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113TH CONGRESS
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H. R. 740

[Report No. 113-203]

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

SEPTEMBER 10, 2013

Additional sponsor: Mr. FALEOMAVAEGA

SEPTEMBER 10, 2013

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 14, 2013]

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 Native*
5 *Land Entitlement Finalization and Jobs Protection Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *MAPS.*—*The term “maps” means the maps*
9 *entitled “Sealaska Land Entitlement Finalization”,*
10 *numbered 1 through 25 and dated January 22, 2013.*

11 (2) *SEALASKA.*—*The term “Sealaska” means the*
12 *Sealaska Corporation, a Regional Native Corporation*
13 *established under the Alaska Native Claims Settle-*
14 *ment Act (43 U.S.C. 1601 et seq.).*

15 (3) *SECRETARY.*—*The term “Secretary” means*
16 *the Secretary of the Interior.*

17 (4) *STATE.*—*The term “State” means the State*
18 *of Alaska.*

19 **SEC. 3. FINDINGS; PURPOSE.**

20 (a) *FINDINGS.*—*Congress finds that—*

21 (1)(A) *in 1971, Congress enacted the Alaska Na-*
22 *tive Claims Settlement Act (43 U.S.C. 1601 et seq.)*
23 *to recognize and settle the aboriginal claims of Alaska*
24 *Natives to land historically used by Alaska Natives*
25 *for traditional, cultural, and spiritual purposes; and*

1 (B) that Act declared that the land settlement
2 “should be accomplished rapidly, with certainty, in
3 conformity with the real economic and social needs of
4 Natives”;

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

7 (A) authorized the distribution of approxi-
8 mately \$1,000,000,000 and 44,000,000 acres of
9 land to Alaska Natives; and

10 (B) provided for the establishment of Native
11 Corporations to receive and manage the funds
12 and that land to meet the cultural, social, and
13 economic needs of Native shareholders;

14 (3) under section 12 of the Alaska Native Claims
15 Settlement Act (43 U.S.C. 1611), each Regional Cor-
16 poration, other than Sealaska (the Regional Corpora-
17 tion for southeast Alaska), was authorized to receive
18 a share of land based on the proportion that the num-
19 ber of Alaska Native shareholders residing in the re-
20 gion of the Regional Corporation bore to the total
21 number of Alaska Native shareholders, or the relative
22 size of the area to which the Regional Corporation
23 had an aboriginal land claim bore to the size of the
24 area to which all Regional Corporations had aborigi-
25 nal land claims;

1 (4)(A) *Sealaska, the Regional Corporation for*
2 *southeast Alaska, 1 of the Regional Corporations with*
3 *the largest number of Alaska Native shareholders,*
4 *with more than 21 percent of all original Alaska Na-*
5 *tive shareholders, received less than 1 percent of the*
6 *lands set aside for Alaska Natives, and received no*
7 *land under section 12 of the Alaska Native Claims*
8 *Settlement Act (43 U.S.C. 1611);*

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

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

22 (5) *the 1968 Court of Claims cash settlement of*
23 *\$7,500,000 did not—*

24 (A) *adequately compensate the Alaska Na-*
25 *tives of southeast Alaska for the significant*

1 *quantity of land and resources lost as a result of*
2 *the creation of the Tongass National Forest and*
3 *Glacier Bay National Monument or other losses*
4 *of land and resources; or*

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

8 *(6)(A) while each other Regional Corporation re-*
9 *ceived a significant quantity of land under sections*
10 *12 and 14 of the Alaska Native Claims Settlement Act*
11 *(43 U.S.C. 1611, 1613), Sealaska only received land*
12 *under section 14(h) of that Act (43 U.S.C. 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 of*
16 *“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 (7)*
24 *of that section, the land remaining in the 2,000,000-*
25 *acre land pool is allocated based on the proportion*

1 *that the original Alaska Native shareholder popu-*
2 *lation of a Regional Corporation bore to the original*
3 *Alaska Native shareholder population of all Regional*
4 *Corporations;*

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

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

17 *(F) at the time of enactment of the Alaska Native*
18 *Claims Settlement Act (43 U.S.C. 1601 et seq.) other*
19 *public lands in southeast Alaska not located in the*
20 *Tongass National Forest were not suitable for selec-*
21 *tion by and conveyance to Sealaska because such*
22 *lands were located in Glacier Bay National Monu-*
23 *ment, were included in a withdrawal effected pursu-*
24 *ant 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 Corpora-*
6 *tion to select lands inside of the withdrawal areas es-*
7 *tablished for southeast Alaska Native villages under*
8 *section 16 of that Act (43 U.S.C. 1615), otherwise,*
9 *there were no areas available for selection; and*

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

16 *(7) the 10 Alaska Native village withdrawal*
17 *areas in southeast Alaska surround the Alaska Native*
18 *communities of Yakutat, Hoonah, Angoon, Kake,*
19 *Kasaan, Klawock, Craig, Hydaburg, Klukwan, and*
20 *Saxman;*

21 *(8)(A) the existing conveyance requirements of*
22 *the Alaska Native Claims Settlement Act (43 U.S.C.*
23 *1601 et seq.) for southeast Alaska limit the land eligi-*
24 *ble for conveyance to Sealaska to the original with-*
25 *drawal areas surrounding 10 Alaska Native villages*

