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## Senate

(Legislative day of Thursday, June 12, 1980)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. DAVID L. BOREN, a Senator from the State of Oklahoma.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

*Draw nigh to God, and He will draw nigh to you. . . . Humble yourselves in the sight of the Lord, and He will lift you up.*—James 4: 8a, 10.

O Lord our God, as we quiet our minds and draw near to Thee, we plead for the clean hands, the pure hearts, and the clear minds which fit us to serve Thy higher purposes. Amid the swift-changing scenes of our common life, help us to be steady and keep us true. Imbue with Thy higher wisdom the President, the Congress, and all those to whom, in Thy name, we entrust the authority of government, that there may be justice and peace at home and that we may take our rightful place among the nations of the world. Grant us Thy peace now and forever. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., August 19, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID L. BOREN, a Senator from the State of Oklahoma, to perform the duties of the Chair.

WARREN G. MAGNUSON,  
President pro tempore.

Mr. BOREN thereupon assumed the chair as Acting President pro tempore.

### ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, H.R. 39, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 39) to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between now and 11 o'clock will be divided equally between and controlled by the majority leader and the minority leader or their designees.

Mr. ROBERT C. BYRD. Mr. President, I will yield to the distinguished minority leader or the acting minority leader, and time can be yielded by them to Mr. HATFIELD to bring up a matter which has been cleared on both sides. I yield myself such time as I may require.

Mr. President, the Senate has labored since July 21 to produce the Alaska lands legislation. Senators involved in this debate believe deeply in the positions which they have advanced. The distinguished Senator from Alaska, Mr. MIKE GRAVEL, has fought the good fight. He has ably represented the people of his State throughout consideration of this matter.

Senator GRAVEL has demonstrated an understanding of the Senate rules and precedents over the past few weeks. He also has been understanding and considerate of his colleagues in his long vigil over this bill. I commend him for his dedication, fortitude, and willingness to stand fast on this issue of great importance to his people.

Many Senators contributed to the long and detailed consultations which produced the compromise amendment that the Senate adopted on Monday, August 18. The distinguished minority whip, Senator TED STEVENS, worked tirelessly

to attain specific legislative objectives under difficult circumstances. He has largely succeeded in obtaining important concessions regarding State lands.

He has devoted a great deal of time to resolving the Alaska lands issue, and I commend him for his efforts.

A record number of markup sessions were held by the Committee on Energy and Natural Resources on this bill. Chairman HENRY JACKSON led the committee through the difficult task of examining, evaluating, and classifying millions of acres in Alaska. The ranking minority member of the Energy Committee, Senator MARK HATFIELD, added to the thoughtful consideration of this bill in the committee. The Senate has benefited from their work in the committee and on the floor, and I congratulate the entire Energy Committee for seeing this bill through, as it will be acted upon at 11 o'clock and disposed of.

Senator PAUL TSONGAS deserves special recognition for his role in the formulation and debate of H.R. 39. He buckled down to a difficult task and persevered, in the Energy Committee and on the Senate floor. His ability to be flexible from a position of strength is commendable, and made compromise on this bill possible. Along with Senators GARY HART, ALAN CRANSTON, WILLIAM ROY, and others, Senator TSONGAS has done exceedingly well in the debate on the Alaska lands bill.

My able colleague from West Virginia, JENNINGS RANDOLPH, should be included in that group of Senators, particularly in connection with the wildlife refuge amendment.

The bill which we will vote on shortly is a compromise which intends to protect unique and important wilderness, wildlife, and other territory in the State of Alaska. As with most compromises, there are parts of this bill which are not exactly as all participants would have them. Yet a consensus of the most critical areas deserving some protection and those which could be developed in an orderly way has emerged.

The Senate would do well to support the broad-based compromise which is now before us, for by doing so we would

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

carry out our responsibility to promote a resolution of this long controversy. I urge the adoption of H.R. 39, as amended.

I yield the floor to the minority leader.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. I yield myself 1 minute. Mr. President, I wish to take a few moments this morning to commend and express my gratitude to my friends, the distinguished assistant minority leader (Mr. STEVENS) and the distinguished ranking member of the Energy and Natural Resources Committee (Mr. HATFIELD) for the thoughtful, constructive, and tireless leadership they have provided the Senate on the matter of H.R. 39, the Alaska lands legislation.

The scope and impact of this historic legislation is exceeded only by the majesty and richness of the land it will affect. And I am certain all of us in this Chamber can appreciate the concern shown by Senator STEVENS on a matter which will so dramatically influence the future of his beloved Alaska and her people.

Indeed, the skillful, concerned leadership displayed by Senator HATFIELD in the management of this most complicated measure, in both the committee and on the Senate floor, underscores our shared regard for the importance of this measure.

And while Senator STEVENS is opposed to the legislation before us today, his opposition is borne out of a noble quest for perfection—a perfect balance of preservation of the breathtaking beauty of his homeland, the economic advancement of his constituency, and the energy security of his Nation.

I believe our adoption of this legislation today is a step toward that balance and I know my most able colleague will continue his diligent pursuit to that end.

For the time being, however, I say to the Senate and to all Alaskans that Senator STEVENS and Senator HATFIELD have served them well on this matter, as they do all Americans on all matters.

And I know I speak for the Senate, all Alaskans, and all Americans in thanking them for that service.

Further, Mr. President, I would commend the distinguished chairman of the Energy and Natural Resources Committee (Mr. JACKSON) and the distinguished Senator from Massachusetts (Mr. TSONGAS) for their thoughtful, dedicated efforts and their cooperation which has resulted in the measure before us today.

Mr. President, at this time, I designate the assistant Republican leader to control the time provided for the minority leader under the unanimous-consent order of yesterday.

Mr. ROBERT C. BYRD. Mr. President, I designate Mr. GRAVEL to control 20 minutes of my time and Mr. JACKSON and Mr. TSONGAS each to control 5 minutes, which is a little more time than I have. How much time do I need in order to do that?

The ACTING PRESIDENT pro tempore. The Senator has approximately 26 minutes.

Mr. ROBERT C. BYRD. Will Senator STEVENS yield me 4 minutes from his time?

Mr. STEVENS. Mr. President, I yield the majority leader such time as he needs.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Immediately after this bill is passed today, it is my plan—so that the minority leader and others may know, and so that both sides on the question may become better prepared—to deal with the surface mining amendments, which will be the next controversy.

It is my plan to recess until, say, 1:30 p.m. today, to give the opponents and proponents more time.

Mr. STEVENS. Mr. President, I yield the Senator from Oregon such time as he may desire.

#### ESSAYS IN COMMEMORATION OF 50TH ANNIVERSARY OF INAUGURATION OF HERBERT HOOVER

Mr. HATFIELD. Mr. President, I send to the desk a resolution and ask unanimous for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 503) to authorize the printing of a compilation of essays in commemoration of the 50th anniversary of the inauguration of Herbert Hoover.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATFIELD. Mr. President, I offer this resolution on behalf of the Senators from Iowa (Mr. JEPSEN and Mr. CULVER), my colleague from Oregon (Mr. PACKWOOD), the Senators from California (Mr. CRANSTON and Mr. HAYAKAWA), and the Senators from New York (Mr. JAVITS and Mr. MOYNIHAN).

This is a very simple resolution. It calls for the printing as a Senate document of a collection of essays which have been put in the CONGRESSIONAL RECORD during the last year, 1979, to commemorate the 50th anniversary of the inauguration of Herbert Hoover as the 31st President of the United States.

Mr. President, this is a group of probably some of the most outstanding scholars in the United States today, associated in universities and colleges from the eastern part to the western part of the United States and all areas in between.

From time to time, it is very important to reassess certain political eras of our country, especially those which carry great controversy. I believe this is a time when we have a little distance between us, this generation and that period of 1929-1933; and these scholars, with new materials and new archives that are open, have moved beyond the stereotypes of that period, so often ascribed to the many periods of history. I think they have done a notable job in making a reassessment, and I think this will be a

very important document, one of the scholarly documents which could be made available to the libraries and universities around this country.

Mr. President, one additional comment: This has been cleared by the leadership on both sides. It has been cleared by the chairman, with the chairman of the Rules Committee, Mr. PELL, and as the ranking minority member of the Rules Committee I move its immediate adoption.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I shall not object, the distinguished Senator cleared this resolution with the majority and minority on yesterday. We had discussions about it, and there is no objection to its immediate consideration.

Mr. HATFIELD. I thank the majority leader and minority leader for their cooperation on this.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 503) was agreed to, as follows:

*Resolved*, That there be printed as a Senate document the collection of essays printed in the Congressional Record which commemorate the fiftieth anniversary of the inauguration of Herbert Hoover as the thirty-first President of the United States. Such document shall be in such style and form, and be bound and indexed as directed by the Joint Committee on Printing. In addition to the usual number, one thousand copies shall be printed for the use of the Joint Committee on Printing.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

The Senate continued with the consideration of H.R. 39.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. STEVENS. Mr. President, yesterday I made a statement concerning the Tsongas substitute and my thoughts relative to it. Soon we will perfect the record with regard to the legislative history on this bill, one that is so important to our State.

I wish to clarify two matters, however, if I may. One is with regard to State and Native lands.

One of the basic requests that was made of me as one of the Senators from Alaska by our State legislature and by the Governor was that we obtain conveyance to the State of Alaska and to the Native people of the lands that were committed to the State of Alaska under our Statehood Act and to Alaskan Native people under the Alaska Native Land Claims Settlement Act.

The revised Tsongas substitute does convey the lands that were outlined in the Energy Committee version which

was known as S. 9 and in the so-called ad hoc's compromise bill of 1978.

Those lands are vital to our State's future and as I told a group of Alaskans this morning the issue pertaining to the land management in Alaska will now shift to the State legislature because with the passage of this act we will have confirmed the rights that we obtained under statehood to approximately 105 million acres of land. That, together with the Native lands, will amount to about 150 million acres.

These lands are valuable lands. They are lands that have not only resource value but great values for tourism and recreation as well.

The decisions as to the classification and use of those lands will be made by the State legislature and by the Governor.

Just as in these past 9 years, we have been dealing with the question of what to do with Federal lands that will be remaining in Federal ownership after the State and Native lands are deeded from the Federal Government to our State and to our Native people, so now will the legislature be concerned with the classification and use of State lands and, of course, the Native people with regard to the use of their own lands which will not be Federal nor State owned. They will be held by Alaska Native villages and by the Alaska Native regional corporations.

I am hopeful that the lessons we have learned here concerning the classification and use of Federal lands will be studied and that the points we have tried to make here will in fact be points that members of the State legislature will heed because the lands in Alaska that have been selected by our State are lands in close proximity to the great residential areas of our State and to the villages and communities in rural Alaska.

Second, I wish to say just a little bit about the history of this bill to get it back into perspective.

Mr. President, it was in 1970 as we were reviewing the question of the Alaska Native land claims that I discovered that 50 million acres of Alaska had been classified as lands that were potential national parks.

I was surprised to find those classification orders. There were orders that had been entered by the Department of Interior as internal guidance in dealing with Alaska lands.

The impact of those classification orders affecting 50 million acres of Alaska lands led to section 17(d) (2) of the Alaska Native Land Claims Settlement Act in which Congress instructed the Secretary of the Interior to review up to 80 million acres of Alaska lands to determine whether any portion of that 80 million acres should go into national parks, wildlife refuges, wild and scenic rivers, or national forests.

Congress gave the Secretary of the Interior 2 years to make that review, and at the end of 2 years the report was submitted by the then Secretary Morton.

His report recommended that 83 million acres of Alaska be set aside, 15 million of which was for a future study area. So, in effect, he recommended that 68

million acres of land in Alaska be set aside.

A great portion of the land that he recommended would have been national forest and would have been in the category of multiple-use land.

Secretary Morton's recommendations were rejected by Alaskans, and we pursued consideration by another Congress and by another administration.

Secretary Andrus' first recommendations to Congress dealt with 96 million acres of Alaska land and again the recommendations of the Secretary of the Interior were rejected.

We were then into another Congress, and the House of Representatives was heard from and the first of the Udall bills was introduced. The first Udall bill, according to my memory, dealt with something like 115 million acres. By the time it had passed through the House of Representatives it dealt with about 130 million acres.

The Senate worked on a bill during that Congress in 1978 and the Energy Committee reported a bill by a vote of 17 to 1.

That bill then went to what we call the ad hoc conference. We met informally with Members of the House of Representatives and tried to work out a compromise bill that would be acceptable to both the Senate and the House of Representatives, and we thought we had such a bill. It was prevented from becoming law because of the fact that we were down to the last 2 days of that session and it took unanimous consent to deal with it and that unanimous consent was not forthcoming.

We then had another bill that was passed by the House of Representatives which would have extended the 5-year period of section 17(d) (2) of the Alaska Native land claims which had expired or was to expire then on December 18, 1978. That bill passed the House of Representatives and would have extended for 1 year the period of review Congress had given itself. That bill also was blocked.

We came to this session of this Congress and in it the Udall bill passed the House. My estimate is—some people argue with it—that the Udall bill affected 150 million acres of Alaska land.

Again the Senate Energy Committee spent a great deal of time on the bill, and it is my understanding that in the House Interior Committee and the Senate Energy Committee—including its predecessor, the Senate Interior Committee—there never has been a bill that has taken as much time of either committee in the history of those committees than the Alaska lands legislation.

We now have a bill before us which is a revision of the Senate Energy Committee bill. What I understand happened is that we have informally in this body worked out modifications to the Senate Energy Committee bill to meet the requests that were relayed to Members of this body—not to me but to Members of this body—from the staff and Members of the House of Representatives.

I am hopeful that what we have here now is a bill which is comparable to the bill at least in standing to the one we

almost achieved passage of in 1978. This bill is not the same as the 1978 bill. There are substantial differences, and those differences lead me to the conclusion that it is not as good a bill as we had in 1978. For instance, all of Admiralty Island is a wilderness area; all of Misty Fjords is a wilderness area; portions of the Arctic Range are closed to oil and gas exploration; all of the Gates of the Arctic is a national park and, as a matter of fact, it is a national park with wilderness imposed upon it.

Those and other concessions were made to Members of the House I feel through the actions that were taken here by the distinguished Senator from Massachusetts.

It is my hope now that the House will view this bill as we all viewed the bill in the ad hoc conference in 1978, and that the Members there who have worked long and hard on this subject will see fit to seek approval by the House of the bill that will pass this body today.

There is little time left in this Congress. We have, according to my calculations, about 5 weeks left after this week. There is not time for a prolonged conference, and there is not time for prolonged disagreement over details.

In my opinion, we have met the high priorities of the other body with regard to their requests dealing with this bill. Those concessions to the Members of the House were made over my objections or despite my objections, but they have been made and I, as I state, am hopeful that the Members of the other body will recognize that they have left an indelible mark on this legislation, and that there should be no further changes to it.

Mr. President, I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. Who yields time?

ORDER OF PROCEDURE UPON DISPOSITION OF  
H. R. 39

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Alaska lands bill the Chair recess the Senate until 1:30 p.m. today, at which time, of course, the Senate will then resume consideration of H.R. 1197.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRAVEL. Mr. President, will the Senator from West Virginia, the distinguished majority leader, yield to me 20 minutes?

Mr. ROBERT C. BYRD. I already have made arrangements for the Senator to have this time.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized for 20 minutes.

Mr. GRAVEL. Mr. President, I have always feared that, in addition to the thwarting of future economic growth of Alaska, the massive, restrictive conservation system units designated in this legislation would be used to terminate or severely curtail existing recreational and traditional uses of the lands involved. Furthermore, I fear that one potential benefit of these designations, enhanced tourism in Alaska, would be impaired by prohibition of or intentional neglect for

visitor facilities and access in and to the new units.

I am afraid that if the same philosophy prevails, which has led to the creation of these units, we will not see any meaningful efforts put forth over the next decade to provide for or enhance tourism. That is not to say we will not receive any visitors. I am sure that the numbers of backpackers in the Gates of the Arctic and the Wrangells will increase. But for the older, less agile, and less affluent who now visit Yellowstone, the Grand Canyon, Great Smokies, and other great units of our National Park System, most of the areas in Alaska will be nothing more than lines on a map—off limits to most.

