

SALMON LAKE LAND SELECTION RESOLUTION ACT

—————
JUNE 28, 2010.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2340]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2340) to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Salmon Lake Land Selection Resolution Act”.

SEC. 2. PURPOSE.

The purpose of this Act is to ratify the Salmon Lake Area Land Ownership Consolidation Agreement entered into by the United States, the State of Alaska, and the Bering Straits Native Corporation.

SEC. 3. DEFINITIONS.

In this Act:

- (1) AGREEMENT.—The term “Agreement” means the document—
- (A) titled “Salmon Lake Area Land Ownership Consolidation Agreement”;
 - (B) between the United States, the State, and the Bering Straits Native Corporation on July 18, 2007, which was extended until January 1, 2011, by agreement of the parties to the Agreement effective January 1, 2009; and
 - (C) on file with—
 - (i) the Department of the Interior;

- (ii) the Committee on Energy and Natural Resources of the Senate;
and
 - (iii) the Committee on Natural Resources of the House of Representatives.
- (2) **BERING STRAITS NATIVE CORPORATION.**—The term “Bering Straits Native Corporation” means an Alaska Native Regional Corporation formed under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*) for the Bering Straits region of the State.
- (3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.
- (4) **STATE.**—The term “State” means the State of Alaska.

SEC. 4. RATIFICATION OF AGREEMENT.

(a) **IN GENERAL.**—Subject to the provisions of this Act, Congress ratifies the Agreement.

(b) **EASEMENTS.**—The conveyance of land to the Bering Straits Native Corporation, as specified in the Agreement, shall include the reservation of the easements that—

(1) are identified in Appendix E to the Agreement; and

(2) were developed by the parties to the Agreement in accordance with section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)).

(c) **CORRECTIONS.**—Beginning on the date of the enactment of this Act, the Secretary, with the consent of the other parties to the Agreement, may only make typographical or clerical corrections to the Agreement and any exhibits to the Agreement.

(d) **GENERAL AUTHORITY OF SECRETARY.**—The Secretary may carry out all actions allowed or required under the Agreement.

SEC. 5. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

PURPOSE OF THE BILL

The purpose of H.R. 2340 is to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to lands adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2340 seeks to provide for the completion of certain land selections under the Alaska Native Claims Settlement Act (ANCSA).¹ The bill ratifies the Salmon Lake Area Land Ownership Consolidation Agreement (Agreement), which provides for the transfer of certain federal lands to the Bering Straits Native Corporation (BSNC) and to the State of Alaska.

H.R. 2340 would ratify the Agreement between the Bureau of Land Management (BLM), BSNC and the State. Under the Agreement, BLM would transfer 14,645 acres of land to BSNC and 3,084 acres to the State. BLM would retain ownership and administration of a 9-acre campground located at the outlet of Salmon Lake. The Agreement also maintains BLM access to the Kigluaik Mountain Range, in addition to public access easements on the lands to be transferred. Easements, identified in Appendix E to the Agreement, are subject to applicable Federal, State, or Municipal corporation regulation.

More specifically, BLM would transfer Salmon Lake Airstrip Lands (44 acres) and Salmon Lake West Lands (3,040 acres) to the

¹ 42 U.S.C. § 4321 *et seq.*

State of Alaska. BLM would also transfer Imurak Basin Lands (7,504 acres), Windy Cove Lands (6,132 acres), and Salmon Lake East Lands (1,009 acres) to BSNC. All lands conveyed will be counted against the State's and BSNC's allocations under the Alaska Statehood Act and ANCSA, respectively. Under the Agreement, BLM must transfer the land upon enactment of the legislation, thereby eliminating administrative appeals and litigation.

Historical Background

On December 18, 1971, President Richard Nixon signed ANCSA into law. The law was intended to resolve long-standing issues surrounding native land claims in Alaska. The settlement extinguished Alaska native claims to the land by transferring titles to twelve Alaska Native regional corporations and over 200 local village corporations. The 12 Alaska Native regional corporations received title to approximately 44 million acres of land in Alaska (about one-ninth of the State's land) plus \$963 million in compensation.

Specifically, section 11 of ANCSA provides for the conveyance of lands to Alaska Native village corporations. These lands include lands that enclose all or part of a native village, plus certain other lands sufficient to make the total acreage equal to a village's allotted acreage. The amount of acreage each village is entitled to is determined by population.

Section 14(h) of ANCSA authorized the Secretary of the Interior to transfer land to the Alaska Native regional corporations. After December 18, 1975, Department of the Interior regulations limited regional native corporation land selections to areas identified in section 11 for village corporation selections.²

Bering Straits Native Corporation (BSNC) is the native regional corporation for the majority of Alaska's Seward Peninsula and the coastal lands of eastern Norton Sound. The Corporation is entitled to approximately 2 million acres of subsurface estate from lands selected by 17 village corporations in the region as well as approximately 145,728 acres of its own lands in identified withdrawal areas.³ According to BSNC, H.R. 2340 will result in the finalization of lands to be conveyed to BSNC under Section 14(h)(8). BSNC will, however, still have pending Section 14(h)(1) (Cemetery and Historic site selections), estimated at less than 2,000 acres.⁴

In 1977, BSNC selected lands in the Windy Cove and Salmon Lake areas under Section 14(h)(8) that were outside the Section 11 areas. Litigation ensued, and it was eventually determined that BSNC could not obtain title to some of the lands selected because they were outside of the Section 11 areas. At the same time, BLM determined that it would be impossible to complete BSNC's land entitlement without some type of an agreement.

