

CONGRESSIONAL RECORD -- *HOUSE*

Tuesday, September 23, 1997

105th Congress, 1st Session

143 Cong Rec H 7648

**REFERENCE:** Vol. 143, No. 128

**TITLE:** HOOD BAY LAND EXCHANGE ACT OF 1997

**SPEAKER:** Mr. YOUNG OF ALASKA; Mr. MILLER OF CALIFORNIA; Mr. TANNER

**BILL NUMBER:**

H.R. 1948

**TEXT:** [\*H7648]

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1948) to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Hood Bay Land Exchange Act of 1997".

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act established the Admiralty Island National Monument which is managed by the Secretary of Agriculture, by and through the

Forest Service.

(2) The Forest Service has established a policy of encouraging the acquisition of private land inholdings within Admiralty Island National Monument on a willing buyer/willing seller basis. Congress has supported this policy, for example by passage of the Greens Creek Land Exchange Act of 1996 which provided for a land exchange of certain public and private lands in Admiralty Island National Monument.

(3) Lands owned by Alaska Pulp Corporation, consisting of 54 acres, more or less, located in Hood Bay on Admiralty Island within the boundaries of the Kootznoowoo **Wilderness** are available for transfer to Federal ownership on a willing seller/willing buyer basis. The acquisition of these lands would provide Federal ownership of this valuable land in a critical area of Admiralty Island National Monument.

(4) The United States is the owner of certain reversionary interests to 143.87 acres, more or less, located adjacent to Silver Bay near Sitka, Alaska, which interests were reserved in patent No. 1213671 issued to the Alaska Pulp Corporation on October 18, 1960. The transfer of the reversionary interests of the United States in such lands adjacent to Silver Bay to the Alaska Pulp Corporation would facilitate future use and development of that land.

(5) The future acquisition by the United States of the Chaik Bay property on Admiralty Island to be incorporated into the Kootznoowoo **Wilderness** would be in the public interest.

### SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "ANILCA" means the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(2) The term "Company" means the Alaska Pulp Corporation, an Alaska corporation, its successors, and assigns.

(3) The term "Company Property" means the property depicted on United States Survey Plat 1058 approved March 20, 1917, consisting of approximately 54 acres of land.

(4) The term "Federal Property" means the reversionary interest of the United States described in paragraphs (6) and

(7) of the patent dated October 18, 1960, granted by the Bureau of Land Management to Alaska Lumber & Pulp Co., which was recorded at Book 15, Pages 271-273, Sitka Recording District on November 9, 1960. The term "Federal Property" does not include the interests described in paragraphs (1) through (5) of the said patent.

(5) The term "Monument" means the Admiralty Island National Monument, which was established by section 503 of ANILCA and which is managed by the Secretary of Agriculture as a unit of the National Forest System.

(6) The term "Secretary" means the Secretary of Agriculture.

(7) The term "Sitka" means the city and borough of Sitka, Alaska, a home-rule borough formed in accordance with the laws of the State of Alaska.

(8) The term "Sitka Property" means the property depicted on the maps entitled "Sitka Property", dated August 29, 1997, consisting of approximately 49 acres of land.

#### SEC. 4. LAND EXCHANGE, TRANSFER, RELINQUISHMENT.

(a) Exchange of Company and Federal Property.--After the Company conveys to the United States, by general warranty deed, all right, title, and interest of the Company in and to the Company Property, the Secretary shall within 60 days of acceptance of delivery of said deed, unconditionally and without limitation except as provided herein, relinquish to the Company all right, title, and interest of the United States in and to the Federal Property and shall evidence that relinquishment by conveying to the Company a quitclaim deed to the Federal Property.

(b) Relinquishment of Property to Sitka.--Upon relinquishment of the Federal Property to the Company under subsection (a), the Company shall transfer all right, title, and interest of the Company in the Sitka Property to Sitka.

(c) Availability of Maps.--The maps referred to in section 3(3) depicting the Company Property and in section 3(4) depicting Federal Property shall be on file and available for public inspection in the Office of the Forest Supervisor, Chatham Area, Tongass National Forest, in Sitka Alaska. The maps referred to in section 3(8) depicting the Sitka Property

shall be on file and available for public inspection in the office of the Manager of the City and Borough of Sitka, Alaska, until the conveyance described in subsection (b), at which time the map shall be recorded along with the deed.

SEC. 5. PROCESSING OF AND TERMS AND CONDITIONS RELATING TO LAND EXCHANGE.

(a) Surveys.--Notwithstanding any other provision of law, the Secretary of the Interior may conduct and approve all cadastral surveys that are necessary for completion of the exchange. The cost of any surveys shall be borne by the Company.

(b) Equal Value Exchange.--The values of the Federal Property and the Company Property are deemed to be of equal value.

(c) Administration.--The Secretary is directed to implement and administer the rights and obligations of the United States under this Act.

(d) Cleanup Obligations.--Nothing in this Act shall impact or alter the Company's rights, duties, and obligations regarding investigation, remediation, cleanup, and restoration under its September 10, 1995, Commitment Agreement with the State of Alaska or other applicable law. The Company shall use its property consistent with all restrictive covenants, including those restrictive covenants recorded on September 4, 1997.

(e) Title Standards.--Title to the Company Property to be conveyed to the United States shall be acceptable to the Secretary consistent with the title review standard of the Attorney General of the United States.

SEC. 6. GENERAL PROVISIONS.

(a) Management of Company Property.--Upon acquisition of the Company Property by the United States pursuant to this Act, said property shall be managed as a part of the Admiralty Island National Monument and the Kootznoowoo **Wilderness**.

(b) Authorization to Negotiate for Acquisition of Property.--In furtherance of the purposes of the Kootznoowoo **Wilderness**, the Secretary, acting through the Forest Service,

is authorized to enter into negotiations with the owners of private property in Chaik Bay on Admiralty Island, with the objective of acquiring such property. The Secretary is authorized to enter into an option to purchase or an exchange agreement with the owners of such property to be effected either through existing administrative mechanisms provided by law and regulation, or by subsequent ratification by Act of Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska Mr. Young and the gentleman from California Mr. Miller will each control 20 minutes.

The Chair recognizes the gentleman from Alaska Mr. Young .

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 1948 is the result of several months of work on a land exchange proposal to help the City and Borough of Sitka, Alaska, to develop new economic opportunities.

Sitka is located in southeast Alaska, and is not accessible by road. Its major source of year-round jobs for several decades was a pulp mill which shut down in 1993.

The land for the pulp mill site was originally granted to the Alaska Pulp Corporation in 1960. However, the Federal Government retained a reversionary interest in it. This means that the United States may take ownership of the site if there is no timber processing on it for 5 consecutive years.

With the mill closure, the property cannot be used for anything other than timber processing, even though it is one of the best available locations for new economic development in Sitka.

The closure has several severe effects on the local economy. Year-round jobs were lost, the tax rolls took a hit, and people moved out of the city, to name a few.

Sitka has taken a number of steps to revitalize the community. An important component of this effort is to

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reuse the pulp mill land in order to offset the job losses. Since the Federal reversionary interest clouds the ownership status of the land, the site cannot be put to productive use. H.R. 1948 takes care of this problem through a land exchange between the company and the United States.

Under the legislation, the Federal reverter interest in the pulp mill will be removed. In exchange, APC will convey to the United States a spectacular inholding it holds on Hood Bay, within Admiralty Island National Monument. The Hood Bay property is a prime parcel of land that the Forest Service seeks to acquire, and it will be incorporated into the **wilderness**.

Finally, the bill also conveys a portion of the mill site land to the city of Sitka, which currently has an easement on the property for its hydro project and water supply system.

The Committee on Resources held a hearing on this legislation during the August recess. Major concerns were raised and resolved. The result is a fair exchange which benefits Sitka as well as Admiralty Island National Monument.

The committee ordered H.R. 1948 reported with an amendment on September 10, 1997, by a unanimous voice vote. The bill is in the best interests of the Federal Government and of Sitka. I look forward to its passing.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee Mr. Tanner .

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, I rise in support of H.R. 1948.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is truly an honor and joy to be here joining the gentleman from Alaska in putting additional lands into **wilderness**. It is only 54 acres, but hope springs eternal on this side of the aisle.

But the fact of the matter is that the gentleman from Alaska Mr. Young , the Alaska Pulp Corporation, and the Forest Service have worked out a land swap that is of benefit to the local area and also a benefit to the Nation's **wilderness** system.

Very often during these land exchanges I have asked whether or not these exchanges are of fair and equal value. In this case I am relying on the chief appraiser of the Forest Service, who has concluded the values of the property interests to be exchanged are equal.

In addition, my concerns about a NEPA waiver in the bill as introduced have been addressed with language to assure us that APC meets its clean-up obligations at the former mill site lands. By enacting this bill, we do not intend to alter APC's obligations to pay for cleaning up pulp-mill-related pollution. So I think the gentleman in fact has brought again to the floor a bill that we can all support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California Mr. Miller . I am extremely pleased that hope springs eternal. Just do not

be too hopeful. Fifty-four acres is a lot of land, in my mind. But it is a good bill.

Mr. MILLER of California. If the gentleman will yield, it would be a big deal in Delaware.

Mr. YOUNG of Alaska. And it would be a big deal in Rhode Island.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska Mr. Young that the House suspend the rules and pass the bill, H.R. 1948, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.