

114TH CONGRESS
2D SESSION

S. 3005

To establish the Alaska Land Use Council, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2016

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To establish the Alaska Land Use Council, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alaska Land Use
5 Council Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to facilitate enhanced co-
8 ordination and cooperation among Federal, State, and
9 Alaska Native Corporation and tribal land and resource
10 managers in the implementation of the Alaska National

1 Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)
2 and other applicable land and resource management laws.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) CONSERVATION SYSTEM UNIT.—The term
6 “conservation system unit” has the meaning given
7 the term in section 102 of the Alaska National In-
8 terest Lands Conservation Act (16 U.S.C. 3102).

9 (2) COUNCIL.—The term “Council” means the
10 Alaska Land Use Council established by section
11 4(a).

12 (3) NATIVE; NATIVE CORPORATION; REGIONAL
13 CORPORATION; VILLAGE CORPORATION.—The terms
14 “Native”, “Native Corporation”, “Regional Corpora-
15 tion”, and “Village Corporation” have the meanings
16 given the terms in section 3 of the Alaska Native
17 Claims Settlement Act (43 U.S.C. 1602).

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior, except that when such
20 term is used with respect to any unit of the National
21 Forest System, such term means the Secretary of
22 Agriculture.

23 (5) STATE.—The term “State” means the State
24 of Alaska.

1 **SEC. 4. ESTABLISHMENT; MEMBERSHIP.**

2 (a) ESTABLISHMENT.—There is established the Alas-
3 ka Land Use Council.

4 (b) COMPOSITION.—

5 (1) PERMANENT MEMBERS.—The Council shall
6 consist of each of the following permanent members:

7 (A) FEDERAL MEMBERS.—The head of the
8 Alaska offices of each of the following Federal
9 agencies:

10 (i) The National Park Service.

11 (ii) The United States Fish and Wild-
12 life Service.

13 (iii) The Forest Service.

14 (iv) The Bureau of Land Manage-
15 ment.

16 (B) STATE MEMBERS.—The following
17 State members:

18 (i) The Commissioner of the Alaska
19 Department of Environmental Conserva-
20 tion.

21 (ii) The Commissioner of the Alaska
22 Department of Fish and Game.

23 (iii) The Commissioner of the Alaska
24 Department of Natural Resources.

1 (iv) The Commissioner of the Alaska
2 Department of Transportation and Public
3 Facilities.

4 (C) ALASKA NATIVE MEMBERS.—The fol-
5 lowing Alaska Native members:

6 (i) 2 representatives selected by the
7 Regional Corporations, in consultation with
8 the respective Village Corporations, that
9 represent the 12 geographic regions de-
10 scribed in section 7(a) of the Alaska Na-
11 tive Claims Settlement Act (43 U.S.C.
12 1606(a)); and

13 (ii) 2 representatives of Alaska Na-
14 tives selected through the Alaska Federa-
15 tion of Natives, at least 1 of whom rep-
16 resents an Alaska Native tribe.

17 (2) ADVISORY MEMBERS.—

18 (A) IN GENERAL.—In addition to the per-
19 manent members of the Council appointed
20 under paragraph (1), representatives of other
21 agencies may participate, with the concurrence
22 of the permanent members of the Council, on
23 an ad hoc basis, with respect to specific projects
24 or activities of the Council.

1 (B) INCLUSIONS.—Individuals that may
2 participate on an ad hoc basis under subpara-
3 graph (A) include representatives of—

4 (i) the Alaska Department of Com-
5 merce, Community, and Economic Devel-
6 opment;

7 (ii) the Citizens' Advisory Commission
8 on Federal Areas;

9 (iii) the State ANILCA Program Co-
10 ordinator or members of the State
11 ANILCA Program within the State admin-
12 istration;

13 (iv) the University of Alaska;

14 (v) the Alaska Mental Health Land
15 Trust Authority;

16 (vi) units of local government in the
17 State;

18 (vii) the Bureau of Indian Affairs;

19 (viii) the Coast Guard;

20 (ix) the Environmental Protection
21 Agency;

22 (x) the Federal Aviation Administra-
23 tion;

24 (xi) the National Oceanic and Atmos-
25 pheric Administration;

- 1 (xii) the Bureau of Ocean Energy
2 Management;
3 (xiii) the Corps of Engineers;
4 (xiv) the United States Geological
5 Survey; and
6 (xv) the Federal Highway Administra-
7 tion.

