

## S 2222

Cape Fox Land Entitlement Adjustment Act of 2002

**Congress:** 107 (2001–2003, Ended)

**Chamber:** Senate

**Policy Area:** Public Lands and Natural Resources

**Introduced:** Apr 23, 2002

**Current Status:** Referred to the House Committee on Resources.

**Latest Action:** Referred to the House Committee on Resources. (Nov 22, 2002)

**Official Text:** <https://www.congress.gov/bill/107th-congress/senate-bill/2222>

### Sponsor

**Name:** Sen. Murkowski, Frank H. [R-AK]

**Party:** Republican • **State:** AK • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Hearings By (subcommittee)	Jun 18, 2002
Natural Resources Committee	House	Referred To	Nov 22, 2002

### Subjects & Policy Tags

**Policy Area:**

Public Lands and Natural Resources

### Related Bills

*No related bills are listed.*

**Title I: Cape Fox Land Entitlement Adjustment Act** - Cape Fox Land Entitlement Adjustment Act of 2002 - (Sec. 103) Provides that Cape Fox Corporation shall not be required under the Alaska Native Claims Settlement Act (ANCSA) to select or receive conveyance of 160 acres of Federal unconveyed lands.

(Sec. 104) Permits Cape Fox to select and the Secretary of the Interior to convey 99 acres of the surface estate of Tongass National Forest lands outside Cape Fox's current exterior selection boundary. Directs the Secretary to convey the subsurface estate to those lands to Sealaska Corporation.

(Sec. 105) Directs the Secretary of Agriculture to offer and, if accepted by Cape Fox, to exchange specified Tongass National Forest lands for lands and interests identified by Cape Fox from specified lands previously conveyed to it. States that the Cape Fox land conveyed to the Federal Government shall include a public trail easement unless the Secretary of Agriculture agrees otherwise.

(Sec. 106) Requires the Secretary of the Interior, upon conveyance by Cape Fox of such lands and conveyance and relinquishment by Sealaska of the subsurface estate underlying those lands and other specified Tongass National Forest lands, to convey to Sealaska Tongass National Forest lands selected by Sealaska from a specified area. Considers the exchange between the Federal Government and Sealaska to be a modification of the Sealaska Corporation/United States Forest Service Split Estate Exchange Agreement.

(Sec. 107) Requires the exchanges in this title to be of lands of equal value. Excludes Cape Fox, Sealaska, and the United States from being subject to liability for the presence of any hazardous substance in land or interests therein solely as a result of conveyances under this title. Considers the Federal lands conveyed to Cape Fox and Sealaska under this title to be conveyed pursuant to ANCSA. Classifies lands or interests therein transferred to the United States under this title as part of the Tongass National Forest. Prohibits lands conveyed to or selected by the State of Alaska under the Alaska Statehood Act from being eligible for selection or conveyance under this title without the consent of the State of Alaska.

Subjects Federal lands conveyed to Cape Fox and Sealaska under this Act to reservations of public easements only as mutually agreed to in the relevant exchange agreements. States that such easements shall include those necessary for access across the lands conveyed for use of national forests or other public lands. Directs the Secretary of Agriculture to add an equal number of acres to old growth reserves on the Tongass National Forest as are transferred out of Federal ownership by this Act.

(Sec. 108) Authorizes appropriations.

**Title II: Land Conveyance to Clark County, Nevada** - (Sec. 201) Directs the Secretary of the Interior (the Secretary for this title) to convey to Clark County, Nevada, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to certain land. Directs that part of the conveyed land be used for a shooting range, and part to provide open space, wildlife habitat, and a buffer around the shooting range. Prohibits the County from disposing of the conveyed land. Allows the Secretary to make additional terms and conditions in connection with the conveyance as fit the interests of the United States.

**Title III: Blunt Reservoir and Pierre Canal Land Conveyance** - Blunt Reservoir and Pierre Canal Land Conveyance Act of 2002 - (Sec. 302) Deauthorizes the Blunt Reservoir feature of the Oahe Irrigation Project authorized as part of the Pick-Sloan Missouri River Basin Program.

Allows preferential leaseholders (original landowners or descendants, or operators of the land at the time of purchase) of parcels of the Blunt Reservoir and Pierre Canal an option to purchase from the Commission of Schools and Public Lands of South Dakota the land they lease. Sets terms for such purchases. Directs the Secretary of the Interior (the Secretary for this title) to convey all preferential lease parcels not purchased by the leaseholder to the South Dakota Department of Game, Fish, and Parks, to be used for mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

Directs the Secretary to convey to the Department the nonpreferential leased parcels and unleased parcels of the Blunt Reservoir and Pierre Canal, to be used for mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

Requires South Dakota to accept certain conditions of conveyance, including that: (1) the State receives the land conveyed in "as is" condition; (2) the State assumes responsibility for any liabilities accruing after the date of conveyance as a result of ownership, operation or maintenance of such land; (3) the Federal Government retains all oil, gas, and mineral rights; (4) the property shall continue to be used for wildlife conservation; and (5) title shall revert to the United States if the land is needed for national defense purposes.

