

Union Calendar No. 260

106TH CONGRESS
1ST SESSION

H. R. 2547

[Report No. 106-451]

A BILL

To provide for the conveyance of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act.

NOVEMBER 5, 1999

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

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IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1999

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

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

[For text of introduced bill, see copy of bill as introduced on July 16, 1999]

A BILL

To provide for the conveyance of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act.

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Chugach Alaska Natives*
3 *Settlement Implementation Act of 1999”.*

4 **SEC. 2. DEFINITIONS.**

5 *For the purposes of this Act, the following definitions*
6 *apply:*

7 (1) *The term “ANCSA” means the Alaska Native*
8 *Claims Settlement Act, as amended (43 U.S.C. 1601*
9 *et seq.).*

10 (2) *The term “ANILCA” means the Alaska Na-*
11 *tional Interest Lands Conservation Act of 1980, as*
12 *amended (16 U.S.C. 3101 et seq.).*

13 **TITLE I—EASEMENT FOR ACCESS**

14 **SEC. 101. FINDINGS.**

15 *The Congress finds that—*

16 (1) *Chugach Alaska Corporation, formerly*
17 *known as Chugach Natives, Inc., is the Alaska Native*
18 *Regional Corporation organized under the authority*
19 *of ANCSA for the Chugach people in the Chugach re-*
20 *gion;*

21 (2) *ANCSA promised the Chugach people a fair*
22 *and just settlement of their aboriginal claims to lands*
23 *and waters in Alaska;*

24 (3) *pursuant to section 1430 of ANILCA, the*
25 *Secretary of the Interior, the Secretary of Agriculture,*
26 *the State of Alaska, and Chugach Alaska Corporation*

1 *were directed to study land ownership in and around*
2 *the Chugach region for the purposes of—*

3 *(A) providing a fair and just land settle-*
4 *ment for the Chugach people and realizing the*
5 *intent, purpose, and promise of ANCSA by Chu-*
6 *gach Alaska Corporation; and*

7 *(B) identifying lands that, to the maximum*
8 *extent possible, are of the like, kind, and char-*
9 *acter of those traditionally used and occupied by*
10 *the Chugach people, and, to the maximum extent*
11 *possible, are coastal accessible and economically*
12 *viable;*

13 *(4) on September 17, 1982, the aforementioned*
14 *parties entered into the 1982 Chugach Natives, Inc.*
15 *Settlement Agreement in order to set forth a fair and*
16 *just land settlement for the Chugach people pursuant*
17 *to the study directed by Congress, which among its*
18 *many provisions—*

19 *(A) required the United States to convey to*
20 *Chugach Alaska Corporation not more than*
21 *73,308 acres of land in the vicinity of Carbon*
22 *Mountain, which tract of land contains signifi-*
23 *cant natural resources, but is inaccessible by*
24 *road;*

1 (B) granted Chugach Alaska Corporation
2 rights-of-way across Chugach National Forest to
3 such tract of land, and required the United
4 States to grant to Chugach Alaska Corporation
5 an easement for the purpose of constructing,
6 using, and maintaining roads and other facili-
7 ties necessary for the use and development of that
8 tract of land;

9 (C) required Chugach Alaska Corporation to
10 apply to the Forest Supervisor for Chugach Na-
11 tional Forest for conveyance of the easement, and
12 to provide such information as may be pre-
13 scribed by the Forest Supervisor; and

14 (D) reserved in the United States the right
15 to prepare environmental documents in connec-
16 tion with the easement grant, consistent with the
17 provisions of section 910 of ANILCA, if deemed
18 desirable by the responsible Federal agency;

19 (5) on September 11, 1996, the Forest Supervisor
20 deemed preparation of environmental documents for
21 the easement desirable;

22 (6) on August 8, 1997, and January 21, 1998,
23 Chugach Alaska Corporation and the United States
24 Forest Service entered into collection agreements, pur-
25 suant to which Chugach Alaska Corporation was re-

1 *quired to pay to the United States Forest Service the*
2 *costs of United States Forest Service personnel in-*
3 *volvement in the preparation and review of environ-*
4 *mental documents and processing of the easement ap-*
5 *plication;*

6 *(7) on March 13, 1998, Chugach Alaska Cor-*
7 *poration and the United States Forest Service entered*
8 *into a Memorandum of Understanding, pursuant to*
9 *which the parties reached agreement on—*

10 *(A) the information prescribed by the Forest*
11 *Supervisor, in a detailed work plan prepared*
12 *jointly by United States Forest Service and Chu-*
13 *gach Alaska Corporation representatives;*

14 *(B) the process for the preparation and ap-*
15 *proval of environmental documentation in sup-*
16 *port of the easement; and*

17 *(C) the requirement that the United States*
18 *Forest Service grant an easement to Chugach*
19 *Alaska Corporation within 45 days after receiv-*
20 *ing a complete easement application from Chu-*
21 *gach Alaska Corporation;*

22 *(8) In furtherance of providing the environ-*
23 *mental documentation prescribed by the Forest Super-*
24 *visor, Chugach Alaska Corporation, at its sole*
25 *expense—*

1 (A) contracted for the performance of field
2 surveys and the preparation of resource reports
3 on the cultural resources, wetlands, threatened,
4 endangered, and sensitive plant and animal spe-
5 cies, vegetation, and fish and wildlife in the ease-
6 ment project area, as depicted on the map enti-
7 tled “Project Area and Corridor Carbon Moun-
8 tain Access Project 1–14–98”;

9 (B) submitted the resource reports to the
10 United States Forest Service for review and com-
11 ment, and contracted for further field surveys
12 and reports as and when requested by the United
13 States Forest Service;

14 (C) in conjunction with United States For-
15 est Service biologists, contracted for the perform-
16 ance of field surveys and the preparation of re-
17 ports for waterfowl, goshawk, and goat kidding
18 areas in the easement project area;

19 (D) contracted for the preparation of bridge
20 designs and hydrological analyses for major
21 crossings within the easement project area, sub-
22 mitted such designs and analyses to the United
23 States Forest Service for review and comment,
24 and modified such designs pursuant to comments

1 *received from United States Forest Service spe-*
2 *cialists;*

3 *(E) prepared a transportation plan for the*
4 *easement and road, including maintenance and*
5 *design standards and an erosion control plan,*
6 *for review by United States Forest Service engi-*
7 *neers and specialists; and*

8 *(F) contracted for the preparation of a draft*
9 *road design for field and office review by United*
10 *States Forest Service engineers and specialists,*
11 *and for the modification of such design pursuant*
12 *to comments received by the United States Forest*
13 *Service;*

14 *(9) In June 1998, an interdisciplinary team of*
15 *specialists in the fields of fisheries, hydrology, engi-*
16 *neering, soils, wildlife, recreation, and visual quality*
17 *from the United States Forest Service and Chugach*
18 *Alaska Corporation and its contractors conducted an*
19 *extensive field review of the easement corridor and*
20 *road location, the costs of which were borne by Chu-*
21 *gach Alaska Corporation, and United States Forest*
22 *Service specialists concurred with Chugach Alaska*
23 *Corporation on the location of the easement corridor;*

24 *(10) Following the interdisciplinary team review*
25 *and concurrence, United States Forest Service staff*

1 *officers, including the Forest Supervisor for the Chu-*
2 *gach National Forest, conducted a field review of the*
3 *road location and affirmed such concurrence;*

4 *(11) on January 12, 1999, the Forest Supervisor*
5 *determined that Chugach Alaska Corporation had*
6 *completed all studies and provided adequate docu-*
7 *mentation to support its easement application;*

8 *(12) on January 19, 1999, Chugach Alaska Cor-*
9 *poration submitted the complete easement applica-*
10 *tion, containing all information prescribed by the*
11 *Forest Supervisor, in a multivolume collection of the*
12 *extensive field work, reviews, reports, analyses, and*
13 *modifications performed and relied upon in support*
14 *of the easement, and entitled “Documentation in Sup-*
15 *port of an Easement Application for Road Access Via*
16 *the Martin River Valley to the Bering River Coal*
17 *Fields as Granted by the 1982 CNI Settlement Agree-*
18 *ment”;*

19 *(13) to date, the United States Forest Service has*
20 *failed to grant Chugach Alaska Corporation an ease-*
21 *ment for access to its lands in the vicinity of Carbon*
22 *Mountain;*

23 *(14) without such easement, the lands conveyed*
24 *to Chugach Alaska Corporation in the vicinity of*
25 *Carbon Mountain cannot be utilized or developed in*