1 *in southeast Alaska, which precludes Sealaska from*
2 *selecting land located—*

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

6 *(ii) outside the 10 Alaska Native village*
7 *withdrawal areas; and*

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

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

19 *(B)(i) as of that date, the Bureau of Land Man-*
20 *agement notified Sealaska that the total entitlement of*
21 *Sealaska would be approximately 200,000 acres; and*

22 *(ii) Sealaska made entitlement allocation deci-*
23 *sions for cultural sites and economic development*
24 *sites based on that original estimate;*

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

9 (10) in light of the revised Bureau of Land Man-
10 agement estimate of the total number of acres that
11 Sealaska will receive pursuant to the Alaska Native
12 Claims Settlement Act (43 U.S.C. 1601 et seq.), and
13 in consultation with Members of Alaska’s congres-
14 sional delegation, Sealaska and its shareholders be-
15 lieve that it is appropriate to allocate more of the en-
16 titlement of Sealaska to—

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

19 (B) the acquisition of sites with traditional
20 and recreational use value and sites suitable for
21 renewable energy development; and

22 (C) the acquisition of lands that are not
23 within the watersheds of Native and non-Native
24 communities and are suitable economically and

1 *environmentally for natural resource develop-*
2 *ment;*

3 (11) *44 percent (820,000 acres) of the 10 Alaska*
4 *Native village withdrawal areas established under the*
5 *Alaska Native Claims Settlement Act (43 U.S.C. 1601*
6 *et seq.) described in paragraphs (7) and (8) are com-*
7 *posed of salt water and not available for selection;*

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

12 (13) *in each withdrawal area, there exist other*
13 *unique factors that limit the ability of Sealaska to se-*
14 *lect sufficient land to fulfill the land entitlement of*
15 *Sealaska;*

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

19 (A) *are inequitable and inconsistent with*
20 *the purposes of that Act because there is insuffi-*
21 *cient land remaining in the withdrawal areas to*
22 *meet the traditional, cultural, and socioeconomic*
23 *needs of the shareholders of Sealaska; and*

24 (B) *make it difficult for Sealaska to select—*

1 (i) places of sacred, cultural, tradi-
2 tional, and historical significance;

3 (ii) sites with traditional and recre-
4 ation use value and sites suitable for renew-
5 able energy development; and

6 (iii) lands that meet the real economic
7 needs of the shareholders of Sealaska;

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

11 (A) complete the land entitlement selections
12 of Sealaska under the Alaska Native Claims Set-
13 tlement Act (43 U.S.C. 1601 et seq.) in a man-
14 ner that meets the cultural, social, and economic
15 needs of Native shareholders;

16 (B) avoid land selections in watersheds that
17 are the exclusive drinking water supply for re-
18 gional communities, support world class salmon
19 streams, have been identified as important habi-
20 tat, or would otherwise be managed by the Forest
21 Service as roadless and old growth forest re-
22 serves;

23 (C) secure ownership of places of sacred,
24 cultural, traditional, and historical importance
25 to the Alaska Natives of southeast Alaska; and

1 (D) continue to support forestry jobs and
2 economic opportunities for Alaska Natives and
3 other residents of rural southeast Alaska;

4 (16)(A) the rate of unemployment in southeast
5 Alaska exceeds the statewide rate of unemployment on
6 a non-seasonally adjusted basis;

7 (B) in November 2012, the Alaska Department of
8 Labor and Workforce Development reported the unem-
9 ployment rate for the Prince of Wales—Hyder census
10 area at approximately 12.1 percent;

11 (C) in October 2007, the Alaska Department of
12 Labor and Workforce Development projected popu-
13 lation losses between 1996 and 2030 for the Prince of
14 Wales—Outer Ketchikan census area at 56.6 percent;

15 (D) official unemployment rates severely under-
16 report the actual level of regional unemployment, par-
17 ticularly in Native villages; and

18 (E) additional job losses will exacerbate out-
19 migration from Native and non-Native communities
20 in southeast Alaska;

21 (17) Sealaska has played, and is expected to con-
22 tinue to play, a significant role in the health of the
23 southeast Alaska economy;

24 (18) despite the small land base of Sealaska as
25 compared to other Regional Corporations (less than 1

1 *percent of the total quantity of land allocated pursu-*
2 *ant to the Alaska Native Claims Settlement Act (43*
3 *U.S.C. 1601 et seq.), Sealaska has—*

4 *(A) provided considerable benefits to Alaska*
5 *Native shareholders;*

6 *(B) supported hundreds of jobs for Alaska*
7 *Native shareholders and non-shareholders in*
8 *southeast Alaska for more than 30 years; and*

9 *(C) been a significant economic force in*
10 *southeast Alaska;*

11 *(19) pursuant to the revenue sharing provisions*
12 *of section 7(i) of the Alaska Native Claims Settlement*
13 *Act (43 U.S.C. 1606(i)), Sealaska has distributed*
14 *more than \$300,000,000 during the period beginning*
15 *on January 1, 1971, and ending on December 31,*
16 *2005, to Native Corporations throughout the State of*
17 *Alaska from the development of natural resources,*
18 *which accounts for 42 percent of the total revenues*
19 *shared under that section during that period;*

