

is responsible for establishing Katy Trail State Park along the north bank of the Missouri River. Through his public activism and fundraising efforts, Mr. Hindman successfully spearheaded creation of the Katy Trail that follows the historic Lewis and Clark expedition of 1804 to 1806. Mr. Hindman also was instrumental in developing the MKT Fitness/Nature Trail. Mr. Hindman and the foundation are working with the State and others to expand the Katy Trail, with the goal of extending it across the State.

The Dolphin Defenders of St. Louis is a group of more than 50 inner city children working to restore their neighborhood by improving the environment. Their name comes from the group's desire to mimic dolphin behavior of protecting each other from danger. The Dolphin Defenders revitalized a once trash laden vacant lot used by drug dealers and abusers into a beautiful environmental retreat now known as the Promised Land. The group has also recognized children surviving in violent communities by planting 31 trees on Arbor Day in Visitation Park. The Dolphin Defenders are one of five nonprofit organizations/public agencies to receive this year's Conservation Award. Moneys raised from the youth group's continuous collection and recycling of tires and glass bottles enable the Dolphin Defenders to pursue new environmental projects.

The honorees will be recognized at an awards dinner on May 17 in Washington, DC, and will receive a \$2,000 award along with a bronze plaque acknowledging their achievements and continued efforts to enhance the environment. The awards program was established in 1954 by the late Ed Zern, a nationally recognized sportsman, humorist, author, and former columnist for *Field & Stream*. Nearly 900 individuals and organizations have received this award since its conception to honor individuals and groups who protect and enhance renewable natural resources.

My sincerest congratulations to Mr. Hindman and the Dolphin Defenders for their significant accomplishments and contributions to conservation and the environment. ●

DEPARTMENT OF THE INTERIOR POSITIONS

● Mr. MURKOWSKI. Mr. President, on April 7, 1995, the Committee on Energy and Natural Resources filed the report to accompany S. 610, a bill to provide for a visitor center at the Civil War Battlefield of Corinth, MS.

At the time this report was filed, the Department of the Interior had not submitted its position regarding this measure. The committee has since received this communication from the Department of the Interior, and I ask that it be printed in the RECORD for the advice of the Senate.

The communication follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 10, 1995.

Hon. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Legislation authorizing the construction of a visitor center at Corinth, Mississippi, S. 610, has been reported out of the Committee on Energy and Natural Resources. In addition to providing for a visitor center, which would be administered as part of Shiloh National Military Park, the bill authorizes the Secretary to mark sites associated with the Siege and Battle of Corinth National Historic Landmark.

On July 25, 1994, we testified before the House Subcommittee on National Parks, Forests, and Public Lands regarding the proposed visitor center at the Civil War Battlefield of Corinth. In our testimony we opposed construction of an interpretive center at Corinth. We believe such a facility is unnecessary given the presence of the National Park Service visitor center at nearby Shiloh Military Park. A visitor center at Corinth is particularly difficult to justify in light of current fiscal constraints. The cost estimate for the proposed 5,300-square-foot interpretive center is \$6 million which includes the cost of development, operation and maintenance for 5 years.

We continue to oppose proposals to construct a visitor center at Corinth. The current legislation, S. 610, would give the National Park Service primary responsibility for interpreting the story of Corinth. We believe this responsibility rests more appropriately at the local level. It is not fiscally possible for the National Park Service to have interpretive centers at every significant site associated with the Civil War. We believe we can appropriately relate the story of the Civil War in this area from our current facilities at Shiloh National Military Park.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GEORGE T. FRAMPTON, JR.,
Assistant Secretary for
Fish and Wildlife and Parks.

Mr. MURKOWSKI. Mr. President, on April 7, 1995, the Committee on Energy and Natural Resources filed the report to accompany H.R. 400, a bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve.

At the time this report was filed, the Department of the Interior had not submitted its position regarding this measure. The committee has since received this communication from the Department of the Interior, and I ask that it be printed in the RECORD for the advice of the Senate.

The material follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, April 26, 1995.

Hon. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express the Department of the Interior (Department) position on H.R. 400, "To provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes," as reported by the Committee on Energy and Natural Resources. The proposed legislation includes two titles which relate to Gates of the Arctic National

Park (Title I) and the acquisition of subsurface rights from Koniag, Inc. (Title II) on the Alaska peninsula.

