

114TH CONGRESS
1ST SESSION

H. R. 2284

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

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2015

Mr. YOUNG of Alaska 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 in Point Spencer, Alaska, to support the mission of the Coast Guard, to convey certain land in Point Spencer to the Bering Straits Native Corporation, to convey certain land in 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 Land
3 Conveyance Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds as follows:

6 (1) Major shipping traffic is increasing through
7 the Bering Strait, the Bering and Chukchi Seas, and
8 the Arctic Ocean and will continue to increase
9 whether or not development of the outer Continental
10 Shelf of the United States is undertaken in the fu-
11 ture and will increase further if such outer Conti-
12 nental Shelf development is undertaken.

13 (2) There is a compelling national, State, Alas-
14 ka Native, and private sector need for permanent in-
15 frastructure development and for a presence in the
16 Arctic region of Alaska by appropriate agencies of
17 the Federal Government, particularly in proximity to
18 the Bering Strait, to support and facilitate search
19 and rescue, shipping safety, economic development,
20 oil spill prevention and response, protection of Alas-
21 ka Native archaeological and cultural resources, port
22 of refuge, Arctic research, and maritime law enforce-
23 ment on the Bering Sea, the Chukchi Sea, and the
24 Arctic Ocean.

25 (3) The United States owns a parcel of land,
26 known as Point Spencer, located between the Bering

1 Strait and Port Clarence and adjacent to some of
2 the best potential deepwater port sites on the coast
3 of Alaska in the Arctic.

4 (4) Prudent and effective use of Point Spencer
5 may be best achieved through marshaling the en-
6 ergy, resources, and leadership of the public and pri-
7 vate sectors.

8 (5) It is in the national interest to develop in-
9 frastructure at Point Spencer that would aid the
10 Coast Guard in performing its statutory duties and
11 functions in the Arctic on a more permanent basis
12 and to allow for public and private sector develop-
13 ment of facilities and other infrastructure to support
14 purposes that are of benefit to the United States.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) ARCTIC.—The term “Arctic” has the mean-
18 ing given that term in section 112 of the Arctic Re-
19 search and Policy Act of 1984 (15 U.S.C. 4111).

20 (2) BSNC.—The term “BSNC” means the
21 Bering Straits Native Corporation authorized under
22 section 7 of the Alaska Native Claims Settlement
23 Act (43 U.S.C. 1606).

1 (3) COUNCIL.—The term “Council” means the
2 Port Coordination Advisory Council established
3 under section 5(a).

4 (4) PLAN.—The term “Plan” means the Port
5 Management Coordination Plan developed under sec-
6 tion 5(c).

7 (5) POINT SPENCER.—The term “Point Spen-
8 cer” means the land known as “Point Spencer” lo-
9 cated between the Bering Strait and Port Clarence
10 and withdrawn by Public Land Order 2650 (pub-
11 lished in the Federal Register on April 12, 1962),
12 and located in Townships 2, 3, and 4 South, Range
13 40 West, Kateel River Meridian, Alaska.

14 (6) SECRETARY.—Except as otherwise specifi-
15 cally provided, the term “Secretary” means the Sec-
16 retary of the department in which the Coast Guard
17 is operating.

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

20 (8) TRACT.—The term “Tract” means Tract 1,
21 Tract 2, Tract 3, Tract 4, Tract 5, or Tract 6, as
22 appropriate.

23 (9) TRACTS 1, 2, 3, 4, 5, AND 6.—The terms
24 “Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, and
25 Tract 6” each mean the land generally depicted as

1 Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, or
2 Tract 6, respectively, and generally depicted as such
3 Tract on the map entitled the “Point Spencer Land
4 Retention and Conveyance Map”, dated January
5 2015, and on file with the Department of Homeland
6 Security and the Department of the Interior.

