

Union Calendar No. 188

112TH CONGRESS
1ST SESSION

H. R. 1408

[Report No. 112-280]

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2011

Mr. YOUNG of Alaska (for himself, Mr. PIERLUISI, Mr. FALEOMAVAEGA, Mr. SABLAN, Ms. BORDALLO, Mr. BOREN, Mr. DENHAM, Mr. BENISHEK, Mr. LUJÁN, and Ms. HANABUSA introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 10, 2011

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

[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 April 6, 2011]

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *CONSERVATION SYSTEM UNIT.*—*The term*
9 *“conservation system unit” has the meaning given the*
10 *term in section 102 of the Alaska National Interest*
11 *Lands Conservation Act (16 U.S.C. 3102).*

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

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

18 **SEC. 3. FINDINGS; PURPOSE.**

19 (a) *FINDINGS.*—*Congress finds that—*

20 (1)(A) *in 1971, Congress enacted the Alaska Na-*
21 *tive Claims Settlement Act (43 U.S.C. 1601 et seq.)*
22 *to recognize and settle the aboriginal claims of Alaska*
23 *Natives to land historically used by Alaska Natives*
24 *for traditional, cultural, and spiritual purposes; and*

1 (B) that Act declared that the land settlement
2 “should be accomplished rapidly, with certainty, in
3 conformity with the real economic and social needs of
4 Natives”;

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

7 (A) authorized the distribution of approxi-
8 mately \$1,000,000,000 and 44,000,000 acres of
9 land to Alaska Natives; and

10 (B) provided for the establishment of Native
11 Corporations to receive and manage the funds
12 and that land to meet the cultural, social, and
13 economic needs of Native shareholders;

14 (3) under section 12 of the Alaska Native Claims
15 Settlement Act (43 U.S.C. 1611), each Regional Cor-
16 poration, other than Sealaska (the Regional Corpora-
17 tion for southeast Alaska), was authorized to receive
18 a share of land based on the proportion that the num-
19 ber of Alaska Native shareholders residing in the re-
20 gion of the Regional Corporation bore to the total
21 number of Alaska Native shareholders, or the relative
22 size of the area to which the Regional Corporation
23 had an aboriginal land claim bore to the size of the
24 area to which all Regional Corporations had aborigi-
25 nal land claims;

1 (4)(A) *Sealaska, the Regional Corporation for*
2 *southeast Alaska, 1 of the Regional Corporations with*
3 *the largest number of Alaska Native shareholders,*
4 *with more than 21 percent of all original Alaska Na-*
5 *tive shareholders, received less than 1 percent of the*
6 *lands set aside for Alaska Natives, and received no*
7 *land under section 12 of the Alaska Native Claims*
8 *Settlement Act (43 U.S.C. 1611);*

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

14 (C) *Sealaska did not receive land in proportion*
15 *to the number of Alaska Native shareholders, or in*
16 *proportion to the size of the area to which Sealaska*
17 *had an aboriginal land claim, in part because of a*
18 *United States Court of Claims cash settlement to the*
19 *Tlingit and Haida Indian Tribes of Alaska in 1968*
20 *for land previously taken to create the Tongass Na-*
21 *tional Forest and Glacier Bay National Monument;*

22 (5) *the 1968 Court of Claims cash settlement of*
23 *\$7,500,000 did not—*

24 (A) *adequately compensate the Alaska Na-*
25 *tives of southeast Alaska for the significant*

1 *quantity of land and resources lost as a result of*
2 *the creation of the Tongass National Forest and*
3 *Glacier Bay National Monument or other losses*
4 *of land and resources; or*

5 *(B) justify the significant disparate treat-*
6 *ment of Sealaska under the Alaska Native*
7 *Claims Settlement Act (43 U.S.C. 1611) in 1971;*

8 *(6)(A) while each other Regional Corporation re-*
9 *ceived a significant quantity of land under sections*
10 *12 and 14 of the Alaska Native Claims Settlement Act*
11 *(43 U.S.C. 1611, 1613), Sealaska only received land*
12 *under section 14(h) of that Act (43 U.S.C. 1613(h));*

13 *(B) section 14(h) of the Alaska Native Claims*
14 *Settlement Act (43 U.S.C. 1613(h)) authorized the*
15 *Secretary to withdraw and convey 2,000,000-acres of*
16 *“unreserved and unappropriated” public lands in*
17 *Alaska from which Alaska Native selections could be*
18 *made for historic sites, cemetery sites, Urban Cor-*
19 *poration land, Native group land, and Native Allot-*
20 *ments;*

21 *(C) under section 14(h)(8) of the Alaska Native*
22 *Claims Settlement Act (43 U.S.C. 1613(h)(8)), after*
23 *selections are made under paragraphs (1) through (7)*
24 *of that section, the land remaining in the 2,000,000-*
25 *acre land pool is allocated based on the proportion*

1 *that the original Alaska Native shareholder popu-*
2 *lation of a Regional Corporation bore to the original*
3 *Alaska Native shareholder population of all Regional*
4 *Corporations;*

5 *(D) the only Native land entitlement of Sealaska*
6 *derives from a proportion of leftover land remaining*
7 *from the 2,000,000-acre land pool, estimated as of the*
8 *date of enactment of this Act at approximately*
9 *1,700,000 acres;*

10 *(E) because at the time of enactment of the Alas-*
11 *ka Native Claims Settlement Act (43 U.S.C. 1601 et*
12 *seq.) all public land in the Tongass National Forest*
13 *had been reserved for purposes of creating the na-*
14 *tional forest, the Secretary was not able to withdraw*
15 *any public land in the Tongass National Forest for*
16 *selection by and conveyance to Sealaska;*

17 *(F) at the time of enactment of the Alaska Native*
18 *Claims Settlement Act (43 U.S.C. 1601 et seq.) other*
19 *public lands in southeast Alaska not located in the*
20 *Tongass National Forest were not suitable for selec-*
21 *tion by and conveyance to Sealaska because such*
22 *lands were located in Glacier Bay National Monu-*
23 *ment, were included in a withdrawal effected pursu-*
24 *ant to section 17(d)(2) of that Act (43 U.S.C.*
25 *1616(d)(2)) and slated to become part of the*

1 *Wrangell-St. Elias National Park, or essentially con-*
2 *sisted of mountain tops;*