We strongly support Title I of H.R. 400, "Anaktuvuk Pass Land Exchange and Wilderness Redesignation," as approved by the Committee. Title I authorizes a land exchange involving the National Park Service (NPS), the Nunamiut Corporation and the Arctic Slope Regional Corporation concerning lands in and around Gates of the Arctic National Park and Preserve. The proposed exchange marks thousands of hours of work and over 10 years of negotiations among the affected parties. We believe the proposed exchange would resolve difficult land use issues, improve the management of the Park and benefit the people of Anaktuvuk Pass. Accordingly, the Alaska native community, the Department and private groups all supported the version of H.R. 400 that the House of Representatives passed unanimously on February 1, 1995.

As reported to the Senate, however, Title II of H.R. 400, "Alaska Peninsula Subsurface Consolidation," directs the Secretary of the Interior to acquire oil and gas rights and other subsurface interests on the Alaska peninsula from Koniag, Incorporated. We strongly oppose Title II for the following reasons. First, we do not believe that Koniag has valid selections to some of the lands that the proposed legislation would direct the Secretary to acquire. Second, both the NPS and the U.S. Fish and Wildlife Service (FWS) consider the acquisition of Koniag's mineral interests to be an extremely low priority in terms of the missions of the two agencies. However, even if we were to disregard this factor, there is a third and most critical problem with the bill as currently drafted: we believe that the directed appraisal methodology would establish a significant negative precedent in terms of longstanding and widely accepted appraisal practices. In sum, we believe that the valuation and acquisition of these interests, as directed by Title II, do not serve the interests of the Department, the Federal Government or the public at large.

A more detailed statement of our objections follows:

1. Status of Koniag entitlements and selections has not yet been determined.—The Alaska Native Claims Settlement Act, as amended, authorizes Koniag to receive the rights to oil and gas and sand and gravel used in connection with exploration and development of the oil and gas to 343,000 acres. However, Koniag has selected approximately 465,158 acres of subsurface estate, an overselection of approximately 122,158 acres: Alaska Peninsula NWR: 266,068 acres of subsurface selections.

Becharof NWR: 14,080 acres of subsurface selections.

Aniakchak NM and pres.: 185,010 acres of subsurface selections.

Total selections: 465,158 acres of subsurface estate.

Overselections: 122,158 acres of subsurface estate.

Title II does not resolve the issue of Koniag's overselections. It is our understanding that the map referenced in Section 201(8) includes all of Koniag's selections, but does not identify Koniag's 275,000 acre entitlement. The validity of certain Koniag selections is currently the subject of administrative litigation. On October 12, 1993, the Bureau of Land Management (BLM) rejected a portion of Koniag's selections. Koniag has appealed the BLM decision and the issue is currently before the Interior Board of Land Appeals.

Based on the above, we object to proposed legislation which would require the Federal Government to acquire property where the validity of certain selections is under appeal.

2. Federal land management agencies have determined that these properties have extremely low priority for acquisition by the Department.—It is our understanding that the proposed subsurface selections have been examined for their economic potential for oil and gas development. We also understand that test wells have been drilled in the area and that the results of the test drilling have not indicated commercially-viable oil and gas deposits. Therefore, we do not believe that the continued private ownership of oil and gas rights within the conservation system units of the Alaskan peninsula would pose a significant threat to refuge or park resources.

Title II envisions that the acquisition cost not exceed \$300 per acre on average. If this average cost is met, the Federal Government would be required to provide \$82.5 million in land assets for these low priority mineral interests. We believe that the market value of these interests, as determined by an approved appraisal, will not exceed a tiny fraction of this envisioned value.

3. Proposed appraisal methodology would establish a significant negative precedent for the standard appraisal process.—We strongly oppose several provisions of the bill which direct a specific appraisal methodology.

Section 202(b)(2) directs that the appraisal will be conducted according to the standards of the "Appraisal Foundation," and that the "risk adjusted discounted cash flow methodology" would be the sole method to establish value. This direction that the appraiser must utilize one single appraisal method violates broadly supported and adopted appraisal principles and would likely lead to inflated values for the subsurface rights at the expense of the taxpayer. This section, therefore, is inconsistent with the Appraisal Foundation standards referred to in the bill.

The Federal Government currently uses the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), a product of the Interagency Land Acquisition Conference, which is chaired by the U.S. Department of Justice. Federal and State agencies use these standards to appraise lands for possible acquisition. Federal courts have upheld these uniform standards, which are based on fairness and equity. To support the uniform appraisal standards, the Appraisal Standards Board of the Appraisal Foundation has issued the Uniform Standards of Professional Appraisal Practices.