These fears come not only from the law per se, but from what I foresee in the way of future regulations and actions by zealous bureaucrats who were not party to the legislation before us. Although I believe that our words of intent and clarification today will fall on deaf bureaucratic ears several years, if not several months, from now, I would hope the sponsors of this bill would join with me in a colloquy on several of the many issues and potential problems raised in the legislation.

I would hope that it is the understanding and belief of the sponsors that the conservation system units designated in this bill in Alaska are fundamentally different than those we have designated in the past in the lower 48 States. By virtue of the many different legislative provisions which have been included in this bill unique to the various conservation systems, I hope that it is clear that the Congress intends a different approach to administrative regulations for these areas than may apply elsewhere. I hope that this Congress is putting the managing agencies on notice that the goal of the managing agencies should not be to bring the various parks and refuges in Alaska into "conformity" with the uses and regulations which might be appropriate in other units outside of Alaska—that the intent of the Congress is to preserve the differences outlined and accommodated for in this legislation in coming years.

Mr. JACKSON. Mr. President, certainly all of us agree that the Alaska situation is unique. In response to that uniqueness, the committee reported bill and the substitute incorporated a number of provisions especially designed to meet the needs of Alaskans and the Alaska landscape. I think our intent in this regard is clear and I plan to carefully monitor the administration of these new units in Alaska in the days to come.

Mr. GRAVEL. I would hope that it is the intent of the Congress that tourism and recreation use is an appropriate use of all the various parks and refuges created in this legislation, whether or not such use is specifically listed as a purpose of the particular unit. To the extent that other values of the unit are not harmed, there should be an effort to encourage and to accommodate increased visitor use and appreciation of the various units by the Federal management agencies.

Mr. JACKSON. I certainly concur with that observation. Compatible recreation use and enjoyment is indeed an important consideration for all conservation system units in Alaska. I certainly hope that as many visitors as possible have an opportunity to visit these spectacular park and refuge units we are establishing today.

Mr. GRAVEL. Regulation by the National Park Service has grown increasingly capricious and heavy-handed in recent years as evidenced by the treatment of in-holders, mining claimants, and recreationists such as mountain climbers. As so persistently and articulately told to me by Doug Buchanan, president of the Alaska Alpine Club, the over regulation of such benign activities as mountain climbing has not only been mostly unnecessary and an intrusion on personal rights, but that in some cases Park Service requirements have actually resulted in unsafe climbing practices and increased chances of accidents. To every extent possible, the National Park Service should not regulate such pursuits as mountain climbing when controls are simply not necessary. I hope it is the intent of the Congress that this legislation does not by mere definition call for an array of new regulations governing various uses, but rather that regulations be minimized in line with the current benign level of use of most of the new units in Alaska.

Mr. JACKSON. I cannot agree that the Park Service has grown capricious and heavy-handed in recent years in Alaska. With regard to mountain climbing, it is my understanding that no new regulations regarding this activity have been issued, nor are any such regulations contemplated. The regulations which are in place at Mount McKinley are, I have been told, designed to protect the park visitor.

I certainly agree, however, that the designation of these areas as conservation system units does not carry with it an automatic infusion of new and burdensome regulations.

Mr. GRAVEL. Specifically, the bill includes language that climbing and related access are a purpose of certain national park units. I hope it is the intent that this language not be used as a specific mandate to the National Park Service that this use be specifically regulated or that such uses of other park or refuge areas in the bill is not appropriate or permitted.

Mr. JACKSON. That is the intent.

Mr. GRAVEL. There is a myriad of specific uses in specific areas which I think would be in jeopardy with this legislation, but I would just like to cover a few here recognizing that the list is by no means exhaustive.

#### WILD AND SCENIC RIVERS

Birch Creek, the Delta River, and the Gulkana River are designated and are all very popular, road-accessible rivers. I would hope that designation of these rivers does not automatically imply the need for use quota systems. Rather it should be the intent that these rivers have been designated for their value as canoeing and kayaking streams and that

such use is encouraged. Any curtailment or redistribution of use should be made only after careful study of the use and resources, and that it is demonstrated that real resource-based need exists for such action.

The Fortymile River is designated in this legislation due to its scenic, recreational, and historic values. Much of this historic value stems from its role in the gold rush and to its more modern gold mining activities. One of the primary reasons for designation of certain segments as "scenic" and "recreational" is to accommodate the existing road and mining activities in the area. Thus, it should be the intent that current gold mining activities, operating under existing law and regulations, be permitted to continue and that the Taylor Highway which traverses the river at several locations providing key recreational access, be permitted to be upgraded and possibly realigned as needed in future years even if lands within the river designation are involved.

The Nowitna River was specifically not named in the Senate Committee version of the bill because of its significant use by local village residents along the Yukon for hunting, trapping, house log cutting, and related motorized watercraft access, and access by large motorized watercraft up the river to reach mining claims outside the river area. The Nowitna is a large river, navigable by substantial motorized craft the entire length of the designated segment. With the designation of the river is the new substitute, I would hope that it is the intent of the Congress that the river continue to be available to use by motorized craft for a variety of uses now occurring, including large craft supplying mining camps far upriver, and that the selective cutting of house logs and firewood along the river for local use be permitted.

Mr. JACKSON. I agree generally with the Senator's comments regarding these wild and scenic rivers. In my view, none of the uses cited by the Senator would be necessarily precluded by wild and scenic river designation. Of course, each such activity would have to be viewed on a case-by-case basis in the context of a variety of existing laws and circumstances.

Mr. GRAVEL. Some parks are obviously going to remain fly-in or boat-in areas for visitor use in a wilderness setting. But other units have great potential for higher levels of visitors use by virtue of being readily accessible from the existing Alaska highway net. Units such as Denali, Wrangell-St. Elias, and the Harding Icefield/Kenai Fjords Parks should be viewed this way. I would hope that it is the intent that the road leading up the Resurrection River to Exit Glacier in the Harding Icefield unit be completed at the earliest time and that a visitor access point be developed there.

Mr. JACKSON. The Senator is correct. I am hopeful that those Alaska parks which are accessible from the existing Alaska highway net will indeed be heavily visited. With regard to the Kenai Fjords, I would call the attention of the Senator to the Committee Report 96—

413 (p. 150) where the need for the road and the visitor facility are specifically addressed.

Mr. GRAVEL. I hope that it is the intent that the existing Nabesna Road and the Chitina-McCarthy Road be continued to be maintained and used for public access into the Wrangell-St. Elias Park and Preserve.

Mr. JACKSON. I share the Senator's view on this matter.

Mr. GRAVEL. The bill includes among the definitions of conservation system unit units of the National Trails System. Thus, the transportation title would apply to such units as the Iditarod National Historic Trail which I secured into law 2 years ago. With the creation of the historic trails category and the Iditarod Trail we set out specific legislative provisions and legislative history in regard to access across such units. Thus, I would hope that it is the intent that this legislation not impose any additional barriers or restrictions on access across or involving National Historic Trails including the Iditarod Trail, but that the previous legislation and legislative history for the National Historic Trails would generally prevail except in the case of the application process itself.

Mr. JACKSON. The Senator is correct in his understanding.

Mr. GRAVEL. Although the language which I inserted in committee markup of the bill regarding the Terror Lake Hydroelectric project has been altered somewhat in the substitute measure before us, I would hope that the intent is still the same and that the committee report language which was for this original provision is still applicable and would prevail.

Mr. JACKSON. The basic intent of the committee report with regard to this project has not been changed by the adoption of the language in the substitute. Both are designed to insure that projects such as this are examined on a case-by-case basis and not summarily rejected without careful review.

Mr. GRAVEL. Mr. President, I would like to address at this time several points that have been raised in the course of the debate on this subject so as to make the record as complete as possible from my particular point of view.

I would just like to say with respect to the history of the Alaska lands issue, it started out by request—I wonder if the Chair would notify me when I have 5 minutes left. The history started nationally at the turn of the century because of the excesses of the industrial revolution. It was a movement essentially founded in the thoughts and the fine ideas of Thoreau, which were to the effect that we should not despoil our environment capriciously. Thoughtful people stepped forward and made unusual efforts to try to bring some sanity to the laissez faire attitude and, in my opinion, arrogant attitude toward the land that existed at that time.

Great progress was made and, of course, a foundation for a fine National Park System was developed. These goals were pursued and, I think, admirably pursued. But, unfortunately, as is so often the case in human affairs, with

success we move to excess. So we see a situation today where, although its foundations are sound, although its thoughts are sincere, and although its goals are proper, they go far beyond what is reasonable and what constitute a proper balance in our ecological system, a balance involving every bit as much homo sapiens as anything else.

The efforts to which I became party started in 1968 when, in the final hours of the Johnson administration, Secretary Stewart Udall had an agenda which was literally the agenda of the national preservationist community. That agenda involved somewhere between 15 million to 25 million acres of land in Alaska, involving unusual features that should be protected in perpetuity. That agenda rapidly escalated with the skill and leadership of Congressman MORRIS UDALL in the deliberations on the Alaska lands issue in 1971.

In the course of the conference on the Native Claims Settlement Act, and without hearing, without notice, without preparation, a very arbitrary and capricious request was made to set-aside lands, to study them, with the intent of putting them into the four preservation systems we now see defined by this legislation. Initially his request was on the order of 120 million acres.

At that time the Alaska delegation present in the room opposed this. But recognizing the exigencies of the moment, recognizing the fact that the Native Land Claims legislation had great momentum and was greatly needed, and also not suspecting at the time that a study, a simple study, would be so injurious to the subcontinent of Alaska, we agreed to a compromise of 80 million acres, but without being able to consult our constituents.

So it was decided that 80 million acres would be withdrawn and studied and a recommendation made to the Congress, which recommendation would be effected within 5 years. After the study, the Republican administration, at the time under Secretary Rogers Morton, came up with 83 million acres as a recommendation, which can only lead one to believe that had the recommendation for a study been 120 million acres, that would have been the proposal. Such were the forces that existed within the bowels of the Interior Department. And so that recommendation to the Congress worked its way into legislation that we were all party to, to one degree or another.

I had been attempting in southeast Alaska to work out an accommodation through a study of the possibilities of setting aside some wilderness. All that effort was thwarted with the introduction of the Udall-Seiberling legislation which, essentially, was designed to create an instant wilderness. That legislation also brought about the legislation we now see before us for passage.

That legislation, I felt, was excessive then and is excessive now. I began to understand the goals of the preservationists and no growers, who were the people pressing for this legislation. Those goals were not to develop a balanced piece of legislation wherein we could realize sound economy and properly safe-

guard the areas of special value. Their goals literally were to take the subcontinent of Alaska out of the economic inventory and make de facto wilderness through whatever device possible, whether it was executive action or whether it was bureaucratic action present or prospectively.

And so, the climate did not exist then 2 years ago and does not exist today to effect a reasonable compromise, because those forces felt they had the political clout in the Nation to effect their will and saw no need to compromise. They made the decision that they would just take what they could get through the use of this arbitrary political clout, and we see the results.

A great deal is made of the delaying tactics that I have employed. I think a great deal has been distorted in that regard, unfortunately. I think the RECORD, when it is properly researched, will be very, very clear that in 1978, when the full lines of this horrendous legislation were understood, I declared myself in opposition and have been consistent in that position ever since.

In the latter part of 1978, in the period October 13 and 14 of that year, an effort was made, in the Senate to try to bring through a bill at the final moments. And that is all there was. Just a broad effort, talking in general concepts. Nothing had been reduced to writing and agreed upon by all the parties.

At that point I had raised several objections in an ad hoc conference that was created with the participation of all the major players. And, of course, that is the tragedy, that it was just the major players that knew what was going on. Literally nobody else knew what was going on, nor what would be the impact of what the major players hoped to effect.

And so the effort was thwarted, to some degree, by myself, but, as was stated later, was thwarted also by the environmental community, since they would not agree. And to have an agreement all parties must be in agreement, not just one party saying yes.

That agreement was never reduced to writing until the 14th. At that time, I came into possession of that agreement and introduced it into the RECORD on the 15th. That, essentially, was staff work. It had never proceeded beyond the staff, so representations that this was a bill or an agreement are totally exaggerated and inaccurate.

The statement that I make now is backed up by statements that were made in 1979 by Mr. UDALL, Mr. SEIBERLING, and public statements made in the press by the leadership of the national environmental community.

The rest, I think, is history that is reasonably clear. I opposed the time agreement in 1979. I opposed the time agreement in 1980, but saw no device to effect delay in the early part of 1980 and so agreed to a time agreement, the details of which were negotiated on the floor of the Senate and is accurately documented in the RECORD.

I will not go into the legislative history as concerns the State legislature of Alaska or the various actions within the Alaska community. I will leave that

to further writings, either by myself or others who can give it, from the distance of time. It will thereby be a more dispassionate assessment. But I would only say that everything focused within the Alaska community on seven points.

Statements are made today that these seven points are reasonably adhered to or that we have a reasonable bill. I could not disagree with that position more vehemently. I will go over the seven points quickly and give my assessment of them.

First is that this legislation will revoke the antiquities, takings of land that were exercised by the President of the United States on the 1st of December 1978. In my mind that is a straw man; a total straw man. Obviously, any legislation would do that, and to look upon that as an accomplishment is a banality of the highest order.

The reason the President exercised the Antiquities Act the way he did was, to unreasonably punish Alaska: to use the force of the Executive to bully the Alaska constituency and the leadership of Alaska into the acceptance of legislation that we have today.

So to now claim that we have a great accomplishment in that we are going to reverse what the President has done in the misuse of the law, and to claim that that is an accomplishment, is in my opinion, a banality.

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. GRAVEL. I thank the Chair.

The second point, with respect to the transference of the State lands and Native lands, I can only say again that is a strawman of ridiculous proportions. We have in law 104 million acres that will go to the State of Alaska under the Statehood Act, and we have in other law land that will go to the Natives under the Claims Settlement Act.

As I understand law, you do not need another law to do what a prior law has done.

Now, there may be disputes. But, as I view these disputes, none of them were the match of what is taking place in the actual legislation itself. I can only say that testimony to that fact is that the Native community asked, in the final Tsongas substitute, that the accelerated land provisions that existed in S. 9—which, in my opinion, again were a strawman to focus attention on something that was not really important—be removed because they realized that such capriciousness could cause difficulty with the transference of the lands that already were provided for in law.

The other element of the seven points, the access provision, I have dealt with repeatedly in this body in the course of debate. I can only reiterate by saying that my major concern was not access in the Federal area. My concern was access to State and Native lands and private lands in Alaska. The reason for the size of the taking was actually to impair access. There was only one safeguard that was possible, and that was an immutable, guaranteed access that was triggered not at the will of the Federal Establishment

but at the will of the sovereign State of Alaska.

That is not in this bill so, State sovereignty is impaired and the economic potential for alternative uses of the Native lands is impaired. This will have great human and economic consequences and environmental consequences on this subcontinent of Alaska.

Concerning the provision of no more—here, again, I think it is not a serious gain, though we have it in this legislation. There is no need that more be done by a future Executive. It is all done in this legislation. So in the future we will never have a President who will exercise against Alaska the injustice that took place at the hands of the President in his use of the Antiquities Act and at the hands of the Secretary in his use of the BLM Organic Act. They need not take place in the future. It is all in this legislation.

Of course, I think the greatest damage that is done to the Nation and to the world is done in the sixth point of our consensus in Alaska. That was that we not lock up valuable minerals, and that we not lock up large tracts of oil and gas potential lands.

We have done that. We have done that directly to the tune of some 40 million acres of sedimentary basin, and indirectly by denying access in strategic areas. We have done it to the tune of 100 million acres in sedimentary basin for oil and gas alone.

Based upon the facts that I introduced into the RECORD earlier, we have done it to the tune of \$9 trillion over the next generation in terms of minerals. Only God knows how much, because those are only estimates, and unless one were to look, one really will never know what we have denied ourselves in terms of treasure.

The final consensus point which is not adhered to either is, of course, the lifestyle of Alaska.

