

UNIVERSITY OF ALASKA

LAND GRANT DEFICIT LEGISLATION

This paper outlines a concept for federal legislation designed to address the University of Alaska's land grant deficit while satisfying three key political and legal objectives:

1. There would be no additional acreage conveyed from the federal estate other than federal lands currently occupied by UA through a lease, use permit, or similar arrangement.
2. The conveyance of lands to UA would occur under the auspices of a "federal program" in which the State is required to participate in order to receive the benefits of the program. This addresses the potential "anti-dedication" clause issues.
3. The State's participation in the federal program is voluntary, not mandatory. This addresses any potential Unfunded Mandates Act concerns.

Concept

- The legislation would create a federal program the purpose of which is to facilitate and expedite the resolution of issues between DOI and the State of Alaska that are preventing / hindering the finalization of Alaska Statehood Act selections and the identification of lands that can be conveyed to UA.
- The Secretary would be directed to offer to enter into a cooperative agreement with the State of Alaska pursuant to which –
 - The State and UA would designate 360,000 acres of State selected but not yet conveyed lands (selected, top-filed and tentatively approved) as to which the State would issue a conditional relinquishment to facilitate conveyance of those lands from DOI directly to UA as part of the State's Statehood selection.
 - This designation would include identification of any known Public Land Orders (PLOs) that are impediments to the conveyance of the designated lands.
 - DOI would lift PLOs 5150 (December 31, 1971), 5174 (March 16, 1972), 5180 (March 16, 1972), 5181 (March 16, 1972), 5184 (March 16, 1972), and 5187 (March 16, 1972), and any other identified PLOs to the extent necessary to allow determination of the state selections and subsequent conveyance of the designated lands to UA and other state-selected lands to the State.
 - After the State's conditional relinquishment of selections, BLM would determine if there are selections from other parties that take priority and, to the extent there are not, the Secretary would convey title to the designated lands to UA.
 - UA would submit a list of its Conservation System Unit (CSU) inholdings to DOI and DOI selects which inholdings it wishes to acquire for fair market value.
- The State would not be obligated to enter into the cooperative agreement but in the absence of doing so, the Secretary would not be obligated to lift the PLOs.
- The designated 360,000 acres for UA would be credited against the State's Statehood Act entitlement of 104.5 million acres as they are conveyed to UA.
- Any State selected but not yet conveyed lands are eligible for inclusion in the UA designated lands except for lands in the Tongass and lands in any CSUs.