

**Calendar No. 652**

103D CONGRESS  
2D SESSION

**S. 2303**

**A BILL**

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

SEPTEMBER 27 (legislative day, SEPTEMBER 12), 1994  
Reported with amendments

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**IN THE SENATE OF THE UNITED STATES**

JULY 21 (legislative day, JULY 20), 1994

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 27 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. JOHNSTON, with amendments

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

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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”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) the Alaska National Interest Lands Con-  
4 servation Act (16 U.S.C. 460hh et seq.), enacted on  
5 December 2, 1980, established the Gates of the Arc-  
6 tic National Park and Preserve and the Gates of the  
7 Arctic Wilderness.

8 (2) The village of Anaktuvuk Pass, located in  
9 the highlands of the central Brooks Range, is vir-  
10 tually surrounded by such national park and wilder-  
11 ness area.

12 (3) Unlike most other Alaska Native commu-  
13 nities, the village of Anaktuvuk Pass is not located  
14 on a major river, lake, or coastline that can be used  
15 as a means of access.

16 (4) The residents of Anaktuvuk Pass have re-  
17 lied increasingly on snow machines in winter and all-  
18 terrain vehicles in summer as their primary means  
19 of access to pursue caribou and other subsistence re-  
20 sources.

21 (5) In a land exchange agreement in 1983, lin-  
22 ear easements were reserved by the Inupiat Eskimo  
23 people for use of all-terrain vehicles across certain  
24 national park lands, mostly along stream and river  
25 banks.

1           (6) Such linear easements proved unsatisfac-  
2           tory, because such easements provided inadequate  
3           access to subsistence resources and caused excessive  
4           environmental impact from concentrated use.

5           (7) Officials of the National ~~Park Service~~ and  
6           ~~the~~ *Park Service and* Nunamiut Corporation initi-  
7           ated discussions in 1985 to address concerns over  
8           the use of all-terrain vehicles on park and wilderness  
9           land.

10          (8) Such discussions resulted in an agreement,  
11          originally executed in 1992, and subsequently  
12          amended in 1993 and 1994, between the National  
13          ~~Park Service~~ and ~~the~~ *Park Service and* Nunamiut  
14          Corporation and the city of Anaktuvuk Pass, ~~Alaska,~~  
15          and ~~the~~ *Alaska, and* Arctic Slope Regional Corpora-  
16          tion.

17          (9) The full effectuation of the agreement, by  
18          its terms, described in paragraph (7) requires the  
19          approval and ratification by Congress.

20 **SEC. 3. DEFINITIONS.**

21          As used in this Act:

22          (1) AGREEMENT.—The term “Agreement”  
23          means the document entitled “Donation, Exchange  
24          of Lands and Interests and Wilderness Redesigna-  
25          tion Agreement Among Arctic Slope Regional Cor-

1 poration, Nunamuit Corporation, City of Anaktuvuk  
2 Pass and the United States of America”, executed  
3 on December 17, 1992, and subsequently amended  
4 by the parties in 1993 and 1994.

5 (2) SECRETARY.—The term “Secretary” means  
6 the Secretary of the Interior.

7 **SEC. 4. RATIFICATION OF AGREEMENT.**

8 (a) RATIFICATION.—

9 (1) IN GENERAL.—The Agreement is hereby  
10 ratified and confirmed. The terms, conditions, proce-  
11 dures, covenants, reservations, and other provisions  
12 set forth by the parties specified in section 2(7) of  
13 the Agreement, and subsequently amended are here-  
14 by are ratified and confirmed. The obligations and  
15 commitments of the United States, Arctic Slope Re-  
16 gional Corporation, Nunamiut Corporation and the  
17 city of Anaktuvuk Pass, under such Agreement are  
18 hereby considered to be a matter of Federal law.

19 (2) LAND ACQUISITION.—Subject to any appli-  
20 cable law, the lands acquired by the United States  
21 pursuant to the Agreement shall be administered by  
22 the Secretary as part of the Gates of the Arctic Na-  
23 tional Park and Preserve.

24 (b) MAPS.—

1           (1) IN GENERAL.—The lands subject to the  
2 conveyances, retention of surface access rights, ac-  
3 cess easements, and all-terrain vehicle easements  
4 shall be determined in accordance with the maps de-  
5 scribed as exhibits C1, C2, and D through I of the  
6 Agreement and the Map No. 185/80,039, entitled  
7 “Land Exchange Actions, ~~Proposed Actions,~~  
8 Anaktuvuk Pass Land Exchange and Wilderness Re-  
9 designation, Gates of the Arctic National Park and  
10 Preserve”, dated April 1994.

11           (2) LOCATION OF MAPS.—The maps shall be on  
12 file at the Alaska Regional Office of the National  
13 Park Service and the offices of Gates of the Arctic  
14 National Park and Preserve in Fairbanks, Alaska.

15           (3) PUBLIC INSPECTION.—The Secretary shall  
16 ensure that written legal descriptions of the lands  
17 described in paragraph (1) shall be available for  
18 public inspection in the offices specified in para-  
19 graph (2).

20           (4) DISCREPANCIES.—In case of any discrep-  
21 ancy between the maps described in paragraph (1)  
22 and the Map No. 185/80,039, the Map No. 185/  
23 80,039 shall control.

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

25           (a) REDESIGNATION.—

1           (1) IN GENERAL.—Section 701(2) of the Alaska  
2 National Interest Lands Conservation Act (16  
3 U.S.C. 1132 note) is amended by striking out “ap-  
4 proximately seven million and fifty-two thousand  
5 acres” and inserting in lieu thereof “approximately  
6 ~~7,340,832~~ *acres seven million thirty-four thousand*  
7 *eight hundred and thirty-two acres*”.

8           (2) ACREAGE.—The amendment made by para-  
9 graph (1) shall result in the addition to the Gates  
10 of the Arctic Wilderness of approximately 56,825  
11 acres, and the rescission of approximately 73,993  
12 acres as wilderness, from the total acreage of the  
13 Gates of Arctic Wilderness (as determined on the  
14 day before the date of enactment of this Act).

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

24          (c) REDESIGNATION.—

25           (1) IN GENERAL.—

1           (A) *Section 201(8)(a) of the Alaska Na-*  
2           *tional Interest Lands Conservation Act is*  
3           *amended by striking out “approximately six mil-*  
4           *lion four hundred and sixty thousand acres” and*  
5           *inserting in lieu thereof “approximately six mil-*  
6           *lion four hundred and seventy-seven thousand*  
7           *one hundred and sixty-eight acres”.*

8           (B) *Section 701(7) of the Alaska National*  
9           *Interest Lands Conservation Act (16 U.S.C.*  
10           *1132) is amended by striking out “approx-*  
11           *imately five million eight hundred thousand*  
12           *acres” and inserting in lieu thereof “approx-*  
13           *imately five million eight hundred seventeen thou-*  
14           *sand one hundred and sixty eight acres”.*

15           (2) *ACREAGE.—The amendment made by para-*  
16           *graph (1) shall result in the addition to the Noatak*  
17           *National Preserve and the Noatak Wilderness of ap-*  
18           *proximately 17,168 acres to the total acreage of the*  
19           *Noatak National Preserve and the Noatak Wilderness*  
20           *(as determined on the day before the date of enact-*  
21           *ment of this Act).*

22           (d) *MAPS.—The lands redesignated in subsection (c)*  
23           *are depicted on a map entitled “Proposed Noatak National*  
24           *Preserve Wilderness expansion” dated September 19, 1994.*

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

2 (a) ALASKA NATIVE CLAIMS SETTLEMENT ACT.—All  
3 of the lands, or interests therein, conveyed to and received  
4 by Arctic Slope Regional Corporation or Nunamiut Cor-  
5 poration pursuant to the Agreement shall be deemed to  
6 have been conveyed and received pursuant to the require-  
7 ments relating to land exchanges under section 22(f) of  
8 the Alaska Native Claims Settlement Act (43 U.S.C.  
9 1621(f)).

10 (b) VALID EXISTING RIGHTS.—All of the lands or in-  
11 terests in lands conveyed pursuant to the Agreement shall  
12 be conveyed subject to valid existing rights.

13 (c) ALASKA NATIONAL INTEREST LANDS CONSERVA-  
14 TION ACT.—Nothing in this Act or in the Agreement may  
15 be construed to enlarge or diminish the rights, privileges,  
16 or obligations of any person, except to the extent specifi-  
17 cally set forth in this Act or the Agreement (including the  
18 specific preference for subsistence uses and access to sub-  
19 sistence resources provided under the Alaska National In-  
20 terest Lands Conservation Act (94 Stat. 2417 et seq.)).