

112TH CONGRESS  
1ST SESSION

# S. 730

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

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IN THE SENATE OF THE UNITED STATES

APRIL 5, 2011

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

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Southeast Alaska Na-  
5 tive Land Entitlement Finalization and Jobs Protection  
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1           (1) CONSERVATION SYSTEM UNIT.—The term  
2           “conservation system unit” has the meaning given  
3           the term in section 102 of the Alaska National In-  
4           terest Lands Conservation Act (16 U.S.C. 3102).

5           (2) LAND USE DESIGNATION II.—The term  
6           “Land Use Designation II” has the meaning de-  
7           scribed in title V of the Alaska National Interest  
8           Lands Conservation Act (16 U.S.C. 539 et seq.), as  
9           further amended by section 201 of the Tongass Tim-  
10          ber Reform Act of 1990 (Public Law 101–626).

11          (3) SEALASKA.—The term “Sealaska” means  
12          the Sealaska Corporation, a Regional Native Cor-  
13          poration created under the Alaska Native Claims  
14          Settlement Act (43 U.S.C. 1601 et seq.).

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

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

18          (a) SELECTION BY SEALASKA.—

19           (1) IN GENERAL.—Notwithstanding section  
20          14(h)(8) of the Alaska Native Claims Settlement Act  
21          (43 U.S.C. 1613(h)(8)), Sealaska is authorized to  
22          select and receive conveyance of the remaining land  
23          entitlement of Sealaska under that Act (43 U.S.C.  
24          1601 et seq.) from Federal land located in southeast

1 Alaska from each category described in subsections  
2 (b) and (c).

3 (2) TREATMENT OF LAND CONVEYED.—Land  
4 conveyed pursuant to this Act is to be treated as  
5 land conveyed pursuant to the Alaska Native Claims  
6 Settlement Act (43 U.S.C. 1601 et seq.) subject to,  
7 but not limited to—

8 (A) reservation of public easements across  
9 land pursuant to section 17(b) of the Alaska  
10 Native Claims Settlement Act (43 U.S.C.  
11 1616(b));

12 (B) valid existing rights pursuant to sec-  
13 tion 14(g) of the Alaska Native Claims Settle-  
14 ment Act (43 U.S.C. 1613(g)); and

15 (C) the land bank protections of section  
16 907(d) of the Alaska National Interest Lands  
17 Conservation Act (43 U.S.C. 1636(d)).

18 (b) WITHDRAWAL OF LAND.—The following public  
19 land is withdrawn, subject to valid existing rights, from  
20 all forms of appropriation under public land laws, includ-  
21 ing the mining and mineral leasing laws, and from selec-  
22 tion under the Act of July 7, 1958 (commonly known as  
23 the “Alaska Statehood Act”) (48 U.S.C. note prec. 21;  
24 Public Law 85–508), and shall be available for selection  
25 by, and conveyance to, Sealaska to complete the remaining

1 land entitlement of Sealaska under section 14(h)(8) of the  
2 Alaska Native Claims Settlement Act (43 U.S.C.  
3 1613(h)(8)):

4 (1) Land identified on the maps dated Feb-  
5 ruary 1, 2011, and labeled “Attachment A (Maps 1  
6 through 8)”.

7 (2) Sites with traditional, recreational, and re-  
8 newable energy use value, as identified on the map  
9 entitled “Sites with Traditional, Recreational, and  
10 Renewable Energy Use Value”, dated February 1,  
11 2011, and labeled “Attachment D”, subject to the  
12 condition that not more than 5,000 acres shall be se-  
13 lected for those purposes.

