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113TH CONGRESS
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S. 340

[Report No. 113–98]

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

FEBRUARY 14, 2013

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

SEPTEMBER 10, 2013

Reported by Mr. WYDEN, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) **MAPS.**—The term “maps” means the maps
8 entitled “Sealaska Land Entitlement Finalization”,
9 numbered 1 through 17 and dated October 17,
10 2012, and numbered 18 and dated December 21,
11 2012.

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

16 (3) **SECRETARY.**—The term “Secretary” means
17 the Secretary of the Interior.

18 (4) **STATE.**—The term “State” means the State
19 of Alaska.

20 **SEC. 3. FINALIZATION OF ENTITLEMENT.**

21 (a) **IN GENERAL.**—If, not later than 90 days after
22 the date of enactment of this Act, the Secretary receives
23 a corporate resolution adopted by the board of directors
24 of Sealaska agreeing to accept the conveyance of land de-
25 scribed in subsection (b) in accordance with this Act as
26 full and final satisfaction of the remaining land entitle-

1 ment of Sealaska under section 14(h) of the Alaska Native
 2 Claims Settlement Act (43 U.S.C. 1613(h)), the Secretary
 3 shall—

4 (1) implement the provisions of this Act; and

5 (2) charge the entitlement pool under section
 6 14(h)(8) of the Alaska Native Claims Settlement Act
 7 (43 U.S.C. 1613(h)(8)) 70,075 acres, reduced by the
 8 number of acres deducted under subsection (b)(2),
 9 in fulfillment of the remaining land entitlement for
 10 Sealaska under that Act, notwithstanding whether
 11 the surveyed acreage of the 18 parcels of land gen-
 12 erally depicted on the maps as “Sealaska Selections”
 13 and patented under section 4 is less than or more
 14 than 69,585 acres, reduced by the number of acres
 15 deducted under subsection (b)(2).

16 (b) FINAL ENTITLEMENT.—

17 (1) IN GENERAL.—Except as provided in para-
 18 graph (2), the land described in subsection (a) shall
 19 consist of—

20 (A) the 18 parcels of Federal land com-
 21 prising approximately 69,585 acres that is gen-
 22 erally depicted as “Sealaska Selections” on the
 23 maps; and

24 (B) a total of not more than 490 acres of
 25 Federal land for cemetery sites and historical

places comprised of parcels that are applied for
in accordance with section 5.

~~(2) DEDUCTION.—~~

~~(A) IN GENERAL.—~~The Secretary shall deduct from the number of acres of Federal land described in paragraph ~~(1)(A)~~ the number of acres of Federal land for which the Secretary has issued a conveyance during the period beginning on August 1, 2012, and ending on the date of receipt of the resolution under subsection ~~(a)~~.

~~(B) AGREEMENT.—~~The Secretary, the Secretary of Agriculture, and Sealaska shall negotiate in good faith to make a mutually agreeable adjustment to the parcel of Federal land generally depicted on the maps entitled “Sealaska Land Entitlement Finalization”, numbered 1 of 17, and dated October 17, 2012, and the map numbered 18 and dated December 21, 2012, to implement the deduction of acres required by subparagraph ~~(A)~~.

~~(c) EFFECT OF ACCEPTANCE.—~~The resolution filed by Sealaska in accordance with subsection ~~(a)~~ shall—

~~(1)~~ be final and irrevocable; and

(2) without any further administrative action by the Secretary, result in—

(A) the relinquishment of all existing selections made by Sealaska under subsection 14(h)(8) of the Alaska Native Claims Settlement Act (~~43~~ U.S.C. 1613(h)(8)); and

(B) the termination of all withdrawals by section 16 of the Alaska Native Claims Settlement Act (~~43~~ U.S.C. 1615), except to the extent a selection by a Village Corporation under subsections (b) and (d) of section 16 of the Alaska Native Claims Settlement Act (~~43~~ U.S.C. 1615) remains pending, until the date on which those selections are resolved.

(d) FAILURE TO ACCEPT.—If Sealaska fails to file the resolution in accordance with subsection (a)—

(1) the provisions of this Act shall cease to be effective; and

(2) the Secretary shall, not later than 27 months after the date of enactment of this Act, complete the interim conveyance of the remaining land entitlement to Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (~~43~~ U.S.C. 1613(h)(8)) from prioritized selections on file with the Secretary on the date of enactment of this Act.

1 (e) SCOPE OF LAW.—Except as provided in sub-
 2 sections (d) and (f), this Act provides the exclusive author-
 3 ity under which the remaining land entitlement of
 4 Sealaska under section 14(h) of the Alaska Native Claims
 5 Settlement Act (43 U.S.C. 1613(h)) may be fulfilled.

6 (f) EFFECT.—Nothing in this Act affects any land
 7 that is—

8 (1) the subject of an application under sub-
 9 section (h)(1) of section 14 of the Alaska Native
 10 Claims Settlement Act (43 U.S.C. 1613) that is
 11 pending on the date of enactment of this Act; and

12 (2) conveyed in accordance with that sub-
 13 section.

14 **SEC. 4. CONVEYANCES TO SEALASKA.**

15 (a) INTERIM CONVEYANCE.—Subject to valid existing
 16 rights, subsections (c), (d), and (e), section 3(b), and sec-
 17 tion 6(a), the Secretary shall complete the interim convey-
 18 ance of the 18 parcels of Federal land comprising approxi-
 19 mately 69,585 acres generally depicted on the maps by
 20 the date that is 60 days after the date of receipt of the
 21 resolution under section 3(a), subject to the Secretary
 22 identifying and reserving, by the date that is 2 years after
 23 the date of enactment of this Act, any easement that could
 24 have been reserved in accordance with this Act prior to
 25 the interim conveyance.

1 ~~(b) WITHDRAWAL.—~~

2 ~~(1) IN GENERAL.—~~Subject to valid existing
3 rights, the Federal land described in subsection (a)
4 is withdrawn from—

5 ~~(A)~~ all forms of appropriation under the
6 public land laws;

7 ~~(B)~~ location, entry, and patent under the
8 mining laws;

9 ~~(C)~~ disposition under laws relating to min-
10 eral or geothermal leasing; and

11 ~~(D)~~ selection under the Act of July 7,
12 1958 (commonly known as the “Alaska State-
13 hood Act”) (48 U.S.C. note prec. 21; Public
14 Law 85–508).

15 ~~(2) TERMINATION.—~~The withdrawal under
16 paragraph (1) shall remain in effect until—

17 ~~(A)~~ if Sealaska fails to file a resolution in
18 accordance with section 3(a), the date that is
19 90 days after the date of enactment of this Act;
20 or

21 ~~(B)~~ the date on which the Federal land is
22 conveyed under subsection (a).

23 ~~(c) TREATMENT OF LAND CONVEYED.—~~Except as
24 otherwise provided in this Act, any land conveyed to
25 Sealaska under subsection (a) shall be—

(1) considered to be land conveyed by the Secretary under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)); and

(2) subject to all laws (including regulations) applicable to entitlements under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), including section 907(d) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)).

(d) EASEMENTS.—

(1) PUBLIC EASEMENTS.—The deeds of conveyance for the land under subsection (a) shall be subject to the reservation of public easements under section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)).

(2) CONSERVATION EASEMENTS.—

(A) IN GENERAL.—In the deeds of conveyance for the land under subsection (a), the Secretary shall reserve a conservation easement to protect the aquatic and riparian habitat extending 100 feet on each side of the anadromous water bodies depicted as “100 Foot Conservation Easement” on the maps numbered 3, 4, and 6.

1 ~~(B)~~ PROHIBITION.—The commercial har-
 2 vest of timber within the conservation ease-
 3 ments described in subparagraph ~~(A)~~ shall be
 4 prohibited, except that Sealaska may, for the
 5 purpose of harvesting timber outside of the con-
 6 servation easement—

7 (i) maintain roads within the con-
 8 servation easement that are in existence on
 9 the date of enactment of this Act; and

10 (ii) construct temporary roads and
 11 yarding corridors across the conservation
 12 easements in accordance with the applica-
 13 ble National Forest System construction
 14 standards.

15 ~~(C)~~ ADMINISTRATION.—The Secretary of
 16 Agriculture shall administer the conservation
 17 easements described in subparagraph ~~(A)~~.

18 ~~(3)~~ RESEARCH EASEMENT.—In the deed of con-
 19 veyance for the land generally depicted on the map
 20 entitled “Sealaska Land Entitlement Finalization”,
 21 numbered 7 of 17, and dated October 17, 2012, the
 22 Secretary shall reserve an easement—

23 ~~(A)~~ to access and continue Forest Service
 24 research activities on the study plots located on
 25 the land; and

1 ~~(B)~~ that shall remain in effect for a 10-
 2 year period beginning on the date of enactment
 3 of this Act.

4 ~~(4) KOSCUISKO ISLAND ROAD EASEMENT.—~~

5 ~~(A) IN GENERAL.—~~The deeds of convey-
 6 ance for the land on Koscuisko Island under
 7 subsection (a) shall grant to Sealaska an ease-
 8 ment providing access to and use by Sealaska
 9 of the log transfer facility at Shipley Bay on
 10 Koscuisko Island, subject to—

11 (i) the agreement under subparagraph

12 ~~(C)~~; and

13 (ii) the agreement under section 6(b).

14 ~~(B) SCOPE OF THE EASEMENT.—~~The ease-
 15 ment under subparagraph ~~(A)~~ shall enable
 16 Sealaska—

17 (i) to construct, use, and maintain a
 18 road connecting the Forest Service Road
 19 known as “Cape Pole Road” to the Forest
 20 Service Road known as “South Shipley
 21 Bay Road” within the corridor depicted on
 22 the map entitled “Sealaska Land Entitle-
 23 ment Finalization”, numbered 3 of 17, and
 24 dated October 17, 2012;

(ii) to use, maintain, and if necessary, reconstruct the Forest Service Road known as “South Shipley Bay Road” referred to in clause (i) to access the log transfer facility at Shipley Bay; and

(iii) to use, maintain, and expand the log transfer and sort yard facility at Shipley Bay that is within the area depicted on the map entitled “Sealaska Land Entitlement Finalization”, numbered 3 of 17 and dated October 17, 2012.

~~(C) ROADS AND FACILITIES USE AGREEMENT.~~—In addition to the agreement under section 6(b), the Secretary and Sealaska shall enter into an agreement relating to the access, use, maintenance, and improvement of the roads and facilities under this paragraph.

~~(D) DETERMINATION OF LOCATION; LEGAL DESCRIPTION.~~—Sealaska shall—

(i) in consultation with the Secretary, determine the location within the corridor of the centerline of the road described in subparagraph (B)(i); and

(ii) provide to the Secretary a legal description of the centerline acceptable for

1 granting the easement described in sub-
2 paragraph (B)(i).

3 ~~(c) HUNTING, FISHING, AND RECREATION.—~~

4 ~~(1) IN GENERAL.—~~Any land conveyed under
5 subsection (a) that is located outside a withdrawal
6 area designated under section 16(a) of the Alaska
7 Native Claims Settlement Act (43 U.S.C. 1615(a))
8 shall remain open and available to subsistence uses,
9 as that term is defined in section 803 of the Alaska
10 National Interest Lands Conservation Act (16
11 U.S.C. 3113), and noncommercial recreational hunt-
12 ing and fishing and other recreational uses by the
13 public under applicable law—

14 ~~(A)~~ without liability on the part of
15 Sealaska, except for willful acts, to any user as
16 a result of the use; and

17 ~~(B)~~ subject to—

18 ~~(i)~~ any reasonable restrictions that
19 may be imposed by Sealaska on the public
20 use—

21 ~~(I)~~ to ensure public safety;

22 ~~(II)~~ to minimize conflicts between
23 recreational and commercial uses;

24 ~~(III)~~ to protect cultural re-
25 sources;

1 (IV) to conduct scientific re-
2 search; or

3 (V) to provide environmental pro-
4 tection; and

5 (ii) the condition that Sealaska post
6 on any applicable property, in accordance
7 with State law, notices of the restrictions
8 on use.

9 (2) EFFECT.—Access provided to any individual
10 or entity under paragraph (1) shall not—

11 (A) create an interest in any third party in
12 the land conveyed under subsection (a); or

13 (B) provide standing to any third party in
14 any review of, or challenge to, any determina-
15 tion by Sealaska with respect to the manage-
16 ment or development of the land conveyed
17 under subsection (a), except as against
18 Sealaska for the management of public access
19 under paragraph (1).

20 **SEC. 5. CEMETERY SITES AND HISTORICAL PLACES.**

21 (a) IN GENERAL.—Notwithstanding section
22 14(h)(1)(E) of the Alaska Native Claims Settlement Act
23 (43 U.S.C. 1613(h)(1)(E)), Sealaska may submit applica-
24 tions for the conveyance under section 14(h)(1)(A) of the
25 Alaska Native Claims Settlement Act (43 U.S.C.

1 ~~1613(h)(1)(A))~~ of not more than 76 cemetery sites and
 2 historical places—

3 ~~(1)~~ that are listed in the document entitled
 4 “Sealaska Cemetery Sites and Historical Places”
 5 and dated October 17, 2012;

6 ~~(2)~~ that are cemetery sites and historical places
 7 included in the report by Wilsey and Ham, Inc., en-
 8 titled “1975 Native Cemetery and Historic Sites of
 9 Southeast Alaska (Preliminary Report)” and dated
 10 October 1975;

11 ~~(3)~~ for which Sealaska has not previously sub-
 12 mitted an application; and

13 ~~(4)~~ that are not located within a conservation
 14 system unit (as defined in section 102 of the Alaska
 15 National Interest Lands Conservation Act (16
 16 U.S.C. 3102)).

17 ~~(b) PROCEDURE FOR EVALUATING APPLICATIONS.—~~

18 ~~Except as otherwise provided in this section, the Secretary~~
 19 ~~shall consider all applications submitted under this section~~
 20 ~~in accordance with the criteria and procedures set forth~~
 21 ~~in applicable regulations in effect as of the date of enact-~~
 22 ~~ment of this Act.~~

23 ~~(c) CONVEYANCE.—~~The Secretary may convey ceme-
 24 tery sites and historical places under this section that re-

1 sult in the conveyance of a total of approximately 490
 2 acres of Federal land comprised of parcels that are—

3 ~~(1)~~ applied for in accordance with this section;

4 and

5 ~~(2)~~ subject to—

6 ~~(A)~~ valid existing rights;

7 ~~(B)~~ the public access provisions of sub-
 8 section ~~(g)~~;

9 ~~(C)~~ the condition that the conveyance of
 10 land for the site listed under subsection ~~(a)(1)~~
 11 as “Bay of Pillars Portage” is limited to 25
 12 acres in T.60 S., R.72 E., Sec. 28, Copper
 13 River Meridian; and

14 ~~(D)~~ the condition that any access to or use
 15 of the cemetery sites and historical places shall
 16 be consistent with the management plans for
 17 adjacent public land, if the management plans
 18 are more restrictive than the laws (including
 19 regulations) applicable under subsection ~~(i)~~.

20 ~~(d)~~ TIMELINE.—No application for a cemetery site
 21 or historical place may be submitted under subsection ~~(a)~~
 22 after the date that is 2 years after the date of enactment
 23 of this Act.

24 ~~(e)~~ CONSULTATION WITH RECOGNIZED TRIBAL EN-
 25 TITY.—Sealaska shall—

1 (1) consult with any affected federally recog-
 2 nized Indian tribe before submitting any application
 3 for a cemetery site or historical place located within
 4 the traditional territory of the Indian tribe; and

5 (2) include with each application described in
 6 paragraph (1) a statement that the required con-
 7 sultation was carried out in accordance with that
 8 paragraph.

9 (f) SELECTION OF ADDITIONAL CEMETERY SITES.—

10 If Sealaska submits timely applications to the Secretary
 11 in accordance with subsections (a), (d), and (e), for all
 12 76 sites listed under subsection (a)(1), and the Secretary
 13 rejects any of those applications in whole or in part—

14 (1) not later than 2 years after the date on
 15 which the Secretary completes the conveyance of eli-
 16 gible cemetery sites and historical places applied for
 17 under subsection (a), and subject to subsection (e),
 18 Sealaska may submit applications for the conveyance
 19 under section 14 (h)(1)(A) of the Alaska Native
 20 Claims Settlement Act (43 U.S.C. 1613(h)(1)(A)) of
 21 additional cemetery sites that are not located in a
 22 conservation system unit described in (a)(4), the
 23 total acreage of which, together with the cemetery
 24 sites and historical places previously conveyed by the

1 Secretary under subsection (c), shall not exceed 490
2 acres; and

3 ~~(2) the Secretary shall—~~

4 ~~(A) consider any applications for the con-~~
5 ~~veyance of additional cemetery sites in accord-~~
6 ~~ance with subsection (b); and~~

7 ~~(B) if the applications are approved, pro-~~
8 ~~vide for the conveyance of the sites in accord-~~
9 ~~ance with subsection (c).~~

10 ~~(g) PUBLIC ACCESS.—~~

11 ~~(1) IN GENERAL.—Subject to paragraph (2),~~
12 ~~any land conveyed under this section shall be subject~~
13 ~~to—~~

14 ~~(A) the reservation of public easements~~
15 ~~under section 17(b) of the Alaska Native~~
16 ~~Claims Settlement Act (43 U.S.C. 1616(b));~~

17 ~~(B) public access across the conveyed land~~
18 ~~in cases in which no reasonable alternative ac-~~
19 ~~cess around the land is available, without liabil-~~
20 ~~ity to Sealaska, except for willful acts, to any~~
21 ~~user by reason of the use; and~~

22 ~~(C) public access within 25 feet of any~~
23 ~~Class I stream described in section 705(e) of~~
24 ~~the Alaska National Interest Lands Conserva-~~
25 ~~tion Act (16 U.S.C. 539d(e)) for noncommercial~~

1 recreational and subsistence fishing, without li-
 2 ability to Sealaska, except for willful acts, to
 3 any user by reason of the use.

