in writing whether there are special stipulations applicable to his Notice of Intent, as to either time or method of operation or otherwise, and, if there are such stipulations, what those stipulations are, (2) that he will comply with those special stipulations, if any; and (3) that he will not enter upon the described lands until his entry has been approved by the Authorized Officer.

The undersigned agrees to be bound by the terms and conditions of this notice to conduct exploration operations when approved by the Authorized Officer.

The undersigned agrees that the filing of this *Notice* under the regulations (43 CFR Subpart 3045) does not vest or confer any preference right to a geothermal resources lease.

The undersigned agrees further that all exploration operations shall be conducted pursuant to the following terms and conditions:

1. Exploration operations shall be conducted in compliance with all Federal, State, and local laws, ordinances, or regulations which are applicable to the area of operations including, but not limited to, those pertaining to fire, sanitation, conservation, water pollution, fish, and game. All operations hereunder shall be conducted in a prudent manner.

2. Due care shall be exercised in protecting the described lands from damage. All necessary precautions shall be taken to avoid any damage other than normal wear and tear to improvements on the land including, but not limited to, gates, bridges, roads, culverts, cattle guards, fences, dams, dikes, vegetative cover, improvements, stock watering, and other facilities.

3. All drill holes shall be capped when not in use and appropriate procedures shall be taken to protect against hazards in order to protect the lives, safety, or property of other persons or of wildlife and livestock.

4. All vehicles shall be operated at a reasonable rate of speed and, in the operation of vehicles, due care shall be taken to safeguard livestock and wildlife in the vicinity of operations. Existing roads and trails shall be used wherever possible. If new roads and trails are to be constructed, the Authorized Officer must be consulted prior to construction as to location and specifications. Reclamation and/or reseeding of new roads and trails shall be made as requested by the Authorized Officer.

5. Upon expiration, conclusion, or abandonment of operations conducted pursuant to this *Notice*, all equipment shall be removed from the land, and the land shall be restored as nearly as practicable to its original condition by such measures as the Authorized Officer may specify. All geophysical holes shall be safely plugged. The Authorized Officer shall be furnished a *Notice of Completion of Oil and Gas Exploration Operations* (Form 3045–2) immediately upon cessation of all such operations and shall be further informed of the completion of reclamation work as soon as possible.

6. Location and depth of water sands encountered shall be disclosed to the Authorized Officer.

*(Continued on reverse)*

. Operator shall contact the Authorized Officer prior to actual entry upon the land in order to be appraised of practices which shall be followed or avoided in the conduct of exploration operations pursuant to the terms of this *Notice* and applicable regulations. Operator will conduct no operations on the land unless the attached bond is in good standing.

8. Due care shall be exercised to avoid scarring or removal of ground vegetative cover.

9. All operations shall be conducted in such a manner to avoid (a) blockage of any drainage systems; (b) changing the character, or causing the pollution or siltation of rivers, streams, lakes, ponds, waterholes, seeps, and marshes; and (c) damaging fish and wildlife resources or habitat. Cuts or fills causing any of the above-mentioned problems will be repaired immediately in accordance with specifications of the Authorized Officer.

0. Vegetation shall not be disturbed within 300 feet of waters designated by the Authorized Officer, except at approved stream crossings.

1. Surface damage which induces soil movement and/or water pollution shall be subject to corrective action as required by the Authorized Officer.

2. Trails and campsites shall be kept clean. All garbage and foreign debris shall be eliminated as required by the Authorized Officer.

3. Operator shall protect all survey monuments, witness corners, reference monuments, and bearing trees against destruction, obliteration, or damage. He shall, at his expense reestablish damaged, destroyed, or obliterated monuments and corners, using a licensed surveyor, in accordance with Federal survey procedures. A record of the reestablishment shall be submitted to the Authorized Officer.

4. Operator shall make every reasonable effort to prevent, control, or suppress any fires started by the operator, and to report, as soon as possible, to the Authorized Officer location and size of fires, and assistance needed to suppress such fires. Operator shall inform the Authorized Officer as soon as possible of all fires, regardless of location, noted, or suppressed by independent action.

15. No work shall be done within one-half mile of a developed recreation site without specific written authority from the Authorized Officer. Any travel within one-half mile of a recreation site shall be over existing roads or trails.

16. Use of explosives within one-half mile of designated waters is prohibited unless approved, in writing, by the Authorized Officer.

17. If operations conducted under the provisions of this *Notice* causes any damage to the surface of the national resource lands, such as, but not limited to, soil erosion, pollution of water, injury or destruction of livestock or wildlife, or littering, operato shall, within 48 hours, file with the Authorized Officer a map showing exact location of such damage and a written report containing operator's plans for correcting or minimizing damage, if possible.

18. Violation of, or failure to comply with any of these terms and conditions shall result in immediate shutdown of field operations until deficiency is corrected. Failure to correct deficiency within the time period allowed by the Authorized Officer shall result in forfeiture of bond.

19. The Bureau of Land Management reserves the right to close any area to operators in periods of fire danger or when irreparable damage to natural resources is imminent.

20. Contractor shall be liable for assuring compliance with all terms and conditions of this *Notice* and all actions of his designated operator, agents, and employees.

21. Where continuation of the operation will result in irreparable damage to the land and other natural resources this *Notice* will be immediately cancelled by the Authorized Officer.

4. Special Stipulations:

(Signature of Applicant) (Date) (Signature of Operator) (Date)

I hereby agree to the special stipulations added and made a part of this *Notice* to conduct exploration operations.

(Signature of Holder of Notice) (Date) (Signature of Operator) (Date)

I hereby approve this *Notice* to conduct exploration operations.

(Signature of Authorized Officer) (Title) (Date)

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

# ALASKA

- MAJOR WITHDRAWALS PRIOR TO ALASKA NATIVE CLAIMS SETTLEMENT ACT (ANCSA) (DEC. 18, 1971)
- STATE SELECTIONS PATENTED
- STATE SELECTIONS TENTATIVELY APPROVED
- STATE SELECTIONS PENDING
- RAMPART POWER PROJECT BOUNDARY
- UTILITY CORRIDOR
- FORMER INDIAN RESERVES (Elected to be Acquired under Sec. 19, ANCSA)
- WITHDRAWALS FOR NATIVE VILLAGES ELIGIBLE FOR LAND SELECTIONS
- WITHDRAWALS FOR NATIVE VILLAGES, ELIGIBILITY FOR LAND SELECTIONS NOT FINALLY DETERMINED
- VILLAGE DEFICIENCY WITHDRAWALS
- REGIONAL DEFICIENCY WITHDRAWALS
- WITHDRAWALS FOR POSSIBLE ADDITION TO NATIONAL WILDLIFE REFUGE SYSTEM
- WITHDRAWALS FOR POSSIBLE INCLUSION IN THE FOUR NATIONAL SYSTEMS (D–2)
- WITHDRAWALS FOR CLASSIFICATION AND PUBLIC INTEREST (D–1)
- DUAL WITHDRAWALS FOR D–2 AND NATIVE VILLAGE DEFICIENCY (Sec. 17(d) (2) (E), ANCSA)
- DUAL WITHDRAWALS FOR D–2 AND NATIVE REGIONAL DEFICIENCY (Sec. 17(d) (2) (E), ANCSA)
- NATIVE REGIONAL CORPORATION BOUNDARIES
- LEGISLATIVE PROPOSALS FOR THE FOUR NATIONAL SYSTEMS
  December 18, 1973

| PROPOSAL NAME | MILLIONS OF ACRES |
|---|---|
| **National Park System** | |
| 1 Gates of the Arctic National Park | 8.36 |
| 1 Kobuk Valley National Monument | 1.85 |
| 1 Cape Krusenstern National Monument | 0.35 |
| 1 Aniakchak Caldera National Monument | 0.44 |
| 1 Kantishna National Park 3 | 1.87 |
| 1 Harding Icefield-Kenai Fjords National Monument 2 | 0.30 |
| 1 Lake Clark National Park | 2.61 |
| 1 Mt. McKinley National Park Additions | 3.18 |
| 1 Wrangell-St. Elias National Park | 8.64 |
| 1 Yukon-Charley National Rivers | 1.97 |
| 1 Chukchi Imuruk National Reserve 2 | 2.69 |
| Sub Total | 32.26 |
| **National Wildlife Refuge System** | |
| 11 Yukon Flats National Wildlife Refuge | 3.39 |
| 11 Arctic National Wildlife Refuge Additions | 3.76 |
| 11 Koyukuk National Wildlife Refuge | 4.43 |
| 11 Selawik National Wildlife Refuge | 1.40 |
| 11 Coastal National Wildlife Refuge | 0.07 |
| 11 Yukon Delta National Wildlife Refuge | 5.16 |
| 11 Togiak National Wildlife Refuge | 2.74 |
| 11 Noatak National Arctic Range 3 | 7.59 |
| 11 Ivanof National Resource Range 3 | 2.85 |
| Sub Total | 31.59 |
| **National Forest System** | |
| 11 Porcupine National Forest | 5.50 |
| 11 Yukon-Kuskokwim National Forest | 7.30 |
| 11 Wrangell Mountain National Forest | 5.30 |
| 11 Chugach National Forest Additions | 0.50 |
| Sub Total | 18.60 |
| **National Wild and Scenic River System 4** | |
| 11 Portions Noatak Wild and Scenic River | 0.32 |
| 11 Birch Creek National Wild River | 0.20 |
| 11 Beaver Creek National Wild River | 0.10 |
| 11 Unalakleet National Wild River | 0.12 |
| Sub Total | 0.82 |
| Total | 83.47 |

Additions to:
1 Existing Kuiman National Monument
2 Joint Administration by National Park Service and Fish and Wildlife Service
3 Joint Administration by Fish and Wildlife Service and Bureau of Land Management
4 In addition, 16 Wild and Scenic Rivers also proposed within Parks, Refuges, and Forests

SCALE IN MILES
50 0 50 100 150
1 inch = approximately 40 miles

ILLUSTRATED LAND STATUS SUBJECT TO VERIFICATION
March 1974

- LEGISLATIVE PROPOSALS FOR THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM
- AREAS OF ECOLOGICAL CONCERN, NATIONAL PARK SYSTEM PROPOSALS
- AREAS OF ECOLOGICAL CONCERN, NATIONAL WILDLIFE REFUGE SYSTEM PROPOSALS
- COOPERATIVE PLANNING AND MANAGEMENT ZONE, MT. MCKINLEY NATIONAL PARK

47-038 O - 76 (Face p. 42)