Authorizes the South Dakota Department of Game, Fish, and Parks, with the concurrence of the South Dakota Commission of Schools and Public Lands, to allow a person to exchange other land in South Dakota for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal.

Permits the United States a perpetual easement for a water conveyance structure over, under, across, or through the Pierre Canal Feature.

**Title IV: Glen Canyon National Recreation Area Boundary Revision** - Glen Canyon National Recreation Area Boundary Revision Act of 2002 - (Sec. 402) Authorizes the Secretary of the Interior to acquire approximately 152 acres of private land in exchange for approximately 370 acres of land within the boundary of Glen Canyon National Recreation Area. Requires the boundary of the area to be revised to reflect the exchange.

Increases the ceiling on the amount of total acreage allowed in the Area.

**Title V: Wild Sky Wilderness** - Wild Sky Wilderness Act of 2002 - (Sec. 504) Designates certain lands in the Skykomish River valley, Washington, as the Wild Sky Wilderness.

(Sec. 504) Declares that the designated lands shall be managed by the Secretary of Agriculture (the Secretary for this title). Directs the Secretary to establish a hiking trail plan. Authorizes the use of helicopter access to construct and maintain a single Forest Service communication repeater site to be used jointly by the Forest Service and Washington State's Snohomish County Government to provide improved communication for safety and health purposes.

(Sec. 505) Authorizes the Secretary to acquire lands and interests therein, by purchase, donation, or exchange. Directs the Secretary in such acquisitions to give priority consideration to specified lands. Requires the boundaries of the Snoqualmie National Forest and the Wild Sky Wilderness to be adjusted to encompass any lands so acquired. Directs the Secretary to assure adequate access to private in-holdings within the Wild Sky Wilderness. States that valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area.

(Sec. 506) Requires the Secretary to exchange specified lands with the Chelan County Public Utility District if the District

offers to the Secretary lands within the Snoqualmie National Forest, Washington, in exchange for a permanent easement, including helicopter access, to maintain an existing snowtel site on land within the Wenatchee National Forest, Washington.

Provides for extinguishment of the easement and reversion of all conveyed rights to the United States if the District no longer needs to maintain a snowtel site.

**Title VI: Conveyance To The City Of Craig, Alaska** - Craig Recreation Land Purchase Act - (Sec. 602) Requires: (1) the Secretary of Agriculture (the Secretary for this title) to accept any tender by the City of Craig, Alaska (the City for this title), of all right, title, and interest in and to specified municipal lands identified as the "Sunnahae Property and Trail"; (2) the City to use the funds received for such transfer to purchase the "Wards Cove Property"; (3) that the lands being transferred shall be of equal value; (4) the Secretary, prior to any conveyance, to conduct an appraisal of the municipal lands in accordance with the United States Department of Justice Uniform Standards of Appraisal; and (5) that the municipal lands received by the Secretary shall become part of the Tongass National Forest.

(Sec. 606) Authorizes appropriations.

### **Actions Timeline**

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- **Nov 22, 2002:** Message on Senate action sent to the House.
- **Nov 22, 2002:** Received in the House.
- **Nov 22, 2002:** Referred to the House Committee on Resources.
- **Nov 20, 2002:** Measure laid before Senate by unanimous consent. (consideration: CR 11/19/2002 S11643-11645; text of measure as reported in Senate: CR 11/19/2002 S11643-11644)
- **Nov 20, 2002:** The committee substitute as amended agreed to by Unanimous Consent.
- **Nov 20, 2002:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text: CR 11/19/2002 S11644-11645)
- **Nov 20, 2002:** Passed Senate with an amendment by Unanimous Consent. (text: CR 11/19/2002 S11644-11645)
- **Sep 13, 2002:** Committee on Energy and Natural Resources. Reported by Senator Bingaman with an amendment in the nature of a substitute. With written report No. 107-280.
- **Sep 13, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 599.
- **Jul 31, 2002:** Committee on Energy and Natural Resources. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jun 18, 2002:** Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests. Hearings held. With printed Hearing: S.Hrg. 107-762.
- **Apr 23, 2002:** Introduced in Senate
- **Apr 23, 2002:** Sponsor introductory remarks on measure. (CR S3166-3167)
- **Apr 23, 2002:** Read twice and referred to the Committee on Energy and Natural Resources.

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