14 (3) Sites identified on the map entitled “Tradi-  
15 tional and Customary Trade and Migration Routes”,  
16 dated February 1, 2011, and labeled “Attachment  
17 C”, which includes an identification of—

18 (A) a conveyance of land 25 feet in width,  
19 together with 1-acre sites at each terminus and  
20 at 8 locations along the route, with the route,  
21 location, and boundaries of the conveyance de-  
22 scribed on the map inset entitled “Yakutat to  
23 Dry Bay Trade and Migration Route” on the  
24 map entitled “Traditional and Customary

1 Trade and Migration Routes”, dated February  
2 1, 2011, and labeled “Attachment C”;

3 (B) a conveyance of land 25 feet in width,  
4 together with 1-acre sites at each terminus,  
5 with the route, location, and boundaries of the  
6 conveyance described on the map inset entitled  
7 “Bay of Pillars to Port Camden Trade and Mi-  
8 gration Route” on the map entitled “Tradi-  
9 tional and Customary Trade and Migration  
10 Routes”, dated February 1, 2011, and labeled  
11 “Attachment C”; and

12 (C) a conveyance of land 25 feet in width,  
13 together with 1-acre sites at each terminus,  
14 with the route, location, and boundaries of the  
15 conveyance described on the map inset entitled  
16 “Portage Bay to Duncan Canal Trade and Mi-  
17 gration Route” on the map entitled “Tradi-  
18 tional and Customary Trade and Migration  
19 Routes”, dated February 1, 2011, and labeled  
20 “Attachment C”.

21 (c) SITES WITH SACRED, CULTURAL, TRADITIONAL,  
22 OR HISTORIC SIGNIFICANCE.—Subject to the criteria and  
23 procedures applicable to land selected pursuant to section  
24 14(h)(1) of the Alaska Native Claims Settlement Act (43  
25 U.S.C. 1613(h)(1)) and set forth in the regulations pro-

1 mulgated at section 2653.5 of title 43, Code of Federal  
2 Regulations (as in effect on the date of enactment of this  
3 Act), except as otherwise provided in this Act—

4 (1) Sealaska shall have a right to identify up to  
5 3,600 acres of sites with sacred, cultural, traditional,  
6 or historic significance, including archeological sites,  
7 cultural landscapes, and natural features having cul-  
8 tural significance; and

9 (2) on identification of the land by Sealaska  
10 under paragraph (1), the identified land shall be—

11 (A) withdrawn, subject to valid existing  
12 rights, from all forms of appropriation under  
13 public land laws, including the mining and min-  
14 eral leasing laws, and from selection under the  
15 Act of July 7, 1958 (commonly known as the  
16 “Alaska Statehood Act”) (48 U.S.C. note prec.  
17 21; Public Law 85–508); and

18 (B) available for selection by, and convey-  
19 ance to, Sealaska to complete the remaining  
20 land entitlement of Sealaska under section  
21 14(h)(8) of the Alaska Native Claims Settle-  
22 ment Act (43 U.S.C. 1613(h)(8)), subject to  
23 the conditions that—

24 (i) no sites with sacred, cultural, tra-  
25 ditional, or historic significance may be se-

1                   lected from within a unit of the National  
2                   Park System; and

3                   (ii) beginning on the date that is 15  
4                   years after the date of enactment of this  
5                   Act, Sealaska shall be limited to identi-  
6                   fying not more than 360 acres of sites with  
7                   sacred, cultural, traditional, or historic sig-  
8                   nificance under this subsection.

9           (d) FOREST DEVELOPMENT ROADS.—Sealaska shall  
10 receive from the United States, subject to such reasonable  
11 terms and conditions as the Forest Service may impose,  
12 nonexclusive easements to Sealaska to allow—

13           (1) access on the forest development road and  
14           use of the log transfer site identified in paragraphs  
15           (3)(b), (3)(c), and (3)(d) of the patent numbered  
16           50–85–0112 and dated January 4, 1985;

17           (2) access on the forest development road iden-  
18           tified in paragraphs (2)(a) and (2)(b) of the patent  
19           numbered 50–92–0203 and dated February 24,  
20           1992;

21           (3) access on the forest development road iden-  
22           tified in paragraph (2)(a) of the patent numbered  
23           50–94–0046 and dated December 17, 1993;

24           (4) access on the forest development roads and  
25           use of the log transfer facilities identified on the

1 maps dated February 1, 2011, and labeled “Attach-  
2 ment A (Maps 1 through 8)”;

3 (5) a reservation of a right to construct a new  
4 road to connect to existing forest development roads,  
5 as generally identified on the maps described in  
6 paragraph (4); and

7 (6) access to, and reservation of a right to, con-  
8 struct a new log transfer facility and log storage  
9 area at the location identified on the maps described  
10 in paragraph (4).

