

110TH CONGRESS
2^D SESSION

S. 3651

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

IN THE SENATE OF THE UNITED STATES

(FOR HERSELF, MR. STEVENS, MR. AKAKA AND MR. INOUE)

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on ENERGY & 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 Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1)(A) in 1971, Congress enacted the Alaska
9 Native Claims Settlement Act (43 U.S.C. 1601 et
10 seq.) to recognize and settle the aboriginal claims of

1 Alaska Natives to land historically used by Alaska
2 Natives for traditional, cultural, and spiritual pur-
3 poses; and

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

8 (2) the Alaska Native Claims Settlement Act
9 (43 U.S.C. 1601 et seq.)—

10 (A) authorized the distribution of approxi-
11 mately \$1,000,000,000 and 44,000,000 acres of
12 land to Alaska Natives; and

13 (B) provided for the establishment of Na-
14 tive Corporations to receive and manage the
15 funds and that land to meet the cultural, social,
16 and economic needs of Native shareholders;

17 (3) under section 12 of the Alaska Native
18 Claims Settlement Act (43 U.S.C. 1611), each Re-
19 gional Corporation, other than Sealaska Corporation
20 (the Regional Corporation for southeast Alaska) (re-
21 ferred to in this Act as “Sealaska”), was authorized
22 to receive a share of land based on the proportion
23 that the number of Alaska Native shareholders re-
24 siding in the region of the Regional Corporation bore
25 to the total number of Alaska Native shareholders,

1 or the relative size of the area to which the Regional
2 Corporation had an aboriginal land claim bore to the
3 size of the area to which all Regional Corporations
4 had aboriginal land claims;

5 (4)(A) Sealaska, the Regional Corporation for
6 Southeast Alaska, 1 of the Regional Corporations
7 with the largest number of Alaska Native share-
8 holders, with more than 21 percent of all original
9 Alaska Native shareholders, did not receive land
10 under section 12 of the Alaska Native Claims Settle-
11 ment Act (43 U.S.C. 1611);

12 (B) the Tlingit and Haida Indian Tribes of
13 Alaska was 1 of the entities representing the Alaska
14 Natives of southeast Alaska before the date of enact-
15 ment of the Alaska Native Claims Settlement Act
16 (43 U.S.C. 1601 et seq.); and

17 (C) Sealaska did not receive land in proportion
18 to the number of Alaska Native shareholders, or in
19 proportion to the size of the area to which Sealaska
20 had an aboriginal land claim, in part because of a
21 United States Court of Claims cash settlement to
22 the Tlingit and Haida Indian Tribes of Alaska in
23 1968 for land previously taken to create the Tongass
24 National Forest and Glacier Bay National Monu-
25 ment;

1 (5) the Court of Claims cash settlement of
2 \$7,500,000 did not—

3 (A) adequately compensate the Alaska Na-
4 tives of southeast Alaska for the significant
5 quantity of land and resources lost as a result
6 of the creation of the Tongass National Forest
7 and Glacier Bay National Monument or other
8 losses of land and resources; or

9 (B) justify the significant disparate treat-
10 ment of Sealaska under the Alaska Native
11 Claims Settlement Act (43 U.S.C. 1611);

12 (6)(A) while each other Regional Corporation
13 received a significant quantity of land under sections
14 12 and 14 of the Alaska Native Claims Settlement
15 Act (43 U.S.C. 1611, 1613), Sealaska only received
16 land under section 14(h) of that Act (43 U.S.C.
17 1613(h)), which provided a 2,000,000-acre land pool
18 from which Alaska Native selections could be made
19 for historic sites, cemetery sites, Urban Corporation
20 land, Native group land, and Native Allotments;

21 (B) under section 14(h)(8) of that Act (43
22 U.S.C. 1613(h)(8)), after selections are made under
23 paragraphs (1) through (7) of that section, the land
24 remaining in the 2,000,000-acre land pool is allo-
25 cated based on the proportion that the original Alas-

1 ka Native shareholder population of a Regional Cor-
2 poration bore to the original Alaska Native share-
3 holder population of all Regional Corporations; and

4 (C) the only land entitlement of Sealaska de-
5 rives from a proportion of leftover land remaining
6 from the 2,000,000-acre land pool, estimated as of
7 the date of enactment of this Act at approximately
8 1,700,000 acres;

