



Questions on Landless Bill April 2021

1. Please provide specific rationale why individuals from these five communities now qualify for 115,000 areas of Tongass public lands despite they were previously found ineligible under ANSCA and received equitable compensation in lieu of eligibility?
2. If this legislation is enacted, will the newly formed corporations refund the “in lieu” benefits they have received since 1971?
3. Please provide a detailed list and monetary value of all public infrastructure and their locations which will be conveyed to each corporation and the value of that infrastructure, including a grand total. This includes roads, bridges, culverts, cabins, marine access facilities, and the investments made for silvicultural treatments, for instance timber stand thinning.
4. Please address a possible dispute with the State of Alaska turning over part or all of the potential \$40 million investment in the “Kake Access Project” to the new Petersburg native corporation if this legislation is enacted?
5. Although supporters of the legislation state current public access to these lands is guaranteed under the proposed legislation, the bill’s language provides a caveat: “subject to—(I) any reasonable restrictions [emphasis added] that may be imposed by the Urban Corporation on the public use.” Please explain how that terminology cannot be subject to interpretation at the whim of current and future beneficiaries of the legislation. In this case, verbal assurances are not consistent with the language, which clearly could be interpreted, to prohibit access. Nor are verbal assurances sufficient to protect existing access to public lands.
6. The 1997 Forrest Service Tongass Conservation Strategy includes a series of mapped Small, Medium, and Large Old Growth Reserves (OGR’s) intended for “sustaining habitat to help ensure the maintenance of well distributed viable populations of all old-growth associated wildlife species across the Tongass.” Please provided a map and detailed list of the proposed selections with an overlay that depicts the location of these reserves in relation to the selections. Will the new corporations respect these reserves and not infringe on them? If so, that should be codified in the legislation.
7. Please provide a detailed list and map overlay of the locations and status (red, grey, etc.) of the impaired culverts on the road systems to be conveyed to the corporations. Will the corporations immediately start a comprehensive repair program to remedy impaired “aquatic organism passage” (mainly fish) through culverts and other crossings etc.?
8. If approved, bill supporters state the lands granted to them would not be logged but are reluctant to specify that in the bill. In the absence of such legal assurance, can the public assume that those lands

will be logged? Could the reluctance to codify in the legislation whether logging will occur on the transferred lands be because lucrative carbon credits cannot be claimed for lands that are not intended for logging in the first place?

9. Is there an updated copy of the maps that include locations of the property they will be requesting in the Petersburg Borough? Testimony from representatives of the Landless community have stated to the Petersburg Borough Assembly they have modified their requests and changed which parcels they are requesting.
10. Will the bill include any tidelands or special rights related to fishing or aquaculture harvesting?
11. Will the new corporations that would be formed have the authority to conduct mining or logging activities on this land, either as themselves or through a partnership with Sealaska who will own the subsurface rights?
12. Can there be language inserted into the bill that would outline a Payment in lieu of taxes requirement by the new corporation since they will not be paying local property taxes?
13. The borough has received numerous questions asking for specific explanations of why there needs to be a redress of former decisions regarding the southeast communities of Haines, Ketchikan, Petersburg, Tenakee Springs and Wrangell?
14. The question has been asked if the members or the Corporation can sell, transfer, or trade their shares to another entity?
15. If these native villages are a Corporation as an entity why should they continue to receive distributions as at-large members of the Regional Corporation for Southeast Alaska?
16. There are existing rights to some parts of the land including mining, roads, and other facilities. Some of these are recorded and easy to find. Some are for commercial operations. Since the bill does not allow commercial operations how does a person or entity doing commercial work continue to use the roads since only non-commercial uses are to be allowed?
17. What will be the legal process to assure all the current rights-of-way, mining claims, etc. are noted and carried forward?
18. What is the rationale and reasons for the number of acres to be selected by each proposed corporation?
19. What is the rationale behind conveying subsurface rights to the Regional Corporation for Southeast Alaska if each of the native corporations to be established are their own entity with their corporate board? Why not leave the subsurface rights to the United States?
20. The bill is quite specific allowing for non-commercial use subject to restrictions under (5) (A) (ii). Some of the selected lands have roads that pass through and are contiguous. It is assumed by this legislation no commercial vehicles can traverse these roads. There are also existing commercial facilities. With no commercial use how can these uses continue? What are the provisions for maintenance?

