

HOUSE JOINT RESOLUTION NO. 6

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MILLETT

Introduced: 1/21/15

Referred:

A RESOLUTION

Supporting the introduction and enactment of federal legislation acknowledging that the federal government is financially responsible under the Alaska Native Claims Settlement Act for the remediation of contaminated land subject to conveyance under the Act; urging the United States Department of the Interior to implement the six recommendations to identify and clean up the Alaska Native Claims Settlement Act lands in its 1998 report to the United States Congress; and urging the President of the United States and the United States Congress to remediate and make free from pollutants lands in the state conveyed under the Alaska Native Claims Settlement Act.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Alaska Native land claims were settled differently in the state than in the rest of the nation when, in the Alaska Native Claims Settlement Act, instead of adopting a reservation system, the federal government established Alaska Native village and regional corporations and granted the corporations ownership and other rights to surface and subsurface land; and

1 **WHEREAS** Alaska Native corporations were created under the Alaska Native Claims
 2 Settlement Act to manage land and resources for the benefit of Native shareholders in
 3 settlement of certain aboriginal land claims; and

4 **WHEREAS**, under the Alaska Native Claims Settlement Act, the federal government
 5 conveyed to many Alaska Native corporations land that was contaminated by the federal
 6 government or by activities allowed or overseen by the federal government before the
 7 conveyance of the land under the Act; and

8 **WHEREAS**, in 1995, the United States Congress acknowledged that contaminated
 9 land was being conveyed to Alaska Native corporations under the Alaska Native Claims
 10 Settlement Act and, in sec. 103, P.L. 104-42 (43 U.S.C. 1629f), required the United States
 11 Secretary of the Interior to provide a detailed report on contaminated land before conveying
 12 the land to Alaska Native corporations and organizations; and

13 **WHEREAS**, in December 1998, the United States Department of the Interior
 14 submitted a report to the United States Congress that located approximately 650 contaminated
 15 sites on land conveyed under the Alaska Native Claims Settlement Act; and

16 **WHEREAS**, in that report, the United States Department of the Interior proposed six
 17 recommendations to "fully identify contaminated sites and clean-up needs of Alaska Native
 18 Claims Settlement Act lands"; and

19 **WHEREAS** the United States Department of the Interior has not fully implemented
 20 any of the six recommendations it proposed to the United States Congress; and

21 **WHEREAS** Alaska Native corporations, as landowners, are subject to liability under
 22 federal and state law for the contaminated condition of their land; and

23 **WHEREAS** several Alaska Native corporations have incurred considerable expense
 24 cleaning up contaminated sites, negotiating land exchanges, and battling with the federal and
 25 state governments to clean up sites on a case-by-case basis; and

26 **WHEREAS**, in recognition of this problem, United States Representative Don
 27 Young, on the floor of the United States House of Representatives on January 4, 1995, stated,
 28 "it was clearly not the intention of ANCSA to extinguish Native claims by conveying
 29 contaminated property to recipients";

30 **BE IT RESOLVED** that the Alaska State Legislature supports the introduction and
 31 enactment of federal legislation acknowledging that the federal government is financially

1 responsible under the Alaska Native Claims Settlement Act for the remediation of
 2 contaminated land subject to conveyance under the Act; and be it

3 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
 4 Department of the Interior to fully implement the six recommendations to identify and clean
 5 up Alaska Native Claims Settlement Act lands in its 1998 report to the United States
 6 Congress; and be it

7 **FURTHER RESOLVED** that the Alaska State Legislature urges the President of the
 8 United States and the United States Congress to take the actions necessary to remediate and
 9 make free of contamination and environmental pollutants lands in the state conveyed under
 10 the Alaska Native Claims Settlement Act.

11 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
 12 the United States; the Honorable Sally Jewell, United States Secretary of the Interior; the
 13 Honorable Lisa Murkowski, Chair of the Energy and Natural Resources Committee of the
 14 U.S. Senate; the Honorable Maria Cantwell, ranking member of the Energy and Natural
 15 Resources Committee of the U.S. Senate; the Honorable Rob Bishop, Chair of the Natural
 16 Resources Committee of the U.S. House of Representatives; the Honorable Kevin K.
 17 Washburn, Assistant Secretary of Indian Affairs, United States Department of the Interior;
 18 Neil Kornze, Director, Bureau of Land Management, United States Department of the
 19 Interior; Weldon Loudermilk, Director, Alaska Region, Bureau of Indian Affairs, United
 20 States Department of the Interior; Kim Elton, Director, Alaska Affairs, United States
 21 Department of the Interior; and the Honorable Dan Sullivan, U.S. Senator, and the Honorable
 22 Don Young, U.S. Representative, members of the Alaska delegation in Congress.