

Union Calendar No. 442

103D CONGRESS
2D SESSION

H. R. 4746

[Report No. 103-769]

A BILL

To provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes.

OCTOBER 3, 1994

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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[Report No. 103-796]

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IN THE HOUSE OF REPRESENTATIVES

JULY 13, 1994

Mr. MILLER of California (by request) introduced the following bill; which was referred to the Committee on Natural Resources

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

A BILL

To provide for the exchange of lands within Gates of the Arctic National Park and Preserve, 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 “Anaktuvuk Pass Land
5 Exchange and Wilderness Redesignation Act of 1994”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 ~~(1) On December 2, 1980, the Alaska National~~
4 ~~Interest Lands Conservation Act (94 Stat. 2371) es-~~
5 ~~tablished~~ (1) *The Alaska National Interest Lands*
6 *Conservation Act (94 Stat. 2371), enacted on Decem-*
7 *ber 2, 1980, established* Gates of the Arctic National
8 Park and Preserve and Gates of the Arctic Wilder-
9 ness. The village of Anaktuvuk Pass, located in the
10 highlands of the central Brooks Range, is virtually
11 surrounded by these national park and wilderness
12 lands and is the only *Native* village located within
13 the boundary of a National Park System unit in
14 Alaska.

15 (2) Unlike most other Alaskan Native commu-
16 nities, the village of Anaktuvuk Pass is not located
17 on a major river, lake, or coastline that can be used
18 as a means of access. The residents of Anaktuvuk
19 Pass have relied increasingly on snow machines in
20 winter and all-terrain vehicles in summer as their
21 primary means of access to pursue caribou and
22 other subsistence resources.

23 (3) In a 1983 land exchange agreement, linear
24 easements were reserved by the Inupiat Eskimo peo-
25 ple for use of all-terrain vehicles across certain na-
26 tional park lands, mostly along stream and river

1 banks. These linear easements proved unsatisfactory,
2 because they provided inadequate access to subsist-
3 ence resources while causing excessive environmental
4 impact from concentrated use.

5 (4) The National Park Service and the
6 Nunamiut Corporation initiated discussions in 1985
7 to address concerns over the use of all-terrain vehi-
8 cles on park and wilderness land. These discussions
9 resulted in an agreement, originally executed in
10 1992 and thereafter amended in 1993 and 1994,
11 among the National Park Service, ~~the~~ Nunamiut
12 Corporation, the City of Anaktuvuk Pass, ~~and the~~
13 *and* Arctic Slope Regional Corporation. Full effec-
14 tuation of this agreement, as amended, *by its terms*
15 requires ratification by the Congress.

16 **SEC. 3. RATIFICATION OF AGREEMENT.**

17 (a) RATIFICATION.—

18 (1) IN GENERAL.—The terms, conditions, pro-
19 cedures, covenants, reservations and other provisions
20 set forth in the document entitled “Donation, Ex-
21 change of Lands and Interests in Lands and Wilder-
22 ness Redesignation Agreement Among Arctic Slope
23 Regional Corporation, Nunamiut Corporation, City
24 of Anaktuvuk Pass and the United States of Amer-
25 ica” (hereinafter referred to in this Act as “the

1 Agreement”), executed by the parties on December
2 17, 1992, as amended, are hereby incorporated in
3 this Act, are ratified and confirmed, and set forth
4 the obligations and commitments of the United
5 States, Arctic Slope Regional Corporation,
6 Nunamiut Corporation and the City of Anaktuvuk
7 Pass, as a matter of Federal law.

8 (2) LAND ACQUISITION.—Lands acquired by
9 the United States pursuant to the Agreement shall
10 be administered by the Secretary of the Interior
11 (hereinafter referred to as the “Secretary”) as part
12 of Gates of the Arctic National Park and Preserve,
13 subject to the laws and regulations applicable there-
14 to.

15 (b) MAPS.—The maps set forth as Exhibits C1, C2,
16 and D through I to the Agreement depict the lands subject
17 to the conveyances, retention of surface access rights, ac-
18 cess easements and all-terrain vehicle easements. These
19 lands are depicted in greater detail on a map entitled
20 “Land Exchange Actions, Proposed Anaktuvuk Pass Land
21 Exchange and Wilderness Redesignation, Gates of the
22 Arctic National Park and Preserve”, Map No. 185/80,039,
23 dated April 1994, and on file at the Alaska Regional Of-
24 fice of the National Park Service and the offices of Gates
25 of the Arctic National Park and Preserve in Fairbanks,

1 Alaska. Written legal descriptions of these lands shall
2 be prepared and made available in the above offices. In
3 case of any discrepancies, Map No. 185/80,039, shall be
4 controlling.

