

**Text of Section 503 of the Alaska National Interest Lands Conservation Act (ANILCA)**  
**Public Law 96-487 December 2, 1980**  
**94 Stat. 2371**

**MISTY FJORDS AND ADMIRALTY ISLAND NATIONAL MONUMENTS**

§503. (a) There is hereby established within the Tongass National Forest, the Misty Fjords National Monument, containing approximately two million two hundred and eighty-five thousand acres of public lands as generally depicted on a map entitled "Misty Fjords National Monument Proposed", dated July 1980.

(b) There is hereby established within the Tongass National Forest, the Admiralty Island National Monument, containing approximately nine hundred and twenty-one thousand acres of public lands as generally depicted on a map entitled "Admiralty Island National Monument Proposed", dated July 1980.

(c) Subject to valid existing rights and except as provided in this section, the National Forest Monuments (hereinafter in this section referred to as the "Monuments") shall be managed by the Secretary of Agriculture as units of the National Forest System to protect objects of ecological, cultural, geological, historical, prehistorical, and scientific interest.

(d) Within the Monuments, the Secretary shall not permit the sale of harvesting of timber: Provided, That nothing in this subsection shall prevent the Secretary from taking measures as may be necessary in the control of fire, insects, and disease.

(e) For the purposes of granting rights-of-way to occupy, use or traverse public land within the Monuments pursuant to Title XI, the provisions of §1106(b) of this Act shall apply.

(f)(1) Subject to valid existing rights and the provisions of this Act the lands within the Monuments are hereby withdrawn from all forms of entry or appropriation or disposal under the public land laws, including location, entry, and patent under United States mining laws, disposition under the mineral leasing laws and from future selections by the State of Alaska and Native Corporations;

(2)(A) After the date of enactment of this Act, any person who is the holder of any valid mining claim on public lands located within the boundaries of the Monuments, shall be permitted to carry out activities related to the exercise of rights under such claim in accordance with reasonable regulations promulgated by the Secretary to assure that such activities are compatible, to the maximum extent feasible, with the purposes for which the Monuments were established.

(B) For purposes of determining the validity of a mining claim containing a sufficient quantity and quality of mineral as of November 30, 1978, to establish a valuable deposit within the meaning of the mining laws of the United States within the Monuments. the requirements of the mining laws of the United States shall be construed as if access and mill site rights associated

with such claim allow the present use of the Monuments' land as such land could have been used on November 30, 1978.

(g) MINING IN THE PARKS ACT.--The Act of September 28,1976 (Public Law 94-249), shall not apply to the Monuments.

(h)(1) Any special use permit for a surface access road for bulk sampling of the mineral deposit at Quartz Hill in the Tongass National Forest shall be issued in accordance with this subsection.

(2) The Secretary of Agriculture, in consultation with the Secretaries of Commerce and the Interior and the State of Alaska, shall prepare a document which analyzes mine development, concepts prepared by United States Borax and Chemical Corporation on the proposed development of a molybdenum mine in the Quartz Hill area of the Tongass National Forest. The draft of such document shall be completed within six months after the date of enactment of this Act and be made available for public comment. The analysis shall be completed within nine months after the date of enactment and the results made available to the public. This analysis shall include detailed discussions of but not necessarily be limited to--

(A) the concepts which are under consideration for mine development;

(B) the general foreseeable potential environmental impacts of each mine development concept and the studies which are likely to be needed to evaluate and otherwise address those impacts; and

(C) the likely surface access needs and routes for each mine development concept.

(3) The Secretary shall prepare an environmental impact statement (EIS) under the National Environmental Policy Act of 1969 which covers an access road for bulk sampling purposes and the bulk sampling phase proposed by United States Borax and Chemical Corporation in the Quartz Hill area. A draft of such EIS shall be completed within twelve months after the date of enactment of this Act. This EIS shall incorporate all relevant data and other information included in the EIS previously prepared by the Secretary on access to the Quartz Hill area. Such EIS shall also include but not necessarily be limited to--

(A) an evaluation of alternative surface access routes which may minimize the overall impact on fisheries of both access for bulk sampling and mine development access;

(B) an evaluation of the impacts of the alternatives on fish wildlife, and their habitats, and measures which may be instituted to avoid or minimize negative impacts and to enhance positive impacts;

(C) an evaluation of the extent to which the alternatives can be used for, and the likelihood of each alternative being used as a mine development road, including the impacts of widening a road, realignments and other design and placement options; and

(D) plans to evaluate the water quality and water quantity fishery habitat, and other fishery values of the affected area, and to evaluate, to the maximum extent feasible and relevant, the sensitivity to environmental degradation from activities carried out under a plan of operations of the fishery habitat as it affects the various life stages of anadromous fish and other food fish and their major food chain components.

