

**TESTIMONY of
CHRIS FRENCH
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
UNITED STATES DEPARTMENT OF AGRICULTURE—FOREST SERVICE
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS**

December 5, 2023

Concerning

HR 4748, “Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act”

HR 4748 would amend the Alaska Native Claims Settlement Act of 1971 (ANCSA) to authorize Alaska Native residents of five Southeast Alaska communities (Haines, Ketchikan, Petersburg, Tenakee, and Wrangell) to form urban corporations. The legislation directs conveyance of specifically identified surface estate lands within the Tongass National Forest in the amount of 23,040 acres to each corporation, totaling approximately 115,202 acres. The bill directs conveyance of subsurface estate of these parcels to the Sealaska Regional Native Corporation.

The proposed conveyance of 23,040 acres to each new corporation conforms with the acreage provided to the ten Southeast Alaska communities that were recognized and determined to be eligible under ANCSA. Unlike ANCSA, H.R. 4748 does not require that the selected acres include the township in which all or part of the community is located, nor that it be contiguous and in reasonably compact tracts. The selected NFS lands are in 61 named parcels, including some that are split into distinct parts or include adjacent islands. The parcels range in size from 17 to 9,092 acres and are located across seven Forest Service Ranger Districts. All parcels contain old growth and cumulatively approximately 80,000 acres, or 69% of the proposed conveyance, are considered productive old growth. Nearly all the parcels contain inventoried roadless acres and 52% of the cumulative acres proposed for conveyance are roadless.

Background

The Alaska Native Claims Settlement Act effected a final settlement of the aboriginal claims in Alaska through payment of \$962.5 million and conveyances of more than 44 million acres of Federal land. There was a distinction made in ANCSA between the villages in the southeast and those located elsewhere. Prior to the passage of ANCSA, Alaska Natives in the southeast received payments from the United States pursuant to court cases in the 1950s and late 1960s, for the taking of their aboriginal lands. Because Alaska Natives in the Sealaska region benefitted from an additional cash settlement under ANCSA, the eligible communities received less

acreage than their counterparts elsewhere in Alaska. Congress named the villages in the southeast that were to be recognized in ANCSA. The communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell – the five communities addressed in H.R. 4748 – were not among those listed.

Alaska Natives living in the five communities applied to receive benefits under ANCSA and were subsequently determined to be ineligible. Three of the five appealed their status and were denied. Notwithstanding the determination of ineligibility of some communities for corporate status under ANCSA at the time, Alaska Natives in these five communities were enrolled as at-large shareholders in the Sealaska Corporation. The enrolled members of the five communities comprise more than 20 percent of the enrolled membership of the Sealaska Corporation.

Analysis of Identified Conveyance of public lands from the Tongass National Forest lands

Due to the high value of these lands for multiple uses on the National Forest, the Forest Service has concerns that the currently proposed conveyance of lands will affect the ability of the Forest Service to implement the stated goals of the Tongass National Forest Land and Resource Management Plan across program areas, including meeting current timber harvest goals and the transition to young growth timber harvest.

The Federal government manages subsistence harvest of fish and wildlife on federal lands in Alaska. Once lands are conveyed from National Forest System ownership, they no longer fall under the Federal Subsistence Management Program. The proposed legislation generally addresses subsistence, allowing for the lands conveyed to newly established native corporations to remain open and available to subsistence under applicable law and subject to reasonable restrictions by the corporation on public use. As proposed, the state of Alaska would regulate hunting and fishing on the conveyed lands and the newly formed corporations would decide who may access their lands for that purpose.

Summary

USDA recognizes the special relationship that Alaska Natives have to the lands of southeast Alaska, which are the homelands of the Tlingit, Haida, and Tsimshian people. We acknowledge important customary, traditional, and current uses of the Tongass National Forest and the contributions of the land and resources to the social and economic well-being of the region's communities. Through joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters (SO 3403), USDA recognizes that it is the policy of the United States to restore Tribal homelands to Tribal ownership and to promote Tribal stewardship and Tribal self-government. In keeping with the joint Secretarial Order, the Forest Service is entering into co-stewardship agreements with Tribes in Alaska and across the United States.

USDA supports the intent of the legislation, and we look forward to working with the committee, bill sponsors, and tribal communities to address this longstanding inequity. We continue to have productive conversations with the relevant stakeholders and look forward to discussing with the Subcommittee and sponsor of the bill the legislation's impact on the Tongass National Forest's

program of work as well as opportunities to promote Tribal and/or indigenous stewardship of our federal lands and waters, consistent with the Joint Secretarial Order.