20 *(20) resource development operations maintained*
21 *by Sealaska—*

22 *(A) support hundreds of jobs in the south-*
23 *east Alaska region;*

1 (B) make timber available to local and do-
2 mestic sawmills and other wood products busi-
3 nesses such as guitar manufacturers;

4 (C) support firewood programs for local
5 communities;

6 (D) support maintenance of roads utilized
7 by local communities for subsistence and recre-
8 ation uses;

9 (E) support development of new biomass en-
10 ergy opportunities in southeast Alaska, reducing
11 dependence on high-cost diesel fuel for the gen-
12 eration of energy;

13 (F) provide start-up capital for innovative
14 business models in southeast Alaska that create
15 new opportunities for non-timber economic devel-
16 opment in the region, including support for re-
17 newable biomass initiatives, Alaska Native arti-
18 sans, and rural mariculture farming; and

19 (G) support Native education and cultural
20 and language preservation activities;

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

25 (A) southeast Alaska Native shareholders;

1 (B) the cultural preservation activities of
2 Sealaska;

3 (C) the economy of southeast Alaska; and

4 (D) the Alaska Native community that ben-
5 efits from the revenue-sharing requirements
6 under the Alaska Native Claims Settlement Act
7 (43 U.S.C. 1601 et seq.);

8 (22) it is critical that the remaining land enti-
9 tlement conveyances to Sealaska under the Alaska Na-
10 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
11 are fulfilled to continue to meet the economic, social,
12 and cultural needs of the Alaska Native shareholders
13 of southeast Alaska and the Alaska Native community
14 throughout Alaska;

15 (23) in order to realize cultural preservation
16 goals while also diversifying economic opportunities,
17 Sealaska should be authorized to select and receive
18 conveyance of—

19 (A) sacred, cultural, traditional, and his-
20 toric sites and other places of traditional and
21 cultural significance, to facilitate the perpetua-
22 tion and preservation of Alaska Native culture
23 and history;

24 (B) other sites with traditional and recre-
25 ation use value and sites suitable for renewable

1 *energy development to facilitate appropriate*
2 *tourism and outdoor recreation enterprises and*
3 *renewable energy development for rural southeast*
4 *Alaska communities; and*

5 *(C) lands that are suitable economically*
6 *and environmentally for natural resource devel-*
7 *opment;*

8 *(24) on completion of the conveyances of land to*
9 *Sealaska to fulfill the full land entitlement of*
10 *Sealaska under the Alaska Native Claims Settlement*
11 *Act (43 U.S.C. 1601 et seq.), the encumbrances on*
12 *327,000 acres of Federal land created by the with-*
13 *drawal of land for selection by Native Corporations*
14 *in southeast Alaska should be removed, which will fa-*
15 *cilitate thorough and complete planning and efficient*
16 *management relating to national forest land in south-*
17 *east Alaska by the Forest Service;*

18 *(25) although the Tribal Forest Protection Act*
19 *(25 U.S.C. 3101 note; Public Law 108–278) defines*
20 *the term “Indian tribe” to include Indian tribes*
21 *under section 4 of the Indian Self-Determination and*
22 *Education Assistance Act (25 U.S.C. 450b), a term*
23 *which includes “any Alaska Native village or regional*
24 *or village corporation as defined in or established*
25 *pursuant to the Alaska Native Claims Settlement Act*

1 . . .”, the Tribal Forest Protection Act does not define
2 the term “Indian forest land or rangeland” to include
3 lands owned by Alaska Native Corporations, includ-
4 ing Sealaska, which are the primary Indian forest
5 land owners in Alaska, and therefore, the Tribal For-
6 est Protection Act should be amended in a manner
7 that will—

8 (A) permit Native Corporations, including
9 Sealaska, as Indian forest land owners in Alas-
10 ka, to work with the Secretary of Agriculture
11 under the Tribal Forest Protection Act to address
12 forest fire and insect infestation issues, including
13 the spread of the spruce bark beetle in southeast
14 and southcentral Alaska, which threaten the
15 health of the Native forestlands; and

16 (B) ensure that Native Corporations, in-
17 cluding Sealaska, can participate in programs
18 administered by the Secretary of Agriculture
19 under the Tribal Forest Protection Act without
20 including Native Corporations under the defini-
21 tion in that Act of “Indian forest land or range-
22 land” or otherwise amending that Act in a man-
23 ner that validates, invalidates, or otherwise af-
24 fects any claim regarding the existence of Indian
25 country in the State of Alaska; and

1 (26) *although the National Historic Preservation*
2 *Act (16 U.S.C. 470 et seq.) defines the term “Indian*
3 *tribe” to include any “Native village, Regional Cor-*
4 *poration or Village Corporation, as those terms are*
5 *defined in section 3 of the Alaska Native Claims Set-*
6 *tlement Act”, the National Historic Preservation Act*
7 *does not define the term “Tribal lands” to include*
8 *lands owned by Alaska Native Corporations, thereby*
9 *excluding from the National Historic Preservation*
10 *Act cemetery sites and historical places transferred to*
11 *Native Corporations, including Sealaska, pursuant to*
12 *the Alaska Native Claims Settlement Act, and there-*
13 *fore, the National Historic Preservation Act should be*
14 *amended in a manner that will—*

15 (A) *permit Native Corporations, including*
16 *Sealaska, as owners of Indian cemetery sites and*
17 *historical places in Alaska, to work with the Sec-*
18 *retary of the Interior under the National His-*
19 *toric Preservation Act to secure grants and other*
20 *support to manage their own historic sites and*
21 *programs pursuant to that Act; and*

22 (B) *ensure that Native Corporations, in-*
23 *cluding Sealaska, can participate in programs*
24 *administered by the Secretary of the Interior*
25 *under the National Historic Preservation Act*

1 *without including Native Corporations under the*
2 *definition in that Act of “Tribal lands” or other-*
3 *wise amending that Act in a manner that vali-*
4 *dates, invalidates, or otherwise affects any claim*
5 *regarding the existence of Indian country in the*
6 *State of Alaska.*

7 **(b) PURPOSE.**—*The purpose of this Act is to address*
8 *the inequitable treatment of Sealaska by allowing Sealaska*
9 *to select the remaining land entitlement of Sealaska under*
10 *section 14 of the Alaska Native Claims Settlement Act (43*
11 *U.S.C. 1613) from designated Federal land in southeast*
12 *Alaska located outside the 10 southeast Alaska Native vil-*
13 *lage withdrawal areas in a manner that meets the cultural,*
14 *social, and economic needs of Alaska Native shareholders,*
15 *including the need to maintain jobs supported by Sealaska*
16 *in rural southeast Alaska communities.*

17 **SEC. 4. FINALIZATION OF ENTITLEMENT.**

18 **(a) IN GENERAL.**—*If, not later than 90 days after the*
19 *date of enactment of this Act, the Secretary receives a cor-*
20 *porate resolution adopted by the board of directors of*
21 *Sealaska agreeing to accept the conveyance of land described*
22 *in subsection (b) in accordance with this Act as full and*
23 *final satisfaction of the remaining land entitlement of*
24 *Sealaska under section 14(h) of the Alaska Native Claims*
25 *Settlement Act (43 U.S.C. 1613(h)), the Secretary shall—*

1 (1) *implement the provisions of this Act; and*
2 (2) *charge the entitlement pool under section*
3 *14(h)(8) of the Alaska Native Claims Settlement Act*
4 *(43 U.S.C. 1613(h)(8)) 70,075 acres, reduced by the*
5 *number of acres deducted under subsection (b)(2), in*
6 *fulfillment of the remaining land entitlement for*
7 *Sealaska under that Act, notwithstanding whether the*
8 *surveyed acreage of the 25 parcels of land generally*
9 *depicted on the maps as “Sealaska Selections” and*
10 *patented under section 5 is less than or more than*
11 *69,235 acres, reduced by the number of acres deducted*
12 *under subsection (b)(2).*

13 **(b) FINAL ENTITLEMENT.—**

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

17 (A) *the 25 parcels of Federal land com-*
18 *prising approximately 69,235 acres that is gen-*
19 *erally depicted as “Sealaska Selections” on the*
20 *maps; and*

21 (B) *a total of not more than 840 acres of*
22 *Federal land for cemetery sites and historical*
23 *places comprised of parcels that are applied for*
24 *in accordance with section 6.*

25 (2) *DEDUCTION.—*

1 (A) *IN GENERAL.*—*The Secretary shall de-*
2 *duct from the number of acres of Federal land*
3 *described in paragraph (1)(A) the number of*
4 *acres of Federal land for which the Secretary has*
5 *issued a conveyance during the period beginning*
6 *on August 1, 2012, and ending on the date of re-*
7 *ceipt of the resolution under subsection (a).*

8 (B) *AGREEMENT.*—*The Secretary, the Sec-*
9 *retary of Agriculture, and Sealaska shall nego-*
10 *tiate in good faith to make a mutually agreeable*
11 *adjustment to the parcel of Federal land gen-*
12 *erally depicted on the maps entitled “Sealaska*
13 *Land Entitlement Finalization”, numbered 1 of*
14 *25, and dated January 22, 2013, to implement*
15 *the deduction of acres required by subparagraph*
16 *(A).*

17 (c) *EFFECT OF ACCEPTANCE.*—*The resolution filed by*
18 *Sealaska in accordance with subsection (a) shall—*

19 (1) *be final and irrevocable; and*

20 (2) *without any further administrative action by*
21 *the Secretary, result in—*

22 (A) *the relinquishment of all existing selec-*
23 *tions made by Sealaska under subsection*
24 *14(h)(8) of the Alaska Native Claims Settlement*
25 *Act (43 U.S.C. 1613(h)(8)); and*

1 (B) the termination of all withdrawals by
2 section 16 of the Alaska Native Claims Settle-
3 ment Act (43 U.S.C. 1615), except to the extent
4 a selection by a Village Corporation under sub-
5 sections (b) and (d) of section 16 of the Alaska
6 Native Claims Settlement Act (43 U.S.C. 1615)
7 remains pending, until the date on which those
8 selections are resolved.