7 **SEC. 4. AUTHORITY TO CONVEY LAND IN POINT SPENCER.**

8 (a) **AUTHORITY TO CONVEY TRACTS 1, 3, AND 4.**—
9 The Secretary of the Interior shall convey, subject to valid
10 existing rights, all right, title, and interest of the United
11 States in and to the surface and subsurface estates of
12 Tract 1, Tract 3, and Tract 4 in accordance with sub-
13 section (d) if the Secretary notifies the Secretary of the
14 Interior that the Coast Guard no longer needs to retain
15 jurisdiction over any portion of Tract 1, Tract 3, or Tract
16 4 and the requirements of subsection (f) are met for each
17 such Tract to be conveyed.

18 (b) **AUTHORITY TO CONVEY TRACTS 2 AND 5.**—The
19 Secretary of the Interior shall convey, subject to valid ex-
20 isting rights, all right, title, and interest of the United
21 States in and to the surface and subsurface estates of
22 Tract 2 and Tract 5 in accordance with subsection (d)
23 if the requirements of subsection (f) are met for each such
24 Tract to be conveyed.

1 (c) AUTHORITY TO TRANSFER TRACT 6.—The Sec-
2 retary of the Interior shall convey, subject to valid existing
3 rights, all right, title, and interest of the United States
4 in and to the surface and subsurface estates of Tract 6
5 in accordance with subsection (e) if the requirements of
6 subsection (f) are met.

7 (d) ORDER OF OFFER TO CONVEY TRACT 1, 2, 3,
8 4, OR 5.—

9 (1) DETERMINATION AND OFFER.—

10 (A) TRACT 1, 3, OR 4.—If the Secretary
11 makes the determination under subsection (a)
12 and the requirements of subsection (f) are met
13 for Tract 1, 3, or 4, or a portion of such Tract,
14 the Secretary of the Interior shall offer such
15 Tract or portion of such Tract for conveyance
16 to BSNC under the Alaska Native Claims Set-
17 tlement Act (43 U.S.C. 1601 et seq.).

18 (B) TRACT 2 OR 5.—If the requirements of
19 subsection (f) are met for Tract 2 or Tract 5,
20 the Secretary of the Interior shall offer such
21 Tract for conveyance to BSNC under the Alas-
22 ka Native Claims Settlement Act (43 U.S.C.
23 1601 et seq.).

24 (2) OFFER TO BSNC.—

1 (A) ACCEPTANCE BY BSNC.—If BSNC
2 chooses to accept an offer of conveyance of a
3 Tract under paragraph (1), the Secretary of the
4 Interior shall consider such Tract as within
5 BSNC’s entitlement under section 14(h)(8) of
6 the Alaska Native Claims Settlement Act (43
7 U.S.C. 1613(h)(8)) and shall convey such Tract
8 to BSNC.

9 (B) DECLINE BY BSNC.—If BSNC declines
10 to accept an offer of conveyance of a Tract
11 under paragraph (1), the Secretary of the Inte-
12 rior shall offer such Tract for conveyance to the
13 State under the Act of July 7, 1958 (commonly
14 known as the “Alaska Statehood Act”) (48
15 U.S.C. note prec. 21; Public Law 85–508).

16 (3) OFFER TO STATE.—

17 (A) ACCEPTANCE BY STATE.—If the State
18 chooses to accept an offer of conveyance of a
19 Tract under paragraph (2)(B), the Secretary of
20 the Interior shall consider such Tract as within
21 the State’s entitlement under the Act of July 7,
22 1958 (commonly known as the “Alaska State-
23 hood Act”) (48 U.S.C. note prec. 21; Public
24 Law 85–508) and shall convey such Tract to
25 the State.

1 (B) DECLINE BY STATE.—If the State de-
 2 clines to accept an offer of conveyance of a
 3 Tract offered under paragraph (2)(B), such
 4 Tract shall be disposed of pursuant to applica-
 5 ble public land laws.

6 (e) ORDER OF OFFER TO CONVEY TRACT 6.—

7 (1) OFFER.—If the requirements under sub-
 8 section (f) are met for Tract 6, the Secretary of the
 9 Interior shall offer such Tract for conveyance to the
 10 State.