When we say the lifestyle of Alaska, we mean a great deal. Time does not permit me to define that in all of its flowering. I only want to say when you take a population of 400,000 people and you superimpose over that population a bureaucratic cost that in the next 5 years will approach \$1 billion, you know that you not only impair the lifestyle of what we Alaskans are fond to call the Alaskan way, but you just plain, straight-out impair human lifestyle with a bureaucratic oppression that is unbelievable.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRAVEL. Mr. President, at a later time I will add comments for the RECORD, but let me say at this point that we make a tragic mistake but that, of course, is possible in a democracy.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 5 minutes.

Mr. TSONGAS. Mr. President, much has been said and written already about the "three Senators behind closed doors" who fashioned the compromise on the Alaska lands bill. That characterization

is no more fair as a basis for praise than it is as a basis for criticism. Those who know and appreciate the long difficult process by which this controversial and complex legislation reached the point of its overwhelming victory today in the Senate recognize that there are a great many individuals, Senators, and their staffs, members of the administration, and others without whom this historic compromise would have been impossible.

I want to thank all of those people and to salute their dedication. I know as I begin this attempt to pay tribute to those who contributed so much that I will inevitably and inadvertently exclude some—for that, I apologize in advance.

I want to thank my colleagues who worked so long and hard for the five amendments which we, together, shaped. Without their strong and constant support during the negotiations on the compromise, the bill we have today would have been significantly weaker.

Senator LEVIN and Senator NELSON, who sponsored the critical wilderness amendment, Senator MCGOVERN who sponsored the national forest amendment, Senator MATHIAS who sponsored the parks amendment, and Senator EAGLETON and Senator PROXMIER who sponsored the wild and scenic rivers amendment have my deepest appreciation for their dedication to, their support for, and at times their patience with my efforts on this bill.

I want particularly to thank Senators HART and CHAFEE, and Senators RANDOLPH, CULVER, and CHURCH, who led the fight for the refuge amendment on the Senate floor. It was their victory by a 2-to-1 margin on three separate votes, which laid the foundation for the negotiations which followed. In my judgment, it took great wisdom and vision for them to yield points that they had won here on the floor, which meant a great deal to them, in order to reach a balanced settlement of the entire Alaska lands issue. I would apologize to them to the extent that, at times, we did this without full consultation.

Mr. President, it would be impossible to go on talking about the environmentalist efforts on this bill without mentioning the principal Republican cosponsor of the original Tsongas-Roth bill, the national forest amendment, and my steadfast ally, through these many months, Senator WILLIAM ROTH of Delaware. I told Senator ROTH at our first press conference together early last year that I expected it might be the only time in our Senate careers that the names TSONGAS and ROTH were found together in the leadership on the same side of an issue. Now, having come to know BILL ROTH and having worked closely with him, I have changed my mind on that prediction.

As I stated yesterday, the solid rock of the environmentalist position, the man who more than any other, held my feet to the fire, was the Senator from California, the distinguished majority whip and my friend, ALAN CRANSTON. I want to thank him for his advice and counsel and for his skills as an organizer and leader. His work on behalf of first our

amendments and later the efforts toward a balanced compromise were invaluable.

I want to express my respect for and appreciation of the efforts of the majority leader on this legislation. As always, his fairness and leadership kept us on course toward a solution of the issue, but, in this particular instance, the patience he showed and the assistance he gave to a freshman Senator in need were especially appreciated.

I recall my attempt at one point to have a unanimous-consent resolution introduced on which he advised me that that was not quite what I wanted. In retrospect, it turns out that he was correct.

Mr. President, the other two of those "three men in a closed room" have again demonstrated, as they have time and again in their leadership of the Senate Energy Committee, their deep commitment to the national interest, a sound energy policy and the protection of our most critical resource, our environment. I speak of our chairman and ranking minority member of the Energy Committee, the Senator from Washington, Senator JACKSON, and the Senator from Oregon, Senator HATFIELD. Chairman JACKSON's strength and steady hand at the helm, throughout committee deliberations, floor consideration, and the negotiations toward a compromise, his fairness, pragmatism and experience set the tone and the standard throughout. As always, Chairman JACKSON's leadership was complemented and enhanced by the steady support and wise counsel of Senator MARK HATFIELD.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. TSONGAS. Mr. President, I ask unanimous consent to proceed for 4 additional minutes.

The ACTING PRESIDENT pro tempore. Who yields additional time?

Mr. JACKSON. Mr. President, I yield 3 minutes to the Senator.

Mr. TSONGAS. We compromise to the very end, Mr. President.

It has been a very great privilege for me to have my name associated in this legislation with those of Senators JACKSON and HATFIELD whose names already command national respect and admiration.

Mr. President, I want to say how much I respect the courage and skill of the Senator from Alaska, Mr. GRAVEL. He has been a formidable adversary. He administered a parliamentary lesson to me the other day, one I will not soon forget, because I may need it some day.

I should like to say that, even though we differed on this issue, I hope that next time we have an issue come up, I shall have the good sense to get him on my side at the outset. He is not only a very effective Senator, but I think he is a very decent human being as well.

Finally, Mr. President, I have come, over these many months, to know the senior Senator from Alaska, TED STEVENS, and I have come to understand why he is held in such great esteem by our colleagues in this body. We have often disagreed on issues with respect

to this legislation, and he has often been devastatingly effective in his defense of the interests of the people of his State of Alaska, as he saw them, but he has always conducted himself with grace and dignity and, I think, with great human warmth. I shall always remember our great battles on this bill, and our moments of compromise, but particularly my friendship for Senator STEVENS, born of my respect for his service to the public good, and the promise of Alaskan crab tonight at the party.

Mr. President, I should like to make a very special acknowledgement to my colleagues in the House of Representatives who have been through this arduous process of passing an Alaskan lands bill twice in recent years. In the 95th Congress, a strong Alaska bill passed the House, 277 to 31. In the 96th Congress, an even stronger bill passed, 360 to 65. Those overwhelming victories for the environmental ethic made it possible for the President of the United States and the Secretary of the Interior to use their existing authorities of law to protect, by monument and wildlife refuge designation, the spectacular wildlands of Alaska. Those victories also helped make possible what we have been able to accomplish in the Senate on behalf of a balanced bill which protects most of the areas the House sought to protect in its legislation.

While there are many, many champions in the House of a strong Alaska lands bill, such as Representatives BRUCE VENTO, PETER KOSTMAYER, LAMAR GUDGER, PHIL BURTON, and JIM WEAVER, history will show that had it not been for MO UDALL and JOHN SEIBERLING, we would simply not now be at the threshold of passing this historic legislation.

The work of Chairman UDALL and JOHN SEIBERLING has been the very foundation of all versions of H.R. 39 over the past 4 years. They set the targets, they issued the challenge. We in the Senate have now responded to their challenge by obtaining the strongest bill we could to protect the natural wonders of Alaska while moving the legislation forward toward achievement of our mutual goal on this important legislation.

I want to add a special note of thanks to members of the Carter administration, particularly Secretary of the Interior Cecil Andrus and Chief of the Forest Service Max Peterson and their staffs. At many crucial points in the negotiations, it was the expertise and skill of these individuals and the efforts of the White House staff that provided the basis for resolution.

In addition, I want to mention, as I did yesterday, the dedicated and invaluable service of the legions of the Alaska coalition. They are too numerous to mention and I will attempt to convey my appreciation personally, but let it suffice to say that I know of no more effective grassroots organization on Capitol Hill.

Finally, and it is somehow inappropriate that it should be at the end, I pay tribute to those staff people who actually did the work on this bill. The struggle to fashion and enact a balanced Alaska lands bill has been particularly marked by extraordinary staff effort and dedi-

cation. A fair compromise of the numerous and enormously complex and controversial issues contained in this bill would have been impossible without the tireless diligence of the many staffers who contributed.

I want particularly to thank Rob McKim of Senator ROTH's staff; Stephen Saunders and Peter Gold of Senator HART's staff; Ned Leonard of Senator MCGOVERN's staff; Martha Pope of the Environment and Public Works Committee staff; Ruth Fleischer of Senator PROXMIER's staff; Rebecca Wodder of Senator NELSON's staff; Dave Hansell and John Drucker of Senator LEVIN's staff; Kathy Files and Roy Greenaway of Senator CRANSTON's staff; Marion Morris of Senator MATHIAS' staff; Bob Hurley and Nancy Barrow of Senator CHAFEE's staff; Rinde Belshe and Susan Koch of Senator EAGLETON's staff, and Pat Pouchot of Senator GRAVEL's staff. I appreciate their efforts throughout this long, painstaking process.

Mr. President, finally and most importantly, special tribute is due to the seven staffers who have come to be known as the "Alaska hostages." Steven Silver of Senator STEVENS' staff, who has battled our position every inch of the way, but who has always conducted himself as an honorable and gracious opponent; Mike Harvey, Tom Williams, Tony Bevinetto, and Debbie Merrick of the Energy Committee staff; and Roy Jones and Richard Arenberg of my staff. Not only do I owe these individuals a personal debt of gratitude for their superhuman efforts over the days and nights of the past several weeks, but I believe that, in the end, they will prove to have played an historic role in an accomplishment by this Congress for which the whole Nation, today and for generations to come, will thank us all.

I think that when they look back on their careers, they will find that not only have they done a great deal for their particular principals, but they have done a great deal for their country as well. They, in fact, were the ones who fashioned the compromise and I think that should be acknowledged.

I thank the chairman for his courtesy.

Mr. President, I am submitting for myself, Senator JACKSON, Senator HATFIELD, and Senator ROTH a title-by-title summary of the substitute which describes the significant changes from the committee bill.

This summary is not intended to be an exhaustive analysis of the substitute or a complete legislative history. It is designed instead to augment the Senate and House reports and to aid in the understanding of the substitute which the Senate adopted yesterday.

Mr. President, I ask unanimous consent that that title-by-title summary be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TITLE II—NATIONAL PARK SYSTEM  
ANIACHAK NATIONAL MONUMENT  
AND PRESERVE

The Committee recommended a national monument containing approximately 138,000 acres of Federal lands and a national pre-

serve of approximately 376,000 acres of Federal lands. The Committee further recommended that the monument be closed to subsistence uses. In the substitute the Aniakchak National Monument and Preserve are the same as recommended by the Committee except that subsistence uses by local residents shall be allowed in the monument where such uses have been traditional.

#### BERING LAND BRIDGE NATIONAL PRESERVE

The Committee recommended a national preserve of approximately 2,457,000 acres of Federal lands. The Committee provided for the continuation of customary patterns and modes of travel along an existing winter trail route between Deering and the Taylor Highway. The substitute seeks to clarify the intent in allowing public use of the Deering to Taylor Highway route as provided in the Committee report through statutory language that makes it clear there must be adequate snow cover to protect the environment before the trail can be used.

#### DENALI NATIONAL PARK AND PRESERVE

The Committee recommended a national park addition of approximately 2,587,000 acres of Federal lands and a national preserve of approximately 1,169,000 acres of Federal lands. The Committee recommended no subsistence uses be allowed in the park. In the substitute there has been a change in the boundary between park and preserve but the external boundary of the management unit is the same as recommended by the Committee. The southern preserve at Cathedral Spires has been expanded slightly to the north. Thus, the substitute establishes a national park addition of approximately 2,426,000 acres of Federal lands. A preserve of 1,333,000 acres is also established. The existing Mount McKinley National Park and its park addition are reclassified as Denali National Park. The Committee recommendation included an authorization for the Secretary to delete up to 46,080 acres from the park in the vicinity of Tokositna Glacier for possible conveyance to the State of Alaska. That authorization and its associated study are not included or provided for in the substitute.

The purposes for the park and preserve and the intent of the Committee for the area's management are retained in the substitute. In addition, the substitute recognizes that traditional subsistence uses by local residents may take place only in the additions. Subsistence uses are allowed in the preserve in accordance with the provisions of this Act.

#### GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE

The Committee recommended a national park containing approximately 4,801,000 acres of Federal lands, a national preserve containing approximately 2,117,000 acres of Federal lands and a national recreation area of approximately 1,034,000 acres of Federal lands. The Committee proposal provided for subsistence uses to be continued within the park, where such uses are traditional in accordance with the provisions of Title VIII. The Committee proposal also provided for a process whereby a transportation corridor would be granted across the upper Kobuk River unit to provide access to the mineralized zone in the Bornite-Picnic Creek region upon application under provisions of the Act.

In the substitute there is a substantial change of the land classification for the park system unit. However, the external boundary of the Gates of the Arctic and the purposes for which the area is established are the same as recommended by the Committee. In the substitute the National Recreation Areas are eliminated. The upper Kobuk unit is classified as a preserve, rather than a recreation area. The north fork of the Koyukuk unit is classified as part of the park, rather

than a recreation area. The large central preserve in the Committee reported bill which included the John River Valley and the Anaktuvuk Pass region has been classified as part of the park in the substitute. This area should also be considered part of the park's subsistence zone in addition to the drainages identified in the Committee report. A small preserve in the northeast corner of the unit remains. Thus, in the substitute the Gates of the Arctic National Park would contain approximately 7,052,000 acres of Federal lands and the preserve would contain approximately 900,000 acres of Federal lands. The provisions regarding subsistence activities in the park and the special access language for the Kobuk River Preserve unit have been retained.

#### KATMAI NATIONAL PARK AND PRESERVE

The Committee recommended a national park of approximately 936,000 acres of Federal lands and a national preserve of approximately 409,000 acres of Federal lands. In the substitute there has been a change in the internal boundary between the park and preserve but the external boundary of the management unit is the same as recommended by the Committee. The watersheds of Battle Lake and Kulik Lake have been added to the park rather than being part of the preserve, while lands in the northwest corner of the area, south of the Algnak River, have been classified as preserve rather than park. Thus, the substitute establishes a national park addition of approximately 1,037,000 acres of Federal lands and a national preserve of approximately 308,000 acres of Federal lands. The existing national monument and its park addition are re-classified as Katmai National Park. The purposes for the park and preserve and the intent of the Committee for the areas' management are retained in the substitute Act.

#### LAKE CLARK NATIONAL PARK AND PRESERVE

The Committee recommended a national park of approximately 2,440,000 acres of Federal lands and a national preserve of approximately 1,210,000 acres of Federal lands. In the substitute the Lake Clark National Park and Preserve are the same as recommended by the Committee. The intent of the Committee concerning the management and use of the park and preserve is retained in the substitute. Language permitting subsistence uses by local residents in the park, where such uses are traditional and in accordance with the provisions of the subsistence title was added in the substitute.

#### NOATAK NATIONAL PRESERVE

The Committee recommended a national preserve containing approximately 5,413,000 acres of Federal lands and a national recreation area containing approximately 386,000 acres of Federal lands. In the substitute there have been several changes in the area compared to the Committee recommendation. The national recreation area in the Kelly drainage has been eliminated and those lands classified as part of the preserve. Furthermore, the Federal lands in the lower Noatak which are east of the river have been added to the preserve. Thus under the substitute a Noatak National Preserve containing approximately 6,460,000 acres of Federal lands would be established.

The Baird Mountains National Conservation area that was recommended by the Committee has been deleted from the substitute. The lands in the lower Noatak have been added to the preserve for administration by the National Park Service while the lands within the Squirrel River drainage will remain under the administration of the Bureau of Land Management.

The purposes of establishing the preserve are the same as recommended by the Committee.

#### WRANGELL-ST. ELIAS NATIONAL PARK AND PRESERVE

The Committee recommended a national park of approximately 7,990,000 acres of Federal lands, a national preserve of approximately 3,093,000 acres of Federal lands, and a national recreation area of approximately 1,235,000 acres of Federal lands. In the substitute there has been a change in classification for portions of the area, but the external boundary of the management unit is the same as recommended by the Committee. In the substitute the national recreation area classification and management have been deleted and those lands designated instead as part of the preserve. In addition, lands at the entrance of the Chitina Valley and the Kuskkiunana River Valley have been designated as park rather than preserve. A portion of the park south of Kuskkiunana has been changed to preserve. Thus, the substitute establishes a national park of approximately 8,147,000 acres of Federal lands and a national preserve of approximately 4,171,000 acres of Federal lands. Language permitting subsistence uses by local residents in the park where such uses are traditional and in accordance with the provisions of the subsistence title, was added in the substitute.

