

Public Law 105-60

105th Congress

An Act

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

Oct. 10, 1997
[H.R. 1948]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hood Bay Land Exchange Act of 1997”.

Hood Bay Land Exchange Act of 1997.
Alaska.
16 USC 431 note,
1132 note.

SEC. 2. FINDINGS.

The Congress makes the following findings:

16 USC 431 note,
1132 note.

(1) The Alaska National Interest Lands Conservation Act established the Admiralty Island National Monument which is managed by the Secretary of Agriculture, by and through the Forest Service.

(2) The Forest Service has established a policy of encouraging the acquisition of private land inholdings within Admiralty Island National Monument on a willing buyer/willing seller basis. Congress has supported this policy, for example by passage of the Greens Creek Land Exchange Act of 1996 which provided for a land exchange of certain public and private lands in Admiralty Island National Monument.

(3) Lands owned by Alaska Pulp Corporation, consisting of 54 acres, more or less, located in Hood Bay on Admiralty Island within the boundaries of the Kootznoowoo Wilderness are available for transfer to Federal ownership on a willing seller/willing buyer basis. The acquisition of these lands would provide Federal ownership of this valuable land in a critical area of Admiralty Island National Monument.

(4) The United States is the owner of certain reversionary interests to 143.87 acres, more or less, located adjacent to Silver Bay near Sitka, Alaska, which interests were reserved in patent No. 1213671 issued to the Alaska Pulp Corporation on October 18, 1960. The transfer of the reversionary interests of the United States in such lands adjacent to Silver Bay to the Alaska Pulp Corporation would facilitate future use and development of that land.

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

16 USC 431 note, 1132 note.

SEC. 3. DEFINITIONS.

As used in this Act:

- (1) The term "ANILCA" means the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).
- (2) The term "Company" means the Alaska Pulp Corporation, an Alaska corporation, its successors, and assigns.
- (3) The term "Company Property" means the property depicted on United States Survey Plat 1058 approved March 20, 1917, consisting of approximately 54 acres of land.
- (4) The term "Federal Property" means the reversionary interest of the United States described in paragraphs (6) and (7) of the patent dated October 18, 1960, granted by the Bureau of Land Management to Alaska Lumber & Pulp Co., which was recorded at Book 15, Pages 271-273, Sitka Recording District on November 9, 1960. The term "Federal Property" does not include the interests described in paragraphs (1) through (5) of the said patent.
- (5) The term "Monument" means the Admiralty Island National Monument, which was established by section 503 of ANILCA and which is managed by the Secretary of Agriculture as a unit of the National Forest System.
- (6) The term "Secretary" means the Secretary of Agriculture.
- (7) The term "Sitka" means the city and borough of Sitka, Alaska, a home-rule borough formed in accordance with the laws of the State of Alaska.
- (8) The term "Sitka Property" means the property depicted on the maps entitled "Sitka Property", dated August 29, 1997, consisting of approximately 49 acres of land.

16 USC 431 note, 1132 note.

SEC. 4. LAND EXCHANGE, TRANSFER, RELINQUISHMENT.

(a) EXCHANGE OF COMPANY AND FEDERAL PROPERTY.—After the Company conveys to the United States, by general warranty deed, all right, title, and interest of the Company in and to the Company Property, the Secretary shall within 60 days of acceptance of delivery of said deed, unconditionally and without limitation except as provided herein, relinquish to the Company all right, title, and interest of the United States in and to the Federal Property and shall evidence that relinquishment by conveying to the Company a quitclaim deed to the Federal Property.

(b) RELINQUISHMENT OF PROPERTY TO SITKA.—Upon relinquishment of the Federal Property to the Company under subsection (a), the Company shall transfer all right, title, and interest of the Company in the Sitka Property to Sitka.

(c) AVAILABILITY OF MAPS.—The maps referred to in section 3(3) depicting the Company Property and in section 3(4) depicting the Federal Property shall be on file and available for public inspection in the Office of the Forest Supervisor, Chatham Area, Tongass National Forest, in Sitka, Alaska. The maps referred to in section 3(8) depicting the Sitka Property shall be on file and available for public inspection in the Office of the Manager of the city and borough of Sitka, Alaska, until the conveyance described in subsection (b), at which time the maps shall be recorded along with the deed.

SEC. 5. PROCESSING OF AND TERMS AND CONDITIONS RELATING TO LAND EXCHANGE. 16 USC 431 note,
1132 note.

(a) SURVEYS.—Notwithstanding any other provision of law, the Secretary of the Interior may conduct and approve all cadastral surveys that are necessary for completion of the exchange. The cost of any surveys shall be borne by the Company.

(b) EQUAL VALUE EXCHANGE.—The values of the Federal Property and the Company Property are deemed to be of equal value.

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

(d) CLEANUP OBLIGATIONS.—Nothing in this Act shall impact or alter the Company's rights, duties, and obligations regarding investigation, remediation, cleanup, and restoration under its September 10, 1995, Commitment Agreement with the State of Alaska or other applicable law. The Company shall use its property consistent with all restrictive covenants, including those restrictive covenants recorded on September 4, 1997.

(e) TITLE STANDARDS.—Title to the Company Property to be conveyed to the United States shall be acceptable to the Secretary consistent with the title review standard of the Attorney General of the United States.

SEC. 6. GENERAL PROVISIONS. 16 USC 431 note,
1132 note.

(a) MANAGEMENT OF COMPANY PROPERTY.—Upon acquisition of the Company Property by the United States pursuant to this Act, said property shall be managed as a part of the Admiralty Island National Monument and the Kootznoowoo Wilderness.

(b) AUTHORIZATION TO NEGOTIATE FOR ACQUISITION OF PROPERTY.—In furtherance of the purposes of the Kootznoowoo Wilderness, the Secretary, acting through the Forest Service, is authorized to enter into negotiations with the owners of private property in Chaik Bay on Admiralty Island, with the objective of acquiring such property. The Secretary is authorized to enter into an option to purchase or an exchange agreement with the owners of such property to be effected either through existing administrative mechanisms provided by law and regulation, or by subsequent ratification by Act of Congress.

Approved October 10, 1997.

LEGISLATIVE HISTORY—H.R. 1948 (S. 1015):

HOUSE REPORTS: No. 105-261 (Comm. on Resources).

SENATE REPORTS: No. 105-90 accompanying S. 1015 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Sept. 23, considered and passed House.

Sept. 30, considered and passed Senate.

