

POSSIBLE MOTION

I MOVE TO approve Resolution 2011-13 on
first and final reading.

Sponsors: Cheryl Westover and
Phyllis Hackett

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2011-13

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA OPPOSING PROPOSED
FEDERAL LEGISLATION RELATED TO SEALASKA CORPORATION ANCSA
LAND SELECTION TO THE EXTENT THE BILLS PRIVATIZE VALUABLE AND
POPULAR PUBLIC LANDS WITH OUTSTANDING SUBSISTENCE, RECREATION
AND ECONOMIC VALUE LOCATED IN OR NEAR CITY AND BOROUGH OF
SITKA, AND RENDER THOSE LANDS INACCESSIBLE TO A VAST MAJORITY OF
SITKA'S CITIZENRY**

WHEREAS, the Assembly of the City and Borough of Sitka supports the conveyance of Sealaska Corporation's (Sealaska) outstanding land selections under ANCSA to finalize Sealaska's ANCSA land entitlements. However, the Assembly DOES NOT support the current amendments of ANCSA by S. 730 and/or H.R. 1408, or any similar bill, to the extent the proposed legislation would authorize relinquishment and exchange of Sealaska's existing ANCSA selections and selection rights for new selection rights to lands unavailable under ANCSA, whether as enterprise, sacred, cultural or historical sites, which are of high public value to all the people of Sitka for subsistence, tourism and recreation;

WHEREAS, current versions of S. 730 and H.R. 1408 convey into private ownership many of the most popular and valuable public lands in or near the Sitka area. These public lands are prized for their unique location, subsistence attributes, recreational character, and tourism economic values by Sitka's citizens;

WHEREAS, while Sealaska and its shareholders will have full access to these lands if they remain in public ownership, the general public will NOT have guaranteed access to these lands for fishing, recreation, tourism or subsistence activities pursuant to ANCSA or these amendments;

WHEREAS, once these lands are transferred into private ownership to Sealaska, the law does not guarantee a public right of access for fishing, hunting, guiding or recreating on these lands;

WHEREAS, once these lands are conveyed into private ownership to Sealaska, they could be transferred by Sealaska to a private party, either voluntarily through sale, or involuntarily through bankruptcy;

Colleen Ingman, MMC
Municipal Clerk

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2010-06

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA
REQUESTING A FIELD PUBLIC HEARING IN SITKA ON SEALASKA'S
LAND SELECTIONS AS AUTHORIZED BY SB 881, SOME OF WHICH
ARE WITHIN THE SITKA COMMUNITY USE AREA**

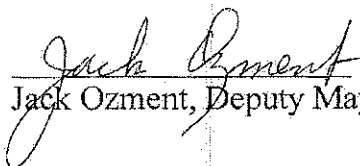
WHEREAS, there have been no public field hearings on SB 881 in Sitka, Alaska. If Public Lands from the Tongass are going to be privatized, our Alaskan Legislators should first hold field public hearings to hear any concerns in the communities they impact; and

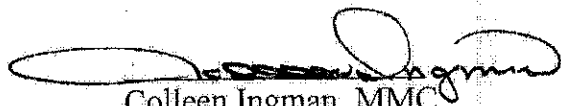
WHEREAS, the Assembly of the City and Borough of Sitka, Alaska supports the resolution of the Sealaska lands transfer, but doing it in a way that protects the environment and the subsistence, cultural, commercial and other uses of the Tongass.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka, Alaska, requests a field public hearing to be held in Sitka concerning Sealaska Corporation's proposed land selections authorized under legislation SB 881; and further requests that committee members of the Energy and Natural Resources Committee attend the hearing as well as Senators Lisa Murkowski and Mark Begich.

PASSED, APPROVED AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska, on this 23rd day of February, 2010.

ATTEST:


Jack Ozment, Deputy Mayor


Colleen Ingman, MMC
Municipal Clerk

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2007/08-28

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA OPPOSING
SEALASKA'S SELECTION OF THREE AREAS IN THE SITKA COMMUNITY USE
AREA AS AUTHORIZED BY H.R. 3560**

WHEREAS, the proposed Southeast Alaska Native Land Entitlement Finalization Act (HR 3560) would transfer public lands in the Sitka area to Sealaska, a private corporation; and

WHEREAS, HR 3560 would authorize Sealaska to select lands outside the withdrawal areas designated in ANCSA, and creates three categories of land uses, one of which is "Enterprise Sites"; and

WHEREAS, each Enterprise Site includes a 15-mile radius "Access Zone"; and

WHEREAS, three of the proposed Sealaska selections of Poison Cove, Kalinin Bay and Big Bay are all within the Sitka Community Use Area and are heavily used for subsistence, recreation, small-scale commercial and guided sport fishing, and remote outdoor experiences; and

WHEREAS, the entire Kalinin Bay from the rock outcrops at the mouth of the Bay to Mean High Tide and to 200 feet landward on the State Lands, is a Special Management Designated Recreation Area in the Sitka Coastal Plan, and Enforceable Policy 14.4 applies: "Where practicable, all land and water-based uses that conflict with the recreational use of the Special Management Areas are not allowed within the boundaries...except for the maintenance or enhancement of the recreation and/or subsistence resources..."; and

WHEREAS, commercial development of these sites would decentralize local economies, create confusing and multiple jurisdictional issues between federal agencies, state agencies, municipalities and the corporation, and displace existing multiple uses of the sites;

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka, Alaska, opposes the selection of these three areas in HR 3560.

PASSED, APPROVED AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska, on this 26th day of February, 2008.

Marko Dapcevich
Mayor

ATTEST:

Colleen Pellett, MMC
Municipal Clerk

Item G
RES. 2008-10

Supporting the Legislation to increase the population base eligible for seventy (70) percent reimbursement of eligible costs for the Department of Environmental Conservation (DEC) Water and Waste Water Grants.

Item H
Pump-out Crescent Harbor

Approve the CBS application for a grant from the State of Alaska Department of Fish and Game for a new pump-out at Crescent Harbor.

Motion on the Consent Agenda consisting of Items A, B, C, D, E, F, G and H PASSED on a 7-0 roll call vote.

IX. UNFINISHED BUSINESS:

Item I
ORD. 2008-02

MOTION, by Stein to approve Ordinance 2008-02 on second and final reading.

Mayor read the title of the ordinance; Amending Sitka General Code Title 19 Entitled "Building and Construction" to update existing provisions.

Motion PASSED on a 7-0 roll call vote.

Item L
RES. 2007-28

MOTION, by Sherrod to postpone resolution 2007-28 indefinitely.

Motion to postpone indefinitely FAILED on a 3-4 roll call vote with Westover, Raffaele and Sherrod in favor and Dapcevich, Stein, Cavanaugh and Ozment against.

MOTION, by Dapcevich to approve Resolution 2007-28 on first and final reading. Opposing Sealaska's Selection of three areas in the Sitka Community Use Area as Authorized by HR3560.

Mayor read the resolution in full.

Representatives from Sealaska spoke to the resolution and highlighted changes they have made to their selections.

Clarence Jackson, a board member since incorporation in 1971, believes land is owed them.

Rosita Worl, Chair of Sealaska Corporation Board of Directors, said the Lands Committee announced that they are seeking their final land entitlement. They heard opposition and support for Kalinin Bay and Poison Cove. They deleted the "15 mile no access zone" and dropped Kalinin Bay, yet retained Big Bay. She urged the assembly to vote in opposition to the resolution.

Albert Kookesh, an Alaska state senator, stated Sealaska is doing what they can to help stimulate the economy.

Joe Bennet, shareholder of Sealaska, echoed Clarence Jackson's comments.

Herman Davis foresees a lot of objections, no matter what selections are made. He believes the ones they selected have historical significance.



Andrew Thoms, Sitka Conservation Society which represents approximately 250 households in Sitka, contends that the legislation that is in congress right now is very divisive.

Bob Sam thanked the Assembly and Sealaska for listening to his elders.

Roland Wirth opposes Sealaska selections and is concerned with locking up public lands into private lands.

Raffaele

Assembly member Raffaele fell ill and had to excuse herself from the meeting at 8:55 PM.

Mike Miller urged the Assembly to vote the resolution down. The resolution is not appropriate at this time.

David Lubin urged the assembly to pass this resolution. He sees the Tongass National Forest getting further fragmented.

Recess

A recess was taken at 9:20 PM until 9:30 PM

There was further discussion regarding the selections and the fact that HR3560 is still relevant because it is alive in Washington D.C.



MOTION, by Stein to postpone until the second meeting in March. (March 25, 2008).

Motion PASSED on a 6-0 roll call vote.

Item J
ORD. 2008-03

MOTION, by Sherrod to approve Ordinance 2008-03 on second and final reading.

