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The Honorable Senator John Thune
Chairman Congressional Sportsmen's Caucus

Please Oppose S. 340

- A wholly unwarranted and extremely controversial transfer of valuable Tongass National Forest public lands to the for-profit Sealaska Corporation. This legislation takes a very long-settled and agreed upon native corporation land settlement, which the corporation originally requested, and abandons this contract with the government to chase more valuable public lands with the closing part of its claim allotment. It treats Sealaska different then any other claimant in Alaska's history.
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Dear Senator Thune:

The Alaska Outdoor Council (AOC) is a federation of 50 sportsmen's clubs dedicated to the wise use and fair allocation of Alaska's fish, game, and other natural resources. The AOC serves as the Official State Association of the National Rifle Association.

We are writing each of the members of the Congressional Sportsmen's Caucus to express our strong opposition to S.340 which threatens valuable public hunting and fishing opportunities for both residents and visitors to Alaska.

Why AOC opposes this legislation:

1. The Sealaska land claim is closed. It was previously settled on Sealaska's own terms
2. Diminished access to valuable public lands for hunters and fishermen
3. Unjustifiable loss of high value public wildlife habitat and public use areas
4. Sets precedent for a cascade of similar claims across the state complicating development, conservation management, and public access to resources

First and foremost there is no need for S.340. Sealaska, a for-profit corporation, has already completed its Alaska Native Claims Settlement Act (ANCSA) land selections under its own requested 1975 amendments to ANSCA - selection areas which the corporation specifically *requested and supported* before Congress in 1975. S 340 is a politically inspired fishing trip to try and break the original agreement -- to 'double dip' and take more valuable public lands. This is occurring in-spite of the fact that Sealaska was originally provided with an exceptionally rich and very economically valuable ANCSA settlement.

No congressional action is required. Sealaska's legitimate, final corporate land selections are already on file with the Bureau of Land Management (BLM), simply awaiting administrative action that Sealaska has halted. Congress should order BLM to finalize these "final irrevocable priorities" which Sealaska submitted in 2008 (as did every land claimant in Alaska) to meet the requirements of Alaska Lands Acceleration Act (ALAA). The for-profit Sealaska Corporation is the *only entity* being treated special in this matter.

"Protecting your Hunting, Trapping, Fishing and Access Rights"
The Official State Association of the National Rifle Association

Sealaska is trying, simply because of Senator Murkowski's political pull, to break the rules and seek a more lucrative deal. This is very widely viewed as simple election support payback.

Sportsmen are legitimately concerned about the ramifications of reopening the largest land settlement in US history for the singular 'wants' of one special interest.

The Alaska Native Claims Settlement Act of 1971 was a landmark law. While not without contention at the time, it was an extraordinary amount of hard work and was passed with bipartisan support through an abundantly clear and open public process. It sought balance, "equity", and finality to all native land claims across the state.

As lands fall under the private ANCSA for-profit native corporation banner, public hunters, fishermen lose all rights to access and use. State fish and wildlife conservation management can become a magnitude more difficult, and crossings both for public use purposes and development activities can be considerably more difficult if not impossible.

Sealaska and no other is allowed to stop it's claim S.340 actually creates a very large new "inequity" to the ANCSA scheme by giving Sealaska Corporation extraordinary special treatment. Other corporate entities across the state can be expected to make a case for a "Sealaska style deal" and they would be remiss and possibly liable if they didn't try.

With hundreds of thousands of acres in ANCSA outstanding claims, and many millions of acres in a status of interim conveyance not yet patented, S.340 is nightmare for active sportsmen and guides. A virtual Pandora's Box of new no trespassing signs in cherry picked areas across the state. This is a very real threat to sportsmen.

Congress enacted the Alaska Lands Acceleration Act and Sealaska has submitted its "final and irrevocable priorities". The ALAA, and strong legal language like "final and irrevocable priorities", plain statue language, that doesn't lend itself to any other meaning, should not simply be tossed away because of political pull.

**Alaska's Sportsmen Are Unequivocally Opposed to the Whole Attempt
[Since the very basis for S.340 is unsound, commenting
on the details of the bill amounts to an academic exercise.]**

Why there is so much public opposition to S.340? Senator Murkowski's legislation is not a value-for-value exchange. S.340 not only seeks to break the ANCSA contract but it will also allow one special interest to vastly expand their benefits under ANCSA. S.340 will allow Sealaska to cherry pick some of the most valuable public Tongass National Forest lands.

S.340, an unjustified, lopsided trade of lands hurts conservation and public use.

No public appraisals have been completed to let the public understand or evaluate values gained or lost. Nonetheless, based on forest inventory information, Sealaska's windfall would give them immensely more "large tree" forest (volume class 6 and 7) than what they will

exchange. They are clearly high-grading -- to seize the richest and most lucrative commodity. This severely lopsided timber "trade" primarily comes from critical habitat and areas especially valued for public fish and wildlife harvest activities.

S.340 targets areas that are currently used by a wide mix of sustainable independent businesses, guides, small timber operators and others. The fallout from this ill-advised action would be enormous for sportsmen, the general public, and taxpayers alike.

Important public access will be lost. Senator Murkowski not only continues to ignore opposition from local communities and outdoor user groups, but has routinely ignored recommendations to reliably safe guard public access. AOC continues to object to the lack of genuine provisions for public access and use. Despite repeated recommendations, there have only been a string of empty and unenforceable provisions. Ironically, our public access recommendations have been successful where implemented elsewhere. For example the "Koniag language"¹ advanced by sportsmen has been in use successfully on Afognak Island since 1981.

Please oppose S.340. In summary, S.340 reintroduces legislation that has been soundly rejected five times before. **It is controversial and opposed by an array of user groups and nine communities on Prince of Wales Island.** S.340 would destroy valuable habitat in key areas, not reliably protect public access, and result in the loss of multiple-use lands important to public guiding, commercial, and resource interests, for the benefit of the private Sealaska Corporation. Lastly, S.340 is really just the tip of the iceberg and invites both litigation and a flood of new ANCSA land claims across Alaska.

The government owes no further obligation. Alaska's sportsmen are united in their opposition to S.340.

Sincerely,
Rod Arno



Executive Director
Alaska Outdoor Council

Bill Iverson



President
Alaska Outdoor Council

¹ **ANILCA 1427(b)(5)**

The lands on Afognak Island required to be conveyed pursuant Afognak Island to paragraph (1) of this subsection shall remain open and available to recreational and sport hunting and fishing and other recreational uses by the public commercial uses. under applicable law (but without liability on the part of Koniag Incorporated or any Koniag Village Corporation, except for willful acts, to any user by reason of such use), subject only to such reasonable restrictions which may be imposed by Koniag, Incorporated and the affected Koniag Village Corporations for the purposes of limiting or prohibiting such public uses in the immediate vicinity of logging or other commercial operations which may be undertaken by the corporations upon the affected lands. Such restrictions shall comprise only those restrictions necessary to insure public safety and to minimize conflicts between recreational and commercial uses. Koniag, Incorporated and the affected Koniag Village Corporations shall permit access to the lands on Afognak Island conveyed to them by employees of the State for purposes of managing fish and wildlife and by other State officers and employees, and employees of political subdivisions of the State, for the purposes of carrying out this subsection.