

Calendar No. 176

105TH CONGRESS  
1ST Session

**S. 1015**

**A BILL**

To provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

SEPTEMBER 24, 1997  
Reported with an amendment

## Calendar No. 176

105TH CONGRESS  
1ST SESSION**S. 1015**

To provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

JULY 14, 1997

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

SEPTEMBER 24, 1997

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

---

**A BILL**

To provide for the exchange of lands within Admiralty Island National Monument, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “~~Hood Bay Land Ex-~~  
5       change Act of 1997”.

6       **SEC. 2. FINDINGS.**

7       The Congress makes the following findings:

1           (1) The Alaska National Interest Lands Con-  
2           servation Act established the Admiralty Island Na-  
3           tional Monument which is managed by the United  
4           States Forest Service.

5           (2) The Forest Service has established a policy  
6           of encouraging the acquisition of private land  
7           inholdings within Admiralty Island National Monu-  
8           ment on a willing buyer/willing seller basis. Congress  
9           has supported this policy, for example by passage of  
10          the Greens Creek Land Exchange Act of 1996 which  
11          provided for a land exchange of certain public and  
12          private lands in Admiralty Island National Monu-  
13          ment.

14          (3) Hood Bay, which is located on Admiralty  
15          Island, is available for transfer to Federal ownership  
16          on a willing seller/willing buyer basis. The acquisi-  
17          tion of Hood Bay would provide Federal ownership  
18          of this very valuable land in a critical area of Admi-  
19          ralty Island National Monument.

20          (4) Transfer of the Federal Government's re-  
21          versionary interest in land in Silver Bay near Sitka,  
22          Alaska, to Alaska Pulp Corporation will facilitate  
23          transfer of a portion of that land by Alaska Pulp  
24          Corporation to Sitka, Alaska.

1 **SEC. 3. DEFINITIONS.**

2 As used in this Act—

3 (1) the term “ANILCA” means the Alaska Na-  
4 tional Interest Lands Conservation Act (16 U.S.C.  
5 3101 et seq.);

6 (2) the term “Company” means the Alaska  
7 Pulp Corporation, an Alaska corporation;

8 (3) the term “Company Property” means the  
9 property depicted on the map entitled “Hood Bay  
10 Exchange Lands”, dated May , 1997, consisting  
11 of approximately 50 acres of land.

12 (4) the term “Federal Property” means the re-  
13 versionary interest of the United States described in  
14 paragraphs (6) and (7) of the patent dated October  
15 18, 1960, granted by the Bureau of Land Manage-  
16 ment to Alaska Lumber & Pulp Co., which was re-  
17 corded at Book 15, Pages 271–23, Sitka Recording  
18 District on November 9, 1960;

19 (5) the term “Monument” means the Admiralty  
20 Island National Monument, which is managed as a  
21 unit of the United States Forest System and was es-  
22 tablished by section 503 of ANILCA;

23 (6) the term “Secretary” means the Secretary  
24 of Agriculture;

1           (7) the term “Sitka” means the city and bor-  
 2           ough of Sitka, Alaska, a home-rule borough formed  
 3           in accordance with the laws of the State of Alaska.

4           (8) the term “Sitka Property” means the prop-  
 5           erty depicted on the map entitled “Sitka Lands”,  
 6           dated May       , 1997, consisting of approximately  
 7           acres of land.

8   **SEC. 4. LAND EXCHANGE AND TRANSFER.**

9           (a) EXCHANGE OF COMPANY AND FEDERAL PROP-  
 10          PERTY.—Not later than 60 days after the Company trans-  
 11          fers all right, title, and interest of the Company in and  
 12          to the Company Property to the United States, the Sec-  
 13          retary shall transfer to the Company all right, title, and  
 14          interest of the United States in and to the Federal Prop-  
 15          erty.

16          (b) TRANSFER OF PROPERTY TO SITKA.—Upon  
 17          transfer of the Federal Property to the Company under  
 18          subsection (a), the Company shall transfer all right, title,  
 19          and interest of the Company in the Sitka Property to  
 20          Sitka.

21          (c) AVAILABILITY OF MAPS.—The map referred to  
 22          in section 3(3) depicting the Company Property and the  
 23          map referred to in section 3(8) depicting the Sitka Prop-  
 24          erty shall be on file and available for public inspection in

1 the office of the Supervisor of the Chatham Area, Tongass  
2 National Forest in Sitka, Alaska.

3 **SEC. 5. PROCESSING OF AND TERMS AND CONDITIONS RE-**  
4 **LATING TO LAND EXCHANGE.**

5 (a) SURVEYS.—Notwithstanding any other provision  
6 of law, the Secretary may conduct and approve all cadas-  
7 tral surveys that are necessary for completion of the ex-  
8 change.

