

**Statement of  
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Bureau of Land Management, Department of Interior  
Senate Energy & Natural Resources Committee  
Subcommittee on Public Lands and Forests  
S. 881, Southeast Alaska Native Land Entitlement Finalization Act  
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Thank you for the opportunity to testify and provide the Department of Interior's (Department's) views on S. 881, the Southeast Alaska Land Entitlement Finalization Act. The Department supports the goals of completing Alaska Native Claims Settlement Act (ANCSA) entitlements as soon as possible so that Alaska Native corporations, including Sealaska Corporation (Sealaska), may each receive the full economic benefit of land title. However, while the Department appreciates that time has brought a desire for amendments to the original ANCSA settlement to light, we have a number of concerns. We look forward to working with Sealaska, Congress, and other community partners and interests to find a solution that works. My testimony today will focus on outlining those concerns.

**Background**

The Bureau of Land Management (BLM), Alaska State Office, is responsible for expediting federal land conveyances to individual Alaska Natives, Native corporations, and the State of Alaska under four major statutes: the Alaska Native Allotment Act of 1906, the Alaska Statehood Act of 1958, the Alaska Native Veterans Allotment Act of 1998, and ANCSA. When these land conveyances are ultimately completed, about 150 million acres, or approximately 42 percent of the land area of Alaska, will have been transferred from federal to State and private (Native) ownership.

ANCSA established a framework under which Alaska Natives could form private corporations to select and receive title to 44 million acres of public land in Alaska and receive payment of \$962.5 million in settlement of aboriginal claims to lands in the State. Sealaska is one of twelve regional corporations formed under ANCSA to receive land benefits.

**S. 881**

S. 881 would amend ANCSA to allow Sealaska to receive conveyance of lands outside of the original withdrawal areas established by the Act in 1971, and would create new and unique categories of selections not available to other regional corporations. Specifically, it would allow Sealaska to select and receive conveyance from Forest Service-administered lands in the Tongass National Forest other than those that were originally available for selection. The Department defers to the Forest Service regarding the effects of the bill on Forest Service-administered lands. However, the Department notes the undesirable precedent of substituting new lands for one of the corporations at this stage in the land transfer program. Doing so would in effect postpone deadlines and permit new selections. The bill would also impose timelines for the Secretary of

the Interior to complete the conveyance of land, would remove restrictive covenants on historic and cemetery sites, and would require the National Park Service (NPS) to enter into a cooperative management agreement with Sealaska and others with cultural and historical ties to Glacier Bay National Park.

As noted, the Department supports finalizing entitlements under ANCSA and the BLM is maintaining the accelerated pace of the program while ensuring that the intent of ANCSA is implemented. By the end of FY 09, BLM has surveyed and patented 58 percent of lands to the native Corporations, and has granted interim conveyance on an additional 34 percent. The Department is concerned that S. 881 would provide an impetus for other regional corporations to attempt to reopen land claims at this critical final stage in the land transfer program. If this occurs, it would obstruct the progress of the program, and prolong the process of completing ANCSA entitlements. Provisions of S. 881, such as future selections, would also create uncertainty regarding the boundaries of federally-managed public lands in Alaska.

In addition, the Department is very concerned with the deadlines for conveyance set in S. 881. These deadlines would put the completion of Sealaska conveyances ahead of all other regional corporations, individual Alaskan Natives, and the State. This “front of the line” approach would set a negative precedent of preferential treatment and interrupt progress on conveyances to other entities. The BLM has made significant progress since the enactment of the Alaska Land Transfer Acceleration Act of 2004, which gave the BLM the tools it needed to expedite these land transfers. An amendment such as S. 881, which would change fundamental provisions of this statute, would serve to reverse much of the progress we have made thus far.

S. 881 would also remove existing covenants on historic and cemetery sites conveyed under ANCSA Section 14(h)(1), which restrict activity that is incompatible with these sites’ cultural or historic values. The Department believes this would provide an opportunity for other regional corporations to request removal of similar restrictions from other Native corporation sites, further negatively impacting the land transfer program.

The cooperative management agreement provisions in sections 3(a)(2) and 3(c)(2) of the legislation would require the National Park Service (NPS) to offer to enter into cooperative management agreements with Sealaska and other corporations for activities in Glacier Bay National Park. This could confuse the execution of existing memoranda of understanding and concession contracts which are currently working well in the park. The NPS maintains a Memorandum of Understanding with the Hoonah Indian Association, a federally recognized tribe, as well as a cooperative agreement with the non-profit Huna Heritage Foundation to provide cultural learning activities in the park. Both entities are also partners in monitoring the condition of Tlingit historic sites in the park.

In addition, requiring cooperative management agreements for such activities such as guided tours and establishment of visitor sites with profit-making corporations would be inconsistent with the open, competitive process currently provided under concession management law and regulation. Existing practices are already resulting in engaging Native Alaskans in the visitor experience: a subsidiary of Huna Totem Corporation has the Glacier Bay lodge and tour

contracts with Aramark Leisure Services through 2013, and Goldbelt Inc., a Juneau-based Native corporation, had the contracts between 1996 and 2004.

The Department also has concerns about Section 5(e)(2), which would broaden the definition of tribal lands under the National Historic Preservation Act (NHPA) to include all ANCSA lands in Alaska (approximately 44 million acres). Although this provision addresses the definition of tribal lands only with respect to the NHPA, granting tribal status to lands owned by for-profit corporations for any purpose could have wider implications than what may be intended. The Department would like to have more time to assess this potential impact of this provision before the committee takes any action on it.

### **Conclusion**

As noted above, the Department supports the goal of completing ANCSA entitlements as soon as possible and is working diligently to maintain the accelerated pace of the land transfer program. The Department is committed to working with the parties to reach a solution. Thank you for the opportunity to testify on this matter. I will be glad to answer any questions.