

SENATOR PAUL TSONGAS

Speech to the Senate

November 15, 1979

ALASKA - THE CONSERVATION CHALLENGE OF THE CENTURY

Mr. President, today 11 colleagues join me in placing before the Senate a substitute version of the Alaska lands conservation bill. We introduce this substitute with great respect for the careful deliberations of the Congress to date. We act in the sober conviction that Alaska represents the greatest conservation challenge of the 20th century.

The Alaska lands bill reported by the Committee on Energy and Natural Resources is now designated "H.R. 39," although it is very different from H.R. 39 as it passed the House of Representatives overwhelmingly. Our substitute is formally Senate Amendment No. _____ to H.R. 39. It is intended to assure that when our distinguished colleagues debate and decide the vital issues of the Alaska lands legislation, they will have a clear choice between the Committee's reported bill and a comprehensive alternative.

Positive Elements from Contending Approaches

This great conservation debate over Alaska lands has come down now to a fundamental choice between the kind of bill passed by the House of Representatives and the very different kind of bill reported

by our Committee. The substitute we introduce today is offered in the spirit of compromise, as an effort to bridge the wide differences between those two approaches.

It is my privilege to sit on the Committee on Energy and Natural Resources and to have participated actively in the mark-up of this bill. I want to commend in the highest terms the leadership of the Senator from Washington, Mr. Jackson, in bringing this complex legislation through 12 mark-up sessions in such a way that we could develop a series of important compromises on some of the most central issues involved. In particular, the Senator from Alaska, Mr. Stevens, and I were able to work out agreements^(which the Committee adopted) that resolved a number of the central issues by reaching good, sound compromises. For example, we worked out a compromise to assure that a molybdenum mine can go forward, with needed road access, within the Misty Fjords area in southeast Alaska. That compromise resolves one of the thorniest and most hotly debated issues in this entire bill. It was achieved through the orderly processes of the Energy Committee and through the good offices of our distinguished Chairman, Mr. Jackson.

This case of U.S. Borax's molybdenum mine in the Misty Fjords area is just an example of the many key compromises we achieved -- compromises which exemplify the value of our constructive Committee processes.

Important as those Committee compromises are, I must say now -- as I said during the Committee's mark-up -- that they do not mitigate the basic deficiencies I find in the Committee's reported bill. In my judgment, the reported bill is so seriously in need of amendment to its basic structure and approach that it is simply not the best underlying vehicle upon which the full Senate should build its ultimate Alaska lands bill.

From the outset, the Energy and Natural Resources Committee chose to develop its own vehicle, built on a structure very different than the House-passed measure and reflecting, in myriad details, a fundamentally different approach. If the only choice were between the Committee's reported bill and the House-passed version, many of us in the Senate would have to opt for the House-passed measure. That would certainly be the overwhelming recommendation of America's conservation and sportsmen's organizations, for whom this legislation represents a near-absolute priority.

Initially, I was inclined toward such an approach, and I was strongly urged to do it. However, I have concluded that to offer the House-passed bill as the basic alternative to the Committee-reported bill would be to pose a choice not up-to-date with the realities before us. In fact, during Committee deliberations we adopted a series of important and helpful compromises which go a long way toward resolving some of the central issues involved.

Therefore, I have instead chosen to adopt the House-passed bill as the basic structure for this substitute amendment, but to leaven it by incorporating many of the specific compromises we worked out in the Committee.

In this substitute, I believe we are offering the Senate a choice combining the best of our own Committee's efforts to resolve some of these major central issues, and the best of the House-passed bill.

This substitute is a measure that Senators may support in the spirit of the House-passed measure, which enjoys such enormous public support all across America. At the same time, Senators may support this substitute with the confidence that it embodies important compromises which meet a number of the concerns important ^ which have been raised by our respected colleague, Senator Stevens, and by the State of Alaska.

In particular, I want to call attention to five of the major compromises worked out in the Energy Committee, which are embodied in virtually the same form in this substitute. In doing so, I stress that these central issues were the main focus of our discussions and debates in the committee. The compromises we reached resolve the greater number of the vital issues around which the Alaska lands issue has been debated. Among them are several which have been viewed as critical by the State of Alaska.

