

111TH CONGRESS
1ST SESSION

S. 881

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

APRIL 23, 2009

Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. AKAKA, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Energy and 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

1 seq.) to recognize and settle the aboriginal claims of
2 Alaska Natives to land historically used by Alaska
3 Natives for traditional, cultural, and spiritual pur-
4 poses; and

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

9 (2) the Alaska Native Claims Settlement Act
10 (43 U.S.C. 1601 et seq.)—

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

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

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

1 to the total number of Alaska Native shareholders,
2 or the relative size of the area to which the Regional
3 Corporation had an aboriginal land claim bore to the
4 size of the area to which all Regional Corporations
5 had aboriginal land claims;

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

13 (B) the Tlingit and Haida Indian Tribes of
14 Alaska was 1 of the entities representing the Alaska
15 Natives of southeast Alaska before the date of enact-
16 ment of the Alaska Native Claims Settlement Act
17 (43 U.S.C. 1601 et seq.); and

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

1 National Forest and Glacier Bay National Monu-
2 ment;

3 (5) the Court of Claims cash settlement of
4 \$7,500,000 did not—

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

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

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

23 (B) under section 14(h)(8) of that Act (43
24 U.S.C. 1613(h)(8)), after selections are made under
25 paragraphs (1) through (7) of that section, the land

1 remaining in the 2,000,000-acre land pool is allo-
2 cated based on the proportion that the original Alas-
3 ka Native shareholder population of a Regional Cor-
4 poration bore to the original Alaska Native share-
5 holder population of all Regional Corporations; and

6 (C) the only land entitlement of Sealaska de-
7 rives from a proportion of leftover land remaining
8 from the 2,000,000-acre land pool, estimated as of
9 the date of enactment of this Act at approximately
10 1,700,000 acres;

11 (7) despite the small land base of Sealaska as
12 compared to other Regional Corporations (less than
13 1 percent of the total quantity of land allocated pur-
14 suant to the Alaska Native Claims Settlement Act
15 (43 U.S.C. 1601 et seq.)), Sealaska has—

16 (A) provided considerable benefits to
17 shareholders; and

18 (B) been a significant economic force in
19 southeast Alaska;

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

1 State of Alaska from the development of natural re-
2 sources, which accounts for 42 percent of the total
3 revenues shared under that section during that pe-
4 riod;

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

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

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

23 (ii) outside the 10 Alaska Native village
24 withdrawal areas; and

1 (B) unlike other Regional Corporations,
2 Sealaska was not authorized to request land located
3 outside the withdrawal areas described in subpara-
4 graph (A) if the withdrawal areas were insufficient
5 to complete the land entitlement of Sealaska under
6 the Alaska Native Claims Settlement Act (43 U.S.C.
7 1601 et seq.);

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

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

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

1 (14) the 10 Alaska Native village withdrawal
2 areas in southeast Alaska surround the Alaska Na-
3 tive communities of Yakutat, Hoonah, Angoon,
4 Kake, Kasaan, Klawock, Craig, Hydaburg, Klukwan,
5 and Saxman;

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

11 (A) with respect to the Yakutat withdrawal
12 area—

13 (i) 46 percent of the area is salt
14 water;

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

19 (iii)(I) 70,000 acres are subject to a
20 gubernatorial consent requirement before
21 selection; and

22 (II) Sealaska received no consider-
23 ation with respect to the consent restric-
24 tion;

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

3 (C) with respect to the Angoon withdrawal
4 area—

5 (i) 120,000 acres of the area is salt
6 water;

7 (ii) Sealaska received no consideration
8 regarding the prohibition on selecting land
9 from the 80,000 acres located within the
10 Admiralty Island National Monument; and

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

17 (II) no alternative land adjacent to
18 the out-of-withdrawal land of the Village
19 Corporation was made available for selec-
20 tion by Sealaska;

21 (D) with respect to the Kake withdrawal
22 area—

23 (i) 64 percent of the area is salt
24 water; and

1 (ii) extensive timber harvesting by the
2 Forest Service occurred in the area before
3 1971 that significantly reduced the value
4 of land available for selection by, and con-
5 veyance to, Sealaska;

6 (E) with respect to the Kasaan withdrawal
7 area—

8 (i) 54 percent of the area is salt
9 water; and

10 (ii) the Forest Service previously har-
11 vested in the area;

12 (F) with respect to the Klawock with-
13 drawal area—

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

20 (ii) the Klawock and Craig withdrawal
21 areas are 35 percent salt water;