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

11 (1) the provisions of this Act shall cease to be ef-
12 fective; and

13 (2) the Secretary shall, not later than 27 months
14 after the date of enactment of this Act, complete the
15 interim conveyance of the remaining land entitlement
16 to Sealaska under section 14(h)(8) of the Alaska Na-
17 tive Claims Settlement Act (43 U.S.C. 1613(h)(8))
18 from prioritized selections on file with the Secretary
19 on the date of enactment of this Act.

20 (e) *SCOPE OF LAW*.—Except as provided in subsections
21 (d) and (f), this Act provides the exclusive authority under
22 which the remaining land entitlement of Sealaska under
23 section 14(h) of the Alaska Native Claims Settlement Act
24 (43 U.S.C. 1613(h)) may be fulfilled.

1 (f) *EFFECT.*—*Nothing in this Act affects any land that*
2 *is—*

3 (1) *the subject of an application under subsection*
4 *(h)(1) of section 14 of the Alaska Native Claims Set-*
5 *tlement Act (43 U.S.C. 1613) that is pending on the*
6 *date of enactment of this Act; and*

7 (2) *conveyed in accordance with that subsection.*

8 **SEC. 5. CONVEYANCES TO SEALASKA.**

9 (a) *INTERIM CONVEYANCE.*—*Subject to valid existing*
10 *rights, subsections (c), (d), and (e), section 4(b), and section*
11 *7(a), the Secretary shall complete the interim conveyance*
12 *of the 25 parcels of Federal land comprising approximately*
13 *69,235 acres generally depicted on the maps by the date*
14 *that is 60 days after the date of receipt of the resolution*
15 *under section 4(a), subject to the Secretary identifying and*
16 *reserving, by the date that is 2 years after the date of enact-*
17 *ment of this Act, or as soon as practicable thereafter, any*
18 *easement that could have been reserved in accordance with*
19 *this Act prior to the interim conveyance.*

20 (b) *WITHDRAWAL.*—

21 (1) *IN GENERAL.*—*Subject to valid existing*
22 *rights, the Federal land described in subsection (a) is*
23 *withdrawn from—*

24 (A) *all forms of appropriation under the*
25 *public land laws;*

1 (B) location, entry, and patent under the
2 mining laws;

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

5 (D) selection under the Act of July 7, 1958
6 (commonly known as the “Alaska Statehood
7 Act”) (48 U.S.C. note prec. 21; Public Law 85–
8 508).

9 (2) *TERMINATION*.—The withdrawal under para-
10 graph (1) shall remain in effect until—

11 (A) if Sealaska fails to file a resolution in
12 accordance with section 4(a), the date that is 90
13 days after the date of enactment of this Act; or

14 (B) the date on which the Federal land is
15 conveyed under subsection (a).

16 (c) *TREATMENT OF LAND CONVEYED*.—Except as oth-
17 erwise provided in this Act, any land conveyed to Sealaska
18 under subsection (a) shall be—

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

22 (2) subject to all laws (including regulations)
23 applicable to entitlements under section 14(h)(8) of
24 the Alaska Native Claims Settlement Act (43 U.S.C.
25 1613(h)(8)), including section 907(d) of the Alaska

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

3 *(d) EASEMENTS.—*

4 *(1) PUBLIC EASEMENTS.—The deeds of convey-*
5 *ance for the land under subsection (a) shall be subject*
6 *to the reservation of public easements under section*
7 *17(b) of the Alaska Native Claims Settlement Act (43*
8 *U.S.C. 1616(b)).*

9 *(2) RESEARCH EASEMENT.—In the deed of con-*
10 *veyance for the land generally depicted on the map*
11 *entitled “Sealaska Land Entitlement Finalization”,*
12 *numbered 7 of 25, and dated January 22, 2013, the*
13 *Secretary shall reserve an easement—*

14 *(A) to access and continue Forest Service*
15 *research activities on the study plots located on*
16 *the land; and*

17 *(B) that shall remain in effect for a 10-year*
18 *period beginning on the date of enactment of this*
19 *Act.*

20 *(3) KOSCUISKO ISLAND ROAD EASEMENT.—*

21 *(A) IN GENERAL.—The deeds of conveyance*
22 *for the land on Koscuisko Island under sub-*
23 *section (a) shall grant to Sealaska an easement*
24 *providing access to and use by Sealaska of the*

1 *log transfer facility at Shipley Bay on Koscuisko*
2 *Island, subject to—*

3 *(i) the agreement under subparagraph*
4 *(C); and*

5 *(ii) the agreement under section 7(b).*

6 *(B) SCOPE OF THE EASEMENT.—The ease-*
7 *ment under subparagraph (A) shall enable*
8 *Sealaska—*

9 *(i) to construct, use, and maintain a*
10 *road connecting the Forest Service Road*
11 *known as “Cape Pole Road” to the Forest*
12 *Service Road known as “South Shipley Bay*
13 *Road” within the corridor depicted on the*
14 *map entitled “Sealaska Land Entitlement*
15 *Finalization”, numbered 3 of 25, and dated*
16 *January 22, 2013;*

17 *(ii) to use, maintain, and if necessary,*
18 *reconstruct the Forest Service Road known*
19 *as “South Shipley Bay Road” referred to in*
20 *clause (i) to access the log transfer facility*
21 *at Shipley Bay; and*

