

SWAN LAKE HYDROELECTRIC PROJECT BOUNDARY  
CORRECTION ACT

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JANUARY 29, 2018.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 219]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 219) to correct the Swan Lake hydroelectric project survey boundary and to provide for the conveyance of the remaining tract of land within the corrected survey boundary to the State of Alaska, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 219 is to correct the Swan Lake hydroelectric survey boundary and to provide for the conveyance of the remaining tract of land within the corrected survey boundary to the State of Alaska.

BACKGROUND AND NEED FOR LEGISLATION

The Swan Lake Hydroelectric Project is a remote facility located approximately 22 air miles northeast of Ketchikan, Alaska.<sup>1</sup> The facility is operated by the Southeast Alaska Power Agency (SEAPA), a regional Joint Action Agency of the State of Alaska.<sup>2</sup>

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<sup>1</sup>SEAPA Hydro, "Swan Lake Hydro Facility," Southeast Alaska Power Agency, 2013. <http://www.seapahydro.org/Swan-Lake-Hydro-Facility.php>.

<sup>2</sup>SEAPA Hydro, "About Us," Southeast Alaska Power Agency, 2013. <http://www.seapahydro.org/about-us.php>.

The Project was initiated by the State of Alaska in 1980 and placed into service in 1984.<sup>3</sup>

The Swan Lake Hydroelectric Project is comprised of an elliptical concrete thin arch dam, 174 feet high and 430 feet long at its crest.<sup>4</sup> The corresponding reservoir has a usable storage capacity of 86,000 acre feet and a surface area of approximately 1,500 acres.<sup>5</sup>

The project's powerhouse contains two turbine generating units with an installed capacity of 25 megawatts. The project and associated facilities supply wholesale power to the municipal utilities serving the cities of Petersburg, Wrangell, and Ketchikan<sup>6</sup> with a combined population of 19,395 residents.<sup>7</sup>

At the time the Project entered service, a future 15-foot increase in reservoir elevation was anticipated as a second phase to the Project, which would raise the elevation of the reservoir from 330 feet to 345 feet (plus a 5-foot buffer).<sup>8</sup> As a result, in 1994 the State of Alaska sought a land selection of 1,500 acres of land inside the Tongass National Forest, sufficient land to secure the inundation area of the reservoir at the 350-foot elevation level. The land conveyance from the federal government to the State of Alaska was granted in 1997.

In 2012, SEAPA conducted a land survey of the reservoir property as part of its due diligence before raising the height of the dam to its final anticipated height of 345 feet. The survey discovered an error in the 350-foot elevation contour on reference maps utilized during the State selection process.<sup>9</sup> The 2012 survey concluded raising the dam to its final anticipated height would inundate an additional 25.8 acres of federal land along one of Swan Lake's tributaries.<sup>10</sup>

There is no disagreement among the federal and State agencies that the 25.8 acres of Forest Service lands currently within the Project boundary remain within the Project boundary solely due to an error in establishing lands to be transferred to the State of Alaska in 1997.<sup>11</sup>

H.R. 219 would correct the error by requiring the Secretary of the Interior, after consultation with the Secretary of Agriculture, to survey the exterior boundaries of the tract of federal land within the Swan Lake Hydroelectric Project boundary and transfer the surveyed federal land within the project to the State of Alaska.

<sup>3</sup>Senate Report 115-98, <https://www.congress.gov/congressional-report/115th-congress/senate-report/98/1>.

<sup>4</sup>SEAPA Hydro, "Swan Lake Hydro Facility." <http://www.seapahydro.org/Swan-Lake-Hydro-Facility.php>.

<sup>5</sup>SEAPA Hydro, "Swan Lake Hydro Facility." <http://www.seapahydro.org/Swan-Lake-Hydro-Facility.php>.

<sup>6</sup>Information provided to the Committee by Representative Don Young of Alaska's Office.

<sup>7</sup>Alaska Department of Labor and Workforce Development, Research and Analysis Section, "2016 Population Estimates by Borough, Census Area, and Economic Region" <http://live.laborstats.alaska.gov/pop/>.

<sup>8</sup>SEAPA Hydro, "Swan Lake Reservoir Expansion" Southeast Alaska Power Agency, 2013. [http://www.seapahydro.org/\\_exp/pdfs/White\\_Paper/swl\\_white\\_paper.pdf](http://www.seapahydro.org/_exp/pdfs/White_Paper/swl_white_paper.pdf).

<sup>9</sup>SEAPA Hydro, "Costs and Benefits Analysis for Increasing Storage at Swan Lake," Southeast Alaska Power Authority, 2012. [http://www.seapahydro.org/\\_exp/pdfs/White\\_Paper/cost-benefit.pdf](http://www.seapahydro.org/_exp/pdfs/White_Paper/cost-benefit.pdf).

<sup>10</sup>SEAPA Hydro, "Costs and Benefits Analysis for Increasing Storage at Swan Lake," Southeast Alaska Power Authority, 2012. [http://www.seapahydro.org/\\_exp/pdfs/White\\_Paper/cost-benefit.pdf](http://www.seapahydro.org/_exp/pdfs/White_Paper/cost-benefit.pdf).

<sup>11</sup>Information provided to the Committee by Representative Don Young of Alaska's Office.

## SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. Provides that this Act may be cited as the Swan Lake Hydroelectricity Project Boundary Correction Act.

Section 2. Conveyance of Federal Land Within the Swan Lake Hydroelectric Project Boundary. Directs the Secretary of the Interior to consult with the Secretary of Agriculture and survey the exterior boundaries of the federal land tract within the boundaries of the Swan Lake Hydroelectric Project within 18 months of the enactment of the legislation. Following completion of the survey, the Secretary of the Interior is to issue a patent for the land to the State of Alaska in accordance with the survey and applicable federal laws.

## COMMITTEE ACTION

H.R. 219 was introduced on January 3, 2017, by Congressman Don Young (R-AK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On October 11, 2017, the Subcommittee held a hearing on the legislation. On January 10, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

## 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.

## COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, January 26, 2018.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The congressional Budget Office has prepared the enclosed cost estimate for H.R. 219, the Swan Lake Hydroelectric Project Boundary Correction Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 219—Swan Lake Hydroelectric Project Boundary Correction Act*

H.R. 219 would direct the Department of the Interior to conduct a survey of a 26-acre parcel of land within the boundary of the Swan Lake Hydroelectric Project in Alaska. The bill also would require the federal government to convey the parcel, which is currently under the jurisdiction of the U.S. Forest Service, to the state of Alaska. Using information provided by the affected agencies, CBO estimates that implementing the bill would have not significant effect on the federal budget. The parcel is not currently generating any receipts for the Forest Service and it is not expected to do so in the future.

Enacting H.R. 219 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

On April 27, 2017, CBO transmitted a cost estimate for S. 267, a bill to provide for the correction of a survey of certain land in the state of Alaska, as ordered reported by the Senate Committee on Energy and Natural Resources on March 30, 2017. The two bills are similar and the CBO's estimate of their budgetary effects are the same.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to correct the Swan Lake hydroelectric survey boundary and to provide for the conveyance of the remaining tract of land within the corrected survey boundary to the State of Alaska.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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 to existing law.

