

113TH CONGRESS
1ST SESSION

H. R. 740

To provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2013

Mr. YOUNG of Alaska (for himself, Ms. HANABUSA, Mr. PIERLUISI, Ms. BORDALLO, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, 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 “Southeast Alaska Na-
5 tive Land Entitlement Finalization and Jobs Protection
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) MAPS.—The term “maps” means the maps
2 entitled “Sealaska Land Entitlement Finalization”,
3 numbered 1 through 25 and dated January 22,
4 2013.

5 (2) SEALASKA.—The term “Sealaska” means
6 the Sealaska Corporation, a Regional Native Cor-
7 poration established under the Alaska Native Claims
8 Settlement Act (43 U.S.C. 1601 et seq.).

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (4) STATE.—The term “State” means the State
12 of Alaska.

13 **SEC. 3. FINDINGS; PURPOSE.**

14 (a) FINDINGS.—Congress finds that—

15 (1)(A) in 1971, Congress enacted the Alaska
16 Native Claims Settlement Act (43 U.S.C. 1601 et
17 seq.) to recognize and settle the aboriginal claims of
18 Alaska Natives to land historically used by Alaska
19 Natives for traditional, cultural, and spiritual pur-
20 poses; and

21 (B) that Act declared that the land settlement
22 “should be accomplished rapidly, with certainty, in
23 conformity with the real economic and social needs
24 of Natives”;

1 (2) the Alaska Native Claims Settlement Act
2 (43 U.S.C. 1601 et seq.)—

3 (A) authorized the distribution of approxi-
4 mately \$1,000,000,000 and 44,000,000 acres of
5 land to Alaska Natives; and

6 (B) provided for the establishment of Na-
7 tive Corporations to receive and manage the
8 funds and that land to meet the cultural, social,
9 and economic needs of Native shareholders;

10 (3) under section 12 of the Alaska Native
11 Claims Settlement Act (43 U.S.C. 1611), each Re-
12 gional Corporation, other than Sealaska (the Re-
13 gional Corporation for southeast Alaska), was au-
14 thorized to receive a share of land based on the pro-
15 portion that the number of Alaska Native share-
16 holders residing in the region of the Regional Cor-
17 poration bore to the total number of Alaska Native
18 shareholders, or the relative size of the area to which
19 the Regional Corporation had an aboriginal land
20 claim bore to the size of the area to which all Re-
21 gional Corporations had aboriginal land claims;

22 (4)(A) Sealaska, the Regional Corporation for
23 southeast Alaska, 1 of the Regional Corporations
24 with the largest number of Alaska Native share-
25 holders, with more than 21 percent of all original

1 Alaska Native shareholders, received less than 1 per-
2 cent of the lands set aside for Alaska Natives, and
3 received no land under section 12 of the Alaska Na-
4 tive Claims Settlement Act (43 U.S.C. 1611);

5 (B) the Tlingit and Haida Indian Tribes of
6 Alaska was 1 of the entities representing the Alaska
7 Natives of southeast Alaska before the date of enact-
8 ment of the Alaska Native Claims Settlement Act
9 (43 U.S.C. 1601 et seq.); and

10 (C) Sealaska did not receive land in proportion
11 to the number of Alaska Native shareholders, or in
12 proportion to the size of the area to which Sealaska
13 had an aboriginal land claim, in part because of a
14 United States Court of Claims cash settlement to
15 the Tlingit and Haida Indian Tribes of Alaska in
16 1968 for land previously taken to create the Tongass
17 National Forest and Glacier Bay National Monu-
18 ment;

19 (5) the 1968 Court of Claims cash settlement
20 of \$7,500,000 did not—

21 (A) adequately compensate the Alaska Na-
22 tives of southeast Alaska for the significant
23 quantity of land and resources lost as a result
24 of the creation of the Tongass National Forest

1 and Glacier Bay National Monument or other
2 losses of land and resources; or

3 (B) justify the significant disparate treat-
4 ment of Sealaska under the Alaska Native
5 Claims Settlement Act (43 U.S.C. 1611) in
6 1971;

7 (6)(A) while each other Regional Corporation
8 received a significant quantity of land under sections
9 12 and 14 of the Alaska Native Claims Settlement
10 Act (43 U.S.C. 1611, 1613), Sealaska only received
11 land under section 14(h) of that Act (43 U.S.C.
12 1613(h));

13 (B) section 14(h) of the Alaska Native Claims
14 Settlement Act (43 U.S.C. 1613(h)) authorized the
15 Secretary to withdraw and convey 2,000,000 acres
16 of “unreserved and unappropriated” public lands in
17 Alaska from which Alaska Native selections could be
18 made for historic sites, cemetery sites, Urban Cor-
19 poration land, Native group land, and Native Allot-
20 ments;

21 (C) under section 14(h)(8) of the Alaska Native
22 Claims Settlement Act (43 U.S.C. 1613(h)(8)), after
23 selections are made under paragraphs (1) through
24 (7) of that section, the land remaining in the
25 2,000,000-acre land pool is allocated based on the

1 proportion that the original Alaska Native share-
2 holder population of a Regional Corporation bore to
3 the original Alaska Native shareholder population of
4 all Regional Corporations;

5 (D) the only Native land entitlement of
6 Sealaska derives from a proportion of leftover land
7 remaining from the 2,000,000-acre land pool, esti-
8 mated as of the date of enactment of this Act at ap-
9 proximately 1,655,000 acres;

10 (E) because at the time of enactment of the
11 Alaska Native Claims Settlement Act (43 U.S.C.
12 1601 et seq.) all public land in the Tongass National
13 Forest had been reserved for purposes of creating
14 the national forest, the Secretary was not able to
15 withdraw any public land in the Tongass National
16 Forest for selection by and conveyance to Sealaska;