The uniform appraisal standards used by both public and private sectors establish three basic approaches to determine fair market value: sales comparison, income and cost approaches. The standards allow for all three approaches to be considered and weighted according to specified factors.

In the case of the Koniag subsurface selections, there is no proven mineral reserve, nor an established market. In these situations, the uniform standards do not favor the discounted cash flow methodology, as directed by Section 202(b)(2). In fact, the uniform standards specifically caution against using the discounted cash flow methodology in isolation. When appraising non-producing mineral interests, the market comparison approach is considered the fairest and most equitable appraisal method. Legislation that distorts this process will lead to inequitable transactions and set a harmful precedent that could seriously undermine future land exchanges in Alaska.

Congressional action mandating that only one of the several standard appraisal methodologies be used, particularly when that methodology may be totally inappropriate to the circumstances, would render meaningless the principles of fairness and equity that form the basis of the uniform appraisal standards. Such action could encourage land

owners throughout the United States to demand that their lands be valued in ways that have not gained acceptance throughout the community of professional appraisers.

We also note one additional constraint in Title II that deviates from the standard appraisal practice. In contravention of appraisal ethics and standards, Section 202 of Title II would limit the appraised value to a cap of \$300 an acre on average. Based on our desire to maintain the integrity of the appraisal process, we object to imposing a cap on the valuation process, just as we would oppose any artificial floor.

4. The mandated timetables would divert personnel and resources from other high priority acquisitions.—With the consent and approval of the Congress, both the NPS and the FWS are reducing the number of Federal employees in their respective regions and headquarters offices. The respective realty offices are also facing significant staff and budget reductions in order to meet downsizing and budget targets. The remaining realty staffs are currently working to reach agreements with landowners within the Kodiak National Wildlife Refuge, the Kantishna area of Denali National Park and many other areas in Alaska. Negotiating and implementing a priority land exchange would add to the current workload.

Based on the Department's experience in appraising subsurface rights, mineral appraisals require significant expenditures of staff time and appropriated funds to complete. Directing the realty offices to complete these appraisals within the 180 day time period would lead to significant delays in work on the other high priority activities to meet the terms of the proposed legislation.

5. Ability to execute appraisals within mandated timetable.—Section 202 of Title II would require an appraiser to submit an appraisal to the Secretary within 180 days after the selection of an appraiser. Given the complexity of the mineral appraisal process of such a large area, and putting aside the issue of the discounted cash flow method, this timetable would at best lead to a hastily prepared appraisal that would not accurately value the rights in question.

Because Title II could significantly harm the financial interests of the American taxpayer, would undermine the integrity of the standard appraisal process and would not enhance the protection of natural resources or improve land management, we strongly urge that the Senate not approve Title II. We continue to support passage of Title I of H.R. 400, to protect significant natural resources in Gates of the Arctic National Park.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GEORGE T. FRAMPTON, Jr.,
*Assistant Secretary for Fish
and Wildlife and Park.*

Mr. MURKOWSKI. Mr. President, on March 29, 1995, the Committee on Energy and Natural Resources filed the report to accompany H.R. 694, the Minor Park Boundary Adjustments and Miscellaneous Park Amendments Act of 1995.

At the time this report was filed, the Department of the Interior had not submitted its position regarding this measure. The committee has since received this communication from the Department of the Interior, and I ask that it be printed in the RECORD for the advice of the Senate.

The communication follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 9, 1995.

Hon. FRANK MURKOWSKI,
*Chairman, Committee on Energy and Natural
Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Committee on Energy and Natural Resources favorably reported H.R. 694, the Minor Park Boundary Adjustments and Miscellaneous Park Amendments Act of 1995 on March 29. The National Park Service testified in support of this legislation when it was considered in the House, and recommended several amendments. We would like to provide our views on the substitute adopted by the Energy and Natural Resources Committee.

Sec. 105. Craters of the Moon. The National Park Service supports Section 105, which revises the boundaries of Craters of the Moon National Monument. We prefer the language in the House version of H.R. 694 that authorizes the NPS to acquire "lands, water, and interests therein" on the land being included in the boundary adjustment. One of the primary reasons for the boundary adjustment is to protect the monument's potable water source and "waters" is not currently included in the Senate version of Section 105.