(4)(A) Within four months after the publication of the final environmental impact statement required in subsection (h)(3), the Secretary shall complete any administrative review of a decision on the proposal covered by the EIS and shall issue to the applicant a special use permit for a surface access road for bulk sampling unless he shall determine that construction or use of such a road would cause an unreasonable risk of significant irreparable damage to the habitats of viable populations of fish management indicator species and the continued productivity of such habitats. If the applicant should seek judicial review of any denial of the permit for a surface access road the burden of proof on the issue of denying the permit shall be on the Secretary.

(B) The Secretary shall not issue a special use permit until after he has determined that the full field season of work for gathering base line data during 1981 has ended.

(5) It is the intent of Congress that any judicial review of any administrative action pursuant to this section, including compliance with the National Environmental Policy Act of 1969, shall be expedited to the maximum extent possible. Any proceeding before a Federal court in which an administrative action pursuant to this section, including compliance with the National Environmental Policy Act of 1969, is challenged shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way by such court, and such court shall render its final decision relative to any challenge within one hundred and twenty days after the date the response to such challenge is filed unless such court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(6) Upon application of the United States Borax and Chemical Corporation or its successors in interest, the Secretary shall permit the use by such applicant of such limited areas within the Misty Fjords National Monument Wilderness as the Secretary determines to be necessary for activities, including but not limited to the installation, maintenance, and use of navigation aids, docking facilities, and staging and transfer facilities, associated with the development of the mineral deposit at Quartz Hill. Such activities shall not include mineral extraction, milling, or processing. Such activities shall be subject to reasonable regulations issued by the Secretary to protect the values of the monument wilderness.

(7) Within the Misty Fjords National Monument Wilderness the Secretary of Agriculture shall, to the extent he finds necessary, allow salvage, cleanup, or other activity related to the development of the mineral deposit at Quartz Hill, including activities necessary due to emergency conditions.

(8) Designation by §703 of this Act of the Misty Fjords National Monument Wilderness shall not be deemed to enlarge diminish, add, or waive any substantive or procedural requirements otherwise applicable to the use of offshore waters adjacent to the Monument Wilderness for activities related to the development of the mineral deposit at Quartz Hill, including, but not

limited to, navigation, access, and the disposal of mine tailings produced in connection with such development.

(i)(1) With respect to the mineral deposits at Quartz Hill and Greens Creek in the Tongass National Forest, the holders of valid mining claims under subsection (f)(2)(B) shall be entitled to a lease (and necessary associated permits) on lands under the Secretary's Jurisdiction (including lands within any conservation system unit) at fair market value for use for mining or milling purposes in connection with the milling of minerals from such claims situated within the Monuments only if the Secretary determines--

(A) that milling activities necessary to develop such claims cannot be feasibly carried out on such claims or on other land owned by such holder;

(B) that the use of the site to be leased will not cause irreparable harm to the Misty Fjords or the Admiralty Island National Monument; and

(C) that the use of such leased area for such purposes will cause less environmental harm than the use of any other reasonably available location. With respect to any lease issued under this subsection, the Secretary shall limit the size of the area covered by such lease to an area he determines to be adequate to carry out the milling process for the mineral bearing material on such claims.

(2) A lease under this subsection shall be subject to such reasonable terms and conditions as the Secretary deems necessary.

(3) A lease under this subsection shall terminate--

(A) at such time as the mineral deposit is exhausted; or

(B) upon failure of the lessee to use the leased site for two consecutive years unless such nonuse is waived annually by the Secretary.

(j) SPECIAL USE PERMITS AND FACILITIES.--The Special Use Permit for Thayer Lake Lodge shall be renewed as necessary for the longest of either--

(1) fifteen years after the date of enactment of this Act, or

(2) the lifetime of the permittee, as designated in such permit as of January 1, 1979, or the surviving spouse or child of such permittee, whoever lives longer, so long as the management of the lodge remains consistent with the purposes of the Admiralty Island National Monument.

**Text of 36 CFR 228.80**

**Operations within Misty Fjords and Admiralty Island National Monuments, Alaska**

**§ 228.80 Operations within Misty Fjords and Admiralty Island National Monuments, Alaska.**

(a) Mineral activities on valid mining claims in the Misty Fjords and Admiralty Island National Monuments must be conducted in accordance with regulations in subpart A of this part and with the provisions of this section.

