

**Statement of
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**Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, and Mining
S. 4696, University of Alaska Fiscal Foundation Act
November 18, 2020**

Thank you for the opportunity to testify on S. 4696, the University of Alaska Fiscal Foundation Act. S. 4696 directs the 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 Department is focusing on restoring full collaboration and coordination with local communities to make the Department a better neighbor. We 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. 4696

S. 4696 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. 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 agree regarding the lands to be conveyed, and this agreement must be provided in writing to the Department. 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.

Under Article IV, Section 3, Clause 2 of the Constitution Congress has the “power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States”, and we respect Congress’s role in this regard. As a result, the Department has no objection to S. 4696.

However, given the unique circumstances and legal requirements of this conveyance, the BLM would like to work with the sponsor to clarify its responsibilities under this legislation. For example, the lands available for selection under S. 4696 include “top-filed” lands – lands that are currently unavailable for selection but may become available at some future date. As currently worded, the language seems to allow the University to select lands that are not available to the State of Alaska. Additionally, allowing selection of top-filed lands that may one day become available for selection and conveyance, raises procedural questions. For instance, if the State and the University top-file the same lands, there may be uncertainty as to which entity has the preference right to the lands if they become available. Clarifying what would happen if top-filed lands are chosen would help the BLM fulfill its obligation as the bureau responsible for adjudicating land claims for the federal government.

Conclusion

Thank you for the opportunity to testify on this bill. The Department looks forward to working further with the sponsor and the Committee on this legislation.