The purposes for the park and preserve and the intent of the Committee for the park and preserve management are retained in the substitute.

#### TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

(1) Definitions: The Senate Committee bill defined the term "conserve" as applied to this Title.

The definition of "conserve" was deleted in the substitute in order to clarify that this bill does not change the traditional roles of the Federal and State governments in the management of fish and wildlife.

The definition of existing refuges was amended to clarify that certain lands have been specifically deleted from the Kenai Refuge by Act of Congress since the passage of ANCSA.

(2) National Wildlife Refuges, established, expanded, or redesignated:

(a) Alaska Maritime National Wildlife Refuge: The substitute adopts the Senate Committee proposal for this refuge except that units on the Puvung Islands and at York Cape are made available for Native selection. The intent of the Committee bill concerning the management of the refuge is retained in the substitute.

The language in paragraph (c) of the Committee bill relating to acquisition in the Pribilof Islands was modified to correspond to changes in Section 1417. The remaining language still provides that lands added to the refuge under this provision will be managed in the same manner as other refuge lands.

(b) Arctic National Wildlife Refuge: The Senate Committee bill added 5.65 million acres to the existing Arctic National Wildlife Range.

The substitute deletes designation of the Chandalar National Conservation Area and the Porcupine National Forest, addition these significant wildlife populations and habitat resources to the Arctic Refuge, for a total of 9,160,000 acres of addition to the existing range.

(c) Becharof National Wildlife Refuge: The Senate Committee designated a 1.2 million acre refuge for the purposes, among others, of conserving the very high brown bear populations of this area. Becharof Lake itself was not included in the Committee bill's Becharof refuge.

The substitute adopts the Senate Committee proposal for this refuge except that the amendment also includes Becharof Lake as a part of the refuge.

(d) Kanuti National Wildlife Refuge: The



Senate Committee designated a 1.42 million acre refuge for the purposes, among others, of conserving the waterfowl and other migratory birds, caribou, bear, and furbearer populations of this solar basin. The substitute designates a slightly larger area which encompasses additional wetland habitats, but which does not include lands adjacent to the Bettles Road that had been included in this refuge by the House of Representatives.

(e) Kodiak National Wildlife Refuge: The substitute adopts the Senate Committee proposal for the Kodiak National Wildlife Refuge, except that it modified language related to an application for a hydroelectric project at Terror Lake to insure that this type of request was not categorically denied but rather would receive careful consideration to determine whether under existing laws, including the finding of compatibility required by the Refuge Administration Act, it could or could not be permitted.

(f) Koyukuk National Wildlife Refuge: The substitute adopted the Senate Committee proposal for this refuge, except that it added 15,000 acres of land with important watershed and wildlife habitat to this refuge.

(g) Nowitna National Wildlife Refuge: The Senate Committee established a BLM National Conservation Area of 3 million acres in the Nowitna area.

The substitute deletes the NCA and designates a 1.56 million acres refuge bounded on the north by the Yukon River. Certain islands in that river and the Nowitna River corridor are also included in the refuge. This refuge has among its purposes, the management and protection of white-fronted geese and other waterfowl and migratory birds, martens, wolverines, wolves and other furbearers, moose, salmon, sheepshead and northern pike and the many other fish and wildlife species and their habitats found within this solar basin.

Unique among the Interior basins, the Nowitna is essentially uninhabited and shows few signs of technological man. Wildlife populations and distributions exemplified by the wolverine are likely unchanged for several hundred years. This pristine wildlife area is characterized by several notable species and habitats.

The extensive wetlands comprise a significant waterfowl area, supporting one of the highest nesting densities (67 duck nests per square mile) in the State and serving as a major breeding and migration area. Major species include mallards, pintails, green-winged teal and oldsquaw orienting to the Pacific Flyway, white-fronted geese which winter in Texas and Louisiana, lesser scaup that can be found along the Gulf and Atlantic coasts and canvasbacks head for Chesapeake Bay in fall.

Wooded bottom lands and islands in the Yukon River provide winter habitat for concentrations of moose. Between 1,500 and 2,000 were counted in this area in 1977. Wolf populations range from low to very high depending on the numbers of their chief prey—the moose. Southern highlands of Nowitna are utilized by a herd of 500 to 1,000 caribou for which the area represents 90 percent of their winter range. Grizzlies also occur in upland habitats.

The recreational values of Nowitna are high. The Nowitna River has been designated as a Wild River because of its clear waters, excellent fishing and abundant wildlife in a primitive, wilderness setting.

(h) Selawik National Wildlife Refuge: The Senate Committee established a 2.15 million acre refuge for the purposes, among others, of managing and protecting populations of migratory bird, caribou, salmon and sheepshead and the many other fish and wildlife species of the refuge. In light of its high watershed, wildlife and archeological values, the Selawik River was included in the refuge. The report accompanying that Committee

bill noted that the river boundary was only temporarily identified pending review of appropriate boundaries to include the headwaters of the river. The substitute identifies a more appropriate management boundary for the Selawik River, which incorporates some headwaters and immediate watersheds of the river.

(i) Tetlin National Wildlife Refuge: The Senate Committee bill established a 765,000 acre refuge which included lands north of the Alcan Highway. The Committee bill also included a provision for exchange of federal lands with State lands inside the refuge to facilitate the management needs of both agencies. The purposes, among others, for this refuge include management and conservation of waterfowl, raptors and other migratory birds, furbearers, moose, bears, caribou, salmon and unique genetic strains of Dolly Vardens.

The substitute deletes some 65,000 acres of federal lands from the refuge by drawing the boundary 300 feet south of the center line of the Alcan Highway. The substitute also deletes the exchange provision.

(j) Togiak National Wildlife Refuge: The Senate Committee established a 3.310 million acre refuge to conserve among others, the spectacular seabird nesting colonies at Cape Peirce; the 1.7 million salmon which annually spawn in the Togiak, Goodnews and Kanektok River systems; the millions of migratory birds, marine mammals and fish which depend upon the brackish estuaries to which Togiak provides the freshwater component; and to restore the historic abundance of large mammal populations in this area.

The Committee's proposal added 300,000 acres to this refuge that the House of Representatives had included in the Yukon Delta NWR.

The substitute adds another 500,000 acres of key watershed, fisheries, and wildlife habitat lands to this refuge, providing a better management boundary between the Togiak and Yukon Delta Refuges.

(k) Yukon Delta National Wildlife Refuge: The Senate Committee established an 11.13 million acre Clarence Rhode NWR in this area for the purposes, among others, of conserving significant national and international populations of waterfowl, shorebirds and other migratory birds, salmon, muskox, marine mammals and the many other fish and wildlife species and their habitats in the unit.

The substitute expanded this refuge to include a clear hydrologic boundary along the east side of the refuge and the lands between the Committee proposed Yukon Delta proposal and the substitute boundary of the Togiak Refuge, for a total refuge proposal of 13.4 million acres.

The area added by the compromise includes the significant fish, wildlife habitat and recreational values of the Kisaralik River drainage and adjacent watershed of the lower Kuskokwim. The Kisaralik River is considered to be one of the most outstanding wild rivers in Alaska; based on its combined scenic values, recreational river experience opportunities, the major salmon runs in this river and such wildlife resources as nesting raptors and unusual populations of perching birds in the vegetative communities associated with this river valley.

(l) Yukon Flats National Wildlife Refuge: The Senate Committee established a 5.71 million acre refuge in the western segment of the Yukon Flats basin for the purposes, among others, of conserving major populations of waterfowl and other migratory birds, moose, bear, furbearers, salmon and the many other species of fish and wildlife utilizing this portion of Alaska's largest solar basin.

The Senate Committee also established the adjacent BLM administered White

Mountains National Recreation Area and Steese National Conservation Area and the Forest Service administered Porcupine National Forest within the basin as well as deleting a 428,000 acre area in deference to State interest in selection.

The substitute deletes designation of the Porcupine National Forest and divides that area between the Yukon Flats Refuge and the adjacent Arctic NWR. Thus, the Yukon Flats NWR is expanded to approximately 8,630,000 acres to encompass additional productive wildlife habitats within the Yukon Flats basin.

(3) Administration of National Wildlife Refuges:

(a) Boundaries of units: As with all conservation system units, the acreage figures stated for each refuge are only approximate. The map referenced in each instance controls the actual area encompassed by the refuge, except for the Alaska Maritime National Wildlife Refuge where the written description will control as maps of sufficient detail are not available to accurately depict all of the lands included in this refuge.

(b) Administration: The substitute deletes, as a redundancy, language in Section 304(a) regarding application of fish and wildlife conservation laws to refuge administration. Such laws are included among those governing the administration of units of the National Wildlife Refuge System.

(c) Permitted Uses: The substitute deletes, as redundant, language in Section 304 (b) regarding authorization to permit compatible sport hunting and fishing and trapping within refuges. Such authority already rests with the Secretary under the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd, as amended) and the Recreational Use of Conservation Areas Act (16 U.S.C. 460k).

The substitute adds a new provision authorizing the Secretary to permit fishery maintenance and enhancement programs at his discretion and in accordance with sound fisheries management principals. It assumes further than such program will be instituted only as compatible with the purposes and other management programs of the refuge unit.

Provisions for cooperative management agreements related to national wildlife refuges were moved from Title XII of the Senate Committee bill to Title III in the substitute.

The substitute adopts the details of the comprehensive conservation planning process for Alaska national wildlife refuges outlined in the House bill. This planning process is placed in Title III and the Senate Committee Title XIII references to refuge planning processes are deleted. These detailed plans, when completed, will provide the basis for determining what management practices should be employed to achieve the major purposes of the refuge and what compatible uses can then be made of refuge resources.

(d) Special Study: Section 306 of the substitute expresses the Congressional finding that the great northern caribou herds are migratory resources of national and international significance and are deserving of special studies and protection to ensure the continued maintenance of this unique ecological systems associated with an in prox-comprehensive study of the ecology of these herds and the effects of man's activities on them, which can then serve in coordinated management of these caribou across their ranges.

#### TITLE VI—NATIONAL WILD AND SCENIC RIVERS SYSTEM

##### DESIGNATION AND STUDIES

The Committee designated 24 rivers as components of the Wild and Scenic Rivers System and 10 rivers for study under the

provisions of the Wild and Scenic Rivers Act. The substitute bill adds one river, the Nowitna, to the designated list and two rivers, the Squirrel and the Koyuk, to the list of rivers to be studied.

#### BOUNDARIES

In recognition of the expansive vistas, unique fish and wildlife resources and ecological systems associated with an intimate proximity to certain rivers in Alaska, all the Alaska lands bills have contained provisions for a wider corridor than the standard of an average of 320 acres per mile used for rivers designated in the "lower 48". The Committee bill gave the Secretary the authority to establish a river protection zone extending up to two miles from the ordinary high water mark on both sides of Wild and Scenic rivers outside other conservation systems. However, outside a quarter mile corridor, the provisions applying to National Recreation Areas would have applied.

The substitute bill eliminates the river protection zones, but for the Alaska rivers doubles the size of the corridor permitted in the "lower 48" to an average of 640 acres on both sides of the river. Also, the boundaries may not include any lands owned by the State, or a political subdivision of the State, nor may the boundary extend around any private lands adjoining the river in such a manner as to surround or effectively surround such private lands. This latter provision guarantees access to these private lands.

#### ADMINISTRATIVE PROVISIONS

The substitute adopted one other provision not found in the Senate Committee bill. Subject to all valid existing rights, all public lands within two miles of rivers being studied for possible addition to the System are withdrawn from entry, sale, State selection or other disposition under the public land laws and from all forms of appropriation under the mining laws and from operation of the mineral leasing laws. This withdrawal remains in effect for the periods of time provided in the Wild and Scenic Rivers Act.

### TITLE VII—WILDERNESS

#### I. NATIONAL PARKS

(a) *Gates of the Arctic*: The substitute adds approximately 2.1 million acres of wilderness in the Gates of the Arctic National Park in addition to the 4.8 million acres of wilderness included in the Committee bill.

(b) *Noatak*: The Noatak Wilderness was expanded in the substitute by approximately 400,000 acres. This area was designated as an NRA in the Committee bill and redesignated as a preserve in the substitute.

#### II. WILDLIFE REFUGES

(a) *Andreafsky Wilderness*: The Senate Committee bill did not include a wilderness designation in the Yukon Delta National Wildlife Refuge. The substitute designates a 1.6 million acre wilderness in this region. The proposed wilderness excludes lands that might be conveyed to Native Corporations in this area (i.e. deficiency or other withdrawals under ANCSA).

(b) *Arctic Wilderness*: The Senate Committee bill did not include a wilderness designation in the Arctic National Wildlife Refuge. The substitute designates an 8.0 million acre wilderness which encompasses all of the previously existing portion of the Arctic National Wildlife Refuge except for the coastal plain area. The area designated wilderness includes that portion of the coastal plain from the Alchilik River east to the Canadian border. This segment of the area contains highly sensitive wildlife habitats and affords some representation of the coastal plain habitats in this wilderness unit.

The Arctic is superlative in its wilderness qualities. The combination of use by portions of America's greatest arctic wildlife assemblage set against the striking scenic beau-

ty of several arctic life zones and the opportunity for one of this nation's finest wilderness recreation experiences has resulted in this area being described as epitomizing the purposes of the Wilderness Act.

(c) *Becharof Wilderness*: The Senate Committee bill did not include a wilderness designation in the Becharof National Wildlife Refuge. The substitute establishes a 0.4 million acre wilderness centered on significant brown bear denning and intensive use areas.

This unit encompasses some of the most dense and unusual populations of brown bears in Alaska. Intensive use areas (centered on key salmon spawning streams) and concentrations of dens (in mountainous areas and, uniquely, on islands in Becharof Lake) are key bear use features. Prey populations of moose and caribou also support this dense bear population.

(d) *Innoko Wilderness*: The Senate Committee bill did not designate wilderness in the Innoko National Wildlife Refuge. The substitute establishes a 1.24 million acre wilderness.

The Innoko Wilderness is located in the southeastern portion of the Innoko National Wildlife Refuge. The Innoko River forms the western boundary and the Iditarod and Yetna Rivers meander through the entire wilderness area.

Because this basin is at or approaching its wildlife carrying capacity, the wilderness designation becomes an appropriate management tool for maintaining the high productivity of the area.

(e) *Koyukuk Wilderness*: The Senate Committee did not designate wilderness in the Koyukuk National Wildlife Refuge.

The substitute designates a 0.4 million acre wilderness in the west central portion of the Koyukuk National Refuge. This area possesses one of the largest active sand dune areas in Alaska, the Nogahabara Dunes, with its associated transitional plant and animal communities.

(f) *Nunivak Wilderness (0.6 million acres)*: The Senate Committee bill did not designate wilderness in this unit of the Yukon Delta National Wildlife Refuge.

The substitute designates a 0.6 million acre wilderness in the southern portion of Nunivak Island. This unit encompasses sensitive winter habitats used by Alaska's largest musko population and cliff areas supporting one of the largest seabird nesting colonies in Alaska. Geological features of this unit include the coastal sand dune formations of the island and the Mount Roberts volcanics.

(g) *Togiak Wilderness*: The Senate Committee did not propose wilderness in the Togiak National Wildlife Refuge.

The substitute designates a 2.3 million acre wilderness in its Togiak Refuge proposal. Occupying a transition zone between interior boreal forests and tundra biomes, this unit is dominated by the Ahklun Mountains, in turn separated by broad valleys, major river drainages and large deep lakes.

In sum, the substitute adds approximately 2.5 million acres of National Park System wilderness to the Committee's total of 29.7 million acres.

The substitute increased the wilderness proposal for Alaska National Wildlife Refuges from the Senate Committee's total of 4.35 million acres to approximately 18.86 million acres.

#### III. NATIONAL FOREST WILDERNESS

(a) *Misty Fjords*: The substitute increased the size of the Misty Fjords Monument from 1,453,000 acres in the Committee bill to 2,285,000. All of the Monument is designated as wilderness except for a 149,000 acre exclusion around the Borax mining claims at Quartz Hill.

(b) *Admiralty Island*: The substitute

designates a 921,000 acre Admiralty Island National Monument. 900,000 acres are designated as wilderness. The Committee bill designated the eastern half of Admiralty Island as wilderness and the western portion as a Special Management Area.

The Special Management Area designations in the Committee bill have been eliminated in the substitute. These lands will be managed under principles of multiple use/sustained yield in accordance with existing laws and regulations.

Fourteen of the finest wilderness areas are established representing a broad spectrum of ecological types in Southeast Alaska. These areas encompass 5.3 million acres—an increase of 1.1 million acres over the Senate Committee bill. Only three areas have been modified from those areas designated as wilderness in the Committee bill. The change in Misty Fjords and Admiralty Island have been mentioned above. The Tracy Arms-Fords Terror Wilderness has been reduced from 878,000 acres to 656,000 acres to conform with the boundary recommended by the Administration and as contained in the Tsongas-Roth-McGovern amendments.

*Admiralty Island Exchange*: In full satisfaction of their land entitlement rights under ANCSA, a settlement for Kootznookoo, Incorporated has been fashioned in the substitute which allows them a timber base for income while protecting their historic and cultural values on Admiralty Island. At the same time, the public's right of access and enjoyment of Mitchell Bay has been assured. This provision was not included in the Committee bill.

The greatest fear regarding the timber industry in southeast was that so much areas was placed in wilderness that the cost of maintaining the timber harvest might be beyond budgetary expectations. In view of these fears, Section 705(a) has been modified to ensure the availability of funds. Rather than specify the extra funds needed, a mechanism has been provided whereby the Secretary each year will obtain all of the funds needed. The amendment assures the availability of at least \$40 million. These funds are intended to be spent in the same manner and for the same purposes as those provided in the Committee bill. These include expenditures for stand improvements, the timber road program, and related capital investments but also include the regular costs of sale and road layout and preparation and may include research activities which contribute directly to improved timber utilization and advanced technology. In addition, the amendment provides a decade sale average of 4.5 billion foot board measure so that the United States Forest Service can adjust the yearly sale offerings upward or downward in any one year to adjust for annual sale fluctuations to assure the maintenance of a 450 million average annual harvest.

### TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

Title VIII retains the intent and, with minor exceptions, the language of the Committee bill concerning subsistence use and management on the public lands. The minor additions to and deletions from the language of Title VIII of the Committee bill are merely technical.

### TITLE IX—IMPLEMENTATION OF ANCSA AND THE STATEHOOD ACT

At the request of the Interior Department, and the Alaska Federation of Natives, the substitute deletes Sections 901 and 902 relating to expedited conveyances of native lands.

A new section 901 entitled "Submerged Lands Statute of Limitations" is added by the substitute.

This section establishes a statute of limitations for judicial determinations of the navigability of water covering submerged land

conveyed to a Native Corporation or group. In the case of all interim conveyances or patents executed prior to the enactment of this act, the statute of limitations is seven years from date of enactment. A five year statute of limitations applies to each conveyance after the date of enactment of this act.

Section 901 also provides that, except for pending administrative appeals, the Bureau of Land Management's conveyance of submerged land to a Native Corporation shall be the final administrative action with respect to a determination of non-navigability.

Other provisions of Section 901 permit agreements between Native Corporations and the State of Alaska with respect to relinquishment or reconveyance of submerged lands.

**Section 906(e).**—This subsection was modified to make clear that lands within conservation system units which were selected by a Native Corporation and are not conveyed to them under ANCSA or this Act cannot be selected by nor conveyed to the State of Alaska after the date of enactment of this Act.

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

The Senate Committee bill had directed wildlife and seismic oil and gas assessments of the coastal plain of the Arctic National Wildlife Refuge. The baseline fish and wildlife study was designed to determine the ecological parameters of the fish and wildlife resources using the coastal plain and review the available seismic technologies to determine which seismic methods and conditions of use would provide the desired geological data while causing the least environmental damage to the wildlife and other resource values of the area. This initial study was to take 18 months and the Secretary was to issue guidelines for the seismic study within 2 years.

The substitute modified these provisions by prohibiting the issuance of any seismic permits within these first 2 years after enactment of this Act.

The substitute also modified the boundary of the coastal plain study by deleting the area between the Alichik River and the Canadian boundary. This area is generally believed to have little oil and gas potential, but does have very high fish and wildlife values. The Arctic Wilderness established by the substitute includes this eastern portion of the coastal plain.

The Senate Committee bill had called for the report of seismic and wildlife studies to be submitted within 5 years.

The substitute modified that provision such that the report is due no sooner than 5 years after enactment and no later than 5 years and 9 months after that date. This will provide an additional working season to complete all aspects of the studies, so that work will not have to be done on a crash basis that could increase potential for adverse effects on the area and its resources.

#### TITLE XI—TRANSPORTATION AND UTILITY SYSTEMS

The substitute retains the process adopted by the Energy Committee bill with only a few changes. As stated in the Committee report (p. 245), "Future surface transportation needs cannot be addressed by the designation of a system of corridors." Both the House-passed and the Energy Committee bills adopt the approach of a process rather than designating corridors.

The substitute makes clear that a lead agency will be assigned responsibility for preparation of an environmental impact statement in accordance with CEQ guidelines.

The substitute makes applicable to the President's decision on an appeal of a negative agency decision whether to approve an

application under existing law an additional two-fold test: First, that the transportation system would be compatible with the purposes for which the conservation system unit was established, and second, that there is no economically feasible and prudent alternative route for the system.

The substitute also strikes a requirement in the Energy Committee bill that no application be approved for 2 years unless the need for the system has been identified in a State study of regional transportation requirements.

#### TITLE XII—FEDERAL-STATE COOPERATION

The substitute makes very little change in the Committee bill with respect to this title. The Commissioner of the Alaska Department of Community and Regional Affairs is dropped from membership on the Alaska Land Use Council. The Section dealing with "Wildlife Refuge or Range Cooperative Management Agreements" is moved from Section 1203 to Section 304(f). Several other minor clarifying language changes are made.

#### TITLE XIII—ADMINISTRATIVE PROVISIONS

The Energy Committee bill provided for the development within five years of a conservation and management plan for each unit of the National Park System and National Wildlife Refuge System established or expanded by the Act. The substitute modifies this requirement by directing that within five years all plans be completed for units of the National Park System, but for the refuges a staged planning requirement is provided, such that plans will be prepared for not less than five refuges in three years, for not less than ten refuges in five years, and for all refuges within seven years. The substitute places this planning requirement for refuges in title III, the Refuge title. The substitute further modifies the Energy Committee language by specifically detailing the information to be included in the management plans.

The substitute retains the Energy Committee language concerning acquisition of improved property, except that the "cutoff date" in the definition of improved property is changed from January 1, 1979, to January 1, 1980. This is the date by which construction must have begun to qualify for the retained use and occupancy provisions in the bill as a matter of right.

Authority is added by the substitute for the acquisition, by donation or exchange, of lands owned or validly selected by the State which are contiguous to conservation system units.

The Energy Committee bill authorized five-year permits for occupancy of cabins in national park system units if the cabins existed prior to December 31, 1973. The substitute changes this date to December 18, 1973, which is the date that the Secretary of the Interior transmitted to the Congress legislative recommendations for units of the four conservation systems pursuant to section 17 of the Alaska Native Claims Settlement Act.

The Energy Committee bill provided that access to and maintenance of facilities for national defense purposes and related air and water navigation aids will continue in accordance with the laws and regulations governing such facilities. The substitute assures that such access and maintenance will be reasonable.

The Energy Committee bill authorized the Secretary, in administering national recreation areas, to utilize the authorities pertaining to the administration of the National Park System. The substitute strikes the reference to authorities of the National Park System.

The Energy Committee authorized aquaculture activities in wilderness portions of national forests and refuges, in accordance with the goal of restoring and maintaining fish production in the State to historic levels. The substitute limits the specific authorization of section 1315 for aquaculture activities to national forest wilderness and national forest wilderness study areas, and restates the goal as one of restoring and maintaining fish production to optimum sustained yield levels.

Aquaculture activities are permitted in refuge wilderness subject to the compatibility test of the Wildlife Refuge Administration Act.

The Energy Committee required 30 days notice to the Committee before the Secretary could remove or construct a public use cabin or shelter in wilderness. This requirement is stricken by the substitute.

The compromise adds a section authorizing the Secretary of Agriculture to permit beach log salvage within national forest wilderness and national forest monuments.

The Energy Committee bill directed that wilderness review be conducted on parks, monuments, and refuges. The substitute directs such review to be done with respect to all non-wilderness units of the National Park System and National Wildlife Refuge System. The effect of the language is to make all non-wilderness preserves also subject to wilderness review.

The Energy Committee placed a disclaimer in the BLM wilderness review section, indicating that the section would not relieve the Secretary of the duty to review wilderness values in the National Petroleum Reserve—Alaska. The substitute strikes this disclaimer because the NPR-A studies have been completed.

The Energy Committee included a section effectively disclaiming the construction of this Act as necessarily prohibiting or mandating the location or construction of small hydroelectric power facilities within a conservation system unit pursuant to existing law. The substitute strikes this section.

The Energy Committee included a statement of Congressional intent that monies be authorized and appropriated for the management and development of facilities for conservation system units at a level commensurate with levels of funding for other existing units of comparable size and comparable resource value. The substitute strikes this provision.

The compromise adds rescission of February 12, 1980, Public Land Orders to those rescinded by the Energy Committee. These public land orders withdrew certain lands for refuges and natural resource areas, and the lands are classified in this bill. The compromise also corrects the reference to November 1978 State selection in the Energy Committee substitute.

Title III of the Committee bill included a provision disclaiming the construction of any provision of this Act or any other existing law as necessarily prohibiting or mandating the development of agricultural potential in the Yukon Flats National Wildlife Refuge pursuant to existing law. It also included a similar disclaimer with respect to the construction of this Act or the National Wildlife Refuge Administration Act as necessarily prohibiting or mandating the construction of the Terror Lake Hydroelectric Project within the Kodiak National Wildlife Refuge. The substitute adds language to both provisions to assure that the question of permitting such development—either agricultural development in Yukon Flats or the Terror Lake Hydroelectric Project in Kodiak—will be determined under existing law, including the compatibility test of the Refuge Administration Act, and moves the provisions to Title XIII.

## TITLE XIV

SEC. 1417. The Senate Committee bill directed the Secretary to negotiate with the two Native Village Corporations, Tanadiguxik, Incorporated and Tanaq, Incorporated to acquire certain cliff areas used by migratory birds as rookeries on the Pribilof Islands in the Bering Sea.

The Committee bill authorized negotiations to acquire not more than 10,000 acres and not less than 6,000 acres at an average price of not less than \$200 per acre and not more than \$1,100 per acre.

The substitute authorizes and directs the Secretary to acquire the cliff areas and areas inland from them in accordance with the document entitled "Pribilof Terms and Conditions". This document represents the completed negotiated agreement for the acquisition of the bird cliffs and inland areas and conforms with the directions to the Secretary regarding acreages and price per acre contained in the Committee bill.

SEC. 1424. The substitute adds a new subsection conveying the Punuk Islands to the Gambell Native Corporation and Savoonga Native Corporation.

SEC. 1427(b)(3). The Senate Committee bill provided the mechanics of effectuating the extinguishment of certain Koniag Native Corporation's deficiency selection rights on the Alaska Peninsula in exchange for conveyances of land on Afognak Island.

The substitute incorporates this provision and adds a clarifying provision that such public lands shall be included within the Alaska Peninsula National Wildlife Refuge and administered accordingly. The substitute also clarifies the language of the Senate Committee bill to include within the Alaska Peninsula or Alaska Maritime Refuges (as appropriate) all lands conveyed to the Koniag Native Corporations which are subject to reconveyance to the United States upon enactment of this section.

SEC. 1436. The substitute adds a new section relating to the conveyance of lands to the Village Corporation on Little Diomed Island.

Mr. STEVENS. Mr. President, we could go on and on with thanks. I am grateful to the Senator from Massachusetts for his comments. Without the leadership of the chairman of the committee (Mr. JACKSON) and the ranking minority member of our committee (Mr. HATFIELD) it would not have been possible to work our way through a bill of this complexity without serious problems. I think it is a testimony to their self-control—their ability to restrain their tempers, that is—that has enabled us to work hard and long on one highly technical subject matter and still remain friends. I am grateful to them.

I am also grateful, and I would be remiss if I did not mention it, the fact that the chairman and the ranking Republican took the occasion to name the Cape Lisburne unit of the Alaska Maritime Refuge after my late wife, Ann. This place, Cap Lisburne, is between Wainwright and Point Hope on the North Slope of Alaska. Ann spent a great deal of her time on the North Slope with her great friends, the Eskimo people. That is a refuge for marine mammals. Cape Lisburne is the turning point for the bowhead whales as they go North to enter the Arctic Ocean. I can think of nothing that she would like more than to know that the part of Alaska's coastline that has now been set aside as a

refuge for marine mammals has been named in her honor.

Mr. President, I have one statement to make to which I hope the chairman of the committee will respond.

If I may ask it of the chairman, there has been a question raised by Tim Wallace, president of Doyon, Ltd., one of the Alaskan Native regional corporations. I wish to make certain that the record is clear with regard to the question he raised.

In the substitute, many parcels of land selected by Native corporations are included within the exterior boundaries of the proposed conservation system units. This situation occurs because the unit boundaries have been drawn, wherever possible, to encompass natural areas or to follow natural features, and thus also to include Native lands which, if the corporations ever decide to dispose of their property, could become part of the conservation system unit. The fact that Native lands lie within the boundaries of conservation system units is not intended to affect any rights which the corporations have under this act, the Alaska Native Claims Settlement Act, or any other law. It is not our intent, by the inclusion of Native lands within the exterior boundaries of conservation system units, to imply that such inclusion is a revocation of land selections validly filed pursuant to any provision of the Alaska Native Claims Settlement Act. The Native organizations have been given repeated assurances that including their lands within conservation units will not affect the implementation of the Native Claims Settlement Act. We intend to have these assurances translated into practice by the administrative agencies.

Does the chairman of our committee agree with that statement?

Mr. JACKSON. Mr. President, I agree with the Senator from Alaska on this matter.

Mr. STEVENS. Mr. President, I yield the remainder of my time to the Senator from Washington.

Mr. JACKSON. Mr. President, as Senate consideration of the Alaska National Interest Lands bill draws to a close, I want to be sure that the record adequately reflects the essential role played by staff members of the Energy and Natural Resources Committee and individual Senators in the Senate's work on the bill. Tom Williams, Deborah Merrick, and Tony Bevinetto of the committee staff, and Steve Silver of Senator STEVENS' staff have played key roles over the last 4 years during the long committee markups and Senate consideration.

Mike Harvey, the chief counsel of the Senate Energy and Natural Resources Committee, of course, had the overall responsibility and, as always, carried out his duties with great professional skill. During this Congress, they were joined by Roy Jones and Rich Arenberg of Senator TSONGAS' staff.

They have worked in a bipartisan spirit marked by high professionalism and dedication. Their task involved many late nights and weekends in what has seemed an almost endless effort to resolve the incredible complex and highly emotional issues that are involved in the Alaska Lands legislation.

During the weeks since the Senate began consideration of the Alaska Lands bill, staff of other interested Senators have also made significant contributions. These include: Martha Pope of the Environment and Public Works Committee; Roy Greenaway and Kathy Files, of Senator CRANSTON's staff; Bob McKim of Senator ROTH's staff; Stephen Saunders of Senator HART's staff; Dave Hansell and John Drucker of Senator LEVIN's staff; Ruth Fleischer of Senator PROXMIRE's staff; Rebecca Wudeler of Senator NELSON's staff; Bob Hurley and Nancy Barrow of Senator CHAFFEE's staff; Marion Morris of Senator MATHIAS' staff; Ned Leonard of Senator MCGOVERN's staff; and Rinde Belshe and Susan Koch of Senator EAGLETON's staff.

To each of them I say: Thank you, and congratulations on a job well done.

Mr. President, in order that we fully understand how long and how involved and complicated this legislation has been, I think one must remember that it goes back to the Native Claims Settlement Act, which was signed into law by the President on December 18, 1971. The key part of the Native Claims Settlement Act was the provision known as "d-2," the genesis of the Alaska national interest lands.

That was inserted in the Native Claims Settlement Act, which was a condition precedent to the building of the Alaska pipeline, by Senators Bible, Metcalf, and myself. Three previous Congresses were involved in this problem, going back to 1964. So we are really dating this enterprise back almost 16 years.

Mr. President, that I know that people on both sides of the controversy are not totally happy—and that is an understatement.

The proof that we have a good compromise which involves so many of us here is that not everyone is going to be totally happy.

But I think we have had to face tough options, and we have faced those options in a spirit of compromise and settlement, and this bill represents that settlement.

We may have to make changes in the future, but at least we are removing the element of uncertainty and we are providing a balance, Mr. President, between conservation, on the one hand, and the necessary development of our resources on the other.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STEVENS. One of the major concerns I had is that by changing the west side of Admiralty Island from special management area to wilderness, Congress could make it impossible for mining at Greens Creek or Admiralty Island to go forward.

As I understand it, the provisions of the substitute, including sections 503 and 504, will permit certain activities necessary to the operation of the mine.

Mr. JACKSON. That is correct. An area of about 27,000 acres of the Admiralty Island monument was not designated as wilderness in the substitute. This area, referred to in TLUMP as VCV 144, will provide a sufficient area for Greens Creek to operate. The committee

report detailed a number of activities which are incidental to mining or milling purposes. These include, but are not limited to, pumping works, miners' accommodations, mine offices, or shops, ore storage, or waste, and tailing disposal. Additionally, the provisions of section 1110, assuring access to inholdings, will insure that adequate and feasible access for economic and other purposes, is provided to the mineral operation at Greens Creek.

Mr. STEVENS. One of my major concerns involves what happens if we find out that we have created so much wilderness that we cannot maintain the existing job level in the timber industry. Obviously, we do not want to create a situation where jobs are lost while we are trying to get relief from Congress.

Mr. TSONGAS. I fully agree with that. However, the Forest Service already has authority under the National Forest Management Act to depart from sustained yield as measured by nondeclining even flow in certain circumstances. As you know, such a departure allows additional timber to be sold above that which the timber base would otherwise support under nondeclining flow. We contemplate that the Forest Service could use this existing authority to depart from nondeclining even flow while Congress is considering what action to take to prevent a job loss.

Mr. JACKSON. The Senator from Massachusetts is correct. Under the National Forest Management Act, authority already exists to depart from nondeclining even flow, if necessary. Certainly, the departure provision is a tool the Forest Service could use in the Tongass National Forest to prevent job loss. The entire underpinning of our approach is to designate wilderness without job loss. We have designated wilderness. Now we have to carefully monitor the timber supply situation in the Tongass in order to protect jobs.

Mr. STEVENS. One of the major changes between the committee bill and the substitute is with respect to special management areas. As you recall, we had set up a mechanism in section 706(d) whereby the Secretary of Agriculture would make a request for a waiver from the timber sale prohibition in section 706(b) if dependent industry was not receiving a timber supply of 520 Mmbf from all sources. The substitute deletes the mechanism and changes the 520 Mmbf from any source to 4.5 billion board feet per decade from the Tongass National Forest. The key words here are "timber supply." It is my understanding that in order to provide a timber supply of 4.5 billion board feet per decade on the average will have to be offered for sale.

It is my understanding that for the years 1972-79, there was a 17 percent falldown between the programmed harvest and the amount of timber actually harvested. There is no magic in the 17 percent figure. It is simply illustrative of the fact there is a difference between that which is offered for sale and that which industry actually purchases and harvests. There are many reasons for

this: For example, a deficit sale or a sale which is subject to court challenge.

Mr. JACKSON. When we talk about the necessity to maintain a timber supply for the dependent industry at a rate of 4.5 billion board feet per decade we contemplate that there would be sufficient timber offered for sale so that dependent industry can harvest at that rate. If that does not occur, then the matter will be referred to us by the Forest Service which may also make a departure from nondeclining even flow under existing law if needed to protect jobs.

Mr. STEVENS. The Tsongas substitute has released some lands which under the Tongass land management plan are carried in LUD I. This is a designation by which the Forest Service recommends to Congress that certain lands be put into wilderness. Karta and the south end of Etolin Island are examples of this. In other cases, such roadless areas under TLMP as Idaho Inlet, Rocky Pass, Duncan Canal, and Yakutat Forelands have been released to multiple use by the substitute. In determining the timber base for the purpose of making the geographic changes from the Energy Committee bill, it was assumed that the timber in all of these areas was available for harvest at a LUD III level. Can you please advise me how this change in the Tongass land management plan is to be made?

Mr. JACKSON. It is my understanding that the Forest Service will modify the existing Tongass land management to carry out the intent of the substitute and make these lands available for multiple use management.

Mr. TSONGAS. While we have made some of the areas which were special management areas in the committee bill part of the timber supply base, if the assumption of TLMP are correct and money is provided for precommercial thinning, et cetera, the Forest Service should be able to avoid harvesting timber on the former SMA's.

Mr. STEVENS. I thank the Senators from Massachusetts and Washington. It is my understanding that these areas will be redesignated as LUD III.

On July 5, 1977, the successful, current sponsor of the Alaska Natural Gas Transportation System filed its application with the Department of the Interior for a right-of-way across Federal lands in Alaska. The Presidential decision regarding that System, which established the general route of the pipeline, was transmitted to the Congress in September 1977. On November 9, 1977, Congress expressed its overwhelming support by approving the Presidential decision through a joint resolution, Public Law 95-185, thereby creating certain rights in the project sponsor.

Congress has, since 1977, reiterated its continuing support for the President's decision and the system, and on June 27, 1980, resolved by concurrent resolution:

That it is the sense of the Congress that the System remains an essential part of securing this Nation's energy future and, as such, enjoys the highest level of Congressional support for its expeditious construction and completion.

The route of the approved System commences at Prudhoe Bay and parallels the Alyeska oil pipeline southward across the Brooks Range through Atigun Pass to Delta Junction. At Delta Junction, the System diverges from the oil pipeline and follows the Alaska Highway and the Haines oil products pipeline right-of-way to the Alaska/Canada border.

The question is whether the present bill is intended to affect the System so authorized and approved. My understanding is that Congress is not attempting to affect the rights of the sponsors of the System arising out of the congressionally approved Presidential decision of 1977 and that we are not attempting to adversely affect the expeditious construction and initial operation of the System.

Accordingly, I interpret this bill and previous administrative action as not affecting the authority of the Secretary of the Interior with respect to the System. Following enactment of this bill, the Secretary would have, with respect to Federal lands remaining under his administrative jurisdiction, the same authority that he had on the date of enactment of Public Law 95-185, to issue any right-of-way, permit, lease, or other authorization which is necessary or related to the construction and initial operation of the System. Let me emphasize that I am not referring to lands that may, by provisions of this bill, be transferred out of Federal ownership.

Is this a correct interpretation of the effect that this bill would have on the Alaska Natural Gas Transportation System?

Mr. JACKSON. That is correct.

Mr. STEVENS. The substitute includes two specific provisions regarding commercial fishing in parks and refuges. These sections provide that the Secretary may take no action to restrict unreasonably the exercise of commercial fishing rights on park and refuge lands except to the extent that the Secretary finds, after public hearings, that activities constituted significant expansion of the use of park land beyond that referred to in the statutory language. The Secretary's authority here is closure authority and nothing in this section, or indeed in the bill, should be construed as authorizing the Secretary to require Federal permits or licenses in lieu of State fishing permits or licenses on public lands or adjacent waters in Alaska.

Mr. JACKSON. The Senator is correct on this matter.

Mr. STEVENS. I would like to clarify a point regarding valid existing rights. The designation of conservation system units are subject to valid existing rights and use of such rights subject to reasonable regulation, shall be permitted. It is my understanding that valid existing rights do include any valid existing rights of way or rights of way which are created in the future.

Mr. JACKSON. The Senator is correct. The designation of units of this bill are subject to valid existing rights and the use thereof, subject to reasonable regulation.

Mr. STEVENS. I would like to clarify one question regarding the effect of title

IX on pending litigation regarding native selection of lands selected by the State of Alaska. It is my understanding that nothing in this title is intended to affect in any way pending litigation regarding the selectability under ANCSA of any particular tract of land including lands previously reserved to or selected by the Territory or State of Alaska under any provision of Federal law.

Mr. JACKSON. The Senator is correct. We do not intend to affect pending litigation on such questions by the passage of title IX of this bill.

Mr. STEVENS. There has been some question raised as to whether the lands conveyed to the State of Alaska under the university, school land and mental health grants are State lands under the definition of the Statehood Act and this act. I would like to clarify that these lands are State lands and are subject to the same protection and status of any lands conveyed under the Alaska Statehood Act.

Mr. JACKSON. The Senator is correct. We clearly intended at the passage of the Alaska Statehood Act that such lands conveyed to the State of Alaska or its political subdivisions, including the University of Alaska, would be considered State lands for purposes of Federal law. This bill reaffirms that status of these lands.

Mr. STEVENS. Senator TSONGAS, as we both know, the U.S. Borax molybdenum deposit at Quartz Hill is located within a national monument. It is my understanding that the classification of these lands as national monument will not impinge on U.S. Borax's ability to develop that deposit. Does this comport with your understanding?

Mr. TSONGAS. My distinguished colleague from Alaska knows that it has always been our intention to allow the Quartz Hill deposit to be developed if it is economically feasible for U.S. Borax to do so. Let there be no misunderstanding, U.S. Borax will have to comply with some very restrictive environmental regulations incorporated into the bill. But, we have taken care in this legislation to do nothing which would directly or indirectly prevent the development of this mineral deposit solely because the deposit is located inside a national forest monument.

Mr. STEVENS. I thank the Senator who has worked so long and hard on this legislation for restating the sense of the Senate of this matter.

In various sections of the bill reference is made to U.S. Borax & Chemical Corp. Although I understand that the corporation discovered the deposit, and is managing its development, I assume the benefits and burdens of the bill would apply as well to its assigns or successors in interest.

Mr. TSONGAS. That is correct.

Mr. President, I would like to ask for clarification on a change from the Senate committee bill regarding the Denali scenic highway study. This study which is in both the House and Senate bills and is in the Tsongas substitute provides for a 3-year study of the road link between Mount McKinley and Wrangells National

Parks. During that time, the Senate committee made it clear that the withdrawal from mining during the study did not affect the ability of the State of Alaska from proceeding with road realignment maintenance and other activities involved in the maintenance of these highways which are part of the State highway systems.

The Tsongas amendment adopts the Senate language regarding the road realignment issue, but it adds the qualifying word "minor" to references concerning road improvement and realignment. I would ask that a clarification be made on the floor here today that his word "minor" would not affect the State's ability to maintain roads in at least the same condition that they have been in the past. For example, the State of Alaska plans to repave portions of the Richardson highway which were severely strained during the building of the Alaska pipeline. It is very important that these road improvements be carried out on schedule. It is my understanding that the intent of this amendment was aimed mainly at a concern that the Chitina-McCarthy road would be upgraded prior to the study being completed.

It is also my understanding that there are no plans to upgrade this portion of the highway, but I am hopeful that other projects which are in nature of keeping highways in their present condition are not jeopardized by this amendment.

Mr. TSONGAS. The Senator from Alaska is correct. There is no intention to prevent ongoing projects which are legitimate improvements and maintenance from occurring. We do not want to see the Chitina-McCarthy road upgraded until the study has been completed and our intent was to prevent that by withdrawal from mining and the insertion of the word minor to insure that major changes in the nature of various segments of the highway would not occur during the study.

Mr. STEVENS. Mr. President, the substitute contains language in section 506 providing for exploration permits, patent to minerals and so forth for certain unperfected mining claims as defined in the section. We have negotiated these terms with great care in order to be fair and to allow for the full and proper development of the Quartz Hill molybdenum deposit. It is my understanding, and the Senator will correct me if I am wrong, the exploration permits, patents, surface leases, access rights, and so forth will all be provided by the Secretary. It has been established here that our intention is to permit full development of valid mining claims—the "core claims" to the molybdenum deposit at Quartz Hill—and also to allow for development of certain unperfected claims. I assume we do agree that we have given full protection to valid existing rights.

Mr. TSONGAS. My colleague from Alaska is quite correct. Section 506 was carefully drafted to give full protection to all valid existing rights—to patented claims and to permit perfection of certain unperfected claims. However, the provisions we set out for these claims will

not apply if the unperfected claims are located within 1 mile of the center line of the Blossom River. This is stated in subsection (j). We agreed to this language in order to minimize impacts on the river from activities on unperfected claims near the river. Of course, the understanding was that nothing in this section would impair valid existing rights to valid miners' claims.

Mr. STEVENS. If I understand the Senator, then, this body does not intend that there be any interference with or impairment of valid mining claims or valid existing rights, regardless of whether the claims or rights are located within 1 mile of the Blossom River from its head waters to its confluence with the Wilson Arm.

Mr. TSONGAS. My colleague is correct.

Mr. STEVENS. I am gratified that this body does not wish to create problems or conflicts over access and entitlement with respect to valid claims and valid existing rights. It is important to state our intent only to restrain activities related solely to any unperfected mining claims located within 1 mile of the center line of the Blossom River; which is to say that we do not intend subsection (5) to impair valid existing rights, including valid mining claims. This is what I understand that the Senator has indicated, and I wanted to insure that my understanding repeated here conforms to his understanding and to the intent of this body with respect to section 506.

I wish to clarify the intent of this body with respect to section 503h(8) of this act. As I understand it, we have agreed that the waters adjacent to the Monument Wilderness, are not affected by our actions concerning the land.

Mr. TSONGAS. My colleague is correct. We are not doing anything to change the status of navigable salt water in the Misty Fjords area. For example, the Boca de Quadra or the Wilson Arm remain open to traffic and open to any other use permitted in the current body of law with respect to navigable salt water.

Mr. STEVENS. Then the intent of this body is to leave the status of the offshore waters adjoining the Monument Wilderness unchanged. No new or additional regulations or substantive or procedural requirements that might affect use of offshore waters for access related to the development of the mineral deposit at Quartz Hill are intended to be created by this section. We are not changing existing law.

Mr. TSONGAS. The Senator from Alaska is correct.

Mr. STEVENS. I am concerned, and I believe many others also to be concerned, that we have the committee report language that accompanied the legislative language of the "Borax compromise" as a part of the permanent Record. It is essential that we include that report language in the Record, so that the totality of this accord is a matter of record. I want there to be no mistake in interpreting the intentions of the parties who negotiated that compromise and the intentions of

this body regarding the future regulations which may be promulgated by the Secretary of Agriculture.

Mr. TSONGAS. As I understand it, that agreement was the result of many hours of negotiation between your staff and my staff, representatives of the State of Alaska, representatives of the executive branch, and representatives of U.S. Borax.

Mr. STEVENS. That is correct. The negotiations on this section of the bill were very precise. In many instances, requests for specific legislative language were waived on the condition that the intentions of the parties would be clearly spelled out in the Committee report. The legislative language dealing with this section of the bill does not accurately capture the total spirit of the accord. In order to understand the full measure of the compromise, I am adding the committee report language in Senate Report 96-413 dealing with sections 505 through 507 to the RECORD at this point.

Mr. JACKSON. I agree, often, in order to fully understand a carefully worded compromise, such as this one, report language that accompanied the legislative language must be made a part of the permanent RECORD. In this instance, I believe that the report language when examined side by side with the legislative language will give the true picture of the parties' intent and the intent of this body.

Mr. STEVENS. I thank the chairman. As he knows, the Borax compromise was made possible because all of the interested parties were able to agree that it would be better if certain sections were explained in the report as opposed to being included in the legislative language. Therefore, this report language is vital in interpreting these sections of the bill in administrative or judicial review settings.

