

Calendar No. 545

105TH CONGRESS
2D Session

S. 2109

[Report No. 105-306]

A BILL

To provide for an exchange of lands located near
Gustavus, Alaska, and for other purposes.

SEPTEMBER 8 (legislative day, AUGUST 31), 1998
Reported with an amendment

Calendar No. 545

105TH CONGRESS
2D SESSION**S. 2109****[Report No. 105–306]**

To provide for an exchange of lands located near Gustavus, Alaska, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 1998

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

SEPTEMBER 8 (legislative day, AUGUST 31), 1998

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 an exchange of lands located near Gustavus,
Alaska, 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 “Glacier Bay National
5 Park Boundary Adjustment Act of 1998”.

1 **SEC. 2. LAND EXCHANGE AND WILDERNESS DESIGNATION.**

2 (a) IN GENERAL.—(1) Subject to conditions set forth
3 in subsection (c), if the State of Alaska, in a manner con-
4 sistent with this Act, offers to transfer to the United
5 States the lands identified in paragraph (2) in exchange
6 for the lands identified in paragraph (3), selected from
7 the area described in section 3(b)(1), the Secretary of the
8 Interior (in this Act referred to as the “Secretary”) shall
9 complete such exchange no later than 6 months after the
10 issuance of a license to Gustavus Electric Company by the
11 Federal Energy Regulatory Commission (FERC), in ac-
12 cordance with this Act. This land exchange shall be sub-
13 ject to the laws applicable to exchanges involving lands
14 managed by the Secretary as part of the National Park
15 System in Alaska and the appropriate process for the ex-
16 change of State lands required by State law.

17 (2) The lands to be conveyed to the United States
18 by the State of Alaska shall be determined by mutual
19 agreement of the Secretary and the State of Alaska.
20 Lands which will be considered for conveyance to the
21 United States pursuant to the process required by State
22 law are: (1) lands owned by the State of Alaska in the
23 Long Lake area within Wrangell-St. Elias National Park
24 and Preserve; or (2) other lands owned by the State of
25 Alaska.

1 (3) If the Secretary and State of Alaska have not
 2 agreed on which lands the State of Alaska will convey by
 3 a date not later than six months after a license is issued
 4 pursuant to this Act, the State of Alaska shall convey
 5 (subject to the approval of the appropriate official of the
 6 State of Alaska), and the United States shall accept, with-
 7 in one year after a license is issued, title to land having
 8 a sufficiently equal value to satisfy State and Federal law,
 9 subject to clear title and valid existing rights, and absence
 10 of environmental contamination, and as provided by the
 11 laws applicable to exchanges involving lands managed by
 12 the Secretary as part of the National Park System in Alas-
 13 ka and the appropriate process for the exchange of State
 14 lands required by State law. Such land shall be conveyed
 15 to the United States from among the following State lands
 16 in the priority listed:

17 COPPER RIVER MERIDIAN

- 18 1. T. 6 S., R. 11 E., partially surveyed,
 19 Sec. 11, lots 1 and 2, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
 20 and N $\frac{1}{2}$ SE $\frac{1}{4}$,
 21 Sec. 12, NW $\frac{1}{4}$,
 22 Sec. 14, lots 1 and 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 23 Containing 838.66 acres, as shown on the plat of
 24 survey accepted June 9, 1922.
 25 2. T. 5 S., R. 11 E., partially surveyed,
 26 T. 6 S., R. 11 E., partially surveyed,

1 Sec. 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$,

2 Containing 200.00 acres, as shown on the plat of

3 survey accepted June 9, 1922,

4 3. T. 6 S., R. 12 E., partially surveyed,

5 Sec. 6, lots 1 through 10, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$

6 Containing approximately 529.94 acres, as shown on

7 the plat of survey accepted June 9, 1922.

8 (4) The lands to be conveyed to the State of Alaska

9 by the United States under paragraph (1) are lands to

10 be designated by the Secretary and the State of Alaska,

11 consistent with sound land management principles, based

12 on those lands determined by the FERC with the concu-

13 rence of the Secretary and the State of Alaska, in accord-

14 ance with section 3(b), to be the minimum amount of land

15 necessary for the construction and operation of a hydro-

16 electric project.

