

## Calendar No. 121

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### ALASKA SUBSISTENCE STRUCTURE FEES

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JUNE 27, 2013.—Ordered to be printed

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

### R E P O R T

[To accompany S. 736]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 736) to establish a maximum amount for special use permit fees applicable to certain cabins on National Forest System land in the State of Alaska, having considered the same, reports favorably thereon with amendments and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Beginning on page 1, strike line 8 and all that follows through page 2, line 2, and insert the following:

(1) COVERED CABIN OR TEMPORARY STRUCTURE.—The term “covered cabin or temporary structure” means a cabin (including related structures) or a tent platform on National Forest System land in the State of Alaska—

2. On page 2, strike lines 18 through 22 and insert the following:

**SEC. 3. ALASKA SUBSISTENCE USE CABIN AND TEMPORARY STRUCTURE SPECIAL USE LAND USE FEES.**

The maximum land use fee for a special use permit issued by the Secretary of Agriculture for the use and occupancy of National Forest System land for a covered cabin or temporary structure shall be not more than \$250.

3. Amend the title so as to read: “A bill to establish a maximum amount for special use land use fees applicable to certain cabins and temporary structures on National Forest System land in the State of Alaska.”.

## PURPOSE

The purpose of S. 736 is to establish a maximum annual fee of \$250 for the issuance of a special use permit by the Secretary of Agriculture for use and occupancy of a cabin, structure, or shelter on National Forest land in Alaska for subsistence purposes.

## BACKGROUND AND NEED

The Tongass National Forest, located in Southeast Alaska, is the largest national forest in the United States at 17 million acres, roughly the size of West Virginia. The Tongass is home to approximately 70,000 people living in 32 communities, including the state capital, Juneau.

Alaska Natives, including the Tlingit, Haida, and Tsimshian, have continuously inhabited the Tongass for more than 10,000 years. They practiced a subsistence way of life that many of the Alaska Natives today continue to practice. Subsistence structures, most of which are used by Alaska Natives, have been a part of the Tongass since its creation and are used primarily for hunting, fishing and gathering the wild foods that these families depend on to survive. Now, a century later, only a small number of subsistence structures remain. Most of the cabins and tent-platforms that still exist were built generations ago by the same families that own them today, and are still primarily used for hunting, fishing, and gathering the wild foods that these families depend on.

The Forest Service fee schedule does not have a category for subsistence cabin use in Alaska. The agency currently charges these subsistence users \$853.44 per year for a special use permit that allows them to continue to use their cabins—cabins their families built, and have used for these same subsistence purposes for decades. The Forest Service charges the same rate to those utilizing shelters on Tongass land for commercial fishing camps, mineral exploration, commercial outfitter and guide operations, and personal recreation retreats. The current fee has become a significant burden for families living a limited cash subsistence lifestyle.

S. 736 would set the annual fee to not more than \$250 for subsistence cabin use.

## LEGISLATIVE HISTORY

S. 736 was introduced by Senator Murkowski on April 16, 2013. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 736 on April 25, 2013. At its business meeting on May 16, 2013, the Committee reported the bill favorably reported with amendments.

## COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 16, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 736, if amended as described herein.

## COMMITTEE AMENDMENTS

During its consideration of S. 736, the Committee adopted two amendments that to clarify the definition of a covered cabin or tent structure that would be subject to the fee structure under this Act.

## SECTION-BY-SECTION ANALYSIS

*Section 1* provides for the short title, the “Alaska Subsistence Structure Protection Act of 2013”.

*Section 2* defines the terms of the bill “covered cabin or temporary structure” and “subsistence uses” as used in this bill.

*Section 3* states that the maximum amount for a special use permit for a covered cabin or temporary structure on Forest Service land at \$250.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of S. 736 has been provided by the Congressional Budget Office:

*S. 736—Alaska Subsistence Structure Protection Act of 2013*

S. 736 would establish a cap on the annual fee paid to the federal government by individuals who own certain structures (including cabins and temporary fishing facilities) on Forest Service lands in Alaska. Based on information provided by the Forest Service, CBO estimates that enacting the legislation would reduce offsetting receipts, which are treated as reductions in direct spending, by about \$75,000 a year; therefore, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

Under current law, owners of the 138 affected structures pay an annual fee to the federal government based on the fair market value of the occupied land. In 2013, those owners paid fees totaling about \$110,000. Based on information provided by the Forest Service, CBO estimates that those owners would pay fees totaling about \$35,000 a year in future years under the bill. Thus, we estimate that enacting S. 736 would reduce offsetting receipts by about \$75,000 a year over the 2014–2023 period.

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. S. 736 would reduce offsetting receipts; therefore, pay-as-you-go procedures apply. The net budgetary changes that are subject to pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 736, THE ALASKA SUBSISTENCE STRUCTURE PROTECTION ACT OF 2013, AS ORDERED REPORTED BY THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON MAY 16, 2013

|                                      | By fiscal year, in millions of dollars—     |      |      |      |      |      |      |      |      |      |      |           |           |   |
|--------------------------------------|---|------|------|------|------|------|------|------|------|------|------|-----------|-----------|---|
|                                      | 2013  | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2013–2018 | 2013–2023 |   |
|                                      | 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         | 1 |

S. 736 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was 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. 736.

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. 736, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

S. 736, as 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 Forest Service at the April 25, 2013, Subcommittee on Public Lands, Forests, and Mining hearing on S. 736 follows:

STATEMENT OF JAMES M. PEÑA, ASSOCIATE DEPUTY CHIEF,  
NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman, Ranking Member Barrasso, and members of the Committee, thank you for inviting me here today to testify regarding S. 736, the Alaska Subsistence Structure Protection Act of 2013.

The bill would provide relief to rural Alaskan cabin users who depend on the Tongass National Forest for subsistence fishing, hunting and gathering by capping the fee that may be charged for the special use permits authorizing the use of the cabins.

The Department does not oppose S. 736, but would appreciate the opportunity to work with Committee staff on technical changes to the bill. These changes would better clarify which permits would be eligible for the reduced fees.

We also note that the Forest Service has existing authority to implement the changes in fees required by the bill, so legislation on this topic may not be necessary.

This concludes our testimony and I would be happy to answer any questions that you may have.

## 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 S. 736, as ordered reported.