

Statement of Marcilynn A. Burke Deputy Director Bureau of Land Management, Department of the Interior Senate Energy & Natural Resources Committee Subcommittee on Public Lands and Forests S. 730, Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act May 25, 2011

Thank you for the opportunity to provide the views of the Department of the Interior (Department) on S. 730, the Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act. My comments are limited to the programs administered by agencies of the Department, including the administration of the Alaska Land Conveyance Program by the Bureau of Land Management (BLM). The Department defers to the U.S. Forest Service on the important policy issues affecting the management of National Forest System lands. S.730 would amend the Alaska Native Claims Settlement Act (ANCSA) to allow the Southeast Alaska Native Corporation (Sealaska) to select and receive conveyance of federal lands from areas of Alaska outside of originally designated withdrawal areas. The Department supports the goals of completing ANCSA entitlements as soon as possible so that Alaska Native corporations, including Sealaska, may each have the full economic benefits of completed land entitlements. While the legislation addresses several concerns the Department raised during consideration of earlier legislation, the Administration continues to have concerns. We look forward to working with the Congress, Sealaska, and community partners and interests to fulfill entitlements. Over the past year, the BLM has maintained an accelerated pace in administering the ANCSA land conveyance program; at mid-Fiscal Year 2011, the BLM has surveyed and patented to Native corporations 61 percent of ANCSA entitlements and has granted interim conveyance (all right, title, and interest of the federal government) on an additional 34 percent of entitlements.

Background

The BLM 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 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 formed 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 land in the State. Sealaska is one of 12 regional corporations formed under ANCSA.

S. 730

S. 730 would amend ANCSA to allow Sealaska to select and receive conveyance of lands outside of the original withdrawal areas established by the Act in 1971; specifically, to select and receive conveyance of lands in the Tongass National Forest other than those that were originally available for selection.

The legislation also establishes timeframes for Sealaska to identify and select the lands it desires and for the Department to substantially complete the conveyance. The Department interprets this as meaning an interim conveyance of the lands could be issued. Section 4(a) of S. 730 directs the Secretary of the Interior to work with Sealaska to develop a mutually agreeable schedule to finalize conveyance. The Department notes that S. 730, if enacted, may set a precedent for other corporations to seek similar legislation for the substitution of new lands. We also note that if S. 730 is enacted as proposed and the Tongass Forest Management Plan is modified, the U.S. Fish and Wildlife Service may have to review its findings not to list the southeast Alaska distinct population segment (DPS) of Queen Charlotte goshawk and the Alexander Archipelago wolf.

Conclusion

The BLM in Alaska has made significant progress since the enactment of the Alaska Land Transfer Acceleration Act, which gave the BLM tools to expedite land conveyances. We look forward to continuing to work with all of the Alaska Native corporations, other agencies and interests to fulfill the ANCSA entitlements. Thank you for the opportunity to testify. I will be glad to answer any questions.