9 (b) WAIVER OF ADDITIONAL CONSIDERATION.—The  
10 values of the Federal Property and the Company Property  
11 are not deemed to be of equal value. The value of the Com-  
12 pany Property is deemed to exceed the value of the Fed-  
13 eral Property. As a condition of this exchange, the Com-  
14 pany shall waive any additional consideration not provided  
15 in this Act.

16 (c) ADMINISTRATION.—The Secretary is authorized  
17 to implement and administer the rights and obligations  
18 of the United States under the Agreement.

19 (d) SAVINGS PROVISIONS.—Implementation of this  
20 Act shall not be deemed a major Federal action signifi-  
21 cantly affecting the quality of the human environment, nor  
22 shall implementation require further consideration pursu-  
23 ant to the National Historic Preservation Act, title VIII  
24 of ANILCA, or any other law.

1 **SEC. 6. ADMINISTRATION OF LAND ACQUIRED BY THE**  
 2 **UNITED STATES.**

3 After transfer to the United States pursuant to sec-  
 4 tion 4(a)—

5 (1) the Company Property shall be added to  
 6 and administered as part of the Admiralty Island  
 7 National Monument; and

8 (2) the portions of the Company Property lo-  
 9 cated within the Admiralty Island Wilderness area  
 10 shall be added to and administered as part of such  
 11 wilderness area.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Hood Bay Land Ex-*  
 14 *change Act of 1997”.*

15 **SEC. 2. FINDINGS.**

16 *The Congress makes the following findings:*

17 (1) *The Alaska National Interest Lands Con-*  
 18 *servation Act established the Admiralty Island Na-*  
 19 *tional Monument which is managed by the Secretary*  
 20 *of Agriculture, by and through the Forest Service.*

21 (2) *The Forest Service has established a policy of*  
 22 *encouraging the acquisition of private land*  
 23 *inholdings within Admiralty Island National Monu-*  
 24 *ment on a willing buyer/willing seller basis. Congress*  
 25 *has supported this policy, for example by passage of*  
 26 *the Greens Creek Land Exchange Act of 1996 which*

1       *provided for a land exchange of certain public and*  
2       *private lands in Admiralty Island National Monu-*  
3       *ment.*

4               *(3) Lands owned by Alaska Pulp Corporation,*  
5       *consisting of 54 acres, more or less, located in Hood*  
6       *Bay on Admiralty Island within the boundaries of*  
7       *the Kootznoowoo Wilderness are available for transfer*  
8       *to Federal ownership on a willing seller/willing buyer*  
9       *basis. The acquisition of these lands would provide*  
10       *Federal ownership of this very valuable land in a*  
11       *critical area of Admiralty Island National Monu-*  
12       *ment.*

13               *(4) The United States is the owner of certain re-*  
14       *versionary interests of 143.87 acres, more or less, lo-*  
15       *cated adjacent to Silver Bay near Sitka, Alaska,*  
16       *which interests were reserved in patent No. 1213671*  
17       *issued to Alaska Pulp Corporation on October 18,*  
18       *1960. The transfer of the reversionary interests of the*  
19       *United States in such lands adjacent to Silver Bay*  
20       *to the Alaska Pulp Corporation would facilitate fu-*  
21       *ture use and development of that land.*

22               *(5) The future acquisition by the United States*  
23       *of the Chaik Bay property on Admiralty Island to be*  
24       *incorporated into the Kootznoowoo Wilderness would*  
25       *be in the public interest.*



1 **SEC. 3. DEFINITIONS.**

2 *As used in this Act:*

3 (1) *The term “ANILCA” means the Alaska Na-*  
4 *tional Interest Lands Conservation Act (16 U.S.C.*  
5 *3101 et seq.).*

6 (2) *The term “Company” means the Alaska Pulp*  
7 *Corporation, an Alaska corporation, its successors,*  
8 *and assigns.*

9 (3) *The term “Company Property” means the*  
10 *property depicted on United States Survey Plat 1058*  
11 *approved March 20, 1917, consisting of approxi-*  
12 *mately 54 acres of land.*

13 (4) *The term “Federal Property” means the revi-*  
14 *sionary interest of the United States described in*  
15 *paragraphs (6) and (7) of the patent dated October*  
16 *18, 1960, granted by the Bureau of Land Manage-*  
17 *ment to Alaska Lumber & Pulp Co., which was re-*  
18 *corded at Book 15, Pages 271–273, Sitka Recording*  
19 *District on November 9, 1960. The term “Federal*  
20 *Property” does not include the interests described in*  
21 *paragraphs (1) through (5) of the said patent.*

22 (5) *The term “Monument” means the Admiralty*  
23 *Island National Monument, which was established by*  
24 *section 503 of ANILCA and which is managed by the*  
25 *Secretary of Agriculture as a unit of the National*  
26 *Forest System.*

