

103^D CONGRESS
2^D SESSION

H. R. 3613

IN THE SENATE OF THE UNITED STATES

OCTOBER 4 (legislative day, SEPTEMBER 12), 1994

Received

OCTOBER 8 (legislative day, SEPTEMBER 12), 1994

Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

Entitled the “Kenai Natives Association Equity Act”.

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 “Kenai Natives Associa-
5 tion Equity Act of 1994”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the United States Fish and Wildlife Service
2 and Kenai Natives Association, Inc. (KNA), have
3 agreed to an exchange and acquisition program pur-
4 suant to Public Law 102-458, of lands and interests
5 in lands in and near the Kenai National Wildlife
6 Refuge (Refuge);

7 (2) this acquisition of and exchange of lands
8 will significantly enhance the ability of the Service to
9 conserve fish and wildlife populations and habitats,
10 fulfill migratory bird treaties, ensure water quality
11 and quantity, provide opportunities for environ-
12 mental research and education, improve access to
13 fish and wildlife oriented recreation, and further en-
14 hance the Refuge management objectives;

15 (3) the amount to be paid for the Swanson
16 River Road West Tract, the sole issue upon which
17 the Service and KNA could not agree, is established
18 by Congress at \$7,500,000; and

19 (4) it is in the public interest to complete this
20 exchange, and to provide for the economic and bene-
21 ficial use of lands conveyed to KNA in fulfillment of
22 the purpose of the Alaska Native Claims Settlement
23 Act of 1971, as amended (43 U.S.C. 1601 et seq.)
24 (Settlement Act).

1 (b) PURPOSE.—The purpose of this Act is to author-
2 ize and direct the Secretary to complete an exchange and
3 acquisition as provided by Public Law 102–458 of lands
4 owned by KNA that will provide for and enhance the man-
5 agement opportunities and objectives of the Refuge, and
6 assist KNA in achieving economic viability and use of its
7 retained lands in furtherance of the Settlement Act.

8 **SEC. 3. DEFINITIONS.**

9 For purposes of this Act, the term—

10 (1) “ANILCA” means the Alaska National In-
11 terest Lands Conservation Act, as amended (16
12 U.S.C. 3101 et seq.);

13 (2) “conservation system unit” has the same
14 meaning as in ANILCA;

15 (3) “KNA” means the Kenai Natives Associa-
16 tion, Inc., an urban corporation incorporated in the
17 State of Alaska pursuant to the terms of the Settle-
18 ment Act;

19 (4) “lands” means both the surface and sub-
20 surface estates or any interest therein whenever both
21 estates are owned by the United States or KNA, as
22 applicable;

23 (5) “property” has the same meaning given
24 such term by section 12(b)(7) of the Settlement Act;

1 (6) “refuge” means the Kenai National Wildlife
2 Refuge;

3 (7) “Secretary” means the Secretary of the
4 Interior;

5 (8) “Service” means the United States Fish
6 and Wildlife Service; and

7 (9) “Settlement Act” means the Alaska Native
8 Claims Settlement Act of 1971, as amended (43
9 U.S.C. 1601 et seq.).

10 **SEC. 4. EXCHANGE AND ACQUISITION OF LANDS**

11 (a) EXCHANGE OF LANDS; ACQUISITION AND
12 EQUALIZATION PAYMENT.—

13 (1) IN GENERAL.—No later than June 1, 1995,
14 the Secretary shall offer to convey to KNA, in ac-
15 cordance with the provisions of the report to Con-
16 gress issued pursuant to Public Law 102-458 and
17 subject to the provisions of paragraph (3) and valid
18 existing rights, approximately 1,831 acres of land,
19 portions of the Federal subsurface estate underlying
20 the same, and portions of the Federal subsurface es-
21 tate underlying another 3,238 acres, all as identified
22 in subsection (b)(2), in exchange for approximately
23 14,338 acres of KNA land, and the relinquishment
24 by KNA of its unpatented selections and all entitle-
25 ment to selections under the Settlement Act, consist-

1 ing of approximately 1,207 acres, all located within
2 the Refuge and identified in subsection (b)(1). The
3 Secretary shall develop the offer required by this
4 section in consultation with KNA.

5 (2) LIMITATION.—The Secretary may not con-
6 vey any lands or make any payment to KNA under
7 this section unless title to the lands to be conveyed
8 by KNA in exchange for such lands and payments
9 is in accordance with the Department of Justice
10 standards for preparation of title evidence in land
11 acquisitions by the United States.

