

**Calendar No. 176**113TH CONGRESS  
1ST SESSION**S. 340****[Report No. 113-98]**

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

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

SEPTEMBER 10, 2013

Reported by Mr. WYDEN, with an amendment

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

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**A BILL**

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

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

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

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

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

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

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

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

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

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

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

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

16 (b) FINAL ENTITLEMENT.—

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

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

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

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

3 ~~(2) DEDUCTION.—~~

4 ~~(A) IN GENERAL.—~~The Secretary shall de-  
 5 duct from the number of acres of Federal land  
 6 described in paragraph ~~(1)(A)~~ the number of  
 7 acres of Federal land for which the Secretary  
 8 has issued a conveyance during the period be-  
 9 ginning on August 1, 2012, and ending on the  
 10 date of receipt of the resolution under sub-  
 11 section (a).

12 ~~(B) AGREEMENT.—~~The Secretary, the Sec-  
 13 retary of Agriculture, and Sealaska shall nego-  
 14 tiate in good faith to make a mutually agree-  
 15 able adjustment to the parcel of Federal land  
 16 generally depicted on the maps entitled  
 17 “Sealaska Land Entitlement Finalization”,  
 18 numbered 1 of 17, and dated October 17, 2012,  
 19 and the map numbered 18 and dated December  
 20 21, 2012, to implement the deduction of acres  
 21 required by subparagraph (A).

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

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

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

3           (A) the relinquishment of all existing selec-  
4 tions made by Sealaska under subsection  
5 14(h)(8) of the Alaska Native Claims Settle-  
6 ment Act (~~43 U.S.C. 1613(h)(8)~~); and

7           (B) the termination of all withdrawals by  
8 section 16 of the Alaska Native Claims Settle-  
9 ment Act (~~43 U.S.C. 1615~~), except to the ex-  
10 tent a selection by a Village Corporation under  
11 subsections (b) and (d) of section 16 of the  
12 Alaska Native Claims Settlement Act (~~43~~  
13 ~~U.S.C. 1615~~) remains pending, until the date  
14 on which those selections are resolved.

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

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

19           (2) the Secretary shall, not later than 27  
20 months after the date of enactment of this Act, com-  
21 plete the interim conveyance of the remaining land  
22 entitlement to Sealaska under section 14(h)(8) of  
23 the Alaska Native Claims Settlement Act (~~43 U.S.C.~~  
24 ~~1613(h)(8)~~) from prioritized selections on file with  
25 the Secretary on the date of enactment of this Act.

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

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

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

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

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

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

1 (b) WITHDRAWAL.—

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

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

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

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

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

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

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

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

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

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

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

10       (d) EASEMENTS.—

11           (1) PUBLIC EASEMENTS.—The deeds of convey-  
 12           ance for the land under subsection (a) shall be sub-  
 13           ject to the reservation of public easements under  
 14           section 17(b) of the Alaska Native Claims Settle-  
 15           ment Act (~~43~~ U.S.C. 1616(b)).

16           (2) CONSERVATION EASEMENTS.—

17           (A) IN GENERAL.—In the deeds of convey-  
 18           ance for the land under subsection (a), the Sec-  
 19           retary shall reserve a conservation easement to  
 20           protect the aquatic and riparian habitat extend-  
 21           ing 100 feet on each side of the anadromous  
 22           water bodies depicted as “100 Foot Conserva-  
 23           tion Easement” on the maps numbered 3, 4,  
 24           and 6.



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

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

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

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

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

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

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

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

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

11                   ~~(i)~~ the agreement under subparagraph  
 12 ~~(C)~~; and

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

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

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

1           (ii) to use, maintain, and if necessary,  
 2           reconstruct the Forest Service Road known  
 3           as “South Shipley Bay Road” referred to  
 4           in clause (i) to access the log transfer facil-  
 5           ity at Shipley Bay; and

6           (iii) to use, maintain, and expand the  
 7           log transfer and sort yard facility at Ship-  
 8           ley Bay that is within the area depicted on  
 9           the map entitled “Sealaska Land Entitle-  
 10          ment Finalization”, numbered 3 of 17 and  
 11          dated October 17, 2012.

12          (C) ROADS AND FACILITIES USE AGREE-  
 13          MENT.—In addition to the agreement under  
 14          section 6(b), the Secretary and Sealaska shall  
 15          enter into an agreement relating to the access,  
 16          use, maintenance, and improvement of the  
 17          roads and facilities under this paragraph.

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

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

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

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

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

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

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

17                 (B) subject to—

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

21                                 (I) to ensure public safety;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17       (b) PROCEDURE FOR EVALUATING APPLICATIONS.—

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

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

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

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

4           and

5           (2) subject to—

6                   (A) valid existing rights;

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

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

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

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

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

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

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

9           (f) SELECTION OF ADDITIONAL CEMETERY SITES.—

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

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



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

3 ~~(2) the Secretary shall—~~

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

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

10 ~~(g) PUBLIC ACCESS.—~~

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

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

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

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

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

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

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

10 (i) to ensure public safety;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **SEC. 6. MISCELLANEOUS.**

11       (a) SPECIAL USE AUTHORIZATIONS.—

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

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

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

1 the special use authorization issued by the For-  
2 est Service, for—

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

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

7 (2) NOTICE OF COMMERCIAL ACTIVITIES.—

8 Sealaska and any holder of a guiding or outfitting  
9 authorization under this subsection shall have a mu-  
10 tual obligation, subject to the guiding or outfitting  
11 authorization, to inform the other party of any com-  
12 mercial activities prior to engaging in the activities  
13 on the land conveyed to Sealaska under section 4(a).

14 (3) NEGOTIATION OF NEW TERMS.—Nothing in  
15 this subsection precludes Sealaska and the holder of  
16 a guiding or outfitting authorization from negoti-  
17 ating a new mutually agreeable guiding or outfitting  
18 authorization.

19 (4) LIABILITY.—Neither Sealaska nor the  
20 United States shall bear any liability, except for will-  
21 ful acts of Sealaska or the United States, regarding  
22 the use and occupancy of any land conveyed to  
23 Sealaska under this Act, as provided in any outfit-  
24 ting or guiding authorization under this subsection.

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

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

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

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

11 (1) DESIGNATIONS.—

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

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

1           (C) THE PEOPLE’S ROAD.—The route from  
 2           Portage Bay to Duncan Canal, as generally de-  
 3           picted on the map entitled “Traditional Trade  
 4           and Migration Route, Lingít Deiyí—The Peo-  
 5           ple’s Road” and dated October 17, 2012, is  
 6           designated “Lingít Deiyí” (“The People’s  
 7           Road”).

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

16          (d) EFFECT ON OTHER LAWS.—

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

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

23           (B) a Native Corporation under—

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



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

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

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

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

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

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

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

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

3 (f) MAPS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (b) ~~NO BUFFER ZONES.~~—

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

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

23 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

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

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

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

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

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

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

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

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

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

9        *(b) FINAL ENTITLEMENT.—*

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

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

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

21            *(2) DEDUCTION.—*

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

22                 (2) conveyed in accordance with that subsection.

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

24          (a) *INTERIM CONVEYANCE.*—

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

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

20           (b) *WITHDRAWAL.*—

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

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

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

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

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

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

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

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

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

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

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

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

3 *(d) EASEMENTS.—*

4 *(1) PUBLIC EASEMENTS.—*

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

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

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

24 *(2) CONSERVATION EASEMENTS.—*

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

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

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

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

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

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

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

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

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

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

20                           (i) *the agreement under subparagraph*

21                           (C); *and*

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

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

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

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

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

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

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

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

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

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

16           (B) *subject to—*

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

20                           (I) *to ensure public safety;*

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

23                           (III) *to protect cultural resources;*

24                           (IV) *to conduct scientific research;*

25                           *or*



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

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

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

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

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

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

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

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

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

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

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

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

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

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

2           *and*

3           (2) *subject to—*

4                   (A) *valid existing rights;*

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

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

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

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

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

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

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

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

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

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

24 (2) the Secretary shall—

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

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

7           (g) *PUBLIC ACCESS.*—

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

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

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

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

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

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

7                           (i) *to ensure public safety;*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3   **SEC. 6. MISCELLANEOUS.**

4       *(a) SPECIAL USE AUTHORIZATIONS.—*

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

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

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

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

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

23           *(2) NOTICE OF COMMERCIAL ACTIVITIES.—*

24       *Sealaska and any holder of a guiding or outfitting*  
25       *authorization under this subsection shall have a mu-*

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

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

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

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

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

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

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

25 (1) *IDENTIFICATION OF ROUTES.*—

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

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

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

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

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

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

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

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

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

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

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

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

15          (e) *EFFECT ON OTHER LAWS*.—

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

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

22               (B) a Native Corporation under—

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

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

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

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

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

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

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

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

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

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

5       *(g) MAPS.—*

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

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

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

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

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

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

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

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

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

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

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

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



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

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

8       *(b) NO BUFFER ZONES.—*

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

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

Calendar No. 176

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 340**

[Report No. 113-98]

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## **A BILL**

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

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SEPTEMBER 10, 2013

Reported with an amendment