Sec. 108. New River Gorge, Sec. 109. Gauley River, and Sec. 110. Bluestone River. We have no objection to the boundary changes to existing units proposed in these sections. These sections would amend the boundaries by including uneconomical remnants, a large parcel proposed for donation, and two State parks. The addition of the State parks would not change the management of either State park.

Sec. 201. Advisory Commissions. This section would extend advisory commissions for Kaloko-Honokohau National Historical Park and Women's Rights National Historical Park. On February 10, 1993, the President issued Executive Order 12838, "Termination and Limitation of Federal Advisory Committees," ordering each agency to prepare a detailed review of all existing advisory committees. As a general policy, the Administration does not support provisions that would establish or reauthorize advisory commissions; however, with respect to Kaloko-Honokohau, given the limited extension requested and the unique circumstances in this case, the Administration has no objection to this short extension.

Sec. 203. Cumberland Gap National Historical Park. We recommend enactment of this section, which would clarify the authority of the Secretary of the Interior to acquire lands or interests in lands with appropriated funds. Passage of this section would enable the NPS to use monies in the Land and Water Conservation Fund for a specific parcel without necessitating an Act of Congress to authorize each purchase. We believe the proposed amendments would enable us to respond to conservation and recreation opportunities as they arise within the authorized area of the park.

Sec. 204. William O. Douglas Outdoor Classroom. The President's budget estimate for fiscal year 1996 for the NPS includes funds for the William O. Douglas Outdoor Classroom in the Santa Monica Mountains National Recreation Area. The classroom is a nonprofit organization, which operates an environmental and special multicultural program in the Los Angeles area that serves some 100,000 people annually, including many inner-city elementary school children. The language of this section would provide the authorization necessary for the classroom to receive funding and for the Secretary of the Interior to enter into cooperative agreements.

Sec. 206. Gauley Access, and Sec. 207. Visitor Center. We recommend that these sections be deleted from the bill. The public comment period on the Draft General Management Plan (GMP) for Gauley River NRA ended in November 1994. Those comments are guiding the completion of the final plan, which will address the issue of a visitor contact facility and will recommend locations for river access. We continue to maintain that the general management planning process should be the proper vehicle for determining the location of visitor facilities within Gauley River NRA. It is anticipated the plan will be released by the end of 1995.

Sec. 205. Miscellaneous Provisions, Sec. 208. Extension, and Sec. 209. Bluestone River Public Access. We support extending the provisions of the Wild and Scenic Rivers Act for a 5-year period for segments of the Bluestone and Meadow Rivers previously studied and determined eligible for wild and scenic river designation. The general provisions relating to cooperative agreements and remnant land for Bluestone River Public Access are acceptable to the Department. We recommend that any remnants purchased pursuant to Sec. 205 be automatically included within the boundary of that park unit. The costs of implementing the above sections, if amended as we have suggested, would be between \$1.5 million and \$2 million in additional land acquisition for the three existing NPS units.

Sec. 305. Volunteers in the Parks. The National Park Service increasingly relies on volunteers in many program areas and reaps many benefits from this program. We recommend the elimination of any cap on this appropriation as it would allow for any budgetary increases that may be adopted in future years.

Sec. 306. Cooperative Agreements for Research. The Senate version allows the NPS to enter into cooperative agreements with several entities, including "private conservation organizations." We prefer that this authority reflect similar language in 16 U.S.C. 753, which allows the Fish and Wildlife Service to establish Cooperative Research Units with "non-profit organizations." The House version deleted this authority completely.

Sec. 306. Carl Garner Cleanup Day. We have no objection to establishment of the Carl Garner Federal Lands Cleanup Day.

Sec. 307. Corinth Interpretive Center. In addition to providing for a visitor center, which would be administered as part of Shiloh National Military Park, this section authorizes the Secretary to mark sites associated with the Siege and Battle of Corinth National Historic Landmark.

We oppose construction of an interpretive center at Corinth. We believe such a facility is unnecessary given the presence of the National Park Service visitor center at nearby Shiloh Military Park. A visitor center at Corinth is particularly difficult to justify in light of current fiscal constraints. The cost estimate for the proposed 5,300-square-foot interpretive center is \$6 million, which includes the cost of development, operation, and maintenance for 5 years.

We support each of the other sections not specifically mentioned in this letter. However, we note that the committee-reported bill does not include the extinguishment of a reservation for the Army Corps of Engineers to deposit dredging spoils at Fort Pulaski National Monument. We support the House provision eliminating this reservation as the reserved area contains two significant historic structures listed on the National Register of Historic Places and significant natural resource values. Extinguishment of this reservation would assure permanent protection of these values.