3 *(G) Sealaska in 1975 requested that Congress*
4 *amend the Alaska Native Claims Settlement Act (43*
5 *U.S.C. 1601 et seq.) to permit the Regional Corpora-*
6 *tion to select lands inside of the withdrawal areas es-*
7 *tablished for southeast Alaska Native villages under*
8 *section 16 of that Act (43 U.S.C. 1615); and*

9 *(H) in 1976, Congress amended section 16 of the*
10 *Alaska Native Claims Settlement Act (43 U.S.C.*
11 *1615) to allow Sealaska to select lands under section*
12 *14(h)(8) of that Act (43 U.S.C. 1613(h)(8)) from land*
13 *located inside, rather than outside, the withdrawal*
14 *areas established for southeast Alaska Native villages;*

15 *(7) the 10 Alaska Native village withdrawal*
16 *areas in southeast Alaska surround the Alaska Native*
17 *communities of Yakutat, Hoonah, Angoon, Kake,*
18 *Kasaan, Klawock, Craig, Hydaburg, Klukwan, and*
19 *Saxman;*

20 *(8)(A) the existing conveyance requirements of*
21 *the Alaska Native Claims Settlement Act (43 U.S.C.*
22 *1601 et seq.) for southeast Alaska limit the land eligi-*
23 *ble for conveyance to Sealaska to the original with-*
24 *drawal areas surrounding 10 Alaska Native villages*

1 *in southeast Alaska, which precludes Sealaska from*
2 *selecting land located—*

3 *(i) in any withdrawal area established for*
4 *the Urban Corporations for Sitka and Juneau,*
5 *Alaska; or*

6 *(ii) outside the 10 Alaska Native village*
7 *withdrawal areas; and*

8 *(B) unlike other Regional Corporations, Sealaska*
9 *is not authorized to request land located outside the*
10 *withdrawal areas described in subparagraph (A) if*
11 *the withdrawal areas are insufficient to complete the*
12 *land entitlement of Sealaska under the Alaska Native*
13 *Claims Settlement Act (43 U.S.C. 1601 et seq.);*

14 *(9)(A) the deadline for applications for selection*
15 *of cemetery sites and historic places on land outside*
16 *withdrawal areas established under section 14 of the*
17 *Alaska Native Claims Settlement Act (43 U.S.C.*
18 *1613) was July 1, 1976;*

19 *(B)(i) as of that date, the Bureau of Land Man-*
20 *agement notified Sealaska that the total entitlement of*
21 *Sealaska would be approximately 200,000 acres; and*

22 *(ii) Sealaska made entitlement allocation deci-*
23 *sions for cultural sites and economic development*
24 *sites based on that original estimate; and*

1 (C) as a result of the Alaska Land Transfer Ac-
2 celeration Act (Public Law 108–452; 118 Stat. 3575)
3 and subsequent related determinations and actions of
4 the Bureau of Land Management, it became clear
5 within the last decade that Sealaska will receive sig-
6 nificantly more than 200,000 acres pursuant to the
7 Alaska Native Claims Settlement Act (43 U.S.C. 1601
8 et seq.);

9 (10) in light of the revised Bureau of Land Man-
10 agement estimate of the total number of acres that
11 Sealaska will receive pursuant to the Alaska Native
12 Claims Settlement Act (43 U.S.C. 1601 et seq.), and
13 in consultation with Members of Alaska’s congres-
14 sional delegation, Sealaska and its shareholders be-
15 lieve that it is appropriate to allocate more of the en-
16 titlement of Sealaska to—

17 (A) the acquisition of places of sacred, cul-
18 tural, traditional, and historical significance;

19 (B) the acquisition of sites with traditional
20 and recreational use value and sites suitable for
21 renewable energy development; and

22 (C) the acquisition of lands that are not
23 within the watersheds of Native and non-Native
24 communities and are suitable economically and

1 *environmentally for natural resource develop-*
2 *ment;*

3 *(11)(A) pursuant to section 11(a)(1) of the Alas-*
4 *ka Native Claims Settlement Act (43 U.S.C.*
5 *1610(a)(1)), Sealaska was not authorized to select*
6 *under section 14(h)(1) of that Act (43 U.S.C.*
7 *1613(h)(1)) any site within Glacier Bay National*
8 *Park, despite the abundance of cultural sites within*
9 *that Park;*

10 *(B) Sealaska seeks cooperative agreements to en-*
11 *sure that cultural sites within Glacier Bay National*
12 *Park are subject to cooperative management by*
13 *Sealaska, Village and Urban Corporations, and feder-*
14 *ally recognized tribes with ties to the cultural sites*
15 *and history of the Park; and*

16 *(C) Congress recognizes that there is an existing*
17 *Memorandum of Understanding (MOU) between the*
18 *Park Service and the Hoonah Indian Association,*
19 *and does not intend to circumvent the MOU; rather*
20 *the intent is to ensure that this and similar mecha-*
21 *nisms for cooperative management in Glacier Bay are*
22 *required by law;*

23 *(12)(A) the cemetery sites and historic places*
24 *conveyed to Sealaska pursuant to section 14(h)(1) of*
25 *the Alaska Native Claims Settlement Act (43 U.S.C.*

1 *1613(h)(1)) are subject to a restrictive covenant not*
2 *required by the Alaska Native Claims Settlement Act*
3 *(43 U.S.C. 1601 et seq.) that hinders the ability of*
4 *Sealaska to use the sites for cultural, educational, or*
5 *research purposes for Alaska Natives and others;*

6 *(B) historic sites managed by the Forest Service*
7 *are not subject to the limitations referred to in sub-*
8 *paragraph (A); and*

9 *(C) Alaska Natives of southeast Alaska should be*
10 *permitted to use cemetery sites and historic places in*
11 *a manner that is—*

12 *(i) consistent with the sacred, cultural, tra-*
13 *ditional, or historic nature of the site; and*

14 *(ii) not inconsistent with the management*
15 *plans for adjacent public land;*

16 *(13) 44 percent (820,000 acres) of the 10 Alaska*
17 *Native village withdrawal areas established under the*
18 *Alaska Native Claims Settlement Act (43 U.S.C. 1601*
19 *et seq.) described in paragraphs (7) and (8) are com-*
20 *posed of salt water and not available for selection;*