17 (F) at the time of enactment of the Alaska Na-
18 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
19 other public lands in southeast Alaska not located in
20 the Tongass National Forest were not suitable for
21 selection by and conveyance to Sealaska because
22 such lands were located in Glacier Bay National
23 Monument, were included in a withdrawal effected
24 pursuant to section 17(d)(2) of that Act (43 U.S.C.
25 1616(d)(2)) and slated to become part of the

1 Wrangell-St. Elias National Park, or essentially con-
2 sisted of mountain tops;

3 (G) Sealaska in 1975 requested that Congress
4 amend the Alaska Native Claims Settlement Act (43
5 U.S.C. 1601 et seq.) to permit the Regional Cor-
6 poration to select lands inside of the withdrawal
7 areas established for southeast Alaska Native vil-
8 lages under section 16 of that Act (43 U.S.C. 1615),
9 otherwise, there were no areas available for selection;
10 and

11 (H) in 1976 Congress amended section 16 of
12 the Alaska Native Claims Settlement Act (43 U.S.C.
13 1615) to allow Sealaska to select lands under section
14 14(h)(8) of that Act (43 U.S.C. 1613(h)(8)) from
15 land located inside, rather than outside, the with-
16 drawal areas established for southeast Alaska Native
17 villages;

18 (7) the 10 Alaska Native village withdrawal
19 areas in southeast Alaska surround the Alaska Na-
20 tive communities of Yakutat, Hoonah, Angoon,
21 Kake, Kasaan, Klawock, Craig, Hydaburg, Klukwan,
22 and Saxman;

23 (8)(A) the existing conveyance requirements of
24 the Alaska Native Claims Settlement Act (43 U.S.C.
25 1601 et seq.) for southeast Alaska limit the land eli-

1 gible for conveyance to Sealaska to the original with-
2 drawal areas surrounding 10 Alaska Native villages
3 in southeast Alaska, which precludes Sealaska from
4 selecting land located—

5 (i) in any withdrawal area established for
6 the Urban Corporations for Sitka and Juneau,
7 Alaska; or

8 (ii) outside the 10 Alaska Native village
9 withdrawal areas; and

10 (B) unlike other Regional Corporations,
11 Sealaska is not authorized to request land located
12 outside the withdrawal areas described in subpara-
13 graph (A) if the withdrawal areas are insufficient to
14 complete the land entitlement of Sealaska under the
15 Alaska Native Claims Settlement Act (43 U.S.C.
16 1601 et seq.);

17 (9)(A) the deadline for applications for selection
18 of cemetery sites and historic places on land outside
19 withdrawal areas established under section 14 of the
20 Alaska Native Claims Settlement Act (43 U.S.C.
21 1613) was July 1, 1976;

22 (B)(i) as of that date, the Bureau of Land
23 Management notified Sealaska that the total entitle-
24 ment of Sealaska would be approximately 200,000
25 acres; and

1 (ii) Sealaska made entitlement allocation deci-
2 sions for cultural sites and economic development
3 sites based on that original estimate;

4 (C) as a result of the Alaska Land Transfer Ac-
5 celeration Act (Public Law 108–452; 118 Stat.
6 3575) and subsequent related determinations and
7 actions of the Bureau of Land Management, it be-
8 came clear within the last decade that Sealaska
9 would be entitled to receive a total of approximately
10 365,000 acres pursuant to the Alaska Native Claims
11 Settlement Act (43 U.S.C. 1601 et seq.);

12 (10) in light of the revised Bureau of Land
13 Management estimate of the total number of acres
14 that Sealaska will receive pursuant to the Alaska
15 Native Claims Settlement Act (43 U.S.C. 1601 et
16 seq.), and in consultation with Members of Alaska’s
17 congressional delegation, Sealaska and its share-
18 holders believe that it is appropriate to allocate more
19 of the entitlement of Sealaska to—

20 (A) the acquisition of places of sacred, cul-
21 tural, traditional, and historical significance;

22 (B) the acquisition of sites with traditional
23 and recreational use value and sites suitable for
24 renewable energy development; and

1 (C) the acquisition of lands that are not
2 within the watersheds of Native and non-Native
3 communities and are suitable economically and
4 environmentally for natural resource develop-
5 ment;

6 (11) 44 percent (820,000 acres) of the 10 Alas-
7 ka Native village withdrawal areas established under
8 the Alaska Native Claims Settlement Act (43 U.S.C.
9 1601 et seq.) described in paragraphs (7) and (8)
10 are composed of salt water and not available for se-
11 lection;

12 (12) of land subject to the selection rights of
13 Sealaska, 110,000 acres are encumbered by guber-
14 natorial consent requirements under the Alaska Na-
15 tive Claims Settlement Act (43 U.S.C. 1601 et seq.);

16 (13) in each withdrawal area, there exist other
17 unique factors that limit the ability of Sealaska to
18 select sufficient land to fulfill the land entitlement of
19 Sealaska;

20 (14) the selection limitations and guidelines ap-
21 plicable to Sealaska under the Alaska Native Claims
22 Settlement Act (43 U.S.C. 1601 et seq.)—

23 (A) are inequitable and inconsistent with
24 the purposes of that Act because there is insuf-
25 ficient land remaining in the withdrawal areas

1 to meet the traditional, cultural, and socio-
2 economic needs of the shareholders of Sealaska;
3 and

4 (B) make it difficult for Sealaska to se-
5 lect—

6 (i) places of sacred, cultural, tradi-
7 tional, and historical significance;

8 (ii) sites with traditional and recre-
9 ation use value and sites suitable for re-
10 newable energy development; and

11 (iii) lands that meet the real economic
12 needs of the shareholders of Sealaska;