REVOCATION

It is a matter of cardinal interest to the State of Alaska that the "National Monument" designations made in Alaska, and certain other executive withdrawals of lands, be revoked in any Alaska lands legislation. It is important to stress that those withdrawals, made by President Carter, and by Secretary of the Interior Andrus last December, stand as one of the most historic Presidential acts for conservation in this century. They have gained very wide public support. Now, in reaching a legislative resolution of the land conservation issues, we are simply replacing those executive designations with statutory designations involving classifications which only the Congress can confer -- such as "National Park" and "Wilderness."

Assuming that the new statutory designations give full and appropriate protection for the land and wildlife involved in each conservation unit, with appropriate boundaries -- which the Committee bill does not do -- then it is proper to proceed to end the now-overlapping executive withdrawals, so "revocation" is entirely appropriate. No such "revocation" provision was included in the House-passed bill. Including it in the proposed substitute is a major compromise and concession to one of the foremost stated concerns of the State of Alaska and of the Alaska Congressional delegation.

U.S. BORAX'S MOLYBDENUM DEPOSIT AT QUARTZ HILL

This has been perhaps the most hotly contested issue in this entire legislation, with the U.S. Borax Corporation locked in a seemingly irreconcilable debate with conservationists and Alaskan and Pacific Northwest fishermen. The House-passed bill included the U.S. Borax molybdenum claims at Quartz Hill within a wilderness in the national monument -- but made explicit provisions for surface access to claims, expansion of existing claims, and future millsite leases. Despite assurances from the Administration and House leadership that valid mining rights would be honored, both U.S. Borax and Senator Stevens found the House language unacceptable.

We spent more time working to attempt to resolve this issue than any other, both in the Committee mark-up and in many days of separate meetings with representatives of U.S. Borax and Chemical Corporation, the environmental community and the Departments of Agriculture and Interior. After staff narrowed the differences between the various interests, Senator Stevens and I reached an agreement which would guarantee an access road to the proposed mine site immediately and exclude the mining claims from wilderness designation in return for certain environmental safeguards.

I believe that the Misty Fjords National Monument and wilderness should be expanded to the House-passed boundaries.

This substitute also incorporates the agreement between Senator Stevens and myself on Quartz Hill. It goes beyond the House-passed bill by guaranteeing road access and rights for future mining operations. At this point, I believe that the U.S. Borax Quartz Hill molybdenum proposal is no longer an issue in the Senate's Alaska lands debate because of this agreement.

ALASKA'S ROLE IN MANAGEMENT OF FISH AND GAME

Unlike the House-passed bill, this substitute specifically details our agreement to protect the traditional role of the State to manage fish and resident wildlife, including such management on those federal lands which are open to the taking of fish and game. This has been a matter of very central concern to the State of Alaska, and their concern is accommodated in this substitute. This also resolves an issue which had aroused the concern of fish and game officials in other states. It should satisfy their concerns as well.

ACCESS TO INHOLDINGS

Understandably, Alaskans are very concerned about access to existing State and private lands which lie within the boundaries of federal conservation units, or which can be reached only by crossing such units. This problem is not as bad as it could be: there are relatively few such inholdings. Nonetheless it is a major worry for some Alaskans.

Our substitute adopts the Committee's provision which assures full rights of access to such inholders within or "effectively surrounded by" conservation system units. This includes access across National Parks, National Wildlife Refuges and even wilderness areas.

BRISTOL BAY - ILIAMNA LANDS AND COOPERATIVE MANAGEMENT

This issue has been another very major bone of contention between the State and the House-passed bill. Twice, the House has rejected the State's desire to make land selections within the drainage of Lake Iliamna. This 4,000,000-acre drainage in southwest Alaska is the State's top priority land selection objective, but it is not available to them under the terms of the Statehood Act. The area is not available for State selection because it is under a prior federal withdrawal for potential designation as a national wildlife refuge. Interior Secretary Rogers Morton first proposed that it become a refuge, rather than being available for State selection.