1 *a manner consistent with the intent of congress as ex-*
2 *pressed in the ANILCA and ANCSA;*

3 *(15) Chugach Alaska Corporation has incurred*
4 *considerable expense and delay in its efforts to achieve*
5 *the fair and just settlement Congress intended and*
6 *promised to the Chugach people more than 2 decades*
7 *ago pursuant to ANCSA;*

8 *(16) the easement requirement under the 1982*
9 *Chugach Natives, Inc. Settlement Agreement should be*
10 *granted without further delay.*

11 **SEC. 102. PURPOSE.**

12 *The purpose of this title is to provide Chugach Alaska*
13 *Corporation with access to and for the utilization and de-*
14 *velopment of land interests in the vicinity of Carbon Moun-*
15 *tain that were conveyed to Chugach Alaska Corporation*
16 *pursuant to ANCSA.*

17 **SEC. 103. CONVEYANCE.**

18 *Notwithstanding any other provision of law, as soon*
19 *as practicable but not later than 14 days after the date of*
20 *the enactment of this title, the Secretary of Agriculture shall*
21 *grant Chugach Alaska Corporation a perpetual easement lo-*
22 *cated and having the specifications as set forth in the “Doc-*
23 *umentation in Support of an Easement Application for*
24 *Road Access Via the Martin River Valley to the Bering*
25 *River Coal Fields as Granted by the 1982 CNI Settlement*

1 *Agreement”*, for the purposes and facilities described there-
2 *in.*

3 **SEC. 104. EASEMENT.**

4 *Unless otherwise agreed to by the Secretary of Agri-*
5 *culture and Chugach Alaska Corporation, the easement*
6 *granted under section 103 of this title shall—*

7 *(1) include sufficient lands for logistical staging*
8 *areas and construction material sites used for the con-*
9 *struction and maintenance of a single-lane forest*
10 *road; and*

11 *(2) include the right for Chugach Alaska Cor-*
12 *poration, or its assignees, to construct, operate, and*
13 *maintain related facilities and structures within the*
14 *right-of-way.*

15 **SEC. 105. TRANSFER.**

16 *If within 1 month from the date of the enactment of*
17 *this title the Secretary of Agriculture and Chugach Alaska*
18 *Corporation fail mutually to agree on the terms and condi-*
19 *tions of the use of the easement, then the easement is hereby*
20 *granted to Chugach Alaska Corporation, and such grant*
21 *shall be deemed as a conveyance pursuant to ANCSA.*

1 **TITLE II—CEMETERY SITES AND**
2 **HISTORIC PLACES**

3 **SEC. 201. DEFINITIONS.**

4 *For the purposes of this title, the following definitions*
5 *apply:*

6 (1) *The term “Federal Government” means any*
7 *Federal agency of the United States.*

8 (2) *The term “Secretary” means the Secretary of*
9 *the Interior.*

10 **SEC. 202. FINDINGS.**

11 *The Congress finds the following:*

12 (1) *Pursuant to section 14(h)(1) of ANCSA, the*
13 *Secretary has the authority to withdraw and convey*
14 *to the appropriate regional corporation fee title to ex-*
15 *isting cemetery sites and historical places.*

16 (2) *Pursuant to section 14(h)(7) of ANCSA,*
17 *lands located within a National Forest may be con-*
18 *veyed for the purposes set forth in section 14(h)(1) of*
19 *ANCSA.*

20 (3) *Chugach Alaska Corporation, the Alaska Na-*
21 *tive Regional Corporation for the Chugach Region,*
22 *applied to the Secretary for the conveyance of ceme-*
23 *tary sites and historical places pursuant to section*
24 *14(h)(1) of ANCSA in accordance with the regula-*
25 *tions promulgated by the Secretary.*

1 (4) Pursuant to such regulations, Village Cor-
2 poration selections were given priority over Regional
3 Corporation selections for the same lands.

4 (5) Chugach Alaska Corporation's section
5 14(h)(1) applications for lands that were selected by
6 and conveyed to Village Corporations in the Chugach
7 Region were either withdrawn by Chugach Alaska
8 Corporation or denied by the Secretary.