13 (15) unless Sealaska is allowed to select land
14 outside designated withdrawal areas in southeast
15 Alaska, Sealaska will not be able to—

16 (A) complete the land entitlement selec-
17 tions of Sealaska under the Alaska Native
18 Claims Settlement Act (43 U.S.C. 1601 et seq.)
19 in a manner that meets the cultural, social, and
20 economic needs of Native shareholders;

21 (B) avoid land selections in watersheds
22 that are the exclusive drinking water supply for
23 regional communities, support world class salm-
24 on streams, have been identified as important
25 habitat, or would otherwise be managed by the

1 Forest Service as roadless and old growth forest
2 reserves;

3 (C) secure ownership of places of sacred,
4 cultural, traditional, and historical importance
5 to the Alaska Natives of southeast Alaska; and

6 (D) continue to support forestry jobs and
7 economic opportunities for Alaska Natives and
8 other residents of rural southeast Alaska;

9 (16)(A) the rate of unemployment in southeast
10 Alaska exceeds the statewide rate of unemployment
11 on a non-seasonally adjusted basis;

12 (B) in November 2012, the Alaska Department
13 of Labor and Workforce Development reported the
14 unemployment rate for the Prince of Wales—Hyder
15 census area at approximately 12.1 percent;

16 (C) in October 2007, the Alaska Department of
17 Labor and Workforce Development projected popu-
18 lation losses between 1996 and 2030 for the Prince
19 of Wales—Outer Ketchikan census area at 56.6 per-
20 cent;

21 (D) official unemployment rates severely under-
22 report the actual level of regional unemployment,
23 particularly in Native villages; and

1 (E) additional job losses will exacerbate out-
2 migration from Native and non-Native communities
3 in southeast Alaska;

4 (17) Sealaska has played, and is expected to
5 continue to play, a significant role in the health of
6 the southeast Alaska economy;

7 (18) despite the small land base of Sealaska as
8 compared to other Regional Corporations (less than
9 1 percent of the total quantity of land allocated pur-
10 suant to the Alaska Native Claims Settlement Act
11 (43 U.S.C. 1601 et seq.)), Sealaska has—

12 (A) provided considerable benefits to Alas-
13 ka Native shareholders;

14 (B) supported hundreds of jobs for Alaska
15 Native shareholders and non-shareholders in
16 southeast Alaska for more than 30 years; and

17 (C) been a significant economic force in
18 southeast Alaska;

19 (19) pursuant to the revenue sharing provisions
20 of section 7(i) of the Alaska Native Claims Settle-
21 ment Act (43 U.S.C. 1606(i)), Sealaska has distrib-
22 uted more than \$300,000,000 during the period be-
23 ginning on January 1, 1971, and ending on Decem-
24 ber 31, 2005, to Native Corporations throughout the
25 State of Alaska from the development of natural re-

1 sources, which accounts for 42 percent of the total
2 revenues shared under that section during that pe-
3 riod;

4 (20) resource development operations main-
5 tained by Sealaska—

6 (A) support hundreds of jobs in the south-
7 east Alaska region;

8 (B) make timber available to local and do-
9 mestic sawmills and other wood products busi-
10 nesses such as guitar manufacturers;

11 (C) support firewood programs for local
12 communities;

13 (D) support maintenance of roads utilized
14 by local communities for subsistence and recre-
15 ation uses;

16 (E) support development of new biomass
17 energy opportunities in southeast Alaska, re-
18 ducing dependence on high-cost diesel fuel for
19 the generation of energy;

20 (F) provide start-up capital for innovative
21 business models in southeast Alaska that create
22 new opportunities for non-timber economic de-
23 velopment in the region, including support for
24 renewable biomass initiatives, Alaska Native ar-
25 tisans, and rural mariculture farming; and

1 (G) support Native education and cultural
2 and language preservation activities;

3 (21) if the resource development operations of
4 Sealaska cease on land appropriate for those oper-
5 ations, there will be a significant negative impact
6 on—

7 (A) southeast Alaska Native shareholders;

8 (B) the cultural preservation activities of
9 Sealaska;

10 (C) the economy of southeast Alaska; and

11 (D) the Alaska Native community that
12 benefits from the revenue-sharing requirements
13 under the Alaska Native Claims Settlement Act
14 (43 U.S.C. 1601 et seq.);

15 (22) it is critical that the remaining land enti-
16 tlement conveyances to Sealaska under the Alaska
17 Native Claims Settlement Act (43 U.S.C. 1601 et
18 seq.) are fulfilled to continue to meet the economic,
19 social, and cultural needs of the Alaska Native
20 shareholders of southeast Alaska and the Alaska Na-
21 tive community throughout Alaska;

22 (23) in order to realize cultural preservation
23 goals while also diversifying economic opportunities,
24 Sealaska should be authorized to select and receive
25 conveyance of—

1 (A) sacred, cultural, traditional, and his-
2 toric sites and other places of traditional and
3 cultural significance, to facilitate the perpetua-
4 tion and preservation of Alaska Native culture
5 and history;

6 (B) other sites with traditional and recre-
7 ation use value and sites suitable for renewable
8 energy development to facilitate appropriate
9 tourism and outdoor recreation enterprises and
10 renewable energy development for rural south-
11 east Alaska communities; and

12 (C) lands that are suitable economically
13 and environmentally for natural resource devel-
14 opment;

15 (24) on completion of the conveyances of land
16 to Sealaska to fulfill the full land entitlement of
17 Sealaska under the Alaska Native Claims Settlement
18 Act (43 U.S.C. 1601 et seq.), the encumbrances on
19 327,000 acres of Federal land created by the with-
20 drawal of land for selection by Native Corporations
21 in southeast Alaska should be removed, which will
22 facilitate thorough and complete planning and effi-
23 cient management relating to national forest land in
24 southeast Alaska by the Forest Service;