9 (7) despite the small land base of Sealaska as
10 compared to other Regional Corporations (less than
11 1 percent of the total quantity of land allocated pur-
12 suant to the Alaska Native Claims Settlement Act
13 (43 U.S.C. 1601 et seq.)), Sealaska has—

14 (A) provided considerable benefits to
15 shareholders; and

16 (B) been a significant economic force in
17 southeast Alaska;

18 (8) pursuant to the revenue sharing provisions
19 of section 7(i) of the Alaska Native Claims Settle-
20 ment Act (43 U.S.C. 1606(i)), Sealaska has distrib-
21 uted more than \$300,000,000 during the period be-
22 ginning on January 1, 1971, and ending on Decem-
23 ber 31, 2005, to Native Corporations throughout the
24 State of Alaska from the development of natural re-
25 sources, which accounts for 42 percent of the total

1 revenues shared under that section during that pe-
2 riod;

3 (9) as a result of the small land entitlement of
4 Sealaska, it is critical that the remaining land enti-
5 tlement conveyances to Sealaska under the Alaska
6 Native Claims Settlement Act (43 U.S.C. 1601 et
7 seq.) are fulfilled to continue to meet the economic,
8 social, and cultural needs of the Alaska Native
9 shareholders of southeast Alaska and the Alaska Na-
10 tive community throughout Alaska;

11 (10)(A) the conveyance requirements of the
12 Alaska Native Claims Settlement Act (43 U.S.C.
13 1601 et seq.) for southeast Alaska limit the land eli-
14 gible for conveyance to Sealaska to the original with-
15 drawal areas surrounding 10 Alaska Native villages
16 in southeast Alaska, which precludes Sealaska from
17 selecting land located—

18 (i) in any withdrawal area established for
19 the Urban Corporations for Sitka and Juneau,
20 Alaska; or

21 (ii) outside the 10 Alaska Native village
22 withdrawal areas; and

23 (B) unlike other Regional Corporations,
24 Sealaska was not authorized to request land located
25 outside the withdrawal areas described in subpara-

1 graph (A) if the withdrawal areas were insufficient
2 to complete the land entitlement of Sealaska under
3 the Alaska Native Claims Settlement Act (43 U.S.C.
4 1601 et seq.);

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

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

14 (13) the Forest Service and the Bureau of
15 Land Management grossly underestimated the land
16 entitlement of Sealaska under the Alaska Native
17 Claims Settlement Act (43 U.S.C. 1601 et seq.), re-
18 sulting in an insufficient area from which Sealaska
19 could select land suitable for traditional, cultural,
20 and socioeconomic purposes to accomplish a settle-
21 ment “in conformity with the real economic and so-
22 cial needs of Natives”, as required under that Act;

23 (14) the 10 Alaska Native village withdrawal
24 areas in southeast Alaska surround the Alaska Na-
25 tive communities of Yakutat, Hoonah, Angoon,

1 Take, Kasaan, Klawock, Craig, Hydaburg, Klukwan,
2 and Saxman;

3 (15) in each withdrawal area, there exist factors
4 that limit the ability of Sealaska to select sufficient
5 land, and, in particular, economically viable land, to
6 fulfill the land entitlement of Sealaska, including
7 factors such as—

8 (A) with respect to the Yakutat withdrawal
9 area—

10 (i) 46 percent of the area is salt
11 water;

12 (ii) 10 sections (6,400 acres) around
13 the Situk Lake were restricted from selec-
14 tion, with no consideration provided for the
15 restriction; and

16 (iii)(I) 70,000 acres are subject to a
17 gubernatorial consent requirement before
18 selection; and

19 (II) Sealaska received no consider-
20 ation with respect to the consent restric-
21 tion;

22 (B) with respect to the Hoonah withdrawal
23 area, 51 percent of the area is salt water;

24 (C) with respect to the Angoon withdrawal
25 area—

1 (i) 120,000 acres of the area is salt
2 water;

3 (ii) Sealaska received no consideration
4 regarding the prohibition on selecting land
5 from the 80,000 acres located within the
6 Admiralty Island National Monument; and

7 (iii)(I) the Village Corporation for
8 Angoon was allowed to select land located
9 outside the withdrawal area on Prince of
10 Wales Island, subject to the condition that
11 the Village Corporation shall not select
12 land located on Admiralty Island; but

13 (II) no alternative land adjacent to
14 the out-of-withdrawal land of the Village
15 Corporation was made available for selec-
16 tion by Sealaska;

17 (D) with respect to the Kake withdrawal
18 area—

19 (i) 64 percent of the area is salt
20 water; and

21 (ii) extensive timber harvesting by the
22 Forest Service occurred in the area before
23 1971 that significantly reduced the value
24 of land available for selection by, and con-
25 veyance to, Sealaska;

1 (E) with respect to the Kasaan withdrawal
2 area—

3 (i) 54 percent of the area is salt
4 water; and

5 (ii) the Forest Service previously har-
6 vested in the area;

7 (F) with respect to the Klawock with-
8 drawal area—

9 (i) the area consists of only 5 town-
10 ships, as compared to the usual withdrawal
11 area of 9 townships, because of the prox-
12 imity of the Klawock withdrawal area to
13 the Village of Craig, which reduces the se-
14 lection area by 92,160 acres; and

15 (ii) the Klawock and Craig withdrawal
16 areas are 35 percent salt water;

17 (G) with respect to the Craig withdrawal
18 area, the withdrawal area consists of only 6
19 townships, as compared to the usual withdrawal
20 area of 9 townships, because of the proximity of
21 the Craig withdrawal area to the Village of
22 Klawock, which reduces the selection area by
23 69,120 acres;

24 (H) with respect to the Hydaburg with-
25 drawal area—

1 (i) 36 percent of the area is salt
2 water; and

3 (ii) Sealaska received no consideration
4 under the Haida Land Exchange Act of
5 1986 (Public Law No. 99-664; 100 Stat.
6 4303) for relinquishing selection rights to
7 land within the withdrawal area that the
8 Haida Corporation exchanged to the For-
9 est Service;

10 (I) with respect to the Klukwan withdrawal
11 area—

12 (i) 27 percent of the area is salt
13 water; and

14 (ii) the withdrawal area is only 70,000
15 acres, as compared to the usual withdrawal
16 area of 207,360 acres, which reduces the
17 selection area by 137,360 acres; and

18 (J) with respect to the Saxman withdrawal
19 area—

20 (i) 29 percent of the area is salt
21 water;

22 (ii) Sealaska received no consideration
23 for the 50,576 acres within the withdrawal
24 area adjacent to the first-class city of

1 Ketchikan that were excluded from selec-
2 tion;

3 (iii) Sealaska received no consider-
4 ation with respect to the 1977 amendment
5 to the Alaska Native Claims Settlement
6 Act (43 U.S.C. 1601 et seq.) requiring gu-
7 bernatorial consent for selection of 58,000
8 acres in that area; and

9 (iv) 23,888 acres are located within
10 the Annette Island Indian Reservation for
11 the Metlakatla Indian Tribe and are not
12 available for selection;

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

16 (A) are inequitable and inconsistent with
17 the purposes of that Act because there is insuf-
18 ficient land remaining in the withdrawal areas
19 to meet the traditional, cultural, and socio-
20 economic needs of the shareholders of Sealaska;
21 and

22 (B) make it difficult for Sealaska to se-
23 lect—

24 (i) places of sacred, cultural, tradi-
25 tional, and historical significance; and

1 (ii) Alaska Native futures sites located
2 outside the withdrawal areas of Sealaska;

3 (17)(A) the deadline for applications for selec-
4 tion of cemetery sites and historic places on land
5 outside withdrawal areas established under section
6 14 of the Alaska Native Claims Settlement Act (43
7 U.S.C. 1613) was July 1, 1976;

8 (B)(i) as of that date, the Bureau of Land
9 Management notified Sealaska that the total entitle-
10 ment of Sealaska would be approximately 200,000
11 acres; and

12 (ii) Sealaska made entitlement allocation deci-
13 sions for cultural sites and economic development
14 sites based on that original estimate;

15 (C) as a result of the Alaska Land Transfer Ac-
16 celeration Act (Public Law 108-452; 118 Stat.
17 3575) and subsequent related determinations and
18 actions of the Bureau of Land Management,
19 Sealaska will receive significantly more than
20 200,000 acres pursuant to the Alaska Native Claims
21 Settlement Act (43 U.S.C. 1601 et seq.);