11 (2) OFFER TO STATE.—

12 (A) ACCEPTANCE BY STATE.—If the State
 13 chooses to accept an offer of conveyance of
 14 Tract 6 under paragraph (1), the Secretary of
 15 the Interior shall consider Tract 6 as within the
 16 State’s entitlement under the Act of July 7,
 17 1958 (commonly known as the “Alaska State-
 18 hood Act”) (48 U.S.C. note prec. 21; Public
 19 Law 85–508) and shall convey Tract 6 to the
 20 State.

21 (B) DECLINE BY STATE.—If the State de-
 22 clines to accept an offer of conveyance of Tract
 23 6 under paragraph (1), the Secretary of the In-
 24 terior shall offer Tract 6 for conveyance to

BSNC under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(3) OFFER TO BSNC.—

(A) ACCEPTANCE BY BSNC.—

(i) IN GENERAL.—Subject to clause (ii), if BSNC chooses to accept an offer of conveyance of Tract 6 under paragraph (2)(B), the Secretary of the Interior shall consider Tract 6 as within BSNC's entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)) and shall convey Tract 6 to BSNC.

(ii) LEASE BY THE STATE.—The conveyance of Tract 6 to BSNC shall be subject to BSNC negotiating a lease of Tract 6 to the State at no cost to the State, if the State requests such a lease.

(B) DECLINE BY BSNC.—If BSNC declines to accept an offer of conveyance of Tract 6 under paragraph (2)(B), the Secretary of the Interior shall dispose of Tract 6 pursuant to the applicable public land laws.

(f) TERMS OF CONVEYANCE.—

(1) ENVIRONMENTAL COMPLIANCE.—

1 (A) TRACT 1, 2, 3, 4, 5, OR 6.—

2 (i) IN GENERAL.—The Secretary of
3 the Interior shall not convey Tract 1,
4 Tract 2, Tract 3, Tract 4, Tract 5, or
5 Tract 6 under this section until—

6 (I) the Secretary certifies that
7 the applicable requirements under sec-
8 tion 120(h) of the Comprehensive En-
9 vironmental Response, Compensation,
10 and Liability Act of 1980 (42 U.S.C.
11 9620(h)) and other applicable envi-
12 ronmental laws have been satisfied for
13 land in such Tract; or

14 (II) the Board of Directors of
15 BSNC adopts and submits to the Sec-
16 retary of the Interior a resolution
17 stating that BSNC is willing to accept
18 Tract 1, Tract 2, Tract 3, Tract 4,
19 Tract 5, or Tract 6, as appropriate,
20 “as is” at the time of such convey-
21 ance, based on known contamination.

22 (ii) AS IS.—In this subparagraph, the
23 term “as is” means the physical condition
24 of Tract 1, Tract 2, Tract 3, Tract 4,
25 Tract 5, or Tract 6, as appropriate, at the

1 time of the conveyance of such Tract, in-
2 cluding with respect to any known con-
3 tamination by hazardous materials or sub-
4 stances.

5 (B) LAND TO BE CONVEYED TO THE
6 STATE OR BSNC.—

7 (i) ENVIRONMENTAL COMPLIANCE.—

8 To the extent cleanup and remediation of
9 hazardous substances on land in a Tract to
10 be conveyed to the State or to BSNC are
11 required by existing law, all environmental
12 compliance activities pursuant to section
13 120(h) of the Comprehensive Environ-
14 mental Response, Compensation, and Li-
15 ability Act of 1980 (42 U.S.C. 9620(h))
16 and other applicable environmental laws
17 shall be satisfied.

18 (ii) MONITORING OF KNOWN CON-
19 TAMINATION.—Notwithstanding section
20 120(h) of the Comprehensive Environ-
21 mental Response, Compensation, and Li-
22 ability Act of 1980 and other applicable
23 environmental laws, any known contamina-
24 tion in a Tract to be conveyed that does
25 not pose an immediate or long-term health

1 or environmental risk may be routinely
2 monitored and managed by the State or
3 BSNC, as applicable, through institutional
4 controls in accordance with the laws of the
5 State.