(b) Prior to approving a plan of operations, the authorized officer must consider:

(1) The resources of ecological, cultural, geological, historical, prehistorical, and scientific interest likely to be affected by the proposed operations, including access; and

(2) The potential adverse impacts on the identified resource values resulting from the proposed operations.

(c) A plan of operations will be approved if, in the judgment of the authorized officer, proposed operations are compatible, to the maximum extent feasible, with the protection of the resource values identified pursuant to paragraph (b)(1) of this section.

(1) The authorized officer will deem operations to be compatible if the plan of operations includes all feasible measures which are necessary to prevent or minimize potential adverse impacts on the resource values identified pursuant to paragraph (b)(1) of this section and if the operations are conducted in accordance with the plan.

(2) In evaluating the feasibility of mitigating measures, the authorized officer shall, at a minimum, consider the following:

(i) The effectiveness and practicality of measures utilizing the best available technology for preventing or minimizing adverse impacts on the resource values identified pursuant to paragraph (b)(1) of this section; and

(ii) The long- and short-term costs to the operator of utilizing such measures and the effect of these costs on the long- and short-term economic viability of the operations.

(3) The authorized officer shall not require implementation of mitigating measures which would prevent the evaluation or development of any valid claim for which operations are proposed.

(d) In accordance with the procedures described in subpart A and paragraphs (c)(1) through (c)(3) of this section, the authorized officer may approve modifications of an existing plan of operations:

(1) If, in the judgment of the authorized officer, environmental impacts unforeseen at the time of approval of the existing plan may result in the incompatibility of the operations with the protection of the resource values identified pursuant to paragraph (b)(1) of this section; or

(2) Upon request by the operator to use alternative technology and equipment capable of achieving a level of environmental protection equivalent to that to be achieved under the existing plan of operations.

[51 FR 20827, June 9, 1986]

**Selected Principles of Statutory Interpretation Summarized in**  
***Statutory Interpretation: General Principles and Recent Trends***  
**Congressional Research Service (CRS) Report for Congress 97-589**  
**December 19, 2011**

**Holistic Interpretation** (See CRS Report 97-589 at 3-4)

Statutory construction... is a holistic endeavor. A provision that may seem ambiguous in isolation is often clarified by the remainder of the statutory scheme—because the same terminology is used elsewhere in a context that makes its meaning clear, or because only one of the permissible meanings produces a substantive effect that is compatible with the rest of the law. (*United Savings Ass’n v. Timbers of Inwood Forest Associates*, 484 U.S. 365, 371 (1988) (citations omitted).

**Cannot Disregard Congressional Intent** (See CRS Report 97-589 at 5)

A canon of construction should not be followed “when application would be tantamount to a formalistic disregard of congressional intent.” (*Rice v. Rehner*, 463 U.S. 713, 732 (1983)).

**Cannot Render any Statutory Language Superfluous** (See CRS Report 97-589 at 13)

Courts should “give effect, if possible, to every clause and word of a statute, avoiding, if it may be, any construction which implies that the legislature was ignorant of the meaning of the language is employed.” (*Montclair v. Ramsdell*, 107 U.S. 147, 152 (1883)). In addition, “A statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant....” (*Hibbs v. Winn*, 542 U.S. 88, 101 (2004)).

**Congressional Silence** (See CRS Report 97-589 at 17)

Congressional silence on an issue must be interpreted in context:

In some cases, Congress intends silence to rule out a particular statutory application, while in others Congress’ silence signifies merely an expectation that nothing more need be said in order to effectuate the relevant legislative objective. In still other instances, silence may reflect the fact that Congress has not considered an issue at all. An inference drawn from congressional silence certainly cannot be credited when it is contrary to all other textual and contextual evidence of congressional intent. (*Burns v. United States*, 501 U.S. 129, 136 (1991)).

**De Minimis Principle** (See CRS Report 97-589 at 18)

Small deviations from a prescribed standard may be acceptable:

The venerable *maxim de minimis non curat lex* (‘the law cares not for trifles’) is part of the established background of legal principles against which all enactments are adopted, and which all enactments (absent contrary indication) are deemed to accept.... Whether a particular activity is a *de minimis* deviation from a prescribed standard must... be determined

with reference to the purpose of the standard. (*Abbott Laboratories v. Portland Retail Druggists*, 425 U.S. 1, 18 (1976).