12 (3) SOURCES OF FUNDS.—The Secretary shall
13 utilize any combination of Land and Water Con-
14 servation Act of 1965 funds, funds otherwise appro-
15 priated by the Congress, Exxon Valdez Oil Spill set-
16 tlement funds, and lands or other Federal property
17 within the Secretary's jurisdiction as payment to
18 KNA to equalize the values in the exchange.

19 (4) INTEREST.—If a bonafide offer required by
20 this section is not made by June 1, 1995, interest
21 on the value of the property and interests to be con-
22 veyed to KNA shall accrue beginning October 1,
23 1993.

24 (b) EXCHANGE AND ACQUISITION LANDS.—

1 (1) KNA LANDS TO BE ACQUIRED.—The lands
2 or interests to be conveyed by KNA to the United
3 States, all situated within the existing authorized
4 boundary of the Refuge, and identified on the map
5 titled “Kenai Natives Association, Inc. and United
6 States Fish and Wildlife Service Negotiated Ex-
7 change/Acquisition Package,” dated October 1993,
8 on file and available for inspection in the Office of
9 the Secretary, generally include, subject to reserva-
10 tions of existing road easements—

11 (A) approximately 803 acres located along
12 the Kenai River, known as the Stephanka
13 Tract;

14 (B) approximately 1,243 acres located
15 along the Moose River, known as the Moose
16 River Patented Lands Tract;

17 (C) approximately 2,120 acres located
18 along Marathon Road, known as the Beaver
19 Creek Tract;

20 (D) approximately 10,172 acres located
21 along the Swanson River Road and the Sunken
22 Island Lake Road, known as the Swanson River
23 Road West Tract;

24 (E) all of the remaining KNA selections
25 under the Settlement Act, consisting of approxi-

1 mately 1,207 acres, are hereby relinquished and
2 all remaining entitlement of KNA is hereby ex-
3 tinguished; and

4 (F) an easement for access to and use of
5 less than one acre of land, located in the NE¹/₄
6 NE¹/₄ of section 24, T.6N., R.9W., Seward Me-
7 ridian, within the Swanson River Road East
8 Tract, for so long as the site is used by the
9 Service as a radio communications repeater site.

10 (2) LANDS TO BE EXCHANGED.—The lands or
11 interests to be conveyed by the United States to
12 KNA, and identified (except for the parcel identified
13 in subparagraph (A)) on the map titled “Kenai Na-
14 tives Association, Inc. and United States Fish and
15 Wildlife Service Negotiated Exchange/Acquisition
16 package,” dated October 1993, on file and available
17 for inspection in the Office of the Secretary, gen-
18 erally include, subject to reservations of existing
19 road easements—

20 (A) approximately five acres, located with-
21 in the city of Kenai, Alaska, identified as Unit-
22 ed States Survey 1435, and known as the old
23 Fish and Wildlife Service Headquarters site;

1 (B) approximately 1,826 acres located
2 along the Swanson River Road, known as the
3 Swanson River Road East Tract; and

4 (C) the subsurface estate (less oil, coal,
5 and gas) to approximately 5,064 acres, includ-
6 ing approximately 1,826 acres underlying the
7 Swanson River Road East Tract and approxi-
8 mately 3,238 adjacent acres underlying lands
9 previously patented to KNA which are located
10 east of the Swanson River Road.

11 (3) ACQUISITION AUTHORITY.—The lands iden-
12 tified for acquisition by the United States, specifi-
13 cally identified on the maps referenced in subsection
14 (c) as the Stephanka Tract, the Beaver Creek Tract,
15 and the Moose River Patented Lands Tract, collec-
16 tively referred to as the “Kenai River Project”, may
17 be acquired by the United States pursuant to the
18 Land and Water Conservation Fund Act of 1965.

19 (4) NATIONAL REGISTER OF HISTORIC
20 PLACES.—Upon completion of the exchange author-
21 ized in subsection (a), the Secretary shall promptly
22 undertake to nominate the Stephanka Tract to the
23 National Register of Historic Places, in recognition
24 of the archeological artifacts from the original
25 Kenaitze Indian settlement.

1 (5) VALUATIONS.—This exchange and acquisi-
2 tion shall be accomplished utilizing the valuations es-
3 tablished in the report to Congress issued pursuant
4 to Public Law 102–458, with the exception of the
5 Swanson River Road West Tract which value is es-
6 tablished at \$7,500,000.

7 (c) GENERAL PROVISIONS.—

8 (1) REMOVAL OF RESTRICTIONS.—(A) Those
9 lands retained by KNA, and those parcels within the
10 Refuge, including designated wilderness, conveyed to
11 KNA pursuant to the terms of this Act, shall be re-
12 moved in their entirety from inclusion within the
13 boundaries of the Refuge by operation of this Act.
14 Such removal from the boundaries of the Refuge
15 shall terminate any application of Federal manage-
16 ment and patent restrictions applicable to lands
17 within the Refuge for which conveyance was made
18 pursuant to the terms of the Settlement Act or any
19 other law or regulation applicable solely to Federal
20 lands.

