

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4746

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

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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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## 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”.

6        **SEC. 2. FINDINGS.**

7        The Congress makes the following findings:

8                (1) On December 2, 1980, the Alaska National  
9        Interest Lands Conservation Act (94 Stat. 2371) es-  
10        tablished Gates of the Arctic National Park and

1 Preserve and Gates of the Arctic Wilderness. The  
2 village of Anaktuvuk Pass, located in the highlands  
3 of the central Brooks Range, is virtually surrounded  
4 by these national park and wilderness lands and is  
5 the only village located within the boundary of a Na-  
6 tional Park System unit in Alaska.

7 (2) Unlike most other Alaskan Native commu-  
8 nities, the village of Anaktuvuk Pass is not located  
9 on a major river, lake, or coastline that can be used  
10 as a means of access. The residents of Anaktuvuk  
11 Pass have relied increasingly on snow machines in  
12 winter and all-terrain vehicles in summer as their  
13 primary means of access to pursue caribou and  
14 other subsistence resources.

15 (3) In a 1983 land exchange agreement, linear  
16 easements were reserved by the Inupiat Eskimo peo-  
17 ple for use of all-terrain vehicles across certain na-  
18 tional park lands, mostly along stream and river  
19 banks. These linear easements proved unsatisfactory,  
20 because they provided inadequate access to subsist-  
21 ence resources while causing excessive environmental  
22 impact from concentrated use.

23 (4) The National Park Service and the  
24 Nunamiut Corporation initiated discussions in 1985  
25 to address concerns over the use of all-terrain vehi-

1 cles on park and wilderness land. These discussions  
2 resulted in an agreement, originally executed in  
3 1992 and thereafter amended in 1993 and 1994,  
4 among the National Park Service, the Nunamiut  
5 Corporation, the City of Anaktuvuk Pass, and the  
6 Arctic Slope Regional Corporation. Full effectuation  
7 of this agreement, as amended, requires ratification  
8 by the Congress.

9 **SEC. 3. RATIFICATION OF AGREEMENT.**

10 (a) RATIFICATION.—

11 (1) IN GENERAL.—The terms, conditions, pro-  
12 cedures, covenants, reservations and other provisions  
13 set forth in the document entitled “Donation, Ex-  
14 change of Lands and Interests in Lands and Wilder-  
15 ness Redesignation Agreement Among Arctic Slope  
16 Regional Corporation, Nunamiut Corporation, City  
17 of Anaktuvuk Pass and the United States of Amer-  
18 ica” (hereinafter referred to in this Act as “the  
19 Agreement”), executed by the parties on December  
20 17, 1992, as amended, are hereby incorporated in  
21 this Act, are ratified and confirmed, and set forth  
22 the obligations and commitments of the United  
23 States, Arctic Slope Regional Corporation,  
24 Nunamiut Corporation and the City of Anaktuvuk  
25 Pass, as a matter of Federal law.

1           (2) LAND ACQUISITION.—Lands acquired by  
2           the United States pursuant to the Agreement shall  
3           be administered by the Secretary of the Interior  
4           (hereinafter referred to as the “Secretary”) as part  
5           of Gates of the Arctic National Park and Preserve,  
6           subject to the laws and regulations applicable there-  
7           to.

8           (b) MAPS.—The maps set forth as Exhibits C1, C2,  
9           and D through I to the Agreement depict the lands subject  
10          to the conveyances, retention of surface access rights, ac-  
11          cess easements and all-terrain vehicle easements. These  
12          lands are depicted in greater detail on a map entitled  
13          “Land Exchange Actions, Proposed Anaktuvuk Pass Land  
14          Exchange and Wilderness Redesignation, Gates of the  
15          Arctic National Park and Preserve”, Map No. 185/80,039,  
16          dated April 1994, and on file at the Alaska Regional Of-  
17          fice of the National Park Service and the offices of Gates  
18          of the Arctic National Park and Preserve in Fairbanks,  
19          Alaska. Written legal descriptions of these lands shall be  
20          prepared and made available in the above offices. In case  
21          of any discrepancies, Map No. 185/80,039, shall be con-  
22          trolling.

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

24           (a) REDESIGNATION.—Section 701(2) of the Alaska  
25          National Interest Lands Conservation Act (94 Stat. 2371,

1 2417) establishing the Gates of the Arctic Wilderness is  
2 hereby amended with the addition of approximately  
3 56,825 acres as wilderness and the rescission of approxi-  
4 mately 73,993 acres as wilderness, thus revising the Gates  
5 of the Arctic Wilderness to approximately 7,034,832  
6 acres.

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

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

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

19 “DESIGNATION OF WILDERNESS ON BUREAU OF LAND  
20 MANAGEMENT LANDS

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

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

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

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

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

19           (b) ALASKA NATIONAL INTEREST LANDS CONSERVA-  
20 TION ACT.—Nothing in this Act or in the Agreement shall  
21 be construed to enlarge or diminish the rights, privileges,  
22 or obligations of any person, except to the extent specifi-  
23 cally set forth in this Act or the Agreement, including spe-  
24 cifically the preference for subsistence uses and access to  
25 subsistence resources provided under title VIII of the

1 Alaska National Interest Lands Conservation Act, as  
2 amended (94 Stat. 2371–2422).

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