17 (5) The time periods set forth for the completion of

18 the land exchanged described in this Act may be extended

19 as necessary by the Secretary should the processes of

20 State law or Federal law delay completion of an exchange.

21 (6) For purposes of this Act, "land" means lands,

22 waters and interests therein.

23 (b) WILDERNESS.—(1) To ensure that this trans-

24 action maintains, within the National Wilderness Preser-

25 vation System, approximately the same amount of area of

1 designated wilderness as currently exists, the following
2 lands in Alaska shall be designated as wilderness in the
3 priority listed, upon consummation of the land exchange
4 authorized by this Act and shall be administered according
5 to the laws governing national wilderness areas in Alaska.

6 (A) An unnamed island in Glacier Bay National
7 Park lying southeasterly of Blue Mouse Cove in sec-
8 tions 5, 6, 7, and 8, T. 36 S., R. 54 E., CRM, and
9 shown on United States Geological Survey quad-
10 rangle Mt. Fairweather (D-2), Alaska, containing
11 approximately 789 acres.

12 (B) Cenotaph Island of Glacier Bay National
13 Park lying within Lituya Bay in sections 23, 24, 25,
14 and 26, T. 37 S., R. 47 E., CRM, and shown on
15 United States Geological Survey quadrangle Mt.
16 Fairweather (C-5), Alaska, containing approxi-
17 mately 280 acres.

18 (C) An area of Glacier Bay National Park lying
19 in T. 31 S., R. 43 E. and T. 32 S., R. 43 E., CRM,
20 that is not currently designated wilderness, contain-
21 ing approximately 2270 acres.

22 (2) The specific boundaries and acreage of these wil-
23 derness designations may be reasonably adjusted by the
24 Secretary, consistent with sound land management prin-
25 ciples, to approximately equal, in sum, the total wilderness

1 acreage deleted from Glacier Bay National Park and Pre-
2 serve pursuant to the land exchange authorized by this
3 Act.

4 (c) CONDITIONS.—Any exchange of lands under this
5 Act may occur only if—

6 (1) following the submission of an acceptable li-
7 cense application, the FERC has conducted eco-
8 nomic and environmental analyses under the Federal
9 Power Act (16 U.S.C. 791–828) (notwithstanding
10 provisions of that Act and the Federal regulations
11 that otherwise exempt this project from economic
12 analyses), the National Environmental Policy Act of
13 1969 (42 U.S.C. 4321–4370), and the Fish and
14 Wildlife Coordination Act (16 U.S.C. 661–666), that
15 conclude, with the concurrence of the Secretary of
16 the Interior with respect to (A) and (B) below, that
17 the construction and operation of a hydroelectric
18 power project on the lands described in section
19 3(b)—

20 (A) will not adversely impact the purposes
21 and values of Glacier Bay National Park and
22 Preserve (as constituted after the consumma-
23 tion of the land exchange authorized by this
24 section);

1 ~~(B)~~ will comply with the requirements of
 2 the National Historic Preservation Act (16
 3 U.S.C. 470—470w); and

4 ~~(C)~~ can be accomplished in an economically
 5 feasible manner;

6 ~~(2)~~ The FERC held at least one public meeting
 7 in Gustavus, Alaska, allowing the citizens of Gusta-
 8 vus to express their views on the proposed project;

9 ~~(3)~~ The FERC has determined, with the con-
 10 currence of the Secretary and the State of Alaska,
 11 the minimum amount of land necessary to construct
 12 and operate this hydroelectric power project;

13 ~~(4)~~ Gustavus Electric Company has been grant-
 14 ed a license by FERC that requires Gustavus Elec-
 15 tric Company to submit an acceptable financing plan
 16 to FERC before project construction may commence;
 17 and FERC has approved such plan.

18 **SEC. 3. ROLE OF FEDERAL ENERGY REGULATORY COMMIS-**
 19 **SION.**

20 ~~(a)~~ LICENSE APPLICATION.—~~(1)~~ The FERC licens-
 21 ing process shall apply to any application submitted by
 22 Gustavus Electric Company to FERC for the right to con-
 23 struct and operate a hydro power project on the lands de-
 24 scribed in subsection ~~(b)~~.