1 (25) although the Tribal Forest Protection Act
2 (25 U.S.C. 3101 note; Public Law 108–278) defines
3 the term “Indian tribe” to include Indian tribes
4 under section 4 of the Indian Self-Determination
5 and Education Assistance Act (25 U.S.C. 450b), a
6 term which includes “any Alaska Native village or
7 regional or village corporation as defined in or estab-
8 lished pursuant to the Alaska Native Claims Settle-
9 ment Act . . .”, the Tribal Forest Protection Act
10 does not define the term “Indian forest land or
11 rangeland” to include lands owned by Alaska Native
12 Corporations, including Sealaska, which are the pri-
13 mary Indian forest land owners in Alaska, and
14 therefore, the Tribal Forest Protection Act should be
15 amended in a manner that will—

16 (A) permit Native Corporations, including
17 Sealaska, as Indian forest land owners in Alas-
18 ka, to work with the Secretary of Agriculture
19 under the Tribal Forest Protection Act to ad-
20 dress forest fire and insect infestation issues,
21 including the spread of the spruce bark beetle
22 in southeast and southcentral Alaska, which
23 threaten the health of the Native forestlands;
24 and

1 (B) ensure that Native Corporations, in-
2 cluding Sealaska, can participate in programs
3 administered by the Secretary of Agriculture
4 under the Tribal Forest Protection Act without
5 including Native Corporations under the defini-
6 tion in that Act of “Indian forest land or range-
7 land” or otherwise amending that Act in a
8 manner that validates, invalidates, or otherwise
9 affects any claim regarding the existence of In-
10 dian country in the State of Alaska; and

11 (26) although the National Historic Preserva-
12 tion Act (16 U.S.C. 470 et seq.) defines the term
13 “Indian tribe” to include any “Native village, Re-
14 gional Corporation or Village Corporation, as those
15 terms are defined in section 3 of the Alaska Native
16 Claims Settlement Act”, the National Historic Pres-
17 ervation Act does not define the term “Tribal lands”
18 to include lands owned by Alaska Native Corpora-
19 tions, thereby excluding from the National Historic
20 Preservation Act cemetery sites and historical places
21 transferred to Native Corporations, including
22 Sealaska, pursuant to the Alaska Native Claims Set-
23 tlement Act, and therefore, the National Historic
24 Preservation Act should be amended in a manner
25 that will—

1 (A) permit Native Corporations, including
2 Sealaska, as owners of Indian cemetery sites
3 and historical places in Alaska, to work with
4 the Secretary of the Interior under the National
5 Historic Preservation Act to secure grants and
6 other support to manage their own historic sites
7 and programs pursuant to that Act; and

8 (B) ensure that Native Corporations, in-
9 cluding Sealaska, can participate in programs
10 administered by the Secretary of the Interior
11 under the National Historic Preservation Act
12 without including Native Corporations under
13 the definition in that Act of “Tribal lands” or
14 otherwise amending that Act in a manner that
15 validates, invalidates, or otherwise affects any
16 claim regarding the existence of Indian country
17 in the State of Alaska.

18 (b) PURPOSE.—The purpose of this Act is to address
19 the inequitable treatment of Sealaska by allowing Sealaska
20 to select the remaining land entitlement of Sealaska under
21 section 14 of the Alaska Native Claims Settlement Act (43
22 U.S.C. 1613) from designated Federal land in southeast
23 Alaska located outside the 10 southeast Alaska Native vil-
24 lage withdrawal areas in a manner that meets the cultural,
25 social, and economic needs of Alaska Native shareholders,

1 including the need to maintain jobs supported by Sealaska
2 in rural southeast Alaska communities.

3 **SEC. 4. FINALIZATION OF ENTITLEMENT.**

4 (a) IN GENERAL.—If, not later than 90 days after
5 the date of enactment of this Act, the Secretary receives
6 a corporate resolution adopted by the board of directors
7 of Sealaska agreeing to accept the conveyance of land de-
8 scribed in subsection (b) in accordance with this Act as
9 full and final satisfaction of the remaining land entitle-
10 ment of Sealaska under section 14(h) of the Alaska Native
11 Claims Settlement Act (43 U.S.C. 1613(h)), the Secretary
12 shall—

13 (1) implement the provisions of this Act; and
14 (2) charge the entitlement pool under section
15 14(h)(8) of the Alaska Native Claims Settlement Act
16 (43 U.S.C. 1613(h)(8)) 70,075 acres, reduced by the
17 number of acres deducted under subsection (b)(2),
18 in fulfillment of the remaining land entitlement for
19 Sealaska under that Act, notwithstanding whether
20 the surveyed acreage of the 25 parcels of land gen-
21 erally depicted on the maps as “Sealaska Selections”
22 and patented under section 5 is less than or more
23 than 69,235 acres, reduced by the number of acres
24 deducted under subsection (b)(2).

25 (b) FINAL ENTITLEMENT.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the land described in subsection (a) shall
3 consist of—

4 (A) the 25 parcels of Federal land com-
5 prising approximately 69,235 acres that is gen-
6 erally depicted as “Sealaska Selections” on the
7 maps; and

8 (B) a total of not more than 840 acres of
9 Federal land for cemetery sites and historical
10 places comprised of parcels that are applied for
11 in accordance with section 6.

12 (2) DEDUCTION.—

13 (A) IN GENERAL.—The Secretary shall de-
14 duct from the number of acres of Federal land
15 described in paragraph (1)(A) the number of
16 acres of Federal land for which the Secretary
17 has issued a conveyance during the period be-
18 ginning on August 1, 2012, and ending on the
19 date of receipt of the resolution under sub-
20 section (a).