22 (D) Sealaska would prefer to allocate more of
23 the entitlement of Sealaska to the acquisition of
24 places of sacred, cultural, traditional, and historical
25 significance; and

1 (E)(i) pursuant to section 11(a)(1) of the Alas-
2 ka Native Claims Settlement Act (43 U.S.C.
3 1610(a)(1)), Sealaska was not authorized to select
4 under section 14(h)(1) of that Act (43 U.S.C.
5 1613(h)(1)) any site within Glacier Bay National
6 Park, despite the abundance of cultural sites within
7 that Park; and

8 (ii) Sealaska seeks cooperative agreements to
9 ensure that sites within Glacier Bay National Park
10 are subject to cooperative management by Sealaska,
11 Village and Urban Corporations, and federally recog-
12 nized tribes with ties to the cultural sites and his-
13 tory of the Park;

14 (18)(A) the cemetery sites and historic places
15 conveyed to Sealaska pursuant to section 14(h)(1) of
16 the Alaska Native Claims Settlement Act (43 U.S.C.
17 1613(h)(1)) are subject to a restrictive covenant not
18 required by law that does not allow any type of man-
19 agement or use that would in any way alter the his-
20 toric nature of a site, even for cultural education or
21 research purposes;

22 (B) historic sites managed by the Forest Serv-
23 ice are not subject to the limitations referred to in
24 subparagraph (A); and

1 (C) those limitations hinder the ability of
2 Sealaska to use the sites for cultural, educational, or
3 research purposes for Alaska Natives and others;

4 (19) unless Sealaska is allowed to select land
5 outside designated withdrawal areas in southeast
6 Alaska, Sealaska will not be able—

7 (A) to complete the land entitlement selec-
8 tions of Sealaska under the Alaska Native
9 Claims Settlement Act (43 U.S.C. 1601 et
10 seq.);

11 (B) to secure ownership of places of sa-
12 cred, cultural, traditional, and historical impor-
13 tance to the Alaska Natives of Southeast Alas-
14 ka;

15 (C) to maintain the existing resource devel-
16 opment and management operations of
17 Sealaska; or

18 (D) to provide continued economic oppor-
19 tunities for Alaska Natives in southeast Alaska;

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

24 (A) sacred, cultural, traditional, and his-
25 toric sites and other places of traditional cul-

1 tural significance, including traditional and cus-
2 tomary trade and migration routes, to facilitate
3 the perpetuation and preservation of Alaska
4 Native culture and history; and

5 (B) Alaska Native future sites to facilitate
6 appropriate tourism and outdoor recreation en-
7 terprises;

8 (21) Sealaska has played, and is expected to
9 continue to play, a significant role in the health of
10 the Southeast Alaska economy;

11 (22)(A) the rate of unemployment in Southeast
12 Alaska exceeds the statewide rate of unemployment
13 on a non-seasonally adjusted basis; and

14 (B) in January 2008, the Alaska Department
15 of Labor and Workforce Development reported the
16 unemployment rate for the Prince of Wales–Outer
17 Ketchikan census area at 20 percent;

18 (23) many Southeast Alaska communities—

19 (A) are dependent on high-cost diesel fuel
20 for the generation of energy; and

21 (B) desire to diversify their energy supplies
22 with wood biomass alternative fuel and other
23 renewable and alternative fuel sources;

24 (24) if the resource development operations of
25 Sealaska cease on land appropriate for those oper-

1 ations, there will be a significant negative impact
2 on—

3 (A) southeast Alaska Native shareholders;

4 (B) the cultural preservation activities of
5 Sealaska;

6 (C) the economy of southeast Alaska; and

7 (D) the Alaska Native community that
8 benefits from the revenue-sharing requirements
9 under the Alaska Native Claims Settlement Act
10 (43 U.S.C. 1601 et seq.); and

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

21 (b) PURPOSE.—The purpose of this Act is to address
22 the inequitable treatment of Sealaska by allowing Sealaska
23 to select the remaining land entitlement of Sealaska under
24 section 14 of the Alaska Native Claims Settlement Act (43
25 U.S.C. 1613) from designated Federal land in southeast

1 Alaska located outside the 10 southeast Alaska Native vil-
2 lage withdrawal areas.

3 **SEC. 3. SELECTIONS IN SOUTHEAST ALASKA.**

4 (a) SELECTION BY SEALASKA.—

5 (1) IN GENERAL.—Notwithstanding section
6 14(h)(8)(B) of the Alaska Native Claims Settlement
7 Act (43 U.S.C. 1613(h)(8)(B)), Sealaska is author-
8 ized to select and receive conveyance of the remain-
9 ing land entitlement of Sealaska under that Act (43
10 U.S.C. 1601 et seq.) from Federal land located in
11 southeast Alaska from each category described in
12 subsection (b).

13 (2) NATIONAL PARK SERVICE.—The National
14 Park Service is authorized to enter into a coopera-
15 tive management agreement described in subsection
16 (c)(2) for the purpose, in part, of recognizing and
17 perpetuating the values of the National Park Serv-
18 ice, including those values associated with the
19 Tlingit homeland and culture, wilderness, and eco-
20 logical preservation.

21 (b) CATEGORIES.—The categories referred to in sub-
22 section (a) are the following:

23 (1) Economic development land from the area
24 of land identified on the map entitled “Sealaska

1 ANCSA Land Entitlement Rationalization Pool”,
2 dated March 6, 2008, and labeled “Attachment A”.

3 (2) Sites with sacred, cultural, traditional, or
4 historic significance, including traditional and cus-
5 tomary trade and migration routes, archeological
6 sites, cultural landscapes, and natural features hav-
7 ing cultural significance, subject to the condition
8 that—

9 (A) not more than 2,400 acres shall be se-
10 lected for this purpose, from land identified
11 on—

12 (i) the map entitled “Places of Sa-
13 cred, Cultural, Traditional and Historic
14 Significance”, dated March 6, 2008, and
15 labeled “Attachment B”; and

16 (ii) the map entitled “Traditional and
17 Customary Trade and Migration Routes”,
18 dated March 6, 2008, and labeled “Attach-
19 ment C”, which includes an identification
20 of—

21 (I) a conveyance of land 25 feet
22 in width, together with 1-acre sites at
23 each terminus and at 8 locations
24 along the route, with the route, loca-
25 tion, and boundaries of the convey-

1 ance described on the map inset enti-
2 tled “Yakutat to Dry Bay Trade and
3 Migration Route”, dated March 6,
4 2008, and labeled “Attachment C”;

5 (II) a conveyance of land 25 feet
6 in width, together with 1-acre sites at
7 each terminus, with the route, loca-
8 tion, and boundaries of the convey-
9 ance described on the map inset enti-
10 tled “Bay of Pillars to Port Camden
11 Trade and Migration Route”, dated
12 March 6, 2008, and labeled “Attach-
13 ment C”; and

14 (III) a conveyance of land 25 feet
15 in width, together with 1-acre sites at
16 each terminus, with the route, loca-
17 tion, and boundaries of the convey-
18 ance described on the map inset enti-
19 tled “Portage Bay to Duncan Canal
20 Trade and Migration Route,” dated
21 March 6, 2008, and labeled “Attach-
22 ment C”; and

23 (B) an additional 1,200 acres may be used
24 by Sealaska to acquire places of sacred, cul-
25 tural, traditional, and historic significance, ar-

1 cheological sites, traditional, and customary
2 trade and migration routes, and other sites with
3 scientific value that advance the understanding
4 and protection of Alaska Native culture and
5 heritage that—

6 (i) as of the date of enactment of this
7 Act, are not fully identified or adequately
8 documented for cultural significance; and

9 (ii) are located outside of a unit of the
10 National Park Service.

11 (3) Alaska Native futures sites with traditional
12 and recreational use value, as identified on the map
13 entitled “Native Futures Sites”, dated March 6,
14 2008, and labeled “Attachment D”, subject to the
15 condition that not more than 5,000 acres shall be se-
16 lected for those purposes.

17 (c) SITES IN CONSERVATION SYSTEM UNITS.—

18 (1) IN GENERAL.—No site with sacred, cultural,
19 traditional, or historic significance that is identified
20 in the document labeled “Attachment B” and lo-
21 cated within a unit of the National Park System
22 shall be conveyed to Sealaska pursuant to this Act.

23 (2) COOPERATIVE AGREEMENTS.—

24 (A) IN GENERAL.—The Director of the
25 National Park Service shall offer to enter into

1 a cooperative management agreement with
2 Sealaska, other Village Corporations and Urban
3 Corporations, and federally recognized Indian
4 tribes with cultural and historical ties to Glacier
5 Bay National Park, in accordance with the re-
6 quirements of subparagraph (B).