22 *(iii) to use, maintain, and expand the*
23 *log transfer and sort yard facility at Ship-*
24 *ley Bay that is within the area depicted on*
25 *the map entitled “Sealaska Land Entitle-*

1 *ment Finalization*”, numbered 3 of 25 and
2 *dated January 22, 2013.*

3 (C) *ROADS AND FACILITIES USE AGREE-*
4 *MENT.—In addition to the agreement under sec-*
5 *tion 7(b), the Secretary and Sealaska shall enter*
6 *into an agreement relating to the access, use,*
7 *maintenance, and improvement of the roads and*
8 *facilities under this paragraph.*

9 (D) *DETERMINATION OF LOCATION; LEGAL*
10 *DESCRIPTION.—Sealaska shall—*

11 *(i) in consultation with the Secretary,*
12 *determine the location within the corridor*
13 *of the centerline of the road described in*
14 *subparagraph (B)(i); and*

15 *(ii) provide to the Secretary a legal de-*
16 *scription of the centerline acceptable for*
17 *granting the easement described in subpara-*
18 *graph (B)(i).*

19 (E) *EFFECT.—Nothing in this paragraph*
20 *shall preempt or otherwise affect State or local*
21 *regulatory authority.*

22 (e) *HUNTING, FISHING, AND RECREATION.—*

23 (1) *IN GENERAL.—Any land conveyed under sub-*
24 *section (a) that is located outside a withdrawal area*
25 *designated under section 16(a) of the Alaska Native*

1 *Claims Settlement Act (43 U.S.C. 1615(a)) shall re-*
2 *main open and available to subsistence uses and non-*
3 *commercial recreational hunting and fishing and*
4 *other recreational uses by the public under applicable*
5 *law—*

6 *(A) without liability on the part of*
7 *Sealaska, except for willful acts, to any user as*
8 *a result of the use; and*

9 *(B) subject to—*

10 *(i) any reasonable restrictions that*
11 *may be imposed by Sealaska on the public*
12 *use—*

13 *(I) to ensure public safety;*

14 *(II) to minimize conflicts between*
15 *recreational and commercial uses;*

16 *(III) to protect cultural resources;*

17 *(IV) to conduct scientific research;*

18 *or*

19 *(V) to provide environmental pro-*
20 *tection; and*

21 *(ii) the condition that Sealaska post on*
22 *any applicable property, in accordance with*
23 *State law, notices of the restrictions on use.*

24 *(2) EFFECT.—Access provided to any individual*
25 *or entity under paragraph (1) shall not—*

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

3 (B) provide standing to any third party in
4 any review of, or challenge to, any determination
5 by Sealaska with respect to the management or
6 development of the land conveyed under sub-
7 section (a).

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

9 (a) IN GENERAL.—Notwithstanding section
10 14(h)(1)(E) of the Alaska Native Claims Settlement Act (43
11 U.S.C. 1613(h)(1)(E)), Sealaska may submit applications
12 for the conveyance under section 14(h)(1)(A) of the Alaska
13 Native Claims Settlement Act (43 U.S.C. 1613(h)(1)(A)) of
14 not more than 127 cemetery sites and historical places—

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

18 (2) that are cemetery sites and historical places
19 included in the report by Wilsey and Ham, Inc., enti-
20 tled “1975 Native Cemetery and Historic Sites of
21 Southeast Alaska (Preliminary Report)” and dated
22 October 1975; and

23 (3) for which Sealaska has not previously sub-
24 mitted an application.

1 (b) *PROCEDURE FOR EVALUATING APPLICATIONS.*—
2 *Except as otherwise provided in this section, the Secretary*
3 *shall consider all applications submitted under this section*
4 *in accordance with the criteria and procedures set forth in*
5 *applicable regulations in effect as of the date of enactment*
6 *of this Act.*

7 (c) *CONVEYANCE.*—*The Secretary may convey ceme-*
8 *tery sites and historical places under this section that result*
9 *in the conveyance of a total of approximately 840 acres of*
10 *Federal land comprised of parcels that are—*

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

12 *and*

13 (2) *subject to—*

14 (A) *valid existing rights;*

15 (B) *the public access provisions of sub-*
16 *section (f);*

17 (C) *the condition that the conveyance of*
18 *land for the site listed under subsection (a)(1) as*
19 *“Bay of Pillars Portage” is limited to 25 acres*
20 *in T.60 S., R.72 E., Sec. 28, Copper River Me-*
21 *ridian; and*

22 (D) *the condition that any access to or use*
23 *of the cemetery sites and historical places shall*
24 *be consistent with the management plans for ad-*
25 *jacent public land, if the management plans are*

1 *more restrictive than the laws (including regula-*
2 *tions) applicable under subsection (g).*

3 *(d) TIMELINE.—No application for a cemetery site or*
4 *historical place may be submitted under subsection (a) after*
5 *the date that is 2 years after the date of enactment of this*
6 *Act.*

7 *(e) SELECTION OF ADDITIONAL CEMETERY SITES.—*
8 *If Sealaska submits timely applications to the Secretary in*
9 *accordance with subsections (a) and (d) for all 127 sites*
10 *listed under subsection (a)(1), and the Secretary rejects any*
11 *of those applications in whole or in part—*