8 (3) VACANCY.—Any vacancy on the Council
9 shall be filled in the same manner as the original ap-
10 pointment was made.

11 (c) PRESIDING OFFICER.—The Council shall elect a
12 Presiding Officer from among the permanent members of
13 the Council on an annual basis.

14 (d) LOCATION OF OFFICE.—The office of the Council
15 shall be located in the State.

16 (e) MEETINGS.—

17 (1) IN GENERAL.—The Council shall meet at
18 the call of the Presiding Officer, but not less than
19 4 times each year.

20 (2) OPEN TO THE PUBLIC.—All Council meet-
21 ings shall be open to the public.

22 (3) NOTICE.—At least 30 days before the date
23 on which a meeting of the Council is to be held, the
24 Presiding Officer shall publish notice of the meeting
25 in—

1 (A) the Federal Register;

2 (B) newspapers of general circulation in
3 various areas throughout the State; and

4 (C) all Federal and State agency websites
5 that regularly provide notice of public meetings,
6 including any social media websites.

7 (f) RULES.—The Council shall adopt any internal
8 rules of procedure for the Council that the Council deter-
9 mines to be necessary.

10 **SEC. 5. COUNCIL PERSONNEL MATTERS.**

11 (a) COMPENSATION OF MEMBERS.—

12 (1) FEDERAL MEMBERS.—A member of the
13 Council who is a Federal employee shall receive no
14 additional compensation for service on the Council.

15 (2) STATE MEMBERS.—A State member of the
16 Council shall be compensated in accordance with ap-
17 plicable State law.

18 (3) TRAVEL EXPENSES.—A member or advisory
19 member of the Council shall be allowed travel ex-
20 penses, including per diem, at rates authorized for
21 experts or consultants under section 5703 of title 5,
22 United States Code, while away from the home or
23 regular place of business of the member in the per-
24 formance of the duties of the Council.

25 (b) STAFF.—The Presiding Officer may—

1 (1) create and abolish staff positions, including
2 positions for temporary and intermittent staff;

3 (2) establish and provide for the qualification,
4 appointment, removal, and compensation of Council
5 staff; and

6 (3) procure office space, supplies, and equip-
7 ment needed for the Council.

8 (c) LIMITATION ON USE OF FEDERAL FUNDS.—Dur-
9 ing any 1 fiscal year, the Federal Government shall pro-
10 vide not more than \$2,000,000 of the costs and other ex-
11 penses of the Council (other than salaries and benefits of
12 members of the Council) incurred by the Council in car-
13 rying out the duties of the Council under this Act.

14 **SEC. 6. POWERS.**

15 (a) HEARINGS.—For the purpose of carrying out this
16 Act, the Council may hold such hearings, take such testi-
17 mony, receive such evidence, and print or otherwise pre-
18 pare, reproduce, and distribute reports relating to any pro-
19 ceedings that the Council determines to be advisable.

20 (b) USE OF EQUIPMENT AND PERSONNEL.—

21 (1) IN GENERAL.—The Council may, with the
22 consent of the head of the Federal or other agency,
23 as applicable, use the services, equipment, personnel,
24 and facilities of Federal and other agencies, with or
25 without reimbursement.

1 (2) COOPERATION REQUIRED.—Each depart-
2 ment and agency of the Federal Government shall
3 cooperate fully in making the services, equipment,
4 personnel, and facilities of the department or agency
5 available to the Council.

6 (3) SUPERVISION.—Personnel detailed to the
7 Council under this subsection shall be under the di-
8 rection of the Presiding Officer (or a designee of the
9 Presiding Officer) during any period in which the
10 staff are detailed to the Council.

11 (c) DONATIONS.—The Council may accept and use
12 donations, gifts, and other contributions to carry out the
13 duties of the Council under this Act.

14 **SEC. 7. DUTIES.**

15 (a) STUDIES; ADVISORY ROLE.—The Council shall
16 conduct studies and advise the Secretary, the Secretary
17 of Agriculture, other Federal agencies, the State, units of
18 local government in the State, Alaska Native tribes, and
19 Native Corporations with respect to—

20 (1) ongoing, planned, and proposed land and
21 resource uses in the State (including transportation
22 planning, land use designation and classification,
23 fish and wildlife management, tourism, agricultural
24 development, coastal zone management, and preser-
25 vation of cultural and historical resources); and

1 (2) such other matters as may be submitted
2 by—

3 (A) the permanent members of the Council
4 for advice; and

5 (B) the advisory members of the Council,
6 subject to the approval of the permanent mem-
7 bers of the Council.

