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CEO, Tlingit Haida Tribal Business Corporation
Sháade háni (clan leader) of the Wrangell Kiks.ádi
Landless Shareholder from Wrangell Alaska
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January 18, 2024

Honorable Harriet Hageman
Chair
Subcommittee on Indian and Insular Affairs
U.S. House of Representatives Committee on Natural Resources
Washington, DC 20525

Dear Chair Hageman:

I received a copy of your letter to me, dated December 8, 2023, attached to which is a question submitted for the record and addressed to me by Committee Chairman Bruce Westerman. The letter requesting my response was posted to Sealaska Corporation’s address in Juneau, Alaska and was not forwarded to me until January 10. I regret the late response, but I hope the following information is nevertheless helpful to you and to Chairman Westerman.

Chairman Westerman asked the following question, for which my answer is provided immediately below:

1. It is understood that local community members have raised concerns around public access to the lands if they were to be conveyed to the five new Alaska Native Urban Corporations that H.R. 4748, would allow to form.

a. How have you addressed these concerns?

b. How do you plan to address any future related concerns that may arise from local community members?

Answer to Question 1(a):

Generally, land conveyed to Alaska Native Corporations pursuant to the Alaska Native Claims Settlement Act (ANCSA) is considered private land, and an Alaska Native Corporation may choose to allow public access to the land, or not. Indeed, this is true for all private landowners in Alaska.

H.R. 4748 would effectively add the five “landless” Alaska Native communities to ANCSA and, generally, would apply the terms of ANCSA to land conveyed to the five new

Alaska Native Corporations established for these communities. The objective of the legislation, generally, is to allow the five landless Alaska Native communities to share equally in the land settlement that was extended by Congress to every other similarly-situated community in Alaska.

It is also true, however, that land to be conveyed pursuant to H.R. 4748 to the five Alaska Native communities must necessarily be withdrawn from the Tongass National Forest. (There are no other federal lands available in the Southeast region of Alaska.) Our five communities recognize that many members of the public currently enjoy access to—and the ability to recreate and hunt and fish on—the lands proposed for conveyance to the new Native Corporations. For this reason, about three years ago we asked Senator Lisa Murkowski and Congressman Don Young—the lead sponsors of our legislation at that time—to amend the legislation to guarantee public access to lands conveyed to the five landless communities.

Today, H.R. 4748 contains the following provisions intended to protect public access to all lands conveyed to the five landless Alaska Native communities:

- H.R. 4748 guarantees public access to all lands conveyed to the five communities, in perpetuity, for noncommercial subsistence and recreational uses. The legislation includes language that allows the new Alaska Native Corporations to impose reasonable restrictions on public access, for one of five reasons, including: 1) to ensure public safety; 2) to minimize conflicts between recreational and commercial uses; 3) to protect cultural resources; 4) to conduct scientific research; or 5) to provide environmental protection.
- The legislation establishes that conveyances of land to the new Alaska Native Corporations “shall be” subject to the reservation of public easements under Section 17(b) of ANCSA. Under Section 17(b) of ANCSA, the Bureau of Land Management (BLM) is required to “identify public easements across lands selected” by Alaska Native Corporations, including lands which are reasonably necessary to guarantee “a full right of public use and access for recreation [including camping], hunting, transportation, utilities, docks, and such other public uses ...” 43 U.S.C. 1616(b)(1).
- The legislation is also subject to Section 14(g) of ANCSA, which establishes that “[a]ll conveyances made pursuant to [ANCSA] shall be subject to valid existing rights,” including mining claims, and that each patent issued to an Alaska Native Corporation “shall contain provisions making it subject to [valid existing rights, including] the lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him.” 43 U.S.C. 1613(g).
- The legislation also preserves all existing special use permits and provides for the automatic issuance of an additional 10-year special use permit to each permit holder. (The new Alaska Native Corporations can also issue special use permits on their own authority at any time.)

Answer to Question 1(b):

Representatives for each of our communities have met many times with community members, tribal leaders, mayors and assembly members, and other members of the public who have expressed interest in the legislation introduced on our behalf. Our community representatives have also traveled to other Southeast Alaska communities to meet with key stakeholders who have expressed interest in the legislation. I think it is safe to say, we've met over 100 times with various stakeholders over the past several years. We will address any future concerns that may arise by continuing to meet with local community members.

We also recognize that members of the public want to know that the public access provisions of the legislation are assured. To this end, H.R. 4748 establishes that the public access provisions "shall not ... provide standing to any third party in any review of, or challenge to, any determination by the Urban Corporation with respect to the management or development of the land conveyed ... except as against the [Alaska Native] Corporation for the management of public access." This last clause ("except as against...") means that any member of the public will have standing to bring suit against any one of the five new Alaska Native Corporations for any failure to provide public access as promised in the legislation. I would like to reiterate that we asked for this language to protect the public interest in access to the land. We seek to be good neighbors and land managers, while also addressing the inequity that our communities have suffered for decades.

I hope this information addresses the question asked by Chairman Westerman. Please don't hesitate to reach out if I can answer any other questions regarding H.R. 4748.

I want to thank you again for inviting me to testify before the Subcommittee regarding H.R. 4748. Our communities deeply appreciate your leadership on this matter, which, as you know, would redress a historic injustice in the context of Congress's settlement of aboriginal lands claims in Alaska.

Sincerely,

A handwritten signature in black ink that reads "Richard Rinehart". The signature is written in a cursive, slightly slanted style.

Richard Rinehart