12 *(1) not later than 2 years after the date on*
13 *which the Secretary completes the conveyance of eligi-*
14 *ble cemetery sites and historical places applied for*
15 *under subsection (a), Sealaska may submit applica-*
16 *tions for the conveyance under section 14(h)(1)(A) of*
17 *the Alaska Native Claims Settlement Act (43 U.S.C.*
18 *1613(h)(1)(A)) of additional cemetery sites, the total*
19 *acreage of which, together with the cemetery sites and*
20 *historical places previously conveyed by the Secretary*
21 *under subsection (c), shall not exceed 840 acres; and*

22 *(2) the Secretary shall—*

23 *(A) consider any applications for the con-*
24 *veyance of additional cemetery sites in accord-*
25 *ance with subsection (b); and*

1 (B) if the applications are approved, pro-
2 vide for the conveyance of the sites in accordance
3 with subsection (c).

4 (f) *PUBLIC ACCESS.*—

5 (1) *IN GENERAL.*—Subject to paragraph (2), any
6 land conveyed under this section shall be subject to—

7 (A) the reservation of public easements
8 under section 17(b) of the Alaska Native Claims
9 Settlement Act (43 U.S.C. 1616(b)); and

10 (B) public access across the conveyed land
11 in cases in which no reasonable alternative ac-
12 cess around the land is available, without liabil-
13 ity to Sealaska, except for willful acts, to any
14 user by reason of the use.

15 (2) *LIMITATIONS.*—The public access and use
16 under subparagraph (B) of paragraph (1) shall be
17 subject to—

18 (A) any reasonable restrictions that may be
19 imposed by Sealaska on the public access and
20 use—

21 (i) to ensure public safety;

22 (ii) to protect and conduct research on
23 the historic, archaeological, and cultural re-
24 sources of the conveyed land; or

1 (iii) to provide environmental protec-
2 tion;

3 (B) the condition that Sealaska post on any
4 applicable property, in accordance with State
5 law, notices of the restrictions on the public ac-
6 cess and use; and

7 (C) the condition that the public access and
8 use shall not be incompatible with or in deroga-
9 tion of the values of the area as a cemetery site
10 or historical place, as provided in section
11 2653.11 of title 43, Code of Federal Regulations
12 (or a successor regulation).

13 (3) *EFFECT.*—Access provided to any individual
14 or entity by paragraph (1) shall not—

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

17 (B) provide standing to any third party in
18 any review of, or challenge to, any determination
19 by Sealaska with respect to the management or
20 development of the land conveyed under this sec-
21 tion.

22 (g) *TREATMENT OF LAND CONVEYED.*—Except as oth-
23 erwise provided in this Act, any land conveyed to Sealaska
24 under this section shall be—

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

4 (2) *subject to all laws (including regulations)*
5 *applicable to conveyances under section 14(h)(1) of*
6 *the Alaska Native Claims Settlement Act (43 U.S.C.*
7 *1613(h)(1)), including section 907(d) of the Alaska*
8 *National Interest Lands Conservation Act (43 U.S.C.*
9 *1636(d)).*

10 **SEC. 7. MISCELLANEOUS.**

11 (a) *SPECIAL USE AUTHORIZATIONS.—*

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

14 (A) *any guiding or outfitting special use*
15 *authorization issued by the Forest Service for the*
16 *use of the conveyed land shall terminate; and*

17 (B) *as a condition of the conveyance and*
18 *consistent with section 14(g) of the Alaska Native*
19 *Claims Settlement Act (43 U.S.C. 1613(g)),*
20 *Sealaska shall allow the holder of the special use*
21 *authorization terminated under subparagraph*
22 *(A) to continue the authorized use, subject to the*
23 *terms and conditions that were in the special use*
24 *authorization issued by the Forest Service, for—*

1 (i) *the remainder of the term of the au-*
2 *thorization; and*

3 (ii) *1 additional consecutive 10-year*
4 *renewal period.*

5 (2) *NOTICE OF COMMERCIAL ACTIVITIES.—*
6 *Sealaska and any holder of a guiding or outfitting*
7 *authorization under this subsection shall have a mu-*
8 *tual obligation, subject to the guiding or outfitting*
9 *authorization, to inform the other party of any com-*
10 *mercial activities prior to engaging in the activities*
11 *on the land conveyed to Sealaska under section 5(a).*

12 (3) *NEGOTIATION OF NEW TERMS.—Nothing in*
13 *this subsection precludes Sealaska and the holder of a*
14 *guiding or outfitting authorization from negotiating*
15 *a new mutually agreeable guiding or outfitting au-*
16 *thorization.*

17 (4) *LIABILITY.—Neither Sealaska nor the United*
18 *States shall bear any liability, except for willful acts*
19 *of Sealaska or the United States, regarding the use*
20 *and occupancy of any land conveyed to Sealaska*
21 *under this Act, as provided in any outfitting or guid-*
22 *ing authorization under this subsection.*

23 (b) *ROADS AND FACILITIES.—Not later than 1 year*
24 *after the date of enactment of this Act, the Secretary of Ag-*