7 (B) REQUIREMENTS.—A cooperative
8 agreement under this paragraph shall—

9 (i) recognize the contributions of the
10 Alaska Natives of Southeast Alaska to the
11 history, culture, and ecology of Glacier Bay
12 National Park and the surrounding area;

13 (ii) ensure that the resources within
14 the Park are protected and enhanced by
15 cooperative activities and partnerships
16 among federally recognized Indian tribes,
17 Village Corporations and Urban Corpora-
18 tions, Sealaska, and the National Park
19 Service;

20 (iii) provide opportunities for a richer
21 visitor experience at the Park through di-
22 rect interactions between visitors and Alas-
23 ka Natives, including guided tours, inter-
24 pretation, and the establishment of cul-
25 turally relevant visitor sites; and

1 (iv) provide appropriate opportunities
2 for ecologically sustainable visitor-related
3 education and cultural interpretation with-
4 in the Park—

5 (I) in a manner that is not in
6 derogation of the purposes and values
7 of the Park (including those values
8 associated with the Park as a Tlingit
9 homeland); and

10 (II) for wilderness and ecological
11 preservation.

12 (C) REPORT.—Not later than 2 years after
13 the date of enactment of this Act, the Director
14 of the National Park Service shall submit to
15 Congress a report describing each activity for
16 cooperative management of each site described
17 in subparagraph (A) carried out under a coop-
18 erative agreement under this paragraph.

19 **SEC. 4. CONVEYANCES TO SEALASKA.**

20 (a) **TIMELINE FOR CONVEYANCE.—**

21 (1) **IN GENERAL.—**Not later than 1 year after
22 the date of selection of land by Sealaska under para-
23 graphs (1) and (3) of section 3(b), the Secretary of
24 the Interior (referred to in this Act as the “Sec-

1 retary”) shall complete the conveyance of the land to
2 Sealaska.

3 (2) SIGNIFICANT SITES.—Not later than 2
4 years after the date of selection of land by Sealaska
5 under section 3(b)(2), the Secretary shall complete
6 the conveyance of the land to Sealaska.

7 (b) EXPIRATION OF WITHDRAWALS.—On completion
8 of the selection by Sealaska and the conveyances to
9 Sealaska of land under subsection (a) in a manner that
10 is sufficient to fulfill the land entitlement of Sealaska
11 under the Alaska Native Claims Settlement Act (43
12 U.S.C. 1601 et seq.)—

13 (1) the original withdrawal areas set aside for
14 selection by Native Corporations in Southeast Alas-
15 ka under that Act (as in effect on the day before the
16 date of enactment of this Act) shall be rescinded;
17 and

18 (2) land located within a withdrawal area that
19 is not conveyed to a southeast Alaska Regional Cor-
20 poration or Village Corporation shall be returned to
21 the unencumbered management of the Forest Serv-
22 ice as a part of the Tongass National Forest.

23 (c) LIMITATION.—Sealaska shall not select or receive
24 under this Act any conveyance of land pursuant to para-
25 graph (1) or (3) of section 3(b) located within—

- 1 (1) any conservation system unit;
2 (2) any federally designated wilderness area; or
3 (3) any land use designation I or II area.

4 (d) APPLICABLE EASEMENTS AND PUBLIC AC-
5 CESS.—

6 (1) IN GENERAL.—The conveyance to Sealaska
7 of land pursuant to section 3(b)(1) that is located
8 outside a withdrawal area designated under section
9 16(a) of the Alaska Native Claims Settlement Act
10 (43 U.S.C. 1615(a)) shall be subject to—

11 (A) a reservation for easements for public
12 access on the public roads depicted on the docu-
13 ment labeled “Attachment E” and dated March
14 6, 2008;

15 (B) a reservation for easements along the
16 temporary roads designated by the Forest Serv-
17 ice as of the date of enactment of this Act for
18 the public access trails depicted on the docu-
19 ment labeled “Attachment E” and dated March
20 6, 2008;

21 (C) any valid preexisting right reserved
22 pursuant to section 14(g) or 17(b) of the Alas-
23 ka Native Claims Settlement Act (43 U.S.C.
24 1613(g), 1616(b)); and

1 (D)(i) the right of noncommercial public
2 access for subsistence uses, consistent with title
3 VIII of the Alaska National Interest Lands
4 Conservation Act (16 U.S.C. 3111 et seq.), and
5 recreational access without liability to Sealaska;
6 and

7 (ii) the right of Sealaska to regulate access
8 for public safety, cultural, or scientific pur-
9 poses, environmental protection, and uses in-
10 compatible with natural resource development,
11 subject to the condition that Sealaska shall post
12 on any applicable property, in accordance with
13 State law, notices of any such condition.

14 (2) EFFECT.—No right of access provided to
15 any individual or entity (other than Sealaska) by
16 this subsection—

17 (A) creates any interest of such an indi-
18 vidual or entity in the land conveyed to
19 Sealaska in excess of that right of access; or

20 (B) provides standing in any review of, or
21 challenge to, any determination by Sealaska re-
22 garding the management or development of the
23 applicable land.

1 (e) CONDITIONS ON SACRED, CULTURAL, AND HIS-
2 TORIC SITES.—The conveyance to Sealaska of land se-
3 lected pursuant to section 3(b)(2)—

4 (1) shall be subject to a covenant prohibiting
5 any commercial timber harvest or mineral develop-
6 ment on the land;

7 (2) shall not be subject to any additional re-
8 strictive covenant based on cultural or historic val-
9 ues, or any other restriction, encumbrance, or ease-
10 ment, except as provided in sections 14(g) and 17(b)
11 of the Alaska Native Claims Settlement Act (43
12 U.S.C. 1613(g), 1616(b)); and

13 (3) shall allow use of the land as described in
14 subsection (f).

15 (f) USES OF SACRED, CULTURAL, TRADITIONAL,
16 AND HISTORIC SITES.—Any sacred, cultural, traditional,
17 or historic site or trade or migration route conveyed pur-
18 suant to this Act may be used for—

19 (1) preservation of cultural knowledge and tra-
20 ditions associated with such a site;

21 (2) historical, cultural, and scientific research
22 and education;

23 (3) public interpretation and education regard-
24 ing the cultural significance of those sites to Alaska
25 Natives;

1 (4) protection and management of the site to
2 preserve the natural and cultural features of the
3 site, including cultural traditions, values, songs, sto-
4 ries, names, crests, and clan usage, for the benefit
5 of future generations; and

6 (5) site improvement activities for any purpose
7 described in paragraphs (1) through (4), subject to
8 the condition that the activities are consistent with
9 the sacred, cultural, traditional, or historic nature of
10 the site.

11 (g) TERMINATION OF RESTRICTIVE COVENANTS.—

12 (1) IN GENERAL.—Each restrictive covenant re-
13 garding cultural or historical values with respect to
14 any interim conveyance or patent for a historic or
15 cemetery site issued to Sealaska pursuant to the reg-
16 ulations contained in sections 2653.3 and 2653.11 of
17 title 43, Code of Federal Regulations (as in effect on
18 the date of enactment of this Act), in accordance
19 with section 14(h)(1) of the Alaska Native Claims
20 Settlement Act (43 U.S.C. 1613(h)), terminates on
21 the date of enactment of this Act.

22 (2) REMAINING CONDITIONS.—Land subject to
23 a covenant described in paragraph (1) on the day
24 before the date of enactment of this Act shall be
25 subject to the conditions described in subsection (e).

1 (3) RECORDS.—Sealaska shall be responsible
2 for recording with the land title recorders office of
3 the State of Alaska any modification to an existing
4 conveyance of land under section 14(h)(1) of the
5 Alaska Native Claims Settlement Act (43 U.S.C.
6 1613(h)(1)) as a result of this Act.

7 (h) CONDITIONS ON ALASKA NATIVE FUTURES
8 LAND.—Each conveyance of land to Sealaska selected
9 under section 3(b)(3) shall be subject only to—

10 (1) a covenant prohibiting any commercial tim-
11 ber harvest or mineral development; and

12 (2) the restrictive covenants, encumbrances, or
13 easements under sections 14(g) and 17(b) of the
14 Alaska Native Claims Settlement Act (43 U.S.C.
15 1613(g), 1616(b)).

