



Southeast Alaska Conservation Council

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August 4, 2017

The Honorable Mike Lee
Subcmte Chairman
Subcmte on Public Lands, Forests and Mining
U.S. Senate Energy and Natural Resources Cmte
Washington, DC 20510

The Honorable Ron Wyden
Subcmte Ranking Member
Subcmte on Public Lands, Forests and Mining
U.S. Senate Energy and Natural Resources Cmte
Washington, DC 20510

re: Testimony for the Record of July 26, 2017 Subcmte Hearing

Dear Chairman Lee and Ranking Member Wyden:

On July 26, 2017, the Subcommittee held a legislative hearing on fifteen proposed bills, including the Alaska Native Veterans Land Allotment Equity Act (S. 785) and a bill to repeal the export prohibition on lands previously conveyed to the Kake Tribal Corporation (S.1149). Please accept the testimony of the Southeast Alaska Conservation Council on these bills and incorporate it into formal July 26, 2017 Subcommittee hearing record.

Although SEACC has supported equitable treatment for Alaska Native Veterans who missed the opportunity to obtain an allotment due to their service in the Vietnam War, we believe the bipartisan model utilized by Congress on this issue in 1998 and 2000 represents the best approach. The proposed legislation (S. 785) creates an entirely new set of inequities among veterans and Alaska Natives alike and is inconsistent with previous bipartisan efforts to resolve this issue.

By changing the scope of lands available for selection as an allotment, as well as existing rules for establishing use and occupancy of those lands, S. 785 essentially establishes a new land entitlement instead of correcting for a missed opportunity. By drastically expanding lands eligible for selection, including all Tongass lands other than National Monuments, S. 785 makes lands previously designated by Congress as Wilderness eligible for allotment selection. The bill also removes the requirement for consultation with the Secretary of Agriculture on the compatibility of an allotment application for lands within a Conservation System Unit with the purposes for which that Conservation System Unit was established. Importantly, the bill also lacks ironclad protections for the nearly 900,000 acres of Tongass Legislated LUD II roadless wildlands. In 1990, and again in 2014, the U.S. Senate unanimously designated these Tongass wildlands for perpetual protection in the 1990 Tongass Timber Reform Act and the 2014 Sealaska Lands Bill.

To the extent claims still exist from the original class of veterans, Congress should re-open the allotment process for Alaska Native Vietnam Veterans who were serving when the program sunset in 1971, using the 1998 model, as amended in 2001. This approach would protect the integrity of those public lands previously designated by Congress on the Tongass National Forest, while ensuring that no Alaska Native veteran who served in Vietnam misses the opportunity to make an allotment claim by the criteria that applied at that time.

S. 785 also authorizes compensatory acreage for Native Corporations that voluntarily relinquish lands selected in order to make such lands available for Veteran allotments. Section 14(h)(6) of ANCSA, however, provided that "all allotments approved . . . during the four years following the date of enactment of [ANCSA]" was to

be "charge[d] against the 2 million acres authorized to be conveyed" to the regional corporations.¹ To the extent this legislation is intended to reopen Native allotment applications pending on the date of ANCSA's enactment in 1971, why does S. 785 treat allotment applications for Regional Corporation lands differently now? Arguably, if an Alaska Native veteran applies for an allotment on lands conveyed to Regional Corporations under Section 14, that corporation is not entitled to compensatory land.

Senate Bill 1149 repeals a provision from an earlier amendment of the Alaska Native Claims Settlement Act (ANCSA) prohibiting the export of timber from about 1,100 acres of land at Jenny Creek, on north Kupreanof Island that the State of Alaska conveyed to Kake Tribal Corporation. This conveyance was part of a broader agreement in which Kake Tribal Corporation agreed to place nearly 2,400 acres of its own land in Gunnuk Creek watershed, Kake's primary source of drinking water, into a conservation easement. At the time, then-Senator Frank Murkowski inserted the export restriction "[to maintain a timber processing industry in Southeast Alaska.](#)" While all logs cut from the Tongass National Forest lands should support manufacturing jobs here at home, instead of Asia, we do not object to lifting this export ban on private land because it treats Kake Tribal differently from other Native Corporations to the disadvantage of its shareholders.

Thank you for considering this testimony on S. 785 and S. 1149.

Best Regards,



Buck Lindekugel
Grassroots Attorney

¹ See Section 14(h)(6) of ANCSA, *codified at* 43 U.S.C. § 1613(h)(6)(2015).