4 (2) LIMITATIONS.—The public access and use
 5 under subparagraphs (B) and (C) of paragraph (1)
 6 shall be subject to—

7 (A) any reasonable restrictions that may
 8 be imposed by Sealaska on the public access
 9 and use—

10 (i) to ensure public safety;

11 (ii) to protect and conduct research on
 12 the historic, archaeological, and cultural
 13 resources of the conveyed land; or

14 (iii) to provide environmental protec-
 15 tion;

16 (B) the condition that Sealaska post on
 17 any applicable property, in accordance with
 18 State law, notices of the restrictions on the
 19 public access and use; and

20 (C) the condition that the public access
 21 and use shall not be incompatible with or in
 22 derogation of the values of the area as a ceme-
 23 tery site or historical place, as provided in sec-
 24 tion 2653.11 of title 43, Code of Federal Regu-
 25 lations (or a successor regulation).

1 ~~(3) EFFECT.—~~Access provided to any individual
 2 or entity by paragraph (1) shall not—

3 ~~(A) create an interest in any third party in~~
 4 ~~the land conveyed under this section; or~~

5 ~~(B) provide standing to any third party in~~
 6 ~~any review of, or challenge to, any determina-~~
 7 ~~tion by Sealaska with respect to the manage-~~
 8 ~~ment or development of the land conveyed~~
 9 ~~under this section, except as against Sealaska~~
 10 ~~for the management of public access under~~
 11 ~~paragraph (2).~~

12 ~~(h) PROHIBITION ON TRANSFER OR LOSS.—~~

13 ~~(1) PROHIBITION ON TRANSFER.—~~Notwith-
 14 ~~standing any other provision of law, Sealaska shall~~
 15 ~~not—~~

16 ~~(A) alienate, transfer, assign, mortgage, or~~
 17 ~~pledge any cemetery site or historical place con-~~
 18 ~~veyed under this section to any person or entity~~
 19 ~~other than the United States; or~~

20 ~~(B) permit development or improvement of~~
 21 ~~the cemetery site or historical place for any use~~
 22 ~~which is incompatible with, or is in derogation~~
 23 ~~of, the values of the area as a cemetery site or~~
 24 ~~historical place.~~

1 (2) PROHIBITION ON LOSS.—Notwithstanding
 2 any other provision of law, any cemetery site or his-
 3 torical place conveyed to Sealaska under this section
 4 shall be exempt from—

5 (A) adverse possession and similar claims
 6 based on estoppel;

7 (B) real property taxes by any govern-
 8 mental entity;

9 (C) title 11 of the United States Code or
 10 a successor law, any other insolvency or mora-
 11 torium law, or any other law generally affecting
 12 creditors' rights;

13 (D) judgments in any action at law or in
 14 equity to recover sums owed or penalties in-
 15 curred by Sealaska or any employee, officer, di-
 16 rector, or shareholder of Sealaska; and

17 (E) involuntary distributions or convey-
 18 ances to any person or entity other than the
 19 United States related to the involuntary dis-
 20 solution of Sealaska.

21 (i) TREATMENT OF LAND CONVEYED.—Except as
 22 otherwise provided in this Act, any land conveyed to
 23 Sealaska under this section shall be—

1 (1) considered land conveyed by the Secretary
 2 under section 14(h)(1) of the Alaska Native Claims
 3 Settlement Act (~~43 U.S.C. 1613(h)(1)~~); and

4 (2) subject to all laws (including regulations)
 5 applicable to conveyances under section 14(h)(1) of
 6 the Alaska Native Claims Settlement Act (~~43 U.S.C.~~
 7 ~~1613(h)(1)~~), including section 907(d) of the Alaska
 8 National Interest Lands Conservation Act (~~43~~
 9 ~~U.S.C. 1636(d)~~).

10 **SEC. 6. MISCELLANEOUS.**

11 (a) SPECIAL USE AUTHORIZATIONS.—

12 (1) IN GENERAL.—On the conveyance of land
 13 to Sealaska under section 4(a)—

14 (A) any guiding or outfitting special use
 15 authorization issued by the Forest Service for
 16 the use of the conveyed land shall terminate;
 17 and

18 (B) as a condition of the conveyance and
 19 consistent with section 14(g) of the Alaska Na-
 20 tive Claims Settlement Act (~~43 U.S.C.~~
 21 ~~1613(g)~~), Sealaska shall allow the holder of the
 22 special use authorization terminated under sub-
 23 paragraph (A) to continue the authorized use,
 24 subject to the terms and conditions that were in

the special use authorization issued by the Forest Service, for—

(i) the remainder of the term of the authorization; and

(ii) 1 additional consecutive 10-year renewal period.

(2) NOTICE OF COMMERCIAL ACTIVITIES.—

Sealaska and any holder of a guiding or outfitting authorization under this subsection shall have a mutual obligation, subject to the guiding or outfitting authorization, to inform the other party of any commercial activities prior to engaging in the activities on the land conveyed to Sealaska under section 4(a).

(3) NEGOTIATION OF NEW TERMS.—

Nothing in this subsection precludes Sealaska and the holder of a guiding or outfitting authorization from negotiating a new mutually agreeable guiding or outfitting authorization.

(4) LIABILITY.—

Neither Sealaska nor the United States shall bear any liability, except for willful acts of Sealaska or the United States, regarding the use and occupancy of any land conveyed to Sealaska under this Act, as provided in any outfitting or guiding authorization under this subsection.

1 (b) ~~ROADS AND FACILITIES.~~—Not later than 1 year
 2 after the date of enactment of this Act, the Secretary of
 3 Agriculture and Sealaska shall negotiate in good faith to
 4 develop a binding agreement—

5 (1) for the use of National Forest System roads
 6 and related transportation facilities by Sealaska; and

7 (2) the use of Sealaska roads and related trans-
 8 portation facilities by the Forest Service.

9 (c) ~~TRADITIONAL TRADE AND MIGRATION ROUTE~~
 10 ~~DESIGNATIONS.~~—

11 (1) ~~DESIGNATIONS.~~—

12 (A) ~~THE INSIDE PASSAGE.~~—The route
 13 from Yakutat to Dry Bay, as generally depicted
 14 on the map entitled “Traditional Trade and Mi-
 15 gration Route, Neix naax aan náx—The Inside
 16 Passage” and dated October 17, 2012, is des-
 17 ignated as “Neix naax aan náx” (“The Inside
 18 Passage”).

19 (B) ~~CANOE ROAD.~~—The route from the
 20 Bay of Pillars to Port Camden, as generally de-
 21 picted on the map entitled “Traditional Trade
 22 and Migration Route, Yakwdeiyí—Canoe Road”
 23 and dated October 17, 2012, is designated as
 24 “Yakwdeiyí” (“Canoe Road”).

(C) THE PEOPLE’S ROAD.—The route from Portage Bay to Duncan Canal, as generally depicted on the map entitled “Traditional Trade and Migration Route, Lingít Deiyí—The People’s Road” and dated October 17, 2012, is designated “Lingít Deiyí” (“The People’s Road”).

(2) ACCESS TO TRADITIONAL TRADE AND MIGRATION ROUTES.—The culturally and historically significant trade and migration routes designated by paragraph (1) shall be open to travel by Sealaska and the public in accordance with applicable law, subject to such terms, conditions, and special use authorizations as the Secretary of Agriculture may require.