**Plain Meaning Must be Rejected if it Would Produce an Absurd Result** (See CRS Report 97-589 at 42)

While the “plain meaning rule” holds that courts should confine their role to enforcing any provision of law whose language is plain, the one recognized exception is that a plain meaning is rejected if it would produce an “odd” or “absurd result:”

Where the literal reading of a statutory term would compel “an odd result,” ... we must search for other evidence of congressional intent to lend the term its proper scope. (*Public Citizen v. Department of Justice*, 491 U.S. 440, 454 (1989).

The meaning of terms on the statute books ought to be determined, not on the basis of which meaning can be shown to have been understood by a larger handful of the Members of Congress; but rather on the basis of which meaning is (1) most in accord with context and ordinary usage, and thus most likely to have been understood by the *whole* Congress which voted on the words of the statute (not to mention the citizens subject to it), and (2) most compatible with the surrounding body of law into which the provision must be integrated.” (Justice Scalia, concurring in *Green v. Bock Laundry Machine Co.*, 490 U.S. 504 at 527, 528 (1989), agreeing that consulting legislative history is appropriate to determine whether what appeared to be an absurd meaning of a key statutory term was considered and intended).

**Explanation of Section 503 of ANILCA  
Provided by the Senate Energy Committee in  
Senate Report 96-413, Pages 209-211 (See Note)**

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 [the] maximum extent feasible with the purposes of the monument. (Page 209)

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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. (Pages 209-210)

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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. (Page 210)

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The committee provided a specific entitlement to a lease and necessary associated permits for the holder of claims at Quartz Hill.... 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 tailings 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 processes within the Department of Agriculture. (Page 211)

**Note:** This language describes Section 505 of H.R. 39 as reported by the Senate Committee on Energy and Natural Resources. Section 505 established the Misty Fjords National Monument and included the specific provisions referenced above. On the Senate floor, an amendment in the nature of a substitute offered by Senator Tsongas, commonly known as the “Tsongas Substitute,” was adopted. That amendment included the text of the committee version of Section 505 of H.R. 39 as Section 503, with additional language to establish the Admiralty Island National Monument and to apply the “specific provisions” to both monuments.

**Text of Proclamation 4611 – December 1, 1978  
93 Stat. 1446**

**Admiralty Island National Monument**

*By the President of the United States of America*

**A Proclamation**

Admiralty Island is outstanding for its superlative combination of scientific and historic objects. Admiralty Island contains unique resources of scientific interest which need protection to assure continued opportunities for study.

Admiralty Island has been continuously inhabited by Tlingit Indians for approximately 10,000 years. Archeological sites and objects are plentiful in the areas of Angoon, Chaik Bay, Whitewater Bay and other bays and inlets on the island. These resources provide historical documentation of continuing value for study. The continued presence of these natives on the island adds to the scientific and historical value of the area.

The cultural history of the Tlingit Indians is rich in ceremony and creative arts and complex in its social, legal and political systems. Admiralty provides a unique combination of archeological and historical resources in a relatively unspoiled natural ecosystem that enhances their value for scientific study.

Subsequent to exploration and mapping by Captain George Vancouver at the end of the 18th century, Russian fur traders, Yankee whalers, and miners and prospectors have left objects and sites on Admiralty which provide valuable historical documentation of white settlement and exploitation of the island and its resources. Admiralty Island is rich in historic structures and sites, including whaling stations, canneries, old mining structures and old village sites, for example, Killisnoo Village where a whaling and herring saltery station were established in 1880.

Unusual aspects of the island ecology include its exceptional distribution of animal species, including dense populations of brown bears and eagles, but excluding entirely—because of the island's separation from the mainland—a large number of species indigenous to the general area. This peculiar distribution enhances the island's value for scientific study.

The unique island ecology includes the highest known density of nesting bald eagles (more than are found in all the other States combined); large numbers of Alaska brown bear; and the largest unspoiled coastal island ecosystem in North America. Admiralty Island was added to the Tongass National Forest in 1909, and specific portions of the island have been designated as bear and eagle management areas and numerous scientific studies of the bear and eagle habitat have been conducted by scientists from around the world. The island is an outdoor living laboratory for the study of the bald eagle and Alaska brown bear.

Protection of the entire island, exclusive of the Mansfield Peninsula, is necessary to preserve intact the unique scientific and historic objects and sites located there. Designation of a smaller area would not serve the scientific purpose of preserving intact this unique coastal island ecosystem.