16 **SEC. 5. MISCELLANEOUS.**

17 (a) STATUS OF CONVEYED LAND.—Each conveyance
18 of Federal land to Sealaska pursuant to this Act, and each
19 action carried out to achieve the purpose of this Act, shall
20 be considered to be conveyed or acted on, as applicable,
21 pursuant to the Alaska Native Claims Settlement Act (43
22 U.S.C. 1601 et seq.).

23 (b) ENVIRONMENTAL MITIGATION AND INCEN-
24 TIVES.—Notwithstanding subsection (e) and (h) of section
25 4, all land conveyed to Sealaska pursuant to the Alaska

1 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)
2 and this Act shall be considered to be qualified to receive
3 or participate in, as applicable—

4 (1) any federally authorized carbon sequestra-
5 tion program, ecological services program, or envi-
6 ronmental mitigation credit; and

7 (2) any other federally authorized environ-
8 mental incentive credit or program.

9 (c) NO MATERIAL EFFECT ON FOREST PLAN.—

10 (1) IN GENERAL.—The implementation of this
11 Act, including the conveyance of land to Sealaska,
12 alone or in combination with any other factor, shall
13 not require an amendment of, or revision to, the
14 Tongass National Forest Land and Resources Man-
15 agement Plan before the first revision of that Plan
16 scheduled to occur after the date of enactment of
17 this Act.

18 (2) BOUNDARY ADJUSTMENTS.—The Secretary
19 of Agriculture shall implement any land ownership
20 boundary adjustment to the Tongass National For-
21 est Land and Resources Management Plan resulting
22 from the implementation of this Act through a tech-
23 nical amendment to that Plan.

24 (d) NO EFFECT ON EXISTING INSTRUMENTS,
25 PROJECTS, OR ACTIVITIES.—

1 (1) IN GENERAL.—Nothing in this Act or the
2 implementation of this Act revokes, suspends, or
3 modifies any permit, contract, or other legal instru-
4 ment for the occupancy or use of Tongass National
5 Forest land, or any determination relating to a
6 project or activity that authorizes that occupancy or
7 use, that is in effect on the day before the date of
8 enactment of this Act.

9 (2) TREATMENT.—The conveyance of land to
10 Sealaska pursuant to this Act shall be subject to the
11 instruments and determinations described in para-
12 graph (1) to the extent that those instruments and
13 determinations authorize occupancy or use of the
14 land so conveyed.

15 (e) PROHIBITION ON REDUCTIONS IN STAFF AND
16 CLOSING AND CONSOLIDATING DISTRICTS.—During the
17 10-year period beginning on the date of enactment of this
18 Act, the Secretary shall not, as a consequence of this
19 Act—

20 (1) reduce the staffing level at any ranger dis-
21 trict of the Tongass National Forest, as compared to
22 the applicable staffing level in effect on September
23 26, 2008; or

24 (2) close or consolidate such a ranger district.

1 (f) TECHNICAL CORRECTION.— Section 2(a)(2) of
2 the Tribal Forest Protection Act of 2004 (25 U.S.C.
3 3115a(a)(2)) is amended—

4 (1) in subparagraph (A), by inserting “, or is
5 conveyed to an Alaska Native Corporation pursuant
6 to the Alaska Native Claims Settlement Act (43
7 U.S.C. 1601 et seq.)” before the semicolon; and

8 (2) in subparagraph (B)(i)—

9 (A) in subclause (I), by striking “or” at
10 the end; and

11 (B) by adding at the end the following:

12 “(III) is owned by an Alaska Na-
13 tive Corporation established pursuant
14 to the Alaska Native Claims Settle-
15 ment Act (43 U.S.C. 1601 et seq.)
16 and is forest land or formerly had a
17 forest cover or vegetative cover that is
18 capable of restoration; or”.

19 **SEC. 6. MAPS.**

20 (a) AVAILABILITY.—Each map referred to in this Act
21 shall be maintained on file in—

22 (1) the office of the Chief of the Forest Service;
23 and

24 (2) the office of the Secretary.

1 (b) CORRECTIONS.—The Secretary or the Chief of
2 the Forest Service may make any necessary correction to
3 a clerical or typographical error in a map referred to in
4 this Act.

5 (c) TREATMENT.—No map referred to in this Act
6 shall be considered to be an attempt by the Federal Gov-
7 ernment to convey any State or private land.

8 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as are necessary to carry out this Act and the amendments
11 made by this Act.