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

1 (15) *in each withdrawal area, there exist factors*
2 *that limit the ability of Sealaska to select sufficient*
3 *land, and, in particular, economically viable land, to*
4 *fulfill the land entitlement of Sealaska, including fac-*
5 *tors such as—*

6 (A) *with respect to the Yakutat withdrawal*
7 *area—*

8 (i) *46 percent of the area is salt water;*

9 (ii) *10 sections (6,400 acres) around*
10 *the Situk Lake were restricted from selec-*
11 *tion, with no consideration provided for the*
12 *restriction; and*

13 (iii)(I) *70,000 acres are subject to a*
14 *gubernatorial consent requirement before se-*
15 *lection; and*

16 (II) *Sealaska received no consideration*
17 *with respect to the consent restriction;*

18 (B) *with respect to the Hoonah withdrawal*
19 *area, 51 percent of the area is salt water;*

20 (C) *with respect to the Angoon withdrawal*
21 *area—*

22 (i) *120,000 acres of the area is salt*
23 *water;*

24 (ii) *Sealaska received no consideration*
25 *regarding the prohibition on selecting land*

1 *from the 80,000 acres located within the Ad-*
2 *miralty Island National Monument; and*

3 *(iii)(I) the Village Corporation for*
4 *Angoon was allowed to select land located*
5 *outside the withdrawal area on Prince of*
6 *Wales Island, subject to the condition that*
7 *the Village Corporation shall not select land*
8 *located on Admiralty Island; but*

9 *(II) no alternative land adjacent to the*
10 *out-of-withdrawal land of the Village Cor-*
11 *poration was made available for selection*
12 *by Sealaska;*

13 *(D) with respect to the Kake withdrawal*
14 *area—*

15 *(i) 64 percent of the area is salt water;*

16 *and*

17 *(ii) extensive timber harvesting by the*
18 *Forest Service occurred in the area before*
19 *1971 that significantly reduced the value of*
20 *land available for selection by, and convey-*
21 *ance to, Sealaska;*

22 *(E) with respect to the Kasaan withdrawal*
23 *area—*

24 *(i) 54 percent of the area is salt water;*

25 *and*

1 (ii) the Forest Service previously har-
2 vested in the area;

3 (F) with respect to the Klawock withdrawal
4 area—

5 (i) the area consists of only 5 town-
6 ships, as compared to the usual withdrawal
7 area of 9 townships, because of the prox-
8 imity of the Klawock withdrawal area to
9 the Village of Craig, which reduces the selec-
10 tion area by 92,160 acres; and

11 (ii) the Klawock and Craig withdrawal
12 areas are 35 percent salt water;

13 (G) with respect to the Craig withdrawal
14 area, the withdrawal area consists of only 6
15 townships, as compared to the usual withdrawal
16 area of 9 townships, because of the proximity of
17 the Craig withdrawal area to the Village of
18 Klawock, which reduces the selection area by
19 69,120 acres;

20 (H) with respect to the Hydaburg with-
21 drawal area—

22 (i) 36 percent of the area is salt water;
23 and

24 (ii) Sealaska received no consideration
25 under the Haida Land Exchange Act of

1 1986 (*Public Law No. 99-664; 100 Stat.*
2 *4303*) for relinquishing selection rights to
3 land within the withdrawal area that the
4 Haida Corporation exchanged to the Forest
5 Service;

6 (I) with respect to the Klukwan withdrawal
7 area—

8 (i) 27 percent of the area is salt water;
9 and

10 (ii) the withdrawal area is only 70,000
11 acres, as compared to the usual withdrawal
12 area of 207,360 acres, which reduces the se-
13 lection area by 137,360 acres; and

14 (J) with respect to the Saxman withdrawal
15 area—

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

17 (ii) Sealaska received no consideration
18 for the 50,576 acres within the withdrawal
19 area adjacent to the first-class city of Ketch-
20 ikan that were excluded from selection;

21 (iii) Sealaska received no consideration
22 with respect to the 1977 amendment to the
23 Alaska Native Claims Settlement Act (43
24 U.S.C. 1601 et seq.) requiring gubernatorial

1 consent for selection of 58,000 acres in that
2 area; and

3 (iv) 23,888 acres are located within the
4 Annette Island Indian Reservation for the
5 Metlakatla Indian Tribe and are not avail-
6 able for selection;

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

10 (A) are inequitable and inconsistent with
11 the purposes of that Act because there is insuffi-
12 cient land remaining in the withdrawal areas to
13 meet the traditional, cultural, and socioeconomic
14 needs of the shareholders of Sealaska; and

15 (B) make it difficult for Sealaska to select—

16 (i) places of sacred, cultural, tradi-
17 tional, and historical significance;

18 (ii) sites with traditional and recre-
19 ation use value and sites suitable for renew-
20 able energy development; and

21 (iii) lands that meet the real economic
22 needs of the shareholders of Sealaska;

23 (17) unless Sealaska is allowed to select land
24 outside designated withdrawal areas in southeast
25 Alaska, Sealaska will not be able to—

1 (A) complete the land entitlement selections
2 of Sealaska under the Alaska Native Claims Set-
3 tlement Act (43 U.S.C. 1601 et seq.) in a man-
4 ner that meets the cultural, social, and economic
5 needs of Native shareholders;

6 (B) avoid land selections in watersheds that
7 are the exclusive drinking water supply for re-
8 gional communities, support world class salmon
9 streams, have been identified as important habi-
10 tat, or would otherwise be managed by the Forest
11 Service as roadless and old growth forest re-
12 serves;

13 (C) secure ownership of places of sacred,
14 cultural, traditional, and historical importance
15 to the Alaska Natives of southeast Alaska; and

16 (D) continue to support forestry jobs and
17 economic opportunities for Alaska Natives and
18 other residents of rural southeast Alaska;

19 (18)(A) the rate of unemployment in southeast
20 Alaska exceeds the statewide rate of unemployment on
21 a non-seasonally adjusted basis;

22 (B) in January 2011, the Alaska Department of
23 Labor and Workforce Development reported the unem-
24 ployment rate for the Prince of Wales—Outer Ketch-
25 ikan census area at approximately 16.2 percent;

1 (C) in October 2007, the Alaska Department of
2 Labor and Workforce Development projected popu-
3 lation losses between 1996 and 2030 for the Prince of
4 Wales—Outer Ketchikan census area at 56.6 percent;

