

Calendar No. 448

107TH CONGRESS
2D SESSION**S. 1325****[Report No. 107–180]**

To ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 26, 2002

Reported by Mr. BINGAMAN, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 Congress finds that:

3 (1) Adak Island is an isolated island located
4 1,200 miles southwest of Anchorage, Alaska, be-
5 tween the Pacific Ocean and the Bering Sea. The Is-
6 land, with its unique physical and biological fea-
7 tures, including a deep water harbor and abundant
8 marine-associated wildlife, was recognized early for
9 both its natural and military values. In 1913, Adak
10 Island was reserved and set aside as a Preserve be-
11 cause of its value to seabirds, marine mammals, and
12 fisheries. Withdrawals of portions of Adak Island for
13 various military purposes date back to 1901 and cul-
14 minated in the 1959 withdrawal of approximately
15 half of the Island for use by the Department of the
16 Navy for military purposes.

17 (2) By 1990, military development on Adak Is-
18 land supported a community of 6,000 residents.
19 Outside of the Adak Naval Complex, there was no
20 independent community on Adak Island.

21 (3) As a result of the Defense Base Closure and
22 Realignment Act of 1990 (104 Stat. 1808), as
23 amended, the Adak Naval Complex has been closed
24 by the Department of Defense.

25 (4) The Aleut Corporation is an Alaskan Native
26 Regional Corporation incorporated in the State of

1 Alaska pursuant to the Alaska Native Claims Settle-
2 ment Act (ANCSA), as amended (43 U.S.C. 1601,
3 et seq.). The Aleut Corporation represents the indig-
4 enous people of the Aleutian Islands who prior to
5 the Russian exploration and settlement of the Aleu-
6 tian Islands were found throughout the Aleutian Is-
7 lands which includes Adak Island.

8 (5) None of Adak Island was available for selec-
9 tion by The Aleut Corporation under section
10 14(h)(8) of ANCSA (43 U.S.C. 1613(h)(8)) because
11 it was part of a National Wildlife Refuge and be-
12 cause the portion comprising the Adak Naval Com-
13 plex was withdrawn for use by the United States
14 Navy for military purposes prior to the passage of
15 ANCSA in December 1971.

16 (6) The Aleut Corporation is attempting to es-
17 tablish a community on Adak and has offered to ex-
18 change ANCSA land selections and entitlements for
19 conveyance of certain lands and interests therein on
20 a portion of Adak formerly occupied by the Navy.

21 (7) Removal of a portion of the Adak Island
22 land from refuge status will be offset by the acqui-
23 sition of high quality wildlife habitat in other Aleut
24 Corporation selections within the Alaska Maritime
25 National Wildlife Refuge, maintaining a resident

1 human population on Adak to control caribou, and
2 making possible a continued U.S. Fish and Wildlife
3 Service presence in that remote location to protect
4 the natural resources of the Aleutian Islands Unit of
5 the Alaska Maritime National Wildlife Refuge.

6 (8) It is in the public interest to promote reuse
7 of the Adak Island lands by exchanging certain
8 lands for lands selected by The Aleut Corporation
9 elsewhere in the Alaska Maritime National Wildlife
10 Refuge. Experience with environmental problems as-
11 sociated with formerly used defense sites in the
12 State of Alaska suggests that the most effective and
13 efficient way to avoid future environmental problems
14 on Adak is to support and encourage active reuse of
15 Adak.

16 **SEC. 2. RATIFICATION OF AGREEMENT.**

17 The document entitled the “Agreement Concerning
18 the Conveyance of Property at the Adak Naval Complex”
19 (hereinafter “the Agreement”), and dated September 20,
20 2000, executed by The Aleut Corporation, the Department
21 of the Interior and the Department of the Navy, together
22 with any technical amendments or modifications to the
23 boundaries that may be agreed to by the parties is hereby
24 ratified, confirmed, and approved and the terms, condi-
25 tions, procedures, covenants, reservations, indemnities and

1 other provisions set forth in the Agreement are declared
2 to be obligations and commitments of the United States
3 and The Aleut Corporation: *Provided*, That modifications
4 to the maps and legal descriptions of lands to be removed
5 from the National Wildlife Refuge System within the mili-
6 tary withdrawal on Adak Island set forth in Public Land
7 Order 1949 may be made only upon agreement of all Par-
8 ties to the Agreement and notification given to the Com-
9 mittee on Resources of the United States House of Rep-
10 resentatives and the Committee on Energy and Natural
11 Resources of the United States Senate: *Provided further*,
12 That the acreage conveyed to the United States by The
13 Aleut Corporation under the Agreement, as modified, shall
14 be at least 36,000 acres.