22 (G) with respect to the Craig withdrawal
23 area, the withdrawal area consists of only 6
24 townships, as compared to the usual withdrawal
25 area of 9 townships, because of the proximity of

1 the Craig withdrawal area to the Village of
2 Klawock, which reduces the selection area by
3 69,120 acres;

4 (H) with respect to the Hydaburg with-
5 drawal area—

6 (i) 36 percent of the area is salt
7 water; and

8 (ii) Sealaska received no consideration
9 under the Haida Land Exchange Act of
10 1986 (Public Law No. 99-664; 100 Stat.
11 4303) for relinquishing selection rights to
12 land within the withdrawal area that the
13 Haida Corporation exchanged to the For-
14 est Service;

15 (I) with respect to the Klukwan withdrawal
16 area—

17 (i) 27 percent of the area is salt
18 water; and

19 (ii) the withdrawal area is only 70,000
20 acres, as compared to the usual withdrawal
21 area of 207,360 acres, which reduces the
22 selection area by 137,360 acres; and

23 (J) with respect to the Saxman withdrawal
24 area—

1 (i) 29 percent of the area is salt
2 water;

3 (ii) Sealaska received no consideration
4 for the 50,576 acres within the withdrawal
5 area adjacent to the first-class city of
6 Ketchikan that were excluded from selec-
7 tion;

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

14 (iv) 23,888 acres are located within
15 the Annette Island Indian Reservation for
16 the Metlakatla Indian Tribe and are not
17 available for selection;

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

21 (A) are inequitable and inconsistent with
22 the purposes of that Act because there is insuf-
23 ficient land remaining in the withdrawal areas
24 to meet the traditional, cultural, and socio-

1 economic needs of the shareholders of Sealaska;
2 and

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

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

7 (ii) Alaska Native futures sites located
8 outside the withdrawal areas of Sealaska;

9 (17)(A) the deadline for applications for selec-
10 tion of cemetery sites and historic places on land
11 outside withdrawal areas established under section
12 14 of the Alaska Native Claims Settlement Act (43
13 U.S.C. 1613) was July 1, 1976;

14 (B)(i) as of that date, the Bureau of Land
15 Management notified Sealaska that the total entitle-
16 ment of Sealaska would be approximately 200,000
17 acres; and

18 (ii) Sealaska made entitlement allocation deci-
19 sions for cultural sites and economic development
20 sites based on that original estimate;

21 (C) as a result of the Alaska Land Transfer Ac-
22 celeration Act (Public Law 108–452; 118 Stat.
23 3575) and subsequent related determinations and
24 actions of the Bureau of Land Management,
25 Sealaska will receive significantly more than

1 200,000 acres pursuant to the Alaska Native Claims
2 Settlement Act (43 U.S.C. 1601 et seq.);

3 (D) Sealaska would prefer to allocate more of
4 the entitlement of Sealaska to the acquisition of
5 places of sacred, cultural, traditional, and historical
6 significance; and

7 (E)(i) pursuant to section 11(a)(1) of the Alas-
8 ka Native Claims Settlement Act (43 U.S.C.
9 1610(a)(1)), Sealaska was not authorized to select
10 under section 14(h)(1) of that Act (43 U.S.C.
11 1613(h)(1)) any site within Glacier Bay National
12 Park, despite the abundance of cultural sites within
13 that Park;

14 (ii) Sealaska seeks cooperative agreements to
15 ensure that sites within Glacier Bay National Park
16 are subject to cooperative management by Sealaska,
17 Village and Urban Corporations, and federally recog-
18 nized tribes with ties to the cultural sites and his-
19 tory of the Park; and

20 (iii) Congress—

21 (I) recognizes the existence of a memo-
22 randum of understanding between the National
23 Park Service and the Hoonah Indian Associa-
24 tion;

1 (II) does not intend to circumvent that
2 memorandum of understanding; and

3 (III) intends to ensure that the memo-
4 randum of understanding and similar mecha-
5 nisms for cooperative management in Glacier
6 Bay are required by law;

7 (18)(A) the cemetery sites and historic places
8 conveyed to Sealaska pursuant to section 14(h)(1) of
9 the Alaska Native Claims Settlement Act (43 U.S.C.
10 1613(h)(1)) are subject to a restrictive covenant not
11 required by law that does not allow any type of man-
12 agement or use that would in any way alter the his-
13 toric nature of a site, even for cultural education or
14 research purposes;

15 (B) historic sites managed by the Forest Serv-
16 ice are not subject to the limitations referred to in
17 subparagraph (A); and

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

21 (19) unless Sealaska is allowed to select land
22 outside designated withdrawal areas in southeast
23 Alaska, Sealaska will not be able—

24 (A) to complete the land entitlement selec-
25 tions of Sealaska under the Alaska Native

1 Claims Settlement Act (43 U.S.C. 1601 et
2 seq.);

3 (B) to secure ownership of places of sa-
4 cred, cultural, traditional, and historical impor-
5 tance to the Alaska Natives of southeast Alas-
6 ka;

7 (C) to maintain the existing resource devel-
8 opment and management operations of
9 Sealaska; or

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

12 (20) in order to realize cultural preservation
13 goals while also diversifying economic opportunities,
14 Sealaska should be authorized to select and receive
15 conveyance of—

16 (A) sacred, cultural, traditional, and his-
17 toric sites and other places of traditional cul-
18 tural significance, including traditional and cus-
19 tomary trade and migration routes, to facilitate
20 the perpetuation and preservation of Alaska
21 Native culture and history; and

22 (B) Alaska Native future sites to facilitate
23 appropriate tourism and outdoor recreation en-
24 terprises;

1 (21) Sealaska has played, and is expected to
2 continue to play, a significant role in the health of
3 the southeast Alaska economy;

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

7 (B) in January 2008, the Alaska Department
8 of Labor and Workforce Development reported the
9 unemployment rate for the Prince of Wales-Outer
10 Ketchikan census area at 20 percent;

11 (23) many southeast Alaska communities—

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

14 (B) desire to diversify their energy supplies
15 with wood biomass alternative fuel and other
16 renewable and alternative fuel sources;

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

21 (A) southeast Alaska Native shareholders;

22 (B) the cultural preservation activities of
23 Sealaska;

24 (C) the economy of southeast Alaska; and

1 (D) the Alaska Native community that
2 benefits from the revenue-sharing requirements
3 under the Alaska Native Claims Settlement Act
4 (43 U.S.C. 1601 et seq.); and

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

15 (b) PURPOSE.—The purpose of this Act is to address
16 the inequitable treatment of Sealaska by allowing Sealaska
17 to select the remaining land entitlement of Sealaska under
18 section 14 of the Alaska Native Claims Settlement Act (43
19 U.S.C. 1613) from designated Federal land in southeast
20 Alaska located outside the 10 southeast Alaska Native vil-
21 lage withdrawal areas.

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

23 (a) SELECTION BY SEALASKA.—

24 (1) IN GENERAL.—Notwithstanding section
25 14(h)(8)(B) of the Alaska Native Claims Settlement

1 Act (43 U.S.C. 1613(h)(8)(B)), Sealaska is author-
2 ized to select and receive conveyance of the remain-
3 ing land entitlement of Sealaska under that Act (43
4 U.S.C. 1601 et seq.) from Federal land located in
5 southeast Alaska from each category described in
6 subsection (b).

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

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

17 (1)(A) Economic development land from the
18 area of land identified on the map entitled “Sealaska
19 ANCSA Land Entitlement Rationalization Pool”,
20 dated March 9, 2009, and labeled “Attachment A”.

21 (B) A nonexclusive easement to Sealaska to
22 allow—

23 (i) access on the forest development road
24 and use of the log transfer site identified in
25 paragraphs (3)(c) and (3)(d) of the patent

1 numbered 50–85–0112 and dated January 4,
2 1985;

3 (ii) access on the forest development road
4 identified in paragraphs (2)(a) and (2)(b) of
5 the patent numbered 50–92–0203 and dated
6 February 24, 1992; and

7 (iii) access on the forest development road
8 identified in paragraph (2)(a) of the patent
9 numbered 50–94–0046 and dated December 17,
10 1993.

11 (2) Sites with sacred, cultural, traditional, or
12 historic significance, including traditional and cus-
13 tomary trade and migration routes, archeological
14 sites, cultural landscapes, and natural features hav-
15 ing cultural significance, subject to the condition
16 that—

17 (A) not more than 2,400 acres shall be se-
18 lected for this purpose, from land identified
19 on—

20 (i) the map entitled “Places of Sa-
21 cred, Cultural, Traditional and Historic
22 Significance”, dated March 9, 2009, and
23 labeled “Attachment B”; and

24 (ii) the map entitled “Traditional and
25 Customary Trade and Migration Routes”,

1 dated March 9, 2009, and labeled “Attach-
2 ment C”, which includes an identification
3 of—

4 (I) a conveyance of land 25 feet
5 in width, together with 1-acre sites at
6 each terminus and at 8 locations
7 along the route, with the route, loca-
8 tion, and boundaries of the convey-
9 ance described on the map inset enti-
10 tled “Yakutat to Dry Bay Trade and
11 Migration Route”, dated March 9,
12 2009, and labeled “Attachment C”;

13 (II) a conveyance of land 25 feet
14 in width, together with 1-acre sites at
15 each terminus, with the route, loca-
16 tion, and boundaries of the convey-
17 ance described on the map inset enti-
18 tled “Bay of Pillars to Port Camden
19 Trade and Migration Route”, dated
20 March 9, 2009, and labeled “Attach-
21 ment C”; and

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

1 ance described on the map inset enti-
2 tled “Portage Bay to Duncan Canal
3 Trade and Migration Route,” dated
4 March 9, 2009, and labeled “Attach-
5 ment C”; and

6 (B) an additional 1,200 acres may be used
7 by Sealaska to acquire places of sacred, cul-
8 tural, traditional, and historic significance, ar-
9 cheological sites, traditional, and customary
10 trade and migration routes, and other sites with
11 scientific value that advance the understanding
12 and protection of Alaska Native culture and
13 heritage that—

14 (i) as of the date of enactment of this
15 Act, are not fully identified or adequately
16 documented for cultural significance; and

17 (ii) are located outside of a unit of the
18 National Park System.

19 (3) Alaska Native futures sites with traditional
20 and recreational use value, as identified on the map
21 entitled “Native Futures Sites”, dated March 9,
22 2009, and labeled “Attachment D”, subject to the
23 condition that not more than 5,000 acres shall be se-
24 lected for those purposes.

25 (c) SITES IN CONSERVATION SYSTEM UNITS.—

1 (1) IN GENERAL.—No site with sacred, cul-
2 tural, traditional, or historic significance that is
3 identified in the document labeled “Attachment B”
4 and located within a unit of the National Park Sys-
5 tem shall be conveyed to Sealaska pursuant to this
6 Act.

7 (2) COOPERATIVE AGREEMENTS.—

8 (A) IN GENERAL.—The Director of the
9 National Park Service shall offer to enter into
10 a cooperative management agreement with
11 Sealaska, other Village Corporations and Urban
12 Corporations, and federally recognized Indian
13 tribes with cultural and historical ties to Glacier
14 Bay National Park, in accordance with the re-
15 quirements of subparagraph (B).

16 (B) REQUIREMENTS.—A cooperative
17 agreement under this paragraph shall—

18 (i) recognize the contributions of the
19 Alaska Natives of southeast Alaska to the
20 history, culture, and ecology of Glacier Bay
21 National Park and the surrounding area;

22 (ii) ensure that the resources within
23 the Park are protected and enhanced by
24 cooperative activities and partnerships
25 among federally recognized Indian tribes,

1 Village Corporations and Urban Corpora-
2 tions, Sealaska, and the National Park
3 Service;

4 (iii) provide opportunities for a richer
5 visitor experience at the Park through di-
6 rect interactions between visitors and Alas-
7 ka Natives, including guided tours, inter-
8 pretation, and the establishment of cul-
9 turally relevant visitor sites; and

10 (iv) provide appropriate opportunities
11 for ecologically sustainable visitor-related
12 education and cultural interpretation with-
13 in the Park—

14 (I) in a manner that is not in
15 derogation of the purposes and values
16 of the Park (including those values
17 associated with the Park as a Tlingit
18 homeland); and

19 (II) in a manner consistent with
20 wilderness and ecological preservation.

21 (C) REPORT.—Not later than 2 years after
22 the date of enactment of this Act, the Director
23 of the National Park Service shall submit to
24 Congress a report describing each activity for
25 cooperative management of each site described

1 in subparagraph (A) carried out under a coop-
2 erative agreement under this paragraph.

3 **SEC. 4. CONVEYANCES TO SEALASKA.**

4 (a) **TIMELINE FOR CONVEYANCE.**—

5 (1) **IN GENERAL.**—Not later than 1 year after
6 the date of selection of land by Sealaska under para-
7 graphs (1) and (3) of section 3(b), the Secretary of
8 the Interior (referred to in this Act as the “Sec-
9 retary”) shall complete the conveyance of the land to
10 Sealaska.