Last year the Energy Committee adopted a complex "Bristol Bay Cooperative Management Region" package involving not only these Iliamna lands, but a number of other areas also proposed as federal refuges. Under that approach, refuges were not established nor were any State selections allowed, pending a complicated "cooperative management" plan. That same approach has been soundly rejected on the House floor both last year and again this year.

This year the Energy and Natural Resources Committee was able to work out a resolution to this set of issues, thus reaching a determination of land status in this huge region. As incorporated in the substitute, we proceed with the designation of two new National Wildlife Refuges in the Bristol Bay region -- the Alaska Peninsula and Togiak refuges. On the other hand, the State of Alaska will have a complete, "no-strings-attached" right to select federal lands in the entire Iliamna drainage.

As a part of this resolution, we accept the basic idea for promoting "cooperative management" in the planning and administration of broad areas where both State lands and federal conservation areas cover wildlife populations and habitats utilized by resident and migratory species.

A Natural Fortune for All Americans

Mr. President, we must all reflect on the singular importance of this Alaska lands conservation issue. It will be, far and away, the most important land and wildlife conservation issue ever to come to the floor of the Senate. That is not simply my rhetoric, but the clear view of many, many thousands of America's most conservation-minded citizens.

The opportunity we have in Alaska is unparalleled. It is clearly our last chance to do the conservation job right the first time, before complex patterns of development have robbed us of the

opportunity. We can set aside national parks, national wildlife refuges, wild rivers and wilderness on our federally-owned lands, in an act of far-sighted conservation of true historic importance.

We need not feel we are being unfair to the people of Alaska in accomplishing this objective. The bill the House passed has been very much compromised to balance the needs of the State, as I know from my service there as a member of the Committee which last year wrote a similar version. This year, the results of the work of our Energy and Natural Resources Committee include a number of important further adjustments to reflect concerns of the State of Alaska. I have incorporated those key compromises into the basic structure of the House-passed bill -- itself already a compromise -- in preparing this substitute.

Over the years, the State of Alaska has done well at the hands of the Congress. Not only did the Statehood Act grant the citizens of Alaska an unprecedentedly huge statehood land grant -- 104 million acres -- but these selections are now being transferred to the State. Today more than 100 million acres of once-federally-owned lands are either patented, tentatively approved or selected, and the machinery for completing the full transfer has been significantly speeded.

Similarly, we are moving ahead to complete the transfers of the additional 44 million acres of land granted to the Native peoples

of Alaska in settlement of their land claims. In all, some 150 million acres of the once-federally-owned domain in Alaska is being turned over to the people of that State. It is essential to understand that these lands have been selected by them, in accordance with legislation which the State and Native peoples have approved. This 150 million acres represents not simply 40% of all the land in Alaska, but in a relative sense, the very best, most valuable, most developable land.

What we face now is a matter of balancing the ledger. Having so generously dealt with the people of Alaska, it is only fair and right that the long-term interests of all the American people be similarly protected by designation of portions of the residual federal lands in Alaska for conservation purposes.

Words simply cannot convey the incredible range of natural values which are involved in the federally-owned lands proposed for protection under this substitute. Here are Yosemite upon Yosemite, ranges of mountains unmatched on this continent, rivers of exquisite wildness, and great sweeps of tundra wilderness. In these places live a dazzling array of wildlife. Here is a degree of ecological integrity we cannot hope to recreate -- a natural resource of irreplaceable value.

We need have no doubt of the value which the American people place on this natural heritage on their lands in Alaska -- and I emphasize "their lands." In Massachusetts, as much as in Alaska, it is recognized that this conservation opportunity rises to a scale and a significance

unmatched in our history. To many thousands of Americans, in every state, what is at stake in this legislation has taken on a deep personal significance.

I am pleased to have as co-sponsors of this legislation Senators

The substitute we introduce today respects the deliberate process that has taken place. It offers a fair, comprehensive compromise solution to a complex, vital set of issues. For American citizens, and for future Americans, I submit it for your careful consideration.

Mr. President, I ask unanimous consent that the ~~full~~ text of Senate Amendment No. to H.R. 39 to printed in the Record.