11 **SEC. 4. CONVEYANCES TO SEALASKA.**

12 (a) **TIMELINE FOR CONVEYANCE.**—

13 (1) **IN GENERAL.**—Subject to paragraphs (2),  
14 (3), and (4), the Secretary shall work with Sealaska  
15 to develop a mutually agreeable schedule to complete  
16 the conveyance of land to Sealaska under this Act.

17 (2) **FINAL PRIORITIES.**—Consistent with the  
18 provisions of section 403 of the Alaska Land Trans-  
19 fer Acceleration Act (43 U.S.C. 1611 note; Public  
20 Law 108–452), not later than 18 months after the  
21 date of enactment of this Act, Sealaska shall submit  
22 to the Secretary the final, irrevocable priorities for  
23 selection of land withdrawn under section 3(b)(1).

24 (3) **SUBSTANTIAL COMPLETION REQUIRED.**—  
25 Not later than 2 years after the date of selection by



1 Sealaska of land withdrawn under section 3(b)(1),  
2 the Secretary shall substantially complete the con-  
3 veyance of the land to Sealaska under this Act.

4 (4) EFFECT.—Nothing in this Act shall inter-  
5 fere with, or cause any delay in, the duty of the Sec-  
6 retary to convey land to the State of Alaska under  
7 section 6 of the Act of July 7, 1958 (commonly  
8 known as the “Alaska Statehood Act”) (48 U.S.C.  
9 note prec. 21; Public Law 85–508).

10 (b) EXPIRATION OF WITHDRAWALS.—On completion  
11 of the selection by Sealaska and the conveyances to  
12 Sealaska of land under subsection (a) in a manner that  
13 is sufficient to fulfill the land entitlement of Sealaska  
14 under section 14(h)(8) of the Alaska Native Claims Settle-  
15 ment Act (43 U.S.C. 1613(h)(8))—

16 (1) the right of Sealaska to receive any land  
17 under section 14(h)(8) of that Act from within a  
18 withdrawal area established under subsections (a)  
19 and (d) of section 16 of that Act (43 U.S.C. 1615(a)  
20 and 1615(d)) shall be terminated;

21 (2) the withdrawal areas set aside for selection  
22 by Native Corporations in southeast Alaska under  
23 subsections (a) and (d) of section 16 of that Act (43  
24 U.S.C. 1615(a) and 1615(d)) shall be rescinded; and

1           (3) land located within a withdrawal area that  
2           is not conveyed to Sealaska or to a southeast Alaska  
3           Village Corporation or Urban Corporation shall be  
4           returned to the unencumbered management of the  
5           Forest Service as part of the Tongass National For-  
6           est.

7           (c) LIMITATION.—Sealaska shall not select or receive  
8           under this Act any conveyance of land pursuant to para-  
9           graph (1) or (2) of section 3(b) located within any con-  
10          servation system unit.

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

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

19                   (A) a reservation for easements for public  
20                   access on the public roads depicted on the maps  
21                   dated February 1, 2011, and labeled “Attach-  
22                   ment A (Maps 1 through 8)”;

23                   (B) a reservation for easements along the  
24                   temporary roads designated by the Forest Serv-  
25                   ice as of the date of enactment of this Act for

1 the public access trails depicted on the maps  
2 described in subparagraph (A);

3 (C) the right of noncommercial public ac-  
4 cess for subsistence uses, consistent with title  
5 VIII of the Alaska National Interest Lands  
6 Conservation Act (16 U.S.C. 3111 et seq.), and  
7 recreational access, without liability to  
8 Sealaska, subject to—

9 (i) the right of Sealaska to regulate  
10 access granted under this subparagraph to  
11 ensure public safety, to protect cultural or  
12 scientific resources, and to provide environ-  
13 mental protection; and

14 (ii) the condition that Sealaska shall  
15 post on any applicable property, in accord-  
16 ance with State law, notices of the condi-  
17 tions on use; and

18 (D) the requirement that, with respect to  
19 the land conveyed to the corporation pursuant  
20 to section 3(b)(1), Sealaska shall continue to  
21 manage the land in accordance with the State  
22 of Alaska Forest Resources and Practices Act,  
23 Alaska Stat. 41.17, except that, for a period of  
24 5 years beginning on the date of enactment of  
25 this Act, Alaska Stat. 41.17.116(1) shall apply

1 to the harvest of timber within 100 feet of a  
2 water body defined in Alaska Stat.  
3 41.17.950(31).

4 (2) SACRED, CULTURAL, TRADITIONAL AND  
5 HISTORIC SITES.—The conveyance to Sealaska of  
6 land withdrawn pursuant to section 3(c) that is lo-  
7 cated outside of a withdrawal area designated under  
8 section 16(a) of the Alaska Native Claims Settle-  
9 ment Act (43 U.S.C. 1615(a)) shall be subject to—

10 (A) the right of public access across the  
11 conveyances where no reasonable alternative ac-  
12 cess around the land is available without liabil-  
13 ity to Sealaska; and

14 (B) the right of Sealaska to regulate ac-  
15 cess granted under this paragraph across the  
16 conveyances to ensure public safety, to protect  
17 cultural or scientific resources, to provide envi-  
18 ronmental protection, or to prohibit activities  
19 incompatible with the use and enjoyment of the  
20 land by Sealaska, subject to the condition that  
21 Sealaska shall post on any applicable property,  
22 in accordance with State law, notices of the  
23 conditions on use.

24 (3) TRADITIONAL AND CUSTOMARY TRADE AND  
25 MIGRATION ROUTES.—The conveyance to Sealaska

1 of land withdrawn pursuant to section 3(b)(3) that  
2 is located outside of a withdrawal area designated  
3 under section 16(a) of the Alaska Native Claims  
4 Settlement Act (43 U.S.C. 1615(a)) shall be subject  
5 to a requirement that Sealaska provide public access  
6 across the conveyances if an adjacent landowner or  
7 the public has a legal right to use the adjacent pri-  
8 vate or public land.

9 (4) SITES WITH TRADITIONAL, RECREATIONAL,  
10 AND RENEWABLE ENERGY USE VALUE.—The con-  
11 veyance to Sealaska of land withdrawn pursuant to  
12 section 3(b)(2) that is located outside of a with-  
13 drawal area designated under section 16(a) of the  
14 Alaska Native Claims Settlement Act (43 U.S.C.  
15 1615(a)) shall be subject to—

16 (A) the right of public access across the  
17 land without liability to Sealaska; and

18 (B) the condition that public access across  
19 the land would not be unreasonably restricted  
20 or impaired.

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

24 (A) creates any interest, other than an in-  
25 terest retained by the United States, of such an

1 individual or entity in the land conveyed to  
 2 Sealaska in excess of that right of access; or

3 (B) provides standing in any review of, or  
 4 challenge to, any determination by Sealaska  
 5 with respect to the management or development  
 6 of the applicable land.

7 (e) CONDITIONS ON SACRED, CULTURAL, TRADI-  
 8 TIONAL, AND HISTORIC SITES AND TRADITIONAL AND  
 9 CUSTOMARY TRADE AND MIGRATION ROUTES.—The con-  
 10 veyance to Sealaska of land withdrawn pursuant to sec-  
 11 tions 3(b)(3) and 3(c)—

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

15 (2) shall be subject to a covenant allowing use  
 16 of the land only as described in subsection (f); and

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

23 (f) USES OF SACRED, CULTURAL, TRADITIONAL,  
 24 AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY  
 25 TRADE AND MIGRATION ROUTES.—Any land conveyed to

1 Sealaska from land withdrawn pursuant to sections  
2 3(b)(3) and 3(c) may be used for—

3 (1) preservation of cultural knowledge and tra-  
4 ditions associated with the site;

5 (2) historical, cultural, and scientific research  
6 and education;

7 (3) public interpretation and education regard-  
8 ing the cultural significance of the site to Alaska  
9 Natives;

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

15 (5) site improvement activities for any purpose  
16 described in paragraphs (1) through (4), subject to  
17 the condition that the activities—

18 (A) are consistent with the sacred, cul-  
19 tural, traditional, or historic nature of the site;  
20 and

21 (B) are not inconsistent with the manage-  
22 ment plans for adjacent public land.