11 (2) **SIGNIFICANT SITES.**—Not later than 2
12 years after the date of selection of land by Sealaska
13 under section 3(b)(2), the Secretary shall complete
14 the conveyance of the land to Sealaska.

15 (b) **EXPIRATION OF WITHDRAWALS.**—On completion
16 of the selection by Sealaska and the conveyances to
17 Sealaska of land under subsection (a) in a manner that
18 is sufficient to fulfill the land entitlement of Sealaska
19 under the Alaska Native Claims Settlement Act (43
20 U.S.C. 1601 et seq.)—

21 (1) the original withdrawal areas set aside for
22 selection by Native Corporations in southeast Alaska
23 under that Act (as in effect on the day before the
24 date of enactment of this Act) shall be rescinded;
25 and

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

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

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

12 (d) APPLICABLE EASEMENTS AND PUBLIC AC-
13 CESS.—

14 (1) IN GENERAL.—The conveyance to Sealaska
15 of land pursuant to paragraphs (1) and (2)(A)(ii) of
16 section 3(b) that is located outside a withdrawal
17 area designated under section 16(a) of the Alaska
18 Native Claims Settlement Act (43 U.S.C. 1615(a))
19 shall be subject to—

20 (A) a reservation for easements for public
21 access on the public roads depicted on the docu-
22 ment labeled “Attachment E” and dated March
23 9, 2009;

24 (B) a reservation for easements along the
25 temporary roads designated by the Forest Serv-

1 ice as of the date of enactment of this Act for
2 the public access trails depicted on the docu-
3 ment labeled “Attachment E” and dated March
4 9, 2009;

5 (C) any valid pre-existing right reserved
6 pursuant to section 14(g) or 17(b) of the Alas-
7 ka Native Claims Settlement Act (43 U.S.C.
8 1613(g), 1616(b)); and

9 (D)(i) the right of noncommercial public
10 access for subsistence uses, consistent with title
11 VIII of the Alaska National Interest Lands
12 Conservation Act (16 U.S.C. 3111 et seq.), and
13 recreational access without liability to Sealaska;
14 and

15 (ii) the right of Sealaska to regulate access
16 for public safety, cultural, or scientific pur-
17 poses, environmental protection, and uses in-
18 compatible with natural resource development,
19 subject to the condition that Sealaska shall post
20 on any applicable property, in accordance with
21 State law, notices of any such condition.

22 (2) EFFECT.—No right of access provided to
23 any individual or entity (other than Sealaska) by
24 this subsection—

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

4 (B) provides standing in any review of, or
5 challenge to, any determination by Sealaska re-
6 garding the management or development of the
7 applicable land.

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

11 (1) shall be subject to a covenant prohibiting
12 any commercial timber harvest or mineral develop-
13 ment on the land;

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

20 (3) shall allow use of the land as described in
21 subsection (f).

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

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

3 (2) historical, cultural, and scientific research
4 and education;

5 (3) public interpretation and education regard-
6 ing the cultural significance of those sites to Alaska
7 Natives;

8 (4) protection and management of the site to
9 preserve the natural and cultural features of the
10 site, including cultural traditions, values, songs, sto-
11 ries, names, crests, and clan usage, for the benefit
12 of future generations; and

13 (5) site improvement activities for any purpose
14 described in paragraphs (1) through (4), subject to
15 the condition that the activities are consistent with
16 the sacred, cultural, traditional, or historic nature of
17 the site.

18 (g) TERMINATION OF RESTRICTIVE COVENANTS.—

19 (1) IN GENERAL.—Each restrictive covenant re-
20 garding cultural or historical values with respect to
21 any interim conveyance or patent for a historic or
22 cemetery site issued to Sealaska pursuant to the reg-
23 ulations contained in sections 2653.3 and 2653.11 of
24 title 43, Code of Federal Regulations (as in effect on
25 the date of enactment of this Act), in accordance

1 with section 14(h)(1) of the Alaska Native Claims
2 Settlement Act (43 U.S.C. 1613(h)), terminates on
3 the date of enactment of this Act.

4 (2) REMAINING CONDITIONS.—Land subject to
5 a covenant described in paragraph (1) on the day
6 before the date of enactment of this Act shall be
7 subject to the conditions described in subsection (e).