I ask unanimous consent that this portion of the committee report be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

TITLE V—NATIONAL FOREST SYSTEM  
SECTION 505: MISTY FJORDS NATIONAL MONUMENT

The Misty Fjords is an essentially untouched 1,453-million-acre area in the Coast Mountains representing nearly all of the wilderness features found in southeast Alaska. Spectacular fjords with sea cliffs rising thousands of feet, low rocky shorelines, sheer water falls, coastal and interior mountains rising over 8,000 feet, active glaciers, high and lowland rivers and lakes are interlaced with salt water channels, inlets, and bays. Wildlife representative of nearly all ecosystems in southeast Alaska can be found here. The Monument is neatly bound into a management unit by the Portland Canal and the international boundary to the east, the Unuk River drainage and international boundary to the north and the East Behm Canal to the west.

The Misty Fjords would be established as a national monument containing approximately 1,453 million acres of public lands, and managed by the U.S. Forest Service.

The Unuk River, with headwaters in Canada, has major recreational potential. The watershed is steeply mountainous with numerous glaciers and lakes, and the climate

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

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

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

1. The area is statutorily withdrawn from the mining and mineral leasing laws and from future selection under Alaska Statehood Act or the Alaska Native Claims Settlement Act;

2. The area is closed to the sale or harvest of timber under Forest Service timber sale program;

3. The area is to be treated under section 1106(b) for the purpose of granting rights-of-way for transportation and utility systems under title XI of this act.

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

The committee intends that mining on existing claims shall be permitted under reasonable regulations designed to make that activity compatible to maximum extent feasible with the purposes of the monument. Mining in the monument centers around the Quartz Hill mineral deposit, a series of claims held by the U.S. Borax and Chemical Corp. These claims are presently being evaluated, but there are indications that the deposit represents one of the largest molybdenum discoveries in the world. The committee intends that the evaluation and development of these claims be permitted to continue should that prove economically feasible, and intends to avoid the implication that mining or related activities are inherently incompatible with the purposes for which the monument was established. The committee amendment also include a number of provisions to allow qualified claims to be further evaluated and developed. The committee also recognizes the great fisheries values of the area and has included specific direction to the Secretary of Agriculture to use his existing authority to protect these values.

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

In order to aid in validating these claims,

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

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

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

It is the committee's intent that the Secretary issue the special use permit unless he determines that the construction would cause an unreasonable risk of significant irreparable harm to the viable productivity of the habitats of fish management indicator species (including but not limited to anadromous and other foodfish species). If the Secretary denies the permit, the burden of proof is on him in any judicial review of that decision.

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

The committee provided a specific entitlement to a lease and necessary associated permits for the holder of claims at Quartz Hill, determined to be valid as of November 30, 1978. Such leases shall be issued only if three specific criteria are met and shall be limited to a size necessary to permit the "mining or milling" operations associated with milling purposes to be carried out. The committee intends that such lease encompass functions directly connected with or facilitating the removal and processing of the ore—for example, pumping works, miners' accommodations, mine offices, workshops, ore storage, or waste and tailing disposal. The committee also intends that the Secretary issue necessary and associated permits to allow the purposes of the lease to be carried out. Other functions such as power generation, transmission of power, transportation facilities, and impoundment of

water to the extent they are not associated with a conventional millsite or "mining or milling purposes" as that phrase is interpreted under the mining laws of the United States—should be subject to the customary special use permit process within the Department of Agriculture.

**SECTION 506: UNPERFECTED MINING CLAIMS IN MISTY FJORDS NATIONAL MONUMENT**

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

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

The committee intends that the Secretary use his discretion to lease sites for mining or milling purposes consistent with the conditions of this section, but that he not unreasonably deny a site or lease in order to block development of a claim. The committee expects the Secretary to work with the claimants to determine appropriate locations in order to permit economic operations, but that the limitation on size and number of leases issued be consistent with the mining laws of the United States. The committee recognizes that "mining or milling purposes" can include a number of appurtenant uses, directly connected with or facilitating the removal and processing of ore—for example, but not necessarily limited to, pumping works, miners' accommodations, mine offices or shops, ore storage, or waste and tailing disposal. The committee does not intend that lease uses include uses customarily dealt with through special use permits, but it does intend that necessary and associated permits be issued to allow the purposes of the lease to be carried out if a lease is issued.

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

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

**SECTION 507: FISHERIES ON NATIONAL FOREST LANDS IN ALASKA**

The committee recognizes that there may be a potential for conflict between mineral development and a healthy commercial fishery. The committee has included this section to assure, to the maximum extent feasible, that the developing mineral industry does not conflict with an existing industry, commercial fishing. The general section directs the Secretary to review existing regulations and promulgate new ones, consistent with his existing authorities, should he determine necessary, to protect fisheries habitat under his jurisdiction. An additional

subsection deals specifically with the Quartz Hill project, and emphasizes areas of concern to be addressed by the Secretary as further mining plans are considered for development of that deposit. The committee received assurances that this deposit can be developed in an environmentally sound manner, and has included these provisions to aid in attaining that goal. Only one subsection dealing with emergencies, extends the Secretary's existing authority. Otherwise, these provisions provide no new statutory authority to the Secretary. This section does not alter the State of Alaska's authority over fish and game management, water quality, or other responsibilities under existing law.

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

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

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

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

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

Under this section, the Secretary is charged with the responsibility of determining that the plan includes adequate provisions for preventing, to the maximum extent feasible, significant adverse environmental impacts to the fishery habitat. Mitigation through reclamation, through offsetting impacts by other activities, or through other means, should be considered part of this standard if it is not feasible to prevent such impacts.

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

**SUBSISTENCE IN NATIONAL PARKS AND MONUMENTS**

Mr. HATFIELD. Is it true that under the substitute additional areas in the national parks and national monuments have been opened to subsistence uses by local rural residents, and is it not true that those areas are Aniakchak National Monument, Lake Clark National Park, the additions to Mount McKinley National Park, and Wrangell/St. Elias National Park?

Mr. JACKSON. That is correct.

Mr. HATFIELD. These areas are in addition to those parks that the committee originally recommended for subsistence, Cape Krusenstern, Kobuk Valley, and Gates of Arctic.

Mr. JACKSON. The Senator is correct.

Mr. HATFIELD. Under the terms of the substitute subsistence uses shall be allowed by local rural residents in Aniakchak National Monument, Lake Clark National Park, Gates of the Arctic National Park, and the Wrangell/St. Elias National Park, and the additions to Mount McKinley National Park where such uses are traditional. Am I correct in stating that the use of the phrase "where such uses are traditional" means that those portions of the parks and those populations within the parks which have been traditionally used would be available for subsistence while the rest of the park area would not be available for subsistence.



Mr. JACKSON. The Senator is correct. The management of this provision must be a flexible one that accounts for the movements of animals. For example, the great caribou herds of northern Alaska that migrate through the mountain passes of the Brooks Range do not use the same passes each year. The people of Anaktuvuk Pass, for example, who have traditionally harvested the Arctic caribou herd should be given the flexibility to hunt caribou if they migrate through a different pass than the one usually utilized. This is the meaning of the term traditional populations. A village may traditionally hunt a particular moose population. If that population changes its range then the Park Service should adjust the subsistence hunting zone to accommodate that change. The phrase "where such uses are traditional" also means that if a village has traditionally used a particular valley for subsistence then they should be allowed to continue their use of that valley for those species they have usually hunted.

Mr. HATFIELD. I agree with the chairman's explanation of this section. I would further like to clarify that the language for the Kobuk Valley National Park and the Cape Krusenstern National monument concerning subsistence does not include the phrase "where such uses are traditional." Am I correct in stating that the reason for this is that those particular northern areas have subsistence uses generally throughout the units rather than distinct portions of the parks like the other areas and that this is the reason that the language is more general for Cape Krusenstern and Kobuk Valley.

Mr. JACKSON. The Senator is correct.

Mr. HATFIELD. Mr. President, rural Alaska is unique in that it contains the last large number of communities or villages in the United States in which a substantial number of residents are dependent upon the harvest of renewable resources on the public lands for their sustenance. The importance of harvesting fish, wildlife, and other wild resources for subsistence uses to the resident of over 200 Native villages scattered throughout the State was thoroughly documented during consideration of both the Alaska Native Claims Settlement Act and the so-called D-2 lands bill.

The subsistence title in the committee bill and the substitute reflects the committee's longstanding interest in the protection of subsistence resources and uses in Alaska. Due to the circumstances in Alaska, Congress has added—for the first time—special protections for these traditional subsistence uses. The subsistence management provisions represent a continuation of the careful balancing of the roles and responsibilities of the State and Federal Governments. They reflect a delicate balance between the traditional responsibility of the State of Alaska for the regulation of fish and wildlife populations within the State and the responsibility of the Federal Government for the attainment of national interest goals, including the protection of the traditional lifestyle and culture of Alaska Natives.

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

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

Mr. GLENN. Mr. President, I support the Alaska lands substitute legislation offered by Senators TSONGAS and JACKSON. I do so because it is a prudent and farsighted attempt to strike a balance on this issue, and because it represents a solid opportunity to resolve the matter this year.

It is no exaggeration to say that the Alaska land bill is the conservation vote of the century, and I use the word "conservation" in the broadest sense. Never before has there been an opportunity to provide strong and permanent protection to such vast expanses of pristine land; never before could we safeguard so much wildlife or so many wild and scenic rivers; and yet at the same time never before have we been able to plan for the careful and studied development of so great a storehouse of minerals, timber, and oil—resources critical to our Nation's future. In short, we have the chance to do things right for the first time, not only for this generation of Americans, but for all those generations to follow.

We must not let this chance slip away. For too long, the national interest has suffered while groups at the extreme ends of the spectrum dug in their heels, refusing to compromise. The result has been needless delay and an uncertain future for our land, our wildlife, and the people of Alaska, whose interests are legitimate and must be taken into account in any legislation.

I want to see a bill this year. Not just any bill, but one that assures strong environmental protections while permitting important and needed development, and still permits the people of Alaska to chart their own future. The Tsongas-Jackson substitute provides no more than this, it represents no less.

Mr. President, many misconceptions have arisen in connection with this legislation. I would like to take this opportunity to pierce some of the rhetoric and examine the facts.

First and foremost, it has been suggested that the State of Alaska and its people are being victimized. I cannot agree, but I am sensitive to this argument. My own State—the great State of Ohio—was once public land. Our ancestors were given the opportunity to develop this land and they responded to the challenge admirably, building the Buckeye State into one of the strongest manufacturing and agricultural areas in the Nation. Alaskans have the right to be treated similarly today.

The people of Alaska have been treated fairly in the past, Mr. President. In 1959 they were the recipients of the most generous land grant in our history. They made good use of this bounty, selecting for State ownership the most promising resource lands in the State. These areas contain vast mineral deposits, huge stands of the highest quality timber, and rich oil and gas deposits—including Prudhoe Bay, whose output has helped curtail our dependence on foreign oil and filled the State treasury.

Mr. President, I support the State's effort to develop its resources, and I encourage it to continue in this regard. But I greet with skepticism claims of deprivation from a State that can afford to provide services easily, eliminates its income tax, and rebates resource-generated dollars to its citizens.

The evenhanded treatment of Alaska's economic future is furthered by the Tsongas-Jackson substitute. The claim that this measure "lock up" resources simply will not hold water. All known "world class" mineral deposits in Alaska lie outside the boundaries set by this legislation. None are penned in by conservation units. All proven mineral claims on public lands are protected and access to them is guaranteed. Areas with high mineral potential are placed in multiple-use land classification areas, and every square inch of public land will continually be assessed to determine its resource potential.

Mr. President, these provisions hardly constitute a "lockup" of Alaska's resources or an attempt to preclude Alaskans from the use and enjoyment of their State. The figures bear me out: of

the 375 million acres in Alaska, 350 million are open to hunting, 300 million are open to oil and gas development, 275 million are open to mining—and the last 2 figures will surely increase in the near future, after the Congress opens the vast mineral and petroleum reserves of Alaska. So it is somewhat specious to argue that this substitute is anything less than a prudent and balanced effort to accommodate the interests of the State, its people, and the Nation.

This legislation's greatest strength is that it is carefully crafted with the long-range interests of America in mind. I urge my colleagues to consider this last point carefully, because we too often fail to operate in this fashion. Indeed, the rush of events often lures us into the trap of resorting to the quick-fix answer where resource management questions are concerned. This is the path that allowed our air to become polluted, that led us to squander our water resources, that tore up our land in the lower 48 States helter-skelter, and forces us to spend billions of dollars cleaning up the mess.

Mr. President, we can and must have a better legacy for future generations. With this in mind, I urge all my colleagues to join me in supporting the Tsongas-Jackson substitute.

Mr. JAVITS. Mr. President, after long years of Senate debate over the future of the national interest lands in Alaska, we have fashioned a policy I believe to be sound and just. Incomparable wildlife resources are preserved at which generations to come may marvel; vital mineral and oil and gas resources are available for development outside prime natural resource areas; a prudent timber management system is in place; the rights and privileges of Alaskan Natives, farmers, hunters, and the State of Alaska itself have been given, I feel, due recognition. While none of the contending factions is 100 percent satisfied, none can legitimately contest that a reasonable balance has been achieved.

When consideration of this matter began in July, I was among those prepared to support certain strengthening conservation amendments to the Energy Committee's bill. I did support the committee's plan to conduct seismic studies for oil and gas along the coast of the Arctic Wildlife Range, for I feel it is essential that the Congress have adequate information about the energy potential of the area so as accurately to weigh the costs and benefits of a final decision on the status of those lands. However, in other respects I believed the proposed legislation offered inadequate protection to wildlife, to major ecological systems in watersheds, and to timber resources. I supported the one strengthening amendment on which the Senate did have the opportunity to vote—that enlarging the Alaskan wildlife preserve system.

Mr. President, the covenant between the American people as a whole and the residents of Alaska has, since before Alaskan statehood, been clear in that the national interest in parts of Alaska has been known to supersede the private interests of those who had settled nearby. When this rich and rare national treas-

ure became a State, it was acknowledged that the American people would make available to Alaskan Natives, and to more recent settlers, such resources as they required to prosper and such additional resources as might benefit the Nation's economy. But the rest, it was agreed, would belong to the ages for Americans of future centuries to manage and to cherish. Passage of this legislation today is a final step in the definition and implementation of that covenant between Alaskans and their Nation. It is a fair bargain and one whose time has come. I am pleased to support it.

Mr. METZENBAUM. Mr. President, the Alaska national interest lands bill has rightly been called the most important conservation initiative of the century. That is not an exaggeration. It is a label that this initiative deserves.

This bill places approximately 99 million acres of Alaskan lands under permanent Federal ownership and management. In so doing, we are saving an irreplaceable national treasure for future generations.

But, in the last analysis, we need to do more than preserve and protect a national treasure. We need a carefully constructed compromise that permits development of Alaska's significant energy and mineral resources. We want to insure a healthy economic future for the State of Alaska and a secure energy source for America.

This compromise has traveled a long and tortuous course to the Senate floor. But in the process we have been able to set aside nearly 43 million acres of parks for enjoyment, another 55 million acres for wildlife, 3 million acres of national forest and another 7 million acres of wild and scenic rivers.

It has not been easy to balance the competing interests of conservation and development. Some say that the Federal Government has taken too much land, and that this will have an adverse economic impact on the State over the years. However, the State's own division of legislative finance has estimated that by the year 1995 Alaska will have earned \$125.5 billion from Prudhoe Bay oil alone. By that date, Alaska will have a surplus of \$40 billion. There is more land per capita, for Alaska's 400,000 people, even with the enactment of this bill, than in any of the other 49 States. I do not think we have taken too much.

The task of reaching a compromise on this bill has not been made easier by the greed of some and the intransigence of others. That we have a bill at all is due in large measure in the efforts of Senators JACKSON, HATFIELD, STEVENS, TSONGAS, and ROTH.

Their patience and persistence has paid off. I commend them for their craftsmanship and for the constructive compromises they have reached.