1 *riculture and Sealaska shall negotiate in good faith to de-*
 2 *velop a binding agreement—*

3 *(1) for the use of National Forest System roads*
 4 *and related transportation facilities by Sealaska; and*

5 *(2) the use of Sealaska roads and related trans-*
 6 *portation facilities by the Forest Service.*

7 *(c) TRADITIONAL TRADE AND MIGRATION ROUTES.—*

8 *(1) ROUTES.—*

9 *(A) THE INSIDE PASSAGE.—The route from*
 10 *Yakutat to Dry Bay, as generally depicted on the*
 11 *map entitled “Traditional Trade and Migration*
 12 *Route, Neix naax aan náx—The Inside Passage”*
 13 *and dated October 17, 2012, shall be known as*
 14 *“Neix naax aan náx” (“The Inside Passage”).*

15 *(B) CANOE ROAD.—The route from the Bay*
 16 *of Pillars to Port Camden, as generally depicted*
 17 *on the map entitled “Traditional Trade and Mi-*
 18 *gration Route, Yakwdeiyí—Canoe Road” and*
 19 *dated October 17, 2012, shall be known as*
 20 *“Yakwdeiyí” (“Canoe Road”).*

21 *(C) THE PEOPLE’S ROAD.—The route from*
 22 *Portage Bay to Duncan Canal, as generally de-*
 23 *scribed on the map entitled “Traditional Trade*
 24 *and Migration Route, Lingít Deiyí—The Peo-*

1 *ple’s Road” and dated October 17, 2012, shall be*
2 *known as “Lingít Deiyí” (“The People’s Road”).*

3 *(2) ACCESS TO TRADITIONAL TRADE AND MIGRA-*
4 *TION ROUTES.—The culturally and historically sig-*
5 *nificant trade and migration routes designated by*
6 *paragraph (1) shall be open to travel by Sealaska and*
7 *the public in accordance with applicable law, subject*
8 *to such terms, conditions, and special use authoriza-*
9 *tions as the Secretary of Agriculture may require.*

10 *(d) TECHNICAL CORRECTIONS.—*

11 *(1) TRIBAL FOREST PROTECTION.—Section 2 of*
12 *the Tribal Forest Protection Act of 2004, (25 U.S.C.*
13 *3115a), is amended by adding at the end a new sub-*
14 *section (h):*

15 *“(h)(1) Land owned by an Alaska Native Corporation*
16 *pursuant to the Alaska Native Claims Settlement Act (43*
17 *U.S.C. 1601 et seq.) that is forest land or formerly had a*
18 *forest cover or vegetative cover that is capable of restoration*
19 *shall be eligible for agreements and contracts authorized*
20 *under this Act and administered by the Secretary.*

21 *“(2) Nothing in this subsection validates, invalidates,*
22 *or otherwise affects any claim regarding the existence of In-*
23 *dian country (as defined in section 1151 of title 18, United*
24 *States Code) in the State of Alaska.”.*

1 (2) *NATIONAL HISTORIC PRESERVATION.*—*Sec-*
2 *tion 101(d) of the National Historic Preservation Act,*
3 *(16 U.S.C. 470a(d)), is amended by adding at the end*
4 *a new paragraph (7):*

5 “(7)(A) *Notwithstanding any other provision of law,*
6 *an Alaska Native tribe, band, nation or other organized*
7 *group or community, including a Native village, Regional*
8 *Corporation, or Village Corporation, shall be eligible to par-*
9 *ticipate in all programs administered by the Secretary*
10 *under this Act on behalf of Indian tribes, including, but*
11 *not limited to, securing grants and other support to manage*
12 *their own historic preservation sites and programs on lands*
13 *held by the Alaska Native tribe, band, nation or other orga-*
14 *nized group or community, including a Native village, Re-*
15 *gional Corporation, or Village Corporation.*

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

20 (i) *EFFECT ON OTHER LAWS.*—

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

23 (A) *the State under the Act of July 7, 1958*
24 *(commonly known as the “Alaska Statehood*

1 *Act*”) (48 U.S.C. note prec. 21; Public Law 85–
2 508); or

3 (B) a Native Corporation under—

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

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

9 (2) CONVEYANCES.—*The Secretary shall promptly*
10 *proceed with the conveyance of all land necessary*
11 *to fulfill the final entitlement of all Native Corpora-*
12 *tions in accordance with—*

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

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

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

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

24 (2) Sealaska shall have no right to any proceeds
25 (including interest) held pursuant to the escrow re-

1 *quirements of section 2 of Public Law 94–204 (43*
2 *U.S.C. 1613 note) that were derived from land origi-*
3 *nally withdrawn for selection by section 16 of the*
4 *Alaska Native Claims Settlement Act (43 U.S.C.*
5 *1615), but not conveyed.*

6 *(g) MAPS.—*

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

10 *(2) CORRECTIONS.—The Secretary of Agriculture*
11 *may make any necessary correction to a clerical or*
12 *typographical error in a map referred to in this Act.*

Union Calendar No. 150

113TH CONGRESS
1ST Session

H. R. 740

[Report No. 113-203]

A BILL

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

SEPTEMBER 10, 2013

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed