

KANTISHNA HILLS RENEWABLE ENERGY ACT OF 2011

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JULY 20, 2011.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 441]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 441) to authorize the Secretary of the Interior to issue permits for a microhydro project 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, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kantishna Hills Renewable Energy Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) APPURTENANCE.—The term “appurtenance” includes—
 - (A) transmission lines;
 - (B) distribution lines;
 - (C) signs;
 - (D) buried communication lines;
 - (E) necessary access routes for microhydro project construction, operation, and maintenance; and
 - (F) electric cables.
- (2) KANTISHNA HILLS AREA.—The term “Kantishna Hills area” means the area of the Park located within 2 miles of Moose Creek, as depicted on the map.
- (3) MAP.—The term “map” means the map entitled “Kantishna Hills Micro-Hydro Area”, numbered 184/80,276, and dated August 27, 2010.
- (4) MICROHYDRO PROJECT.—
 - (A) IN GENERAL.—The term “microhydro project” means a hydroelectric power generating facility with a maximum power generation capability of 100 kilowatts.

- (B) INCLUSIONS.—The term “microhydro project” includes—
- (i) intake pipelines, including the intake pipeline located on Eureka Creek, approximately ½ mile upstream from the Park Road, as depicted on the map;
 - (ii) each system appurtenance of the microhydro projects; and
 - (iii) any distribution or transmission lines required to serve the Kantishna Hills area.
- (5) PARK.—The term “Park” means the Denali National Park and Preserve.
- (6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. PERMITS FOR MICROHYDRO PROJECTS.

- (a) IN GENERAL.—The Secretary may issue permits for microhydro projects in the Kantishna Hills area.
- (b) TERMS AND CONDITIONS.—Each permit under subsection (a) shall be—
- (1) issued in accordance with such terms and conditions as are generally applicable to rights-of-way within units of the National Park System; and
 - (2) subject to such other terms and conditions as the Secretary determines to be necessary.
- (c) COMPLETION OF ENVIRONMENTAL ANALYSIS.—Not later than 180 days after the date on which an applicant submits an application for the issuance of a permit under this section, the Secretary shall complete any analysis required by the National Environment Policy Act of 1969 (42 U.S.C. 4321 et seq.) of any proposed or existing microhydro projects located in the Kantishna Hills area.

SEC. 4. LAND EXCHANGE.

- (a) IN GENERAL.—For the purpose of consolidating ownership of Park and Doyon Tourism, Inc. lands, including those lands affected solely by the Doyon Tourism microhydro project, and subject to subsection (d), the Secretary may exchange Park land near or adjacent to land owned by Doyon Tourism, Inc., located at the mouth of Eureka Creek in sec. 13, T.16 S., R. 18 W., Fairbanks Meridian, for approximately 18 acres of land owned by Doyon Tourism, Inc., within the Galena patented mining claim.
- (b) MAP AVAILABILITY.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.
- (c) TIMING.—The Secretary shall seek to complete the exchange under this section by not later than February 1, 2015.
- (d) APPLICABLE LAWS; TERMS AND CONDITIONS.—The exchange under this section shall be subject to—
- (1) the laws (including regulations) and policies applicable to exchanges of land administered by the National Park Service, including the laws and policies concerning land appraisals, equalization of values, and environmental compliance; and
 - (2) such terms and conditions as the Secretary determines to be necessary.
- (e) EQUALIZATION OF VALUES.—If the tracts proposed for exchange under this section are determined not to be equal in value, an equalization of values may be achieved by adjusting the quantity of acres described in subsection (a).
- (f) ADMINISTRATION.—The land acquired by the Secretary pursuant to the exchange under this section shall be administered as part of the Park.

Amend the title so as to read:

A bill 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.

PURPOSE OF THE BILL

The purpose of H.R. 441, as ordered reported, is 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 and to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc.

BACKGROUND AND NEED FOR LEGISLATION

The Kantishna Hills Renewable Energy Act of 2010, H.R. 441, authorizes the Secretary of the Interior to issue permits for a micro-hydroelectric project in the Kantishna Hills area within the

Denali National Park and Preserve in Alaska. The legislation also directs the Secretary to exchange Park and Preserve land near or adjacent to land owned by Doyon Tourism, Inc., located at the mouth of Eureka Creek for approximately 18 acres of land owned by Doyon Tourism within the Galena patented mining claim. H.R. 441 would allow the corporation to build a micro-hydroelectric project to power Kantishna Roadhouse, a backcountry lodge the Fairbanks-based Native Corporation owns 100 miles inside the Park. This facility would replace a diesel generator Doyon currently uses to power the roadhouse.

COMMITTEE ACTION

H.R. 441 was introduced on January 25, 2011, by Congressman Don Young (R-AK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee National Parks, Forests and Public Lands. On May 4, 2011, the Subcommittee on National Parks, Forests and Public Lands held a hearing on the bill. On June 15, 2011, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Don Young (R-AK) offered an amendment to make small technical corrections to the bill. The amendment was adopted by unanimous consent. The bill, as amended, was then 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

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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. 441—Kantishna Hills Renewable Energy Act of 2011

H.R. 441 would authorize the Secretary of the Interior to issue permits for microhydroelectric projects in the Kantishna Hills area of the Denali National Park and Preserve in Alaska. The bill also would authorize an exchange of land between the Department of the Interior and Doyon Tourism, Inc.

Based on information from the National Park Service, CBO estimates that implementing the bill would have no significant impact

on the federal budget. Enacting H.R. 441 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 441 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo.

2. Section 308(a) of 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. CBO estimates that implementing the bill would have no significant impact on the federal budget. Enacting H.R. 441 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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.

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.