Mayor read the ordinance purpose and title: "Amending SGC Chapter 13.06 Entitled "Charges/Fees" by adding new Sections 13.06 Entitled "Inspected Passenger Vessel Fee for Harbor Use" and 13.06.024 Entitled "Commercial Service Provider Fee for Harbor Use," and amending Section 13.06.010 Entitled "Moorage Charges and Fees" regarding Sealing Cove Launch Ramp Unattended Vessel Fee." He further paraphrased the ordinance.

Mr. Dunlap of Allen Marine Tours believes the section in the ordinance that applies to more than seven passenger vessels is a redundant fee. He thinks that Allen Marine is already paying for the use of the harbor facilities.

Chair of the Port and Harbors Commission, Grant Miller, offered history. Three years ago the assembly charged the commission with spreading the burden of fees throughout all users. They came up with 18 options and these are the ones that made it through.

Raffaele

Assembly member Heidi Raffaele returned to the table at 10:08 pm.

Jeff Farvour contended that fishermen already subsidize the harbor fund.

Cavanaugh thinks the situation has changed from three years ago and she still would like them to address the unattended vessels. Dapceovich argued the stall holders have to pay for all the users; consistently their

The only change in this resolution and the original one is the dollar amount. Hillhouse said we could look at transferring to a third party ownership in the future.

Campbell explained the request said the reason the resolution is worded as it is because the state said it needed to be specified. Senator Stedman requested the amount be changed to \$1.7 M. Hillhouse clarified that only the city can accept the funding under statute. This discussion arose because it is the Assembly's intention to look at third party incorporation at a future date. Additionally, Mayor Dapceovich would like the option in the future to refuse this ownership if the other party is not agreeing to our terms.

Motion PASSED on a 7-0 roll call vote.

Recess

A recess was taken at 8:25 PM until 8:31 PM.

Item E
RES. 2008-12

MOTION, by Westover to authorize the Administrator to apply for a Tier 1 Rasmuson Grant in the amount of \$24,000 for the purpose of purchasing fitness equipment for the Hames Athletic and Wellness Center.

Park and Recreation Manager Lynne McGowan clarified that the new pieces of equipment and those that might be acquired under this grant will be the property of Community Schools.

Motion PASSED on a 7-0 roll call vote.

IX. UNFINISHED BUSINESS:

Item I
Fish Box Tax Review

Postponed under Agenda Changes

Item J
RES. 2007-08-28

MOTION, by Cavanaugh to approve Resolution 2007/08-28. Opposing Sealaska selection of three areas in the Sitka Community Use area as authorized by HR 3560.

Rick Harris, Executive Vice President of Sealaska, said they had met with Tribal representatives, city officials and other interested groups. There is no senate bill on this piece of legislation yet but they expect it will be introduced in early April. They have heard concerns and made adjustments. They have dropped Kalinin Bay and Poison Cove and the 15-mile access.

Cavanaugh asked three questions: 1) If the activities of the enterprise would be compatible and consistent with the Tongass Land Use specifications. "Yes" 2) Will any of these sites be used for large scale commercial use. "No." 3) It seems like trust is an issue. What do you say to those that question Sealaska's past practices? Rick Harris explained the ways they have worked at building relationships with communities.

Floyd Tomkins urged the assembly to oppose the Sealaska Land Selection because it is bad for Sitkans to have these gems of recreation sequestered in a private organization's control.



1/10/08

Marlene 14
JWS

City of Sitka Alaska Assembly Members
Alaska Congressional Delegation
U.S. House Natural Resources Committee

Ladies and Gentlemen:

I encourage you to oppose H.R. 3560 which would authorize Sealaska Corporation to select federal lands adjacent to Kalinin Bay, Big Bay, Poison Cove and other areas and sites throughout the Tongass National Forest for the purpose of developing "enterprise zones" for corporate development. This would include charter fishing bases, commercial lodges, resorts and logging with raw log export to the Orient.

These areas proposed for selection by Sealaska lie outside the areas authorized by Congress for withdrawal from the Tongass National Forest for purposes of settlement of the Alaska Native Claims Settlement Act. Sealaska claims that the available remaining selection lands are not valuable enough.

This "enterprise zone" is to include all lands within a 5 mile radius of the above named sites. This takes in the few sheltered and protected small vessel anchorages and camp sites available to

Sitka hunters, fishermen, and the recreating public who have used and taken refuge from storms for generations there. An important such anchorage and campsite that falls within a 5 mile radius of Kalinin Bay is a small cove at Kakul Narrows on the Baranof Island side. Development by Sealaska under HR3560 would preclude further use here by the public, who have used it for so long.

The escalating price of fuel makes day trips from Sitka to this area to gather fish and game to feed families become not feasible for the average boater.

The proposed Poison Cove site will include the long time used by the public protected anchorage and camp site at Emands Island which is 20 miles further from Sitka and through dangerous waters. This site is relatively bear free and provides access to fish and game resources in Upper Hoonah Sound.

Please note that many anchorages and camp sites in the Sitka Sound area are being taken out of public use by the mariculture industry for shell fish farming. This virtually excludes public use. A small cove in Krestof Sound used regularly by many boaters and campers in the past is an example.

May I also note that a past popular public picnicking, anchorage site, the Siginaika Island group in Sitka Sound, was selected by the Hydaburg Village Corporation a few years ago and is no longer available to the public except by trespass. Middle Island is privately owned now around the entire shore line due to a State land sale. Kotlian Bay was selected by Shee Atika Corporation and can be posted to the public at any time.

I urge that any future public meeting on this issue be held in the Centennial Building and not in the "Shee'ka Kwaan Naa Kahidi" Tribal house where criticism of Native Corporation land management practices or HR 3566 can be squashed by tribal members, even though this structure was financed with grant money from the federal treasury.

I commend Davy Hubin for bringing out the "record of poor land management practices" by Sealaska on forest lands selected from the Tongass National Forest. Too bad he was allowed to be berated.

This "poor logging practices" will continue under the toothless and ineffective Alaska State Forest Practices Act" until

it is rewritten by the legislature without "oversight" from the timber industry lobby. The much needed "updated" Alaska Forest Practices Act must closely follow the requirements of U.S. Forest Service rules for timber harvest.

I believe these views on this issue are shared by the vast majority of Sitkans.

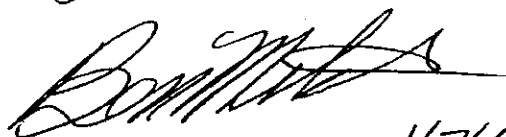
I thank you for your consideration.

I remain

Ben Mitchell

103 Dawlin

Sitka AK



1/7/08



Sitka Trail Works, Inc

801 Halibut Point Road, Sitka AK 99835

Phone: 747- 7244 email: trail@gci.net

Deborah A. Lyons, Executive Director

Ms. Rosita Worl

Chair, Sealaska Corporation Board of Directors Lands Committee

Sealaska Corporation, One Sealaska Plaza, Suite 400

Juneau, AK 99801-1276

March 12, 2008

Re: HR 3560 Big Bay selection impacts on South Sitka Sound Trail Project

Dear Chair Worl and Members of the Sealaska Lands Committee,

At the request of a Sitka Trail Works member, the Sitka Trail Works Board of Directors discussed HR 3560 and the proposed Big Bay Native Enterprise site at their Board meeting February 28, 2008. The Sitka Trail Works Board is neither in support nor opposed to the project at this time. We are in the information-gathering stage, trying to better understand what type of activity is being proposed in Big Bay, and whether or not Sealaska is aware of the South Sitka Sound trail project.

Big Bay is directly adjacent to the south side of the South Sitka Sound Trail Project. Attached please find the project description and map from pages 54 and 55 of the 2003 Sitka Trail Plan. The trail is located on City and Borough of Sitka lands and National Forest lands. The gentle grades, open muskegs, hot springs and ocean views all combine to make it a very special area.

It is very scenic, wild and of great natural beauty, with high recreation potential.

Sitka Trail Works has been carrying out our mission to contribute to the overall health of the community through the development, maintenance and promotion of a comprehensive trail system in the Sitka area, since 1976. We have 300 active member households, an all volunteer Board of Directors composed of community leaders, and we employ an Executive Director and support staff as funding allows. We are guided by the Sitka Trail Plan and MOU with our partner agencies and the Sitka Tribe of Alaska. Adopted in March of 2003, the Trail Plan calls for 16 new hiking trail construction projects and 14 reconstruction projects to be completed over a 12 years in the general Sitka area. I have enclosed a copy of the plan for you and the Sealaska lands committee. I hope you have time to review the plan, even briefly. It will give you a more complete picture of what Sitka Trail Works is trying to accomplish. The 2003 Sitka Trail Plan is also posted online at sitkatrailworks.org.

