

106TH CONGRESS  
1ST SESSION

# H. R. 2547

To provide for the conveyance of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1999

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To provide for the conveyance of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act.

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 “Chugach Alaska Na-  
5 tives Settlement Implementation Act of 1999”.

6 **SEC. 2. DEFINITIONS.**

7 For the purposes of this Act, the following definitions  
8 apply:

1           (1) The term “ANCSA” means the Alaska Na-  
2           tive Claims Settlement Act, as amended (43 U.S.C.  
3           1601 et seq.).

4           (2) The term “ANILCA” means the Alaska  
5           National Interest Lands Conservation Act of 1980,  
6           as amended (16 U.S.C. 3101 et seq.).

7           **TITLE I—EASEMENT FOR**  
8           **ACCESS**

9           **SEC. 101. FINDINGS.**

10          The Congress finds that—

11           (1) Chugach Alaska Corporation, formerly  
12           known as Chugach Natives, Inc., is the Alaska Na-  
13           tive Regional Corporation organized under the au-  
14           thority of ANCSA for the Chugach people in the  
15           Chugach region;

16           (2) ANCSA promised the Chugach people a fair  
17           and just settlement of their aboriginal claims to  
18           lands and waters in Alaska;

19           (3) pursuant to section 1430 of ANILCA, the  
20           Secretary of the Interior, the Secretary of Agri-  
21           culture, the State of Alaska, and Chugach Alaska  
22           Corporation were directed to study land ownership  
23           in and around the Chugach region for the purposes  
24           of—

1 (A) providing a fair and just land settle-  
2 ment for the Chugach people and realizing the  
3 intent, purpose, and promise of ANCSA by  
4 Chugach Alaska Corporation; and

5 (B) identifying lands that, to the maximum  
6 extent possible, are of the like, kind, and char-  
7 acter of those traditionally used and occupied  
8 by the Chugach people, and, to the maximum  
9 extent possible, are coastal accessible and eco-  
10 nomically viable;

11 (4) on September 17, 1982, the aforementioned  
12 parties entered into the 1982 Chugach Natives, Inc.  
13 Settlement Agreement in order to set forth a fair  
14 and just land settlement for the Chugach people  
15 pursuant to the study directed by Congress, which  
16 among its many provisions—

17 (A) required the United States to convey  
18 to Chugach Alaska Corporation not more than  
19 73,308 acres of land in the vicinity of Carbon  
20 Mountain, which tract of land contains signifi-  
21 cant natural resources, but is inaccessible by  
22 road;

23 (B) granted Chugach Alaska Corporation  
24 rights-of-way across Chugach National Forest  
25 to such tract of land, and required the United

1 States to grant to Chugach Alaska Corporation  
2 an easement for the purpose of constructing,  
3 using, and maintaining roads and other facili-  
4 ties necessary for the use and development of  
5 that tract of land;

6 (C) required Chugach Alaska Corporation  
7 to apply to the Forest Supervisor for Chugach  
8 National Forest for conveyance of the ease-  
9 ment, and to provide such information as may  
10 be prescribed by the Forest Supervisor; and

11 (D) reserved in the United States the right  
12 to prepare environmental documents in connec-  
13 tion with the easement grant, consistent with  
14 the provisions of section 910 of ANILCA, if  
15 deemed desirable by the responsible Federal  
16 agency;

17 (5) on September 11, 1996, the Forest Super-  
18 visor deemed preparation of environmental docu-  
19 ments for the easement desirable;

20 (6) on August 8, 1997, and January 21, 1998,  
21 Chugach Alaska Corporation and the United States  
22 Forest Service entered into collection agreements,  
23 pursuant to which Chugach Alaska Corporation was  
24 required to pay to the United States Forest Service  
25 the costs of United States Forest Service personnel

1 involvement in the preparation and review of envi-  
2 ronmental documents and processing of the ease-  
3 ment application;

4 (7) on March 13, 1998, Chugach Alaska Cor-  
5 poration and the United States Forest Service en-  
6 tered into a Memorandum of Understanding, pursu-  
7 ant to which the parties reached agreement on—

8 (A) the information prescribed by the For-  
9 est Supervisor, in a detailed work plan prepared  
10 jointly by United States Forest Service and  
11 Chugach Alaska Corporation representatives;

12 (B) the process for the preparation and  
13 approval of environmental documentation in  
14 support of the easement; and

15 (C) the requirement that the United States  
16 Forest Service grant an easement to Chugach  
17 Alaska Corporation within 45 days after receiv-  
18 ing a complete easement application from Chu-  
19 gach Alaska Corporation;

20 (8) In furtherance of providing the environ-  
21 mental documentation prescribed by the Forest Su-  
22 pervisor, Chugach Alaska Corporation, at its sole  
23 expense—

24 (A) contracted for the performance of field  
25 surveys and the preparation of resource reports

1 on the cultural resources, wetlands, threatened,  
2 endangered, and sensitive plant and animal spe-  
3 cies, vegetation, and fish and wildlife in the  
4 easement project area, as depicted on the map  
5 entitled “Project Area and Corridor Carbon  
6 Mountain Access Project 1–14–98”.

7 (B) submitted the resource reports to the  
8 United States Forest Service for review and  
9 comment, and contracted for further field sur-  
10 veys and reports as and when requested by the  
11 United States Forest Service;

12 (C) in conjunction with United States For-  
13 est Service biologists, contracted for the per-  
14 formance of field surveys and the preparation of  
15 reports for waterfowl, goshawk, and goat kid-  
16 ding areas in the easement project area;

17 (D) contracted for the preparation of  
18 bridge designs and hydrological analyses for  
19 major crossings within the easement project  
20 area, submitted such designs and analyses to  
21 the United States Forest Service for review and  
22 comment, and modified such designs pursuant  
23 to comments received from United States For-  
24 est Service specialists;

1           (E) prepared a transportation plan for the  
2           easement and road, including maintenance and  
3           design standards and an erosion control plan,  
4           for review by United States Forest Service engi-  
5           neers and specialists; and

6           (F) contracted for the preparation of a  
7           draft road design for field and office review by  
8           United States Forest Service engineers and spe-  
9           cialists, and for the modification of such design  
10          pursuant to comments received by the United  
11          States Forest Service;

12          (9) In June 1998, an interdisciplinary team of  
13          specialists in the fields of fisheries, hydrology, engi-  
14          neering, soils, wildlife, recreation, and visual quality  
15          from the United States Forest Service and Chugach  
16          Alaska Corporation and its contractors conducted an  
17          extensive field review of the easement corridor and  
18          road location, the costs of which were borne by Chu-  
19          gach Alaska Corporation, and United States Forest  
20          Service specialists concurred with Chugach Alaska  
21          Corporation on the location of the easement cor-  
22          ridor;

23          (10) Following the interdisciplinary team review  
24          and concurrence, United States Forest Service staff  
25          officers, including the Forest Supervisor for the

1 Chugach National Forest, conducted a field review  
2 of the road location and affirmed such concurrence;

3 (11) on January 12, 1999, the Forest Super-  
4 visor determined that Chugach Alaska Corporation  
5 had completed all studies and provided adequate  
6 documentation to support its easement application;

7 (12) on January 19, 1999, Chugach Alaska  
8 Corporation submitted the complete easement appli-  
9 cation, containing all information prescribed by the  
10 Forest Supervisor, in a multivolume collection of the  
11 extensive field work, reviews, reports, analyses, and  
12 modifications performed and relied upon in support  
13 of the easement, and entitled “Documentation in  
14 Support of an Easement Application for Road Ac-  
15 cess Via the Martin River Valley to the Bering River  
16 Coal Fields as Granted by the 1982 CNI Settlement  
17 Agreement”;

18 (13) to date, the United States Forest Service  
19 has failed to grant Chugach Alaska Corporation an  
20 easement for access to its lands in the vicinity of  
21 Carbon Mountain;

22 (14) without such easement, the lands conveyed  
23 to Chugach Alaska Corporation in the vicinity of  
24 Carbon Mountain cannot be utilized or developed in

1 a manner consistent with the intent of congress as  
2 expressed in the ANILCA and ANCSA;

3 (15) Chugach Alaska Corporation has incurred  
4 considerable expense and delay in its efforts to  
5 achieve the fair and just settlement Congress in-  
6 tended and promised to the Chugach people more  
7 than 2 decades ago pursuant to ANCSA;

8 (16) the easement requirement under the 1982  
9 Chugach Natives, Inc. Settlement Agreement should  
10 be granted without further delay.

11 **SEC. 102. PURPOSE.**

12 The purpose of this title is to provide Chugach Alaska  
13 Corporation with access to and for the utilization and de-  
14 velopment of land interests in the vicinity of Carbon  
15 Mountain that were conveyed to Chugach Alaska Corpora-  
16 tion pursuant to ANCSA.

17 **SEC. 103. CONVEYANCE.**

18 Notwithstanding any other provision of law, as soon  
19 as practicable but not later than 90 days after the date  
20 of the enactment of this title, the Secretary of Agriculture  
21 shall grant Chugach Alaska Corporation a perpetual ease-  
22 ment located and having the specifications as set forth in  
23 the “Documentation in Support of an Easement Applica-  
24 tion for Road Access Via the Martin River Valley to the  
25 Bering River Coal Fields as Granted by the 1982 CNI

1 Settlement Agreement”, for the purposes and facilities de-  
2 scribed therein.

3 **SEC. 104. EASEMENT.**

4 Unless otherwise agreed to by the Secretary of Agri-  
5 culture and Chugach Alaska Corporation, the easement  
6 granted under section 103 of this title shall—

7 (1) include sufficient lands for logistical staging  
8 areas and construction material sites used for the  
9 construction and maintenance of a single-lane forest  
10 road; and

11 (2) include the right for Chugach Alaska Cor-  
12 poration, or its assignees, to construct, operate, and  
13 maintain related facilities and structures within the  
14 right-of-way.

15 **SEC. 105. TRANSFER.**

16 If within 6 months from the date of the enactment  
17 of this title the Secretary of Agriculture and Chugach  
18 Alaska Corporation fail mutually to agree on the terms  
19 and conditions of the use of the easement, then the ease-  
20 ment is hereby granted to Chugach Alaska Corporation,  
21 and such grant shall be deemed as a conveyance pursuant  
22 to ANCSA.

1 **TITLE II—CEMETERY SITES AND**  
2 **HISTORIC PLACES**

3 **SEC. 201. DEFINITIONS.**

4 For the purposes of this title, the following defini-  
5 tions apply:

6 (1) The term “Federal Government” means any  
7 Federal agency of the United States.

8 (2) The term “Secretary” means the Secretary  
9 of the Interior.

10 **SEC. 202. FINDINGS.**

11 The Congress finds the following:

12 (1) Pursuant to section 14(h)(1) of ANCSA,  
13 the Secretary has the authority to withdraw and  
14 convey to the appropriate regional corporation fee  
15 title to existing cemetery sites and historical places.

16 (2) Pursuant to section 14(h)(7) of ANCSA,  
17 lands located within a National Forest may be con-  
18 veyed for the purposes set forth in section 14(h)(1)  
19 of ANCSA.

20 (3) Chugach Alaska Corporation, the Alaska  
21 Native Regional Corporation for the Chugach Re-  
22 gion, applied to the Secretary for the conveyance of  
23 cemetery sites and historical places pursuant to sec-  
24 tion 14(h)(1) of ANCSA in accordance with the reg-  
25 ulations promulgated by the Secretary.

1           (4) Pursuant to such regulations, Village Cor-  
2           poration selections were given priority over Regional  
3           Corporation selections for the same lands.

4           (5) Chugach Alaska Corporation's section  
5           14(h)(1) applications for lands that were selected by  
6           and conveyed to Village Corporations in the Chugach  
7           Region were either withdrawn by Chugach Alaska  
8           Corporation or denied by the Secretary.