23 (g) TERMINATION OF RESTRICTIVE COVENANTS.—

24 (1) IN GENERAL.—Each restrictive covenant re-  
25 garding cultural or historical values with respect to

1 any interim conveyance or patent for a historic or  
2 cemetery site issued to Sealaska pursuant to the  
3 Federal regulations contained in sections 2653.5(a)  
4 and 2653.11 of title 43, Code of Federal Regula-  
5 tions (as in effect on the date of enactment of this  
6 Act), in accordance with section 14(h)(1) of the  
7 Alaska Native Claims Settlement Act (43 U.S.C.  
8 1613(h)(1)), terminates as a matter of law on the  
9 date of enactment of this Act.

10 (2) REMAINING CONDITIONS.—Land subject to  
11 a covenant described in paragraph (1) on the day  
12 before the date of enactment of this Act shall be  
13 subject to the conditions described in subsection (e).

14 (3) RECORDS.—Sealaska shall be responsible  
15 for recording with the land title recorders office of  
16 the State of Alaska any modification to an existing  
17 conveyance of land under section 14(h)(1) of the  
18 Alaska Native Claims Settlement Act (43 U.S.C.  
19 1613(h)(1)) as a result of this Act.

20 (h) CONDITIONS ON SITES WITH TRADITIONAL,  
21 RECREATIONAL, AND RENEWABLE ENERGY USE  
22 VALUE.—Each conveyance of land to Sealaska from land  
23 withdrawn pursuant to section 3(b)(2) shall be subject  
24 to—



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

3           (2) the conveyance of the site identified as Peg-  
4           matite Mountain Geothermal #53 on the map la-  
5           beled “Attachment D” and dated February 1, 2011,  
6           shall be subject to a covenant prohibiting commercial  
7           development of the site for a period of 15 years be-  
8           ginning on the date of enactment of this Act, pro-  
9           vided that Sealaska shall have a right to engage in  
10          site evaluation and analysis during the period.

11          (i) ESCROW FUNDS FOR WITHDRAWN LAND.—On  
12          the withdrawal by this Act of land identified for selection  
13          by Sealaska, the escrow requirements of section 2 of Pub-  
14          lic Law 94–204 (43 U.S.C. 1613 note), shall thereafter  
15          apply to the withdrawn land.

16          (j) GUIDING AND OUTFITTING SPECIAL USE PER-  
17          MITS OR AUTHORIZATIONS.—

18           (1) IN GENERAL.—Consistent with the provi-  
19           sions of section 14(g) of the Alaska Native Claims  
20           Settlement Act (43 U.S.C. 1613(g)), on land con-  
21           veyed to Sealaska from land withdrawn pursuant to  
22           sections 3(b)(1) and 3(b)(2), an existing holder of a  
23           guiding or outfitting special use permit or authoriza-  
24           tion issued by the Forest Service shall be entitled to  
25           its rights and privileges on the land for the remain-

1 ing term of the permit, as of the date of conveyance  
2 to Sealaska, and for 1 subsequent 10-year renewal  
3 of the permit, subject to the condition that the  
4 rights shall be considered a valid existing right re-  
5 served pursuant to section 14(g) of the Alaska Na-  
6 tive Claims Settlement Act (43 U.S.C. 1613(g)), and  
7 shall be managed accordingly.

8 (2) NOTICE OF COMMERCIAL ACTIVITIES.—  
9 Sealaska, with respect to the holder of a guiding or  
10 outfitting special use permit or authorization under  
11 this subsection, and a permit holder referenced in  
12 this subsection, with respect to Sealaska, shall have  
13 an obligation to inform the other party of their re-  
14 spective commercial activities before engaging in the  
15 activities on land, which has been conveyed to  
16 Sealaska under this Act, subject to the permit or au-  
17 thorization.