Our Board is interested to know how the proposed development of the Big Bay Native Enterprise site will affect the trail project. Response to the following questions would be immensely helpful.

Sitka Trail Works Mission Statement: To contribute to the overall health of the community through the development, maintenance and promotion of a comprehensive trail system in the Sitka area.

- Was the Sealaska Lands Committee aware of this proposed trail project when Big Bay was included in HB 3560? If so, was the trail considered a factor in selecting Big Bay as an enterprise site?
- Will any of the National Forest lands on which the trail is located be transferred to Sealaska?
- Will development of the Big Bay Native Enterprise site affect the public's access to the South Sitka Sound trail project? In the project description a camp shelter is proposed on the beach on the North side of Big Bay, and we have anticipated that independent travelers, boaters and kayakers would anchor or land at Big Bay. How would they be affected?
- In order to understand how development at Big Bay will mesh with the trail project it would be helpful to know what exactly is being proposed. Are you planning for a fishing lodge or an adventure tourism lodge? Or a different concept?
- How would the enterprise site activities affect the trail project? Do you see development of the trail project as compatible with the enterprise site...or not?
- Would you seek to modify the trail proposal? If so how?

Thank you for considering these questions. We look forward to your reply. Please don't hesitate to call or office with any questions.

Yours Truly,

Deborah A. Lyons

Deborah A. Lyons
Executive Director
Sitka Trail Works

Cc:

Mayor Dapcevich & City and Borough of Sitka Assembly
Mr. Lawrence (Woody) Widmark, CEO, Sitka Tribe of Alaska
Mr. Forrest Cole USFS Regional Supervisor Tongass National Forest
Carol Goularte USFS Sitka District Ranger

Sitka Trail Works Mission Statement: To contribute to the overall health of the community through the development, maintenance and promotion of a comprehensive trail system in the Sitka area.

112TH CONGRESS
1ST SESSION

H. R. 1408

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 re-
ferred to the Committee on Natural Resources

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

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

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 **SEC. 3. FINDINGS; PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

9 (1)(A) in 1971, Congress enacted the Alaska
10 Native Claims Settlement Act (43 U.S.C. 1601 et
11 seq.) to recognize and settle the aboriginal claims of
12 Alaska Natives to land historically used by Alaska
13 Natives for traditional, cultural, and spiritual pur-
14 poses; and

15 (B) that Act declared that the land settlement
16 “should be accomplished rapidly, with certainty, in
17 conformity with the real economic and social needs
18 of Natives”;

19 (2) the Alaska Native Claims Settlement Act
20 (43 U.S.C. 1601 et seq.)—

21 (A) authorized the distribution of approxi-
22 mately \$1,000,000,000 and 44,000,000 acres of
23 land to Alaska Natives; and

24 (B) provided for the establishment of Na-
25 tive Corporations to receive and manage the

1 funds and that land to meet the cultural, social,
2 and economic needs of Native shareholders;

3 (3) under section 12 of the Alaska Native
4 Claims Settlement Act (43 U.S.C. 1611), each Re-
5 gional Corporation, other than Sealaska (the Re-
6 gional Corporation for southeast Alaska), was au-
7 thorized to receive a share of land based on the pro-
8 portion that the number of Alaska Native share-
9 holders residing in the region of the Regional Cor-
10 poration bore to the total number of Alaska Native
11 shareholders, or the relative size of the area to which
12 the Regional Corporation had an aboriginal land
13 claim bore to the size of the area to which all Re-
14 gional Corporations had aboriginal land claims;

15 (4)(A) Sealaska, the Regional Corporation for
16 southeast Alaska, 1 of the Regional Corporations
17 with the largest number of Alaska Native share-
18 holders, with more than 21 percent of all original
19 Alaska Native shareholders, received less than 1 per-
20 cent of the lands set aside for Alaska Natives, and
21 received no land under section 12 of the Alaska Na-
22 tive Claims Settlement Act (43 U.S.C. 1611);

23 (B) the Tlingit and Haida Indian Tribes of
24 Alaska was 1 of the entities representing the Alaska
25 Natives of southeast Alaska before the date of enact-

1 ment of the Alaska Native Claims Settlement Act
2 (43 U.S.C. 1601 et seq.); and

3 (C) Sealaska did not receive land in proportion
4 to the number of Alaska Native shareholders, or in
5 proportion to the size of the area to which Sealaska
6 had an aboriginal land claim, in part because of a
7 United States Court of Claims cash settlement to
8 the Tlingit and Haida Indian Tribes of Alaska in
9 1968 for land previously taken to create the Tongass
10 National Forest and Glacier Bay National Monu-
11 ment;

12 (5) the 1968 Court of Claims cash settlement
13 of \$7,500,000 did not—

14 (A) adequately compensate the Alaska Na-
15 tives of southeast Alaska for the significant
16 quantity of land and resources lost as a result
17 of the creation of the Tongass National Forest
18 and Glacier Bay National Monument or other
19 losses of land and resources; or

20 (B) justify the significant disparate treat-
21 ment of Sealaska under the Alaska Native
22 Claims Settlement Act (43 U.S.C. 1611) in
23 1971;

24 (6)(A) while each other Regional Corporation
25 received a significant quantity of land under sections

1 12 and 14 of the Alaska Native Claims Settlement
2 Act (43 U.S.C. 1611, 1613), Sealaska only received
3 land under section 14(h) of that Act (43 U.S.C.
4 1613(h));

5 (B) section 14(h) of the Alaska Native Claims
6 Settlement Act (43 U.S.C. 1613(h)) authorized the
7 Secretary to withdraw and convey 2,000,000-acres
8 of "unreserved and unappropriated" public lands in
9 Alaska from which Alaska Native selections could be
10 made for historic sites, cemetery sites, Urban Cor-
11 poration land, Native group land, and Native Allot-
12 ments;

13 (C) under section 14(h)(8) of the Alaska Native
14 Claims Settlement Act (43 U.S.C. 1613(h)(8)), after
15 selections are made under paragraphs (1) through
16 (7) of that section, the land remaining in the
17 2,000,000-acre land pool is allocated based on the
18 proportion that the original Alaska Native share-
19 holder population of a Regional Corporation bore to
20 the original Alaska Native shareholder population of
21 all Regional Corporations;

22 (D) the only Native land entitlement of
23 Sealaska derives from a proportion of leftover land
24 remaining from the 2,000,000-acre land pool, esti-

1 mated as of the date of enactment of this Act at ap-
2 proximately 1,700,000 acres;

3 (E) because at the time of enactment of the
4 Alaska Native Claims Settlement Act (43 U.S.C.
5 1601 et seq.) all public land in the Tongass National
6 Forest had been reserved for purposes of creating
7 the national forest, the Secretary was not able to
8 withdraw any public land in the Tongass National
9 Forest for selection by and conveyance to Sealaska;

10 (F) at the time of enactment of the Alaska Na-
11 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
12 other public lands in southeast Alaska not located in
13 the Tongass National Forest were not suitable for
14 selection by and conveyance to Sealaska because
15 such lands were located in Glacier Bay National
16 Monument, were included in a withdrawal effected
17 pursuant to section 17(d)(2) of that Act (43 U.S.C.
18 1616(d)(2)) and slated to become part of the
19 Wrangell-St. Elias National Park, or essentially con-
20 sisted of mountain tops;

21 (G) Sealaska in 1975 requested that Congress
22 amend the Alaska Native Claims Settlement Act (43
23 U.S.C. 1601 et seq.) to permit the Regional Cor-
24 poration to select lands inside of the withdrawal
25 areas established for southeast Alaska Native vil-

1 lages under section 16 of that Act (43 U.S.C. 1615);
2 and

3 (H) in 1976, Congress amended section 16 of
4 the Alaska Native Claims Settlement Act (43 U.S.C.
5 1615) to allow Sealaska to select lands under section
6 14(h)(8) of that Act (43 U.S.C. 1613(h)(8)) from
7 land located inside, rather than outside, the with-
8 drawal areas established for southeast Alaska Native
9 villages;

10 (7) the 10 Alaska Native village withdrawal
11 areas in southeast Alaska surround the Alaska Na-
12 tive communities of Yakutat, Hoonah, Angoon,
13 Kake, Kasaan, Klawock, Craig, Hydaburg, Klukwan,
14 and Saxman;

15 (8)(A) the existing conveyance requirements of
16 the Alaska Native Claims Settlement Act (43 U.S.C.
17 1601 et seq.) for southeast Alaska limit the land eli-
18 gible for conveyance to Sealaska to the original with-
19 drawal areas surrounding 10 Alaska Native villages
20 in southeast Alaska, which precludes Sealaska from
21 selecting land located—

22 (i) in any withdrawal area established for
23 the Urban Corporations for Sitka and Juneau,
24 Alaska; or

1 (ii) outside the 10 Alaska Native village
2 withdrawal areas; and

3 (B) unlike other Regional Corporations,
4 Sealaska is not authorized to request land located
5 outside the withdrawal areas described in subpara-
6 graph (A) if the withdrawal areas are insufficient to
7 complete the land entitlement of Sealaska under the
8 Alaska Native Claims Settlement Act (43 U.S.C.
9 1601 et seq.);

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

15 (B)(i) as of that date, the Bureau of Land
16 Management notified Sealaska that the total entitle-
17 ment of Sealaska would be approximately 200,000
18 acres; and

19 (ii) Sealaska made entitlement allocation deci-
20 sions for cultural sites and economic development
21 sites based on that original estimate;

22 (C) as a result of the Alaska Land Transfer Ac-
23 celeration Act (Public Law 108-452; 118 Stat.
24 3575) and subsequent related determinations and
25 actions of the Bureau of Land Management, it be-

1 came clear within the last decade that Sealaska will
2 receive significantly more than 200,000 acres pursu-
3 ant to the Alaska Native Claims Settlement Act (43
4 U.S.C. 1601 et seq.);

5 (10) in light of the revised Bureau of Land
6 Management estimate of the total number of acres
7 that Sealaska will receive pursuant to the Alaska
8 Native Claims Settlement Act (43 U.S.C. 1601 et
9 seq.), and in consultation with Members of Alaska's
10 congressional delegation, Sealaska and its share-
11 holders believe that it is appropriate to allocate more
12 of the entitlement of Sealaska to—

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

15 (B) the acquisition of sites with traditional
16 and recreational use value and sites suitable for
17 renewable energy development; and

18 (C) the acquisition of lands that are not
19 within the watersheds of Native and non-Native
20 communities and are suitable economically and
21 environmentally for natural resource develop-
22 ment;

23 (11)(A) pursuant to section 11(a)(1) of the
24 Alaska Native Claims Settlement Act (43 U.S.C.
25 1610(a)(1)), Sealaska was not authorized to select

1 under section 14(h)(1) of that Act (43 U.S.C.
2 1613(h)(1)) any site within Glacier Bay National
3 Park, despite the abundance of cultural sites within
4 that Park;

5 (B) Sealaska seeks cooperative agreements to
6 ensure that cultural sites within Glacier Bay Na-
7 tional Park are subject to cooperative management
8 by Sealaska, Village and Urban Corporations, and
9 federally recognized tribes with ties to the cultural
10 sites and history of the Park; and

11 (C) Congress recognizes that there is an exist-
12 ing Memorandum of Understanding (MOU) between
13 the Park Service and the Hoonah Indian Associa-
14 tion, and does not intend to circumvent the MOU;
15 rather the intent is to ensure that this and similar
16 mechanisms for cooperative management in Glacier
17 Bay are required by law;

18 (12)(A) the cemetery sites and historic places
19 conveyed to Sealaska pursuant to section 14(h)(1) of
20 the Alaska Native Claims Settlement Act (43 U.S.C.
21 1613(h)(1)) are subject to a restrictive covenant not
22 required by the Alaska Native Claims Settlement
23 Act (43 U.S.C. 1601 et seq.) that hinders the ability
24 of Sealaska to use the sites for cultural, educational,
25 or research purposes for Alaska Natives and others;

1 (B) historic sites managed by the Forest Serv-
2 ice are not subject to the limitations referred to in
3 subparagraph (A); and

4 (C) Alaska Natives of southeast Alaska should
5 be permitted to use cemetery sites and historic
6 places in a manner that is—

7 (i) consistent with the sacred, cultural, tra-
8 ditional, or historic nature of the site; and

9 (ii) not inconsistent with the management
10 plans for adjacent public land;

11 (13) 44 percent (820,000 acres) of the 10 Alas-
12 ka Native village withdrawal areas established under
13 the Alaska Native Claims Settlement Act (43 U.S.C.
14 1601 et seq.) described in paragraphs (7) and (8)
15 are composed of salt water and not available for se-
16 lection;

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

21 (15) in each withdrawal area, there exist factors
22 that limit the ability of Sealaska to select sufficient
23 land, and, in particular, economically viable land, to
24 fulfill the land entitlement of Sealaska, including
25 factors such as—

1 (A) with respect to the Yakutat withdrawal
2 area—

3 (i) 46 percent of the area is salt
4 water;

5 (ii) 10 sections (6,400 acres) around
6 the Situk Lake were restricted from selec-
7 tion, with no consideration provided for the
8 restriction; and

9 (iii)(I) 70,000 acres are subject to a
10 gubernatorial consent requirement before
11 selection; and

12 (II) Sealaska received no consider-
13 ation with respect to the consent restric-
14 tion;

15 (B) with respect to the Hoonah withdrawal
16 area, 51 percent of the area is salt water;

17 (C) with respect to the Angoon withdrawal
18 area—

19 (i) 120,000 acres of the area is salt
20 water;

21 (ii) Sealaska received no consideration
22 regarding the prohibition on selecting land
23 from the 80,000 acres located within the
24 Admiralty Island National Monument; and

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

7 (II) no alternative land adjacent to
8 the out-of-withdrawal land of the Village
9 Corporation was made available for selec-
10 tion by Sealaska;

11 (D) with respect to the Kake withdrawal
12 area—

13 (i) 64 percent of the area is salt
14 water; and

15 (ii) extensive timber harvesting by the
16 Forest Service occurred in the area before
17 1971 that significantly reduced the value
18 of land available for selection by, and con-
19 veyance to, Sealaska;

20 (E) with respect to the Kasaan withdrawal
21 area—

22 (i) 54 percent of the area is salt
23 water; and

24 (ii) the Forest Service previously har-
25 vested in the area;

1 (F) with respect to the Klawock with-
2 drawal area—

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

9 (ii) the Klawock and Craig withdrawal
10 areas are 35 percent salt water;

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

18 (H) with respect to the Hydaburg with-
19 drawal area—

20 (i) 36 percent of the area is salt
21 water; and

22 (ii) Sealaska received no consideration
23 under the Haida Land Exchange Act of
24 1986 (Public Law No. 99-664; 100 Stat.
25 4303) for relinquishing selection rights to

1 land within the withdrawal area that the
2 Haida Corporation exchanged to the For-
3 est Service;

4 (I) with respect to the Klukwan withdrawal
5 area—

6 (i) 27 percent of the area is salt
7 water; and

8 (ii) the withdrawal area is only 70,000
9 acres, as compared to the usual withdrawal
10 area of 207,360 acres, which reduces the
11 selection area by 137,360 acres; and

12 (J) with respect to the Saxman withdrawal
13 area—

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

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

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

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

3 (iv) 23,888 acres are located within
4 the Annette Island Indian Reservation for
5 the Metlakatla Indian Tribe and are not
6 available 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 insuf-
12 ficient land remaining in the withdrawal areas
13 to meet the traditional, cultural, and socio-
14 economic needs of the shareholders of Sealaska;
15 and

16 (B) make it difficult for Sealaska to se-
17 lect—

18 (i) places of sacred, cultural, tradi-
19 tional, and historical significance;

20 (ii) sites with traditional and recre-
21 ation use value and sites suitable for re-
22 newable energy development; and

23 (iii) lands that meet the real economic
24 needs of the shareholders of Sealaska;

1 (17) unless Sealaska is allowed to select land
2 outside designated withdrawal areas in southeast
3 Alaska, Sealaska will not be able to—

4 (A) complete the land entitlement selec-
5 tions of Sealaska under the Alaska Native
6 Claims Settlement Act (43 U.S.C. 1601 et seq.)
7 in a manner that meets the cultural, social, and
8 economic needs of Native shareholders;

9 (B) avoid land selections in watersheds
10 that are the exclusive drinking water supply for
11 regional communities, support world class salm-
12 on streams, have been identified as important
13 habitat, or would otherwise be managed by the
14 Forest Service as roadless and old growth forest
15 reserves;

16 (C) secure ownership of places of sacred,
17 cultural, traditional, and historical importance
18 to the Alaska Natives of southeast Alaska; and

19 (D) continue to support forestry jobs and
20 economic opportunities for Alaska Natives and
21 other residents of rural southeast Alaska;

22 (18)(A) the rate of unemployment in southeast
23 Alaska exceeds the statewide rate of unemployment
24 on a non-seasonally adjusted basis;

1 (B) in January 2011, the Alaska Department
2 of Labor and Workforce Development reported the
3 unemployment rate for the Prince of Wales—Outer
4 Ketchikan census area at approximately 16.2 per-
5 cent;

6 (C) in October 2007, the Alaska Department of
7 Labor and Workforce Development projected popu-
8 lation losses between 1996 and 2030 for the Prince
9 of Wales—Outer Ketchikan census area at 56.6 per-
10 cent;

11 (D) official unemployment rates severely under-
12 report the actual level of regional unemployment,
13 particularly in Native villages; and

14 (E) additional job losses will exacerbate out-
15 migration from Native and non-Native communities
16 in southeast Alaska;

17 (19) Sealaska has played, and is expected to
18 continue to play, a significant role in the health of
19 the southeast Alaska economy;

20 (20) despite the small land base of Sealaska as
21 compared to other Regional Corporations (less than
22 1 percent of the total quantity of land allocated pur-
23 suant to the Alaska Native Claims Settlement Act
24 (43 U.S.C. 1601 et seq.)), Sealaska has—

1 (A) provided considerable benefits to Alas-
2 ka Native shareholders;

3 (B) supported hundreds of jobs for Alaska
4 Native shareholders and non-shareholders in
5 southeast Alaska for more than 30 years; and

6 (C) been a significant economic force in
7 southeast Alaska;

8 (21) pursuant to the revenue sharing provisions
9 of section 7(i) of the Alaska Native Claims Settle-
10 ment Act (43 U.S.C. 1606(i)), Sealaska has distrib-
11 uted more than \$300,000,000 during the period be-
12 ginning on January 1, 1971, and ending on Decem-
13 ber 31, 2005, to Native Corporations throughout the
14 State of Alaska from the development of natural re-
15 sources, which accounts for 42 percent of the total
16 revenues shared under that section during that pe-
17 riod;

18 (22) resource development operations main-
19 tained by Sealaska—

20 (A) support hundreds of jobs in the south-
21 east Alaska region;

22 (B) make timber available to local and do-
23 mestic sawmills and other wood products busi-
24 nesses such as guitar manufacturers;

1 (C) support firewood programs for local
2 communities;

3 (D) support maintenance of roads utilized
4 by local communities for subsistence and recre-
5 ation uses;

6 (E) support development of new biomass
7 energy opportunities in southeast Alaska, re-
8 ducing dependence on high-cost diesel fuel for
9 the generation of energy;

10 (F) provide start-up capital for innovative
11 business models in southeast Alaska that create
12 new opportunities for non-timber economic de-
13 velopment in the region, including support for
14 renewable biomass initiatives, Alaska Native ar-
15 tisans, and rural mariculture farming; and

16 (G) support Native education and cultural
17 and language preservation activities;

18 (23) if the resource development operations of
19 Sealaska cease on land appropriate for those oper-
20 ations, there will be a significant negative impact
21 on—

22 (A) southeast Alaska Native shareholders;

23 (B) the cultural preservation activities of
24 Sealaska;

25 (C) the economy of southeast Alaska; and

1 (D) the Alaska Native community that
2 benefits from the revenue-sharing requirements
3 under the Alaska Native claims Settlement Act
4 (43 U.S.C. 1601 et seq.);

5 (24) it is critical that the remaining land enti-
6 tlement conveyances to Sealaska under the Alaska
7 Native Claims Settlement Act (43 U.S.C. 1601 et
8 seq.) are fulfilled to continue to meet the economic,
9 social, and cultural needs of the Alaska Native
10 shareholders of southeast Alaska and the Alaska Na-
11 tive community throughout Alaska;

12 (25) in order to realize cultural preservation
13 goals while also diversifying economic opportunities,
14 Sealaska should be authorized to select and receive
15 conveyance of—

16 (A) sacred, cultural, traditional, and his-
17 toric sites and other places of traditional cul-
18 tural significance, including traditional and cus-
19 tomary trade and migration routes, to facilitate
20 the perpetuation and preservation of Alaska
21 Native culture and history;

22 (B) other sites with traditional and recre-
23 ation use value and sites suitable for renewable
24 energy development to facilitate appropriate
25 tourism and outdoor recreation enterprises and

1 renewable energy development for rural south-
2 east Alaska communities; and

3 (C) lands that are suitable economically
4 and environmentally for natural resource devel-
5 opment;

6 (26) on completion of the conveyances of land
7 of Sealaska to fulfill the full land entitlement of
8 Sealaska under the Alaska Native Claims Settlement
9 Act (43 U.S.C. 1601 et seq.), the encumbrances on
10 327,000 acres of Federal land created by the with-
11 drawal of land for selection by Native Corporations
12 in southeast Alaska should be removed, which will
13 facilitate thorough and complete planning and effi-
14 cient management relating to national forest land in
15 southeast Alaska by the Forest Service;

16 (27) although the Tribal Forest Protection Act
17 (25 U.S.C. 3101 note; Public Law 108-278) defines
18 the term "Indian tribe" to include Indian tribes
19 under section 4 of the Indian Self-Determination
20 and Education Assistance Act (25 U.S.C. 450b), a
21 term which includes "any Alaska Native village or
22 regional or village corporation as defined in or estab-
23 lished pursuant to the Alaska Native Claims Settle-
24 ment Act . . .", the Tribal Forest Protection Act
25 does not define the term "Indian forest land or

1 rangeland” to include lands owned by Alaska Native
2 Corporations, including Sealaska, which are the pri-
3 mary Indian forest land owners in Alaska, and
4 therefore, the Tribal Forest Protection Act should be
5 amended in a manner that will—

6 (A) permit Native Corporations, including
7 Sealaska, as Indian forest land owners in Alas-
8 ka, to work with the Secretary of Agriculture
9 under the Tribal Forest Protection Act to ad-
10 dress forest fire and insect infestation issues,
11 including the spread of the spruce bark beetle
12 in southeast and southcentral Alaska, which
13 threaten the health of the Native forestlands;
14 and

15 (B) ensure that Native Corporations, in-
16 cluding Sealaska, can participate in programs
17 administered by the Secretary of Agriculture
18 under the Tribal Forest Protection Act without
19 including Native Corporations under the defini-
20 tion in that Act of “Indian forest land or range-
21 land” or otherwise amending that Act in a
22 manner that validates, invalidates, or otherwise
23 affects any claim regarding the existence of In-
24 dian country in the State of Alaska;

1 (28) the National Historic Preservation Act (16
2 U.S.C. 470 et seq.) defines the term "Indian tribe"
3 to include any "Native village, Regional Corporation
4 or Village Corporation, as those terms are defined in
5 section 3 of the Alaska Native Claims Settlement
6 Act" but does not define the term "Tribal lands" to
7 include lands owned by Alaska Native Corporations,
8 thereby excluding from the National Historic Preser-
9 vation Act cemetery sites and historical places trans-
10 ferred to Native Corporations, including Sealaska,
11 pursuant to the Alaska Native Claims Settlement
12 Act, and therefore, the National Historic Preserva-
13 tion Act should be amended in a manner that will—

14 (A) permit Native Corporations, including
15 Sealaska, as owners of Indian cemetery sites
16 and historical places in Alaska, to work with
17 the Secretary of the Interior under the National
18 Historic Preservation Act to secure grants and
19 other support to manage their own historic sites
20 and programs pursuant to that Act; and

21 (B) ensure that Native Corporations, in-
22 cluding Sealaska, can participate in programs
23 administered by the Secretary of the Interior
24 under the National Historic Preservation Act
25 without including Native Corporations under

1 the definition in that Act of "Tribal lands" or
2 otherwise amending that Act in a manner that
3 validates, invalidates, or otherwise affects any
4 claim regarding the existence of Indian country
5 in the State of Alaska.

6 (b) PURPOSE.—The purpose of this Act is to address
7 the inequitable treatment of Sealaska by allowing Sealaska
8 to select the remaining land entitlement of Sealaska under
9 section 14 of the Alaska Native Claims Settlement Act (43
10 U.S.C. 1613) from designated Federal land in southeast
11 Alaska located outside the 10 southeast Alaska Native vil-
12 lage withdrawal areas in a manner that meets the cultural,
13 social, and economic needs of Native shareholders, includ-
14 ing the need to maintain jobs supported by Sealaska in
15 rural southeast Alaska communities.

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

17 (a) SELECTION BY SEALASKA.—

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

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

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

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

13 (C) the land bank protections of section
14 907(d) of the Alaska National Interest and
15 Lands Conservation Act (43 U.S.C. 1636(d)).

16 (3) NATIONAL PARK SERVICE.—The National
17 Park Service is authorized to enter into a coopera-
18 tive management agreement described in subsection
19 (e)(2) for the purpose, in part, of recognizing and
20 perpetuating the values of the National Park Serv-
21 ice, including those values associated with the
22 Tlingit homeland and culture, wilderness, and eco-
23 logical preservation.

