

103^D CONGRESS
1ST SESSION

H. R. 3613

Entitled the “Kenai Natives Association Equity Act”.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 1993

Mr. YOUNG of Alaska introduced the following bill; which was referred jointly to the Committees on Natural Resources and Merchant Marine and Fisheries

A BILL

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 1993”.

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

7 (a) FINDINGS.—Congress finds that—

8 (1) the acquisition by the United States of cer-
9 tain lands owned by the Kenai Natives Association,
10 Inc. (KNA) will enhance the purposes for which the
11 Kenai National Wildlife Refuge (the Refuge) was es-
12 tablished, as set forth in section 303(4)(B) of the

1 Alaska National Interest Lands Conservation Act, as
2 amended (43 U.S.C. 3101 et seq.) (ANILCA);

3 (2) the Service and KNA have agreed to an ex-
4 change and acquisition program pursuant to Public
5 Law 102-458, of lands and interests in land;

6 (3) the lands to be conveyed to KNA are of
7 lower quality habitat in relation to lands to be ac-
8 quired by the United States. Conveyance of lands to
9 KNA would not significantly impact the purposes for
10 which the Refuge was established;

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

19 (5) the amount to be paid for the Swanson
20 River Road West Tract, the sole issue upon which
21 the Service and KNA could not agree, is established
22 by Congress at \$7,500,000; and

23 (6) it is in the public interest to complete this
24 exchange, and to provide for the economic and bene-
25 ficial use of lands conveyed to KNA in fulfillment of

1 the purpose of the Alaska Native Claims Settlement
2 Act of 1971, as amended (43 U.S.C. 1601 et seq.)
3 (Settlement Act).

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

11 **SEC. 3. DEFINITIONS.**

12 For purposes of this Act, the term—

13 (a) “ANILCA” means the Alaska National In-
14 terest Lands Conservation Act, as amended (16
15 U.S.C. 3101 et seq.);

16 (b) “conservation system unit” has the same
17 meaning as in ANILCA;

18 (c) “KNA” means the Kenai Natives Associa-
19 tion, Inc., an urban corporation incorporated in the
20 State of Alaska pursuant to the terms of the Settle-
21 ment Act;

22 (d) “lands” means both the surface and sub-
23 surface estates or any interest therein whenever both
24 estates are owned by the United States or KNA, as
25 applicable;

1 (e) “property” has the same meaning given
2 such term by section 12(b)(7) of the Settlement Act;

3 (f) “refuge” means the Kenai National Wildlife
4 Refuge;

5 (g) “region” means Cook Inlet Region, Incor-
6 porated, an Alaska Native Regional Corporation
7 which is the appropriate Regional Corporation for
8 KNA, under section 1613(h) of the Settlement Act;

9 (h) “Secretary” means the Secretary of the
10 Interior;

11 (i) “Service” means the United States Fish and
12 Wildlife Service; and

13 (j) “Settlement Act” means the Alaska Native
14 Claims Settlement Act of 1971, as amended (43
15 U.S.C. 1601 et seq.).

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

17 (a) EXCHANGE OF LANDS.—

18 (1) IN GENERAL.—Within 180 days of the en-
19 actment of this Act and upon receipt by KNA of
20 funds for the payments provided by this Act, the
21 Secretary shall convey to KNA, in accordance with
22 the provisions of ANILCA and subject to the provi-
23 sions of section 4(a)(3) and valid existing rights, ap-
24 proximately 1,831 acres of land, portions of the Fed-
25 eral subsurface estate underlying the same, and por-

1 tions of the Federal subsurface estate underlying an-
2 other 3,238 acres, all as identified in section 4(b)(2),
3 in exchange for approximately 14,338 acres of KNA
4 land, and the relinquishment by KNA of its
5 unpatented selections and all entitlement to selec-
6 tions under the Settlement Act, consisting of ap-
7 proximately 1,207 acres, all located within the Ref-
8 uge and identified in section 4(b)(1).

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

16 (b) EXCHANGE AND ACQUISITION LANDS.—

17 (1) KNA LANDS TO BE ACQUIRED.—The lands
18 or interests to be conveyed by KNA to the United
19 States, all situated within the existing authorized
20 boundary of the Refuge, and identified on the map
21 titled “Kenai Natives Association, Inc. and United
22 States Fish and Wildlife Service Negotiated Ex-
23 change/Acquisition Package,” dated October 1993,
24 on file and available for inspection in the Office of
25 the Secretary, generally include—

1 (A) approximately 803 acres located along
2 the Kenai River, known as the Stephanka
3 Tract;

4 (B) approximately 1,243 acres located
5 along the Moose River, known as the Moose
6 River Patented Lands Tract;

7 (C) approximately 2,120 acres located
8 along Marathon Road, known as the Beaver
9 Creek Tract;

10 (D) approximately 10,172 acres located
11 along the Swanson River Road and the Sunken
12 Island Lake Road, known as the Swanson River
13 Road West Tract;

14 (E) all of the remaining KNA selections
15 under the Settlement Act, consisting of approxi-
16 mately 1,207 acres, are hereby relinquished and
17 all remaining entitlement of KNA is hereby ex-
18 tinguished; and

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

1 (2) LANDS TO BE EXCHANGED.—The lands or
2 interests to be conveyed by the United States to
3 KNA, and identified (except for the parcel identified
4 in section 4(b)(2)(A)) on the map titled “Kenai Na-
5 tives Association, Inc. and United States Fish and
6 Wildlife Service Negotiated Exchange/Acquisition
7 package,” dated October 1993, on file and available
8 for inspection in the Office of the Secretary, gen-
9 erally include—

10 (A) approximately five acres, located with-
11 in the city of Kenai, Alaska, identified as
12 United States Survey 1435, and known as the
13 old Fish and Wildlife Service Headquarters site;

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

17 (C) the subsurface estate (less oil, coal,
18 and gas) to approximately 5,064 acres, includ-
19 ing approximately 1,826 acres underlying the
20 Swanson River Road East Tract and approxi-
21 mately 3,238 adjacent acres underlying lands
22 previously patented to KNA which are located
23 east of the Swanson River Road.

24 (3) The lands identified for acquisition by the
25 United States, specifically identified on the maps

1 referenced in section 4(c) as the Stephanka Tract,
2 the Beaver Creek Tract, and the Moose River Pat-
3 ented Lands Tract, collectively referred to as the
4 “Kenai River Project,” shall be acquired by the
5 United States pursuant to the Land and Water Con-
6 servation Fund Act.

7 (4) NATIONAL REGISTER OF HISTORIC
8 PLACES.—Upon completion of the exchange author-
9 ized in section 4(a), the Secretary shall promptly un-
10 dertake to nominate the Stepanka Tract to the Na-
11 tional Register of Historic Places, in recognition of
12 the archeological artifacts from the original Kenaitze
13 Indian settlement.

14 (c) GENERAL PROVISIONS.—

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

1 other law or regulation applicable solely to Federal
2 lands.

3 (B) The Secretary shall execute and file such
4 instruments as are necessary to convey lands and re-
5 move the restrictions referred to in this section at
6 the time of the conveyances provided in section
7 4(a)(1).

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

11 (2) MAPS AND LEGAL DESCRIPTIONS.—The
12 maps described in section 4 and a legal description
13 of the lands depicted on the maps shall be on file
14 and available for public inspection in the appropriate
15 offices of the United States Department of the Inte-
16 rior. Not later than 120 days after the day of enact-
17 ment of this Act, the Secretary shall prepare a legal
18 description of the lands depicted on the maps re-
19 ferred to in section 4. Such maps and legal descrip-
20 tions shall have the same force and effect as if in-
21 cluded in this Act, except that the Secretary may
22 correct clerical and typographical errors.

23 (3) CANCELLATION.—Prior to implementation
24 of the exchange required by section 4(a), if KNA no-
25 tifies the Secretary in writing that it no longer in-

1 tends to complete the exchange, the lands referenced
2 in section 4(a) shall revert to their status as of the
3 day before the date of enactment of this Act.

4 (4) FINAL MAPS.—Not later than 120 days
5 after the conclusion of the exchange required by sec-
6 tion 4(a), the Secretary shall transmit maps accu-
7 rately depicting the lands transferred and conveyed
8 pursuant to this Act and the acreage and legal de-
9 scriptions of such lands to the Committee on Natu-
10 ral Resources and the Committee on Merchant Ma-
11 rine and Fisheries of the House of Representatives
12 and the Committee on Energy and Natural Re-
13 sources and the Committee on Environment and
14 Public Works of the Senate.

15 **SEC. 5. ADJUSTMENTS TO NATIONAL WILDLIFE REFUGE**
16 **SYSTEM.**

17 (a) ADDITION TO THE KENAI NATIONAL WILDLIFE
18 REFUGE.—The Secretary shall add the lands conveyed to
19 the United States pursuant to section 4(a)(1) to the Ref-
20 uge. The Secretary shall manage such lands in accordance
21 with the provisions of the National Wildlife Refuge System
22 Administration Act of 1966 (16 U.S.C. 668dd–668ee) and
23 ANILCA.

24 (b) KENAI NATIONAL WILDLIFE REFUGE BOUND-
25 ARY ADJUSTMENT.—The boundaries of the Refuge as set

1 forth in section 303(4)(A) of ANILCA are hereby adjusted
2 to include those lands generally depicted on the map de-
3 scribed in section 4(c)(4) entitled “Proposed Boundary
4 Extension”, dated October 1993.

5 (c) ADDITION TO WILDERNESS AREA.—Upon acqui-
6 sition of lands by the United States pursuant to section
7 4(a)(1), that portion of the Stephanka Tract lying south
8 and west of the Kenai River, consisting of approximately
9 592 acres and as generally depicted as “To be included
10 in wilderness” on the map referenced in section 4(b)(1),
11 shall be included in and managed as part of the Kenai
12 Wilderness. Upon their inclusion into the Kenai Wilder-
13 ness, such lands shall be managed in accordance with the
14 applicable provisions of the Wilderness Act and ANILCA.

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

23 **SEC. 6. SURPLUS PROPERTY ACCOUNT**

24 (a) ESTABLISHMENT.—

1 (1) Notwithstanding any other provision of law,
2 on October 1, 1996, the Secretary of the Treasury,
3 in consultation with the Secretary, shall establish a
4 KNA account. The valuation of the account shall be
5 established at \$6,457,000, the amount necessary to
6 equalize values in the land exchange and acquisition
7 program agreed to by the Service and KNA.

8 (2) Beginning on October 1, 1996, the balance
9 of the account shall—

10 (i) be available to KNA for bidding on and
11 purchasing property sold at public sale, subject
12 to the conditions described in section 6(a)(3);

13 (ii) remain available until expended; and

14 (iii) KNA may use the account established
15 under section 6(a)(1) to bid as any other bidder
16 for property (wherever located) at any public
17 sale by an agency and may purchase the prop-
18 erty in accordance with applicable laws and reg-
19 ulations of the agency offering the property for
20 sale.

21 (3) In conducting a transaction described in
22 section (6)(a), an agency shall accept, in the same
23 manner as cash, any amount tendered from the ac-
24 count established by the Secretary of the Treasury
25 under section 6(a)(1). The Secretary of the Treasury

1 shall adjust the balance of the account to reflect the
2 transaction.

3 (4) The Secretary of the Treasury, in consulta-
4 tion with the Secretary, shall establish procedures to
5 permit the account established under section 6(a)(1)
6 to—

7 (i) receive deposits;

8 (ii) make deposits into escrow when an es-
9 crow is required for the sale of any property;
10 and

11 (iii) reinstate to the account any unused
12 escrow deposits in the event sales are not con-
13 summated.

14 (b) IMPLEMENTATION.—

15 (1) Notwithstanding any other provision of law,
16 KNA may assign without restriction any or all of
17 the account to any party upon written notification to
18 the Secretary of the Treasury and the Secretary.
19 Notwithstanding any other provisions of this Act, in
20 the event such assignment is to the Region on notice
21 from KNA to the Secretary of the Treasury and the
22 Secretary, the amount of such assignment shall be
23 added to or made a part of the Region's Property
24 Account in the Treasury established pursuant to sec-

1 tion 12(b) of Public Law 94–204 as amended, and
2 may be used in the same manner as that account.

3 (2) KNA shall be deemed to have accepted the
4 terms of this section in lieu of any other land enti-
5 tlement it would have received pursuant to the Set-
6 tlement Act and such acceptance shall satisfy any
7 and all claims KNA had against the United States
8 on the date of this enactment;

9 (c) TREATMENT OF AMOUNTS FROM ACCOUNT.—

10 (1) The Secretary of the Treasury shall deem
11 as cash receipts any amount tendered from the ac-
12 count established pursuant to section 6(a)(1) and re-
13 ceived by agencies as proceeds from a public sale of
14 property, and shall make any transfers necessary to
15 allow an agency to use the proceeds in the event an
16 agency is authorized by law to use the proceeds for
17 a specific purpose.

18 (2) Subject to section 6(b), the Secretary of the
19 Treasury and the heads of agencies shall administer
20 sales pursuant to this section in the same manner as
21 is provided for any other Alaska Native corporation
22 authorized by law as of the date of enactment of this
23 section (including the use of similar accounts for
24 bidding on and purchasing property sold for public
25 sale).

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums

3 as may be necessary to carry out the purposes of this Act.

○