

July 23, 1980

Memo to Senator Tsongas

Senator Hart explained the legal and factual situation regarding the "Hodzana" area and the "Circle Hot Springs" areas very well in his speech during the debate this morning.

The long and short of it is that the State wants to receive certain lands which they have not been able to legally select. When the issue was before the House in the last Congress, Congressman Don Young succeeded in winning an amendment which would have deleted certain lands in the Hodzana area from the Yukon Flats wildlife refuge, so that these could be thus opened to State selection. However, when a bill was blocked by Senator Gravel, both this area and the Circle Hot Springs area were included, first, in the so-called "emergency" withdrawals under the Federal Land Policy and Management Act, made by Secretary Andrus in November, 1978, and then included in the Yukon Flats National Monument. (Prior to these withdrawals, the area was included in the Rampart Dam withdrawal, which preceded Statehood, and has never been available for the State to select. The Committee bill makes the Circle Hot Springs area available.) Thus, the two areas are as of now closed to State selection. The House-passed bill confirms the boundaries of the national monument, and thus would leave the areas closed to State selection.

When the Senate Energy Committee considered the bill now on the Senate floor, Senator Stevens won the agreement of the Committee that the Circle Hot Springs area would be made available for State selection, but that the Hodzana area would be off-limits. The Senate Committee's report says:

"Deletions (from the Yukon Flats unit) include...428,000 acres of State land interest north of the village of Circle...".

Note the term "land interest": this was used because of the status of these lands -- they are on the State's "wish list" but are not actually "selections" because they are in an area not open to State selections. As Senator Hart explained in his statement this morning, section 906 of the Senate Committee bill provides that those lands which are both on the wish list and outside the boundaries of the units are automatically conveyed to the State. Thus, the boundary question is crucial. Senator Stevens was loud in his protestations about this area because he doubtless felt a point of personal prestige was at stake, since he was the architect of the deal whereby in committee the State dropped its "wish" for Hodzana in exchange for getting its "wish" near Circle.

But this area is not the State's top priority. That is the Illiamna area, which is covered by the Bristol Bay Cooperative language in the Senate Committee bill, which was negotiated out among all parties during the Committee markup and which would not be changed by any of the Tsongas amendments.

cc; JFS

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