5 **SEC. 4. NATIONAL PARK SYSTEM WILDERNESS.**

6 (a) REDESIGNATION.—Section 701(2) of the Alaska
7 National Interest Lands Conservation Act (94 Stat. 2371,
8 2417) establishing the Gates of the Arctic Wilderness is
9 hereby amended with the addition of approximately
10 56,825 acres as wilderness and the rescission of approxi-
11 mately 73,993 acres as wilderness, thus revising the Gates
12 of the Arctic Wilderness to approximately 7,034,832
13 acres.

14 (b) MAPS.—The lands redesignated in subsection (a)
15 are depicted on a map entitled “Wilderness Actions, Pro-
16 posed Anaktuvuk Pass Land Exchange and Wilderness
17 Redesignation, Gates of the Arctic National Park and Pre-
18 serve”, Map No. 185/80,040, dated April 1994, and on
19 file at the Alaska Regional Office of the National Park
20 Service and the office of Gates of the Arctic National Park
21 and Preserve in Fairbanks, Alaska.

22 **SEC. 5. BUREAU OF LAND MANAGEMENT WILDERNESS.**

23 Title VII of the Alaska National Interest Lands Con-
24 servation Act (94 Stat. 2371, 2417) is hereby amended
25 by adding at the end the following:

1 “DESIGNATION OF WILDERNESS ON BUREAU OF LAND
2 MANAGEMENT LANDS

3 “SEC. 709. (a) In accordance with subsection 3(c) of
4 the Wilderness Act (78 Stat. 892), the public lands within
5 the boundaries depicted as ‘Proposed Wilderness’ on the
6 maps referred to in this section are hereby designated as
7 wilderness, with the nomenclature and approximate acre-
8 age as indicated below:

9 “(1) Nigu Wilderness, of approximately 41,000
10 acres.

11 “(b) The Nigu Wilderness as established in sub-
12 section (a)(1) is depicted on the map entitled ‘Appendix
13 D, Proposed Action Recommended Wilderness Area’ in the
14 September 14, 1988, Central Arctic Management Area
15 Wilderness Recommendations and Final Environmental
16 Impact Statement.”.

17 **SEC. 5. NATIONAL PARK SYSTEM WILDERNESS.**

18 (a) *REDESIGNATION.*—Section 201(8)(a) of the Alaska
19 National Interest Land Conservation Act is amended by—

20 (1) striking “approximately six million four
21 hundred and sixty thousand acres” and inserting in
22 lieu thereof “approximately 6,477,168 acres”; and

23 (2) inserting “and the map entitled ‘Noatak Na-
24 tional Preserve and Noatak Wilderness Addition’
25 dated September 1994” after “July 1980”.

1 (b) *SECTION 701.*—*Section 701(7) of the Alaska Na-*
2 *tional Interest Lands Conservation Act (16 U.S.C. 1132)*
3 *is amended by striking “approximately five million eight*
4 *hundred thousand acres” and inserting in lieu thereof “ap-*
5 *proximately 5,817,168 acres”.*

6 **SEC. 6. CONFORMANCE WITH OTHER LAW.**

7 (a) **ALASKA NATIVE CLAIMS SETTLEMENT ACT.**—All
8 of the lands, or interests therein, conveyed to and received
9 by Arctic Slope Regional Corporation or Nunamiut Cor-
10 poration pursuant to the Agreement shall be deemed con-
11 veyed and received pursuant to exchanges under section
12 22(f) of the Alaska Native Claims Settlement Act, as
13 amended (43 U.S.C. 1601, 1621(f)). All of the lands or
14 interests in lands conveyed pursuant to the Agreement
15 shall be conveyed subject to valid existing rights.

16 **~~(b) ALASKA NATIONAL INTEREST LANDS CONSERVA-~~**
17 **~~TION ACT.~~**—~~Nothing in this Act or in the Agreement shall~~
18 ~~be construed to enlarge or diminish the rights, privileges,~~
19 ~~or obligations of any person, except to the extent specifi-~~
20 ~~cally set forth in this Act or the Agreement, including spe-~~
21 ~~cifically the preference for subsistence uses and access to~~
22 ~~subsistence resources provided under title VIII of the~~
23 ~~Alaska National Interest Lands Conservation Act, as~~
24 ~~amended (94 Stat. 2371–2422).~~

1 (b) *ALASKA NATIONAL INTEREST LANDS CONSERVA-*
2 *TION ACT.—Except to the extent specifically set forth in this*
3 *Act or the Agreement, nothing in this Act or in the Agree-*
4 *ment shall be construed to enlarge or diminish the rights,*
5 *privileges, or obligations of any person, including specifi-*
6 *cally the preference for subsistence uses and access to sub-*
7 *sistence resources provided under the Alaska National Inter-*
8 *est Lands Conservation Act, as amended (16 U.S.C. 3101*
9 *et seq.).*