

# Union Calendar No. 274

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 430

[Report No. 106-489]

To amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 1999

Referred to the Committee on Resources

JANUARY 27, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of Senate passed bill, see copy of bill as printed in the House of Representatives on April 20, 1999]

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## AN ACT

To amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, 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 “Kake Tribal Corporation*  
 3 *Land Transfer Act”.*

4 **SEC. 2. DECLARATION OF PURPOSE.**

5 *The purpose of this Act is to authorize the reallocation*  
 6 *of lands and selection rights between the State of Alaska,*  
 7 *Kake Tribal Corporation, and the City of Kake, Alaska, in*  
 8 *order to provide for the protection and management of the*  
 9 *municipal watershed.*

10 **SEC. 3. AMENDMENT OF ALASKA NATIVE CLAIMS SETTLE-**  
 11 **MENT ACT.**

12 *The Alaska Native Claims Settlement Act (43 U.S.C.*  
 13 *1601 note) is amended by adding at the end the following*  
 14 *new section:*

15 *“KAKE TRIBAL CORPORATION LAND TRANSFER*

16 *“SEC. 42. (a) IN GENERAL.—If—*

17 *“(1) the State of Alaska relinquishes its selec-*  
 18 *tions rights under the Alaska Statehood Act (P.L. 85–*  
 19 *508) to lands described in subsection (c)(2) of this sec-*  
 20 *tion; and*

21 *“(2) Kake Tribal Corporation and Sealaska Cor-*  
 22 *poration convey all right, title, and interest to lands*  
 23 *described in subsection (c)(1) to the City of Kake,*  
 24 *Alaska,*

25 *then the Secretary of Agriculture (hereinafter referred to as*  
 26 *‘Secretary’) shall, not later than 180 days thereafter, convey*

1 *to Kake Tribal Corporation title to the surface estate in*  
2 *the land identified in subsection (c)(2) of this section, and*  
3 *convey to Sealaska Corporation title to the subsurface estate*  
4 *in such land.*

5       “(b) *EFFECT ON SELECTION TOTALS.—(1) Of the*  
6 *lands to which the State of Alaska relinquishes selection*  
7 *rights and which are conveyed to the City of Kake pursuant*  
8 *to subsection (a), 694.5 acres shall be charged against lands*  
9 *to be selected by the State of Alaska under section 6(a) of*  
10 *the Alaska Statehood Act and 694.5 acres against lands to*  
11 *be selected by the State of Alaska under section 6(b) of the*  
12 *Alaska Statehood Act.*

13       “(2) *The land conveyed to Kake Tribal Corporation*  
14 *and to Sealaska Corporation under this section is, for all*  
15 *purposes, considered to be land conveyed under this Act.*  
16 *However, the conveyance of such land to Kake Tribal Cor-*  
17 *poration shall not count against or otherwise affect the Cor-*  
18 *poration’s remaining entitlement under section 16(b).*

19       “(c) *DESCRIPTION OF LANDS SUBJECT TO EX-*  
20 *CHANGE.—(1) The lands to be transferred to the City of*  
21 *Kake and under subsection (a) are the surface and sub-*  
22 *surface estate to approximately 1,430 acres of land owned*  
23 *by Kake Tribal Corporation and Sealaska Corporation, and*  
24 *depicted as ‘KTC Land to City of Kake’ on the map entitled*  
25 *‘Kake Land Exchange-1999’, dated September, 1999.*

1       “(2) *The lands subject to relinquishment by the State*  
2 *of Alaska and to conveyance to Kake Tribal Corporation*  
3 *and Sealaska Corporation under subsection (a) are the sur-*  
4 *face and subsurface estate to approximately 1,389 acres of*  
5 *Federal lands depicted as ‘Jenny Creek-Land Selected by*  
6 *the State of Alaska to KTC’ on the map entitled ‘Kake Land*  
7 *Exchange-1999’, dated September, 1999.*

8       “(d) *WITHDRAWAL.—Subject to valid existing rights,*  
9 *the lands described in subsection (c)(2) are withdrawn from*  
10 *all forms of location, entry, and selection under the mining*  
11 *and public land laws of the United States and from leasing*  
12 *under the mineral and geothermal leasing laws. This with-*  
13 *drawal expires 18 months after the effective date of this sec-*  
14 *tion.*

15       “(e) *MAPS.—The maps referred to in this Act shall be*  
16 *maintained on file in the Office of the Chief, United States*  
17 *Forest Service, the Office of the Secretary of the Interior,*  
18 *and the Office of the Petersburg Ranger District, Alaska.*

19       “(f) *WATERSHED MANAGEMENT.—The United States*  
20 *Forest Service may cooperate with the Kake Tribal Cor-*  
21 *poration and the City of Kake in developing a watershed*  
22 *management plan that provides for the protection of the wa-*  
23 *tershed in the public interest. Grants may be made, and*  
24 *contracts and cooperative agreements may be entered into,*  
25 *to the extent necessary to assist the City of Kake and the*

1 *Kake Tribal Corporation in the preparation and implemen-*  
2 *tation of a watershed management plan for the land within*  
3 *the City of Kake’s municipal watershed.*

4 “(g) *EFFECTIVE DATE.*—*This section is effective upon*  
5 *the execution of one or more reciprocal agreements that pro-*  
6 *vide for one or more reciprocal conservation easements that,*  
7 *subject to valid existing rights of third parties—*

8 “(1) *encumber all lands depicted as ‘KTC Land*  
9 *to City of Kake’ and ‘KTC Land-Conservation Ease-*  
10 *ment to City of Kake’ on a map entitled ‘Kake Land*  
11 *Exchange-1999’ dated September 1999;*

12 “(2) *provide for the relinquishment by Kake*  
13 *Tribal Corporation to the Corporation’s development*  
14 *rights on lands described in paragraph (1); and*

15 “(3) *provide for perpetual protection and man-*  
16 *agement of lands depicted as ‘KTC Land-Conserva-*  
17 *tion Easement to City of Kake’ on the map described*  
18 *in paragraph (1) as—*

19 “(A) *a watershed;*

20 “(B) *a municipal drinking water source in*  
21 *accordance with the laws of the State of Alaska;*

22 “(C) *a source of fresh water for the Gunnuk*  
23 *Creek Hatchery; and*

24 “(D) *habitat for black bear, deer, birds, and*  
25 *other wildlife.*

1       “(h) *AUTHORIZATION OF APPROPRIATIONS.—There*  
2 *are authorized such sums as may be necessary to carry out*  
3 *this Act. No funds authorized under this section may be*  
4 *paid to Kake Tribal Corporation unless Kake Tribal Cor-*  
5 *poration is a party to any reciprocal agreements entered*  
6 *into under subsection (g).”.*

Passed the Senate April 19, 1999.

Attest:

GARY SISCO,  
*Secretary.*



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