

113TH CONGRESS
2^D SESSION

H. R. 4668

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

MAY 15, 2014

Mr. YOUNG of Alaska (for himself and Mr. HUNTER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Point Spencer Coast
3 Guard and Public-Private Sector Infrastructure Develop-
4 ment Facilitation and Land Conveyance Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

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

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

17 (3) POINT SPENCER MAP OR MAP.—The term
18 “Point Spencer Map” or “Map” means the map en-
19 titled the “Point Spencer Land Conveyance Map”
20 dated April 2014, and on file with the Department
21 of Homeland Security (the department in which the
22 Coast Guard is operating) and the Department of
23 the Interior.

24 (4) POINT SPENCER PARCEL OR PARCEL.—The
25 term “Point Spencer Parcel” or “Parcel” means the
26 approximately 2,648 acres of land at Point Spencer

1 withdrawn by the Public Land Order. The Point
2 Spencer Parcel is located in Townships 2, 3, and 4
3 South, Range 40 West, Kateel River Meridian, Alas-
4 ka.

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

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

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

13 (8) PUBLIC AIRCRAFT.—The term “Public Air-
14 craft” means any aircraft owned by, operated by, or
15 chartered by the United States, or owned, operated,
16 or chartered by a contractor of the United States for
17 the performance of a Federal contract on or from
18 Point Spencer.

19 **SEC. 3. PURPOSES.**

20 The purposes of this Act are:

21 (1) To designate lands at Point Spencer that
22 are to be—

23 (A) retained by the Coast Guard;

24 (B) conveyed to, or leased by, the State of
25 Alaska; and

1 (C) conveyed to the BSNC.

2 (2) To provide for a reasonable, pragmatic, eq-
3 uitable, and workable way to balance Federal, State,
4 BSNC and other private sector interests in the de-
5 commissioned and vacated former LORAN station
6 located on the Point Spencer Parcel.

7 (3) To provide a means for future uses of Point
8 Spencer by Federal, State, and private sector stake-
9 holders for a variety of tasks and missions, includ-
10 ing, but not limited to, search and rescue, shipping
11 safety, economic development, oil spill prevention
12 and response, protection of Alaska Native items of
13 antiquity, port of refuge, arctic research, maritime
14 law enforcement on the Bering Sea, the Chukchi
15 Sea, and the Arctic Ocean, and related uses.

16 (4) To require the development of a Joint Man-
17 agement Plan for the lands retained, conveyed, or
18 leased under this Act by the Coast Guard, the State,
19 and the BSNC.

20 **SEC. 4. RETENTION AND CONVEYANCE OF LAND.**

21 (a) LAND FOR USE BY THE COAST GUARD.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law and subject to valid existing rights,
24 tracts 1, 3, and 4, as depicted on the Map, shall re-
25 main withdrawn pursuant to the Public Land Order

1 for use by and under the jurisdiction of the Coast
2 Guard unless and until the Secretary determines
3 that—

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

8 (B) all land from tract 1, 3, or 4 as identi-
9 fied in subparagraph (A) has been remediated
10 to meet the standards for industrial land devel-
11 oped by the Alaska Department of Environ-
12 mental Conservation.

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

15 (A) The Secretary shall notify the Sec-
16 retary of the Interior of any determination
17 made under paragraph (1).

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

22 (C) Lands conveyed to the BSNC under
23 subparagraph (B), upon a request of the Sec-
24 retary, shall be leased to the Coast Guard at no
25 cost under existing law and shall be charged

1 against the remaining entitlement of the BSNC
2 under section 14(h)(8) of the Alaska Native
3 Claims Settlement Act (43 U.S.C. 1613(h)(8))
4 as set forth in section 4(d)(1)(B).

5 (3) AIRSTRIP RIGHTS.—Notwithstanding para-
6 graph (2), the Secretary shall retain an easement
7 over all existing and future airstrips, runways, and
8 taxiways, located on tract 2 authorizing the use of
9 such airstrips, runways and taxiways by Public Air-
10 craft at no cost.

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

13 (1) IN GENERAL.—

14 (A) The State may choose to receive con-
15 veyance of the surface and subsurface estates of
16 tract 2 and tract 6, or, in lieu of a conveyance
17 of such lands, may lease tract 2 and tract 6 at
18 no cost from the BSNC after conveyance of
19 tract 2 and tract 6 to the BSNC by the Sec-
20 retary of the Interior.

21 (B) The State shall notify the Secretary of
22 the Interior of its choice made under subpara-
23 graph (A) in writing. Such notification by the
24 State shall be deemed to constitute relinquish-
25 ment of the State's selection of lands in tract

1 2 and tract 6 and agreement that the Secretary
2 of the Interior shall convey such land to the
3 BSNC.