Mr. President, I have felt a part of this challenge since coming to this Chamber. When the late Senator Metcalf first introduced his most prophetic legislation on Alaska, I was there as a cosponsor. When Senators TSONGAS and ROTH saw the need to have a stronger bill placed before us, I was there as a cosponsor. My position has not changed.

My commitment to having a balanced and responsible bill passed by the Senate is without question.

Even before the Energy and Natural Resources Committee began its consideration of this bill I took the initiative to learn the facts and became intimately involved.

In May 1978 I went to Alaska, to see for myself, and to speak to the people who would be most affected. That experience was invaluable. It made it clear to me that the fight to protect the beauty of the land and the rational development of its wealth was essential. I returned with the conviction that a balance could be struck.

I am convinced that we have struck that balance here on the floor of the Senate. We have proven that this bill can address and will meet the interests of Native Alaskans, by guaranteeing that there will be a convenience of State lands to the State as was guaranteed under the Statehood Act. Now we must prove that this bill can meet the Nation's interests in protecting the land and resources for the benefit of all Americans.

The Tsongas-Jackson bill before us faces the issue of how we can best protect the Alaskan lands for the Nation. This approach does not compromise our national priorities by reducing the acreage designated for development and increasing the levels of protection over the wildlife and wilderness.

This bill reflects my own concern and belief that the challenge of balancing development and conservation is not beyond our reach. It deals squarely with the problem of land classification and unified management categories for wildlife protection and resource development.

The bill makes available for oil and gas development fully 300 million acres—95 percent of the most promising areas.

It opens 250 million acres to mining. It leaves over 90 percent of the State's area open for hunters and other sportsmen.

And it does these things while preserving forever Alaska's environmental treasures.

I support this balanced approach which gives Congress the flexibility to decide at some future point on the basis of more specific and detailed information, how to further develop our oil and gas resources. Right now, if we are to err on the side of conservation, we can always come back and change the classifications should the need arise.

Mr. President, I believe that the issue of Alaska lands is the most significant conservation legislation in the history of this Nation. There is a thoughtful, prudent, and farsighted balance in this bill's approach to energy and conservation.

It is wrong to link the efforts to preserve wildlife and wilderness with a loss of energy security. Alaska alone will not solve the energy problem for us.

It will help. But more importantly, Americans must not increase their use of oil from either foreign or domestic sources. The more we save, the better off Alaska will be. The more we save, the better off the Nation will be.

This bill will not close the resources of

Alaska to development. It will protect their value from abuse. And it will create a resource bank that we might draw upon in the future. In this sense, the bill serves the highest interests of Alaska and of the Nation.

Mr. BAYH. Mr. President, I support the Alaska national interest lands bill, H.R. 39. As amended by the Jackson-Hatfield-Tsongas substitute, this bill offers the Senate the opportunity to cast a vote for a balanced and sensible approach to two of the great issues of our time: Environmental protection and development of energy and mineral resources. We can achieve the protection of Alaska's abundant virgin wilderness while realizing the vast potential for that State's contribution to our Nation's energy needs.

It has been a long struggle for the Senate to work its will in balancing the need to protect and preserve a truly representative portion of Alaska's spectacular natural heritage with the Nation's demand for adequate development of Alaska's abundant energy and mineral wealth. It is a tribute to the leadership of Senator JACKSON, Senator TSONGAS, and others, who have labored so tirelessly, that such a compromise has been achieved. At long last the Senate can cast a vote for the greatest conservation measure of the century, knowing full well that Alaska's energy and mineral resources can be tapped effectively and efficiently. The Senate can be satisfied that its long struggle has paid great benefits.

#### THE HERITAGE OF ALASKA

This bill will offer the Nation the opportunity to protect and preserve the spectacular scenery and fragile ecosystems of our largest State by doing it right the first time. We owe this to ourselves and to our children. For in Alaska, we have some of the Nation's highest and most magnificent mountain peaks, the Nation's largest glaciers, its most abundant wildlife, and its last untouched wild and scenic river systems. There is nothing about Alaska which is small in scale. It is a land mass nearly the size of Western Europe and offers sanctuary for birds from six continents. It must be protected to the greatest extent possible, so that this spectacular natural setting will remain available for all future generations of Americans.

As Alaska is vast and beautiful, it also holds great promise for this Nation in seeking to rid ourselves from our intolerable and debilitating dependence on foreign oil. Because of the care and precision of the principles involved in this great debate, the 100 percent of the offshore sites would remain available to exploration and 95 percent of the onshore sites that have been identified as having a high or favorable potential for oil and gas exploration can be developed. The remaining 5 percent of the lands likely to yield oil and gas will have seismic surveys undertaken on them.

The timber industry is assured of a timber supply adequate to protect jobs in southeastern Alaska.

The sport hunters will have 91.4 percent of the Alaskan lands available to them for sport hunting.

The mining community is assured that mining companies in the Ambler area, at Quartz Hill, and at Greens Creek can proceed to explore these world class deposits of precious and needed mineral resources.

The Native communities and the State of Alaska can now obtain the conveyance of the balance of the lands promised them. The Native communities and Alaskan residents have had their subsistence rights protected.

In all, this bill stands as a remarkable compromise of strongly held views with each interest receiving a balanced protection of their legitimate interests. Each side has received most of the important objectives which it had hoped to receive. Each side has recognized that their top priorities did not directly conflict with each other. This is a bill which I think the Senate can strongly support and I urge my colleagues to join me in voting for its adoption.

Mr. MITCHELL. Mr. President, I rise in support of the Tsongas substitute to H.R. 39, the Alaska lands bill.

This legislation has been characterized as the most important conservation measure since President Theodore Roosevelt created our national forest system at the turn of the century.

The Senate must consider whether the Alaska lands bill before us serves the national interest as well as the interests of Alaskans.

I believe that the substitute to the committee bill achieves these objectives.

The Senate is faced with two equally important and valid questions: What degree of protection should we give the last remaining wild frontier in the American Nation? And how much of the Alaskan State can the other 49 States reasonably claim as a national heritage?

The questions seem simple. But the answers are complex.

I supported the five Tsongas amendments to H.R. 39. I believe that they represented a carefully drawn balance between development and conservation. I would have preferred that the Senate act on these perfecting amendments to the committee bill. But it is clear that if those amendments were adopted, there would be a filibuster on the conference report and there would be no Alaska lands bill this year. Since there is need for a bill, I intend to vote for the Tsongas substitute. It makes significant positive changes in the committee bill and is truly a middle ground.

Wilderness areas and ecological regions do not lend themselves to neat man-made classifications. The habitat of a wild creature does not conform to artificial human boundaries. We cannot realistically claim to preserve habitat and ecological wholeness if we arbitrarily chip away at the range of the wild creatures of the North. Nor can we realistically claim to be protecting the wilderness when we doom its inhabitants to extinction by limiting their living space.

At the same time, the people of Alaska, who have striven to build a State and a way of life in a region where physical obstacles are formidable and unyielding, have a claim on our attention. Alaskans need to retain a basic land and resource

base which can sustain the life and prosperity of their State today and in the future. Alaskans deserve to have their claims given the same consideration as we of the Lower 48 expect for our own concerns and our own desires for future growth.

There is no question that the bounty of Alaska—its mountains, its rivers, its wildlife—is at stake.

These resources represent a priceless natural heritage of our Nation. We must determine whether the 49th State will remain bountiful for future generations.

There are few frontiers left—few regions of the globe where man is not the primary architect, where man has not determined which building shall be built and which animals shall live. Alaska is such a frontier.

In 1899, Henry Gannett, the Chief Geographer for the U.S. Geological Survey, said:

The scenery of Alaska is so much grander than anything else of the kind in the world that, once beheld, all other scenery becomes flat and insipid.

Such is the land that we can still preserve.

The frontier has always played an important role in the maturing of the American character. An ever-present American frontier can be given much credit for the development of American beliefs. But most important, a wild frontier has allowed man to realize that he is but one element in a complicated chain of ever-growing, ever-dying ecological processes.

We have the opportunity to save that truly last frontier in Alaska.

The House of Representatives overwhelmingly passed a bill based on balanced development and conservation. It is fair legislation.

The Senate committee bill fails to achieve this balance. It accommodates development interests at the expense of Alaska's natural resources.

The committee bill reduces drastically the overall acreage placed in national wildlife refuges; it—

Creates instead numerous recreation areas where activities such as mining, road building and other development can occur;

Fragments land classifications with ecologically whole conservation units, resulting in a patchwork of management categories under the jurisdiction of several Federal agencies.

Only with the addition of the strengthening amendments contained in the substitute can the Senate restore the balance between development and conservation of Alaska's resources.

The five Tsongas amendments addressed some of the most troubling aspects of the committee bill; and their most important elements are retained in the substitute:

The integrity of the National Park System designations is restored through the elimination of multi-use recreation areas within the boundaries of the parks. Protection of critical wildlife habitats from mining activities is thus restored.

More complete protection of wildlife-rich areas is achieved through expansion of national wildlife refuges to 55 million

acres, and by minimizing multiple-use national conservation areas within refuge areas.

Wilderness designations area significantly increased by 18 million acres, to protect the landscapes and wildlife habitats in the Tongass National Forest, the Arctic National Wildlife Range, Gates of the Arctic National Park, and others.

More protection along the banks of wild and scenic rivers is provided by permitting the extension of river boundaries one-half mile from a river bank where necessary to preserve views, habitats and other natural features.

Economic and resource development will also be protected under the land management scheme envisioned by the substitute amendments. The proposed conservation areas have been carefully drawn to exclude most of Alaska's developable resources.

According to estimates by the Department of the Interior, the following resources lie outside of the protected Federal lands: 70 percent of the potential hardrock mineral areas; 90 percent of potential oil and gas areas; and all of the proven oil reserves in Alaska.

The substitute will permit growth in the timber industry while preventing overcutting of the Nation's largest national forest. No jobs will be lost in the timber industry as a result of the amendments, and mineral development will continue on more than 75 percent of highly mineralized forest lands.

Over 90 percent of Alaska will remain open to sport hunting under the substitute.

In conclusion, the decisions made by the Senate on this legislation are monumental in their implications for this, our last frontier.

We owe it to Alaska's future and to the future of all Americans to preserve and protect what has been given us in trust. Shortsighted development today cannot be rectified by nature in the delicate Alaskan ecology. We owe it to ourselves and to future Americans to move with care as we deal with the future of the 49th State. Future generations of Americans—and Alaskans—will be grateful to this Senate for its action today.

The Tsongas substitute will permit us to preserve unique ecological systems without unnecessarily impairing energy or mineral development. If we do not strike such a balance in this legislation, there may not be another opportunity.

Mr. COHEN. Mr. President, a great deal has already been said in this Chamber about Alaska's unrivaled wildlife, wetlands, and wild waters. And a great deal has already been said about the unprecedented opportunity the Alaska lands bill offers us to judge wisely for the future of this natural abundance—a hundred million-acre natural treasure.

Alaska—"the Great Land"—lies 6,000 miles from Maine. But the distance in no way diminishes the determination of Maine's people to protect a frontier heritage in the far North. I would like to share with my colleagues some thoughts expressed by an editor of the Bar Harbor Times in my State, a man who also

served as a former member of the Park Service planning team in Alaska:

Whether or not they have ever seen Alaska or ever hope to (their children will), the people of Maine can have empathy with the Alaskan environment. The same cold, challenging seas yield rich fisheries harvests; the same seabirds wheel over the rocky coasts under the eyes of eagles. The salmon streams remind one of what the Penobscot, and so many others in Maine, once were like and perhaps may be again. Maine and Alaska share the allure of wild rivers and myriad lakes.

I will submit the full text of this article, "Alaska Here and Now," by John Kauffman, who has lived in both States, for inclusion in the RECORD.

It is precisely because the adventurous spirit can still thrive in Alaska that this issue has elicited such passionate debate. Americans have so much to win and so much to lose there. But one need not rhapsodize to make an argument for safeguarding our finest federally-owned wilderness in Alaska. It is good commonsense. It is only prudent to make a balanced, farsighted allocation of these natural resources. That is why I support the amended Tsongas substitute to the Energy Committee bill.

Yes, we have minerals, timber, oil and gas in Alaska—and we would see their continuing development in coming years even if every one of the measures proposed to strengthen the committee bill were accepted by this body—for even under those provisions nearly all of the highly valuable commodity lands would be left open to such use.

The Tsongas revised substitute, on the other hand, affords southeast Alaska's superlative fishery values the protection they so clearly warrant. This is good economics. After all, we are talking about a State that has experienced a four-fold increase in the wholesale value of its catch in 4 short years—a state that can help feed a world hungry for protein. Commercial logging has been a key factor in the decline of fish production in thousands of southeast Alaska's salmon streams, where carelessness has wrought variations in water flow, has silted and compacted spawning beds, and has destroyed the organisms upon which young salmon feed. This is not the opinion of a special interest group. It is the judgment of the final environmental impact statement (1979) for the State of Alaska's coastal management program. The State's Department of Fish and Game has sought protection from logging of 30 key streams since 1962.

Mr. President, I supported a strong and sound Alaska lands bill in the House of Representatives. The House resoundingly enacted that bill in the service of the national interest. I trust the Senate will have the good sense to do the same. I entreat my colleagues to join me in support of this substitute and thereby restore balance to this surpassingly important conservation measure. And if the commonsense argument seems flat to some, I call upon the words of a fellow New Englander, Ralph Waldo Emerson, to stir the spirit of wilderness among us:

Nature shows us only surface, but she is a million fathoms deep.

I ask unanimous consent that the text of the article "Alaska Here and Now," by John Kauffman be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### ALASKA HERE AND NOW

Here is Maine; there is Alaska, far, far away, 6,000 miles far from Maine life, Maine's problems. Of what real concern, then, is Alaska beyond its being a fellow State in the Union, its people fellow Americans?

Because Maine's million citizens each own a little part of that "Great Land" we bought from Russia in 1867. Together with the shares all other Americans have in the public lands it is a national legacy for us and our descendants.

It is a land so spectacular as to defy description, and it is wild and pristine. It has a wealth of wildlife that is but a memory elsewhere. Waterfowl fill the air, caribou herds move across the tundra as bison once grazed our western plains. Salmon surge up the rivers, and fishing for them are great brown bears. Alaska is our ultimate wilderness, the last remnant of what the New World used to be. If we lose the freshness and the beauty there, something essential to North America will have died out forever.

To preserve this legacy, Congress has been considering Alaska lands legislation that would set aside millions of acres of the public lands as national parks and preserves, wildlife refuges and wild rivers. The House of Representatives last year passed a strong Alaska lands bill, responding to nationwide interest. Next month the Senate will debate the matter.

Maine's Senators will be important voters, for the State of Alaska, pressured by industry and an exploitive mentality among many of its residents, wants a much weaker bill. As compared with what the House voted for, it would halve the amount of wildlife refuge lands, halve the amount of protected wilderness, splinter parks into various management units with lower levels of protection, and open virgin forests habitats to clearcutting.

This weaker legislation, which Alaska's Senators engineered through the Senate Energy and Natural Resources Committee, is preferable, they argue, because of the Nation's energy and other resource needs. It is a false argument, however, because some 95 percent of the favorable oil and gas regions in Alaska lie outside of the proposed conservation area boundaries. The same holds generally true for other potential resources, much of which will likely be found on extensive private and state lands that comprise 40 percent of the territory and that are by far the most valuable economically. The real reason for seeking weak legislation is that it will give industry a more convenient and profitable exploitation.

There is strong hope, however, that the Senate will match the House-passed Alaska legislation. Led by Paul Tsongas of Massachusetts, a group of Senators has introduced a package of amendments to beef up the Senate Committee's bill and have also introduced a strong substitute measure. In view of Senator Cohen's strong stance in conservation matters, and with Senator Mitchell likely to carry on the outstanding conservation record of Edmund Muskie, Maine citizens can well hope that our Senators will cast their votes for the strongest possible Alaska lands legislation.

Whether or not they have ever seen Alaska or ever hope to (their children will), the people of Maine can have empathy with the Alaskan environment. The same cold, chal-