

## Calendar No. 132

112TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
112-52

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### SALMON LAKE LAND SELECTION RESOLUTION ACT

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AUGUST 30 (legislative day, AUGUST 2), 2011.—Ordered to be printed

Filed, under authority of the order of the Senate of August 2, 2011

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Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 292]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 292) to resolve the claims of the Bering Straits Native Corporation and 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, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, strike lines 18 through 20 and insert “2007; and”.

#### PURPOSE

The purpose of S. 292 is to ratify an agreement among the Secretary of the Interior, the State of Alaska, and the Bering Straits Native Corporation to resolve certain land selections under the Alaska Native Claims Settlement Act and the Alaska Statehood Act.

#### BACKGROUND AND NEED

Salmon Lake is one of the largest bodies of fresh water on the Seward Peninsula and has been an important source of food and resources for Native Alaskans since time immemorial. The lake is located approximately 40 miles northeast of Nome and is a popular recreation destination with campgrounds and other lands that are managed by the Bureau of Land Management (BLM).

The Alaska Native Claims Settlement Act (ANCSA) created Regional Native Corporations with the right to select certain Federal land as part of a settlement of aboriginal land claims in Alaska. The Bering Straits Native Corporation (BSNC) exercised its rights under ANCSA by selecting land around Salmon Lake. The State of Alaska also selected some of the same land under the Alaska Statehood Act, which granted the State the opportunity to select certain Federal land in Alaska for the benefit of the State.

To resolve the conflicting claims and avoid further administrative and legal challenges, the State, BSNC, and the BLM entered into negotiations and subsequently signed the “Salmon Lake Area Land Ownership Consolidation Agreement” in 2007. Both the State and BSNC relinquished certain claims in order to settle the dispute. The Agreement provides for the conveyance of approximately 3,084 acres of land in the Salmon Lake area to the State and approximately 14,645 acres of land in the Salmon Lake, Imuruk Basin, and Windy Cove areas to BSNC. The BLM would maintain ownership of a nine acre campground with access to other important Federal lands nearby and retain a number of public access easements and other appropriate reservations.

The initial effective date of the negotiated agreement was July 18, 2007, and it was set to expire on January 1, 2009. The term of the Agreement was extended by the parties until January 1, 2011, and then again until January 1, 2013, unless legislation is enacted ratifying the terms of the Agreement or the parties agree to further extend the term of the Agreement. S. 292 would ratify the agreement, thereby enabling the parties to carry out its terms and finalize the conveyances in accordance with the agreement and the terms of the bill.

#### LEGISLATIVE HISTORY

S. 292 was introduced by Senators Murkowski and Begich on February 4, 2011. The Subcommittee on Public Lands and Forests held a hearing on the bill on May 18, 2011 (S. Hrg. 112–39). At its business meeting on July 14, 2011, the Committee on Energy and Natural Resources ordered S. 292 favorably reported with an amendment.

In the 111th Congress, similar bills were reported by the Committee (S. 522; S. Rept. 111–130) and passed by the House of Representatives (H.R. 2340, as amended, by a vote of 410–0 on July 1, 2010), but the Senate took no further action on either bill.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 14, 2011, by a voice vote of a quorum present, recommends that the Senate pass S. 292, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 292, the Committee adopted a technical amendment that simplifies the description of Agreement.

## SECTION-BY-SECTION ANALYSIS

*Sections 1, 2, and 3* provide the short title, purpose, and definitions for the bill.

*Section 4(a)* ratifies the Agreement, subject to the provisions of the bill.

Subsection (b) requires the conveyance of land to BSNC to be subject to the reservation of certain easements specified in the Agreement. Paragraph 4.b.(3)(B) of the Agreement provides that the conveyances to the State shall be “subject to appropriate reservations, exceptions, exclusions, and limitations.” Paragraph 4.b.(3)(C) of the Agreement has identical language in relation to the conveyances to BSNC, but it also provides for the reservation of specific easements (identified in Appendix E to the Agreement), which “shall be reserved pursuant to the legislation ratifying this Agreement.” Subsection (b) specifically provides for those easements to be reserved pursuant to terms of the bill, while at the same time clarifying that the easements are substantively the same as easements reserved pursuant to section 17(b) of ANCSA.

