

## Calendar No. 290

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 441****[Report No. 112-129]**

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IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2011

Received; read twice and referred to the Committee on Energy and Natural  
Resources

JANUARY 13, 2012

Reported under authority of the order of the Senate of December 17, 2011,  
by Mr. BINGAMAN, without amendment

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**AN ACT**

To authorize the Secretary of the Interior to issue permits for microhydro projects in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., 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 “Kantishna Hills Re-  
5 newable Energy Act of 2011”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPURTENANCE.—The term “appur-  
4 tenance” includes—

5 (A) transmission lines;

6 (B) distribution lines;

7 (C) signs;

8 (D) buried communication lines;

9 (E) necessary access routes for microhydro  
10 project construction, operation, and mainte-  
11 nance; and

12 (F) electric cables.

13 (2) KANTISHNA HILLS AREA.—The term  
14 “Kantishna Hills area” means the area of the Park  
15 located within 2 miles of Moose Creek, as depicted  
16 on the map.

17 (3) MAP.—The term “map” means the map en-  
18 titled “Kantishna Hills Micro-Hydro Area”, num-  
19 bered 184/80,276, and dated August 27, 2010.

20 (4) MICROHYDRO PROJECT.—

21 (A) IN GENERAL.—The term “microhydro  
22 project” means a hydroelectric power gener-  
23 ating facility with a maximum power generation  
24 capability of 100 kilowatts.

25 (B) INCLUSIONS.—The term “microhydro  
26 project” includes—

1 (i) intake pipelines, including the in-  
2 take pipeline located on Eureka Creek, ap-  
3 proximately 1/2 mile upstream from the  
4 Park Road, as depicted on the map;

5 (ii) each system appurtenance of the  
6 microhydro projects; and

7 (iii) any distribution or transmission  
8 lines required to serve the Kantishna Hills  
9 area.

10 (5) PARK.—The term “Park” means the Denali  
11 National Park and Preserve.

12 (6) SECRETARY.—The term “Secretary” means  
13 the Secretary of the Interior.

14 **SEC. 3. PERMITS FOR MICROHYDRO PROJECTS.**

15 (a) IN GENERAL.—The Secretary may issue permits  
16 for microhydro projects in the Kantishna Hills area.

17 (b) TERMS AND CONDITIONS.—Each permit under  
18 subsection (a) shall be—

19 (1) issued in accordance with such terms and  
20 conditions as are generally applicable to rights-of-  
21 way within units of the National Park System; and

22 (2) subject to such other terms and conditions  
23 as the Secretary determines to be necessary.

24 (c) COMPLETION OF ENVIRONMENTAL ANALYSIS.—  
25 Not later than 180 days after the date on which an appli-

1 cant submits an application for the issuance of a permit  
2 under this section, the Secretary shall complete any anal-  
3 ysis required by the National Environment Policy Act of  
4 1969 (42 U.S.C. 4321 et seq.) of any proposed or existing  
5 microhydro projects located in the Kantishna Hills area.

6 **SEC. 4. LAND EXCHANGE.**

7 (a) **IN GENERAL.**—For the purpose of consolidating  
8 ownership of Park and Doyon Tourism, Inc. lands, includ-  
9 ing those lands affected solely by the Doyon Tourism  
10 microhydro project, and subject to subsection (d), the Sec-  
11 retary may exchange Park land near or adjacent to land  
12 owned by Doyon Tourism, Inc., located at the mouth of  
13 Eureka Creek in sec. 13, T.16 S., R. 18 W., Fairbanks  
14 Meridian, for approximately 18 acres of land owned by  
15 Doyon Tourism, Inc., within the Galena patented mining  
16 claim.

17 (b) **MAP AVAILABILITY.**—The map shall be on file  
18 and available for public inspection in the appropriate of-  
19 fices of the National Park Service.

20 (c) **TIMING.**—The Secretary shall seek to complete  
21 the exchange under this section by not later than Feb-  
22 ruary 1, 2015.

23 (d) **APPLICABLE LAWS; TERMS AND CONDITIONS.**—  
24 The exchange under this section shall be subject to—

1           (1) the laws (including regulations) and policies  
2           applicable to exchanges of land administered by the  
3           National Park Service, including the laws and poli-  
4           cies concerning land appraisals, equalization of val-  
5           ues, and environmental compliance; and

6           (2) such terms and conditions as the Secretary  
7           determines to be necessary.

8           (e) EQUALIZATION OF VALUES.—If the tracts pro-  
9           posed for exchange under this section are determined not  
10          to be equal in value, an equalization of values may be  
11          achieved by adjusting the quantity of acres described in  
12          subsection (a).

13          (f) ADMINISTRATION.—The land acquired by the Sec-  
14          retary pursuant to the exchange under this section shall  
15          be administered as part of the Park.

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