6 (iii) LATER FOUND CONTAMINA-
7 TION.—If preexisting contamination from
8 hazardous materials and substances are
9 found to be present in a Tract after the
10 date the Tract is conveyed to the State or
11 BSNC, responsibility for cleanup and re-
12 mediation of such contamination shall con-
13 tinue to be governed by section 120(h)(3)
14 of the Comprehensive Environmental Re-
15 sponse, Compensation, and Liability Act of
16 1980 (42 U.S.C. 9620(h)(3)), applicable
17 provisions of chapter 19 of title 14, United
18 States Code, and applicable laws of the
19 State.

20 (C) LAND TO BE RETAINED BY THE COAST
21 GUARD.—With respect to land in Tract 1, Tract
22 3, or Tract 4 to be retained by the Coast
23 Guard, nothing in this section may be construed
24 to limit the obligation of the Coast Guard to
25 comply with applicable environmental law, in-

cluding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(2) AIRSTRIP USE.—

(A) USE BY COAST GUARD.—All conveyances under this section shall be subject to—

(i) an easement granting unlimited use of all existing and future landing pads, airstrips, runways, and taxiways that are located on such Tract conveyed, at no cost to the Coast Guard; and

(ii) the right to access such landing pads, airstrips, runways, and taxiways, at no cost to the Coast Guard.

(B) USE BY STATE.—

(i) IN GENERAL.—For any Tract conveyed to BSNC under this section, BSNC shall provide to the State, if requested and pursuant to negotiated terms with the State, for no compensation—

(I) an easement over all existing and future airstrips, runways, and taxiways located on such Tract; and

(II) a right of access to and from such airstrips, runways, and taxiways.

1 (ii) RIGHT OF ACCESS.—If the State
2 requests a right of access for a road from
3 the airstrip to the southern tip of Point
4 Spencer, the location of such right of ac-
5 cess shall be determined by the State, in
6 consultation with the Secretary and
7 BSNC, so that such access is compatible
8 with other existing or planned infrastruc-
9 ture development at Point Spencer.

10 (3) RELATIONSHIP TO PUBLIC LAND ORDER

11 2650.—

12 (A) TRACTS NOT CONVEYED.—Any Tract
13 that is not conveyed under this section shall re-
14 main withdrawn pursuant to Public Land Order
15 2650 (published in the Federal Register on
16 April 12, 1962).

17 (B) TRACTS CONVEYED.—For any Tract
18 conveyed under this section, Public Land Order
19 2650 shall automatically terminate upon
20 issuance of a conveyance document for such
21 Tract.

22 (4) ARCHEOLOGICAL AND CULTURAL RE-
23 SOURCES.—Conveyance of any Tract under this sec-
24 tion shall not affect criminal jurisdiction and respon-
25 sibilities regarding the potential theft or vandalism

1 of archeological or cultural resources located in or
2 on such tracts.

3 (5) PERSONAL PROPERTY.—

4 (A) CASH SALES AUTHORIZED.—The Sec-
5 retary of Homeland Security is authorized to
6 make cash sales of personal property that is lo-
7 cated on Tract 4 to BSNC or to the State.

8 (B) VALUE.—The total value of the per-
9 sonal property referred to in subparagraph (A)
10 shall be deemed to be \$5,580,000.

11 (C) PROCEEDS.—Pursuant to section 559
12 of the Department of Homeland Security Ap-
13 propriations Act, 2010 (Public Law 111–83),
14 the proceeds from the sale of the personal prop-
15 erty referred to in subparagraph (A)—

16 (i) shall be deposited as offsetting col-
17 lections into the Coast Guard Environ-
18 mental Compliance and Restoration Ac-
19 count;

20 (ii) shall be available without further
21 appropriation for environmental compli-
22 ance and restoration activities associated
23 with any tract conveyed or to be conveyed
24 under this Act; and

1 (iii) shall remain available until ex-
2 pended.

3 (D) UNEXPENDED BALANCES.—If unex-
4 pended balances remain in the Coast Guard
5 Environmental Compliance and Restoration Ac-
6 count after the completion of the activities de-
7 scribed in subparagraph (C)(ii), such balances
8 may be expended for any other environmental
9 compliance and restoration activities of the
10 Coast Guard.