9 (6) As part of the Exxon Valdez Oil Spill Res-
10 toration Program, the Federal Government has ac-
11 quired and is in the process of acquiring lands from
12 Village Corporations in the Chugach Region that
13 Chugach Alaska Corporation applied for pursuant to
14 section 14(h)(1) of ANCSA and lands from other pri-
15 vate parties in the Chugach Region that contain cem-
16 etry sites and historical places.

17 (7) The fulfillment of the intent, purpose, and
18 promise of ANCSA requires that lands Chugach Alas-
19 ka Corporation selected or would have selected under
20 section 14(h)(1) of ANCSA and that were subse-
21 quently acquired by the Federal Government should
22 be made available for conveyance to Chugach Alaska
23 Corporation as cemetery sites and historical places
24 pursuant to section 14(h)(1) of ANCSA, subject only
25 to a determination that such lands meet the eligibility

1 *criteria for historical places or cemetery sites, as ap-*
2 *propriate, set forth in the Secretary's regulations.*

3 **SEC. 203. WITHDRAWAL OF LANDS.**

4 *Notwithstanding any other provision of law, the Sec-*
5 *retary shall withdraw from all forms of appropriation—*

6 *(1) all public lands for which Chugach Alaska*
7 *Corporation filed an application for conveyance pur-*
8 *suant to section 14(h)(1) of ANCSA as a cemetery site*
9 *or an historical place, and such application was de-*
10 *nyied because the land was selected by and conveyed to*
11 *a Village Corporation; and*

12 *(2) all lands that the Federal Government ac-*
13 *quired or hereafter acquires from Village Corporations*
14 *or other private parties in the Chugach Region in*
15 *connection with the Exxon Valdez Oil Spill Restora-*
16 *tion Program.*

17 **SEC. 204. APPLICATION FOR CONVEYANCE OF WITHDRAWN**
18 **LANDS.**

19 *Chugach Alaska Corporation shall apply to the Sec-*
20 *retary for the conveyance of lands as cemetery sites or his-*
21 *torical places under section 14(h)(1) of ANCSA as follows:*

22 *(1) With respect to lands withdrawn pursuant to*
23 *subsection 203(1) of this title, by filing with the Sec-*
24 *retary a request for reinstatement of its original ap-*

1 *plication, together with any amendments authorized*
2 *under section 205 of this title.*

3 *(2) With respect to lands withdrawn pursuant to*
4 *subsection 203(2) of this title, for which Chugach*
5 *Alaska Corporation has not filed an application*
6 *under section 14(h)(1) of ANCSA with the Secretary,*
7 *by filing with the Secretary an application in accord-*
8 *ance with the regulations promulgated by the Sec-*
9 *retary as of the date of enactment of this title.*

10 *The Secretary shall accept all such requests filed within the*
11 *periods set forth in section 207 of this title.*

12 **SEC. 205. AMENDMENTS.**

13 *Chugach Alaska Corporation may amend original ap-*
14 *plications filed with the Secretary for the conveyance of*
15 *lands pursuant to section 14(h)(1) of ANCSA—*

16 *(1) to include lands withdrawn pursuant to sec-*
17 *tion 203 of this title which are adjacent to lands Chu-*
18 *gach Alaska Corporation selected in its original ap-*
19 *plication and that Chugach Alaska Corporation*
20 *deems culturally important and potentially eligible as*
21 *a cemetery site or historical place; and*

22 *(2) to cure technical defects.*

1 **SEC. 206. PROCEDURE FOR EVALUATING AND CONVEYING**
2 **SELECTED LANDS.**

3 *The lands selected by Chugach Alaska Corporation*
4 *pursuant to sections 204 and 205 of this title shall be evalu-*
5 *ated for their eligibility as cemetery sites and historical*
6 *places, as appropriate, and conveyed to Chugach Alaska*
7 *Corporation, in accordance with the criteria and procedures*
8 *set forth in the regulations promulgated by the Secretary*
9 *as of the date of the enactment of this title. To the extent*
10 *that such criteria and procedures conflict with any provi-*
11 *sion of this title, the provisions of this title shall control.*

12 **SEC. 207. REINSTATEMENT PERIOD.**

13 *Notwithstanding any other provision of law, Chugach*
14 *Alaska Corporation shall have—*