8 (b) RECOMMENDATIONS.—The Council shall make
9 recommendations—

10 (1) to appropriate officials of the Federal Gov-
11 ernment and the State with respect to—

12 (A) proposed and existing regulations
13 issued by a Federal agency to carry out the re-
14 sponsibilities of the Federal agency under the
15 Alaska National Interest Lands Conservation
16 Act (16 U.S.C. 3101 et seq.) and other applica-
17 ble Federal laws;

18 (B) management plans and studies re-
19 quired by the Alaska National Interest Lands
20 Conservation Act (16 U.S.C. 3101 et seq.) and
21 other applicable Federal laws related to public
22 lands (as defined in section 102 of the Alaska
23 National Interest Lands Conservation Act (16
24 U.S.C. 3102)), including plans and studies for
25 conservation system units, national recreation

1 areas, national conservation areas, the National
2 Petroleum Reserve—Alaska, designated wilder-
3 ness study areas, other areas managed for wil-
4 derness characteristics, and other public land
5 managed by the Secretary of Agriculture or the
6 Secretary of the Interior;

7 (C) proposed regulations issued by the
8 State to carry out the responsibilities of the
9 State under the Alaska National Interest Lands
10 Conservation Act (16 U.S.C. 3101 et seq.);

11 (D) the implementation of any regulations,
12 management plans, or studies described in sub-
13 paragraphs (A) through (C), including through
14 policies, procedures, guidance, programs, or ad-
15 ministrative directives;

16 (E) ways to improve coordination and con-
17 sultation between the Federal Government and
18 the State in land and wildlife management,
19 transportation planning, natural resource devel-
20 opment, wilderness review, and other govern-
21 mental activities that—

22 (i) may affect land and resource re-
23 sponsibilities of Federal, State, or Alaska
24 Native entities; or

1 (ii) require regional or statewide co-
2 ordination;

3 (F) ways to ensure that economic develop-
4 ment is—

5 (i) orderly and planned;

6 (ii) consistent with the Alaska Na-
7 tional Interest Lands Conservation Act (16
8 U.S.C. 3101 et seq.); and

9 (iii) compatible with State and na-
10 tional economic, social, and environmental
11 objectives;

12 (G) any changes in laws, policies, guidance,
13 procedures, administrative directives, and pro-
14 grams relating to publicly managed land and
15 resources that the Council determines to be nec-
16 essary;

17 (H)(i) the inventory, planning, classifica-
18 tion, management, and use of Federal land and
19 State land, respectively; and

20 (ii) to provide to Native Corporations, on
21 request of the Native Corporations, assistance
22 with the activities described in clause (i);

23 (I) any necessary modifications with re-
24 spect to existing withdrawals of Federal land
25 and State land; and

1 (J) the programs and budgets of Federal
2 agencies and State agencies responsible for the
3 administration of Federal land and State land,
4 respectively; and

5 (2) to appropriate officials of the Federal Gov-
6 ernment, the State, and Native Corporations, with
7 respect to land exchanges, land acquisitions, and
8 boundary adjustments among the Federal Govern-
9 ment, the State, and Native Corporations.

10 (c) COOPERATIVE PLANNING.—

11 (1) RECOMMENDATIONS.—The Council shall
12 recommend the establishment of cooperative plan-
13 ning zones consisting of areas of the State in which
14 the management of land or resources by 1 member
15 of the Council materially affects the management of
16 land or resources of 1 or more other members of the
17 Council.

18 (2) COOPERATIVE AGREEMENTS.—Federal
19 members of the Council may enter into cooperative
20 agreements with Federal, State, and local agencies
21 and Native Corporations that provide for mutual
22 consultation, review, and coordination of land and
23 resource management plans and programs within the
24 zones recommended under paragraph (1).

25 (3) ASSISTANCE.—

1 (A) IN GENERAL.—With respect to land,
2 water, and interests in land and water that are
3 subject to a cooperative agreement in accord-
4 ance with this subsection, the Secretary may
5 provide technical and other assistance to the
6 landowner with respect to fire control, trespass
7 control, law enforcement, resource use, and
8 planning.

9 (B) REIMBURSEMENT NOT REQUIRED.—
10 Assistance may be provided under subpara-
11 graph (A) without reimbursement if the Sec-
12 retary determines that providing the assistance
13 without reimbursement would—

14 (i) further the purposes of the cooper-
15 ative agreement; and

16 (ii) be in the public interest.