18 (3) NEGOTIATION OF NEW TERMS.—Nothing in  
19 this subsection precludes Sealaska and a permit  
20 holder under this subsection from negotiating new  
21 mutually agreeable permit terms that supersede the  
22 requirements of—

23 (A) this subsection;

24 (B) section 14(g) of the Alaska Native  
25 Claims Settlement Act (43 U.S.C. 1613(g)); or

1 (C) any deed covenant.

2 (4) LIABILITY.—Sealaska shall bear no liability  
3 regarding use and occupancy pursuant to special use  
4 permits or authorizations on land selected or con-  
5 veyed pursuant to this Act.

6 **SEC. 5. MISCELLANEOUS.**

7 (a) STATUS OF CONVEYED LAND.—Each conveyance  
8 of Federal land to Sealaska pursuant to this Act, and each  
9 Federal action carried out to achieve the purpose of this  
10 Act, shall be considered to be conveyed or acted on, as  
11 applicable, pursuant to the Alaska Native Claims Settle-  
12 ment Act (43 U.S.C. 1601 et seq.).

13 (b) ENVIRONMENTAL MITIGATION AND INCEN-  
14 TIVES.—Notwithstanding subsection (e) and (h) of section  
15 4, all land conveyed to Sealaska pursuant to the Alaska  
16 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)  
17 and this Act shall be considered to be qualified to receive  
18 or participate in, as applicable—

19 (1) any federally authorized carbon sequestra-  
20 tion program, ecological services program, or envi-  
21 ronmental mitigation credit; and

22 (2) any other federally authorized environ-  
23 mental incentive credit or program.

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

1           (1) IN GENERAL.—Except as required by para-  
2           graph (2) and the amendment made by section 6,  
3           implementation of this Act, including the conveyance  
4           of land to Sealaska, alone or in combination with  
5           any other factor, shall not require an amendment of,  
6           or revision to, the Tongass National Forest Land  
7           and Resources Management Plan before the first re-  
8           vision of that Plan scheduled to occur after the date  
9           of enactment of this Act.

10           (2) BOUNDARY ADJUSTMENTS.—The Secretary  
11           of Agriculture shall implement any land ownership  
12           boundary adjustments to the Tongass National For-  
13           est Land and Resources Management Plan resulting  
14           from the implementation of this Act through a tech-  
15           nical amendment to that Plan.

16           (d) EFFECT ON ENTITLEMENT.—Nothing in this Act  
17           shall have any effect upon the entitlement due to any Na-  
18           tive Corporation, other than Sealaska, under—

19           (1) the Alaska Native Claims Settlement Act  
20           (43 U.S.C. 1601 et seq.); or

21           (2) the Alaska National Interest Lands Con-  
22           servation Act (16 U.S.C. 3101 et seq.).

1 **SEC. 6. CONSERVATION AREAS.**

2 (a) IN GENERAL.—Section 508 of the Alaska Na-  
3 tional Interest Lands Conservation Act (Public Law 96-  
4 487; 94 Stat. 2381, 104 Stat. 4428) is amended—

5 (1) in the matter preceding paragraph (1), by  
6 striking “The following lands are hereby” and in-  
7 serting the following:

8 “(a) IN GENERAL.—The following land is”; and

9 (2) by adding at the end the following:

10 “(13) CONSERVATION AREAS.—Subject to valid  
11 existing rights, certain land for conservation pur-  
12 poses, comprising approximately 151,565 acres, as  
13 depicted on the map entitled “Conservation Areas”,  
14 dated February 1, 2011, and labeled “Attachment  
15 E”, which is more particularly described as follows:

16 “(A) BAY OF PILLARS.—Certain land,  
17 comprising approximately 21,146.5 acres, lo-  
18 cated on the southern shore of the Bay in For-  
19 est Service Value Comparison Unit 4030.

20 “(B) KUSHNEAHIN CREEK.—Certain land,  
21 comprising approximately 36,703 acres, located  
22 on southwestern Kupreanof Island in the Forest  
23 Service Value Comparison Units 4300 and  
24 4310.

