

This amendment adds the category of "withdrawals" to the existing enumeration of "classifications" or "designations" under the Federal Land Policy and Management Act which do not, standing alone, preclude conveyance to the State under the State conveyance title of S.9 or by virtue of future State selection applications. This amendment would assure that the exemption for State land grants contained in section 701(g)(b) of FLPMA will extend to all relevant executive authority contained in FLPMA. This amendment, while technical in its effect, is made necessary by the fact that executive actions have occurred since adoption of the State selection section in S.9 last year. Emergency withdrawals made by the Secretary under authority of section 204(e) of FLPMA in mid-November of 1978 have clouded the ability of the State to obtain conveyance of selected lands which lie outside the boundaries of conservation system units but were nonetheless withdrawn by emergency authority. Inclusion of the suggested language will reconcile the State's selection rights under the bill with the State-selection exemption established by section 701(g)(b) of FLPMA.

(Note: This amendment is in the same category as other suggested technical amendments to the State conveyance title, but was inadvertently not included in the packet of State of Alaska amendments previously discussed with the committee staff.)

*No amendment
just explanation
Unacceptable to
Interior*

*it could lead to
invalidating W. Withdrawals*

17.)

Stevens' amendment

Remarks

To fully implement section 701 (g)(b) of the Federal Land Policy and Management Act of 1976 with regard to land selections by the State of Alaska (p. 136, line 1).

Permits State selection of lands withdrawn under FLPMA. Currently, section 701 (g)(6) of FLPMA provides that nothing in that Act shall be construed as "amending, limiting, or infringing the existing laws providing grants of lands to the States." This amendment will assure that withdrawals for any purpose, including wildlife refuges, emergency withdrawals, etc., may not preclude State selection of the withdrawn lands. This result is exactly what the State seeks in its current lawsuit challenging the emergency withdrawals under FLPMA. It should be noted that this amendment would be unnecessary, since withdrawals inconsistent with the bill's designation of conservation units are recinded in another Stevens amendment.

*Fact: (p. 14)
this "technical" amend.
would allow the state to
select the land withdrawn
1st Nov. under Sec. 204(E)
and 204(B)
--- which are not in
S.9 conservation
units (ie. Iliamas,
Togiak, AK. Penin,
etc.)*