21 (B) AGREEMENT.—The Secretary, the Sec-
22 retary of Agriculture, and Sealaska shall nego-
23 tiate in good faith to make a mutually agree-
24 able adjustment to the parcel of Federal land
25 generally depicted on the maps entitled

1 “Sealaska Land Entitlement Finalization”,
2 numbered 1 of 25, and dated January 22,
3 2013, to implement the deduction of acres re-
4 quired by subparagraph (A).

5 (c) EFFECT OF ACCEPTANCE.—The resolution filed
6 by Sealaska in accordance with subsection (a) shall—

7 (1) be final and irrevocable; and

8 (2) without any further administrative action by
9 the Secretary, result in—

10 (A) the relinquishment of all existing selec-
11 tions made by Sealaska under subsection
12 14(h)(8) of the Alaska Native Claims Settle-
13 ment Act (43 U.S.C. 1613(h)(8)); and

14 (B) the termination of all withdrawals by
15 section 16 of the Alaska Native Claims Settle-
16 ment Act (43 U.S.C. 1615), except to the ex-
17 tent a selection by a Village Corporation under
18 subsections (b) and (d) of section 16 of the
19 Alaska Native Claims Settlement Act (43
20 U.S.C. 1615) remains pending, until the date
21 on which those selections are resolved.

22 (d) FAILURE TO ACCEPT.—If Sealaska fails to file
23 the resolution in accordance with subsection (a)—

24 (1) the provisions of this Act shall cease to be
25 effective; and

1 (2) the Secretary shall, not later than 27
2 months after the date of enactment of this Act, com-
3 plete the interim conveyance of the remaining land
4 entitlement to Sealaska under section 14(h)(8) of
5 the Alaska Native Claims Settlement Act (43 U.S.C.
6 1613(h)(8)) from prioritized selections on file with
7 the Secretary on the date of enactment of this Act.

8 (e) SCOPE OF LAW.—Except as provided in sub-
9 sections (d) and (f), this Act provides the exclusive author-
10 ity under which the remaining land entitlement of
11 Sealaska under section 14(h) of the Alaska Native Claims
12 Settlement Act (43 U.S.C. 1613(h)) may be fulfilled.

13 (f) EFFECT.—Nothing in this Act affects any land
14 that is—

15 (1) the subject of an application under sub-
16 section (h)(1) of section 14 of the Alaska Native
17 Claims Settlement Act (43 U.S.C. 1613) that is
18 pending on the date of enactment of this Act; and

19 (2) conveyed in accordance with that sub-
20 section.

21 **SEC. 5. CONVEYANCES TO SEALASKA.**

22 (a) INTERIM CONVEYANCE.—Subject to valid existing
23 rights, subsections (c), (d), and (e), section 4(b), and sec-
24 tion 7(a), the Secretary shall complete the interim convey-
25 ance of the 25 parcels of Federal land comprising approxi-

1 mately 69,235 acres generally depicted on the maps by
2 the date that is 60 days after the date of receipt of the
3 resolution under section 4(a), subject to the Secretary
4 identifying and reserving, by the date that is 2 years after
5 the date of enactment of this Act, any easement that could
6 have been reserved in accordance with this Act prior to
7 the interim conveyance.

8 (b) WITHDRAWAL.—

9 (1) IN GENERAL.—Subject to valid existing
10 rights, the Federal land described in subsection (a)
11 is withdrawn from—

12 (A) all forms of appropriation under the
13 public land laws;

14 (B) location, entry, and patent under the
15 mining laws;

16 (C) disposition under laws relating to min-
17 eral or geothermal leasing; and

18 (D) selection under the Act of July 7,
19 1958 (commonly known as the “Alaska State-
20 hood Act”) (48 U.S.C. note prec. 21; Public
21 Law 85–508).

22 (2) TERMINATION.—The withdrawal under
23 paragraph (1) shall remain in effect until—

24 (A) if Sealaska fails to file a resolution in
25 accordance with section 4(a), the date that is

1 90 days after the date of enactment of this Act;

2 or

3 (B) the date on which the Federal land is
4 conveyed under subsection (a).

5 (c) TREATMENT OF LAND CONVEYED.—Except as
6 otherwise provided in this Act, any land conveyed to
7 Sealaska under subsection (a) shall be—

8 (1) considered to be land conveyed by the Sec-
9 retary under section 14(h)(8) of the Alaska Native
10 Claims Settlement Act (43 U.S.C. 1613(h)(8)); and

11 (2) subject to all laws (including regulations)
12 applicable to entitlements under section 14(h)(8) of
13 the Alaska Native Claims Settlement Act (43 U.S.C.
14 1613(h)(8)), including section 907(d) of the Alaska
15 National Interest Lands Conservation Act (43
16 U.S.C. 1636(d)).

17 (d) EASEMENTS.—

18 (1) PUBLIC EASEMENTS.—The deeds of convey-
19 ance for the land under subsection (a) shall be sub-
20 ject to the reservation of public easements under
21 section 17(b) of the Alaska Native Claims Settle-
22 ment Act (43 U.S.C. 1616(b)).

23 (2) RESEARCH EASEMENT.—In the deed of con-
24 veyance for the land generally depicted on the map
25 entitled “Sealaska Land Entitlement Finalization”,

1 numbered 7 of 25, and dated January 22, 2013, the
2 Secretary shall reserve an easement—

3 (A) to access and continue Forest Service
4 research activities on the study plots located on
5 the land; and

6 (B) that shall remain in effect for a 10-
7 year period beginning on the date of enactment
8 of this Act.

9 (3) KOSCUISKO ISLAND ROAD EASEMENT.—

10 (A) IN GENERAL.—The deeds of convey-
11 ance for the land on Koscuisko Island under
12 subsection (a) shall grant to Sealaska an ease-
13 ment providing access to and use by Sealaska
14 of the log transfer facility at Shipley Bay on
15 Koscuisko Island, subject to—

16 (i) the agreement under subparagraph

17 (C); and

18 (ii) the agreement under section 7(b).

19 (B) SCOPE OF THE EASEMENT.—The ease-
20 ment under subparagraph (A) shall enable
21 Sealaska—

22 (i) to construct, use, and maintain a
23 road connecting the Forest Service Road
24 known as “Cape Pole Road” to the Forest
25 Service Road known as “South Shipley

1 Bay Road” within the corridor depicted on
2 the map entitled “Sealaska Land Entitle-
3 ment Finalization”, numbered 3 of 25, and
4 dated January 22, 2013;

5 (ii) to use, maintain, and if necessary,
6 reconstruct the Forest Service Road known
7 as “South Shipley Bay Road” referred to
8 in clause (i) to access the log transfer facil-
9 ity at Shipley Bay; and

10 (iii) to use, maintain, and expand the
11 log transfer and sort yard facility at Ship-
12 ley Bay that is within the area depicted on
13 the map entitled “Sealaska Land Entitle-
14 ment Finalization”, numbered 3 of 25 and
15 dated January 22, 2013.

16 (C) ROADS AND FACILITIES USE AGREE-
17 MENT.—In addition to the agreement under
18 section 7(b), the Secretary and Sealaska shall
19 enter into an agreement relating to the access,
20 use, maintenance, and improvement of the
21 roads and facilities under this paragraph.

22 (D) DETERMINATION OF LOCATION; LEGAL
23 DESCRIPTION.—Sealaska shall—

24 (i) in consultation with the Secretary,
25 determine the location within the corridor

1 of the centerline of the road described in
2 subparagraph (B)(i); and

3 (ii) provide to the Secretary a legal
4 description of the centerline acceptable for
5 granting the easement described in sub-
6 paragraph (B)(i).

7 (e) HUNTING, FISHING, AND RECREATION.—

8 (1) IN GENERAL.—Any land conveyed under
9 subsection (a) that is located outside a withdrawal
10 area designated under section 16(a) of the Alaska
11 Native Claims Settlement Act (43 U.S.C. 1615(a))
12 shall remain open and available to subsistence uses,
13 as that term is defined in section 803 of the Alaska
14 National Interest Lands Conservation Act (16
15 U.S.C. 3113), and noncommercial recreational hunt-
16 ing and fishing and other recreational uses by the
17 public under applicable law—

18 (A) without liability on the part of
19 Sealaska, except for willful acts, to any user as
20 a result of the use; and

21 (B) subject to—

22 (i) any reasonable restrictions that
23 may be imposed by Sealaska on the public
24 use—

25 (I) to ensure public safety;

1 (II) to minimize conflicts between
2 recreational and commercial uses;

3 (III) to protect cultural re-
4 sources;

5 (IV) to conduct scientific re-
6 search; or

7 (V) to provide environmental pro-
8 tection; and

9 (ii) the condition that Sealaska post
10 on any applicable property, in accordance
11 with State law, notices of the restrictions
12 on use.

13 (2) EFFECT.—Access provided to any individual
14 or entity under paragraph (1) shall not—

15 (A) create an interest in any third party in
16 the land conveyed under subsection (a); or

17 (B) provide standing to any third party in
18 any review of, or challenge to, any determina-
19 tion by Sealaska with respect to the manage-
20 ment or development of the land conveyed
21 under subsection (a).

22 **SEC. 6. CEMETERY SITES AND HISTORICAL PLACES.**

23 (a) IN GENERAL.—Notwithstanding section
24 14(h)(1)(E) of the Alaska Native Claims Settlement Act
25 (43 U.S.C. 1613(h)(1)(E)), Sealaska may submit applica-

1 tions for the conveyance under section 14(h)(1)(A) of the
2 Alaska Native Claims Settlement Act (43 U.S.C.
3 1613(h)(1)(A)) of not more than 127 cemetery sites and
4 historical places—

5 (1) that are listed in the document entitled
6 “Sealaska Cemetery Sites and Historical Places”
7 and dated January 18, 2013;

8 (2) that are cemetery sites and historical places
9 included in the report by Wilsey and Ham, Inc., en-
10 titled “1975 Native Cemetery and Historic Sites of
11 Southeast Alaska (Preliminary Report)” and dated
12 October 1975; and

13 (3) for which Sealaska has not previously sub-
14 mitted an application.

15 (b) PROCEDURE FOR EVALUATING APPLICATIONS.—

16 Except as otherwise provided in this section, the Secretary
17 shall consider all applications submitted under this section
18 in accordance with the criteria and procedures set forth
19 in applicable regulations in effect as of the date of enact-
20 ment of this Act.

21 (c) CONVEYANCE.—The Secretary may convey ceme-
22 tery sites and historical places under this section that re-
23 sult in the conveyance of a total of approximately 840
24 acres of Federal land comprised of parcels that are—

1 (1) applied for in accordance with this section;

2 and

3 (2) subject to—

4 (A) valid existing rights;

5 (B) the public access provisions of sub-
6 section (f);

7 (C) the condition that the conveyance of
8 land for the site listed under subsection (a)(1)
9 as “Bay of Pillars Portage” is limited to 25
10 acres in T.60 S., R.72 E., Sec. 28, Copper
11 River Meridian; and

12 (D) the condition that any access to or use
13 of the cemetery sites and historical places shall
14 be consistent with the management plans for
15 adjacent public land, if the management plans
16 are more restrictive than the laws (including
17 regulations) applicable under subsection (g).

18 (d) TIMELINE.—No application for a cemetery site
19 or historical place may be submitted under subsection (a)
20 after the date that is 2 years after the date of enactment
21 of this Act.

22 (e) SELECTION OF ADDITIONAL CEMETERY SITES.—
23 If Sealaska submits timely applications to the Secretary
24 in accordance with subsections (a) and (d) for all 127 sites

1 listed under subsection (a)(1), and the Secretary rejects
2 any of those applications in whole or in part—

3 (1) not later than 2 years after the date on
4 which the Secretary completes the conveyance of eli-
5 gible cemetery sites and historical places applied for
6 under subsection (a), Sealaska may submit applica-
7 tions for the conveyance under section 14(h)(1)(A)
8 of the Alaska Native Claims Settlement Act (43
9 U.S.C. 1613(h)(1)(A)) of additional cemetery sites,
10 the total acreage of which, together with the ceme-
11 tery sites and historical places previously conveyed
12 by the Secretary under subsection (c), shall not ex-
13 ceed 840 acres; and

14 (2) the Secretary shall—

15 (A) consider any applications for the con-
16 veyance of additional cemetery sites in accord-
17 ance with subsection (b); and

18 (B) if the applications are approved, pro-
19 vide for the conveyance of the sites in accord-
20 ance with subsection (c).

21 (f) PUBLIC ACCESS.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 any land conveyed under this section shall be subject
24 to—

1 (A) the reservation of public easements
2 under section 17(b) of the Alaska Native
3 Claims Settlement Act (43 U.S.C. 1616(b));
4 and

5 (B) public access across the conveyed land
6 in cases in which no reasonable alternative ac-
7 cess around the land is available, without liabil-
8 ity to Sealaska, except for willful acts, to any
9 user by reason of the use.

10 (2) LIMITATIONS.—The public access and use
11 under subparagraph (B) of paragraph (1) shall be
12 subject to—

13 (A) any reasonable restrictions that may
14 be imposed by Sealaska on the public access
15 and use—

16 (i) to ensure public safety;

17 (ii) to protect and conduct research on
18 the historic, archaeological, and cultural
19 resources of the conveyed land; or

20 (iii) to provide environmental protec-
21 tion;

22 (B) the condition that Sealaska post on
23 any applicable property, in accordance with
24 State law, notices of the restrictions on the
25 public access and use; and

1 (C) the condition that the public access
2 and use shall not be incompatible with or in
3 derogation of the values of the area as a ceme-
4 tery site or historical place, as provided in sec-
5 tion 2653.11 of title 43, Code of Federal Regu-
6 lations (or a successor regulation).

7 (3) EFFECT.—Access provided to any individual
8 or entity by paragraph (1) shall not—

9 (A) create an interest in any third party in
10 the land conveyed under this section; or

11 (B) provide standing to any third party in
12 any review of, or challenge to, any determina-
13 tion by Sealaska with respect to the manage-
14 ment or development of the land conveyed
15 under this section.

16 (g) TREATMENT OF LAND CONVEYED.—Except as
17 otherwise provided in this Act, any land conveyed to
18 Sealaska under this section shall be—

19 (1) considered land conveyed by the Secretary
20 under section 14(h)(1) of the Alaska Native Claims
21 Settlement Act (43 U.S.C. 1613(h)(1)); and

22 (2) subject to all laws (including regulations)
23 applicable to conveyances under section 14(h)(1) of
24 the Alaska Native Claims Settlement Act (43 U.S.C.
25 1613(h)(1)), including section 907(d) of the Alaska

1 National Interest Lands Conservation Act (43
2 U.S.C. 1636(d)).

3 **SEC. 7. MISCELLANEOUS.**

4 (a) SPECIAL USE AUTHORIZATIONS.—

5 (1) IN GENERAL.—On the conveyance of land
6 to Sealaska under section 5(a)—

7 (A) any guiding or outfitting special use
8 authorization issued by the Forest Service for
9 the use of the conveyed land shall terminate;
10 and

11 (B) as a condition of the conveyance and
12 consistent with section 14(g) of the Alaska Na-
13 tive Claims Settlement Act (43 U.S.C.
14 1613(g)), Sealaska shall allow the holder of the
15 special use authorization terminated under sub-
16 paragraph (A) to continue the authorized use,
17 subject to the terms and conditions that were in
18 the special use authorization issued by the For-
19 est Service, for—

20 (i) the remainder of the term of the
21 authorization; and

22 (ii) 1 additional consecutive 10-year
23 renewal period.

24 (2) NOTICE OF COMMERCIAL ACTIVITIES.—

25 Sealaska and any holder of a guiding or outfitting

1 authorization under this subsection shall have a mu-
2 tual obligation, subject to the guiding or outfitting
3 authorization, to inform the other party of any com-
4 mercial activities prior to engaging in the activities
5 on the land conveyed to Sealaska under section 5(a).

6 (3) NEGOTIATION OF NEW TERMS.—Nothing in
7 this subsection precludes Sealaska and the holder of
8 a guiding or outfitting authorization from negoti-
9 ating a new mutually agreeable guiding or outfitting
10 authorization.

11 (4) LIABILITY.—Neither Sealaska nor the
12 United States shall bear any liability, except for will-
13 ful acts of Sealaska or the United States, regarding
14 the use and occupancy of any land conveyed to
15 Sealaska under this Act, as provided in any outfit-
16 ting or guiding authorization under this subsection.

17 (b) ROADS AND FACILITIES.—Not later than 1 year
18 after the date of enactment of this Act, the Secretary of
19 Agriculture and Sealaska shall negotiate in good faith to
20 develop a binding agreement—

21 (1) for the use of National Forest System roads
22 and related transportation facilities by Sealaska; and

23 (2) the use of Sealaska roads and related trans-
24 portation facilities by the Forest Service.

1 (c) TRADITIONAL TRADE AND MIGRATION ROUTE
2 DESIGNATIONS.—

3 (1) DESIGNATIONS.—

4 (A) THE INSIDE PASSAGE.—The route
5 from Yakutat to Dry Bay, as generally depicted
6 on the map entitled “Traditional Trade and Mi-
7 gration Route, Neix naax aan náx—The Inside
8 Passage” and dated October 17, 2012, is des-
9 ignated as “Neix naax aan náx” (“The Inside
10 Passage”).

11 (B) CANOE ROAD.—The route from the
12 Bay of Pillars to Port Camden, as generally de-
13 picted on the map entitled “Traditional Trade
14 and Migration Route, Yakwdeiyí—Canoe Road”
15 and dated October 17, 2012, is designated as
16 “Yakwdeiyí” (“Canoe Road”).

17 (C) THE PEOPLE’S ROAD.—The route from
18 Portage Bay to Duncan Canal, as generally de-
19 picted on the map entitled “Traditional Trade
20 and Migration Route, Lingít Deiyí—The Peo-
21 ple’s Road” and dated October 17, 2012, is
22 designated “Lingít Deiyí” (“The People’s
23 Road”).

24 (2) ACCESS TO TRADITIONAL TRADE AND MI-
25 GRATION ROUTES.—The culturally and historically

1 significant trade and migration routes designated by
2 paragraph (1) shall be open to travel by Sealaska
3 and the public in accordance with applicable law,
4 subject to such terms, conditions, and special use
5 authorizations as the Secretary of Agriculture may
6 require.

7 (d) TECHNICAL CORRECTIONS.—

8 (1) TRIBAL FOREST PROTECTION.—Section 2 of
9 the Tribal Forest Protection Act of 2004, 25 U.S.C.
10 3115a, is amended by adding a new subsection (h):

11 “(h)(1) Land owned by an Alaska Native Corporation
12 pursuant to the Alaska Native Claims Settlement Act (43
13 U.S.C. 1601 et seq.) that is forest land or formerly had
14 a forest cover or vegetative cover that is capable of res-
15 toration shall be eligible for agreements and contracts au-
16 thorized under this Act and administered by the Secretary.

17 “(2) Nothing in this subsection validates, invalidates,
18 or otherwise affects any claim regarding the existence of
19 Indian country (as defined in section 1151 of title 18,
20 United States Code) in the State of Alaska.”.

21 (2) NATIONAL HISTORIC PRESERVATION.—Sec-
22 tion 101(d) of the National Historic Preservation
23 Act, 16 U.S.C. 470a(d), is amended by adding a new
24 paragraph (7):

1 “(7)(A) Notwithstanding any other provision of
2 law, an Alaska Native tribe, band, nation or other
3 organized group or community, including a Native
4 village, Regional Corporation, or Village Corpora-
5 tion, shall be eligible to participate in all programs
6 administered by the Secretary under this Act on be-
7 half of Indian tribes, including, but not limited to,
8 securing grants and other support to manage their
9 own historic preservation sites and programs on
10 lands held by the Alaska Native tribe, band, nation
11 or other organized group or community, including a
12 Native village, Regional Corporation, or Village Cor-
13 poration.

14 “(B) Nothing in this paragraph validates, in-
15 validates, or otherwise affects any claim regarding
16 the existence of Indian country (as defined in section
17 1151 of title 18, United States Code) in the State
18 of Alaska.”.

19 (e) EFFECT ON OTHER LAWS.—

20 (1) IN GENERAL.—Nothing in this Act delays
21 the duty of the Secretary to convey land to—

22 (A) the State under the Act of July 7,
23 1958 (commonly known as the “Alaska State-
24 hood Act”) (48 U.S.C. note prec. 21; Public
25 Law 85–508); or

1 (B) a Native Corporation under—

2 (i) the Alaska Native Claims Settle-
3 ment Act (43 U.S.C. 1601 et seq.); or

4 (ii) the Alaska Land Transfer Accel-
5 eration Act (43 U.S.C. 1611 note; Public
6 Law 108–452).

7 (2) CONVEYANCES.—The Secretary shall
8 promptly proceed with the conveyance of all land
9 necessary to fulfill the final entitlement of all Native
10 Corporations in accordance with—

11 (A) the Alaska Native Claims Settlement
12 Act (43 U.S.C. 1601 et seq.); and

13 (B) the Alaska Land Transfer Acceleration
14 Act (43 U.S.C. 1611 note; Public Law 108–
15 452).

16 (f) ESCROW FUNDS.—If Sealaska files the resolution
17 in accordance with section 4(a)—

18 (1) the escrow requirements of section 2 of
19 Public Law 94–204 (43 U.S.C. 1613 note) shall
20 apply to proceeds (including interest) derived from
21 the land withdrawn under section 5(b) from the date
22 of receipt of the resolution; and

23 (2) Sealaska shall have no right to any proceeds
24 (including interest) held pursuant to the escrow re-
25 quirements of section 2 of Public Law 94–204 (43

1 U.S.C. 1613 note) that were derived from land origi-
2 nally withdrawn for selection by section 16 of the
3 Alaska Native Claims Settlement Act (43 U.S.C.
4 1615), but not conveyed.

5 (g) MAPS.—

6 (1) AVAILABILITY.—Each map referred to in
7 this Act shall be available in the appropriate offices
8 of the Secretary and the Secretary of Agriculture.

9 (2) CORRECTIONS.—The Secretary of Agri-
10 culture may make any necessary correction to a cler-
11 ical or typographical error in a map referred to in
12 this Act.

○