15 **SEC. 3. REMOVAL OF LANDS FROM REFUGE.**

16 Effective on the date of conveyance to the Aleut Cor-
17 poration of the Adak Exchange Lands as described in the
18 Agreement, all such lands shall be removed from the Na-
19 tional Wildlife Refuge System and shall neither be consid-
20 ered as part of the Alaska Maritime National Wildlife Ref-
21 uge nor be subject to any laws pertaining to lands within
22 the boundaries of the Alaska Maritime National Wildlife
23 Refuge, including the conveyance restrictions imposed by
24 section 22(g) of the ANCSA, 43 U.S.C. 1621(g), for land
25 in the National Wildlife Refuge System. The Secretary

1 shall adjust the boundaries of the Refuge so as to exclude
2 all interests in lands and land rights, surface and sub-
3 surface, received by The Aleut Corporation in accordance
4 with this Act and the Agreement.

5 **SEC. 4. ALASKA NATIVE CLAIMS SETTLEMENT ACT.**

6 Lands and interests therein exchanged and conveyed
7 by the United States pursuant to this Act shall be consid-
8 ered and treated as conveyances of lands or interests
9 therein under the Alaska Native Claims Settlement Act,
10 except that receipt of such lands and interests therein
11 shall not constitute a sale or disposition of land or inter-
12 ests received pursuant to such Act. The public easements
13 for access to public lands and waters reserved pursuant
14 to the Agreement are deemed to satisfy the requirements
15 and purposes of Section 17(b) of the Alaska Native Claims
16 Settlement Act.

17 **SEC. 5. REACQUISITION OF LANDS.**

18 The Secretary of the Interior is authorized to acquire
19 by purchase or exchange, on a willing seller basis only,
20 any land conveyed to The Aleut Corporation under the
21 Agreement and this Act. In the event any of the lands
22 are subsequently acquired by the United States, they shall
23 be automatically included in the Refuge System. The laws
24 and regulations applicable to Refuge lands shall then

1 apply to these lands and the Secretary shall then adjust
2 the boundaries accordingly.

3 **SEC. 6. GENERAL.**

4 (a) ~~Notwithstanding any other provision of law,~~
5 *Notwithstanding the Federal Property and Administrative*
6 *Services Act of 1949, as amended (40 U.S.C. 483–484) and*
7 *the Defense Base Closure and Realignment Act of 1990, as*
8 *amended (10 U.S.C. 2687),* and for the purposes of the
9 transfer of property authorized by this Act, Department
10 of Navy personal property that remains on Adak Island
11 is deemed related to the real property and shall be con-
12 veyed by the Department of the Navy to The Aleut Cor-
13 poration at no additional cost when the related real prop-
14 erty is conveyed by the Department of the Interior.

15 (b) The Secretary of the Interior shall convey to the
16 Aleut Corporation those lands identified in the Agreement
17 as the former landfill sites without charge to the Aleut
18 Corporation's entitlement under the Alaska Native Claims
19 Settlement Act.

20 (c) Any property, including, but not limited to, appur-
21 tenances and improvements, received pursuant to this Act
22 shall, for purposes of section 21(d) of the Alaska Native
23 Claims Settlement Act, as amended, and section 907(d)
24 of the Alaska National Interest Lands Conservation Act,
25 as amended, be treated as not developed until such prop-

erty is actually occupied, leased (other than leases for nominal consideration to public entities) or sold by The Aleut Corporation, or, in the case of a lease or other transfer by The Aleut Corporation to a wholly owned development subsidiary, actually occupied, leased, or sold by the subsidiary.

(d) Upon conveyance to The Aleut Corporation of the lands described in Appendix A of the Agreement, the lands described in Appendix C of the Agreement will become unavailable for selection under ANCSA.

(e) The maps included as part of Appendix A to the Agreement depict the lands to be conveyed to The Aleut Corporation. The maps shall be left on file at the Region 7 Office of the U.S. Fish and Wildlife Service and the offices of Alaska Maritime National Wildlife Refuge in Homer, Alaska. The written legal descriptions of the lands to be conveyed to The Aleut Corporation are also part of Appendix A. In case of any discrepancies, the maps shall be controlling.

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