21. Since these lands are in the Borough there is no provision for any authorized uses of Borough entities and designees to use the roads for borough business. Will this be changed in the final bill?
22. Conveyance of these lands from National Forest to Native Corporation will have a substantial impact on the future viability of the local economies. The lands selected are all very valuable (highly productive, ease of marine access, relatively flat, and within reasonable distance from a town, and somewhat developed). Conveyance of these lands will limit economic activity and viability which is now available to all. Please define what the ability of the State of Alaska and the municipalities to tax these lands and activities upon? Will the corporation be required to follow all applicable state and local laws, ordinances, and building codes?
23. Much of the land selected contain roads, and other facilities that were paid for by all Americans when a credit was given as timber was removed for the roads and other facilities. Since these lands now become private could this value be paid back in the form of cash through annual payments or in reduction in the amount of land that can be selected?
24. Some of these lands selected contain bays and harbors which provide a valuable safety net for recreational and commercial boats in inclement weather. Will the bill needs to be modified to include a Samaritan clause that will protect these people and boats when they seek shelter?
25. Will residents adjacent to Landless Native land allocations still be allowed to hunt, fish, trap and harvest timber on the potentially allocated land?
26. Why are the Landless group choosing land adjacent to privately owned property?
27. Who selected the land chosen on the maps and how were the specific lands chosen?
28. What is the organizational structure of the Landless Natives Group?
29. Will ANSCA have to be modified to make this lands and infrastructure transfer possible?
30. Can the transfer of Federal infrastructure, docks, roads, cabins and buildings, etc. be prohibited in the bill?
31. There is concern about guides losing their permits when the current license plus 10 years expires. Can these guides be protected in the bill?
32. Will land within the Borough boundaries that is transferred be taxable, and will this land be subject to Borough land use requirements?
33. Will the landless groups follow Federal Logging Standards or State Logging Standards? Would the group be willing to adopt the Federal standards as part of the bill?
34. The landless members of the community are at large shareholders of Sealaska. How will this new corporation change? Will they still be at large members of Sealaska? Will the new corporation be eligible for shares of both corporations?
35. Turning over taxpayer funded infrastructure, which include high use FS recreational cabins, is a big concern to members of the community. Is it necessary to include land that contains these public assets?

Questions which have received full, or partial answers

(in some cases, questions have been resubmitted on the prior list if the answer was incomplete)

1. How will removing acreage from the National Forest System under the proposed legislation affect future PILT payments to the Petersburg Borough?

There may be small impacts to PILT payments, although currently the population of Petersburg drives PILT calculations. We are working with the Department of the Interior to confirm these affects. We are also evaluating how to avoid any impacts that might occur.

2. How will removing acreage from the National Forest System under the proposed legislation affect future SRS payments to the Petersburg Borough?

There may be small impacts to SRS payments, although the acreage affected is a very small percentage of land driving SRS calculations. We are working with the Department of Agriculture to confirm these affects. We are also evaluating how to avoid any impacts that might occur.

3. Will all lands selected within the Petersburg Borough be conveyed to the Urban Corporation formed by the Native residents of Petersburg?

All of the approximately 23,000 acres of federal land indicated on the map will be transferred to the urban corporation, without a preliminary "selection" step or phase.

4. Could lands selected under the proposed legislation within the Petersburg Borough be conveyed to one of the newly formed Urban Corporations in a different community?

Each new urban corporation will receive specifically the respective lands indicated on the respective map.

5. Could lands selected under the proposed legislation within the Petersburg Borough be conveyed to a Regional Corporation?

There are not general restrictions on future conveyances by the village corporations, but under the proposed legislation lands would not be conveyed to a regional corporation.

6. Must the entire 23,040 acres of compensation for the proposed Petersburg Urban Corporation be selected from within the Petersburg Borough?