24 (b) WITHDRAWAL OF LAND.—The following public
25 land is withdrawn, subject to valid existing rights, from

1 all forms of appropriation under public land laws, includ-
2 ing the mining and mineral leasing laws, and from selec-
3 tion under the Act of July 7, 1958 (commonly known as
4 the "Alaska Statehood Act") (48 U.S.C. note prec. 21;
5 Public Law 85-508), and shall be available for selection
6 by and conveyance to Sealaska to complete the remaining
7 land entitlement of Sealaska under section 14(h)(8) of the
8 Alaska Native Claims Settlement Act (43 U.S.C.
9 1613(h)(8)):

10 (1) Land identified on the maps dated Feb-
11 ruary 1, 2011, and labeled "Attachment A (Maps 1
12 through 8)".

13 (2) Sites with traditional and recreational use
14 value, as identified on the map entitled "Sites with
15 Traditional and Recreational Use Value", dated
16 February 1, 2011, and labeled "Attachment D",
17 subject to the condition that not more than 5,000
18 acres shall be selected for those purposes.

19 (3) Sites identified on the map entitled "Tradi-
20 tional and Customary Trade and Migration Routes",
21 dated February 1, 2011, and labeled "Attachment
22 C", which includes an identification of—

23 (A) a conveyance of land 25 feet in width,
24 together with 1-acre sites at each terminus and
25 at 8 locations along the route, with the route,

1 location, and boundaries of the conveyance de-
2 scribed on the map inset entitled "Yakutat to
3 Dry Bay Trade and Migration Route" on the
4 map entitled "Traditional and Customary
5 Trade and Migration Routes", dated February
6 1, 2011, and labeled "Attachment C";

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

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

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

9 (1) Sealaska shall have a right to identify up to
10 3,600 acres of sites with sacred, cultural, traditional,
11 or historic significance, including archeological sites,
12 cultural landscapes, and natural features having cul-
13 tural significance; and

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

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

23 (B) available for selection by and convey-
24 ance to Sealaska to complete the remaining
25 land entitlement of Sealaska under section

1 14(h)(8) of the Alaska Native Claims Settle-
2 ment Act (43 U.S.C. 1613(h)(8)) subject to the
3 conditions that—

4 (i) no sites with sacred, cultural, tra-
5 ditional, or historic significance may be se-
6 lected from within a unit of the National
7 Park System; and

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

14 (d) FOREST DEVELOPMENT ROADS.—Sealaska shall
15 receive from the United States, subject to such reasonable
16 terms and conditions as the Forest Service may impose,
17 nonexclusive easements to Sealaska to allow—

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

22 (2) access on the forest development road iden-
23 tified in paragraphs (2)(a) and (2)(b) of the patent
24 numbered 50-92-0203 and dated February 24,
25 1992;

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

4 (4) access on the forest development roads and
5 use of the log transfer facilities identified on the
6 maps dated February 1, 2011, and labeled "Attach-
7 ment A (Maps 1 through 8)";

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

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

16 (e) COOPERATIVE MANAGEMENT OF SITES IN GLA-
17 CIER BAY NATIONAL PARK.—

18 (1) IN GENERAL.—The Director of the National
19 Park Service shall offer to enter into a cooperative
20 management agreement with Sealaska, other Village
21 Corporations and Urban Corporations, and federally
22 recognized Indian tribes with cultural and historical
23 ties to Glacier Bay National Park, in accordance
24 with the requirements of paragraph (2).

1 (2) REQUIREMENTS.—A cooperative manage-
2 ment agreement under this paragraph shall—

3 (A) recognize the contributions of the Alas-
4 ka Natives of southeast Alaska to the history,
5 culture, and ecology of Glacier Bay National
6 Park and the surrounding area; and

7 (B) ensure that the Alaska Native sacred
8 and cultural sites located in Glacier Bay Na-
9 tional Park and identified on the map entitled
10 “Places of Sacred, Cultural, Traditional and
11 Historic Significance”, dated February 1, 2011,
12 and labeled “Attachment B”, are protected and
13 enhanced by cooperative activities and partner-
14 ships among federally recognized Indian tribes,
15 Village Corporations and Urban Corporations,
16 Sealaska, and the National Park Service.

17 (3) REPORT.—Not later than 2 years after the
18 date of enactment of this Act, the Director of the
19 National Park Service shall submit to Congress a re-
20 port describing each activity for cooperative manage-
21 ment of each site described in paragraph (2) and
22 carried out under a cooperative management agree-
23 ment under this subsection.

24 **SEC. 5. CONVEYANCES TO SEALASKA.**

25 (a) TIMELINE FOR CONVEYANCE.—

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

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

12 (3) SUBSTANTIAL COMPLETION REQUIRED.—
13 Not later than two years after the date of selection
14 by Sealaska of land withdrawn under section
15 4(b)(1), the Secretary shall substantially complete
16 the conveyance of the land to Sealaska under this
17 Act.

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

24 (b) EXPIRATION OF WITHDRAWALS.—On completion
25 of the selection by Sealaska and the conveyances to

1 Sealaska of land under subsection (a) in a manner that
2 is sufficient to fulfill the land entitlement of Sealaska
3 under section 14(h)(8) of the Alaska Native Claims Settle-
4 ment Act (43 U.S.C. 1613(h)(8))—

5 (1) the right of Sealaska to receive any land
6 under that Act from within a withdrawal area estab-
7 lished under subsections (a) and (d) of section 16 of
8 that Act shall be terminated;

9 (2) the withdrawal areas set aside for selection
10 by Native Corporations in southeast Alaska under
11 subsections (a) and (d) of section 16 of that Act
12 shall be rescinded; and

13 (3) land located within a withdrawal area that
14 is not conveyed to Sealaska or to a southeast Alaska
15 Village Corporation or Urban Corporation shall be
16 returned to the unencumbered management of the
17 Forest Service as part of the Tongass National For-
18 est.

19 (c) LIMITATION.—Sealaska shall not select or receive
20 under this Act any conveyance of land pursuant to para-
21 graphs (1) or (2) of section 4(b) located within—

22 (1) any conservation system unit;

23 (2) any federally designated wilderness area; or

24 (3) any Land Use Designation I or II area.

1 (d) APPLICABLE EASEMENTS AND PUBLIC AC-
2 CESS.—

3 (1) IN GENERAL.—The conveyance to Sealaska
4 of land withdrawn pursuant to paragraphs (1) and
5 (3) of section 4(b) that are located outside a with-
6 drawal area designated under section 16(a) of the
7 Alaska Native Claims Settlement Act (43 U.S.C.
8 1615(a)) shall be subject to—

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

13 (B) a reservation for easements along the
14 temporary roads designated by the Forest Serv-
15 ice as of the date of the enactment of this Act
16 for the public access trails depicted on the maps
17 described in subparagraph (A); and

18 (C) the right of noncommercial public ac-
19 cess for subsistence uses, consistent with title
20 VIII of the Alaska National Interest Lands
21 Conservation Act (16 U.S.C. 3111 et seq.), and
22 recreational access, without liability to
23 Sealaska, subject to—

24 (i) the right of Sealaska to regulate
25 access to ensure public safety, to protect

1 cultural or scientific resources, and to pro-
2 vide environmental protection; and

3 (ii) the condition that Sealaska shall
4 post on any applicable property, in accord-
5 ance with State law, notices of the condi-
6 tions on use.

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

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

17 (B) the right of Sealaska to regulate ac-
18 cess across the conveyances to ensure public
19 safety, to protect cultural or scientific re-
20 sources, to provide environmental protection, or
21 to prohibit activities incompatible with the use
22 and enjoyment of the land by Sealaska, subject
23 to the condition that Sealaska shall post on any
24 applicable property, in accordance with State
25 law, notices of any such condition.

1 (3) TRADITIONAL AND CUSTOMARY TRADE AND
2 MIGRATION ROUTES.—The conveyance to Sealaska
3 of land withdrawn pursuant to section 4(b)(3) that
4 is located outside of a withdrawal area designated
5 under section 16(a) of the Alaska Native Claims
6 Settlement Act (43 U.S.C. 1615(a)) shall be subject
7 to a requirement that Sealaska provide public access
8 across such linear conveyances if an adjacent land-
9 owner or the public has a legal right to use the adja-
10 cent private or public land.

11 (4) CERTAIN NATIVE SITES.—The conveyance
12 to Sealaska of land withdrawn pursuant to section
13 4(b)(2) that is located outside of a withdrawal area
14 designated under section 16(a) of the Alaska Native
15 Claims Settlement Act (43 U.S.C. 1615(a)) shall be
16 subject to—

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

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

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

1 (A) creates any interest, other than an in-
2 terest retained by the United States, of such an
3 individual or entity in the land conveyed to
4 Sealaska in excess of that right of access; or

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

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

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

16 (2) shall allow use of the land as described in
17 subsection (f); and

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

24 (f) USES OF SACRED, CULTURAL, TRADITIONAL,
25 AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY

1 TRADE AND MIGRATION ROUTES.—Any land conveyed to
2 Sealaska from land withdrawn pursuant to sections
3 4(b)(3) and 4(c) may be used for—

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

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

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

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

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

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

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

24 (g) TERMINATION OF RESTRICTIVE COVENANTS.—

1 (1) IN GENERAL.—Each restrictive covenant re-
2 garding cultural or historical values with respect to
3 any interim conveyance or patent for a historic or
4 cemetery site issued to Sealaska pursuant to the
5 Federal regulations contained in sections 2653.5(a)
6 and 2653.11 of title 43, Code of Federal Regula-
7 tions (as in effect on the date of enactment of this
8 Act), in accordance with section 14(h)(1) of the
9 Alaska Native Claims Settlement Act (43 U.S.C.
10 1613(h)(1)), terminates as a matter of law on the
11 date of enactment of this Act.

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

16 (3) RECORDS.—Sealaska shall be responsible
17 for recording with the land title recorders office of
18 the State of Alaska any modification to an existing
19 conveyance of land under section 14(h)(1) of the
20 Alaska Native Claims Settlement Act (43 U.S.C.
21 1613(h)(1)) as a result of this Act.

22 (h) CONDITIONS ON CERTAIN NATIVE SITES.—Each
23 conveyance of land to Sealaska from land withdrawn pur-
24 suant to section 4(b)(2) shall be subject to a covenant pro-

1 libiting any commercial timber harvest or mineral devel-
2 opment.

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

8 (j) GUIDING AND OUTFITTING SPECIAL USE PER-
9 MITS OR AUTHORIZATIONS.—

10 (1) IN GENERAL.—Consistent with the provi-
11 sions of section 14(g) of the Alaska Native Claims
12 Settlement Act (43 U.S.C. 1613(g)), except as modi-
13 fied herein, on land conveyed to Sealaska from land
14 withdrawn pursuant to sections 4(b)(1) and 4(b)(2),
15 an existing holder of a guiding or outfitting special
16 use permit or authorization issued by the Forest
17 Service shall be entitled to its rights and privileges
18 on the land for the remaining term of the permit, as
19 of the date of conveyance to Sealaska, and for 1
20 subsequent 10-year renewal of the permit, subject to
21 the condition that the rights shall be considered a
22 valid existing right reserved pursuant to section
23 14(g) of the Alaska Native Claims Settlement Act
24 (43 U.S.C. 1613(g)), and shall be managed accord-
25 ingly.

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

11 (3) NEGOTIATION OF NEW TERMS.—Nothing in
12 this subsection precludes Sealaska and a permit
13 holder under this subsection from negotiating new
14 mutually agreeable permit terms that supersede the
15 requirements of—

16 (A) this subsection;

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

19 (C) any deed covenant.

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

1 SEC. 6. MISCELLANEOUS.

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

8 (b) ENVIRONMENTAL MITIGATION AND INCEN-
9 TIVES.—Notwithstanding subsection (e) and (h) of section
10 5, all land conveyed to Sealaska pursuant to the Alaska
11 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)
12 and this Act shall be considered to be qualified to receive
13 or participate in, as applicable—

14 (1) any federally authorized carbon sequestra-
15 tion program, ecological services program, or envi-
16 ronmental mitigation credit; and

17 (2) any other federally authorized environ-
18 mental incentive credit or program.

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

20 (1) IN GENERAL.—Except as required by para-
21 graph (2), implementation of this Act, including the
22 conveyance of land to Sealaska, alone or in combina-
23 tion with any other factor, shall not require an
24 amendment of, or revision to, the Tongass National
25 Forest Land and Resources Management Plan be-

1 fore the first revision of that Plan scheduled to
2 occur after the date of enactment of this Act.

3 (2) BOUNDARY ADJUSTMENTS.—The Secretary
4 of Agriculture shall implement any land ownership
5 boundary adjustments to the Tongass National For-
6 est Land and Resources Management Plan resulting
7 from the implementation of this Act through a tech-
8 nical amendment to that Plan.

9 (d) TECHNICAL CORRECTIONS.—

10 (1) TRIBAL FOREST PROTECTION.—Section 2 of
11 the Tribal Forest Protection Act of 2004, 25 U.S.C.
12 3115a, is amended by adding a new subsection (h):

13 “(h)(1) Land owned by an Alaska Native Corporation
14 pursuant to the Alaska Native Claims Settlement Act (43
15 U.S.C. 1601 et seq.) that is forest land or formerly had
16 a forest cover or vegetative cover that is capable of res-
17 toration shall be eligible for agreements and contracts au-
18 thorized under this Act and administered by the Secretary.

19 “(2) Nothing in this subsection validates, invalidates,
20 or otherwise affects any claim regarding the existence of
21 Indian country (as defined in section 1151 of title 18,
22 United States Code) in the State of Alaska.”.

23 (2) NATIONAL HISTORIC PRESERVATION.—Sec-
24 tion 101(d) of the National Historic Preservation

1 Act, 16 U.S.C. 470a(d), is amended by adding a new
2 paragraph (7):

3 “(7)(A) Notwithstanding any other provision of
4 law, an Alaska Native tribe, band, nation or other
5 organized group or community, including a Native
6 village, Regional Corporation, or Village Corpora-
7 tion, shall be eligible to participate in all programs
8 administered by the Secretary under this Act on be-
9 half of Indian tribes, including, but not limited to,
10 securing grants and other support to manage their
11 own historic preservation sites and programs on
12 lands held by the Alaska Native tribe, band, nation
13 or other organized group or community, including a
14 Native village, Regional Corporation, or Village Cor-
15 poration.

16 “(B) Nothing in this paragraph validates, in-
17 validates, or otherwise affects any claim regarding
18 the existence of Indian country (as defined in section
19 1151 of title 18, United States Code) in the State
20 of Alaska.”.

21 (e) EFFECT ON ENTITLEMENT.—Nothing in this sec-
22 tion shall have any effect upon the entitlement due to any
23 Native Corporation, other than Sealaska, under—

24 (1) the Alaska Native Claims Settlement Act
25 (43 U.S.C. 1601 et seq.); or

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

3 **SEC. 7. MAPS.**

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

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

7 and

8 (2) the office of the Secretary.

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

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

16 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

○

112TH CONGRESS
1ST SESSION

S. 730

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

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2011

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

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

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

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

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

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

18 (a) SELECTION BY SEALASKA.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (a) **TIMELINE FOR CONVEYANCE.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (g) TERMINATION OF RESTRICTIVE COVENANTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (A) this subsection;

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

1 (C) any deed covenant.

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

6 **SEC. 5. MISCELLANEOUS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(b) MANAGEMENT OF CONSERVATION AREAS.—

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

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

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

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

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

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

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

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

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

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

1 **SEC. 7. MAPS.**

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

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

6 (2) the office of the Secretary.

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

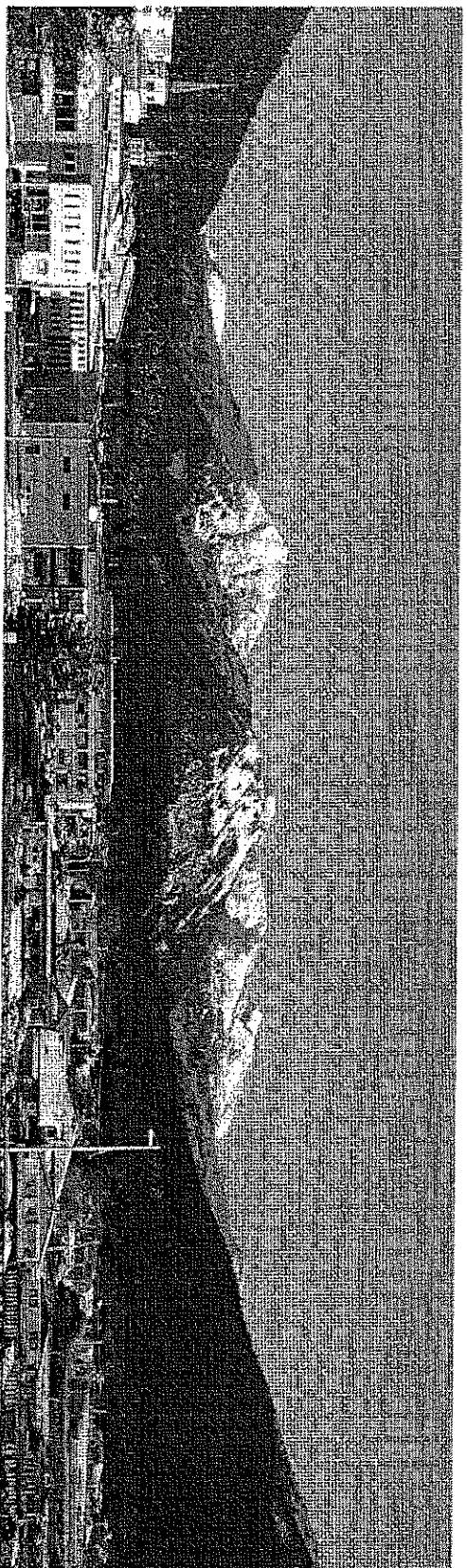
11 (c) TREATMENT.—No map referred to in this Act
12 shall be considered to be an attempt by the Federal Gov-
13 ernment to convey any State or private land.

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

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

○

2007 City and Borough of Sitka Comprehensive Plan Update



Prepared with the Assistance of Community Boards, Commissions, Organizations, and Native Interests who generously contributed time and efforts. Narrative built to Denali Commission standards.

2.1. General Goals and Policies

The City and Borough of Sitka will conduct its affairs and will use its resources, powers, and programs to seek, facilitate, maintain, and improve:

- 2.1.1 A small town atmosphere;
- 2.1.2 Economic growth that improves the quality of life, improves living standards, promotes housing, maintains an affordable cost of living for families and supports a stable population;
- 2.1.3 A natural and civic environment that is clean and healthy and, which will foster quality family life;
- 2.1.4 Access to affordable and quality health care;
- 2.1.5 Close and easy access to wildlands and wilderness;
- ~~2.1.6~~ Recognition of the positive effect of the Arts in Sitka's civic and economic framework;
- ~~2.1.7~~ The opportunity to participate in a subsistence lifestyle and collaboration with Sitka Tribe of Alaska on subsistence issues;
- 2.1.8 Respect for the diverse cultures in the community and Sitka's indigenous cultural history;
- 2.1.9 Sitka's traditional respect and concern for its people;
- 2.1.10 The diversity and vitality of the local job base;
- 2.1.11 A tax structure which is reasonable while providing necessary services;
- 2.1.12 Access to high-quality education at all levels;
- 2.1.13 Diversified industries that provide maximum value from Sitka's resources;
- 2.1.14 Access to natural resources necessary for community growth and well-being;
- 2.1.15 Convenient, reliable, and affordable transportation for both commodities and people, including support and expansion of Sitka's designated public transit system; as well as safe, non-motorized access to all parts of the community;
- 2.1.16 Reliable and affordable electric power and other utilities;
- 2.1.17 Reliable, safe, and affordable public water supply, sanitary and storm sewerage;
- 2.1.18 Safe, diverse, and pleasant park and recreation facilities, programs and amenities;
- 2.1.19 Safety from fire, flood, and other disasters;
- 2.1.20 Police protection, to include community policing, and service to include safety programs; and continue to collaborate with Sitka Tribe of Alaska to obtain grant funding for law enforcement services;
- 2.1.21 Mutually supportive relationships with sister communities in the region and with the State of Alaska as a whole.
- 2.1.22 Where found inconsistent with other plans, the comprehensive plan will take precedence and the Borough shall work toward amending the inconsistency in the other plan(s).
- 2.1.23 Adequate, safe and affordable housing.



¹ A "goal" is a general statement of being or condition that is sought. In this Plan, each goal statement begins with the word "to" and has a number. "Objectives" are more discrete and achievable steps which, if achieved, will either constitute accomplishment of a goal or progress toward such accomplishment. A "policy" in this context is a rule of operation, which declares how certain functions are to be performed. Objectives and Policies are intertwined under goal statements and have letters to set them apart. Earlier drafts of this Plan also had statements called "considerations." These have been reworked into goals, policies or objectives as appropriate to their content.

2. COMMUNITY GOALS AND OBJECTIVES

The community goals, policies, and objectives constitute the remainder of the policy sections of the document. They are provided on the following pages.

2.2. Economic Goals and Policies

The City and Borough of Sitka will conduct its affairs and will use its resources, powers, and programs to seek, facilitate, maintain, and improve economic activities which:

- 2.2.1. Contribute to a stable, long-term, local economic base;
- 2.2.2. Provide needed goods and services locally;
- 2.2.3. Produce high-quality goods or services;
- 2.2.4. Minimize impacts on diversity and integrity of the ecosystem;
- 2.2.5. Protect the health and well-being of local people and their surroundings;
- 2.2.6. Complement existing economic activities and strive to increase economic diversity;
- 2.2.7. Promote economic growth through the increased use of information technology by facilitation acquisition of technology infrastructure;
- 2.2.8. Minimize impacts on subsistence opportunities and activities of local residents;
- 2.2.9. Complement existing economic activities;
- 2.2.10. Respect the cultural diversity and the social values of the community;
- 2.2.11. In concert with the use of resources, add the highest potential value to the local economy; and further, the City and Borough of Sitka will seek, establish, and implement public policies which:
 - 2.2.12. Eliminates regulations that are adverse to the community's needs;



- 2.2.13. Maintains reasonable tax rates that most efficiently provide for necessary services;
- 2.2.14. Provides, maintains and improves an infrastructure to meet the needs of the community;
- 2.2.15. Provide housing that can be acquired by a median income Sitka household using no more than 30 percent of its gross income;
- 2.2.16. Improve the availability of affordable housing, both long-term and short-term, to accommodate working families, seasonal workers, and students;
- 2.2.17. Maintains Sitka's legal subsistence status and continued opportunities for and safety of subsistence users;
- 2.2.18.
- 2.2.19. Maintains and enhances the strength of our existing local businesses; Encourages the expansion and outreach of existing health and educational institutions in Sitka so that the municipality will become a regional hub for health and education services and to attract new health and educational services that are not or will not be provided by existing institutions;
- 2.2.20. Will further establish Sitka as a regional center for trade, transportation, professional and technical services, and any other service, facility or commodity for which there is a regional need or demand, while continuing to support use of existing natural resources, artistic and cultural events and services, fishery service and support, visitor services and facilities, financial and business services.
- 2.2.21.

2.3. Governmental and General Infrastructure Goals, Policies, and Objectives

Infrastructure in Sitka is a combination of public, private and natural resources. The public and private sectors are encouraged to cooperate to provide and maintain a high-quality infrastructure to enhance the economy and the enjoyment of life for the residents and visitors of Sitka.

- 2.3.1. To consider establishing, to the extent feasible, a performance system for each department of the City and Borough of Sitka to permit consistent comparisons from year to year.
- 2.3.2. To assure widespread and thorough public awareness of pending actions of the Borough which are significant to the well-being of the community. This includes:
 - A. Public notice pending matters in the local newspaper and press releases containing additional information made available to all media;
 - B. The availability of copies of relevant documents prior to a meeting or event at which a hearing is to be held and a decision made.



- 2.4.5. To encourage logical growth and development adjacent to existing services and facilities and to discourage discontinuous, leapfrog development and zoning.
- 2.4.6. To provide adequate land for commercial, industrial and residential growth and public use that promotes the efficient use, value and enjoyment of the environment.
- 2.4.7. To encourage well-planned and environmentally sensitive site planning, maintenance of affordable utility costs, provision of needed open space.
- 2.4.8. To seek out ways to make housing more affordable for all Sitkans through various measures including:
 - A. Develop more affordable housing opportunities, including single family homes and multi-family homes and multi-family dwellings.
 - B. Creative site design.
 - C. Minimizing utility extension networks.
 - D. Relaxation of code requirements in cases where a thorough analysis has been conducted.
 - E. Placing a high priority on working with the University of Alaska Land Trust to obtain the release of the 150 lots in the platted benchland subdivision for a coordinated plan of development and sale for residential use.
 - F. Prepare a long range, affordable housing action plan.
 - G. Increase the supply of land available for housing.
 - H. Develop partnerships to provide affordable housing.
 - I. Establish a local organization to provide affordable housing.
- 2.4.8.2 Facilitate, through code revisions and other municipal actions, residential and commercial unit construction and modifications that utilize the universal design concept. The universal design concept results in structures being built and modified that are usable by all people with a range of ages and abilities without the need for adaptation or specialized design.
- 2.4.9.
 - 2.4.10 To permit large scale/high impact commercial, industrial and resource development activities on municipal lands only after an extensive public review.
 - 2.4.11. To protect crucial subsistence resources from loss and damage, to minimize loss and damage to all subsistence resources, and to carry out the following policies and objectives:
 - A. Specific land use designations shall be evaluated that protect subsistence resources.
 - B. Recreation and subsistence use of public land shall be taken into account in all land use decisions.
 - C. The Borough will work with the Alaska Department of Environmental Conservation to ensure that air and water quality will be protected in all areas.
 - D.
 - E. To periodically review previously adopted studies, many of which have been undertaken by citizen committees.

