

HB

183

<TARGET><BILL>HB 183</BILL><SUBJECT>HB
183</SUBJECT><COMM>HFIN27</COMM></TARGET>

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number 1
Bill Version CSHB 183(CRA)
(H) Publish Date 4/6/11

Identifier (file name) HB183-DEC-FC-03-11-11 Dept. Affected Environmental Conserv
Title Application of Village Safe Water Act Appropriation Division of Water
Allocation Facility Construction
Sponsor Representative Dick
Requester House Community and Regional Affairs Committees OMB Component Number 637

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Services	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Commodities	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Capital Outlay	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Grants	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0		0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES								

FUND SOURCE		(Thousands of Dollars)						
1002 Federal Receipts	0.0		0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0		0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0		0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0		0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Other (please identify)	0.0		0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version, not applicable.

Prepared by Lynn J. Tomich Kent, Director
Division Water
Approved by Dan Easton
Deputy Commissioner

Phone (907) 269-7599
Date/Time 3/11/11 8:00 AM
Date 4/2/2011

FISCAL NOTE #1

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. CSHB 183(CRA)

Analysis

There are no fiscal impacts on the Department of Environmental Conservation's Water programs from this proposed legislation.

CS FOR HOUSE BILL NO. 183(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES DICK, Thomas, Herron, Edgmon, Joule, Foster

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Village Safe Water Act; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 46.07.080(2) is repealed and reenacted to read:

4 (2) "village" means

5 (A) a second class city;

6 (B) a first class city with a population of less than 1,000;

7 (C) a home rule municipality with a population of less than
8 1,000;

9 (D) the Annette Island Reserve established by 25 U.S.C. 495
10 for the Metlakatla Indian Community;

11 (E) a community with a population between 25 and 1,000 that
12 is represented by a

13 (i) council organized under 25 U.S.C. 476 (sec. 16 of
14 the Indian Reorganization Act); or

15 (ii) traditional village council recognized by the United

1 States as eligible for federal aid to Indians.

2 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 TRANSITION. Notwithstanding AS 46.07.080(2), repealed and reenacted by this Act,
5 a village for which Village Safe Water Act project funding was appropriated in a capital
6 budget bill approved by the legislature for a fiscal year before fiscal year 2012 shall remain
7 eligible to receive that Village Safe Water Act project funding after the effective date of this
8 Act regardless of whether the village meets the definition of "village" in AS 46.07.080(2),
9 repealed and reenacted by this Act.

10 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE LEGISLATURE

REPRESENTATIVE ALAN DICK

HOUSE DISTRICT 6

Alaska State Capitol
Juneau, Alaska 99801
Representative_Alán_Dick@legis.state.ak.us



(907) 465-4527
1-800-491-4527
(907) 465-2197 Fax

"STRONG VALUES IN UNCERTAIN TIMES"

Alatna
Allakaket
Alcan
Aniak
Anvik
Arctic Village
Beaver
Beluga
Bettles
Birch Creek
Boundary
Central
Chalkyitsik
Chandalar
Chandalar Lake
Chicken
Chistochina
Chitina
Chuathbaluk
Circle
Coldfoot Camp
Copper Center
Crooked Creek
Deltana
Dot Lake
Dry Creek
Eagle
Eagle Village
Evansville
Flat
Fort Greely
Fort Yukon
Fortuna Ledge
Gakona
Galena
Georgetown
Grayling
Gulkana
Healy Lake
Holy Cross
Hughes

Huslia
Kaltag
Kennicott
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Manley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mentasta Lake
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Ophir
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Slana
Sleetmute
Stevens Village
Stony River
Takatna
Tanacross
Tanana
Tazlina
Telida
Tetlin
Tok
Tonsina
Tyonek
Venetie
Wiseman

Proposed CS for House Bill 183 (), Version I

After the passage of CSHB 183 (CRA), it was noted that **Section 1** did not guarantee that an "unincorporated community" would have a governing body. A village listed under the Alaska Native Claim Settlement Act needed to organize a business for profit or nonprofit corporation, not a governing body.

Legal Services recommended the following changes:

Page 1, lines 4-8: Maintained that a second city and a first class city and a home rule municipality with a population of less than 1,000 are eligible to receive a Village Safe Water grant.

Page 1, lines 9-15 and Page 2, line 1: Defined the term "Unincorporated Community" to assure that an unincorporated community had a governing body. *"It is the responsibility of a village governing body to maintain and operate the safe water and hygienic sewage disposal facility."* (AS 46.07.050)

*Adopted
4/12/11*

27-LS0601N
Bullard
4/11/11

CS FOR HOUSE BILL NO. 183()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE DICK

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Village Safe Water Act; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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5 (A) a second class city;

6 (B) a first class city with a population of less than 1,000;

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8 1,000;

9 (D) the Annette Island Reserve established by 25 U.S.C. 495
10 for the Metlakatla Indian Community;

11 (E) a community with a population between 25 and 1,000 that
12 is represented by a

13 (i) council organized under 25 U.S.C. 476 (sec. 16 of
14 the Indian Reorganization Act); or

15 (ii) traditional village council recognized by the United

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2
3
4
5
6
7
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9
10

States as eligible for federal aid to Indians.

* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. Notwithstanding AS 46.07.080(2), repealed and reenacted by this Act, a village for which Village Safe Water Act project funding was appropriated in a capital budget bill approved by the legislature for a fiscal year before fiscal year 2012 shall remain eligible to receive that Village Safe Water Act project funding after the effective date of this Act regardless of whether the village meets the definition of "village" in AS 46.07.080(2), repealed and reenacted by this Act.

* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

4/12/11

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 6, 2011

SUBJECT: Village Safe Water Act (CSHB 183(CRA);
Work Order No. 27-LS0601\B)

TO: Representative Alan Dick
Attn: Sheila Peterson

FROM: Tamara Brandt Cook
and
Alpheus Bullard
Legislative Counsel

TBC

You have supplied me with a letter from the Department of Law dated April 15, 1981, recognizing that limiting revenue sharing for unincorporated communities to those organized under the Indian Reorganization Act of 1934 or eligible as Native villages under the Alaska Native Claims Settlement Act would probably be unconstitutional under the equal protection clause of the state constitution. You ask whether the same legal problem exists with respect to CSHB 183(CRA). It does. The bill would limit the receipt of the benefits of the Village Safe Water Act to certain municipalities and to only those villages listed under the Alaska Native Claims Settlement Act, but not to other villages in the state. While the federal government has a special duty to protect and benefit American Native peoples and may discriminate in the provision of those benefits in favor of Natives, the state does not have the power to discriminate in favor of Natives over others.

You ask how the bill might be changed to avoid the constitutional problem. The state may treat some people differently from others without violating equal protection requirements if the different treatment furthers a legitimate state goal. Please appreciate that discriminating on the basis of race or ethnicity is particularly difficult for the state to justify.

However, an approach occurs to me that would have a greater probability of success than the current approach in CSHB 183(CRA), although it might not include the exact recipients currently identified in CSHB 183(CRA). This approach, rather than focusing on Native status, would be to focus on the existence of a governing body within the community that represents the people, in a governmental rather than a business capacity, that the state may legitimately work with. The concept of the state working with a local governing body is already contained in the Village Safe Water Act. (See AS 46.07.030(b) and AS 46.07.050) A village may only be listed under the Alaska

Representative Alan Dick

April 6, 2011

Page 2

Native Claim Settlement Act and eligible for benefits under that Act if it has organized a business for profit or nonprofit corporation. A governing body is not required. (43 USC 1602(c) and 43 USC 1607) Nonetheless, many villages do have governing bodies and state statutes already recognize and require the existence of such bodies for some purposes. (See AS 29.60.599(9); AS 46.03.900(34); AS 46.04.900(28); and AS 46.08.900(16)) Using this approach section 1 would become two sections, as follows:

* **Section 1.** AS 46.07.080(2) is amended to read:

(2) "village" means an unincorporated community **with a governing body** that has between 25 and **1,000 residents** [600 PEOPLE RESIDING WITHIN A TWO-MILE RADIUS], a second class city, [OR] a first class city, **or a home rule city** with not more than **1,000** [600] residents.

* **Sec. 2.** AS 46.07.080 is amended by adding a new paragraph to read:

- (3) "governing body" means a
- (i) city council;
 - (ii) council organized under 25 U.S.C. 476 (sec. 16 of the Indian Reorganization Act);
 - (iii) traditional village council recognized by the United States as eligible for federal aid to Indians; or
 - (iv) a traditional council recognized by the commissioner of commerce, community, and economic development under regulations adopted by the Department of Commerce, Community and Economic Development for purposes of AS 44.33.755(b).

Please note that I have eliminated the reference to "home rule municipalities," which includes both home rule cities and home rule boroughs, in favor of "home rule cities."

In conclusion, I cannot state that the approach suggested above would survive a constitutional challenge, but it would stand a reasonable chance. Also, the differences in the villages that would qualify under this approach from those that qualify under the existing bill language will need to be identified and considered.

TBC:ljw
11-227.ljw

4/12/11
copy on file

Sheila Peterson

From: Griffith, Bill (DEC) [bill.griffith@alaska.gov]
Sent: Monday, April 11, 2011 5:40 PM
To: Sheila Peterson
Cc: Carlson-Van Dort, Marit K (DEC); Kent, Lynn J T (DEC)
Subject: HB183

Sheila,

Marit called and asked me to send the following lists to you:

1. Communities that would become eligible by adding "home rule municipalities"

Nenana (home rule city)
Yakatat (unified home rule city and borough)

2. Communities that would become eligible by increasing the population limit from 600 to 1000 for first class cities, home rule municipalities and unincorporated communities:

Akiachak (unincorporated - pop 627)
Kipnuk (unincorporated - pop 639)
Yakatat (home rule municipality - pop 662)
Klawock (first class city - pop 755)
Hoonah (first class city - pop 760)
Ninilchik (unincorporated - pop 883)
King Cove (first class city - pop 938)
Sand Point (first class city - pop 976)

(Please note that all 114 second class cities in Alaska are currently eligible, regardless of population. All of these communities would remain eligible.)

3. Unincorporated communities that would become ineligible by limiting to only those with a federally-recognized governing body (tribal government):

The following unincorporated communities have no local government but have received funding in the past through the VSW program:

Badger Richardson	Lake Minchumina	Nikolaevsk	Slana
Elfin Cove	Lowell Point	Point Baker	Voznesenka
Glennallen	McCarthy	Port Alsworth	Whale Pass
Hyder	Naukati	Port Protection	Anchor Point

(subdivision)

In addition, the following unincorporated communities also have no local government, but have never received a VSW grant in the past:

Aleneva	Four Mile Road	Lake Louise	Salamatof
Beluga	Fox	Livengood	Salcha
Big Delta	Fox River	Lutak	Seldovia Village
Buffalo Soapstone	Funny River	McKinley Park	Shemya Station

Central	Game Creek	Mendeltna	Silver Springs
Chase	Glacier View	Moose Creek	Skwentna
Chiniak	Halibut Cove	Mosquito Lake	Susitna
Clam Gulch	Happy Valley	Mud Bay	Tolsona
Cooper Landing	Harding-Birch Lakes	Nelchina	Tonsina
Copperville	Hollis	Northway Junction	Trapper Creek
Covenant Life	Hope	Paxson	Two Rivers
Crown Point	Jakolof Bay	Petersville	Whale Pass
Cube Cove	Kasilof	Pleasant Valley	Whitestone Logging Camp
Dry Creek	Kenny Lake	Point MacKenzie	
Edna Bay	King Salmon	Primrose	Willow Creek
Ferry	Knik River	Red Dog Mine	Womens Bay
Fort Greely			

(Please note that this is a partial list. There are at least 100 unincorporated communities with no local government – either city or tribal – that have never approached VSW for funding.)

Please let me or Marit know if you have additional questions.

Bill Griffith
 Facility Programs Manager
 ADEC Division of Water
 907 269-7601

ALASKA STATE LEGISLATURE
REPRESENTATIVE ALAN DICK

HOUSE DISTRICT 6

Alaska State Capitol
Juneau, Alaska 99801
Representative_Alan_Dick@legis.state.ak.us



(907) 465-4527
1-800-491-4527
(907) 465-2197 Fax

"STRONG VALUES IN UNCERTAIN TIMES"