(2) The FERC is authorized to accept and consider an application filed by Gustavus Electric Company for the construction and operation of a hydro power plant to be located on lands within the area described in subsection (b), notwithstanding section 3(2) of the Federal Power Act (16 U.S.C. 796(2)). Such application must be submitted within 3 years from the date of the enactment of this Act.

(3) The FERC will retain jurisdiction over any hydro-power project constructed on this site.

(b) ANALYSES.—(1) The lands referred to in subsection (a) of this section are lands in the State of Alaska described as follows:

COPPER RIVER MERIDIAN

Township 39 South, Range 59 East, partially surveyed, Section 36 (unsurveyed), $SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$. Containing approximately 130 acres.

Township 40 South, Range 59 East, partially surveyed, Section 1 (unsurveyed), $NW\frac{1}{4}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, and $SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, excluding U.S. Survey 944 and Native allotment A-442; Section 2 (unsurveyed), fractional, that portion lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944 and U.S. Survey 945; Section 11 (unsurveyed), fractional, that portion lying above the mean high tide line of Icy Passage, exclud-

1 ing U.S. Survey 944, Section 12 (unsurveyed), fractional,
 2 NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and those portions
 3 of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ lying above the mean high tide line
 4 of Icy Passage, excluding U.S. Survey 944 and Native al-
 5 lotment A-442. Containing approximately 1,015 acres.

6 (2) Additional lands and acreage will be included as
 7 needed in the study area described in paragraph (1) to
 8 account for accretion to these lands from natural forces;

9 (3) With the concurrence of the Secretary and the
 10 State of Alaska, the FERC shall determine the minimum
 11 amount of lands necessary for construction and operation
 12 of such project;

13 (4) The National Park Service shall participate as a
 14 joint land agency in the development of any environmental
 15 document under the National Environmental Policy Act
 16 of 1969 in the licensing of such project. Such environ-
 17 mental document shall consider both the impacts resulting
 18 from licensing and any land exchange necessary to author-
 19 ize such project.

20 (c) ISSUANCE OF LICENSE.—(1) A condition of the
 21 license to construct and operate any portion of the hydro-
 22 electric power project shall be the FERC's approval, prior
 23 to any commencement of construction, of a finance plan
 24 submitted by Gustavus Electric Company.

1 (2) The National Park Service, as the existing super-
 2 visor of potential project lands ultimately to be deleted
 3 from the Federal reservation in accordance with this Act,
 4 waives its right to impose mandatory conditions on such
 5 project lands pursuant to section 4(e) of the Federal
 6 Power Act (16 U.S.C. 797(e)).

7 (3) The FERC shall not license, re-license the
 8 project, or amend the project license unless it determines,
 9 with the Secretary's concurrence, that the project will not
 10 adversely impact the purposes and values of Glacier Bay
 11 National Park and Preserve (as constituted after the con-
 12 summation of the land exchange authorized by this Act).
 13 Additionally, a condition of the license, or any succeeding
 14 license, to construct and operate any portion of the hydro-
 15 electric power project shall require the license to mitigate
 16 any adverse effects of the project on the purposes and val-
 17 ues of Glacier Bay National Park and Preserve identified
 18 by the Secretary after the initial licensing.

19 (4) A condition of the license to construct and operate
 20 any portion of the hydroelectric power project shall be the
 21 completion, prior to any commencement of construction,
 22 of the land exchange described in this Act.

23 **SEC. 4. ROLE OF SECRETARY OF INTERIOR.**

24 (a) SPECIAL USE PERMIT.—Notwithstanding the
 25 provisions of the Wilderness Act (16 U.S.C. 1133–1136),

1 the Secretary shall issue a Special Use Permit to Gustavus
2 Electric Company to ensure the completion of the analyses
3 referred to in section 3. The Secretary shall impose condi-
4 tions in the permit as needed to protect the purposes and
5 values of Glacier Bay National Park and Preserve.