Subsection (c) limits modifications to the Agreement after the date of enactment of the bill to typographical and clerical corrections.

Subsection (d) directs the Secretary of the Interior to carry out all actions required by the Agreement.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

*S. 292—Salmon Lake Land Selection Resolution Act*

Summary: S. 292 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 legislation would increase direct spending; therefore, pay-as-you-go procedures apply. CBO estimates, however, that such effects would be insignificant for each year over the 2012–2021 period.

S. 292 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 about \$15,000 over the 2012–2021 period. In addition, upon enactment of the bill, BLM would transfer 90 percent of all receipts collected over the life of the lease (about \$20,000 to date) to the state of Alaska and would deposit the remaining 10 percent of those funds in the U.S. Treas-

ury. In total, CBO estimates that implementing the bill would increase direct spending by about \$35,000 over the 2012–2021 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. 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 S. 292, 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—												
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2011–2016	2011–2021
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: S. 292 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Martin von Gnechten; 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.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 292.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 292, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 292, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Land Management at the May 18, 2011, hearing on S. 292 follows.

STATEMENT OF MIKE POOL, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 292, the Salmon Lake Land Selection Resolution Act. As a party to the Salmon Lake Area Land Ownership Consolidation

Agreement, the BLM has supported efforts between the State of Alaska and the Bering Straits Native Corporation (BSNC) to resolve competing land selections at Salmon Lake. As such, BLM supports S. 292, with one minor technical amendment, because it will ratify the agreement between the BLM, BSNC, and the State of Alaska; and allow for a reasonable and practicable conveyance of lands in the Salmon Lake area.

#### BACKGROUND

Salmon Lake is located on the Seward Peninsula, approximately 40 miles northeast of Nome. The lake is one of the largest bodies of fresh water on the peninsula, and has long been an important source of food and resources for the Native people. Because the area contains significant fisheries and other subsistence resources, it remains a popular resource and destination for local communities.

The BLM is responsible for expediting the conveyance of Federal lands to Native corporations, including the BSNC, under the Alaska Native Claims Settlement Act (ANCSA), and to the State of Alaska under the Alaska Statehood Act of 1958.

The BSNC, the Native regional corporation for the Bering Straits area, and the State of Alaska each sought to gain title to the Salmon Lake area through selection applications filed under respective provisions of ANCSA and the Alaska Statehood Act. However, the land addressed by the two applications overlapped. The BSNC and the State negotiated a resolution to this issue whereby each entity would receive title to distinct lands. The BLM supported this resolution, and the three parties signed the Salmon Lake Area Land Ownership Consolidation Agreement on July 18, 2007. Legislation is now required to ratify the Agreement between the United States (acting through the Department of the Interior, BLM), the BSNC, and the State of Alaska. The Agreement would have expired January 1, 2011, but its term was extended until January 1, 2013 in anticipation of ratifying legislation. Accordingly, the Department recommends that Section 3(1)(b) of the bill be amended to reflect the extension of the Agreement to January 1, 2013.

#### S. 292

S. 292 represents an opportunity to resolve the overlapping land selections between the BSNC and the State. The bill would ratify the Agreement between the BLM, the BSNC, and the State, and allow for finalization of land conveyances in the Salmon Lake area. The lands would be transferred in accordance with the terms of the signed agreement.

As noted, the BLM supported the efforts between the BSNC and State, and signed the agreement to recognize the desires of the entities. The bill would also further the intent of the Alaska Land Transfer Acceleration Act of

2004 (PL 108–452), expediting the transfer of title to Federal lands to Native corporations and the State of Alaska.

CONCLUSION

Thank you for the opportunity to testify in support of S. 292. I am happy to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 292, as ordered reported.

