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(Original Signature of Member)

113th Congress **H.R.** _____
2nd Session

To provide for the retention and future use of certain land on Point Spencer in Alaska, to support the statutory missions and duties of the Coast Guard, to convey certain land on Point Spencer to the Bering Straits Native Corporation, to convey certain land on Point Spencer to the State of Alaska, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. YOUNG of Alaska (for himself and Mr. Hunter) introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the retention and future use of certain land on Point Spencer in Alaska, to support the statutory missions and duties of the Coast Guard, to convey certain land on Point Spencer to the Bering Straits Native Corporation, to convey certain land on Point Spencer to the State of Alaska, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Point Spencer Coast Guard and Public-Private Sector Infrastructure Development Facilitation and Land Conveyance Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) BSNC.—The term “BSNC” means the Bering Straits Native Corporation authorized under section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606) to represent and manage land and resources from the settlement of aboriginal claims of indigenous Alaska Natives in the Bering Strait region of the State, including Inupiat, Yup’ik, and Siberian Yupik peoples.

(2) GOVERNOR.—The term “Governor” means Governor of the State of Alaska.

(3) POINT SPENCER MAP OR MAP.—The term “Point Spencer Map” or “Map” means the map entitled the “Point Spencer Land Conveyance Map” dated April 2014, and on file with the Department of Homeland Security (the department in which the Coast Guard is operating) and the Department of the Interior.

(4) POINT SPENCER PARCEL OR PARCEL.—The term “Point Spencer Parcel” or “Parcel” means the approximately 2,648 acres of land at Point Spencer withdrawn by the Public Land Order. The Point Spencer Parcel is located in Townships 2, 3, and 4 South, Range 40 West, Kateel River Meridian, Alaska.

(5) PUBLIC LAND ORDER.—The term “Public Land Order” means Public Land Order 2650 published in the Federal Register on April 12, 1962.

(6) SECRETARY .—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(7) STATE.—The term “State” means the State of Alaska.

(8) PUBLIC AIRCRAFT.—The term “Public Aircraft” means any aircraft owned by, operated by, or chartered by the United States, or owned, operated, or chartered by a contractor of the United States for the performance of a Federal contract on or from Point Spencer.

SEC. 3. PURPOSES.

The purposes of this Act are:

(1) To designate lands at Point Spencer that are to be--

- (A) retained by the Coast Guard;
- (B) conveyed to, or leased by, the State of Alaska; and
- (C) conveyed to the BSNC.

(2) To provide for a reasonable, pragmatic, equitable, and workable way to balance Federal, State, BSNC and other private sector interests in the decommissioned and vacated former LORAN station located on the Point Spencer Parcel.

(3) To provide a means for future uses of Point Spencer by Federal, State, and private sector stakeholders for a variety of tasks and missions, including, but not limited to, search and rescue, shipping safety, economic development, oil spill prevention and response, protection of Alaska Native items of antiquity, port of refuge, arctic research, maritime law enforcement on the Bering Sea, the Chukchi Sea, and the Arctic Ocean, and related uses.

(4) To require the development of a Joint Management Plan for the lands retained, conveyed, or leased under this Act by the Coast Guard, the State, and the BSNC.

SEC. 4. RETENTION AND CONVEYANCE OF LAND.

(a) LAND FOR USE BY THE COAST GUARD.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to valid existing rights, tracts 1, 3, and 4, as depicted on the Map, shall remain withdrawn pursuant to the Public Land Order for use by and under the jurisdiction of the Coast Guard unless and until the Secretary determines that—

(A) except as provided in paragraph (2), the Coast Guard no longer needs to retain jurisdiction over any portion of tract 1, 3, or 4; and

(B) all land from tract 1, 3, or 4 as identified in subparagraph (A) has been remediated to meet the standards for industrial land

developed by the Alaska Department of Environmental Conservation.

(2) POTENTIAL CONVEYANCE TO BSNC AND LEASE BACK TO THE COAST GUARD.—

(A) The Secretary shall notify the Secretary of the Interior of any determination made under paragraph (1).

(B) Upon notification under subparagraph (A), the Secretary of the Interior shall then convey lands for which a determination has been made under paragraph (1) to the BSNC.

(C) Lands conveyed to the BSNC under subparagraph (B), upon a request of the Secretary, shall be leased to the Coast Guard at no cost under existing law and shall be charged against the remaining entitlement of the BSNC under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)) as set forth in (4)(d)(1)(B).

(3) AIRSTRIP RIGHTS.—Notwithstanding subparagraph (4), the Secretary shall retain an easement over all existing and future airstrips, runways, and taxiways, located on tract 2 authorizing the use of such airstrips, runways and taxiways by Public Aircraft at no cost.

