

**Alaska Native Claims Settlement  
Improvement Act of 2016**

**S.3004**

**SECTION-BY-SECTION ANALYSIS**

**MAY 2016**

### *Section 1. Short Title*

Section 1 provides a short title.

### *Section 2. Definitions*

Section 2 defines key terms.

### *Section 3. Ukpeagvik Inupiat Corporation Sand and Gravel Resources*

Section 3 amends the Barrow Gas Field Transfer Act of 1984 to direct the Secretary of the Interior to convey sand and gravel deposits under the estate of 12 townships to the Ukpeagvik Inupiat Corporation (UIC). This section requires the UIC to continue mitigating negative impacts on nesting sites for the Steller's eider and prohibits the UIC from using explosives during the active nesting season.

### *Section 4. Shishmaref Easement*

Section 4 directs the Secretary of the Interior to grant the Shishmaref Native Corporation a 300 foot easement across the Bering Land Bridge National Monument to allow for a road to be built between Shishmaref and Ear Mountain, Alaska. This easement shall be jointly proposed by the Shishmaref Native Corporation, the City of Shishmaref, the Native Village of Shishmaref, and the State of Alaska. This easement is deemed to meet all requirements of title XI in the Alaska National Interests Lands Conservation Act.

### *Section 5. Shee Atika Incorporated*

Section 5 clarifies that the the U.S. Forest Service reacquisition of land from Shee Atika Incorporated of Sitka shall be treated as if such consideration were the receipt of land or interests pursuant to the Alaska Native Claims Settlement Act (ANCSA). This provision is intended to further the land acquisition already underway for which Congress has already appropriated money and for which the parties are already in process of finalizing an option purchase agreement to specify the terms of the sale. This section permits Shee Atika to elect to receive payment for the lands either in cash or as bid credits that may be used to acquire federal surplus property being sold by federal agencies.

### *Section 6. Admiralty Island National Monument Land Exchange*

Section 6 authorizes the Secretary of Agriculture to convey to Sealaska 8,872.5 acres of surface and subsurface federal land and 5,145 acres of surface federal land on Prince of Wales Island in exchange for 23,000 acres of subsurface land in Cube Cove from the Sealaska Corporation, if Sealaska agrees to relinquish that land. This section makes clear that the land conveyance to Sealaska will be considered a land conveyance under ANCSA.

### *Section 7. CIRI Land Entitlement*

Section 7 authorizes the Cook Inlet Region, Inc. to select the outstanding 43,000 acres of land owed to them under their ANCSA entitlement from the following areas:

- Lands in Alaska outside of the boundaries of the Cook Inlet Region, which were previously selected for conveyance by other Alaska Native corporations, but whose selections were later withdrawn by those corporations;
- Lands in Alaska outside of the boundaries of Cook Inlet Region that are adjacent to lands owned by other Native corporations;
- Lands within the boundaries of the National Petroleum Reserve-Alaska;
- Lands within the boundaries of National Wildlife Refuges in the State of Alaska with the exception that no lands may be selected inside the Arctic National Wildlife Refuge; and
- Federal lands in Alaska that are outside the boundaries of any national monument or of National Park Service lands.

CIRI shall have a right of notice and first refusal to select land located within the region of CIRI in the State that is identified by the Federal Government as excess to the needs of the Federal Government, with the exception of land at Joint Base Elmendorf-Richardson.

#### *Section 8. Canyon Village, Kaktovik, and Nagamut*

Section 8 requires the Secretary of the Interior to convey 6,400 acres of surface land to the Kian Tr'ee Corporation for the Native Village of Canyon Village. The subsurface estate will be conveyed to Doyon Limited. This section also requires the Secretary of the Interior to withdraw lands chosen by Kaktovik from within the National Wildlife Refuge System to be conveyed to Kaktovik. This section further requires the Secretary of the Interior to withdraw lands chosen by Nagamut that are within the National Wildlife Refuge System that cover their original township or are as close as possible to the original township. All three land conveyances fulfill entitlements that were granted under ANCSA.

#### *Section 9. Alaska Native Corporation Authorizations*

Section 9 authorizes Alaska Native Corporations to participate in three federal programs, directly as Alaska Native Corporations: the National Historic Preservation Act, the Tribal Forest Protection Act, and the Native American Graves Protection and Repatriation Act. No additional money is authorized for the grant programs.

#### *Section 10. Unrecognized Southeast Alaska Native Communities Recognition and Compensation*

Section 10(a) provides a purpose for the section. Section 10(b) amends ANCSA to authorize the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, Alaska to form Urban Corporations. Section 10(c) directs the Secretary of the Interior to enroll Natives who were previously enrolled in a Regional Corporation to become members of the Urban Corporations. Section 10(d) clarifies that individuals who become shareholders in an Urban Corporation can still be eligible to be a shareholder at-large in the Southeast Regional Corporation. Section 10(e) permits each of the five Native Villages to select an additional 23,040 acres of land in Southeast Alaska, but prohibits them from selecting land from existing conservation units. Section 10(e)

requires the Secretary of the Interior to choose lands for the selection pool that are in areas of historical, cultural, traditional, and economic value to the Native Villages. Section 10(e) outlines a timeline on which a decision to accept or reject a land conveyance needs to be made once the Secretary of the Interior issues an offer. Once an agreement has been reached, section 10(e) directs the Secretary of the Interior to convey the surface rights of the land to the Urban Corporations and the subsurface rights to the Regional Corporation for Southeast Alaska. Section 10(e) permits the Urban Corporations to establish a settlement trust to promote health, education, and welfare for the individuals and descendants of the individuals who are enrolled in the Urban Corporation.

### *Section 11. Alaska Native Veterans Land Allotment Equity*

Section 11 amends ANCSA to provide eligibility to receive an allotment of Federal land to Alaska Native Veterans who served during the Vietnam War. This sections makes clear that land that may be selected must be vacant and, either, owned by the United States; land that has been selected or conveyed to the State of Alaska and which the State chooses to give up; or land that has been selected or conveyed to a Native Corporation and which the Native Corporation chooses to give up. The section permits any Native Corporation that gives up land to select an equal amount of land to that which it gave up. This section prohibits land from being chosen within a right-of-way of the TransAlaska Pipeline or within a unit that is a part of the National Park System, a National Preserve, or a National Monument. This section also directs the Secretary of the Interior to approve any application that fulfills the foregoing requirements by December 31, 2020. This section requires the Secretary of the Interior to notify any individual who owns lands that are being considered for an allotment no later than 90 days after the application has been filed. This section allows any Alaska Native Veteran who served in the Vietnam War and has already selected an allotment, or who has not yet received their allotment, to be eligible to withdraw the initial selection and make a new selection.

### *Section 12. 13<sup>th</sup> Regional Corporation*

Section 12 provides that the Secretary of the Interior, as soon as practicable after the date of enactment of this Act, shall convene a meeting of the shareholders of the 13<sup>th</sup> Regional Corporation for the purpose of the election of a board of directors for the 13<sup>th</sup> Regional Corporation. In advance of the meeting, the Secretary shall notify the roll of current shareholders of the time and place of the meeting.

This provision is intended to empower the 13<sup>th</sup> Regional Corporation, which was created in 1975 to handle the needs of some 4,500 Native shareholders living outside of Alaska, to have the legal means to reconstitute itself. The corporation experienced long-standing financial difficulties and lapsed into insolvency in 2007, losing its corporation status when dissolved by the Alaska Division of Corporations, Business and Professional Licensing on December 31, 2013.