4 (C) Notwithstanding any other provision of
5 law, and subject to valid existing rights, upon
6 completion of all applicable conditions required
7 under subsection (d), and if the State chooses
8 to receive conveyance of tract 2 and tract 6
9 under subparagraph (A), the Secretary of the
10 Interior shall convey to the State all right, title,
11 and interest of the United States in and to the
12 surface and subsurface estates of tract 2 and
13 tract 6, as depicted on the Point Spencer Map.
14 The conveyance of such estates comprising tract
15 2 and tract 6 shall be charged against the
16 State's entitlement under the Statehood Act
17 (the Alaska Statehood Act of July 7, 1958
18 (Public Law 85-508; 72 Stat. 339, as amend-
19 ed)).

20 (D) If the State chooses under subpara-
21 graph (A) to lease lands in tract 2 and tract 6,
22 such lands shall be conveyed by the Secretary
23 of the Interior under the Alaska Native Claims
24 Settlement Act to the BSNC. The BSNC shall

1 then lease such lands to the State at no cost to
2 the State.

3 (E) The BSNC shall have the right to use
4 all existing and future airstrips, runways or and
5 taxiways located on tract 2 for access to and
6 from the Parcel, provided, however, that the
7 State may charge the BSNC and other private
8 sector entities that use such airstrips usual and
9 customary landing fees or related services for
10 similar locations elsewhere in Alaska to help de-
11 fray maintenance and administrative costs asso-
12 ciated with the operation of the airstrip.

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

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

23 (B) LOCATION.—If the State determines to
24 exercise its right to the right-of-way in subpara-
25 graph (A), the location of such right-of-way

1 shall be determined by the State, in consulta-
2 tion with the Coast Guard and the BSNC so
3 that the road will be compatible with other ex-
4 isting or planned infrastructure development on
5 Point Spencer in accordance with the Joint
6 Management Plan.

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

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law, and subject to valid existing rights
10 and the provisions of paragraph (2), upon comple-
11 tion of all applicable conditions precedent required
12 under subsection (d), and certification that any nec-
13 essary clean-up and remediation of tract 5 has been
14 completed to the standards set out in subsection
15 (e)(2), or that the BSNC has indicated by a resolu-
16 tion of its Board of Directors submitted to the Sec-
17 retary of the Interior before conveyance that it is
18 willing to accept tract 5 as is at the time of such
19 conveyance, the Secretary of the Interior shall con-
20 vey to the BSNC all right, title, and interest of the
21 United States in and to the surface and subsurface
22 estates of tract 5, as depicted on the Point Spencer
23 Map. The conveyance of tract 5 to the BSNC shall
24 reserve to the United States the provisions set out
25 in paragraph (4).

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

11 (3) PUBLIC ACCESS EASEMENT.—No public ac-
12 cess easements shall be reserved to the United
13 States under section 17(b) of the Alaska Native
14 Claims Settlement Act (43 U.S.C. 1616(b)) with re-
15 spect to the land conveyed under paragraph (1) or
16 subsequent conveyances under section 4(a)(1) (A)
17 and (B).

18 (4) ARCHAEOLOGICAL AND CULTURAL RE-
19 SOURCES.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), with respect to any archae-
22 ological resources contained in the land con-
23 veyed under paragraph (1) (tract 5), the United
24 States shall retain, until otherwise notified

1 under subparagraph (B), the authority and re-
2 sponsibility to enforce—

3 (i) the Archaeological Resources Pro-
4 tection Act of 1979 (16 U.S.C. 470aa et
5 seq.);

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

8 (iii) the Native American Graves Pro-
9 tection and Repatriation Act (25 U.S.C.
10 3001 et seq.).

11 (B) NOTIFICATION.—

12 (i) IN GENERAL.—Not later than 270
13 days after the date of the enactment of
14 this Act, the BSNC shall submit to the
15 Secretary of the Interior a map that indi-
16 cates the areas of tract 5 over which the
17 Secretary of the Interior shall continue to
18 retain the authority to enforce the Acts
19 listed in subparagraph (A).

20 (ii) ENFORCEMENT AFTER NOTIFICA-
21 TION.—On receipt of the map described in
22 clause (i)—

23 (I) the Secretary of the Interior
24 shall cease enforcing any of the Acts
25 listed in subparagraph (A) on land lo-

1 cated in tract 5 but outside of the
2 areas described in subparagraph
3 (B)(i); and

4 (II) any future enforcement out-
5 side of the areas described in subpara-
6 graph (B)(i) shall be conducted in ac-
7 cordance with the Acts listed in sub-
8 paragraph (A).

9 (d) CONDITIONS PRECEDENT TO CONVEYANCE.—

10 (1) BERING STRAITS NATIVE CORPORATION.—

11 Not later than 120 days after the date of enactment
12 of this Act, with respect to any land leased under
13 subsection (a)(2), (b) or conveyed under subsection
14 (c) to BSNC, BSNC shall provide to the Secretary
15 of the Interior, acting through the Alaska State Di-
16 rector of the Bureau of Land Management, a cor-
17 porate resolution adopted by the Board of Directors
18 of the BSNC—

19 (A) accepting the conveyance of any por-
20 tions of tract 1, 2, 3, 4, 5, or 6, as depicted on
21 the Point Spencer Map, under this section;

22 (B) agreeing that the conveyances made
23 pursuant to this Act will be charged against the
24 remaining entitlement of the BSNC under sec-
25 tion 14(h)(8) of the Alaska Native Claims Set-

1 tlement Act (43 U.S.C. 1613(h)(8)) for a total
2 of 2,320 acres, including any portion of tract 1,
3 2, 3, 4, or 6, as depicted on the Map, irrespec-
4 tive of the date of conveyance; and

5 (C) waiving the survey requirement of sec-
6 tion 13 of the Alaska Native Claims Settlement
7 Act (43 U.S.C. 1612), as to the land conveyed
8 to the BSNC under subsection (e) or otherwise
9 pursuant to this Act.

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

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

20 (B) relinquishing selection applications F-
21 44467 and F-89393 as to those lands to be
22 conveyed to BSNC acknowledging that such re-
23 linquishment shall become effective upon con-
24 veyance of any or all of tracts 1 through 6 irre-
25 spective of the dates of such conveyances;

1 (C) agreeing that if the conveyance option
2 to the State under subsection (b) is chosen,
3 such conveyance will be charged against the re-
4 maining entitlement of the State under section
5 6(b) of the Act of July 7, 1958 (commonly
6 known as the “Alaska Statehood Act” (Public
7 Law 85–508; 72 Stat. 339, as amended)), for
8 a total of 180 acres; and

9 (D) waiving the survey requirement of sec-
10 tion 6(g) of that Act as to the land conveyed
11 under subsection (b).

12 (e) ADMINISTRATIVE.—

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

15 (A) the portion of the Parcel conveyed to
16 the BSNC shall be charged against the remain-
17 ing entitlement of the BSNC under section
18 14(h)(8) of the Alaska Native Claims Settle-
19 ment Act (43 U.S.C. 1613(h)(8)) and be con-
20 sidered a conveyance under that Act; and

21 (B) the portion of the Parcel conveyed to
22 the State shall be charged against the remain-
23 ing entitlement of the State under section 6(b)
24 of the Act of July 7, 1958 (commonly known as
25 the “Alaska Statehood Act” (Public Law 85–

1 508; 72 Stat. 339, as amended)), and be con-
2 sidered a conveyance under that Act.

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

8 (A) clean-up and remediation shall be per-
9 formed in accordance with the State of Alaska
10 Department of Environmental Conservation
11 standards for land used for industrial purposes;
12 and

13 (B) notwithstanding subparagraph (A),
14 any known contamination that does not pose
15 any immediate or long-term health risk shall be
16 routinely monitored through institutional con-
17 trols.

18 (3) TIDELANDS AND SUBMERGED LANDS.—

19 (A) Ownership of the tidelands and sub-
20 merged lands adjacent to Point Spencer were
21 presumptively conveyed to the State of Alaska
22 as provided by the Submerged Lands Act of
23 1953, as amended, and made applicable to the
24 State of Alaska under section 6(m) of the Alas-
25 ka Statehood Act, 72 Stat. 343 (1958).

1 (B) The Secretary is authorized to exercise
2 the dominant Federal Navigational Servitude to
3 install temporary or permanent structures at no
4 cost in or on the tidelands and submerged lands
5 of Point Spencer, including, but not limited to,
6 mooring buoy sinkers, temporary or permanent
7 piers, docks, or wharves.

8 (C) Nothing in this Act alters the existing
9 ownership by the State of tidelands and sub-
10 merged lands under existing State of Alaska
11 and Federal law.

12 (4) JOINT MANAGEMENT PLAN.—

13 (A) The Secretary, the State, and the
14 BSNC shall develop a Joint Management Plan
15 for the use and management of the lands re-
16 tained, conveyed or leased under this Act.

17 (B) The Joint Management Plan shall be
18 updated annually for the first 5 years and bien-
19 nially thereafter.

○