

109TH CONGRESS
2D SESSION

S. 2615

To provide equitable treatment for the people of the Village Corporation established for the Native Village of Saxman, Alaska, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2006

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide equitable treatment for the people of the Village Corporation established for the Native Village of Saxman, Alaska, 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. FINDINGS.**

4 Congress finds that—

5 (1) the Cape Fox Corporation (referred to in
6 this Act as “Cape Fox”) is a Village Corporation for
7 the Native Village of Saxman, Alaska, organized
8 pursuant to the Alaska Native Claims Settlement
9 Act (43 U.S.C. 1601 et seq.);

1 (2) similar to other Village Corporations in
2 southeast Alaska, under section 16 of that Act (43
3 U.S.C. 1615), Cape Fox could select only 23,040
4 acres from land withdrawn for the purpose of that
5 selection;

6 (3) under section 22(l) of that Act (43 U.S.C.
7 1621(l))—

8 (A) the Village Corporations in southeast
9 Alaska, other than Cape Fox, were restricted
10 with respect to the selection of land within 2
11 miles of a home rule city (as that term is used
12 in that Act); and

13 (B) to protect the watersheds in the vicin-
14 ity, Cape Fox was restricted with respect to the
15 selection of land within 6 miles of the boundary
16 of the home rule city of Ketchikan, Alaska;

17 (4) the 6-mile restriction described in para-
18 graph (3)(B) precluded Cape Fox from selecting val-
19 uable timber land, industrial sites, and other com-
20 mercial property located—

21 (A) within the townships in which the Na-
22 tive Village of Saxman is located, more particu-
23 larly described as T.75 S., T.76 S., R.91 E.,
24 Copper River Meridian; and

1 (B) on surrounding land that is far re-
2 moved from Ketchikan, Alaska, and its water-
3 sheds;

4 (5) as a result of that 6-mile restriction, only
5 the remote, mountainous, northeast corner of the
6 property described in paragraph (4)(A), which is
7 nonproductive and has no known economic value,
8 was available for selection by Cape Fox, as required
9 under section 16(b) of the Alaska Native Claims
10 Settlement Act (43 U.S.C. 1615(b));

11 (6) land selections by Cape Fox under that Act
12 were further limited by the fact that—

13 (A) the Annette Island Indian Reservation
14 is located within the applicable selection area;
15 and

16 (B) land of that reservation is unavailable
17 for selection by Cape Fox;

18 (7) Cape Fox is the only Village Corporation af-
19 fected by the restrictions described in paragraphs
20 (3)(B) and (6);

21 (8) the Secretary of the Interior (referred to in
22 this Act as the “Secretary”) has advised Congress
23 that the predicament of Cape Fox is sufficiently
24 unique to warrant the legislative remedy provided by
25 this Act; and

1 (9) the adjustment of the selections available
 2 and conveyances of land to Cape Fox under the
 3 Alaska Native Claims Settlement Act (43 U.S.C.
 4 1601 et seq.), and the related adjustment of selec-
 5 tions available and conveyances of land to the Re-
 6 gional Corporation for Sealaska established pursuant
 7 to that Act, are in accordance with—

8 (A) the purposes of that Act; and

9 (B) the public interest.

10 **SEC. 2. WAIVER OF CORE TOWNSHIP REQUIREMENT FOR**
 11 **CERTAIN LAND.**

12 Notwithstanding section 16(b) of the Alaska Native
 13 Claims Settlement Act (43 U.S.C. 1615(b)), Cape Fox
 14 shall not be required to select or receive conveyance of the
 15 approximately 160 acres of unconveyed Federal land lo-
 16 cated within sec. 1, T.75 S., R.91 E., Copper River Merid-
 17 ian.

18 **SEC. 3. SELECTION OUTSIDE EXTERIOR SELECTION**
 19 **BOUNDARY.**

20 (a) SELECTION AND CONVEYANCE OF SURFACE ES-
 21 TATE.—Not later than 90 days after the date of enact-
 22 ment of this Act, in addition to land made available for
 23 selection under the Alaska Native Claims Settlement Act
 24 (43 U.S.C. 1601 et seq.), Cape Fox may select, and, on
 25 receiving written notice of the selection, the Secretary

1 shall convey, the approximately 99 acres of the surface
 2 estate of Tongass National Forest land located outside the
 3 exterior selection boundary of Cape Fox (as in existence
 4 on the day before the date of enactment of this Act) and
 5 more particularly described as follows:

6 (1) T.73 S., R.90 E., Copper River Meridian.

7 (2) Of land located in sec. 33—

8 (A) the 38 acres located within the
 9 SW¹/₄SE¹/₄;

10 (B) the 13 acres located within the
 11 NW¹/₄SE¹/₄;

12 (C) the 40 acres located within the
 13 SE¹/₄SE¹/₄; and

14 (D) the 8 acres located within the
 15 SE¹/₄SW¹/₄.

16 (b) CONVEYANCE OF SUBSURFACE ESTATE.—On
 17 conveyance to Cape Fox of the surface estate to the land
 18 identified in subsection (a), the Secretary shall convey to
 19 Sealaska Corporation the subsurface estate to the land.

20 (c) TIMING.—The Secretary shall complete the con-
 21 veyances to Cape Fox and Sealaska Corporation under
 22 this section as soon as practicable after the date on which
 23 the Secretary receives a notice of the selection of Cape
 24 Fox under subsection (a).

25 (d) ENTITLEMENT FULFILLED.—

1 (1) DEFINITION OF APPROVED CONVEYANCE.—

2 The term “approved conveyance” means the convey-
3 ance of the 40 acres described as the SW¹/₄NE¹/₄ of
4 sec. 10, T.74 S., R.90 E., Copper River Meridian,
5 selected and approved for conveyance by the decision
6 of the Bureau of Land Management dated May 3,
7 2000.

8 (2) TREATMENT AS FULL ENTITLEMENT.—The
9 conveyance of land to Cape Fox and Sealaska Cor-
10 poration pursuant to subsection (a) and the ap-
11 proved conveyance shall be considered to fulfill the
12 entitlement of—

13 (A) Cape Fox under section 16 of the
14 Alaska Native Claims Settlement Act (43
15 U.S.C. 1615); and

16 (B) Sealaska Corporation to any sub-
17 surface interest in the land under section 14(f)
18 of that Act (43 U.S.C. 1613(f)).

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