All of the approximately 23,000 acres of federal land indicated on the map will be transferred to the urban corporation, without a preliminary "selection" step or phase.

7. Who will own the subsurface rights of lands conveyed under the proposed legislation?

It is the intent of the legislation that those rights would transfer to the regional Alaska Native Corporation (in this case Sealaska), however, the discussion draft that has been shared does not directly address this issue and implies the rights may remain with the prior federal landowner/manager. We are evaluating this for a possible change.

8. Will public access be maintained on all existing federal forest roads conveyed under the proposed legislation?

Provisions of the legislation currently protect certain kinds of public access which may include certain uses on certain forest roads, but forest road access is not explicitly confirmed. There is the potential to include further protections based on the nature and extent of public use of forest roads on the identified parcels. Any areas of identified concern would be appreciated.

Borough Administration

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9. The State of Alaska Dept of Transportation is planning to construct the Kake Access Road. Per maps provided by the Senate Energy and Natural Resources Committee staff, portions of the route are within selected lands; will public access be maintained throughout this route?

The legislation is not meant to disrupt public access or infrastructure and will engage with the Department of Transportation to assess how the legislation may affect the route or could be adjusted to avoid the route.

10. Will utility corridors/easements be maintained along existing roads and platted rights-of-way on lands conveyed under the proposed legislation?

The legislation maintains public access and easements but does not explicitly identify utility corridors or rights-of-way. Examples of these on parcels identified on the maps would be appreciated.

11. Will existing boat ramps, LTF sites, and other transportation infrastructure be conveyed under the proposed legislation?

These facilities will be conveyed under the current discussion draft of the legislation.

12. Per maps provided by the Senate Energy and Natural Resources Committee staff, the selections appear to encompass the existing FS recreational cabin at Portage Bay. Will this cabin be conveyed under the proposed legislation?

We are evaluating this question with the U.S. Forest Service.

13. Per maps provided by the Senate Energy and Natural Resources Committee staff, the selections include existing road infrastructure used by Petersburg residents to access long-standing hunting (moose/deer/black bear) and trapping areas in Thomas Bay, Portage Bay, and Mitkof Island. How will individual and commercial hunting and trapping activities be preserved once the lands are conveyed under the proposed legislation?

There are provisions of the legislation meant to preserve both public and commercial hunting access in several respects.

14. Could the Secretary of Interior accept or acquire lands conveyed under the proposed legislation in trust under the Indian Reorganization Act?

The legislation would not provide specific legal status to the lands conveyed to the five new urban corporations with respect to the Indian Reorganization Act, they would be treated as any other Alaska Native Corporation land for purposes of the Act. The scope of the Secretary's authorities to acquire lands in trust, or not, would not be affected by the legislation.

15. Copy of the current bill (if any) that is being proposed.

No new bill has been introduced yet. You may recall from the Zoom call with Senator Murkowski's staff earlier this year, they agreed to hold off on bill introduction until late May/early June to give SE communities time to meet with landless village advocates and other stakeholders, hold public discussions, and deliberate as elected bodies to provide comments and recommendations to the Senator on the legislation. So the best text to refer to is Section 7 of last year's bill which I think you already have but is also at the link --

<https://www.congress.gov/bill/116th-congress/senate-bill/4889/text?r=3&s=2>

16. Updated copy of the maps that include locations of the property they will be requesting in the Petersburg Borough.

There are no new maps, at least not publicly released ones at this point. For purposes of Assembly deliberation and whether to make any recommendations for changes to the area locations, borders, public access, rights of way, easements etc you should work off the existing maps.

17. Who selected the land chosen on the maps and how were the specific lands chosen?

Cecilia & Nicole – The lands were chosen many years ago and have been reselected over time. Many were chosen because they were the only selections available at the time.

18. What is the organizational structure of the Landless Natives Group?

Cecilia – Each local corporation will have its own president and board of directors. SEAlaska will have no part of the management, but they will own the subsurface rights.

19. Will the landless groups follow Federal Logging Standards or State Logging Standards? Would the group be willing to adopt the Federal standards as part of the bill?

Cecilia – no logging ideas currently. Our young people are very concerned about carbon credit.