8 (3) RECORDS.—Sealaska shall be responsible
9 for recording with the land title recorders office of
10 the State of Alaska any modification to an existing
11 conveyance of land under section 14(h)(1) of the
12 Alaska Native Claims Settlement Act (43 U.S.C.
13 1613(h)(1)) as a result of this Act.

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

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

19 (2) the restrictive covenants, encumbrances, or
20 easements under sections 14(g) and 17(b) of the
21 Alaska Native Claims Settlement Act (43 U.S.C.
22 1613(g), 1616(b)).

23 **SEC. 5. MISCELLANEOUS.**

24 (a) STATUS OF CONVEYED LAND.—Each conveyance
25 of Federal land to Sealaska pursuant to this Act, and each

1 action carried out to achieve the purpose of this Act, shall
2 be considered to be conveyed or acted on, as applicable,
3 pursuant to the Alaska Native Claims Settlement Act (43
4 U.S.C. 1601 et seq.).

5 (b) ENVIRONMENTAL MITIGATION AND INCEN-
6 TIVES.—Notwithstanding subsection (e) and (h) of section
7 4, all land conveyed to Sealaska pursuant to the Alaska
8 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)
9 and this Act shall be considered to be qualified to receive
10 or participate in, as applicable—

11 (1) any federally authorized carbon sequestra-
12 tion program, ecological services program, or envi-
13 ronmental mitigation credit; and

14 (2) any other federally authorized environ-
15 mental incentive credit or program.

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

17 (1) IN GENERAL.—The implementation of this
18 Act, including the conveyance of land to Sealaska,
19 alone or in combination with any other factor, shall
20 not require an amendment of, or revision to, the
21 Tongass National Forest Land and Resources Man-
22 agement Plan before the first revision of that Plan
23 scheduled to occur after the date of enactment of
24 this Act.

1 (2) BOUNDARY ADJUSTMENTS.—The Secretary
2 of Agriculture shall implement any land ownership
3 boundary adjustments to the Tongass National For-
4 est Land and Resources Management Plan resulting
5 from the implementation of this Act through a tech-
6 nical amendment to that Plan.

7 (d) NO EFFECT ON EXISTING INSTRUMENTS,
8 PROJECTS, OR ACTIVITIES.—

9 (1) IN GENERAL.—Nothing in this Act or the
10 implementation of this Act revokes, suspends, or
11 modifies any permit, contract, or other legal instru-
12 ment for the occupancy or use of Tongass National
13 Forest land, or any determination relating to a
14 project or activity that authorizes that occupancy or
15 use, that is in effect on the day before the date of
16 enactment of this Act.

17 (2) TREATMENT.—The conveyance of land to
18 Sealaska pursuant to this Act shall be subject to the
19 instruments and determinations described in para-
20 graph (1) to the extent that those instruments and
21 determinations authorize occupancy or use of the
22 land so conveyed.

23 (e) TECHNICAL CORRECTIONS.—

1 (1) TRIBAL FOREST PROTECTION.—Section
2 2(a)(2) of the Tribal Forest Protection Act of 2004
3 (25 U.S.C. 3115a(a)(2)) is amended—

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

9 (B) in subparagraph (B)(i)—

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

12 (ii) by adding at the end the fol-
13 lowing:

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

21 (2) NATIONAL HISTORIC PRESERVATION.—Sec-
22 tion 301 of the National Historic Preservation Act
23 (16 U.S.C. 470w) is amended by striking paragraph
24 (14) and inserting the following:

25 “(14)(A) ‘Tribal lands’ means—

1 “(i) all land within the exterior boundaries
2 of any Indian reservation;

3 “(ii) all dependent Indian communities;
4 and

5 “(iii) land held by an incorporated Alaska
6 Native group, a Regional Corporation, or a Vil-
7 lage Corporation pursuant to the Alaska Native
8 Claims Settlement Act (43 U.S.C. 1601 et
9 seq.).

10 “(B) Nothing in this paragraph validates, in-
11 validates, or otherwise affects any claim regarding
12 the existence of Indian country (as defined in section
13 1151 of title 18, United States Code) in the State
14 of Alaska.”.

15 **SEC. 6. MAPS.**

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

18 (1) the office of the Chief of the Forest Service;

19 and

20 (2) the office of the Secretary.

21 (b) CORRECTIONS.—The Secretary or the Chief of
22 the Forest Service may make any necessary correction to
23 a clerical or typographical error in a map referred to in
24 this Act.

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

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as are necessary to carry out this Act and the amendments
7 made by this Act.

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