In addition, Section 6(a) of the Alaska Statehood Act⁵ grants the State of Alaska the opportunity to select approximately 104 million acres of certain federal lands in Alaska for the State's benefit. Pur-

²43 C.F.R. § 2653.3(b).

³Section 14(h)(8) lands, such as those subject to the Agreement, provide BSNC surface and subsurface estate.

⁴All of the village corporation priorities have been completed and most of the region's villages have received their lands. BSNC will receive the subsurface estate to lands being conveyed to the remaining villages.

⁵Public Law 85-508, 72 Stat. 339, July 7, 1958.

suant to this authority, the State also selected lands around Salmon Lake and Windy Cove, some of which were identical to the lands selected by BSNC.

Currently BLM leases some of the land that would be transferred under the Agreement to the State for an airport, for which the State pays BLM approximately \$1500 per year. Section 906(k) of the Alaska National Interests Land Conservation Act (ANILCA) requires the Secretary to hold 90% of any contract or lease revenues until such lands have been tentatively approved to the State. As such lands are tentatively approved, the Secretary transfers the monies to the State.

After approximately three years of negotiation, BSNC, the State of Alaska, and the United States entered into the Agreement. The Agreement, signed in 2007, was originally scheduled to expire on January 1, 2009 but has been extended through January 11, 2011.

COMMITTEE ACTION

H.R. 2340 was introduced May 7, 2009 by Representative Don Young (R-AK). The bill was referred to the Committee on Natural Resources. On April 21, 2010, the Committee held a hearing on the bill. The Bureau of Land Management submitted a statement in support of the bill.

On June 16, 2010, the Committee on Natural Resources met to consider H.R. 2340. Rep. Young offered an amendment in the nature of a substitute to delete the findings, make other clarifications, and to provide that the budgetary effects of the bill would be determined by the latest statement titled "Budgetary Effects of the PAYGO legislation" submitted by the Chairman of the House Budget Committee. The amendment in the nature of a substitute was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the "Salmon Lake Land Selection Resolution Act."

Section 2. Purpose

Section 2 provides that the purpose of the Act is to ratify the Salmon Lake Area Land Ownership Agreement entered into by the United States, the State of Alaska, and the Bering Straits Native Corporation.

Section 3. Definitions

Section 3 sets forth definitions of terms used in this Act, including definitions for the terms "Secretary;" "State;" "Agreement;" and "Bering Straits Native Corporation."

Section 4. Ratification of agreement

Section 4 provides for Congressional ratification of the Agreement. Section 4 also specifies the easements reserved in the Agreement. It also the Secretary to carry out all actions permitted or re-

quired under the Agreement. Only clerical or typographical corrections may be made to the Agreement after enactment of this Act.

Section 5. Budgetary effects

Section 5 provides that the budgetary effects of H.R. 2340 shall be determined by the latest statement titled “Budgetary Effects of the PAYGO Legislation” submitted by the Chairman of the House Budget Committee.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to lands adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2340—Salmon Lake Land Selection Resolution Act

Summary: H.R. 2340 would ratify an agreement settling a land dispute between the state of Alaska and the Bering Straits Native Corporation (a native-owned regional corporation established to administer land given to Alaska Natives under the Alaska Native Claims Settlement Act). Based on information from the Bureau of Land Management (BLM), CBO expects that implementing the leg-

isolation would increase direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates, however, that such effects would be negligible for each year.

H.R. 2340 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the federal government: Under the bill, the federal government would convey about 18,000 acres of land located in western Alaska to the Bering Straits Native Corporation and the state of Alaska to satisfy claims made by those parties under the Alaska Native Claims Settlement Act and the Alaska Statehood Act, respectively. The federal government currently collects about \$1,500 per year from a lease on the affected land. Thus, CBO estimates that conveying that land would reduce offsetting receipts (a credit against direct spending) by less than \$20,000 over the 2010–2020 period. In addition, upon enactment of the bill, BLM would transfer 90 percent of all receipts collected over the life of the lease (about \$15,000 to date) to the state of Alaska and would deposit the remaining 10 percent of those funds in the U.S. Treasury. In total, CBO estimates that implementing the bill would increase direct spending by about \$30,000 over the 2010–2020 period.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget reporting and enforcement procedures for legislation affecting direct spending or revenues. H.R. 2340 would reduce offsetting receipts and increase direct spending; therefore, pay-as-you-go procedures would apply. However, CBO estimates that the increase in direct spending would not be significant over the 2010–2020 period. The net budgetary changes that are subject to pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 2340, THE SALMON LAKE LAND SELECTION RESOLUTION ACT, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON JUNE 16, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact ...	0	0	0	0	0	0	0	0	0	0	0	0	0

Intergovernmental and private-sector impact: H.R. 2340 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On January 12, 2010, CBO transmitted a cost estimate for S. 522, the Salmon Lake Land Selection Resolution Act, as ordered reported by the Senate Committee on Energy and Natural Resources on December 16, 2009. At that time, CBO estimated that implementing S. 522 would reduce offsetting receipts by less than \$20,000 over the 2010–2020 period.

The two bills are very similar. Based on new information from BLM, CBO now estimates that enacting either S. 522 or H.R. 2340 also would increase direct spending by \$15,000 for payments to Alaska from receipts accrued over the life of a lease on the affected

land. CBO now estimates that both bills would increase direct spending by about \$30,000 over the 2010–2020 period.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 2340 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.