

**Statement of
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**Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, & Mining**

**S. 1128, University of Alaska Fiscal Foundation Act
June 16, 2021**

Thank you for the opportunity to testify on S. 1128, the University of Alaska Fiscal Foundation Act. S. 1128 directs the Department of the Interior (Department) to establish a program within the Bureau of Land Management (BLM) to identify and convey land to the University of Alaska to support higher education. The BLM is focused on completing entitlement land conveyances in Alaska. We support the goals of S. 1128 and look forward to working with the sponsors and the Committee on technical modifications.

Background

While the State of Alaska is the largest state in the nation, it has the second smallest land grant – approximately 110,000 acres – for higher education. Previous attempts to provide a land grant to the University of Alaska include a reservation made by Congress in 1915 of approximately 268,000 acres of public domain in the then-Territory of Alaska for what would become the University of Alaska. In 1929, Congress provided for an additional grant of 100,000 acres of the territory to the college. Upon admission as a state in 1959, portions of the 1915 reservation of land were eliminated, and no Federal land grant for higher education was provided in the Alaska Statehood Act.

As the Secretary of the Interior's designated survey and land transfer agent, the BLM is the Federal agency responsible for adjudicating land claims, conducting and finalizing cadastral land surveys, and transferring legal title of Federal lands. The BLM's Alaska Land Transfer Program administers the transfer of lands to individual Alaska Natives under the Alaska Native Allotment Act; implements the 46 million-acre transfer to Alaska Native Corporations under the Alaska Native Claims Settlement Act of 1971 (ANCSA); and is also responsible for conveying 104.5 million acres to the State of Alaska under the Alaska Statehood Act. The BLM has completed over 90 percent of the ANCSA survey work. When the survey and conveyance work under the Alaska Native Allotment Act, the Alaska Statehood Act, and ANCSA is completed, over 150 million acres, approximately 42 percent of the land area in Alaska, will have been transferred from Federal to State and private ownership.

S. 1128

Conveyance Program

S. 1128 requires the Department to establish a program within the BLM to identify and convey available State of Alaska selected lands to the University of Alaska for use in supporting the operation and maintenance of the University system. Under the bill, the State of Alaska and the University are to identify not more than 500,000 acres of available State land for inclusion in the program established by the Department and eventual conveyance to the University. Of those 500,000 acres, a maximum of 360,000 acres may be conveyed to the University. Prior to the conveyance of land, the State and the University must submit in writing to the Department the agreed upon lands to be conveyed. The total acreage of all land conveyed under this bill will be charged against the remaining entitlement of the State under the Alaska Statehood Act.

The BLM appreciates the work of the sponsor in improving and clarifying this provision since this bill was introduced last Congress. The new language offers greater clarity in how the conveyances would be structured. However, given the unique circumstances and legal requirements of this conveyance, the BLM recommends adding further clarifying language related to the survey process.

Definitions

S. 1128 outlines a number of definitions with respect to the Alaska land conveyance program. The bill defines “available State-selected land” to mean any Federal land in the State that has been selected by the State, including future selections. The Department of the Interior and the Department of Agriculture would like to work with the committee to clarify that the lands at issue comply with the Alaska Statehood Act’s limit on total lands conveyed to the State from the National Forests. The bill also defines “conservation system unit” as the meaning given in section 103 of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3102). The BLM notes that the definition for “conservation system unit” under ANILCA would only include National Forest lands within a National Monument, National Wilderness Preservation System, National Trail System Unit, or National Wild and Scenic Rivers System, and no other Forest Service lands in Alaska. We would like to work with the sponsor to clarify the sponsor’s intent as to what lands should be included under this definition.

Exchange for Conservation System Unit Inholdings

S. 1128 allows the Secretary of the Interior or of Agriculture to acquire or exchange University owned inholdings within conservation system units in the State. The BLM would like to work with the sponsor to clarify the intent of the exchange section of the bill, as well as to clarify the language relating to the appraisal process and the involved Departments. The BLM notes that the Department of the Interior and Department of Agriculture already have this exchange authority under current law. In addition, we have found that exchanges are best approached after entitlements are completed and land ownership patterns are settled. Doing so provides a greater measure of certainty regarding ownership boundaries, facilitates negotiation among the involved parties, and increases the likelihood of a successful exchange.

Conclusion

The Department appreciates the goals of the legislation to convey lands to the University to further higher education opportunities in Alaska. We look forward to working further with the sponsor and the Committee on the bill.