Hunting and fishing shall continue to be regulated, permitted and controlled in accord with the statutory authorities applicable to the Monument area.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States to be National Monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906, (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Admiralty Island National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area described on the document entitled "Admiralty Island National Monument (Copper River Meridian)", attached to and forming a part of this Proclamation.<sup>1</sup> The area reserved consists of approximately 1,100,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the Monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this Monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this Monument and for the proper administration of the Monument in accordance with applicable laws.

The establishment of this Monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616 (d)(1)); however, the National Monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of

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<sup>1</sup> The description of the boundaries and map are printed in the Federal Register of December 5, 1978 (43 FR 57011).

Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

**Text of Proclamation 4623 – December 1, 1978**  
**93 Stat. 1466**

**Misty Fiords National Monument**

*By the President of the United States of America*

**A Proclamation**

Misty Fiords is an unspoiled coastal ecosystem containing significant scientific and historical features unique in North America. It is an essentially untouched two million-acre area in the Coast Mountains of Southeast Alaska within which are found nearly all of the important geological and ecological characteristics of the region, including the complete range of coastal to interior climates and ecosystems in a remarkably compact area.

Among the objects of geologic importance are extraordinarily deep and long fiords with sea cliffs rising thousands of feet. Active glaciers along the Canadian border are remnants of the massive ice bodies that covered the region as recently as about 10,000 years ago, at the end of the Pleistocene epoch. However, there have been periodic glacial advances and retreats in more recent historic periods. Some of the area has been free from glaciation for only a short period of time, creating the unusual scientific phenomenon of recent plant succession on newly-exposed land with the accompanying animal species. The Behm Canal, the major inlet at the heart of the area, is more than fifty miles long and extraordinary among natural canals for its length and depth.

The watershed of the Unuk River, which comprises the northern portion of the Misty Fiords area, has its headwaters in Canada. It is steeply mountainous and glaciated and contains the full range of ecosystems and climates from interior to coastal. Mineral springs and lava flows add to the uniqueness of the area and its value for scientific investigation. South of the Unuk, the Chickamin River System and the Le Duc River originate in active glaciers and terminate in Behm Canal. Further south, Rudyard Bay Fiords and Walker Cove are surrounded by high, cold lakes and mountains extending eastward to Canada.

First inhabitants of Misty Fiords may have settled in the area as long ago as 10,000 years. The area contains cultural sites and objects of historical significance, including traditional native hunting and fishing grounds. Later historical evidence includes a mid-1800's military post-port entry on Tongass Island and a salmon cannery in Behm Canal established in the late 1800's.

Misty Fiords is unique in that the area includes wildlife representative of nearly every ecosystem in Southeast Alaska, most notably bald eagles, brown and black bears, moose, wolves, mountain goats and Sitka black-tailed deer. Numerous other bird species nest and feed in the area, notably falcons and waterfowl. Misty Fiords is a major producer of all five species of Pacific salmon and is especially important for king salmon. Numerous other saltwater,

freshwater and anadromous fish species and shellfish are plentiful in this area, which is an extraordinarily fertile interface of marine and freshwater environments. Unusual plantlife includes Pacific silver and subalpine fir trees near the northern limit of their range. The area includes an unusual variety of virgin forests, ranging from coastal spruce-hemlock to alpine forests.

As an intact coastal ecosystem, Misty Fiords possesses a collective array of objects of outstanding value for continuing scientific study. The boundaries of the area follow watershed perimeters and include the smallest area compatible with protection of this unique ecosystem and the remarkable geologic and biological objects and features it contains.

Hunting and fishing shall continue to be regulated, permitted and controlled in accord with the statutory authorities applicable to the monument area.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, at his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States to be National Monuments, and to reserve as part thereof parcels of lands, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906, (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Misty Fiords National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area described on the document entitled "Misty Fiords National Monument (Copper River Meridian)", attached to and forming a part of this Proclamation.<sup>2</sup> The area reserved consists of approximately 2,285,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the Monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this Monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this Monument and for the proper administration of the Monument in accordance with applicable laws.

The establishment of this Monument is subject to valid existing rights, including, but not limited to, valid selection under the Alaska Native Claims Settlement Act, as amended (43

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<sup>2</sup> The description of the boundaries and map are printed in the Federal Register of December 5, 1978 (43 FR 57089).

U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (43 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17 (d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616 (d)(1)); however, the National Monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER