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HUNA TOTEM CORPORATION LAND EXCHANGE ACT

JUNE 5, 2001.—Ordered to be printed

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

REPORT

[To accompany S. 506]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 506) to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 506 as ordered reported, is to direct the Secretary of Agriculture to enter into an equal value exchange of lands and interests therein, in the Tongass National Forest with Huna Totem Corporation and Sealaska Corporation.

BACKGROUND AND NEED

The city of Hoonah is located in southeast Alaska on the northeast part of Chichagoff Island. Hoonah has been the home of the Huna people since the last advance of the great ice masses into Glacier Bay, forcing the Huna people to look for new homes. Since the Huna people had traditionally used the Hoonah area each summer as a subsistence harvesting area, it was natural for them to settle in the area now called Hoonah. The community has a population of approximately 918 residents and is located forty miles from Juneau, Alaska's capital city.

The Huna Totem Corporation, an Alaska Native Corporation formed pursuant to the Alaska Native Claims Settlement Act (ANCSA) (P.L. 92-203) is located within the Village of Hoonah. Huna Totem is the largest Tlingit Indian Village Corporation in southeast Alaska. Under the terms of ANCSA each village corpora-

tion had to select lands within the core township or townships in which all or part of the Native village is located.

In 1975, Huna Totem filed its ANCSA land selections within the two-mile radius of the city of Hoonah as mandated by ANCSA. Since the community of Hoonah is located along the shoreline at the base of Hoonah Head Mountain, the surrounding lands are steep hillsides, cliffs, or designated watershed for the municipal water sources. Most of the land, approximately 1,999 acres, is not conducive to logging or development due to the topography and watershed limitations.

To resolve this problem, S. 506 would require the Huna Totem Corporation to convey ownership of approximately 1,999 acres of land used for the municipal watershed to the United States Forest Service. In exchange, the Huna Totem Corporation will be allowed to select other lands readily accessible to Hoonah in order to fulfill their ANCSA entitlement. Sealaska, the regional corporation in the area created by ANCSA, owns the subsurface estate. The bill directs an equal value exchange of the subsurface estate between Sealaska and the Forest Service. This legislation also requires the exchange of lands to be of equal value. Lastly, the legislation requires that any potential timber harvested from land acquired by Huna Totem Corporation not be available for export.

LEGISLATIVE HISTORY

S. 506 is identical to S. 426 from the 106th Congress as passed by the Senate. S. 426 was introduced by Senator Murkowski on February 12, 1999. Except for minor technical changes made in S. 426, an identical bill was considered by the Committee during the 105th Congress. S. 426 was ordered favorably reported by the Committee with amendments on March 4, 1999 (S. Rept. 106-30) and passed the Senate with amendments on April 19, 1999. The measure was referred to the House Resources Committee which ordered the bill favorably reported on September 13, 2000. No further action was taken in the House.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on May 16, 2001, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 506, without amendment.

SECTION-BY-SECTION ANALYSIS

Section 1 states that the short title is the "Huna Totem Corporation Land Exchange Act".

Section 2 amends the Alaskan Native Claims Settlement Act by adding a new section that directs the Secretary of Agriculture in exchange for an equal value of lands, to convey to Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate to certain lands.

Subsection (b) contains a legal description of lands to be conveyed by the Huna Totem Corporation and Sealaska to the Secretary along with a reference to maps showing the municipal watershed. Subsection (e) provides that any timber harvested from the lands conveyed to Huna Totem Corporation under this section not

be available for the purpose of exporting that timber from the State of Alaska. This section also prohibits any party to which Huna Totem Corporation may sell, trade, exchange, substitute, or convey any of the timber, from the lands it receives under this section, from using the timber for the purpose of export. Subsection (f) provides that the land conveyed to Huna Totem Corporation and Sealaska Corporation be considered as land conveyed under ANCSA for all purpose.

COST AND BUDGETARY CONSIDERATIONS

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

S. 506—Huna Totem Corporation Land Exchange Act

CBO estimates that enacting S. 506 would have no significant impact on the federal budget. Because the bill could affect direct spending (including offsetting receipts), pay-as-you-go procedures would apply, but we estimate that any such impacts would be less than \$500,000 a year. S. 506 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no significant costs on state, local, or tribal governments.

S. 506 would direct the Secretary of Agriculture to convey the surface estate to certain federal lands in the Tongass National Forest to the Huna Totem Corporation, and also to convey the subsurface estate to such federal lands to the Sealaska Corporation. The lands to be conveyed would be selected by the two corporations from federal lands depicted on the map described in the bill and dated September 1, 1997. Under the bill, the Huna Totem Corporation and Sealaska Corporation would convey to the United States approximately 2,000 acres of surface and subsurface estate.

S. 506 does not specify the federal lands to be conveyed to the corporations, but it provides that the exchange be on the basis of equal value. Because the federal budget is on a cash basis, the budgetary impact of the land exchange is measured by its effect on the government's cash flow, such as changes in offsetting receipts from timber harvests. CBO estimates that enacting this legislation could decrease offsetting receipts to the federal government. According to the Forest Service, the agency would generally consider the area acquired from the corporation to be unsuitable for timber harvesting because it lies within the watershed and viewshed of the village of Hoonah. Some of the federal land that could be conveyed to the corporation under S. 506 currently does not generate federal timber receipts because it has recently been logged; however, a portion of the federal land that could be conveyed is not currently being harvested because it has been set aside as part of a conservation reserve under the Tongass National Forest management plan.

According to the agency, if the corporation harvested those areas following the exchange, then the agency would be obligated under the forest management plan to reserve for conservation another area of federal land within the Tongass National Forest that otherwise would be harvested under current law. We estimate that any resulting loss of timber receipts would be less than \$500,000 a year over the 2002–2011 period.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, 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. 506. 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. 506, as ordered reported.

EXECUTIVE COMMUNICATIONS

On March 9, 2001, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Executive agency recommendations on S. 506. These reports had not been received at the time the report on S. 506 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 506, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971 (43 U.S.C. 1601, et seq.),
as amended

SEC. XX. HUNA TOTEM CORPORATION LAND EXCHANGE.

(a) *GENERAL.*—*In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Huna Totem Corporation pursuant to subsection (c). The values of the lands and interests therein exchanged pursuant to this section shall be equal.*

(b) *The surface estate to be conveyed by Huna Totem Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:*

MUNICIPAL WATERSHED AND GREENBELT BUFFER

T43S, R61E, C.R.M.

Portion of Section	Approximate Acres
16	2
21	610

Portion of Section	Approximate Acres
22	227
23	35
26	447
27	400
33	202
34	76
Approximate total	1,999.

(c) *Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and subsurface estate described in subsection (b), Huna Totem Corporation shall be entitled to identify lands readily accessible to the Village of Hoonah and, where possible, located on the road system to the Village of Hoonah, as depicted on the map dated September 1, 1997, and labeled Attachment B, Huna Totem Corporation shall notify the Secretary of Agriculture in writing which lands Huna Totem Corporation has identified.*

(d) **TIMING OF CONVEYANCE AND VALUATION.**—*The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Huna Totem Corporation pursuant to subsection (c).*

(e) **TIMBER MANUFACTURING; EXPORT RESTRICTION.**—*Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section shall not be exported as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.*

(f) **RELATION TO OTHER REQUIREMENTS.**—*The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native claims Settlement Act.*

(g) **MAPS.**—*The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section in approximate, and if there is any discrepancy between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.*