(b) CONVEYANCE OR LEASE TO THE STATE OF TRACTS 2 AND TRACT 6.—

(1) IN GENERAL.—

(A) The State may choose to receive conveyance of the surface and subsurface estates of tract 2 and tract 6, or, in lieu of a conveyance of such lands, may lease tract 2 and tract 6 at no cost from the BSNC after conveyance of tract 2 and tract 6 to the BSNC by the Secretary of the Interior.

(B) The State shall notify the Secretary of the Interior of its choice made under paragraph (A) in writing. Such notification by the State shall be deemed to constitute relinquishment of the State's selection of lands in tract 2 and tract 6 and agreement that the Secretary of the Interior shall convey such land to the BSNC.

(C) Notwithstanding any other provision of law, and subject to valid existing rights, upon completion of all applicable conditions required under subsection (d), and if the State chooses to receive conveyance of tract 2 and tract 6 under paragraph (A), the Secretary of the Interior shall convey to the State all right, title, and interest of the United States in and to the surface and subsurface estates of tract 2 and tract 6, as depicted on the Point Spencer Map. The conveyance of such estates comprising tract 2 and tract 6 shall be charged against the State's entitlement under the Statehood Act [the Alaska Statehood Act of July 7, 1958 (Pub. L. 85-508, 72 Stat. 339, as amended)].

(D) If the State chooses under paragraph (A) to lease lands in tract 2 and tract 6, such lands shall be conveyed by the Secretary of the Interior under the Alaska Native Claims Settlement Act to the BSNC. The BSNC shall then lease such lands to the State at no cost to the State.

(E) The BSNC shall have the right to use all existing and future airstrips, runways or taxiways located on tract 2 for access to and from the Parcel, provided, however, that the State may charge the BSNC and other private sector entities that use such airstrips usual and customary landing fees or related services for similar locations elsewhere in Alaska to help defray maintenance and administrative costs associated with the operation of the airstrip.

(2) RIGHT-OF-WAY TO AND FROM AIRSTRIP.—

(A) IN GENERAL.—Notwithstanding any conveyance made under this Act, if requested by the State, the Secretary of the Interior shall provide to the State over the lands to be conveyed to the BSNC and those retained by the Coast Guard, a right-of-way at no cost for a road from the airstrip in tract 2, as depicted on the Point Spencer Map, to the southern tip of the Parcel.

(B) LOCATION.—If the State determines to exercise its right to the right-of-way in subparagraph (A), the location of such right-of-way shall be determined by the State, in consultation with the Coast Guard and the BSNC so that the road will be compatible

with other existing or planned infrastructure development on Point Spencer in accordance with the Joint Management Plan.

(c) CONVEYANCE TO THE BSNC OF TRACT 5.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to valid existing rights and the provisions of paragraph (2), upon completion of all applicable conditions precedent required under subsection (d), and certification that any necessary clean-up and remediation of tract 5 has been completed to the standards set out in subsection (e)(2), or that the BSNC has indicated by a resolution of its Board of Directors submitted to the Secretary of the Interior before conveyance that it is willing to accept tract 5 as is at the time of such conveyance, the Secretary of the Interior shall convey to the BSNC all right, title, and interest of the United States in and to the surface and subsurface estates of tract 5, as depicted on the Point Spencer Map. The conveyance of tract 5 to the BSNC shall reserve to the United States the provisions set out in paragraph (4).

(2) AIRSPACE EASEMENT.—The State, Coast Guard, and the BSNC shall negotiate an airspace easement bordering the airstrip over land retained by the Coast Guard and over land conveyed to the BSNC as reasonable and necessary for safety and air operations. The State, Coast Guard, and the BSNC shall notify the Secretary of the Interior upon completion of such negotiations regarding the land in tract 2 and tract 5 that shall be subject to the airspace easement.

(3) PUBLIC ACCESS EASEMENT.—No public access easements shall be reserved to the United States under section 17(b) of Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)) with respect to the land conveyed under paragraph (1) or subsequent conveyances under section 4(a)(1)(A) and (B).

(4) ARCHAEOLOGICAL AND CULTURAL RESOURCES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), with respect to any archaeological resources contained in the land conveyed under paragraph (1) (tract 5), the United States shall retain, until otherwise notified under paragraph (B), the authority and responsibility to enforce—

(i) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(ii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(iii) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(B) NOTIFICATION.—

(i) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the BSNC shall submit to the Secretary of the Interior a map that indicates the areas of tract 5 over which the Secretary of the Interior shall continue to retain the authority to enforce the Acts listed in subparagraph (A).