5 (D) official unemployment rates severely under-
6 report the actual level of regional unemployment, par-
7 ticularly in Native villages; and

8 (E) additional job losses will exacerbate out-
9 migration from Native and non-Native communities
10 in southeast Alaska;

11 (19) Sealaska has played, and is expected to con-
12 tinue to play, a significant role in the health of the
13 southeast Alaska economy;

14 (20) despite the small land base of Sealaska as
15 compared to other Regional Corporations (less than 1
16 percent of the total quantity of land allocated pursu-
17 ant to the Alaska Native Claims Settlement Act (43
18 U.S.C. 1601 et seq.)), Sealaska has—

19 (A) provided considerable benefits to Alaska
20 Native shareholders;

21 (B) supported hundreds of jobs for Alaska
22 Native shareholders and non-shareholders in
23 southeast Alaska for more than 30 years; and

24 (C) been a significant economic force in
25 southeast Alaska;

1 (21) pursuant to the revenue sharing provisions
2 of section 7(i) of the Alaska Native Claims Settlement
3 Act (43 U.S.C. 1606(i)), Sealaska has distributed
4 more than \$300,000,000 during the period beginning
5 on January 1, 1971, and ending on December 31,
6 2005, to Native Corporations throughout the State of
7 Alaska from the development of natural resources,
8 which accounts for 42 percent of the total revenues
9 shared under that section during that period;

10 (22) resource development operations maintained
11 by Sealaska—

12 (A) support hundreds of jobs in the south-
13 east Alaska region;

14 (B) make timber available to local and do-
15 mestic sawmills and other wood products busi-
16 nesses such as guitar manufacturers;

17 (C) support firewood programs for local
18 communities;

19 (D) support maintenance of roads utilized
20 by local communities for subsistence and recre-
21 ation uses;

22 (E) support development of new biomass en-
23 ergy opportunities in southeast Alaska, reducing
24 dependence on high-cost diesel fuel for the gen-
25 eration of energy;

1 (F) provide start-up capital for innovative
2 business models in southeast Alaska that create
3 new opportunities for non-timber economic devel-
4 opment in the region, including support for re-
5 newable biomass initiatives, Alaska Native arti-
6 sans, and rural mariculture farming; and

7 (G) support Native education and cultural
8 and language preservation activities;

9 (23) if the resource development operations of
10 Sealaska cease on land appropriate for those oper-
11 ations, there will be a significant negative impact
12 on—

13 (A) southeast Alaska Native shareholders;

14 (B) the cultural preservation activities of
15 Sealaska;

16 (C) the economy of southeast Alaska; and

17 (D) the Alaska Native community that ben-
18 efits from the revenue-sharing requirements
19 under the Alaska Native claims Settlement Act
20 (43 U.S.C. 1601 et seq.);

21 (24) it is critical that the remaining land enti-
22 tlement conveyances to Sealaska under the Alaska Na-
23 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
24 are fulfilled to continue to meet the economic, social,
25 and cultural needs of the Alaska Native shareholders

1 *of southeast Alaska and the Alaska Native community*
2 *throughout Alaska;*

3 *(25) in order to realize cultural preservation*
4 *goals while also diversifying economic opportunities,*
5 *Sealaska should be authorized to select and receive*
6 *conveyance of—*

7 *(A) sacred, cultural, traditional, and his-*
8 *toric sites and other places of traditional cul-*
9 *tural significance, including traditional and cus-*
10 *tomary trade and migration routes, to facilitate*
11 *the perpetuation and preservation of Alaska Na-*
12 *tive culture and history;*

13 *(B) other sites with traditional and recre-*
14 *ation use value and sites suitable for renewable*
15 *energy development to facilitate appropriate*
16 *tourism and outdoor recreation enterprises and*
17 *renewable energy development for rural southeast*
18 *Alaska communities; and*

19 *(C) lands that are suitable economically*
20 *and environmentally for natural resource devel-*
21 *opment;*

22 *(26) on completion of the conveyances of land of*
23 *Sealaska to fulfill the full land entitlement of*
24 *Sealaska under the Alaska Native Claims Settlement*
25 *Act (43 U.S.C. 1601 et seq.), the encumbrances on*

1 327,000 acres of Federal land created by the with-
2 drawal of land for selection by Native Corporations
3 in southeast Alaska should be removed, which will fa-
4 cilitate thorough and complete planning and efficient
5 management relating to national forest land in south-
6 east Alaska by the Forest Service;

7 (27) although the Tribal Forest Protection Act
8 (25 U.S.C. 3101 note; Public Law 108–278) defines
9 the term “Indian tribe” to include Indian tribes
10 under section 4 of the Indian Self-Determination and
11 Education Assistance Act (25 U.S.C. 450b), a term
12 which includes “any Alaska Native village or regional
13 or village corporation as defined in or established
14 pursuant to the Alaska Native Claims Settlement Act
15 . . .”, the Tribal Forest Protection Act does not define
16 the term “Indian forest land or rangeland” to include
17 lands owned by Alaska Native Corporations, includ-
18 ing Sealaska, which are the primary Indian forest
19 land owners in Alaska, and therefore, the Tribal For-
20 est Protection Act should be amended in a manner
21 that will—

22 (A) permit Native Corporations, including
23 Sealaska, as Indian forest land owners in Alas-
24 ka, to work with the Secretary of Agriculture
25 under the Tribal Forest Protection Act to address

1 *forest fire and insect infestation issues, including*
2 *the spread of the spruce bark beetle in southeast*
3 *and southcentral Alaska, which threaten the*
4 *health of the Native forestlands; and*

5 *(B) ensure that Native Corporations, in-*
6 *cluding Sealaska, can participate in programs*
7 *administered by the Secretary of Agriculture*
8 *under the Tribal Forest Protection Act without*
9 *including Native Corporations under the defini-*
10 *tion in that Act of “Indian forest land or range-*
11 *land” or otherwise amending that Act in a man-*
12 *ner that validates, invalidates, or otherwise af-*
13 *fects any claim regarding the existence of Indian*
14 *country in the State of Alaska; and*