(d) EFFECT ON OTHER LAWS.—

(1) IN GENERAL.—Nothing in this Act delays the duty of the Secretary to convey land to—

(A) the State under the Act of July 7, 1958 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21; Public Law 85–508); or

(B) a Native Corporation under—

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

1 (ii) the Alaska Land Transfer Accel-
 2 eration Act (43 U.S.C. 1611 note; Public
 3 Law 108-452).

4 (2) CONVEYANCES.—The Secretary shall
 5 promptly proceed with the conveyance of all land
 6 necessary to fulfill the final entitlement of all Native
 7 Corporations in accordance with—

8 (A) the Alaska Native Claims Settlement
 9 Act (43 U.S.C. 1601 et seq.); and

10 (B) the Alaska Land Transfer Acceleration
 11 Act (43 U.S.C. 1611 note; Public Law 108-
 12 452).

13 (c) ESCROW FUNDS.—If Sealaska files the resolution
 14 in accordance with section 3(a)—

15 (1) the escrow requirements of section 2 of
 16 Public Law 94-204 (43 U.S.C. 1613 note) shall
 17 apply to proceeds (including interest) derived from
 18 the land withdrawn under section 4(b) from the date
 19 of receipt of the resolution; and

20 (2) Sealaska shall have no right to any proceeds
 21 (including interest) held pursuant to the escrow re-
 22 quirements of section 2 of Public Law 94-204 (43
 23 U.S.C. 1613 note) that were derived from land origi-
 24 nally withdrawn for selection by section 16 of the

1 Alaska Native Claims Settlement Act (43 U.S.C.
2 1615), but not conveyed.

3 ~~(f) MAPS.—~~

4 (1) AVAILABILITY.—Each map referred to in
5 this Act shall be available in the appropriate offices
6 of the Secretary and the Secretary of Agriculture.

7 (2) CORRECTIONS.—The Secretary of Agri-
8 culture may make any necessary correction to a cler-
9 ical or typographical error in a map referred to in
10 this Act.

11 **SEC. 7. CONSERVATION AREAS.**

12 (a) LUD II MANAGEMENT AREAS.—If Sealaska files
13 a resolution in accordance with section 3(a), section 508
14 of the Alaska National Interest Lands Conservation Act
15 (Public Law 96–487; 104 Stat. 4428) is amended by add-
16 ing at the end the following:

17 “(13) BAY OF PILLARS.—Certain land which
18 comprises approximately 21,106 acres, as generally
19 depicted on the map entitled ‘Bay of Pillars LUD II
20 Management Area—Proposed’ and dated October
21 17, 2012.

22 “(14) KUSHNEAHN CREEK.—Certain land
23 which comprises approximately 36,624 acres, as gen-
24 erally depicted on the map entitled ‘Kushneahn

1 Creek LUD II Management Area—Proposed’ and
2 dated October 17, 2012.

3 “(15) NORTHERN PRINCE OF WALES.—Certain
4 land which comprises approximately 9,064 acres, as
5 generally depicted on the map entitled ‘Northern
6 Prince of Wales LUD II Management Area—Pro-
7 posed’ and dated October 17, 2012.

8 “(16) WESTERN KOSCIUSKO.—Certain land
9 which comprises approximately 7,786 acres, as gen-
10 erally depicted on the map entitled ‘Western Kos-
11 ciusko LUD II Management Area—Proposed’ and
12 dated October 17, 2012.

13 “(17) EASTERN KOSCIUSKO.—Certain land
14 which comprises approximately 1,664 acres, as gen-
15 erally depicted on the map entitled ‘Eastern Kos-
16 ciusko LUD II Management Area—Proposed’ and
17 dated October 17, 2012.

18 “(18) SARKAR LAKES.—Certain land which
19 comprises approximately 25,402 acres, as generally
20 depicted on the map entitled ‘Sarkar Lakes LUD II
21 Management Area—Proposed’ and dated October
22 17, 2012.

23 “(19) HONKER DIVIDE.—Certain land which
24 comprises approximately 15,584 acres, as generally
25 depicted on the map entitled ‘Honker Divide LUD

1 H Management Area—Proposed’ and dated October
2 17, 2012.

3 “(20) ~~Eek Lake and Sukkwan Island.~~—Cer-
4 tain land which comprises approximately 34,873
5 acres, as generally depicted on the map entitled ‘Eek
6 Lake and Sukkwan Island LUD H Management
7 Area—Proposed’ and dated October 17, 2012.’.”

8 (b) ~~NO BUFFER ZONES.~~—

9 (1) ~~IN GENERAL.~~—The designation of the con-
10 servation areas by paragraphs (13) through (20) of
11 section 508 of the Alaska National Interest Lands
12 Conservation Act (Public Law 96-487; 104 Stat.
13 4428) (as added by subsection (a)) (referred to in
14 this subsection as the “conservation areas”) is not
15 intended to lead to the creation of protective perim-
16 eters or buffer zones around the conservation areas.

17 (2) ~~OUTSIDE ACTIVITIES.~~—The fact that activi-
18 ties outside of the conservation areas are not con-
19 sistent with the purposes of the conservation areas
20 or can be seen or heard within the conservation
21 areas shall not preclude the activities or uses outside
22 the boundary of the conservation areas.

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Southeast Alaska Native*
25 *Land Entitlement Finalization and Jobs Protection Act”.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *MAPS.*—*The term “maps” means the maps*
 4 *entitled “Sealaska Land Entitlement Finalization”,*
 5 *numbered 1 through 18, and dated June 14, 2013.*

6 (2) *SEALASKA.*—*The term “Sealaska” means the*
 7 *Sealaska Corporation, a Regional Native Corporation*
 8 *established under the Alaska Native Claims Settle-*
 9 *ment Act (43 U.S.C. 1601 et seq.).*

10 (3) *SECRETARY.*—*The term “Secretary” means*
 11 *the Secretary of the Interior.*

12 (4) *STATE.*—*The term “State” means the State*
 13 *of Alaska.*

14 **SEC. 3. FINALIZATION OF ENTITLEMENT.**

15 (a) *IN GENERAL.*—*If, not later than 90 days after the*
 16 *date of enactment of this Act, the Secretary receives a cor-*
 17 *porate resolution adopted by the board of directors of*
 18 *Sealaska agreeing to accept the conveyance of land described*
 19 *in subsection (b) in accordance with this Act as full and*
 20 *final satisfaction of the remaining land entitlement of*
 21 *Sealaska under section 14(h) of the Alaska Native Claims*
 22 *Settlement Act (43 U.S.C. 1613(h)), the Secretary shall—*

23 (1) *implement the provisions of this Act; and*

24 (2) *charge the entitlement pool under section*
 25 *14(h)(8) of the Alaska Native Claims Settlement Act*
 26 *(43 U.S.C. 1613(h)(8)) 70,075 acres, reduced by the*

1 *number of acres deducted under subsection (b)(2), in*
 2 *fulfillment of the remaining land entitlement for*
 3 *Sealaska under that Act, notwithstanding whether the*
 4 *surveyed acreage of the 18 parcels of land generally*
 5 *depicted on the maps as “Sealaska Selections” and*
 6 *patented under section 4 is less than or more than*
 7 *69,585 acres, reduced by the number of acres deducted*
 8 *under subsection (b)(2).*

9 *(b) FINAL ENTITLEMENT.—*

10 *(1) IN GENERAL.—Except as provided in para-*
 11 *graph (2), the 70,075 acres of land described in sub-*
 12 *section (a) shall consist of—*

13 *(A) the 18 parcels of Federal land com-*
 14 *prising approximately 69,585 acres that is gen-*
 15 *erally depicted as “Sealaska Selections” on the*
 16 *maps; and*

17 *(B) a total of not more than 490 acres of*
 18 *Federal land for cemetery sites and historical*
 19 *places comprised of parcels that are applied for*
 20 *in accordance with section 5.*

21 *(2) DEDUCTION.—*

22 *(A) IN GENERAL.—The Secretary shall de-*
 23 *duct from the number of acres of Federal land*
 24 *described in paragraph (1)(A) the number of*
 25 *acres of Federal land for which the Secretary has*

1 *issued a conveyance under section 14(h)(8) of the*
 2 *Alaska Native Claims Settlement Act (43 U.S.C.*
 3 *1613(h)(8)) during the period beginning on Au-*
 4 *gust 1, 2012, and ending on the date of receipt*
 5 *of the resolution under subsection (a).*

6 *(B) AGREEMENT.—The Secretary, the Sec-*
 7 *retary of Agriculture, and Sealaska shall nego-*
 8 *tiate in good faith to make a mutually agreeable*
 9 *adjustment to the parcel of Federal land gen-*
 10 *erally depicted on the maps numbered 1 and 18*
 11 *to implement the deduction of acres required by*
 12 *subparagraph (A).*

13 *(c) EFFECT OF ACCEPTANCE.—The resolution filed by*
 14 *Sealaska in accordance with subsection (a) shall—*

15 *(1) be final and irrevocable; and*

16 *(2) without any further administrative action by*
 17 *the Secretary, result in—*

18 *(A) the relinquishment of all existing selec-*
 19 *tions made by Sealaska under subsection*
 20 *14(h)(8) of the Alaska Native Claims Settlement*
 21 *Act (43 U.S.C. 1613(h)(8)); and*

22 *(B) the termination of all withdrawals by*
 23 *section 16 of the Alaska Native Claims Settle-*
 24 *ment Act (43 U.S.C. 1615), except to the extent*
 25 *a selection by a Village Corporation under sub-*

1 sections (b) and (d) of section 16 of the Alaska
 2 Native Claims Settlement Act (43 U.S.C. 1615)
 3 remains pending, until the date on which those
 4 selections are resolved.

5 (d) *FAILURE TO ACCEPT*.—If Sealaska fails to file the
 6 resolution in accordance with subsection (a)—

7 (1) the provisions of this Act shall cease to be ef-
 8 fective, except as otherwise provided in this section;

9 (2) the Secretary shall, not later than 5 years
 10 after the date of enactment of this Act, complete the
 11 interim conveyance of the remaining land entitlement
 12 to Sealaska under section 14(h)(8) of the Alaska Na-
 13 tive Claims Settlement Act (43 U.S.C. 1613(h)(8))
 14 from prioritized selections on file with the Secretary
 15 on the date of enactment of this Act; and

16 (3)(A) the remaining land entitlement of
 17 Sealaska under section 14(h)(8) of the Alaska Native
 18 Claims Settlement Act (43 U.S.C. 1613(h)(8)) shall be
 19 70,075 acres, provided that the Secretary shall deduct
 20 the number of acres of Federal land for which the Sec-
 21 retary has issued a conveyance under section 14(h)(8)
 22 of that Act (43 U.S.C. 1613(h)(8)) during the period
 23 beginning on August 1, 2012, and ending 90 days
 24 after the date of enactment of this Act; and

1 (B) if the Governor of the State does not approve
 2 the prioritized selections of Sealaska in the Saxman
 3 or Yakutat withdrawal areas as required by sub-
 4 section 14(h)(8)(B) of the Alaska Native Claims Set-
 5 tlement Act (43 U.S.C. 1613(h)(8)(B)) by the date
 6 that is 42 months after the date of enactment of this
 7 Act, the Secretary shall reject those selections and ful-
 8 fill the remaining land entitlement of Sealaska from
 9 the remaining prioritized selections on file with the
 10 Secretary on the date of enactment of this Act.

11 (e) *SCOPE OF LAW.*—Except as provided in subsections
 12 (d) and (f), this Act provides the exclusive authority under
 13 which the remaining land entitlement of Sealaska under
 14 section 14(h) of the Alaska Native Claims Settlement Act
 15 (43 U.S.C. 1613(h)) may be fulfilled.

16 (f) *EFFECT.*—Nothing in this Act affects any land that
 17 is—

18 (1) the subject of an application under subsection
 19 (h)(1) of section 14 of the Alaska Native Claims Set-
 20 tlement Act (43 U.S.C. 1613) that is pending on the
 21 date of enactment of this Act; and

22 (2) conveyed in accordance with that subsection.

23 **SEC. 4. CONVEYANCES TO SEALASKA.**

24 (a) *INTERIM CONVEYANCE.*—

1 (1) *IN GENERAL.*—Subject to valid existing
 2 rights, subsections (c), (d), and (e), section 3(b), and
 3 section 6(a), the Secretary shall complete the interim
 4 conveyance of the 18 parcels of Federal land com-
 5 prising approximately 69,585 acres generally depicted
 6 on the maps by the date that is 60 days after the date
 7 of receipt of the resolution under section 3(a), subject
 8 to the Secretary identifying and reserving, by the date
 9 that is 2 years after the date of enactment of this Act,
 10 any easement under section 17(b) of the Alaska Na-
 11 tive Claims Settlement Act (43 U.S.C. 1616(b)) that
 12 could have been reserved prior to the interim convey-
 13 ance.

14 (2) *FAILURE TO RESERVE EASEMENTS BY DEAD-*
 15 *LINE.*—If the Secretary does not complete the reserva-
 16 tion of easements under paragraph (1) by the date
 17 that is 2 years after the date of enactment of this Act,
 18 the Secretary shall reserve the easements as soon as
 19 practicable after that date.

20 (b) *WITHDRAWAL.*—

21 (1) *IN GENERAL.*—Subject to valid existing
 22 rights, the Federal land described in subsection (a) is
 23 withdrawn from—

24 (A) all forms of appropriation under the
 25 public land laws;

1 (B) location, entry, and patent under the
2 mining laws;

3 (C) disposition under laws relating to min-
4 eral or geothermal leasing; and

5 (D) selection under the Act of July 7, 1958
6 (commonly known as the “Alaska Statehood
7 Act”) (48 U.S.C. note prec. 21; Public Law 85–
8 508).

9 (2) *TERMINATION*.—The withdrawal under para-
10 graph (1) shall remain in effect until—

11 (A) if Sealaska fails to file a resolution in
12 accordance with section 3(a), the date that is 90
13 days after the date of enactment of this Act; or

14 (B) the date on which the Federal land is
15 conveyed under subsection (a).

16 (c) *TREATMENT OF LAND CONVEYED*.—Except as oth-
17 erwise provided in this Act, any land conveyed to Sealaska
18 under subsection (a) shall be—

19 (1) considered to be land conveyed by the Sec-
20 retary under section 14(h)(8) of the Alaska Native
21 Claims Settlement Act (43 U.S.C. 1613(h)(8)); and

22 (2) subject to all laws (including regulations)
23 applicable to entitlements under section 14(h)(8) of
24 the Alaska Native Claims Settlement Act (43 U.S.C.
25 1613(h)(8)), including section 907(d) of the Alaska

1 *National Interest Lands Conservation Act (43 U.S.C.*
 2 *1636(d)).*

3 *(d) EASEMENTS.—*

4 *(1) PUBLIC EASEMENTS.—*

5 *(A) IN GENERAL.—The interim conveyance*
 6 *and patents for the land under subsection (a)*
 7 *shall be subject to the reservation of public ease-*
 8 *ments under section 17(b) of the Alaska Native*
 9 *Claims Settlement Act (43 U.S.C. 1616(b)).*

10 *(B) TERMINATION.—No public easement re-*
 11 *served on land conveyed under subsection (a)*
 12 *shall be terminated without publication of notice*
 13 *of the proposed termination in the Federal Reg-*
 14 *ister.*

15 *(C) RESERVATION OF EASEMENTS.—In the*
 16 *interim conveyance and patents for the land*
 17 *under subsection (a), the Secretary shall reserve*
 18 *the right of the Secretary to amend the interim*
 19 *conveyance and patents to include reservations of*
 20 *public easements under section 17(b) of the Alas-*
 21 *ka Native Claims Settlement Act (43 U.S.C.*
 22 *1616(b)) until the completion of the easement*
 23 *reservation process.*

24 *(2) CONSERVATION EASEMENTS.—*

1 (A) *IN GENERAL.*—*In the interim convey-*
2 *ance and patents for the land under subsection*
3 *(a), the Secretary shall reserve a conservation*
4 *easement to protect the aquatic and riparian*
5 *habitat extending 100 feet on each side of the*
6 *anadromous water bodies depicted as “100 Foot*
7 *Conservation Easement” on the maps numbered*
8 *3, 4, and 6.*

9 (B) *PROHIBITION.*—*The commercial harvest*
10 *of timber within the conservation easements de-*
11 *scribed in subparagraph (A) shall be prohibited,*
12 *except that Sealaska may, for the purpose of har-*
13 *vesting timber outside of the conservation ease-*
14 *ment—*

15 (i) *maintain roads within the con-*
16 *servation easement that are in existence on*
17 *the date of enactment of this Act; and*

18 (ii) *construct temporary roads and*
19 *yarding corridors across the conservation*
20 *easements in accordance with the applicable*
21 *National Forest System construction stand-*
22 *ards.*

23 (C) *ADMINISTRATION.*—*The Secretary of*
24 *Agriculture shall administer the conservation*
25 *easements described in subparagraph (A).*

