

110TH CONGRESS  
1ST SESSION

# S. 203

To provide equitable treatment for the people of the Village Corporation established for the Native Village of Saxman, Alaska, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2007

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide equitable treatment for the people of the Village Corporation established for the Native Village of Saxman, Alaska, 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,*

3       **SECTION 1. FINDINGS.**

4       Congress finds that—

5               (1) the Cape Fox Corporation (referred to in  
6       this Act as “Cape Fox”) is a Village Corporation for  
7       the Native Village of Saxman, Alaska, organized  
8       pursuant to the Alaska Native Claims Settlement  
9       Act (43 U.S.C. 1601 et seq.);

1           (2) similar to other Village Corporations in  
2 southeast Alaska, under section 16 of that Act (43  
3 U.S.C. 1615), Cape Fox could select only 23,040  
4 acres from land withdrawn for the purpose of that  
5 selection;

6           (3) under section 22(l) of that Act (43 U.S.C.  
7 1621(l))—

8           (A) the Village Corporations in southeast  
9 Alaska, other than Cape Fox, were restricted  
10 with respect to the selection of land within 2  
11 miles of a home rule city (as that term is used  
12 in that Act); and

13           (B) to protect the watersheds in the vicin-  
14 ity, Cape Fox was restricted with respect to the  
15 selection of land within 6 miles of the boundary  
16 of the home rule city of Ketchikan, Alaska;

17           (4) the 6-mile restriction described in para-  
18 graph (3)(B) precluded Cape Fox from selecting val-  
19 uable timber land, industrial sites, and other com-  
20 mercial property located—

21           (A) within the townships in which the Na-  
22 tive Village of Saxman is located, more particu-  
23 larly described as T.75 S., T.76 S., R.91 E.,  
24 Copper River Meridian; and

1           (B) on surrounding land that is far re-  
2           moved from Ketchikan, Alaska, and its water-  
3           sheds;

4           (5) as a result of that 6-mile restriction, only  
5           the remote, mountainous, northeast corner of the  
6           property described in paragraph (4)(A), which is  
7           nonproductive and has no known economic value,  
8           was available for selection by Cape Fox, as required  
9           under section 16(b) of the Alaska Native Claims  
10          Settlement Act (43 U.S.C. 1615(b));

11          (6) land selections by Cape Fox under that Act  
12          were further limited by the fact that—

13                (A) the Annette Island Indian Reservation  
14                is located within the applicable selection area;  
15                and

16                (B) land of that reservation is unavailable  
17                for selection by Cape Fox;

18          (7) Cape Fox is the only Village Corporation af-  
19          fected by the restrictions described in paragraphs  
20          (3)(B) and (6);

21          (8) the Secretary of the Interior (referred to in  
22          this Act as the “Secretary”) has advised Congress  
23          that the predicament of Cape Fox is sufficiently  
24          unique to warrant the legislative remedy provided by  
25          this Act; and

1           (9) the adjustment of the selections available  
 2           and conveyances of land to Cape Fox under the  
 3           Alaska Native Claims Settlement Act (43 U.S.C.  
 4           1601 et seq.), and the related adjustment of selec-  
 5           tions available and conveyances of land to the Re-  
 6           gional Corporation for Sealaska established pursuant  
 7           to that Act, are in accordance with—

8                       (A) the purposes of that Act; and

9                       (B) the public interest.

10 **SEC. 2. WAIVER OF CORE TOWNSHIP REQUIREMENT FOR**  
 11 **CERTAIN LAND.**

12           Notwithstanding section 16(b) of the Alaska Native  
 13           Claims Settlement Act (43 U.S.C. 1615(b)), Cape Fox  
 14           shall not be required to select or receive conveyance of the  
 15           approximately 160 acres of unconveyed Federal land lo-  
 16           cated within sec. 1, T.75 S., R.91 E., Copper River Merid-  
 17           ian.

18 **SEC. 3. SELECTION OUTSIDE EXTERIOR SELECTION**  
 19 **BOUNDARY.**

20           (a) SELECTION AND CONVEYANCE OF SURFACE ES-  
 21           TATE.—Not later than 90 days after the date of enact-  
 22           ment of this Act, in addition to land made available for  
 23           selection under the Alaska Native Claims Settlement Act  
 24           (43 U.S.C. 1601 et seq.), Cape Fox may select, and, on  
 25           receiving written notice of the selection, the Secretary

1 shall convey, the approximately 99 acres of the surface  
2 estate of Tongass National Forest land located outside the  
3 exterior selection boundary of Cape Fox (as in existence  
4 on the day before the date of enactment of this Act) and  
5 more particularly described as follows:

6 (1) T.73 S., R.90 E., Copper River Meridian.

7 (2) Of land located in sec. 33—

8 (A) the 38 acres located within the  
9 SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

10 (B) the 13 acres located within the  
11 NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

12 (C) the 40 acres located within the  
13 SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>; and

14 (D) the 8 acres located within the  
15 SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>.

16 (b) CONVEYANCE OF SUBSURFACE ESTATE.—On  
17 conveyance to Cape Fox of the surface estate to the land  
18 identified in subsection (a), the Secretary shall convey to  
19 Sealaska Corporation the subsurface estate to the land.

20 (c) TIMING.—The Secretary shall complete the con-  
21 veyances to Cape Fox and Sealaska Corporation under  
22 this section as soon as practicable after the date on which  
23 the Secretary receives a notice of the selection of Cape  
24 Fox under subsection (a).

25 (d) ENTITLEMENT FULFILLED.—

1 (1) DEFINITION OF APPROVED CONVEYANCE.—

2 The term “approved conveyance” means the convey-  
3 ance of the 40 acres described as the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of  
4 sec. 10, T.74 S., R.90 E., Copper River Meridian,  
5 selected and approved for conveyance by the decision  
6 of the Bureau of Land Management dated May 3,  
7 2000.

8 (2) TREATMENT AS FULL ENTITLEMENT.—The  
9 conveyance of land to Cape Fox and Sealaska Cor-  
10 poration pursuant to subsection (a) and the ap-  
11 proved conveyance shall be considered to fulfill the  
12 entitlement of—

13 (A) Cape Fox under section 16 of the  
14 Alaska Native Claims Settlement Act (43  
15 U.S.C. 1615); and

16 (B) Sealaska Corporation to any sub-  
17 surface interest in the land under section 14(f)  
18 of that Act (43 U.S.C. 1613(f)).

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