

COMMITTEE REPORTS

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HOUSE Report 110-395

110 H. Rpt. 395

DENALI NATIONAL PARK AND ALASKA RAILROAD EXCHANGE ACT OF 2007

October 22, 2007--Ordered to be printed

**SPONSOR:** Mr. Rahall submitted the following

**COMMITTEE:** From the Committee on Natural Resources

**TEXT:**

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 830]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 830) to authorize the exchange of certain lands in Denali National Park in the State of Alaska, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Denali National Park and Alaska Railroad Exchange Act of 2007".

**SEC. 2. DEFINITIONS.**

In this Act:

(1) CORPORATION.--The term "Corporation" means the Alaska Railroad Corporation owned by the State of Alaska.

(2) SECRETARY.--The term "Secretary" means the Secretary of the Interior.

**SEC. 3. EXCHANGE.**

(a) IN GENERAL.--

(1) EASEMENT EXPANDED.--The Secretary is authorized to grant to the Alaska Railroad Corporation an exclusive-use easement on land that is identified by the Secretary within Denali National Park for the purpose of providing a location to the Corporation for construction, maintenance, and on-going operation of track and associated support facilities for turning railroad trains around near Denali Park Station.

(2) EASEMENT RELINQUISHED.--In exchange for the easement granted in paragraph (1), the Secretary shall require the relinquishment of certain portions of the Corporation's existing exclusive use easement within the boundary of Denali National Park.

(b) CONDITIONS OF THE EXCHANGE.--

(1) EQUAL EXCHANGE.--The exchange of easements under this section shall be on an approximately equal-acre basis.

(2) TOTAL ACRES.--The easement granted under paragraph (1) of subsection (a) shall not exceed 25 acres.

(3) INTERESTS CONVEYED.--The easement conveyed to the Alaska Railroad Corporation by the Secretary under this section shall be under the same terms as the exclusive use easement granted to the Railroad in Denali National Park in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985-994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 ([45 U.S.C. 1201 et seq.](#)). The easement relinquished by the Alaska Railroad Corporation to the United States under this section shall, with respect to the portion being exchanged, be the full title and interest received by the Alaska Railroad in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985-994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 ([45 U.S.C. 1201 et seq.](#)).

(4) COSTS.--The Alaska Railroad shall pay all costs associated with the exchange under this section, including the costs of compliance with the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)), the costs of any surveys, and other reasonable costs.

(5) LAND TO BE PART OF WILDERNESS.--The lands underlying any easement relinquished to the United States under this section that are adjacent to designated wilderness are hereby designated as wilderness and added to the Denali Wilderness, the boundaries of which are modified accordingly, and shall be managed in accordance with applicable provisions of the Wilderness Act (78 Stat. 892) and the Alaska National Interest Lands Conservation Act of 1980 ([94 Stat. 2371](#)).

(6) OTHER TERMS AND CONDITIONS.--The Secretary shall require any additional terms and conditions under this section that the Secretary determines to be appropriate to protect the interests of the United States and of Denali National Park.

Amend the title so as to read:

A bill to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska

### **Purpose of the Bill**

The purpose of H.R. 830, as ordered reported, is to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska.

### **Background and Need for Legislation**

The Alaska Railroad Corporation is seeking to modify its exclusive use easement in Denali National Park to give the railroad surface use of approximately 25 acres on which to construct a loop or "wye" track so that trains may turn around at the Denali National Park Station, which is not currently possible.

In consideration for the expanded easement, the railroad has offered to relinquish its exclusive-use easement on equivalent acreage elsewhere along its corridor through the park.

The railroad received an easement on the corridor along its tracks through the park as part of the 1982 Alaska Railroad Transfer Act, or ARTA (Public Law 97-468). Under ARTA, while the federal railroad's holdings elsewhere were transferred to the state, the rail properties within Denali National Park and Preserve were transferred to the Secretary of the Interior as part of the park, subject to an exclusive-use easement.

That easement affords the state, through the railroad, the exclusive right to "use, possess, and enjoy the surface state of the land subject to this easement for transportation, communication, and transmission purposes" and for associated support functions. That easement extends to as much of the subsurface estate as is needed for those purposes. The land itself, however, belongs to the park.

According to the railroad, adding a turnaround track at the Denali Park Station would help accommodate the increasing popularity of rail travel to the park, eventually leading to more frequent and flexible train schedules. Increased train service should mean increased visitation to the park without further increasing car congestion. More frequent arrivals of smaller trains would also help to disperse visitors, making it easier for the park to handle the summer crowds.

The exchange of easements requires the consent of Congress and the Alaska State Legislature.

H.R. 830 would authorize the Secretary of the Interior to enter into the exchange. The bill, as amended, would authorize the exchange of easements on two equal parcels, each no more than 25 acres.

Under the terms of the legislation, the railroad would assume all costs associated with the exchange, estimated at between \$2 million and \$3 million, including the cost of environmental work to meet the requirements of the National Environmental Policy Act.

The lands on which the existing easements are relinquished would become part of the Denali Wilderness.

#### **COMMITTEE ACTION**

H.R. 830 was introduced on February 5, 2007, by Representative Don Young (R-AK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On September 27, 2007, the Subcommittee held a hearing on the bill.

On October 10, 2007, the Subcommittee was discharged from further consideration of the legislation and the Full Natural Resources Committee met to consider the bill. Representative Raul Grijalva (D-AZ) offered an amendment in the nature of a substitute to clarify that the exchange involves only easements ("interests in lands"), not a trade of lands owned in fee simple by either party. The substitute would authorize the Secretary of the Interior to negotiate a change in the terms of the existing exclusive use easement to accommodate the turnaround track; in consideration of that concession, the railroad will relinquish its easement on an approximately equal acreage elsewhere along the rail corridor.

The Grijalva amendment was adopted by unanimous consent and the bill as amended was

ordered favorably reported to the House of Representatives by unanimous consent.

## **COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS**

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## **CONSTITUTIONAL AUTHORITY STATEMENT**

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## **COMPLIANCE WITH HOUSE RULE XIII**

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

### *H.R. 830--Denali National Park and Alaska Railroad Land Exchange Act of 2007*

H.R. 830 would authorize the Secretary of the Interior to exchange easements on land within the Denali National Park with the Alaska Railroad Corporation in order to build a turnaround for train traffic arriving at the Denali Park Station. The bill would not affect federal ownership of the land, and the Alaska Railroad would be responsible for all costs associated with completing the exchange. CBO estimates that implementing H.R. 830 would have no significant impact on the federal budget. Enacting the legislation would not affect direct spending or revenues.

H.R. 830 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The bill would authorize the Secretary to grant to the Alaska Railroad Corporation an exclusive-use easement--an agreement that would allow the Alaska Railroad the right to use a specified parcel of land for certain purposes to the exclusion of all others--on up to 25 acres within the Denali National Park. The easement would be for the purposes of constructing and maintaining a turnaround for trains arriving at Denali Park Station from Anchorage and Fairbanks. In exchange, the Alaska Railroad would be required to relinquish an equal amount of land that is subject to an exclusive-use easement between the federal government and the railroad under current law. Any exchange that takes place under the bill would not affect federal ownership of either piece of land, and the Alaska Railroad would be responsible for all costs associated with completing the

land exchange. As such, CBO estimates that implementing H.R. 830 would have no significant impact on the federal budget.

The CBO staff contact for this estimate is Daniel Hoople. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

**COMPLIANCE WITH [PUBLIC LAW 104-4](#)**

This bill contains no unfunded mandates.

**EARMARK STATEMENT**

H.R. 830 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

**PREEMPTION OF STATE, LOCAL OR TRIBAL LAW**

This bill is not intended to preempt any State, local or tribal law.

**CHANGES IN EXISTING LAW**

If enacted, this bill would make no changes in existing law.