1 (3) *RESEARCH EASEMENT.*—*In the interim con-*
 2 *veyance and patent for the land generally depicted on*
 3 *the map numbered 7, the Secretary shall reserve an*
 4 *easement—*

5 (A) *to access and continue Forest Service*
 6 *research activities on the study plots located on*
 7 *the land; and*

8 (B) *that shall remain in effect for a 10-year*
 9 *period beginning on the date of enactment of this*
 10 *Act.*

11 (4) *KOSCUISKO ISLAND ROAD EASEMENT.*—

12 (A) *IN GENERAL.*—*Concurrently with the*
 13 *conveyance of land under subsection (a), the Sec-*
 14 *retary shall grant to Sealaska an easement on*
 15 *Koscuisko Island providing access to and use by*
 16 *Sealaska of the sort yard and all other upland*
 17 *facilities at the sort yard that are associated*
 18 *with the transfer of logs to the marine environ-*
 19 *ment, subject to—*

20 (i) *the agreement under subparagraph*

21 (C); *and*

22 (ii) *the agreement under section 6(b).*

23 (B) *SCOPE OF THE EASEMENT.*—*The ease-*
 24 *ment under subparagraph (A) shall enable*
 25 *Sealaska—*

1 (i) to construct, use, and maintain a
 2 road connecting the National Forest System
 3 Road known as “Cape Pole Road” to the
 4 National Forest System Road known as
 5 “South Shipley Bay Road” within the cor-
 6 ridor depicted on the map numbered 3;

7 (ii) to use, maintain, and if necessary,
 8 reconstruct the National Forest System
 9 Road known as “South Shipley Bay Road”
 10 referred to in clause (i) to access the sort
 11 yard and associated upland facilities at
 12 Shipley Bay; and

13 (iii) to use, maintain, and expand the
 14 sort yard and associated upland facilities at
 15 Shipley Bay that are within the area de-
 16 picted on the map numbered 3.

17 (C) *ROADS AND FACILITIES USE AGREE-*
 18 *MENT.*—In addition to the agreement under sec-
 19 tion 6(b), the Secretary of Agriculture and
 20 Sealaska shall enter into an agreement relating
 21 to the access, use, maintenance, and improve-
 22 ment of the roads and facilities under this para-
 23 graph.

1 (D) *EFFECT.*—*Nothing in this paragraph*
 2 *preempts or otherwise affects State or local regu-*
 3 *latory authority.*

4 (e) *HUNTING, FISHING, AND RECREATION.*—

5 (1) *IN GENERAL.*—*Any land conveyed under sub-*
 6 *section (a) that is located outside a withdrawal area*
 7 *designated under section 16(a) of the Alaska Native*
 8 *Claims Settlement Act (43 U.S.C. 1615(a)) shall re-*
 9 *main open and available to subsistence uses, non-*
 10 *commercial recreational hunting and fishing, and*
 11 *other noncommercial recreational uses by the public*
 12 *under applicable law—*

13 (A) *without liability on the part of*
 14 *Sealaska, except for willful acts, to any user as*
 15 *a result of the use; and*

16 (B) *subject to—*

17 (i) *any reasonable restrictions that*
 18 *may be imposed by Sealaska on the public*
 19 *use—*

20 (I) *to ensure public safety;*

21 (II) *to minimize conflicts between*
 22 *recreational and commercial uses;*

23 (III) *to protect cultural resources;*

24 (IV) *to conduct scientific research;*

25 *or*

1 (V) to provide environmental pro-
 2 tection; and

3 (ii) the condition that Sealaska post on
 4 any applicable property, in accordance with
 5 State law, notices of the restrictions on use.

6 (2) *EFFECT.*—Access provided to any individual
 7 or entity under paragraph (1) shall not—

8 (A) create an interest in any third party in
 9 the land conveyed under subsection (a); or

10 (B) provide standing to any third party in
 11 any review of, or challenge to, any determination
 12 by Sealaska with respect to the management or
 13 development of the land conveyed under sub-
 14 section (a), except as against Sealaska for the
 15 management of public access under paragraph
 16 (1).

17 **SEC. 5. CEMETERY SITES AND HISTORICAL PLACES.**

18 (a) *IN GENERAL.*—Notwithstanding section
 19 14(h)(1)(E) of the Alaska Native Claims Settlement Act (43
 20 U.S.C. 1613(h)(1)(E)), Sealaska may submit applications
 21 for the conveyance under section 14(h)(1)(A) of the Alaska
 22 Native Claims Settlement Act (43 U.S.C. 1613(h)(1)(A)) of
 23 not more than 76 cemetery sites and historical places—

1 (1) *that are listed in the document entitled*
 2 *“Sealaska Cemetery Sites and Historical Places” and*
 3 *dated October 17, 2012;*

4 (2) *that are cemetery sites and historical places*
 5 *included in the report by Wilsey and Ham, Inc., enti-*
 6 *tled “1975 Native Cemetery and Historic Sites of*
 7 *Southeast Alaska (Preliminary Report)” and dated*
 8 *October 1975;*

9 (3) *for which Sealaska has not previously sub-*
 10 *mitted an application; and*

11 (4) *that are not located within a conservation*
 12 *system unit (as defined in section 102 of the Alaska*
 13 *National Interest Lands Conservation Act (16 U.S.C.*
 14 *3102)).*

15 (b) *PROCEDURE FOR EVALUATING APPLICATIONS.—*
 16 *Except as otherwise provided in this section, the Secretary*
 17 *shall consider all applications submitted under this section*
 18 *in accordance with the criteria and procedures set forth in*
 19 *applicable regulations in effect as of the date of enactment*
 20 *of this Act.*

21 (c) *CONVEYANCE.—If approved under the procedures*
 22 *described in subsection (b), the Secretary shall convey ceme-*
 23 *tery sites and historical places that result in the conveyance*
 24 *of a total of approximately 490 acres of Federal land com-*
 25 *prised of parcels that are—*

1 (1) *applied for in accordance with this section;*

2 *and*

3 (2) *subject to—*

4 (A) *valid existing rights;*

5 (B) *the public access provisions of sub-*
6 *section (g);*

7 (C) *the condition that the conveyance of*
8 *land for the site listed under subsection (a)(1) as*
9 *“Bay of Pillars Portage” is limited to not more*
10 *than 25 acres in T.60 S., R.72 E., Sec. 28, Cop-*
11 *per River Meridian; and*

12 (D) *the condition that any access to or use*
13 *of the cemetery sites and historical places shall*
14 *be consistent with the management plans for ad-*
15 *acent public land, if the management plans are*
16 *more restrictive than the laws (including regula-*
17 *tions) applicable under subsection (i).*

18 (d) *TIMELINE.—No application for a cemetery site or*
19 *historical place may be submitted under subsection (a) after*
20 *the date that is 2 years after the date of enactment of this*
21 *Act.*

22 (e) *CONSULTATION WITH RECOGNIZED TRIBAL ENTI-*
23 *TY.—Sealaska shall—*

24 (1) *consult with any affected federally recognized*
25 *Indian tribe before submitting any application for a*

1 cemetery site or historical place located within the vi-
 2 cinity of the Indian tribe; and

3 (2) include with each application described in
 4 paragraph (1) a statement that the required consulta-
 5 tion was carried out in accordance with that para-
 6 graph.

7 (f) *SELECTION OF ADDITIONAL CEMETERY SITES.*—
 8 If Sealaska submits timely applications to the Secretary in
 9 accordance with subsections (a), (d), and (e), for all 76 sites
 10 listed under subsection (a)(1), and the Secretary rejects any
 11 of those applications in whole or in part—

12 (1) not later than 2 years after the date on
 13 which the Secretary completes the conveyance of eligi-
 14 ble cemetery sites and historical places applied for
 15 under subsection (a), and subject to subsection (e),
 16 Sealaska may submit applications for the conveyance
 17 under section 14 (h)(1)(A) of the Alaska Native
 18 Claims Settlement Act (43 U.S.C. 1613(h)(1)(A)) of
 19 additional cemetery sites that are not located in a
 20 conservation system unit described in (a)(4), the total
 21 acreage of which, together with the cemetery sites and
 22 historical places previously conveyed by the Secretary
 23 under subsection (c), shall not exceed 490 acres; and

24 (2) the Secretary shall—

1 (A) consider any applications for the con-
 2 veyance of additional cemetery sites in accord-
 3 ance with subsection (b); and

4 (B) if the applications are approved, pro-
 5 vide for the conveyance of the sites in accordance
 6 with subsection (c).

7 (g) *PUBLIC ACCESS*.—

8 (1) *IN GENERAL*.—Subject to paragraph (2), any
 9 land conveyed under this section shall be subject to—

10 (A) the reservation of public easements
 11 under section 17(b) of the Alaska Native Claims
 12 Settlement Act (43 U.S.C. 1616(b));

13 (B) public access across the conveyed land
 14 in cases in which no reasonable alternative ac-
 15 cess around the land is available, without liabil-
 16 ity to Sealaska, except for willful acts, to any
 17 user by reason of the use; and

18 (C) public access to and along any Class I
 19 stream described in section 705(e) of the Alaska
 20 National Interest Lands Conservation Act (16
 21 U.S.C. 539d(e)) for noncommercial recreational
 22 and subsistence fishing, without liability to
 23 Sealaska, except for willful acts, to any user by
 24 reason of the use.

1 (2) *LIMITATIONS.*—*The public access and use*
 2 *under subparagraphs (B) and (C) of paragraph (1)*
 3 *shall be subject to—*

4 (A) *any reasonable restrictions that may be*
 5 *imposed by Sealaska on the public access and*
 6 *use—*

7 (i) *to ensure public safety;*

8 (ii) *to protect and conduct research on*
 9 *the historic, archaeological, and cultural re-*
 10 *sources of the conveyed land; or*

11 (iii) *to provide environmental protec-*
 12 *tion;*

13 (B) *the condition that Sealaska post on any*
 14 *applicable property, in accordance with State*
 15 *law, notices of the restrictions on the public ac-*
 16 *cess and use; and*

17 (C) *the condition that the public access and*
 18 *use shall not be incompatible with or in deroga-*
 19 *tion of the values of the area as a cemetery site*
 20 *or historical place, as provided in section*
 21 *2653.11 of title 43, Code of Federal Regulations*
 22 *(or a successor regulation).*

23 (3) *EFFECT.*—*Access provided to any individual*
 24 *or entity by paragraph (1) shall not—*

1 (A) create an interest in any third party in
2 the land conveyed under this section; or

3 (B) provide standing to any third party in
4 any review of, or challenge to, any determination
5 by Sealaska with respect to the management or
6 development of the land conveyed under this sec-
7 tion, except as against Sealaska for the manage-
8 ment of public access under paragraph (2).

9 (h) *PROHIBITION ON TRANSFER OR LOSS.*—

10 (1) *PROHIBITION ON TRANSFER.*—Notwith-
11 standing any other provision of law, Sealaska shall
12 not—

13 (A) alienate, transfer, assign, mortgage, or
14 pledge any cemetery site or historical place con-
15 veyed under this section to any person or entity
16 other than the United States; or

17 (B) permit development or improvement of
18 the cemetery site or historical place for any use
19 which is incompatible with, or is in derogation
20 of, the values of the area as a cemetery site or
21 historical place.

22 (2) *PROHIBITION ON LOSS.*—Notwithstanding
23 any other provision of law, any cemetery site or his-
24 torical place conveyed to Sealaska under this section
25 shall be exempt from—

1 (A) *adverse possession and similar claims*
 2 *based on estoppel;*

3 (B) *title 11 of the United States Code or a*
 4 *successor law, any other insolvency or morato-*
 5 *rium law, or any other law generally affecting*
 6 *creditors' rights;*

7 (C) *judgments in any action at law or in*
 8 *equity to recover sums owed or penalties in-*
 9 *curring by Sealaska or any employee, officer, di-*
 10 *rector, or shareholder of Sealaska, except for liens*
 11 *from real property taxes; and*

12 (D) *involuntary distributions or convey-*
 13 *ances to any person or entity other than the*
 14 *United States related to the involuntary dissolu-*
 15 *tion of Sealaska.*

16 (i) *TREATMENT OF LAND CONVEYED.—Except as oth-*
 17 *erwise provided in this Act, any land conveyed to Sealaska*
 18 *under this section shall be—*

19 (1) *considered land conveyed by the Secretary*
 20 *under section 14(h)(1) of the Alaska Native Claims*
 21 *Settlement Act (43 U.S.C. 1613(h)(1)); and*

22 (2) *subject to all laws (including regulations)*
 23 *applicable to conveyances under section 14(h)(1) of*
 24 *the Alaska Native Claims Settlement Act (43 U.S.C.*
 25 *1613(h)(1)), including section 907(d) of the Alaska*

1 *National Interest Lands Conservation Act (43 U.S.C.*
 2 *1636(d)).*

3 **SEC. 6. MISCELLANEOUS.**

4 *(a) SPECIAL USE AUTHORIZATIONS.—*

5 *(1) IN GENERAL.—On the conveyance of land to*
 6 *Sealaska under section 4(a)—*

7 *(A) any guiding or outfitting special use*
 8 *authorization issued by the Forest Service for the*
 9 *use of the conveyed land shall terminate; and*

10 *(B) as a condition of the conveyance and*
 11 *consistent with section 14(g) of the Alaska Native*
 12 *Claims Settlement Act (43 U.S.C. 1613(g)),*
 13 *Sealaska shall issue the holder of the special use*
 14 *authorization terminated under subparagraph*
 15 *(A) an authorization to continue the authorized*
 16 *use, subject to the terms and conditions that were*
 17 *in the special use authorization issued by the*
 18 *Forest Service, for—*

19 *(i) the remainder of the term of the au-*
 20 *thorization; and*

21 *(ii) 1 additional consecutive 10-year*
 22 *renewal period.*

23 *(2) NOTICE OF COMMERCIAL ACTIVITIES.—*
 24 *Sealaska and any holder of a guiding or outfitting*
 25 *authorization under this subsection shall have a mu-*

1 *tual obligation, subject to the guiding or outfitting*
 2 *authorization, to inform the other party of any com-*
 3 *mercial activities prior to engaging in the activities*
 4 *on the land conveyed to Sealaska under section 4(a).*

5 (3) *NEGOTIATION OF NEW TERMS.*—*Nothing in*
 6 *this subsection precludes Sealaska and the holder of a*
 7 *guiding or outfitting authorization from negotiating*
 8 *a new mutually agreeable guiding or outfitting au-*
 9 *thorization.*

10 (4) *LIABILITY.*—*Neither Sealaska nor the United*
 11 *States shall bear any liability, except for willful acts*
 12 *of Sealaska or the United States, regarding the use*
 13 *and occupancy of any land conveyed to Sealaska*
 14 *under this Act, as provided in any outfitting or guid-*
 15 *ing authorization under this subsection.*

16 (b) *ROADS AND FACILITIES.*—*Not later than 1 year*
 17 *after the date of enactment of this Act, the Secretary of Ag-*
 18 *riculture and Sealaska shall negotiate in good faith to de-*
 19 *velop a binding agreement—*

20 (1) *for the use of National Forest System roads*
 21 *and related transportation facilities by Sealaska; and*

22 (2) *the use of Sealaska roads and related trans-*
 23 *portation facilities by the Forest Service.*

24 (c) *TRADITIONAL TRADE AND MIGRATION ROUTES.*—

25 (1) *IDENTIFICATION OF ROUTES.*—

1 (A) *THE INSIDE PASSAGE.*—*The route from*
 2 *Yakutat to Dry Bay, as generally depicted on the*
 3 *map entitled “Traditional Trade and Migration*
 4 *Route, Neix naax aan náx—The Inside Passage”*
 5 *and dated April 22, 2013, shall be known as*
 6 *“Neix naax aan náx” (“The Inside Passage”).*

7 (B) *CANOE ROAD.*—*The route from the Bay*
 8 *of Pillars to Port Camden, as generally depicted*
 9 *on the map entitled “Traditional Trade and Mi-*
 10 *gration Route, Yakwdeiyí—Canoe Road” and*
 11 *dated April 22, 2013, shall be known as*
 12 *“Yakwdeiyí” (“Canoe Road”).*

13 (C) *THE PEOPLE’S ROAD.*—*The route from*
 14 *Portage Bay to Duncan Canal, as generally de-*
 15 *scribed on the map entitled “Traditional Trade*
 16 *and Migration Route, Lingít Deiyí—The Peo-*
 17 *ple’s Road” and dated April 22, 2013, shall be*
 18 *known as “Lingít Deiyí” (“The People’s Road”).*

19 (2) *ACCESS TO TRADITIONAL TRADE AND MIGRA-*
 20 *TION ROUTES.*—*The culturally and historically sig-*
 21 *nificant trade and migration routes described in*
 22 *paragraph (1) shall be open to travel by Sealaska and*
 23 *the public in accordance with applicable law, subject*
 24 *to such terms, conditions, and special use authoriza-*
 25 *tions as the Secretary of Agriculture may require.*

1 (d) *TONGASS NATIONAL FOREST YOUNG GROWTH*
 2 *MANAGEMENT.*—

3 (1) *IN GENERAL.*—*Notwithstanding subsection*
 4 *(m) of section 6 of the Forest and Rangeland Renew-*
 5 *able Resources Planning Act of 1974 (16 U.S.C. 1604)*
 6 *and in addition to the authority provided under that*
 7 *subsection and the terms of section 705(a) of the Alas-*
 8 *ka National Interest Lands Conservation Act (16*
 9 *U.S.C. 539d(a)), the Secretary of Agriculture may*
 10 *allow the harvest of trees prior to the culmination of*
 11 *mean annual increment of growth in areas that are*
 12 *available for commercial timber harvest under the*
 13 *Tongass National Forest Land and Resource Manage-*
 14 *ment Plan to facilitate the transition from commer-*
 15 *cial timber harvest of old growth stands.*

16 (2) *LIMITATION.*—*Any sale of trees pursuant to*
 17 *the authority granted under paragraph (1) shall*
 18 *not—*

19 (A) *exceed 15,000 acres during the 10-year*
 20 *period beginning on the date of enactment of this*
 21 *Act, with an annual maximum of 3,000 acres*
 22 *sold;*

23 (B) *exceed a total of 50,000 acres, with an*
 24 *annual maximum of 5,000 acres sold after the*
 25 *first 10-year period;*

1 (C) be advertised if the indicated rate is
 2 deficit (defined as the value of the timber is not
 3 sufficient to cover all logging and stumpage costs
 4 and provide a normal profit and risk allowance
 5 under the appraisal process of the Forest Serv-
 6 ice) when appraised using a residual value ap-
 7 praisal; or

8 (D) apply to land withdrawn under section
 9 4(b).

10 (3) *APPLICABLE LAW*.—Nothing in this Act af-
 11 fects the requirement under section 705(a) of the *Alas-*
 12 *ka National Interest Lands Conservation Act* (16
 13 *U.S.C. 539d(a)*) that the Forest Service seek to meet
 14 demand for timber from the Tongass National Forest.

15 (e) *EFFECT ON OTHER LAWS*.—

16 (1) *IN GENERAL*.—Nothing in this Act delays the
 17 duty of the Secretary to convey land to—

18 (A) the State under the Act of July 7, 1958
 19 (commonly known as the “Alaska Statehood
 20 Act”) (48 *U.S.C. note prec. 21*; *Public Law 85–*
 21 508); or

22 (B) a Native Corporation under—

23 (i) the *Alaska Native Claims Settle-*
 24 *ment Act* (43 *U.S.C. 1601 et seq.*); or

1 (ii) the Alaska Land Transfer Accel-
 2 eration Act (43 U.S.C. 1611 note; Public
 3 Law 108–452).

4 (2) CONVEYANCES.—The Secretary shall prompt-
 5 ly proceed with the conveyance of all land necessary
 6 to fulfill the final entitlement of all Native Corpora-
 7 tions in accordance with—

8 (A) the Alaska Native Claims Settlement
 9 Act (43 U.S.C. 1601 et seq.); and

10 (B) the Alaska Land Transfer Acceleration
 11 Act (43 U.S.C. 1611 note; Public Law 108–452).

12 (3) FISH AND WILDLIFE.—Nothing in this Act
 13 enlarges or diminishes the responsibility and author-
 14 ity of the State with respect to the management of
 15 fish and wildlife on public land in the State.

16 (f) ESCROW FUNDS.—If Sealaska files the resolution
 17 in accordance with section 3(a)—

18 (1) the escrow requirements of section 2 of Public
 19 Law 94–204 (43 U.S.C. 1613 note) shall apply to
 20 proceeds (including interest) derived from the land
 21 withdrawn under section 4(b) from the date of receipt
 22 of the resolution; and

23 (2) Sealaska shall have no right to any proceeds
 24 (including interest) held pursuant to the escrow re-
 25 quirements of section 2 of Public Law 94–204 (43

1 *U.S.C. 1613 note) that were derived from land origi-*
 2 *nally withdrawn for selection by section 16 of the*
 3 *Alaska Native Claims Settlement Act (43 U.S.C.*
 4 *1615), but not conveyed.*

5 *(g) MAPS.—*

6 *(1) AVAILABILITY.—Each map referred to in this*
 7 *Act shall be available in the appropriate offices of the*
 8 *Secretary and the Secretary of Agriculture.*

9 *(2) CORRECTIONS.—The Secretary of Agriculture*
 10 *may make any necessary correction to a clerical or*
 11 *typographical error in a map referred to in this Act.*

12 **SEC. 7. CONSERVATION AREAS.**

13 *(a) LUD II MANAGEMENT AREAS.—If Sealaska files*
 14 *a resolution in accordance with section 3(a), section 508*
 15 *of the Alaska National Interest Lands Conservation Act*
 16 *(Public Law 96–487; 104 Stat. 4428) is amended by adding*
 17 *at the end the following:*

18 *“(13) BAY OF PILLARS.—Certain land which*
 19 *comprises approximately 20,863 acres, as generally*
 20 *depicted on the map entitled ‘Bay of Pillars LUD II*
 21 *Management Area—Proposed’ and dated June 14,*
 22 *2013.*

23 *“(14) KUSHNEAHIN CREEK.—Certain land*
 24 *which comprises approximately 33,613 acres, as gen-*
 25 *erally depicted on the map entitled ‘Kushneahin*

1 *Creek LUD II Management Area—Proposed’ and*
2 *dated June 14, 2013.*

3 “(15) *NORTHERN PRINCE OF WALES.—Certain*
4 *land which comprises approximately 8,728 acres, as*
5 *generally depicted on the map entitled ‘Northern*
6 *Prince of Wales LUD II Management Area—Pro-*
7 *posed’ and dated June 14, 2013.*

8 “(16) *WESTERN KOSCIUSKO.—Certain land*
9 *which comprises approximately 8,012 acres, as gen-*
10 *erally depicted on the map entitled ‘Western Kos-*
11 *ciusko LUD II Management Area—Proposed’ and*
12 *dated June 14, 2013.*

13 “(17) *EASTERN KOSCIUSKO.—Certain land*
14 *which comprises approximately 1,664 acres, as gen-*
15 *erally depicted on the map entitled ‘Eastern Kos-*
16 *ciusko LUD II Management Area—Proposed’ and*
17 *dated June 14, 2013.*

18 “(18) *SARKAR LAKES.—Certain land which com-*
19 *prises approximately 24,509 acres, as generally de-*
20 *picted on the map entitled ‘Sarkar Lakes LUD II*
21 *Management Area—Proposed’ and dated June 14,*
22 *2013.*

23 “(19) *HONKER DIVIDE.—Certain land which*
24 *comprises approximately 19,805 acres, as generally*
25 *depicted on the map entitled ‘Honker Divide LUD II*

1 *Management Area—Proposed’ and dated June 14,*
 2 *2013.*

3 “(20) *EEK LAKE AND SUKKWAN ISLAND.*—*Cer-*
 4 *tain land which comprises approximately 34,873*
 5 *acres, as generally depicted on the map entitled ‘Eek*
 6 *Lake and Sukkwan Island LUD II Management*
 7 *Area—Proposed’ and dated June 14, 2013.”.*

8 *(b) NO BUFFER ZONES.—*

9 *(1) IN GENERAL.—The designation of the con-*
 10 *servation areas by paragraphs (13) through (20) of*
 11 *section 508 of the Alaska National Interest Lands*
 12 *Conservation Act (Public Law 96–487; 104 Stat.*
 13 *4428) (as added by subsection (a)) (referred to in this*
 14 *subsection as the “conservation areas”) is not in-*
 15 *tended to lead to the creation of protective perimeters*
 16 *or buffer zones around the conservation areas.*

17 *(2) OUTSIDE ACTIVITIES.—The fact that activi-*
 18 *ties outside of the conservation areas are not con-*
 19 *sistent with the purposes of the conservation areas or*
 20 *can be seen or heard within the conservation areas*
 21 *shall not preclude the activities or uses outside the*
 22 *boundary of the conservation areas.*

Calendar No. 176

113TH CONGRESS
1ST Session

S. 340

[Report No. 113-98]

A BILL

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

SEPTEMBER 10, 2013

Reported with an amendment