25 “(C) SARKAR LAKES.—Certain land, com-  
26 prising approximately 25,403.7 acres, located

1 on Prince of Wales Island in Forest Service  
2 Value Comparison Unit 5541.

3 “(D) WESTERN KOSCUISKO.—Certain  
4 land, comprising approximately 7,416.5 acres,  
5 located on Koscuisko Island in Forest Service  
6 Value Comparison Units 5410, 5430, and 5440.

7 “(E) HONKER DIVIDE.—Certain land,  
8 comprising approximately 15,586.2 acres, lo-  
9 cated on Prince of Wales Island in Forest Serv-  
10 ice Value Comparison Units 5740, 5750, 5760,  
11 5780, and 5971.

12 “(F) EEK LAKE AND SUKKWAN ISLAND.—  
13 Certain land, comprising approximately  
14 34,644.1 acres, located in Forest Service Value  
15 Comparison Units 6320, 6700, 6710 and 6720.

16 “(G) EASTERN KOSCUISKO.—Certain karst  
17 land, comprising approximately 1,663 acres, lo-  
18 cated on Koscuisko Island in Forest Service  
19 Value Comparison Units 5430 and 5460.

20 “(H) NORTHERN PRINCE OF WALES.—  
21 Certain karst land, comprising approximately  
22 10,888 acres, located in Forest Service Value  
23 Comparison Units 5280, 5290, 5311, 5313,  
24 5330, 5360, and 5371.

25 “(b) MANAGEMENT OF CONSERVATION AREAS.—

1           “(1) IN GENERAL.—Subject to paragraph (2),  
2           the conservation areas designated by subsection  
3           (a)(13) shall be allocated to Land Use Designation  
4           II status (as defined in section 2 of the Southeast  
5           Alaska Native Land Entitlement Finalization and  
6           Jobs Protection Act) and shall be managed by the  
7           Secretary of Agriculture to protect subsistence ac-  
8           tivities and unique biological and geological re-  
9           sources and to prohibit commercial timber harvests  
10          or new road construction, in accordance with man-  
11          agement guidelines developed under the Tongass  
12          National Forest Land and Resource Management  
13          Plan.

14          “(2) REQUIREMENTS.—In managing the areas  
15          designated by subsection (a)(13)—

16                 “(A) the Forest Service shall protect the  
17                 traditional and cultural use, biological and geo-  
18                 logical value, and, where applicable, the roadless  
19                 character of the areas;

20                 “(B) industrial logging and associated road  
21                 building shall be prohibited;

22                 “(C) timber micro-sales in accessible areas  
23                 shall be allowed;

1           “(D) restoration projects in young-growth  
2 stands and salmon streams shall be encouraged  
3 for meeting integrated resource objectives;

4           “(E) subsistence enhancement and low im-  
5 pact recreation and tourism development  
6 projects shall be encouraged;

7           “(F) sustainable, community-scaled eco-  
8 nomic development of forest and marine re-  
9 sources shall be allowed, including issuance of  
10 special use permits for non-timber forest prod-  
11 ucts gathering, mariculture development, and  
12 transportation and energy development; and

13           “(G) existing and future Transportation  
14 and Utility Systems shall be permitted in des-  
15 ignated Transportation and Utility System Cor-  
16 ridors under the Tongass National Forest Land  
17 and Resource Management Plan.

18           “(c) LIMITATION.—The establishment of the con-  
19 servation areas by subsection (a)(13) shall not be used by  
20 the Secretary of Agriculture or a designee of the Secretary  
21 of Agriculture as a basis for any administrative manage-  
22 ment decisions to establish by administrative action any  
23 buffers, withdrawals, land-use designations, road closures,  
24 or other similar actions on any land, value comparison  
25 units, or adjacent land-use designations.”.



1 **SEC. 7. MAPS.**

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

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

5 and

6 (2) the office of the Secretary.

7 (b) CORRECTIONS.—The Secretary or the Chief of  
8 the Forest Service may make any necessary correction to  
9 a clerical or typographical error in a map referred to in  
10 this Act.

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

14 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated such sums  
16 as are necessary to carry out this Act and the amendments  
17 made by this Act.

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