11 (g) MAPS AND LEGAL DESCRIPTIONS.—

12 (1) PREPARATION OF MAPS AND LEGAL DE-
13SCRIPTION.—As soon as practicable after the date of
14 the enactment of this Act, the Secretary of the Inte-
15 rior shall prepare maps and legal descriptions of
16 Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, and
17 Tract 6. In doing so, the Secretary of the Interior
18 may use metes and bounds legal descriptions based
19 upon the official survey plats of Point Spencer ac-
20 cepted on December 6, 1978.

21 (2) LEGAL EFFECT.—The maps and legal de-
22 scriptions shall have the same force and effect as if
23 the maps and legal descriptions were included in this
24 Act, except that the Secretary of the Interior may

1 correct any clerical and typographical errors in the
2 maps and legal descriptions.

3 (3) AVAILABILITY.—Copies of the maps and
4 legal descriptions shall be available for public inspec-
5 tion in the appropriate offices of—

6 (A) the Bureau of Land Management; and

7 (B) the United States Coast Guard.

8 (4) SURVEY.—Not later than 5 years after the
9 date of the enactment of this Act, the Secretary of
10 the Interior shall survey Tracts conveyed and patent
11 the Tracts in accordance with the official plats of
12 survey.

13 (h) PUBLIC ACCESS EASEMENTS.—No public access
14 easements may be reserved to the United States under
15 section 17(b) of the Alaska Native Claims Settlement Act
16 (43 U.S.C. 1616(b)) with respect to the land conveyed
17 under this Act.

18 **SEC. 5. PORT COORDINATION ADVISORY COUNCIL FOR**
19 **POINT SPENCER.**

20 (a) ESTABLISHMENT.—There is established the Port
21 Coordination Advisory Council for the Port of Point Spen-
22 cer.

23 (b) MEMBERSHIP.—The Council shall consist of a
24 representative appointed by each of the following:

25 (1) The State.

1 (2) BSNC.

2 (c) DUTIES.—The duties of the Council are as fol-
3 lows:

4 (1) To develop a Port Management Coordina-
5 tion Plan to help coordinate infrastructure develop-
6 ment and operations at the Port of Point Spencer,
7 that includes plans for—

8 (A) construction;

9 (B) funding eligibility;

10 (C) land use planning and development;

11 and

12 (D) public interest use and access, emer-
13 gency preparedness, law enforcement, protection
14 of Alaska Native archaeological and cultural re-
15 sources, and other matters that are necessary
16 for public and private entities to function in
17 proximity together in a remote location.

18 (2) Update the Plan annually for the first 5
19 years after the date of the enactment of this Act and
20 biennially thereafter.

21 (3) Facilitate coordination among stakeholders
22 at Point Spencer, including the Coast Guard, on the
23 development and use of the land and coastline as
24 such development relates to activities at the Port of
25 Point Spencer.

1 (4) Assess the need, benefits, efficacy, and de-
2 sirability of establishing in the future a port author-
3 ity at Point Spencer under State law and act upon
4 that assessment, as appropriate, including taking
5 steps for the potential formation of such a port au-
6 thority.

7 (d) PLAN.—The Plan shall be developed and imple-
8 mented by the Council in such a manner so as to facilitate
9 and support, and not interfere with nor impede, the statu-
10 tory missions, duties, and operations of the Coast Guard
11 in the Arctic.

12 (e) COSTS.—Operations and management costs for
13 airstrips, runways, and taxiways at Point Spencer shall
14 be determined pursuant to provisions of the Plan, as nego-
15 tiated by the Council.

16 **SEC. 6. WAIVER.**

17 Section 229 of the Howard Coble Coast Guard and
18 Maritime Transportation Act of 2014 (Public Law 113–
19 281; 128 Stat. 3040) shall not be construed to prohibit
20 any transfer or conveyance of lands under to this Act or
21 any actions that involve the dismantling or disposal of in-
22 frastructure that supported the former LORAN system
23 that are associated with the transfer or conveyance of
24 lands under this Act.

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