

Union Calendar No. 53

104TH CONGRESS
1ST SESSION

H. R. 1266

[Report No. 104-115]

A BILL

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

MAY 9, 1995

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

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IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1995

Mr. YOUNG of Alaska (for himself and Mr. MILLER of California) introduced the following bill; which was referred to the Committee on Resources

MAY 9, 1995

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

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

[For text of introduced bill, see copy of bill as introduced on March 16, 1995]

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 "Greens Creek Land Ex-*
5 *change Act of 1995".*

1 **SEC. 2. FINDINGS.**

2 *The Congress makes the following findings:*

3 (1) *The Alaska National Interest Lands Con-*
4 *servation Act established the Admiralty Island Na-*
5 *tional Monument and sections 503 and 504 of that*
6 *Act provided special provisions under which the*
7 *Greens Creek Claims would be developed. The provi-*
8 *sions supplemented the general mining laws under*
9 *which these claims were staked.*

10 (2) *The Kennecott Greens Creek Mining Com-*
11 *pany, Inc., currently holds title to the Greens Creek*
12 *Claims, and the area surrounding these claims has*
13 *further mineral potential which is yet unexplored.*

14 (3) *Negotiations between the United States For-*
15 *est Service and the Kennecott Greens Creek Mining*
16 *Company, Inc., have resulted in an agreement by*
17 *which the area surrounding the Greens Creek Claims*
18 *could be explored and developed under terms and con-*
19 *ditions consistent with the protection of the values of*
20 *the Admiralty Island National Monument.*

21 (4) *The full effectuation of the Agreement, by its*
22 *terms, requires the approval and ratification by Con-*
23 *gress.*

24 **SEC. 3. DEFINITIONS.**

25 *As used in this Act—*

1 (1) the term “Agreement” means the document
2 entitled the “Greens Creek Land Exchange Agree-
3 ment” executed on December 14, 1994, by the Under
4 Secretary of Agriculture for Natural Resources and
5 Environment on behalf of the United States and the
6 Kennecott Greens Creek Mining Company and
7 Kennecott Corporation;

8 (2) the term “ANILCA” means the Alaska Na-
9 tional Interest Lands Conservation Act, Public Law
10 96–487 (94 Stat. 2371);

11 (3) the term “conservation system unit” has the
12 same meaning as defined in section 102(4) of
13 ANILCA;

14 (4) the term “Greens Creek Claims” means those
15 patented mining claims of Kennecott Greens Creek
16 Mining Company within the Monument recognized
17 pursuant to section 504 of ANILCA;

18 (5) the term “KGCMC” means the Kennecott
19 Greens Creek Mining Company, Inc., a Delaware cor-
20 poration;

21 (6) the term “Monument” means the Admiralty
22 Island National Monument in the State of Alaska es-
23 tablished by section 503 of ANILCA;

1 (7) the term “Royalty” means Net Island Re-
2 ceipts Royalty as that latter term is defined in Ex-
3 hibit C to the Agreement; and

4 (8) the term “Secretary” means the Secretary of
5 Agriculture.

6 **SEC. 4. RATIFICATION OF THE AGREEMENT.**

7 The Agreement is hereby ratified and confirmed as to
8 the duties and obligations of the United States and its agen-
9 cies, and KGCMC and Kennecott Corporation, as a matter
10 of Federal law. The agreement may be modified or
11 amended, without further action by the Congress, upon
12 written agreement of all parties thereto and with notifica-
13 tion in writing being made to the appropriate committees
14 of the Congress.

15 **SEC. 5. IMPLEMENTATION OF THE AGREEMENT.**

16 (a) LAND ACQUISITION.—Without diminishment of
17 any other land acquisition authority of the Secretary in
18 Alaska and in furtherance of the purposes of the Agreement,
19 the Secretary is authorized to acquire lands and interests
20 in land within conservation system units in the Tongass
21 National Forest, and any land or interest in land so ac-
22 quired shall be administered by the Secretary as part of
23 the National Forest System and any conservation system
24 unit in which it is located. Priority shall be given to acqui-
25 sition of non-Federal lands within the Monument.

1 (b) *ACQUISITION FUNDING.*—There is hereby estab-
2 lished in the Treasury of the United States an account enti-
3 tled the “Greens Creek Land Exchange Account” into which
4 shall be deposited the first \$5,000,000 in royalties received
5 by the United States under part 6 of the Agreement after
6 the distribution of the amounts pursuant to subsection (c)
7 of this section. Such moneys in the special account in the
8 Treasury may, to the extent provided in appropriations
9 Acts, be used for land acquisition pursuant to subsection
10 (a) of this section.

11 (c) *TWENTY-FIVE PERCENT FUND.*—All royalties paid
12 to the United States under the Agreement shall be subject
13 to the 25 percent distribution provisions of the Act of May
14 23, 1908, as amended (16 U.S.C. 500) relating to payments
15 for roads and schools.

16 (d) *MINERAL DEVELOPMENT.*—Notwithstanding any
17 provision of ANILCA to the contrary, the lands and inter-
18 ests in lands being conveyed to KGCMC pursuant to the
19 Agreement shall be available for mining and related activi-
20 ties subject to and in accordance with the terms of the
21 Agreement and conveyances made thereunder.

22 (e) *ADMINISTRATION.*—The Secretary of Agriculture is
23 authorized to implement and administer the rights and ob-
24 ligations of the Federal Government under the Agreement,
25 including monitoring the Government’s interests relating to

1 *extralateral rights, collecting royalties, and conducting au-*
2 *dits. The Secretary may enter into cooperative arrange-*
3 *ments with other Federal agencies for the performance of*
4 *any Federal rights or obligations under the Agreement or*
5 *this Act.*

6 (f) *REVERSIONS.*—*Before reversion to the United*
7 *States of KGCMC properties located on Admiralty Island,*
8 *KGCMC shall reclaim the surface disturbed in accordance*
9 *with an approved plan of operations and applicable laws*
10 *and regulations. Upon reversion to the United States of*
11 *KGCMC properties located on Admiralty, those properties*
12 *located within the Monument shall become part of the*
13 *Monument and those properties lying outside the Monument*
14 *shall be managed as part of the Tongass National Forest.*

15 (g) *SAVINGS PROVISIONS.*—*Implementation of the*
16 *Agreement in accordance with this Act shall not be deemed*
17 *a major Federal action significantly affecting the quality*
18 *of the human environment, nor shall implementation re-*
19 *quire further consideration pursuant to the National His-*
20 *toric Preservation Act, title VIII of ANILCA, or any other*
21 *law.*

22 **SEC. 6. RESCISSION RIGHTS.**

23 *Within 60 days of the enactment of this Act, KGCMC*
24 *and Kennecott Corporation shall have a right to rescind*
25 *all rights under the Agreement and this Act. Rescission shall*

1 *be effected by a duly authorized resolution of the Board of*
2 *Directors of either KGCMC or Kennecott Corporation and*
3 *delivered to the Chief of the Forest Service at the Chief's*
4 *principal office in Washington, District of Columbia. In the*
5 *event of a rescission, the status quo ante provisions of the*
6 *Agreement shall apply.*