The Office of Management and Budget has advised that there is no objection to the

presentation of this report from the standpoint of the Administration's program.

Sincerely,

GEORGE T. FRAMPTON, JR.,

*Assistant Secretary for
Fish and Wildlife and Parks.*

Mr. MURKOWSKI. Mr. President, on April 7, 1995, the Committee on Energy and Natural Resources filed individual reports to accompany S. 115, Colonial Park land conveyance; S. 127, Women's Rights NHP amendments; S. 134, FDR Family land acquisition; S. 188, Great Falls Historic District; S. 197, Carl Garner Federal Lands Cleanup Day; S. 223, Sterling Forest land acquisition; S. 357, Kaloko-Honokohau advisory commission; S. 392, Dayton American Heritage amendment; S. 551, Hagerman Fossil Beds and Craters of the Moon boundary change; S. 587, Old Spanish Trail study; and S. 601, Blackstone Heritage Area revision.

At the time these reports were filed, the Department of the Interior had not submitted its position regarding these measures. The Committee has since received a communication from the Department of the Interior, regarding these bills, and I ask that it be printed in the RECORD for the advice of the Senate.

The communication follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 9, 1995.

Hon. FRANK MURKOWSKI,
*Chairman, Committee on Energy and Natural
Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Committee on Energy and Natural Resources recently reported several bills. The National Park Service testified in support of similar versions of many of these bills in the 103rd Congress. The following provides the National Park Service's position on most of the bills reported.

S. 115, COLONIAL (VA) PARK LAND CONVEYANCE

S. 115, which authorizes the Secretary of the Interior to acquire and convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, was reported with an amendment to conform it to the bill approved by the committee last year. The amendment struck the provisions which would have allowed for the expansion of a specific area of Colonial Parkway and in turn would have permitted the acquisition of property immediately adjacent to the parkway. The property in question has been subdivided and development of such will result in a major visual intrusion to the parkway. The Department of the Interior/National Park Service strongly supported this section of S. 115. If a boundary expansion for this area of the Colonial Parkway is not enacted by Congress, the National Park Service will not be able to purchase this land and it will be developed.

We support the provisions of S. 115 that would allow the National Park Service to transfer the sewage systems to York County, Virginia. We urge the Senate to consider restoring the boundary adjustment and acquisition provisions struck by the committee on March 15, 1995, when S. 115 comes before the entire Senate for consideration.

S. 127, WOMEN'S RIGHTS NHP (NY) AMENDMENTS

S. 127, which would improve the administration of the Women's Rights National Historical Park in the State of New York, was reported from committee with the same

amendments as in 1994. These amendments delineate the properties the National Park Service may acquire at Women's Rights NHP. A property is also removed from the park. The development/land acquisition ceiling is increased by \$2 million to cover the expenses which will be incurred for the permitted expansion. The National Park Service has no objection to S. 127 as reported by the Senate Energy and Natural Resources Committee on March 15, 1995, and supports the legislation as amended.

S. 134, FDR FAMILY LAND (NY) ACQUISITION

S. 134, which would provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, was approved by the committee with the same amendments adopted in 1994. These amendments delineate specifically the properties the National Park Service may acquire at the Roosevelt Sites. Although we did not testify about specific lands, the amended language, which delineates the tracts, addresses the National Park Service's concerns for protecting property at the Roosevelt Sites. The National Park Service has no objection to S. 134 as reported by the Senate Energy and Natural Resources Committee on March 15, 1995, and supports the legislation as amended.

S. 188, GREAT FALLS (NJ) HISTORIC DISTRICT

S. 188, which would establish the Great Falls Historic District in the State of New Jersey, was approved by the committee with language similar to a bill reported from the committee in September 1994, requiring a 50 percent local match and limiting Federal funds. This language supports the National Park Service's position and belief that defining the maximum funding and requiring local participation through matching funds is appropriate and necessary to limiting National Park Service involvement in a site that is not a unit of the National Park System.

S. 197, CARL GARNER FEDERAL LANDS CLEANUP DAY

We have no objection to the enactment of S. 197, a bill that recognizes the contribution of Carl Garner to our Federal lands cleanup efforts. This is consistent with the position the Department took on this legislation when we testified before the Senate Subcommittee on Public Lands, National Parks and Forest in the 103rd Congress. Carl Garner originated this day, and we feel it is appropriate to include his name in the official title.

S. 223, STERLING FOREST (NY/NJ) LAND ACQUISITION

The National Park Service (NPS) supports S. 223, the "Sterling Forest Protection Act of 1995", as approved by the Senate Energy and Natural Resources Committee. In the 103rd Congress, the NPS had opposed the original Sterling Forest legislation that was introduced. A substitute was adopted and subsequently passed the Senate, which addressed the concerns of the NPS and the Department of the Interior. The bill just reported from the committee, S. 233, reflects our view that Department of Interior/National Park Service involvement in Sterling Forest be limited to areas adjacent to the Appalachian Trail.

S. 357, KALOKO-HONOKOHAU (HI) ADVISORY COMMISSION

S. 357 would extend the advisory commission for Kaloko-Honokohau National Historical Park. On February 10, 1993, the President issued Executive Order 12838, "Termination and Limitation of Federal Advisory Committees," ordering each agency to prepare a detailed review of all existing advisory committees. As a general policy, the Administration does not support provisions that would

establish or reauthorize advisory commissions; however, given the unique circumstances in this case, the Administration has no objection to this short extension.

S. 392, DAYTON (OH) AMERICAN HERITAGE
AMENDMENT

S. 392 will facilitate the appointment of the Dayton Aviation Heritage Commission. This bill will satisfy the Department of Justice's concern that the process for appointing commission members raises constitutional issues, limiting the Secretary's discretion to appoint members to the commission. These amendments will correct this issue and we support enactment of S. 392.

S. 551, HAGERMAN FOSSIL BEDS AND CRATERS OF
THE MOON (ID) BOUNDARY CHANGE

The National Park Service supports S. 551, which would revise the boundaries of Hagerman Fossil Beds National Monument and Craters of the Moon National Monument. Similar legislation was unsuccessful in the past two Congresses. Passage of this legislation is critical to both parks. We recommend however that S. 551 incorporate language from the House version of H.R. 694 regarding Craters of the Moon National Monument. That language authorizes the NPS to acquire "lands, waters, and interests therein" for the area of the boundary adjustment. One of the primary reasons for the boundary adjustment is to protect the monument's potable water source and "waters" is not currently included in S. 551.

S. 587, OLD SPANISH TRAIL (CO/NM/NV/CA) STUDY

The National Park Service supports S. 587, which authorizes the study of the Old Spanish Trail for potential inclusion into the National Trails System as a national historic trail. The present language is not specific, however, as to whether national historic or national scenic trail status is sought. Because of the existing highway and other development along the trail we do not believe it would meet the national scenic trail criteria. We recommend the bill be amended to limit the study to national historic trail feasibility, which would greatly reduce study cost and time to complete the project. In addition, we recommend that the legislation be broadened to allow study of all components of the Old Spanish Trail, including the Dominguez-Escalante Trail, to assure a fair and complete assessment of the trail, and if designation is recommended, to allow inclusion of the trail's best components.

S. 601, BLACKSTONE (MA/RI) HERITAGE AREA
REVISION

S. 601, would revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island. The bill approved by the Senate committee is the same bill reported by the committee in September 1994. The National Park Service supports S. 601, however, it does not address the Department of Justice's concern regarding appointments to Federal Advisory Committees. We will be happy to provide the committee draft language to resolve this concern. We hope the Senate will take this matter into consideration before it takes final action on S. 601.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GEORGE T. FRAMPTON, Jr.,
Assistant Secretary for Fish and
Wildlife and Parks. ●

ALASKA POWER ADMINISTRATION
ASSET SALE AND TERMINATION
ACT

The text of the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes, as passed by the Senate on Tuesday, May 16, 1995, is as follows:

S. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. SHORT TITLE.

This title may be cited as the "Alaska Power Administration Asset Sale and Termination Act".

SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as "Snettisham") to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as "Eklutna") to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as "Eklutna Purchasers"), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Eklutna Purchasers.

(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

SEC. 103. EXEMPTION AND OTHER PROVISIONS.

(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the memorandum of Agreement.

(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the pro-

visions of the Memorandum of Agreement, including the remedy of specific performance.

(2) An action seeking review of a Fish and Wildlife Program ("Program") of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

(A) at no cost to the Eklutna Purchasers;

(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85-508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85-508, 72 Stat. 339, as amended).

(e) Not later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(1) complete the business of, and close out, the Alaska Power Administration;

(2) submit to Congress a report documenting the sales; and

(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined