

Calendar No. 213

104TH CONGRESS
1ST SESSION

H. R. 1266

[Report No. 104-163]

AN ACT

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

OCTOBER 19 (legislative day, OCTOBER 18), 1995

Reported without amendment

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104TH CONGRESS
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[Report No. 104–163]

IN THE SENATE OF THE UNITED STATES

MAY 16 (legislative day, MAY 15), 1995

Received; read twice and referred to the Committee on Energy and Natural
Resources

OCTOBER 19 (legislative day, OCTOBER 18), 1995

Reported by Mr. MURKOWSKI, without amendment

AN ACTTo 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
5 Exchange 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
15 Forest Service and the Kennecott Greens Creek
16 Mining Company, Inc., have resulted in an agree-
17 ment by which the area surrounding the Greens
18 Creek Claims could be explored and developed under
19 terms and conditions consistent with the protection
20 of the values of the Admiralty Island National
21 Monument.

22 (4) The full effectuation of the Agreement, by
23 its terms, requires the approval and ratification by
24 Congress.

25 **SEC. 3. DEFINITIONS.**

26 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
4 Under Secretary of Agriculture for Natural Re-
5 sources and Environment on behalf of the United
6 States and the Kennecott Greens Creek Mining
7 Company and 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
12 the same meaning as defined in section 102(4) of
13 ANILCA;

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

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

21 (6) the term “Monument” means the Admiralty
22 Island National Monument in the State of Alaska
23 established 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
5 of Agriculture.

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

7 The Agreement is hereby ratified and confirmed as
8 to the duties and obligations of the United States and its
9 agencies, and KGCMC and Kennecott Corporation, as a
10 matter of Federal law. The agreement may be modified
11 or 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 Agree-
19 ment, the Secretary is authorized to acquire lands and in-
20 terests in land within conservation system units in the
21 Tongass National Forest, and any land or interest in land
22 so acquired shall be administered by the Secretary as part
23 of the National Forest System and any conservation sys-
24 tem unit in which it is located. Priority shall be given to
25 acquisition 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
3 entitled the “Greens Creek Land Exchange Account” into
4 which shall be deposited the first \$5,000,000 in royalties
5 received by the United States under part 6 of the Agree-
6 ment after the distribution of the amounts pursuant to
7 subsection (c) of this section. Such moneys in the special
8 account in the Treasury may, to the extent provided in
9 appropriations Acts, be used for land acquisition pursuant
10 to subsection (a) of this section.

11 (c) TWENTY-FIVE PERCENT FUND.—All royalties
12 paid to the United States under the Agreement shall be
13 subject to the 25 percent distribution provisions of the Act
14 of May 23, 1908, as amended (16 U.S.C. 500) relating
15 to payments 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
23 is authorized to implement and administer the rights and
24 obligations of the Federal Government under the Agree-
25 ment, including monitoring the Government’s interests re-

1 lating to extralateral rights, collecting royalties, and con-
2 ducting audits. The Secretary may enter into cooperative
3 arrangements with other Federal agencies for the per-
4 formance of any Federal rights or obligations under the
5 Agreement or 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 Monu-
14 ment shall be managed as part of the Tongass National
15 Forest.

16 (g) SAVINGS PROVISIONS.—Implementation of the
17 Agreement in accordance with this Act shall not be
18 deemed a major Federal action significantly affecting the
19 quality of the human environment, nor shall implementa-
20 tion require further consideration pursuant to the Na-
21 tional Historic Preservation Act, title VIII of ANILCA,
22 or any other law.

23 **SEC. 6. RECISION RIGHTS.**

24 Within 60 days of the enactment of this Act, KGCMC
25 and Kennecott Corporation shall have a right to rescind

1 all rights under the Agreement and this Act. Recision shall
2 be effected by a duly authorized resolution of the Board
3 of Directors of either KGCMC or Kennecott Corporation
4 and delivered to the Chief of the Forest Service at the
5 Chief's principal office in Washington, District of Colum-
6 bia. In the event of a recision, the status quo ante provi-
7 sions of the Agreement shall apply.

Passed the House of Representatives May 15, 1995.

Attest:

ROBIN H. CARLE,

Clerk.