(ii) ENFORCEMENT AFTER NOTIFICATION.—On receipt of the map described in clause (i)—

(I) the Secretary of the Interior shall cease enforcing any of the Acts listed in subparagraph (A) on land located in tract 5 but outside of the areas described in subparagraph (B)(i); and

(II) any future enforcement outside of the areas described in subparagraph (B)(i) shall be conducted in accordance with the Acts listed in subparagraph (A).

(d) CONDITIONS PRECEDENT TO CONVEYANCE.—

(1) BERING STRAITS NATIVE CORPORATION.—Not later than 120 days after the date of enactment of this Act, with respect to any land leased under subsection (a)(2), (b) or conveyed under subsection (c) to BSNC, BSNC shall provide to the Secretary of the Interior, acting through the Alaska State Director of the Bureau of Land Management, a corporate resolution adopted by the Board of Directors of the BSNC—

(A) accepting the conveyance of any portions of tracts 1, 2, 3, 4, 5 or 6, as depicted on the Point Spencer Map, under this section;

(B) agreeing that the conveyances made pursuant to this Act will be charged against the remaining entitlement of the BSNC under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)) for a total of 2,320 acres, including any portion of tract 1, 2, 3, 4, or 6, as depicted on the Map, irrespective of the date of conveyance; and

(C) waiving the survey requirement of section 13 of the Alaska Native Claims Settlement Act (43 U.S.C. 1612), as to the land conveyed to the BSNC under subsection (c) or otherwise pursuant to this Act.

(2) STATE.—Not later than 120 days after the date of the enactment of this Act and as a condition precedent to any land conveyed under this section , the Governor shall submit to the Secretary of the Interior, acting through the Alaska State Director of the Bureau of Land Management, a statement—

(A) accepting the option for conveyance of tract 2 and tract 6 as depicted on the Map or choosing to lease tract 2 and tract 6 pursuant to subsection (b)(1) of this section;

(B) relinquishing selection applications F-44467 and F-89393 as to those lands to be conveyed to BSNC acknowledging that such relinquishment shall become effective upon conveyance of any or all of tracts 1 through 6 irrespective of the dates of such conveyances;

(C) agreeing that if the conveyance option to the State under section (b) is chosen, such conveyance will be charged against the remaining entitlement of the State under section (6)(b) of the Act of July 7, 1958 [commonly known as the “Alaska Statehood Act” (Pub. L. 85–508, 72 stat 339, as amended)], for a total of 180 acres; and

(D) waiving the survey requirement of section (6)(g) of that Act as to the land conveyed under subsection (b).

(e) ADMINISTRATIVE.—

(1) IN GENERAL.—On the dates on which the conveyances under this section are complete—

(A) the portion of the Parcel conveyed to the BSNC shall be charged against the remaining entitlement of the BSNC under section 14(h)(8) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(h)(8)] and be considered a conveyance under that Act; and

(B) the portion of the Parcel conveyed to the State shall be charged against the remaining entitlement of the State under section 6(b) of the Act of July 7, 1958 [commonly known as the “Alaska Statehood Act” (Pub. L. 85–508, 72 stat 339, as amended)] and be considered a conveyance under that Act.

(2) CLEAN-UP AND REMEDIATION.—To the extent cleanup and remediation of hazardous materials on any tract of the Point Spencer Parcel is required by law, and notwithstanding any other provision of law,—

(A) clean-up and remediation shall be performed in accordance with State of Alaska Department of Environmental Conservation standards for land used for industrial purposes; and

(B) notwithstanding paragraph (A), any known contamination that does not pose any immediate or long-term health risk shall be routinely monitored through institutional controls.

(3) TIDELANDS AND SUBMERGED LANDS.—

(A) Ownership of the tidelands and submerged lands adjacent to Point Spencer were presumptively conveyed to the State of Alaska as provided by the Submerged Lands Act of 1953, as amended, and made applicable to the State of Alaska under section 6(m) of the Alaska Statehood Act, 72 Stat. 343 (1958).

(B) The Secretary is authorized to exercise the dominant Federal Navigational Servitude to install temporary or permanent structures at no cost in or on the tidelands and submerged lands of

Point Spencer, including, but not limited to, mooring buoy sinkers, temporary or permanent piers, docks, or wharves.

(C) Nothing in this Act alters the existing ownership by the State of tidelands and submerged lands under existing State of Alaska and Federal law.

(4) JOINT MANAGEMENT PLAN.—

(A) The Secretary, the State, and the BSNC shall develop a Joint Management Plan for the use and management of the lands retained, conveyed or leased under this Act.

(B) The Joint Management Plan shall be updated annually for the first 5 years and biennially thereafter.