15 *(1) 1 year from the date of enactment of this title*
16 *to file a request for reinstatement under subsection*
17 *204(1) of this title, together with any amendments*
18 *authorized under section 205 of this title; and*

19 *(2) 4 years from the date of recording the con-*
20 *veyance document for any Federal acquisition of*
21 *lands to file an application under subsection 204(2)*
22 *of this title.*

23 **SEC. 208. APPLICABILITY.**

24 *This title shall apply to all Federal acquisitions of the*
25 *lands described in section 203 of this title, whether occur-*
26 *ring prior to or after the date of enactment of this title.*

1 **TITLE III—FOREST SYSTEM**
2 **LAND MANAGEMENT**

3 **SEC. 301. DEFINITION.**

4 *For the purposes of this title, the term “Alaska Native*
5 *Corporation” means a “Native Corporation” as that term*
6 *is defined in section 3(m) of ANCSA, as amended (43*
7 *U.S.C. 1601 et seq.).*

8 **SEC. 302. FINDINGS.**

9 *The Congress finds that—*

10 (1) *pursuant to ANCSA and ANILCA, Alaska*
11 *Native Corporations own hundreds of thousands of*
12 *acres of land intermingled with, adjacent to, or de-*
13 *pendent for access upon National Forest System lands*
14 *in Alaska;*

15 (2) *the United States Forest Service, in a letter*
16 *dated June 30, 1998, to Chugach Alaska Corporation,*
17 *the Alaska Native Regional Corporation for the Chu-*
18 *gach Region established under ANCSA, disclaimed*
19 *any legal obligation to coordinate the revision of the*
20 *Chugach National Forest land and resource manage-*
21 *ment plan with the plans of Alaska Native Corpora-*
22 *tions for the utilization of their lands and resources;*

23 (3) *the uncoordinated development, maintenance,*
24 *or revision of land and resource management plans*
25 *for units of the National Forest System in Alaska ad-*

1 *versely affects the use, development, and value of the*
2 *lands and resources conveyed to Alaska Native Cor-*
3 *porations under ANCSA and ANILCA; and*

4 *(4) the proper management of National Forest*
5 *System lands in Alaska and the fulfillment of the in-*
6 *tent, purpose, and promise of ANCSA require coordi-*
7 *nation in the development, maintenance, and revision*
8 *of land and resource management plans for units of*
9 *the National Forest System in Alaska with the plans*
10 *of Alaska Native Corporations for the utilization of*
11 *their lands which are intermingled with, adjacent to,*
12 *or dependent upon for access National Forest System*
13 *lands.*

14 **SEC. 303. COORDINATION REQUIRED.**

15 *Notwithstanding any other provision of law, the Sec-*
16 *retary of Agriculture shall coordinate the development,*
17 *maintenance, and revision of land and resource manage-*
18 *ment plans for units of the National Forest System in Alas-*
19 *ka with the plans of Alaska Native Corporations for the*
20 *utilization of their lands which are intermingled with, ad-*
21 *acent to, or dependent for access upon National Forest Sys-*
22 *tem lands. At a minimum, such coordination shall*
23 *involve—*

24 *(1) notifying Alaska Native Corporations in ad-*
25 *vance of the development, maintenance, or revision of*

1 *a land and resource management plan for a unit of*
2 *the National Forest System in Alaska;*

3 (2) *meeting with Alaska Native Corporations at*
4 *the beginning of the plan preparation, maintenance,*
5 *or revision process to develop procedures for coordina-*
6 *tion;*

7 (3) *reviewing the plans of Alaska Native Cor-*
8 *porations for the utilization of their lands and re-*
9 *sources;*

10 (4) *assessing the impacts of Alaska Native Cor-*
11 *poration land use plans on National Forest land and*
12 *resource management planning, and determining how*
13 *to address those impacts; and*

14 (5) *identifying conflicts between National Forest*
15 *land and resource management plans and the land*
16 *use plans of Alaska Native Corporations, and consid-*
17 *ering alternatives for resolving those conflicts.*

18 **SEC. 304. APPLICABILITY.**

19 *This title shall apply to all land and resource manage-*
20 *ment plans for units of the National Forest System in*
21 *Alaska—*

22 (1) *in the process of being developed or revised*
23 *on the date of enactment of this title; and*

24 (2) *developed, maintained, or revised after the*
25 *date of enactment of this title.*