21 (B) The Secretary shall execute and file such
22 instruments as are necessary to convey lands and re-
23 move the restrictions referred to in this section at
24 the time of the conveyances provided in subsection
25 (a)(1).

1 (C) Any lands KNA shall receive from the Unit-
2 ed States pursuant to this Act shall be deemed to
3 have been conveyed pursuant to the Settlement Act.

4 (2) MAPS AND LEGAL DESCRIPTIONS.—The
5 maps described in this section and a legal descrip-
6 tion of the lands depicted on the maps shall be on
7 file and available for public inspection in the appro-
8 priate offices of the United States Department of
9 the Interior. Not later than 120 days after the day
10 of enactment of this Act, the Secretary shall prepare
11 a legal description of the lands depicted on the maps
12 referred to in this section. Such maps and legal de-
13 scriptions shall have the same force and effect as if
14 included in this Act, except that the Secretary may
15 correct clerical and typographical errors.

16 (3) ACCEPTANCE.—KNA may accept the offer
17 made pursuant to subsection (a) by notifying the
18 Secretary in writing of its decision within 120 days
19 of receipt of the offer. In the event the offer is re-
20 jected, the Secretary shall submit a report to Con-
21 gress describing the reasons why agreement was not
22 reached.

23 (4) FINAL MAPS.—Not later than 120 days
24 after the conclusion of the exchange authorized by
25 subsection (a), the Secretary shall transmit a final

1 report and maps accurately depicting the lands
2 transferred and conveyed pursuant to this Act and
3 the acreage and legal descriptions of such lands to
4 the Committee on Natural Resources and the Com-
5 mittee on Merchant Marine and Fisheries of the
6 House of Representatives and the Committee on En-
7 ergy and Natural Resources and the Committee on
8 Environment and Public Works of the Senate.

9 **SEC. 5. ADJUSTMENTS TO NATIONAL WILDLIFE REFUGE**
10 **SYSTEM.**

11 (a) ADDITION TO THE KENAI NATIONAL WILDLIFE
12 REFUGE.—The Secretary shall add the lands conveyed to
13 the United States pursuant to subsection (a)(1) to the
14 Refuge. The Secretary shall manage such lands in accord-
15 ance with the provisions of the National Wildlife Refuge
16 System Administration Act of 1966 (16 U.S.C. 668dd–
17 668ee) and ANILCA.

18 (b) KENAI NATIONAL WILDLIFE REFUGE BOUND-
19 ARY ADJUSTMENT.—The boundaries of the Refuge as set
20 forth in section 303(4)(A) of ANILCA are hereby adjusted
21 to include those lands generally depicted on the map de-
22 scribed in section 4(c)(4) entitled “Proposed Boundary
23 Extension”, dated October 1993.

24 (c) ADDITION TO WILDERNESS AREA.—Upon acqui-
25 sition of lands by the United States pursuant to section

1 4(a)(1), that portion of the Stephanka Tract lying south
2 and west of the Kenai River, consisting of approximately
3 592 acres and as generally depicted as “To be included
4 in wilderness” on the map referenced in section 4(b)(1),
5 shall be included in and managed as part of the Kenai
6 Wilderness. Upon their inclusion into the Kenai Wilder-
7 ness, such lands shall be managed in accordance with the
8 applicable provisions of the Wilderness Act and ANILCA.

9 (d) REMOVAL OF CONVEYED LANDS FROM WILDER-
10 NESS AREA.—Upon conveyance to KNA of those lands
11 under section 4(b)(2), a portion of which is currently des-
12 ignated wilderness, consisting of approximately 623.5
13 acres and identified as “To be removed from wilderness”
14 on the map referenced in section 4(b)(2), such lands are
15 removed from the Kenai Wilderness and the National Wil-
16 derness Preservation System.

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums
19 as may be necessary to carry out the purposes of this Act.

1 **SEC. 7. LIMITATION ON APPLICATION OF REQUIREMENT**
2 **FOR ACQUISITIONS BY UNITED STATES**
3 **UNDER MIGRATORY BIRD CONSERVATION**
4 **ACT.**

5 Section 7 of the Migratory Bird Conservation Act (16
6 U.S.C. 715f) is amended by inserting “in fee” after “con-
7 veyance”.

Passed the House of Representatives October 3,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.