6 (b) PARK SYSTEM.—The lands acquired from the
7 State of Alaska under this Act shall be added to and ad-
8 ministered as part of the National Park System, subject
9 to valid existing rights. Upon completion of the exchange
10 of lands under this Act, the Secretary shall adjust, as nec-
11 essary, the boundaries of the affected National Park Sys-
12 tem unit(s) to include the lands acquired from the State
13 of Alaska; and adjust the boundary of Glacier Bay Na-
14 tional Park and Preserve to exclude the lands transferred
15 to the State of Alaska under this Act. Any such adjust-
16 ments to the boundaries of the National Park System
17 units shall have no effect upon acreage determinations
18 under section 103(b) of the Public Law 96—487.

19 (c) WILDERNESS AREA BOUNDARIES.—The Sec-
20 retary shall make any necessary modifications or adjust-
21 ments of boundaries of wilderness areas as a result of the
22 additions and deletions caused by the land exchange re-
23 ferred to in section 2. Any such adjustments to the bound-
24 aries of wilderness area shall have no effect upon acreage

1 determination under section 103(b) of Public Law 96-
 2 487.

3 (d) ~~PAYMENTS.~~—Gustavus Electric Company shall
 4 not be required to make Federal land payments under sec-
 5 tion 10(e) of the Federal Power Act (16 U.S.C. 803(e))
 6 with respect to the lands to be exchanged under this Act.

7 (e) ~~CONCURRENCE OF THE SECRETARY.~~—Whenever
 8 in this Act the concurrence of the Secretary is required,
 9 it shall not be unlawfully withheld or unreasonably de-
 10 layed.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Glacier Bay National*
 13 *Park Boundary Adjustment Act of 1998”.*

14 **SEC. 2. LAND EXCHANGE AND WILDERNESS DESIGNATION.**

15 (a) *IN GENERAL.*—(1) *Subject to conditions set forth*
 16 *in subsection (c), if the State of Alaska, in a manner con-*
 17 *sistent with this Act, offers to transfer to the United States*
 18 *the lands identified in paragraph (2) in exchange for the*
 19 *lands identified in paragraph (4), selected from the area*
 20 *described in Section 3(b)(1), the Secretary of the Interior*
 21 *(in this Act referred to as the “Secretary”) shall complete*
 22 *such exchange no later than 6 months after the issuance*
 23 *of a license to Gustavus Electric Company by the Federal*
 24 *Energy Regulatory Commission (in this Act referred to as*
 25 *“FERC”), in accordance with this Act. This land exchange*

1 *shall be subject to the laws applicable to exchanges involving*
2 *lands managed by the Secretary as part of the National*
3 *Park System in Alaska and the appropriate process for the*
4 *exchange of State lands required by State law.*

5 (2) *The lands to be conveyed to the United States by*
6 *the State of Alaska shall be determined by mutual agree-*
7 *ment of the Secretary and the State of Alaska. Lands that*
8 *will be considered for conveyance to the United States pur-*
9 *suant to the process required by State law are lands owned*
10 *by the State of Alaska in the Long Lake area within*
11 *Wrangell-St. Elias National Park and Preserve or other*
12 *lands owned by the State of Alaska.*

13 (3) *If the Secretary and the State of Alaska have not*
14 *agreed on which lands the State of Alaska will convey by*
15 *a date not later than 6 months after a license is issued pur-*
16 *suant to this Act, the United States shall accept, within*
17 *one year after a license is issued, title to land having a*
18 *sufficiently equal value to satisfy State and Federal law,*
19 *subject to clear title and valid existing rights, and absence*
20 *of environmental contamination, and as provided by the*
21 *laws applicable to exchanges involving lands managed by*
22 *the Secretary as part of the National Park System in Alas-*
23 *ka and the appropriate process for the exchange of State*
24 *lands required by State law. Such land shall be accepted*
25 *by the United States, subject to the other provisions of this*

1 *Act, from among the following State lands in the priority*
 2 *listed:*

3 *COPPER RIVER MERIDIAN*

4 (A) *T.6 S., R. 12 E., partially surveyed, Sec. 5, lots*
 5 *1, 2, and 3, NE^{1/4}, and S^{1/2}, Containing 617.68 acres, as*
 6 *shown on the plat of survey accepted June 9, 1922.*

7 (B) *T.6 S., R. 11 E., partially surveyed, Sec. 2,*
 8 *NW^{1/4}NE^{1/4}. Containing 838.66 acres, as shown on the plat*
 9 *of survey accepted June 9, 1922.*

10 (C) *T.6 S., R. 11 E., partially surveyed, Sec. 2,*
 11 *NW^{1/4}NE^{1/4} and NW^{1/4}. Containing 200.00 acres, as shown*
 12 *on the plat of survey accepted June 9, 1922.*

13 (D) *T.6 S., R. 12 E., partially surveyed, Sec. 6. lots*
 14 *1 through 10, E^{1/2}SW^{1/4} and SE^{1/4}. Containing approxi-*
 15 *mately 529.94 acres, as shown on the plat of survey accepted*
 16 *June 9, 1922.*

17 (4) *The lands to be conveyed to the State of Alaska*
 18 *by the United States under paragraph (1) are lands to be*
 19 *designated by the Secretary and the State of Alaska, consist-*
 20 *ent with sound land management principles, based on those*
 21 *lands determined by the FERC with the concurrence of the*
 22 *Secretary and the State of Alaska, in accordance with sec-*
 23 *tion 3(b), to be the minimum amount of land necessary for*
 24 *the construction and operation of a hydroelectric project.*

25 (5) *The time periods set forth for the completion of the*
 26 *land exchanges described in this Act may be extended as*

1 *necessary by the Secretary should the processes of State law*
 2 *or Federal law delay completion of an exchange.*

3 (6) *For purposes of this Act, the term “land” means*
 4 *lands, waters and interests therein.*

5 (b) *WILDERNESS.—(1) To ensure that this transaction*
 6 *maintains, within the National Wilderness Preservation*
 7 *System, approximately the same amount of area of des-*
 8 *ignated wilderness as currently exists, the following lands*
 9 *in Alaska shall be designated as wilderness in the priority*
 10 *listed, upon consummation of the land exchange authorized*
 11 *by this Act and shall be administered according to the laws*
 12 *governing national wilderness areas in Alaska:*

13 (A) *An unnamed island in Glacier Bay National*
 14 *Park lying southeasterly of Blue Mouse Cove in sec-*
 15 *tions 5, 6, 7, and 8, T. 36 S., R. 54 E., CRM, and*
 16 *shown on United States Geological Survey quadrangle*
 17 *Mt. Fairweather (D-2), Alaska, containing approxi-*
 18 *mately 789 acres.*

19 (B) *Cenotaph Island of Glacier Bay National*
 20 *Park lying within Lituya Bay in sections 23, 24, 25,*
 21 *and 26, T. 37 S., R. 47 E., CRM, and shown on*
 22 *United States Geological Survey quadrangle Mt.*
 23 *Fairweather (C-5), Alaska, containing approximately*
 24 *280 acres.*

1 (C) *An area of Glacier Bay National Park lying*
2 *in T. 31. S., R. 43 E and T. 32 S., R. 43 E., CRM,*
3 *that is not currently designated wilderness, contain-*
4 *ing approximately 2,270 acres.*

5 (2) *The specific boundaries and acreage of these wil-*
6 *derness designations may be reasonably adjusted by the Sec-*
7 *retary, consistent with sound land management principles,*
8 *to approximately equal, in sum, the total wilderness acreage*
9 *deleted from Glacier Bay National Park and Preserve pur-*
10 *suant to the land exchange authorized by this Act.*

11 (c) *CONDITIONS.—Any exchange of lands under this*
12 *Act may occur only if—*

13 (1) *following the submission of a complete license*
14 *application, FERC has conducted economic and envi-*
15 *ronmental analyses under the Federal Power Act (16*
16 *U.S.C. 791–828) (notwithstanding provisions of that*
17 *Act and the Federal regulations that otherwise exempt*
18 *this project from economic analyses), the National*
19 *Environmental Policy Act of 1969 (42 U.S.C. 4321–*
20 *4370), and the Fish and Wildlife Coordination Act*
21 *(16 U.S.C. 661–666), that conclude, with the concur-*
22 *rence of the Secretary of the Interior with respect to*
23 *subparagraphs (A) and (B), that the construction and*
24 *operation of a hydroelectric power project on the*
25 *lands described in section 3(b)—*

1 (A) will not adversely impact the purposes
 2 and values of Glacier Bay National Park and
 3 Preserve (as constituted after the consummation
 4 of the land exchange authorized by this section);

5 (B) will comply with the requirements of
 6 the National Historic Preservation Act (16
 7 U.S.C. 470–470w); and

8 (C) can be accomplished in an economically
 9 feasible manner;

10 (2) FERC held at least one public meeting in
 11 Gustavus, Alaska, allowing the citizens of Gustavus to
 12 express their views on the proposed project;

13 (3) FERC has determined, with the concurrence
 14 of the Secretary and the State of Alaska, the mini-
 15 mum amount of land necessary to construct and oper-
 16 ate this hydroelectric power project; and

17 (4) Gustavus Electric Company has been granted
 18 a license by FERC that requires Gustavus Electric
 19 Company to submit an acceptable financing plan to
 20 FERC before project construction may commence, and
 21 the FERC has approved such plan.

22 **SEC. 3. ROLE OF FERC.**

23 (a) *LICENSE APPLICATION.*—(1) The FERC licensing
 24 process shall apply to any application submitted by Gusta-
 25 vus Electric Company to the FERC for the right to con-

1 *struct and operate a hydropower project on the lands de-*
 2 *scribed in subsection (b).*

3 (2) *FERC is authorized to accept and consider an ap-*
 4 *plication filed by Gustavus Electric Company for the con-*
 5 *struction and operation of a hydropower plant to be located*
 6 *on lands within the area described in subsection (b), not-*
 7 *withstanding section 3(2) of the Federal Power Act (16*
 8 *U.S.C. 796(2)). Such application must be submitted within*
 9 *3 years from the date of the enactment of this Act.*

10 (3) *FERC will retain jurisdiction over any hydro-*
 11 *power project constructed on this site.*

12 (b) *ANALYSES.—(1) The lands referred to in subsection*
 13 *(a) of this section are lands in the State of Alaska described*
 14 *as follows:*

15 *COPPER RIVER MERIDIAN*

16 *Township 39 South, Range 59 East, partially sur-*
 17 *veyed, Section 36 (unsurveyed), $SE^{1/4}SW^{1/4}$,*
 18 *$S^{1/2}SW^{1/4}SW^{1/4}$, $NE^{1/4}SW^{1/4}$, $W^{1/2}W^{1/2}NW^{1/4}SE^{1/4}$, and*
 19 *$S^{1/2}SE^{1/4}NW^{1/4}$. Containing approximately 130 acres.*

20 *Township 40 South, Range 59 East, partially sur-*
 21 *veyed, Section 1 (unsurveyed). $NW^{1/4}$, $SW^{1/4}$, $W^{1/2}SE^{1/4}$,*
 22 *and $SW^{1/4}SW^{1/4}NE^{1/4}$, excluding U.S. Survey 944 and Na-*
 23 *tive allotment A-442; Section 2 (unsurveyed), fractional,*
 24 *that portion lying above the mean high tide line of Icy Pas-*
 25 *sage, excluding U.S. Survey 944 and U.S. Survey 945; Sec-*
 26 *tion 11 (unsurveyed), fractional, that portion lying above*

1 *the mean high tide line of Icy Passage, excluding U.S. Sur-*
 2 *vey 944; Section 12 (unsurveyed), fractional, NW^{1/4}NE^{1/4},*
 3 *W^{1/2}NW^{1/4}SW^{1/4}NE^{1/4}, and those portions of NW^{1/4} and*
 4 *SW^{1/4} lying above the mean high tide line of Icy Passage,*
 5 *excluding U.S. Survey 944 and Native allotment A-442.*
 6 *Containing approximately 1,015 acres.*

7 (2) *Additional lands and acreage will be included as*
 8 *needed in the study area described in paragraph (1) to ac-*
 9 *count for accretion to these lands from natural forces;*

10 (3) *With the concurrence of the Secretary and the State*
 11 *of Alaska, the FERC shall determine the minimum amount*
 12 *of lands necessary for construction and operation of such*
 13 *project,*

14 (4) *The National Park Service shall participate as a*
 15 *joint lead agency in the development of any environmental*
 16 *document under the National Environmental Policy Act of*
 17 *1969 in the licensing of such project. Such environmental*
 18 *document shall consider both the impacts resulting from li-*
 19 *censing and any land exchange necessary to authorize such*
 20 *project.*

21 (c) *ISSUANCE OF LICENSE.—(1) A condition of the li-*
 22 *cense to construct and operate any portion of the hydro-*
 23 *electric power project shall be FERC's approval, prior to*
 24 *any commencement of construction, of a finance plan sub-*
 25 *mitted by Gustavus Electric Company.*

1 (2) *The National Park Service, as the existing super-*
 2 *visor of potential project lands ultimately to be deleted from*
 3 *the Federal reservation in accordance with this Act, waives*
 4 *its right to impose mandatory conditions on such project*
 5 *lands pursuant to section 4(e) of the Federal Power Act (16*
 6 *U.S.C. 797(e)).*

7 (3) *FERC shall not license, relicense the project, or*
 8 *amend the project license unless it determines, with the Sec-*
 9 *retary's concurrence, that the project will not adversely im-*
 10 *pact the purposes and values of Glacier Bay National Park*
 11 *and Preserve (as constituted after the consummation of the*
 12 *land exchange authorized by this Act). Additionally, a con-*
 13 *dition of the license, or any succeeding license, to construct*
 14 *and operate any portion of the hydroelectric power project*
 15 *shall require the licensee to mitigate any adverse effects of*
 16 *the project on the purposes and values of Glacier Bay Na-*
 17 *tional Park and Preserve identified by the Secretary after*
 18 *the initial licensing.*

19 (4) *A condition of the license to construct and operate*
 20 *any portion of the hydroelectric power project shall be the*
 21 *completion, prior to any commencement of construction, of*
 22 *the land exchange described in this Act.*

23 **SEC. 4. ROLE OF SECRETARY OF INTERIOR.**

24 (a) *SPECIAL USE PERMIT.*—*Notwithstanding the pro-*
 25 *visions of the Wilderness Act (16 U.S.C. 1133–1136), the*

1 *Secretary shall issue a special use permit to Gustavus Elec-*
 2 *tric Company to allow the completion of the analyses re-*
 3 *ferred to in Section 3. The Secretary shall impose condi-*
 4 *tions in the permit as needed to protect the purposes and*
 5 *values of Glacier Bay National Park and Preserve.*

6 **(b) PARK SYSTEM.**—*The lands acquired from the State*
 7 *of Alaska under this Act shall be added to and administered*
 8 *as part of the National Park System, subject to valid exist-*
 9 *ing rights. Upon completion of the exchange of lands under*
 10 *this Act, the Secretary shall adjust, as necessary, the bound-*
 11 *aries of the affected National Park System units to include*
 12 *the lands acquired from the State of Alaska; and adjust the*
 13 *boundary of Glacier Bay National Park and Preserve to*
 14 *exclude the lands transferred to the State of Alaska under*
 15 *this Act. Any such adjustment to the boundaries of National*
 16 *Park System units shall not be considered in applying any*
 17 *acreage limitations under section 103(b) of the Public Law*
 18 *96–487.*

19 **(c) WILDERNESS AREA BOUNDARIES.**—*The Secretary*
 20 *shall make any necessary modifications or adjustments of*
 21 *boundaries of wilderness areas as a result of the additions*
 22 *and deletions caused by the land exchange referenced in Sec-*
 23 *tion 2. Any such adjustments to the boundaries of National*
 24 *Park System units shall not be considered in applying any*

1 acreage limitations under section 103(b) of Public Law 96–
2 487.

3 (d) *PAYMENTS.*—*Gustavus Electric Company shall not*
4 *be required to make Federal land payments under section*
5 *10(e) of the Federal Power Act (16 U.S.C. 803(c)) with re-*
6 *spect to the lands exchanged under this Act.*

7 (e) *CONCURRENCE OF THE SECRETARY.*—*Whenever in*
8 *this Act the concurrence of the Secretary is required, it shall*
9 *not be unlawfully withheld or unreasonably delayed.*

10 **SEC. 5. APPLICABLE LAW.**

11 *The authorities and jurisdiction provided in this Act*
12 *shall continue in effect until such time as this Act is ex-*
13 *pressly modified or repealed by Congress.*