

104TH CONGRESS
2D SESSION

H. R. 3907

IN THE SENATE OF THE UNITED STATES

JULY 30, 1996

Received

AN ACT

To facilitate the 2002 Winter Olympic Games in the State of Utah at the Snowbasin Ski Area, to provide for the acquisition of lands within the Sterling Forest Reserve, 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,*

1 **TITLE I—SNOWBASIN SKI AREA**

2 **SEC. 101. SHORT TITLE.**

3 This title may be cited as the “2002 Winter Olympic
4 Games Facilitation Act”.

5 **SEC. 102. FINDINGS AND DETERMINATION.**

6 (a) FINDINGS.—The Congress finds that—

7 (1) in June 1995, Salt Lake City, Utah, was
8 selected to host the 2002 Winter Olympic Games,
9 and the Snowbasin Ski Resort, which is owned by
10 the Sun Valley Company, was identified as the site
11 of six Olympic events: the men’s and women’s
12 downhills, men’s and women’s Super-Gs, and men’s
13 and women’s combined downhills;

14 (2) in order to adequately accommodate these
15 events, which are traditionally among the most pop-
16 ular and heavily attended at the Winter Olympic
17 Games, major new skiing, visitor, and support facili-
18 ties will have to be constructed at the Snowbasin Ski
19 Resort on land currently administered by the United
20 States Forest Service;

21 (3) while certain of these new facilities can be
22 accommodated on National Forest land under tradi-
23 tional Forest Service permitting authorities, the base
24 area facilities necessary to host visitors to the ski

1 area and the Winter Olympics are of such a nature
2 that they should logically be located on private land;

3 (4) land exchanges have been routinely utilized
4 by the Forest Service to transfer base area lands to
5 many other ski areas, and the Forest Service and
6 the Sun Valley Company have concluded that a land
7 exchange to transfer base area lands at the
8 Snowbasin Ski Resort to the Sun Valley Company is
9 both logical and advisable;

10 (5) an environmental impact statement and nu-
11 merous resource studies have been completed by the
12 Forest Service and the Sun Valley Company for the
13 lands proposed to be transferred to the Sun Valley
14 Company by this title;

15 (6) the Sun Valley Company has assembled
16 lands with outstanding environmental, recreational,
17 and other values to convey to the Forest Service in
18 return for the lands it will receive in the exchange,
19 and the Forest Service has identified such lands as
20 desirable for acquisition by the United States; and

21 (7) completion of a land exchange and approval
22 of a development plan for Olympic related facilities
23 at the Snowbasin Ski Resort is essential to ensure
24 that all necessary facilities can be constructed, test-
25 ed for safety and other purposes, and become fully

1 operational in advance of the 2002 Winter Olympics
2 and earlier pre-Olympic events.

3 (b) DETERMINATION.—The Congress has reviewed
4 the previous analyses and studies of the lands to be ex-
5 changed and developed pursuant to this title, and has
6 made its own review of these lands and issues involved,
7 and on the basis of those reviews hereby finds and deter-
8 mines that a legislated land exchange and development
9 plan approval is necessary to meet Olympic goals and
10 timetables.

11 **SEC. 103. SNOWBASIN LAND EXCHANGE.**

12 (a) PURPOSE AND INTENT.—The purpose of this sec-
13 tion is to authorize and direct the Secretary to exchange
14 1,320 acres of federally-owned land within the Cache Na-
15 tional Forest in the State of Utah for lands of approxi-
16 mately equal value owned by the Sun Valley Company. It
17 is the intent of Congress that this exchange be completed
18 without delay within the period specified by subsection (d).

19 (b) DEFINITIONS.—As used in this section:

20 (1) The term “Sun Valley Company” means the
21 Sun Valley Company, a division of Sinclair Oil Cor-
22 poration, a Wyoming Corporation, or its successors
23 or assigns.

24 (2) The term “Secretary” means the Secretary
25 of Agriculture.

1 (c) EXCHANGE.—

2 (1) FEDERAL SELECTED LANDS.—(A) Not later
3 than 45 days after the final determination of value
4 of the Federal selected lands, the Secretary shall,
5 subject to this section, transfer all right, title, and
6 interest of the United States in and to the lands re-
7 ferred to in subparagraph (B) to the Sun Valley
8 Company.

9 (B) The lands referred to in subparagraph (A)
10 are certain lands within the Cache National Forest
11 in the State of Utah comprising 1,320 acres, more
12 or less, as generally depicted on the map entitled
13 “Snowbasin Land Exchange—Proposed” and dated
14 October 1995.

15 (2) NON-FEDERAL OFFERED LANDS.—Upon
16 transfer of the Federal selected lands under para-
17 graph (1), and in exchange for those lands, the Sun
18 Valley Company shall simultaneously convey to the
19 Secretary all right, title and interest of the Sun Val-
20 ley Company in and to so much of the following of-
21 fered lands which have been previously identified by
22 the United States Forest Service as desirable by the
23 United States, or which are identified pursuant to
24 subparagraph (E) prior to the transfer of lands

1 under paragraph (1), as are of approximate equal
2 value to the Federal selected lands:

3 (A) Certain lands located within the exte-
4 rior boundaries of the Cache National Forest in
5 Weber County, Utah, which comprise approxi-
6 mately 640 acres and are generally depicted on
7 a map entitled “Lightning Ridge Offered
8 Lands”, dated October 1995.

9 (B) Certain lands located within the Cache
10 National Forest in Weber County, Utah, which
11 comprise approximately 635 acres and are gen-
12 erally depicted on a map entitled “Wheeler
13 Creek Watershed Offered Lands—Section 21”
14 dated October 1995.

15 (C) Certain lands located within the exte-
16 rior boundaries of the Cache National Forest in
17 Weber County, Utah, and lying immediately ad-
18 jacent to the outskirts of the City of Ogden,
19 Utah, which comprise approximately 800 acres
20 and are generally depicted on a map entitled
21 “Taylor Canyon Offered Lands”, dated October
22 1995.

23 (D) Certain lands located within the exte-
24 rior boundaries of the Cache National Forest in
25 Weber County, Utah, which comprise approxi-

1 mately 2,040 acres and are generally depicted
2 on a map entitled “North Fork Ogden River—
3 Devil’s Gate Valley”, dated October 1995.

4 (E) Such additional offered lands in the
5 State of Utah as may be necessary to make the
6 values of the lands exchanged pursuant to this
7 section approximately equal, and which are ac-
8 ceptable to the Secretary.

9 (3) SUBSTITUTION OF OFFERED LANDS.—If
10 one or more of the precise offered land parcels iden-
11 tified in subparagraphs (A) through (D) of para-
12 graph (2) is unable to be conveyed to the United
13 States due to appraisal or other reasons, or if the
14 Secretary and the Sun Valley Company mutually
15 agree and the Secretary determines that an alter-
16 native offered land package would better serve long
17 term public needs and objectives, the Sun Valley
18 Company may simultaneously convey to the United
19 States alternative offered lands in the State of Utah
20 acceptable to the Secretary in lieu of any or all of
21 the lands identified in subparagraphs (A) through
22 (D) of paragraph (2).

23 (4) VALUATION AND APPRAISALS.—(A) Values
24 of the lands to be exchanged pursuant to this section
25 shall be equal as determined by the Secretary utiliz-

1 ing nationally recognized appraisal standards and in
2 accordance with section 206 of the Federal Land
3 Policy and Management Act of 1976. The appraisal
4 reports shall be written to Federal standards as de-
5 fined in the Uniform Appraisal Standards for Fed-
6 eral Land Acquisitions. If, due to size, location, or
7 use of lands exchanged under this section, the values
8 are not exactly equal, they shall be equalized by the
9 payment of cash equalization money to the Secretary
10 or the Sun Valley Company as appropriate in ac-
11 cordance with section 206(b) of the Federal Land
12 Policy and Management Act of 1976 (43 U.S.C.
13 1716(b)). In order to expedite the consummation of
14 the exchange directed by this section, the Sun Valley
15 Company shall arrange and pay for appraisals of the
16 offered and selected lands by a qualified appraiser
17 with experience in appraising similar properties and
18 who is mutually acceptable to the Sun Valley Com-
19 pany and the Secretary. The appraisal of the Fed-
20 eral selected lands shall be completed and submitted
21 to the Secretary for technical review and approval no
22 later than 120 days after the date of enactment of
23 this Act, and the Secretary shall make a determina-
24 tion of value not later than 30 days after receipt of
25 the appraisal. In the event the Secretary and the

1 Sun Valley Company are unable to agree to the ap-
2 praised value of a certain tract or tracts of land, the
3 appraisal, appraisals, or appraisal issues in dispute
4 and a final determination of value shall be resolved
5 through a process of bargaining or submission to ar-
6 bitration in accordance with section 206(d) of the
7 Federal Land Policy and Management Act of 1976
8 (43 U.S.C. 1716(d)).

9 (B) In order to expedite the appraisal of the
10 Federal selected lands, such appraisal shall—

11 (i) value the land in its unimproved state,
12 as a single entity for its highest and best use
13 as if in private ownership and as of the date of
14 enactment of this Act;

15 (ii) consider the Federal lands as an inde-
16 pendent property as though in the private mar-
17 ketplace and suitable for development to its
18 highest and best use;

19 (iii) consider in the appraisal any encum-
20 brance on the title anticipated to be in the con-
21 veyance to Sun Valley Company and reflect its
22 effect on the fair market value of the property;
23 and

24 (iv) not reflect any enhancement in value
25 to the Federal selected lands based on the exist-

1 ence of private lands owned by the Sun Valley
2 Company in the vicinity of the Snowbasin Ski
3 Resort, and shall assume that private lands
4 owned by the Sun Valley Company are not
5 available for use in conjunction with the Fed-
6 eral selected lands.

7 (d) GENERAL PROVISIONS RELATING TO THE EX-
8 CHANGE.—

9 (1) IN GENERAL.—The exchange authorized by
10 this section shall be subject to the following terms
11 and conditions:

12 (A) RESERVED RIGHTS-OF-WAY.—In any
13 deed issued pursuant to subsection (c)(1), the
14 Secretary shall reserve in the United States a
15 right of reasonable access across the conveyed
16 property for public access and for administra-
17 tive purposes of the United States necessary to
18 manage adjacent federally-owned lands. The
19 terms of such reservation shall be prescribed by
20 the Secretary within 30 days after the date of
21 the enactment of this Act.

22 (B) RIGHT OF RESCISSION.—This section
23 shall not be binding on either the United States
24 or the Sun Valley Company if, within 30 days
25 after the final determination of value of the

1 Federal selected lands, the Sun Valley Company
2 submits to the Secretary a duly authorized and
3 executed resolution of the Company stating its
4 intention not to enter into the exchange author-
5 ized by this section.

6 (2) WITHDRAWAL.—Subject to valid existing
7 rights, effective on the date of enactment of this Act,
8 the Federal selected lands described in subsection
9 (c)(1) and all National Forest System lands cur-
10 rently under special use permit to the Sun Valley
11 Company at the Snowbasin Ski Resort are hereby
12 withdrawn from all forms of appropriation under the
13 public land laws (including the mining laws) and
14 from disposition under all laws pertaining to mineral
15 and geothermal leasing.

16 (3) DEED.—The conveyance of the offered
17 lands to the United States under this section shall
18 be by general warranty or other deed acceptable to
19 the Secretary and in conformity with applicable title
20 standards of the Attorney General of the United
21 States.

22 (4) STATUS OF LANDS.—Upon acceptance of
23 title by the Secretary, the land conveyed to the Unit-
24 ed States pursuant to this section shall become part
25 of the Wasatch or Cache National Forests as appro-

1 priate, and the boundaries of such National Forests
2 shall be adjusted to encompass such lands. Once
3 conveyed, such lands shall be managed in accordance
4 with the Act of March 1, 1911, as amended (com-
5 monly known as the “Weeks Act”), and in accord-
6 ance with the other laws, rules and regulations ap-
7 plicable to National Forest System lands. This para-
8 graph does not limit the Secretary’s authority to ad-
9 just the boundaries pursuant to section 11 of the
10 Act of March 1, 1911 (“Weeks Act”). For the pur-
11 poses of section 7 of the Land and Water Conserva-
12 tion Fund Act of 1965 (16 U.S.C. 4601–9), the
13 boundaries of the Wasatch and Cache National For-
14 ests, as adjusted by this section, shall be considered
15 to be boundaries of the forests as of January 1,
16 1965.

17 (e) PHASE FACILITY CONSTRUCTION AND OPER-
18 ATION.—

19 (1) PHASE I FACILITY FINDING AND REVIEW.—

20 (A) The Congress has reviewed the Snowbasin Ski
21 Area Master Development Plan dated October 1995
22 (hereinafter in this subsection referred to as the
23 “Master Plan”). On the basis of such review, and re-
24 view of previously completed environmental and
25 other resource studies for the Snowbasin Ski Area,

1 Congress hereby finds that the “Phase I” facilities
2 referred to in the Master Plan to be located on Na-
3 tional Forest System land after consummation of the
4 land exchange directed by this section are limited in
5 size and scope, are reasonable and necessary to ac-
6 commodate the 2002 Olympics, and in some cases
7 are required to provide for the safety of skiing com-
8 petitors and spectators.

9 (B) Within 60 days after the date of enactment
10 of this Act, the Secretary and the Sun Valley Com-
11 pany shall review the Master Plan insofar as such
12 plan pertains to Phase I facilities which are to be
13 constructed and operated wholly or partially on Na-
14 tional Forest System lands retained by the Secretary
15 after consummation of the land exchange directed by
16 this section. The Secretary may modify such Phase
17 I facilities upon mutual agreement with the Sun Val-
18 ley Company or by imposing conditions pursuant to
19 paragraph (2) of this subsection.

20 (C) Within 90 days after the date of enactment
21 of this Act, the Secretary shall submit the reviewed
22 Master Plan on the Phase I facilities, including any
23 modifications made thereto pursuant to subpara-
24 graph (B), to the Committee on Energy and Natural
25 Resources of the United States Senate and the Com-

1 mittee on Resources of the United States House of
2 Representatives for a 30-day review period. At the
3 end of the 30-day period, unless otherwise directed
4 by Act of Congress, the Secretary may issue all nec-
5 essary authorizations for construction and operation
6 of such facilities or modifications thereof in accord-
7 ance with the procedures and provisions of para-
8 graph (2) of this subsection.

9 (2) PHASE I FACILITY APPROVAL, CONDITIONS,
10 AND TIMETABLE.—Within 120 days of receipt of an
11 application by the Sun Valley Company to authorize
12 construction and operation of any particular Phase
13 I facility, facilities, or group of facilities, the Sec-
14 retary, in consultation with the Sun Valley Com-
15 pany, shall authorize construction and operation of
16 such facility, facilities, or group of facilities, subject
17 to the general policies of the Forest Service pertain-
18 ing to the construction and operation of ski area fa-
19 cilities on National Forest System lands and subject
20 to reasonable conditions to protect National Forest
21 System resources. In providing authorization to con-
22 struct and operate a facility, facilities, or group of
23 facilities, the Secretary may not impose any condi-
24 tion that would significantly change the location,

1 size, or scope of the applied for Phase I facility un-
2 less—

3 (A) the modification is mutually agreed to
4 by the Secretary and the Sun Valley Company;
5 or

6 (B) the modification is necessary to protect
7 health and safety.

8 Nothing in this subsection shall be construed to af-
9 fect the Secretary's responsibility to monitor and as-
10 sure compliance with the conditions set forth in the
11 construction and operation authorization.

12 (3) CONGRESSIONAL DIRECTIONS.—Notwith-
13 standing any other provision of law, Congress finds
14 that consummation of the land exchange directed by
15 this section and all determinations, authorizations,
16 and actions taken by the Secretary pursuant to this
17 section pertaining to Phase I facilities on National
18 Forest System lands, or any modifications thereof,
19 to be nondiscretionary actions authorized and di-
20 rected by Congress and hence to comply with all pro-
21 cedural and other requirements of the laws of the
22 United States. Such determinations, authorizations,
23 and actions shall not be subject to administrative or
24 judicial review.

1 (f) NO PRECEDENT.—Nothing in subsection
2 (c)(4)(B) of this section relating to conditions or limita-
3 tions on the appraisal of the Federal lands, or any provi-
4 sion of subsection (e), relating to the approval by the Con-
5 gress or the Forest Service of facilities on National Forest
6 System lands, shall be construed as a precedent for subse-
7 quent legislation.

8 **TITLE II—STERLING FOREST**

9 **SEC. 201. FUNDING FOR PALISADES INTERSTATE PARK** 10 **COMMISSION.**

11 The Secretary of the Interior is authorized to provide
12 funding to the Palisades Interstate Park Commission to
13 be used for the acquisition of lands and interests in lands
14 within the area generally depicted on the map entitled
15 “Boundary Map, Sterling Forest Reserve”, numbered
16 SFR–60,001 and dated July 1, 1994. There are author-
17 ized to be appropriated for purposes of this section not
18 more than \$17,500,000. No funds made available under
19 this section may be used for the acquisition of any lands
20 or interest in lands without the consent of the owner there-
21 of.

22 **SEC. 202. LAND EXCHANGE.**

23 The Secretary of the Interior is authorized to ex-
24 change unreserved unappropriated Federal lands under
25 the administrative jurisdiction of the Secretary for the

1 lands comprising approximately 2,220 acres depicted on
 2 the map entitled “Sterling Forest, Proposed Sale of Ster-
 3 ling Forest Lands” and dated July 25, 1996. The Sec-
 4 retary shall consult with the Governor of any State in
 5 which such unreserved unappropriated lands are located
 6 prior to carrying out such exchange. The lands acquired
 7 by the Secretary under this section shall be transferred
 8 to the Palisades Interstate Park Commission to be in-
 9 cluded within the Sterling Forest Reserve. The lands ex-
 10 changed under this section shall be of equal value, as de-
 11 termined by the Secretary utilizing nationally recognized
 12 appraisal standards. The authority to exchange lands
 13 under this section shall expire on the date 18 months after
 14 the date of enactment of this Act.

15 **TITLE III—ANAKTUVUK PASS**
 16 **LAND EXCHANGE AND WIL-**
 17 **DERNESS REDESIGNATION**

18 **SEC. 301. ANAKTUVUK PASS LAND EXCHANGE.**

19 (a) FINDINGS.—The Congress makes the following
 20 findings:

21 (1) The Alaska National Interest Lands Con-
 22 servation Act (94 Stat. 2371), enacted on December
 23 2, 1980, established Gates of the Arctic National
 24 Park and Preserve and Gates of the Arctic Wilder-
 25 ness. The village of Anaktuvuk Pass, located in the

1 highlands of the central Brooks Range, is virtually
2 surrounded by these national park and wilderness
3 lands and is the only Native village located within
4 the boundary of a National Park System unit in
5 Alaska.

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

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

22 (4) The National Park Service and the
23 Nunamiut Corporation initiated discussions in 1985
24 to address concerns over the use of all-terrain vehi-
25 cles on park and wilderness land. These discussions

1 resulted in an agreement, originally executed in
2 1992 and thereafter amended in 1993 and 1994,
3 among the National Park Service, Nunamiut Cor-
4 poration, the City of Anaktuvuk Pass, and Arctic
5 Slope Regional Corporation. Full effectuation of this
6 agreement, as amended, by its terms requires ratifi-
7 cation by the Congress.

8 (b) RATIFICATION OF AGREEMENT.—

9 (1) RATIFICATION.—

10 (A) IN GENERAL.—The terms, conditions,
11 procedures, covenants, reservations and other
12 provisions set forth in the document entitled
13 “Donation, Exchange of Lands and Interests in
14 Lands and Wilderness Redesignation Agree-
15 ment Among Arctic Slope Regional Corpora-
16 tion, Nunamiut Corporation, City of Anaktuvuk
17 Pass and the United States of America” (here-
18 inafter referred to in this section as “the Agree-
19 ment”), executed by the parties on December
20 17, 1992, as amended, are hereby incorporated
21 in this title, are ratified and confirmed, and set
22 forth the obligations and commitments of the
23 United States, Arctic Slope Regional Corpora-
24 tion, Nunamiut Corporation and the City of
25 Anaktuvuk Pass, as a matter of Federal law.

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

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

24 (c) NATIONAL PARK SYSTEM WILDERNESS.—

25 (1) GATES OF THE ARCTIC WILDERNESS.—

1 (A) REDESIGNATION.—Section 701(2) of
2 the Alaska National Interest Lands Conserva-
3 tion Act (94 Stat. 2371, 2417) establishing the
4 Gates of the Arctic Wilderness is hereby
5 amended with the addition of approximately
6 56,825 acres as wilderness and the rescission of
7 approximately 73,993 acres as wilderness, thus
8 revising the Gates of the Arctic Wilderness to
9 approximately 7,034,832 acres.

10 (B) MAP.—The lands redesignated by sub-
11 paragraph (A) are depicted on a map entitled
12 “Wilderness Actions, Proposed Anaktuvuk Pass
13 Land Exchange and Wilderness Redesignation,
14 Gates of the Arctic National Park and Pre-
15 serve”, Map No. 185/80,040, dated April 1994,
16 and on file at the Alaska Regional Office of the
17 National Park Service and the office of Gates
18 of the Arctic National Park and Preserve in
19 Fairbanks, Alaska.

20 (2) NOATAK NATIONAL PRESERVE.—Section
21 201(8)(a) of the Alaska National Interest Land
22 Conservation Act (94 Stat. 2380) is amended by—

23 (A) striking “approximately six million
24 four hundred and sixty thousand acres” and in-

1 serting in lieu thereof “approximately
2 6,477,168 acres”; and

3 (B) inserting “and the map entitled
4 “Noatak National Preserve and Noatak Wilder-
5 ness Addition” dated September 1994” after
6 “July 1980”.

7 (3) NOATAK WILDERNESS.—Section 701(7) of
8 the Alaska National Interest Lands Conservation
9 Act (94 Stat. 2417) is amended by striking “ap-
10 proximately five million eight hundred thousand
11 acres” and inserting in lieu thereof “approximately
12 5,817,168 acres”.

13 (d) CONFORMANCE WITH OTHER LAW.—

14 (1) ALASKA NATIVE CLAIMS SETTLEMENT
15 ACT.—All of the lands, or interests therein, conveyed
16 to and received by Arctic Slope Regional Corporation
17 or Nunamiut Corporation pursuant to the Agree-
18 ment shall be deemed conveyed and received pursu-
19 ant to exchanges under section 22(f) of the Alaska
20 Native Claims Settlement Act, as amended (43
21 U.S.C. 1601, 1621(f)). All of the lands or interests
22 in lands conveyed pursuant to the Agreement shall
23 be conveyed subject to valid existing rights.

24 (2) ALASKA NATIONAL INTEREST LANDS CON-
25 SERVATION ACT.—Except to the extent specifically

1 set forth in this section or the Agreement, nothing
 2 in this section or in the Agreement shall be con-
 3 strued to enlarge or diminish the rights, privileges,
 4 or obligations of any person, including specifically
 5 the preference for subsistence uses and access to
 6 subsistence resources provided under the Alaska Na-
 7 tional Interest Lands Conservation Act (16 U.S.C.
 8 3101 et seq.).

9 **SEC. 302. ALASKA PENINSULA SUBSURFACE CONSOLIDA-**
 10 **TION.**

11 (a) DEFINITIONS.—As used in this section:

12 (1) AGENCY.—The term agency—

13 (A) means any instrumentality of the Unit-
 14 ed States, and any Government corporation (as
 15 defined in section 9101(1) of title 31, United
 16 States Code); and

17 (B) includes any element of an agency.

18 (2) ALASKA NATIVE CORPORATION.—The term
 19 “Alaska Native Corporation” has the same meaning
 20 as is provided for “Native Corporation” in section
 21 3(m) of the Alaska Native Claims Settlement Act
 22 (43 U.S.C. 1602(m)).

23 (3) FEDERAL LANDS OR INTEREST THEREIN.—
 24 The term “Federal lands or interests therein”
 25 means any lands or properties owned by the United

1 States (A) which are administered by the Secretary,
2 or (B) which are subject to a lease to third parties,
3 or (C) which have been made available to the Sec-
4 retary for exchange under this section through the
5 concurrence of the director of the agency administer-
6 ing such lands or properties: *Provided however*, That
7 excluded from such lands shall be those lands which
8 are within an existing conservation system unit as
9 defined in section 102(4) of the Alaska National In-
10 terest Lands Conservation Act (16 U.S.C. 3102(4)),
11 and those lands the mineral interest for which are
12 currently under mineral lease.

13 (4) KONIAG.—The term “Koniag” means
14 Koniag, Incorporated, which is a regional Corpora-
15 tion.

16 (5) REGIONAL CORPORATION.—The term “Re-
17 gional Corporation” has the same meaning as is pro-
18 vided in section 3(g) of the Alaska Native Claims
19 Settlement Act (43 U.S.C. 1602(g)).

20 (6) SECRETARY.—Except as otherwise provided,
21 the term “Secretary” means the Secretary of the In-
22 terior.

23 (7) SELECTION RIGHTS.—The term “selection
24 rights” means those rights granted to Koniag, and
25 confirmed as valid selections (within Koniag’s enti-

1 tlement) pursuant to subsections (a) and (b) of sec-
2 tion 12, and section 14(h)(8), of the Alaska Native
3 Claims Settlement Act (43 U.S.C. 1611 and
4 1613(h)(8)), to receive title to the oil and gas rights
5 and other interests in the subsurface estate of the
6 approximately 275,000 acres of public lands in the
7 State of Alaska identified as “Koniag Selections” on
8 the map entitled “Koniag Interest Lands, Alaska
9 Peninsula”, dated May 1989.

10 (b) VALUATION OF KONIAG SELECTION RIGHTS.—

11 (1) IN GENERAL.—Pursuant to paragraph (2)
12 of this subsection, the Secretary shall value the Se-
13 lection Rights which Koniag possesses within the
14 boundaries of Aniakchak National Monument and
15 Preserve, Alaska Peninsula National Wildlife Ref-
16 uge, and Becharof National Wildlife Refuge.

17 (2) VALUE.—

18 (A) IN GENERAL.—The value of the selec-
19 tion rights shall be equal to the fair market
20 value of—

21 (i) the oil and gas interests in the
22 lands or interests in lands that are the
23 subject of the selection rights; and

24 (ii) in the case of the lands or inter-
25 ests in lands for which Koniag is to receive

1 the entire subsurface estate, the subsurface
2 estate of the lands or interests in lands
3 that are the subject of the selection rights.

4 (B) APPRAISAL.—

5 (i) SELECTION OF APPRAISER.—

6 (I) IN GENERAL.—Not later than
7 90 days after the date of enactment of
8 this section the Secretary and Koniag
9 shall meet to select a qualified ap-
10 praiser to conduct an appraisal of the
11 selection rights. Subject to subclause
12 (II), the appraiser shall be selected by
13 the mutual agreement of the Sec-
14 retary and Koniag.

15 (II) FAILURE TO AGREE.—If the
16 Secretary and Koniag fail to agree on
17 an appraiser by the date that is 60
18 days after the date of the initial meet-
19 ing referred to in subclause (I), the
20 Secretary and Koniag shall, by the
21 date that is not later than 90 days
22 after the date of the initial meeting,
23 each designate an appraiser who is
24 qualified to perform the appraisal.
25 The 2 appraisers so identified shall

1 select a third qualified appraiser who
2 shall perform the appraisal.

3 (ii) STANDARDS AND METHODOLOGY.—The appraisal shall be conducted in
4 conformity with the standards of the Ap-
5 praisal Foundation (as defined in section
6 1121(9) of the Financial Institutions Re-
7 form, Recovery, and Enforcement Act of
8 1989 (12 U.S.C. 3350(9)).

10 (iii) SUBMISSION OF APPRAISAL RE-
11 PORT.—Not later than 180 days after the
12 selection of an appraiser pursuant to
13 clause (i), the appraiser shall submit to the
14 Secretary and to Koniag a written ap-
15 praisal report specifying the value of the
16 selection rights and the methodology used
17 to arrive at the value.

18 (C) DETERMINATION OF VALUE.—

19 (i) DETERMINATION BY THE SEC-
20 RETARY.—Not later than 60 days after the
21 date of the receipt of the appraisal report
22 under subparagraph (B)(iii), the Secretary
23 shall determine the value of the selection
24 rights and shall notify Koniag of the deter-
25 mination.

1 (ii) ALTERNATIVE DETERMINATION
2 OF VALUE.—

3 (I) IN GENERAL.—Subject to
4 subclause (II), if Koniag does not
5 agree with the value determined by
6 the Secretary under clause (i), the
7 procedures specified in section 206(d)
8 of the Federal Land Policy and Man-
9 agement Act of 1976 (43 U.S.C. 1716
10 (d)) shall be used to establish the
11 value.

12 (II) AVERAGE VALUE LIMITA-
13 TION.—The average value per acre of
14 the selection rights shall not be less
15 than the value utilizing the risk ad-
16 justed discount cash flow methodol-
17 ogy, but in no event may exceed \$300.

18 (c) KONIAG ACCOUNT.—

19 (1) IN GENERAL.—(A) The Secretary shall
20 enter into negotiations for an agreement or agree-
21 ments to exchange Federal lands or interests therein
22 which are in the State of Alaska for the Selection
23 Rights.

24 (B) If the value of the Federal property to be
25 exchanged is less than the value of the Selection

1 Rights established in subsection (b), and if such
2 Federal property to be exchanged is not generating
3 receipts to the Federal Government in excess of
4 \$1,000,000 per year, then the Secretary may ex-
5 change the Federal property for that portion of the
6 Selection Rights having a value equal to that of the
7 Federal property. The remaining selection rights
8 shall remain available for additional exchanges.

9 (C) For the purposes of any exchange to be
10 consummated under this section, if less than all the
11 selection rights are being exchanged, then the value
12 of the selection rights being exchanged shall be equal
13 to the number of acres of selection rights being ex-
14 changed multiplied by a fraction, the numerator of
15 which is the value of all the selection rights as deter-
16 mined pursuant to subsection (b) hereof and the de-
17 nominator of which is the total number of acres of
18 selection rights.

19 (2) ADDITIONAL EXCHANGES.—If, after 10
20 years from the date of the enactment of this section,
21 the Secretary was unable to conclude such exchanges
22 as may be required to acquire all of the selection
23 rights, he shall conclude exchanges for the remaining
24 selection rights for such Federal property as may be
25 identified by Koniag, which property is available for

1 transfer to the administrative jurisdiction of the Sec-
2 retary under any provision of law and which prop-
3 erty, at the time of the proposed transfer to Koniag
4 is not generating receipts to the Federal Govern-
5 ment in excess of \$1,000,000 per year. The Sec-
6 retary shall keep Koniag advised in a timely manner
7 as to which properties may be available for such
8 transfer. Upon receipt of such identification by
9 Koniag, the Secretary shall request in a timely man-
10 ner the transfer of such identified property to the
11 administrative jurisdiction of the Department of the
12 Interior. Such property shall not be subject to the
13 geographic limitations of section 206(b) of the Fed-
14 eral Land Policy and Management Act and may be
15 retained by the Secretary solely for purposes of
16 transferring it to Koniag to complete the exchange.
17 Should the value of the property so identified by
18 Koniag be in excess of the value of the remaining se-
19 lection rights, then Koniag shall have the option of
20 (A) declining to proceed with the exchange and iden-
21 tifying other property, or (B) paying the difference
22 in value between the property rights.

23 (3) REVENUES.—Any property received by
24 Koniag in an exchange entered into pursuant to
25 paragraph (1) or (2) shall be deemed to be an inter-

1 est in the subsurface for purposes of section 7(i) of
2 the Alaska Native Claims Settlement Act (43 U.S.C.
3 1601 et seq.): *Provided however*, That should Koniag
4 make a payment to equalize the value in any such
5 exchange, then Koniag will be deemed to hold an un-
6 divided interest in the property equal in value to
7 such payment which interest shall not be subject to
8 the provisions of section 7(i) of that Act.

9 (d) AUTHORITY TO APPOINT AND REMOVE TRUST-
10 EE.—In establishing a Settlement Trust under section 39
11 of the Alaska Native Claims Settlement Act (43 U.S.C.
12 1629c), Koniag may delegate, in whole or in part, the au-
13 thority granted to Koniag under subsection (b)(2) of such
14 section to any entity that Koniag may select without af-
15 fecting the status of the trust as a Settlement Trust under
16 such section.

Passed the House of Representatives July 30, 1996.

Attest:

ROBIN H. CARLE,

Clerk.