15 *(28) the National Historic Preservation Act (16*
16 *U.S.C. 470 et seq.) defines the term “Indian tribe” to*
17 *include any “Native village, Regional Corporation or*
18 *Village Corporation, as those terms are defined in sec-*
19 *tion 3 of the Alaska Native Claims Settlement Act”*
20 *but does not define the term “Tribal lands” to include*
21 *lands owned by Alaska Native Corporations, thereby*
22 *excluding from the National Historic Preservation*
23 *Act cemetery sites and historical places transferred to*
24 *Native Corporations, including Sealaska, pursuant to*
25 *the Alaska Native Claims Settlement Act, and there-*

1 *fore, the National Historic Preservation Act should be*
2 *amended in a manner that will—*

3 *(A) permit Native Corporations, including*
4 *Sealaska, as owners of Indian cemetery sites and*
5 *historical places in Alaska, to work with the Sec-*
6 *retary of the Interior under the National His-*
7 *toric Preservation Act to secure grants and other*
8 *support to manage their own historic sites and*
9 *programs pursuant to that Act; and*

10 *(B) ensure that Native Corporations, in-*
11 *cluding Sealaska, can participate in programs*
12 *administered by the Secretary of the Interior*
13 *under the National Historic Preservation Act*
14 *without including Native Corporations under the*
15 *definition in that Act of “Tribal lands” or other-*
16 *wise amending that Act in a manner that vali-*
17 *dates, invalidates, or otherwise affects any claim*
18 *regarding the existence of Indian country in the*
19 *State of Alaska.*

20 *(b) PURPOSE.—The purpose of this Act is to address*
21 *the inequitable treatment of Sealaska by allowing Sealaska*
22 *to select the remaining land entitlement of Sealaska under*
23 *section 14 of the Alaska Native Claims Settlement Act (43*
24 *U.S.C. 1613) from designated Federal land in southeast*
25 *Alaska located outside the 10 southeast Alaska Native vil-*

1 *lage withdrawal areas in a manner that meets the cultural,*
2 *social, and economic needs of Native shareholders, including*
3 *the need to maintain jobs supported by Sealaska in rural*
4 *southeast Alaska communities.*

5 **SEC. 4. SELECTIONS IN SOUTHEAST ALASKA.**

6 (a) *SELECTION BY SEALASKA.*—

7 (1) *IN GENERAL.*—*Notwithstanding section*
8 *14(h)(8) of the Alaska Native Claims Settlement Act*
9 *(43 U.S.C. 1613(h)(8)), Sealaska is authorized to se-*
10 *lect and receive conveyance of the remaining land en-*
11 *titlement of Sealaska under that Act (43 U.S.C. 1601*
12 *et seq.) from Federal land located in southeast Alaska*
13 *from each category described in subsections (b) and*
14 *(c).*

15 (2) *TREATMENT OF LAND CONVEYED.*—*Land*
16 *conveyed pursuant to this Act are to be treated as*
17 *land conveyed pursuant to the Alaska Native Claims*
18 *Settlement Act (43 U.S.C. 1601 et seq.) subject to, but*
19 *not limited to—*

20 (A) *reservation of public easements across*
21 *land pursuant to section 17(b) of the Alaska Na-*
22 *tive Claims Settlement Act (43 U.S.C. 1616(b));*

23 (B) *valid existing rights pursuant to section*
24 *14(g) of the Alaska Native Claims Settlement Act*
25 *(43 U.S.C. 1613(g)); and*

1 (C) *the land bank protections of section*
2 907(d) *of the Alaska National Interest and*
3 *Lands Conservation Act (43 U.S.C. 1636(d)).*

4 (b) *WITHDRAWAL OF LAND.—The following public*
5 *land is withdrawn, subject to valid existing rights, from all*
6 *forms of appropriation under public land laws, including*
7 *the mining and mineral leasing laws, and from selection*
8 *under the Act of July 7, 1958 (commonly known as the*
9 *“Alaska Statehood Act”) (48 U.S.C. note prec. 21; Public*
10 *Law 85–508), and shall be available for selection by and*
11 *conveyance to Sealaska to complete the remaining land en-*
12 *titlement of Sealaska under section 14(h)(8) of the Alaska*
13 *Native Claims Settlement Act (43 U.S.C. 1613(h)(8)):*

14 (1) *Land identified on the maps dated February*
15 1, 2011, and labeled “Attachment A (Maps 1 through

16 8)”.
17 (2) *Sites with traditional, recreational, and re-*
18 *newable energy use value, as identified on the map*
19 *entitled “Sites with Traditional, Recreational, and*
20 *Renewable Energy Use Value”, dated February 1,*
21 2011, and labeled “Attachment D”, *subject to the con-*
22 *dition that not more than 5,000 acres shall be selected*
23 *for those purposes.*

24 (3) *Sites identified on the map entitled “Tradi-*
25 *tional and Customary Trade and Migration Routes”,*

1 *dated February 1, 2011, and labeled “Attachment C”,*
2 *which includes an identification of—*

3 *(A) a conveyance of land 25 feet in width,*
4 *together with 1-acre sites at each terminus and*
5 *at 8 locations along the route, with the route, lo-*
6 *cation, and boundaries of the conveyance de-*
7 *scribed on the map inset entitled “Yakutat to*
8 *Dry Bay Trade and Migration Route” on the*
9 *map entitled “Traditional and Customary Trade*
10 *and Migration Routes”, dated February 1, 2011,*
11 *and labeled “Attachment C”;*

12 *(B) a conveyance of land 25 feet in width,*
13 *together with 1-acre sites at each terminus, with*
14 *the route, location, and boundaries of the convey-*
15 *ance described on the map inset entitled “Bay of*
16 *Pillars to Port Camden Trade and Migration*
17 *Route” on the map entitled “Traditional and*
18 *Customary Trade and Migration Routes”, dated*
19 *February 1, 2011, and labeled “Attachment C”;*
20 *and*

21 *(C) a conveyance of land 25 feet in width,*
22 *together with 1-acre sites at each terminus, with*
23 *the route, location, and boundaries of the convey-*
24 *ance described on the map inset entitled “Por-*
25 *tage Bay to Duncan Canal Trade and Migration*

1 *Route” on the map entitled “Traditional and*
2 *Customary Trade and Migration Routes”, dated*
3 *February 1, 2011, and labeled “Attachment C”.*

4 *(c) SITES WITH SACRED, CULTURAL, TRADITIONAL,*
5 *OR HISTORIC SIGNIFICANCE.—Subject to the criteria and*
6 *procedures applicable to land selected pursuant to section*
7 *14(h)(1) of the Alaska Native Claims Settlement Act (43*
8 *U.S.C. 1613(h)(1)) and set forth in the regulations promul-*
9 *gated at section 2653.5 of title 43, Code of Federal Regula-*
10 *tions (as in effect on the date of enactment of this Act),*
11 *except as otherwise provided in this Act—*

12 *(1) Sealaska shall have a right to identify up to*
13 *3,600 acres of sites with sacred, cultural, traditional,*
14 *or historic significance, including archeological sites,*
15 *cultural landscapes, and natural features having cul-*
16 *tural significance; and*

17 *(2) on identification of the land by Sealaska*
18 *under paragraph (1), the identified land shall be—*

19 *(A) withdrawn, subject to valid existing*
20 *rights, from all forms of appropriation under*
21 *public land laws, including the mining and min-*
22 *eral leasing laws, and from selection under the*
23 *Act of July 7, 1958 (commonly known as the*
24 *“Alaska Statehood Act”) (48 U.S.C. note prec.*
25 *21; Public Law 85–508); and*

1 (B) available for selection by and convey-
2 ance to Sealaska to complete the remaining land
3 entitlement of Sealaska under section 14(h)(8) of
4 the Alaska Native Claims Settlement Act (43
5 U.S.C. 1613(h)(8)) subject to the conditions
6 that—

7 (i) no sites with sacred, cultural, tradi-
8 tional, or historic significance may be se-
9 lected from within a unit of the National
10 Park System; and

11 (ii) beginning on the date that is 15
12 years after the date of enactment of this Act,
13 Sealaska shall be limited to identifying not
14 more than 360 acres of sites with sacred,
15 cultural, traditional, or historic significance
16 under this subsection.

17 (d) *FOREST DEVELOPMENT ROADS*.—Sealaska shall
18 receive from the United States, subject to all necessary State
19 and Federal permits, nonexclusive easements to Sealaska to
20 allow—

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

1 (2) access on the forest development road identi-
2 fied in paragraphs (2)(a) and (2)(b) of the patent
3 numbered 50–92–0203 and dated February 24, 1992;

4 (3) access on the forest development road identi-
5 fied in paragraph (2)(a) of the patent numbered 50–
6 94–0046 and dated December 17, 1993;

7 (4) access on the forest development roads and
8 use of the log transfer facilities identified on the maps
9 dated February 1, 2011, and labeled “Attachment A
10 (Maps 1 through 8)”;

11 (5) a reservation of a right to construct a new
12 road to connect to existing forest development roads
13 as generally identified on the maps identified in
14 paragraph (4); and

15 (6) access to and reservation of a right to con-
16 struct a new log transfer facility and log storage area
17 at the location identified on the maps identified in
18 paragraph (4).

19 **SEC. 5. CONVEYANCES TO SEALASKA.**

20 (a) *TIMELINE FOR CONVEYANCE.*—

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

1 (2) *FINAL PRIORITIES.*—Consistent with the pro-
2 visions of section 403 of the Alaska Land Transfer
3 Acceleration Act (43 U.S.C. 1611 note; Public Law
4 108–452), not later than 18 months after the date of
5 enactment of this Act, Sealaska shall submit to the
6 Secretary the final, irrevocable priorities for selection
7 of land withdrawn under section 4(b)(1).

8 (3) *SUBSTANTIAL COMPLETION REQUIRED.*—Not
9 later than two years after the date of selection by
10 Sealaska of land withdrawn under section 4(b)(1), the
11 Secretary shall substantially complete the conveyance
12 of the land to Sealaska under this Act.

13 (4) *EFFECT.*—Nothing in this Act shall interfere
14 with or cause any delay in the duty of the Secretary
15 to convey land to the State of Alaska under section
16 6 of the Act of July 7, 1958 (commonly known as the
17 “Alaska Statehood Act”) (48 U.S.C. note prec. 21;
18 Public Law 85–508).

19 (b) *EXPIRATION OF WITHDRAWALS.*—On completion of
20 the selection by Sealaska and the conveyances to Sealaska
21 of land under subsection (a) in a manner that is sufficient
22 to fulfill the land entitlement of Sealaska under section
23 14(h)(8) of the Alaska Native Claims Settlement Act (43
24 U.S.C. 1613(h)(8))—

1 (1) *the right of Sealaska to receive any land*
2 *under that Act from within a withdrawal area estab-*
3 *lished under subsections (a) and (d) of section 16 of*
4 *that Act shall be terminated;*

5 (2) *the withdrawal areas set aside for selection*
6 *by Native Corporations in southeast Alaska under*
7 *subsections (a) and (d) of section 16 of that Act shall*
8 *be rescinded; and*

9 (3) *land located within a withdrawal area that*
10 *is not conveyed to Sealaska or to a southeast Alaska*
11 *Village Corporation or Urban Corporation shall be re-*
12 *turned to the unencumbered management of the For-*
13 *est Service as part of the Tongass National Forest.*

14 (c) *LIMITATION.*—*Sealaska shall not select or receive*
15 *under this Act any conveyance of land pursuant to para-*
16 *graphs (1) or (2) of section 4(b) located within any con-*
17 *servaion system unit.*

18 (d) *APPLICABLE EASEMENTS AND PUBLIC ACCESS.*—

19 (1) *IN GENERAL.*—*In addition to the reservation*
20 *of public easements under section 4(a)(2)(A), the con-*
21 *veyance to Sealaska of land withdrawn pursuant to*
22 *paragraphs (1) and (3) of section 4(b) that are lo-*
23 *cated outside a withdrawal area designated under sec-*
24 *tion 16(a) of the Alaska Native Claims Settlement Act*
25 *(43 U.S.C. 1615(a)) shall be subject to—*

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

5 (B) a reservation for easements for public
6 access on the temporary roads designated by the
7 Forest Service as of the date of the enactment of
8 this Act for the public access trails depicted on
9 the maps described in subparagraph (A); and

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

15 (i) the right of Sealaska to regulate ac-
16 cess to ensure public safety, to protect cul-
17 tural or scientific resources, and to provide
18 environmental protection; and

19 (ii) the condition that Sealaska shall
20 post on any applicable property, in accord-
21 ance with State law, notices of the condi-
22 tions on use.

23 (2) SACRED, CULTURAL, TRADITIONAL AND HIS-
24 TORIC SITES.—The conveyance to Sealaska of land
25 withdrawn pursuant to section 4(c) that is located

1 *outside of a withdrawal area designated under section*
2 *16(a) of the Alaska Native Claims Settlement Act (43*
3 *U.S.C. 1615(a)) shall be subject to—*

4 *(A) the right of public access across the con-*
5 *veyances where no reasonable alternative access*
6 *around the land is available without liability to*
7 *Sealaska; and*

8 *(B) the right of Sealaska to regulate access*
9 *across the conveyances to ensure public safety, to*
10 *protect cultural or scientific resources, to provide*
11 *environmental protection, or to prohibit activi-*
12 *ties incompatible with the use and enjoyment of*
13 *the land by Sealaska, subject to the condition*
14 *that Sealaska shall post on any applicable prop-*
15 *erty, in accordance with State law, notices of*
16 *any such condition.*

17 *(3) TRADITIONAL AND CUSTOMARY TRADE AND*
18 *MIGRATION ROUTES.—The conveyance to Sealaska of*
19 *land withdrawn pursuant to section 4(b)(3) that is*
20 *located outside of a withdrawal area designated under*
21 *section 16(a) of the Alaska Native Claims Settlement*
22 *Act (43 U.S.C. 1615(a)) shall be subject to a require-*
23 *ment that Sealaska provide public access across such*
24 *linear conveyances if an adjacent landowner or the*

1 *public has a legal right to use the adjacent private or*
2 *public land.*

3 (4) *SITES WITH TRADITIONAL, RECREATIONAL,*
4 *AND RENEWABLE ENERGY USE VALUE.—The convey-*
5 *ance to Sealaska of land withdrawn pursuant to sec-*
6 *tion 4(b)(2) that is located outside of a withdrawal*
7 *area designated under section 16(a) of the Alaska Na-*
8 *tive Claims Settlement Act (43 U.S.C. 1615(a)) shall*
9 *be subject to—*

10 (A) *the right of public access across the land*
11 *without liability to Sealaska; and*

12 (B) *the condition that public access across*
13 *the land would not be unreasonably restricted or*
14 *impaired.*

15 (5) *EFFECT.—No right of access provided to any*
16 *individual or entity (other than Sealaska) by this*
17 *subsection—*

18 (A) *creates any interest, other than an in-*
19 *terest retained by the United States, of such an*
20 *individual or entity in the land conveyed to*
21 *Sealaska in excess of that right of access; or*

22 (B) *provides standing in any review of, or*
23 *challenge to, any determination by Sealaska*
24 *with respect to the management or development*
25 *of the applicable land.*

1 (e) *CONDITIONS ON SACRED, CULTURAL, AND HIS-*
2 *TORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE*
3 *AND MIGRATION ROUTES.*—*The conveyance to Sealaska of*
4 *land withdrawn pursuant to sections 4(b)(3) and 4(c)—*

5 (1) *shall be subject to a covenant prohibiting any*
6 *commercial timber harvest or mineral development on*
7 *the land;*

8 (2) *shall allow use of the land as described in*
9 *subsection (f); and*

10 (3) *shall not be subject to any additional restric-*
11 *tive covenant based on cultural or historic values, or*
12 *any other restriction, encumbrance, or easement, ex-*
13 *cept as provided in sections 14(g) and 17(b) of the*
14 *Alaska Native Claims Settlement Act (43 U.S.C.*
15 *1613(g), 1616(b)).*

16 (f) *USES OF SACRED, CULTURAL, TRADITIONAL, AND*
17 *HISTORIC SITES AND TRADITIONAL AND CUSTOMARY*
18 *TRADE AND MIGRATION ROUTES.*—*Any land conveyed to*
19 *Sealaska from land withdrawn pursuant to sections 4(b)(3)*
20 *and 4(c) may be used for—*

21 (1) *preservation of cultural knowledge and tradi-*
22 *tions associated with the site;*

23 (2) *historical, cultural, and scientific research*
24 *and education;*

1 (3) *public interpretation and education regard-*
2 *ing the cultural significance of the site to Alaska Na-*
3 *tives;*

4 (4) *protection and management of the site to*
5 *preserve the natural and cultural features of the site,*
6 *including cultural traditions, values, songs, stories,*
7 *names, crests, and clan usage, for the benefit of future*
8 *generations; and*

9 (5) *site improvement activities for any purpose*
10 *described in paragraphs (1) through (4), subject to the*
11 *condition that the activities—*

12 (A) *are consistent with the sacred, cultural,*
13 *traditional, or historic nature of the site; and*

14 (B) *are not inconsistent with the manage-*
15 *ment plans for adjacent public land.*

16 (g) *TERMINATION OF RESTRICTIVE COVENANTS.—*

17 (1) *IN GENERAL.—Each restrictive covenant re-*
18 *garding cultural or historical values with respect to*
19 *any interim conveyance or patent for a historic or*
20 *cemetery site issued to Sealaska pursuant to the Fed-*
21 *eral regulations contained in sections 2653.5(a) and*
22 *2653.11 of title 43, Code of Federal Regulations (as*
23 *in effect on the date of enactment of this Act), in ac-*
24 *cordance with section 14(h)(1) of the Alaska Native*
25 *Claims Settlement Act (43 U.S.C. 1613(h)(1)), termi-*

1 *nates as a matter of law on the date of enactment of*
2 *this Act.*

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

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

13 (h) *CONDITIONS ON SITES WITH TRADITIONAL, REC-*
14 *REATIONAL, AND RENEWABLE ENERGY USE VALUE.*—*Each*
15 *conveyance of land to Sealaska from land withdrawn pur-*
16 *suant to section 4(b)(2) shall be subject to a covenant pro-*
17 *hibiting any commercial timber harvest or mineral develop-*
18 *ment.*

19 (i) *ESCROW FUNDS FOR WITHDRAWN LAND.*—*On the*
20 *withdrawal by this Act of land identified for selection by*
21 *Sealaska, the escrow requirements of section 2 of Public*
22 *Law 94–204 (43 U.S.C. 1613 note), shall thereafter apply*
23 *to the withdrawn land.*

24 (j) *GUIDING AND OUTFITTING SPECIAL USE PERMITS*
25 *OR AUTHORIZATIONS.*—

1 (1) *IN GENERAL.*—Consistent with the provisions
2 of section 14(g) of the Alaska Native Claims Settlement
3 Act (43 U.S.C. 1613(g)), except as modified
4 herein, on land conveyed to Sealaska from land with-
5 drawn pursuant to sections 4(b)(1) and 4(b)(2), an
6 existing holder of a guiding or outfitting special use
7 permit or authorization issued by the Forest Service
8 shall be entitled to its rights and privileges on the
9 land for the remaining term of the permit, as of the
10 date of conveyance to Sealaska, and for 1 subsequent
11 10-year renewal of the permit, subject to the condition
12 that the rights shall be considered a valid existing
13 right reserved pursuant to section 14(g) of the Alaska
14 Native Claims Settlement Act (43 U.S.C. 1613(g)),
15 and shall be managed accordingly.

16 (2) *NOTICE OF COMMERCIAL ACTIVITIES.*—
17 Sealaska, with respect to the holder of a guiding or
18 outfitting special use permit or authorization under
19 this subsection, and a permit holder referenced in this
20 subsection, with respect to Sealaska, shall have an ob-
21 ligation to inform the other party of their respective
22 commercial activities before engaging in the activities
23 on land, which has been conveyed to Sealaska under
24 this Act, subject to the permit or authorization.

1 (3) *NEGOTIATION OF NEW TERMS.*—*Nothing in*
2 *this subsection precludes Sealaska and a permit hold-*
3 *er under this subsection from negotiating new mutu-*
4 *ally agreeable permit terms that supersede the re-*
5 *quirements of—*

6 (A) *this subsection;*

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

9 (C) *any deed covenant.*

10 (4) *LIABILITY.*—*Sealaska shall bear no liability*
11 *regarding use and occupancy pursuant to special use*
12 *permits or authorizations on land selected or conveyed*
13 *pursuant to this Act.*

14 **SEC. 6. MISCELLANEOUS.**

15 (a) *STATUS OF CONVEYED LAND.*—*Each conveyance*
16 *of Federal land to Sealaska pursuant to this Act, and each*
17 *Federal action carried out to achieve the purpose of this*
18 *Act, shall be considered to be conveyed or acted on, as appli-*
19 *able, pursuant to the Alaska Native Claims Settlement Act*
20 *(43 U.S.C. 1601 et seq.).*

21 (b) *ENVIRONMENTAL MITIGATION AND INCENTIVES.*—
22 *Notwithstanding subsection (e) and (h) of section 5, all land*
23 *conveyed to Sealaska pursuant to the Alaska Native Claims*
24 *Settlement Act (43 U.S.C. 1601 et seq.) and this Act shall*

1 *be considered to be qualified to receive or participate in,*
2 *as applicable—*

3 *(1) any federally authorized carbon sequestration*
4 *program, ecological services program, or environ-*
5 *mental mitigation credit; and*

6 *(2) any other federally authorized environmental*
7 *incentive credit or program.*

8 *(c) NO MATERIAL EFFECT ON FOREST PLAN.—*

9 *(1) IN GENERAL.—Except as required by para-*
10 *graph (2), implementation of this Act, including the*
11 *conveyance of land to Sealaska, alone or in combina-*
12 *tion with any other factor, shall not require an*
13 *amendment of, or revision to, the Tongass National*
14 *Forest Land and Resources Management Plan before*
15 *the first revision of that Plan scheduled to occur after*
16 *the date of enactment of this Act.*

17 *(2) BOUNDARY ADJUSTMENTS.—The Secretary of*
18 *Agriculture shall implement any land ownership*
19 *boundary adjustments to the Tongass National Forest*
20 *Land and Resources Management Plan resulting from*
21 *the implementation of this Act through a technical*
22 *amendment to that Plan.*

23 *(d) TECHNICAL CORRECTIONS.—*

24 *(1) TRIBAL FOREST PROTECTION.—Section 2 of*
25 *the Tribal Forest Protection Act of 2004 (25 U.S.C.*

1 3115a) is amended by adding at the end a new sub-
2 section (h):

3 “(h)(1) Land owned by an Alaska Native Corporation
4 pursuant to the Alaska Native Claims Settlement Act (43
5 U.S.C. 1601 et seq.) that is forest land or formerly had a
6 forest cover or vegetative cover that is capable of restoration
7 shall be eligible for agreements and contracts authorized
8 under this Act and administered by the Secretary.

9 “(2) Nothing in this subsection validates, invalidates,
10 or otherwise affects any claim regarding the existence of In-
11 dian country (as defined in section 1151 of title 18, United
12 States Code) in the State of Alaska.”.

13 (2) NATIONAL HISTORIC PRESERVATION.—Sec-
14 tion 101(d) of the National Historic Preservation Act
15 (16 U.S.C. 470a(d)), is amended by adding at the end
16 a new paragraph (7):

17 “(7)(A) Notwithstanding any other provision of law,
18 an Alaska Native tribe, band, nation or other organized
19 group or community, including a Native village, Regional
20 Corporation, or Village Corporation, shall be eligible to par-
21 ticipate in all programs administered by the Secretary
22 under this Act on behalf of Indian tribes, including, but
23 not limited to, securing grants and other support to manage
24 their own historic preservation sites and programs on lands
25 held by the Alaska Native tribe, band, nation or other orga-

1 nized group or community, including a Native village, Re-
2 gional Corporation, or Village Corporation.

3 “(B) Nothing in this paragraph validates, invalidates,
4 or otherwise affects any claim regarding the existence of In-
5 dian country (as defined in section 1151 of title 18, United
6 States Code) in the State of Alaska.”.

7 (e) *EFFECT ON ENTITLEMENT.*—Nothing in this Act
8 shall have any effect upon the entitlement due to any Native
9 Corporation, other than Sealaska, under—

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

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

14 **SEC. 7. MAPS.**

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

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

18 and

19 (2) the office of the Secretary.

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

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

Union Calendar No. 188

112TH CONGRESS
1ST Session

H. R. 1408

[Report No. 112-280]

A BILL

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

NOVEMBER 10, 2011

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