9           (6) As part of the Exxon Valdez Oil Spill Res-  
10          toration Program, the Federal Government has ac-  
11          quired and is in the process of acquiring lands from  
12          Village Corporations in the Chugach Region that  
13          Chugach Alaska Corporation applied for pursuant to  
14          section 14(h)(1) of ANCSA and lands from other  
15          private parties in the Chugach Region that contain  
16          cemetery sites and historical places.

17          (7) The fulfillment of the intent, purpose, and  
18          promise of ANCSA requires that lands Chugach  
19          Alaska Corporation selected or would have selected  
20          under section 14(h)(1) of ANCSA and that were  
21          subsequently acquired by the Federal Government  
22          should be made available for conveyance to Chugach  
23          Alaska Corporation as cemetery sites and historical  
24          places pursuant to section 14(h)(1) of ANCSA, sub-  
25          ject only to a determination that such lands meet

1 the eligibility criteria for historical places or ceme-  
2 tery sites, as appropriate, set forth in the Sec-  
3 retary's regulations.

4 **SEC. 203. WITHDRAWAL OF LANDS.**

5 Notwithstanding any other provision of law, the Sec-  
6 retary shall withdraw from all forms of appropriation—

7 (1) all public lands for which Chugach Alaska  
8 Corporation filed an application for conveyance pur-  
9 suant to section 14(h)(1) of ANCSA as a cemetery  
10 site or an historical place, and such application was  
11 denied because the land was selected by and con-  
12 veyed to a Village Corporation; and

13 (2) all lands that the Federal Government ac-  
14 quired or hereafter acquires from Village Corpora-  
15 tions or other private parties in the Chugach Region  
16 in connection with the Exxon Valdez Oil Spill Res-  
17 toration Program.

18 **SEC. 204. APPLICATION FOR CONVEYANCE OF WITHDRAWN**  
19 **LANDS.**

20 Chugach Alaska Corporation shall apply to the Sec-  
21 retary for the conveyance of lands as cemetery sites or  
22 historical places under section 14(h)(1) of ANCSA as fol-  
23 lows:

24 (1) With respect to lands withdrawn pursuant  
25 to subsection 203(1) of this title, by filing with the

1 Secretary a request for reinstatement of its original  
2 application, together with any amendments author-  
3 ized under section 205 of this title.

4 (2) With respect to lands withdrawn pursuant  
5 to subsection 203(2) of this title, for which Chugach  
6 Alaska Corporation has not filed an application  
7 under section 14(h)(1) of ANCSA with the Sec-  
8 retary, by filing with the Secretary an application in  
9 accordance with the regulations promulgated by the  
10 Secretary as of the date of enactment of this title.  
11 The Secretary shall accept all such requests filed within  
12 the periods set forth in section 207 of this title.

13 **SEC. 205. AMENDMENTS.**

14 Chugach Alaska Corporation may amend original ap-  
15 plications filed with the Secretary for the conveyance of  
16 lands pursuant to section 14(h)(1) of ANCSA—

17 (1) to include lands withdrawn pursuant to sec-  
18 tion 203 of this title which are adjacent to lands  
19 Chugach Alaska Corporation selected in its original  
20 application and that Chugach Alaska Corporation  
21 deems culturally important and potentially eligible as  
22 a cemetery site or historical place; and

23 (2) to cure technical defects.

1 **SEC. 206. PROCEDURE FOR EVALUATING AND CONVEYING**  
2 **SELECTED LANDS.**

3 The lands selected by Chugach Alaska Corporation  
4 pursuant to sections 204 and 205 of this title shall be  
5 evaluated for their eligibility as cemetery sites and histor-  
6 ical places, as appropriate, and conveyed to Chugach Alas-  
7 ka Corporation, in accordance with the criteria and proce-  
8 dures set forth in the regulations promulgated by the Sec-  
9 retary as of the date of the enactment of this title. To  
10 the extent that such criteria and procedures conflict with  
11 any provision of this title, the provisions of this title shall  
12 control.

13 **SEC. 207. REINSTATEMENT PERIOD.**

14 Notwithstanding any other provision of law, Chugach  
15 Alaska Corporation shall have—

16 (1) 1 year from the date of enactment of this  
17 title to file a request for reinstatement under sub-  
18 section 204(1) of this title, together with any  
19 amendments authorized under section 205 of this  
20 title; and

21 (2) 4 years from the date of recording the con-  
22 veyance document for any Federal acquisition of  
23 lands to file an application under subsection 204(2)  
24 of this title.

1 **SEC. 208. APPLICABILITY.**

2 This title shall apply to all Federal acquisitions of  
3 the lands described in section 203 of this title, whether  
4 occurring prior to or after the date of enactment of this  
5 title.

6 **TITLE III—FOREST SYSTEM**  
7 **LAND MANAGEMENT**

8 **SEC. 301. DEFINITION.**

9 For the purposes of this title, the term “Alaska Na-  
10 tive Corporation” means a “Native Corporation” as that  
11 term is defined in section 3(m) of ANCSA, as amended  
12 (43 U.S.C. 1601 et seq.).

13 **SEC. 302. FINDINGS.**

14 The Congress finds that—

15 (1) pursuant to ANCSA and ANILCA, Alaska  
16 Native Corporations own hundreds of thousands of  
17 acres of land intermingled with, adjacent to, or de-  
18 pendent for access upon National Forest System  
19 lands in Alaska;

20 (2) the United States Forest Service, in a letter  
21 dated June 30, 1998, to Chugach Alaska Corpora-  
22 tion, the Alaska Native Regional Corporation for the  
23 Chugach Region established under ANCSA, dis-  
24 claimed any legal obligation to coordinate the revi-  
25 sion of the Chugach National Forest land and re-  
26 source management plan with the plans of Alaska

1 Native Corporations for the utilization of their lands  
2 and resources;

3 (3) the uncoordinated development, mainte-  
4 nance, or revision of land and resource management  
5 plans for units of the National Forest System in  
6 Alaska adversely affects the use, development, and  
7 value of the lands and resources conveyed to Alaska  
8 Native Corporations under ANCSA and ANILCA;  
9 and

10 (4) the proper management of National Forest  
11 System lands in Alaska and the fulfillment of the in-  
12 tent, purpose, and promise of ANCSA require co-  
13 ordination in the development, maintenance, and re-  
14 vision of land and resource management plans for  
15 units of the National Forest System in Alaska with  
16 the plans of Alaska Native Corporations for the uti-  
17 lization of their lands which are intermingled with,  
18 adjacent to, or dependent upon for access National  
19 Forest System lands.

20 **SEC. 303. COORDINATION REQUIRED.**

21 Notwithstanding any other provision of law, the Sec-  
22 retary of Agriculture shall coordinate the development,  
23 maintenance, and revision of land and resource manage-  
24 ment plans for units of the National Forest System in  
25 Alaska with the plans of Alaska Native Corporations for

1 the utilization of their lands which are intermingled with,  
2 adjacent to, or dependent for access upon National Forest  
3 System lands. At a minimum, such coordination shall  
4 involve—

5           (1) notifying Alaska Native Corporations in ad-  
6 vance of the development, maintenance, or revision  
7 of a land and resource management plan for a unit  
8 of the National Forest System in Alaska;

9           (2) meeting with Alaska Native Corporations at  
10 the beginning of the plan preparation, maintenance,  
11 or revision process to develop procedures for coordi-  
12 nation;

13           (3) reviewing the plans of Alaska Native Cor-  
14 porations for the utilization of their lands and re-  
15 sources;

16           (4) assessing the impacts of Alaska Native Cor-  
17 poration land use plans on National Forest land and  
18 resource management planning, and determining  
19 how to address those impacts; and

20           (5) identifying conflicts between National For-  
21 est land and resource management plans and the  
22 land use plans of Alaska Native Corporations, and  
23 considering alternatives for resolving those conflicts.

1 **SEC. 304. APPLICABILITY.**

2       This title shall apply to all land and resource manage-  
3 ment plans for units of the National Forest System in  
4 Alaska—

5           (1) in the process of being developed or revised  
6       on the date of enactment of this title; and

7           (2) developed, maintained, or revised after the  
8       date of enactment of this title.

○