17 (4) PUBLIC PARTICIPATION.—A cooperative
18 agreement entered into under this subsection shall
19 include a plan for public participation consistent
20 with the guidelines established by the Council under
21 section 8.

22 (d) FAILURE TO ACCEPT RECOMMENDATIONS.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), if any Federal or State agency does not
25 accept a recommendation made by the Council pur-

1 suant to subsection (b) or (c), not later than 60 days
2 after the date of receipt of the recommendation, the
3 agency shall inform the Council, in writing of the
4 reasons of the agency for the action, including, for
5 a Federal agency, a statement of—

6 (A) whether the Federal agency will pursue
7 part or none of the recommended action; and

8 (B) reasons for the decision of the Federal
9 agency with respect to the recommended action.

10 (2) COUNCIL PROPOSALS FOR CHANGES TO EX-
11 ISTING FEDERAL REGULATIONS, POLICIES, AND DE-
12 CISIONS.—

13 (A) IN GENERAL.—If the Council rec-
14 ommends in writing that an action be taken by
15 a Federal agency to modify Federal regulations,
16 policies, or decisions, the head of the Federal
17 agency shall respond in writing to the Council
18 not later than 90 days after the date on which
19 the Federal agency received the recommenda-
20 tion of the Council.

21 (B) REQUIREMENT.—In a response to the
22 Council under paragraph (1), the head of the
23 Federal agency shall—

1 (i) state whether the Federal agency
2 will take all, part, or none of the rec-
3 ommended action; and

4 (ii) provide a statement of reasons for
5 the decision of the Federal agency with re-
6 spect to the recommended action.

7 (e) RECORDKEEPING.—The Council shall—

8 (1) maintain complete accounts and records of
9 the activities and transactions of the Council; and

10 (2) make accounts and records maintained
11 under paragraph (1) available for public inspection.

12 (f) REPORT.—Not later than February 1 of each cal-
13 endar year after the calendar year in which the Council
14 is established, the Presiding Officer shall submit to the
15 President, Congress, the Governor of the State, and the
16 State legislature a report that—

17 (1) describes the activities of the Council during
18 the previous year; and

19 (2) includes any recommendations of the Coun-
20 cil for legislative or other actions in furtherance of
21 the purposes of this Act.

22 **SEC. 8. PUBLIC PARTICIPATION PROGRAM.**

23 (a) ESTABLISHMENT.—The Council may establish
24 and implement a public participation program to assist the

1 Council in carrying out the duties of the Council under
2 this Act.

3 (b) COMMITTEE OF LAND USE ADVISORS.—

4 (1) IN GENERAL.—The program established
5 under subsection (a) may include a committee of
6 land use advisors composed of representatives of
7 commercial and industrial land users in the State,
8 recreational land users, wilderness users, environ-
9 mental groups, Native Corporations, tribal organiza-
10 tions, and other public and private organizations, to
11 be appointed by the Council.

12 (2) MEMBERSHIP.—To the maximum extent
13 practicable, the membership of the committee estab-
14 lished under paragraph (1) shall provide a balanced
15 mixture of national, State, and local perspectives
16 and expertise on land and resource use issues.

17 (c) PROPOSED SYSTEMS.—The program established
18 under subsection (a) may include—

19 (1) a system for the identification of persons
20 and communities in rural and urban Alaska that
21 may be directly or significantly affected by studies
22 conducted, or advice and recommendations given, by
23 the Council under this Act; and

24 (2) guidelines for, and implementation of, a sys-
25 tem for effective public participation by the persons

1 and communities described in paragraph (1) in the
2 development of the studies, advice, and recommenda-
3 tions by the Council.

4 **SEC. 9. TERMINATION.**

5 (a) IN GENERAL.—Unless extended by Congress, the
6 Council shall terminate 15 years after the date of enact-
7 ment of this Act.

8 (b) REPORT.—Not later than 1 year before the termi-
9 nation date under subsection (a), the Presiding Officer
10 shall submit to Congress a report that—

11 (1) describes the accomplishments of the Coun-
12 cil;

13 (2) includes recommendations of the Council as
14 to whether the Council should be extended; and

15 (3) if the Council determines that the Council
16 should not be extended, includes recommendations
17 for legislation or other actions to be carried out fol-
18 lowing the termination of the Council to continue
19 carrying out the purposes for which the Council was
20 established.

21 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to the Council
23 \$2,000,000, to remain available until expended.

○