1           (6) *The term “Secretary” means the Secretary of*  
 2     *Agriculture.*

3           (7) *The term “Sitka” means the city and bor-*  
 4     *ough of Sitka, Alaska, a home-rule borough formed in*  
 5     *accordance with the laws of the State of Alaska.*

6           (8) *The term “Sitka Property” means the prop-*  
 7     *erty depicted on the maps entitled “Sitka Property”,*  
 8     *dated August 29, 1997, consisting of approximately*  
 9     *49 acres of land.*

10   **SEC. 4. LAND EXCHANGE, TRANSFER, RELINQUISHMENT.**

11       (a) *EXCHANGE OF COMPANY AND FEDERAL PROP-*  
 12     *ERTY.—After the Company conveys to the United States,*  
 13     *by general warranty deed, all right, title, and interest of*  
 14     *the Company in and to the Company Property, the Sec-*  
 15     *retary shall within 60 days of acceptance of delivery of said*  
 16     *deed, unconditionally and without limitation except as pro-*  
 17     *vided herein, relinquish to the Company all right, title, and*  
 18     *interest of the United States in and to the Federal Property*  
 19     *and shall evidence that relinquishment by conveying to the*  
 20     *Company a quitclaim deed to the Federal Property.*

21       (b) *RELINQUISHMENT OF PROPERTY TO SITKA.—*  
 22     *Upon relinquishment of the Federal Property to the Com-*  
 23     *pany under subsection (a), the Company shall transfer all*  
 24     *right, title, and interest of the Company in the Sitka Prop-*  
 25     *erty to Sitka.*

1       (c) *AVAILABILITY OF MAPS.*—The maps referred to in  
 2   section 3(3), depicting the Company Property, and in sec-  
 3   tion 3(4), depicting the Federal Property, shall be on file  
 4   and available for public inspection in the Office of the For-  
 5   est Supervisor, Chatham Area, Tongass National Forest, in  
 6   Sitka, Alaska. The Maps referred to in section 3(8), depict-  
 7   ing the Sitka Property, shall be on file in the office of the  
 8   Manager of the City and Borough of Sitka until the convey-  
 9   ance described in subsection (b), at which time the map  
 10   shall be recorded along with the deed.

11   **SEC. 5. PROCESSING OF AND TERMS AND CONDITIONS RE-**  
 12       **LATING TO LAND EXCHANGE.**

13       (a) *SURVEYS.*—Notwithstanding any other provision  
 14   of law, the Secretary of the Interior may conduct and ap-  
 15   prove all cadastral surveys that are necessary for comple-  
 16   tion of the exchange. The cost of any surveys shall be borne  
 17   by the Company.

18       (b) *EQUAL VALUE EXCHANGE.*—The values of the Fed-  
 19   eral Property and the Company Property are deemed to  
 20   be of equal value.

21       (c) *ADMINISTRATION.*—The Secretary is directed to  
 22   implement and administer the rights and obligations of the  
 23   United States under this Act.

24       (d) *CLEANUP OBLIGATIONS.*—Nothing in this Act shall  
 25   impact or alter the Company's rights, duties, and obliga-

1 tions regarding investigation, remediation, cleanup, and  
 2 restoration under its September 10, 1995, Commitment  
 3 Agreement with the State of Alaska or other applicable law.  
 4 The Company shall use its property consistent with all re-  
 5 strictive covenants, including those restrictive covenants re-  
 6 corded on September 4, 1997.

7 (e) *TITLE STANDARDS.*—Title to the Company Prop-  
 8 erty to be conveyed to the United States shall be acceptable  
 9 to the Secretary consistent with the title review standard  
 10 of the Attorney General of the United States.

11 **SEC. 6. GENERAL PROVISIONS.**

12 (a) *MANAGEMENT OF COMPANY PROPERTY.*—Upon ac-  
 13 quisition of the Company Property by the United States  
 14 pursuant to this Act, said Property shall be managed as  
 15 a part of the Admiralty Island National Monument and  
 16 the Kootznoowoo Wilderness.

17 (b) *AUTHORIZATION TO NEGOTIATE FOR ACQUISITION*  
 18 *OF PROPERTY.*—In furtherance of the purposes of the  
 19 Kootznoowoo Wilderness, the Secretary, acting through the  
 20 Forest Service, is authorized to enter into negotiations with  
 21 the owners of private property in the Chaik Bay on Admi-  
 22 ralty Island, with the objective of acquiring such property.  
 23 The Secretary is authorized to enter into an option to pur-  
 24 chase or exchange agreement with the owners of such prop-  
 25 erty to be effected either through existing administrative

- 1 *mechanisms provided by law and regulation, or by subse-*
- 2 *quent ratification by Act of Congress.*