SPONSOR STATEMENT

**Committee Substitute for House Bill 183 (CRA)
Application of the Village Safe Water Act**

Alatna
Allakaket
Alcan
Aniak
Anvik
Arctic Village
Beaver
Beluga
Bettles
Birch Creek
Boundary
Central
Chalkyitsik
Chandalar
Chandalar Lake
Chicken
Chistochina
Chitina
Chuathbaluk
Circle
Coldfoot Camp
Copper Center
Crooked Creek
Deltana
Dot Lake
Dry Creek
Eagle
Eagle Village
Evansville
Flat
Fort Greely
Fort Yukon
Fortuna Ledge
Gakona
Galena
Georgetown
Grayling
Gulkana
Healy Lake
Holy Cross
Hughes

Huslia
Kaltag
Kennicott
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Manley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mentasta Lake
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Ophir
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Slana
Sleetmute
Stevens Village
Stony River
Takotna
Tanacross
Tanana
Tazlina
Telida
Tetlin
Tok
Tonsina
Tyonek
Venetie
Wiseman

Committee Substitute for House Bill 183 (CRA) amends the definition of "village" under the Village Safe Water Act. Currently an unincorporated community, a second-class city, or a first class city with not more than 600 residents is eligible to receive a grant under the VSW Program.

The proposed legislation includes the following changes:

1. Changes the definition of an "unincorporated community" to a community listed in 43 U.S.C. 1610 or 1615 (ANCSA). The intent of this change was to ensure that an unincorporated community had a governing body.
2. Raises the maximum number of residents eligible for funding in a village or first-class city from 600 to 1,000. This change allows municipalities that are facing clean water and sanitation issues to receive a VSW grant despite population growth.
3. Adds home rule municipalities with populations less than 1,000 residents. Under this definition, the City of Nenana and the City and Borough of Yakutat are eligible to apply for VSW funding.

Four years ago the City of Nenana was awarded a VSW grant to upgrade an aging water and sewer system. Unfortunately, right before construction was to begin, city officials learned that Nenana was not eligible because it was a Home Rule City. CSHB 183 (CRA) allows the city to proceed with the needed improvements to its water and sewer system using a Village Safe Water grant.

Thank you for your support.



City of Nenana
PO Box 70, Nenana, Alaska 99760
907-832-5501, 907-832-5503-fax
<http://www.nenana.org>



Sen. Kookesh
State Capitol Room 11
Juneau AK, 99801

7-Feb-11

Re: Request for Statutory Language Change

Dear Senator,

The City of Nenana requests that legislation be submitted for approval to add a section to AS 46.07.080 as identified below.

Current Language

AS 46.07.080 Definitions

In this chapter

- 1) "commissioner" means the commissioner of environmental conservation.
- 2) "village" means an unincorporated community that has between 25 and 600 people residing within a two-mile radius, a second class city, or a first class city with not more than 600 residents.

We request that the second section be revised as follows

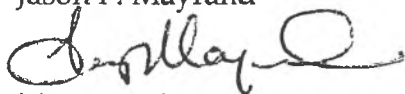
- 2) "village" means an unincorporated community that has between 25 and 600 people residing within a two-mile radius, a second class city, or a first class or home rule city with not more than 600 residents.

The City makes this request in order for the community to be specifically eligible for Village Safe Water capital improvement programs.

Nenana has previously applied and been approved for a grant from VSW for an extensive renovation of our failing water and sewer system. At some point after the grant was awarded, it was brought to our attention that it was a mistake as Nenana, being a Home Rule City, was not eligible under the current language. We therefore request that this language change be submitted so as to restore our grant eligibility.

Please contact me with any questions you or your office may have. I am happy to share the history and background information with you and your colleges.

Sincerely,
Jason P. Mayrand

A handwritten signature in black ink, appearing to read "J. Mayrand", written in a cursive style.

Mayor/ Administrator
City of Nenana

Cc; Rep. Dick, Sen. Coghill

Alaska Native Claims Settlement Act

Withdrawal and selection of public lands; funds in lieu of acreage

43 U.S.C. § 1615

(a) **Withdrawal of public lands; list of Native villages.** All public lands in each township that encloses all or any part of a Native village listed below, and in each township that is contiguous to or corners on such township, except lands withdrawn or reserved for national defense purposes, are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended:

- Angoon, Southeast.
- Craig, Southeast.
- Hoonah, Southeast.
- Hydaburg, Southeast.
- Kake, Southeast.
- Kasaan, Southeast.
- Klawock, Southeast.
- Saxman, Southeast.
- Yakutat, Southeast.

(b) **Native land selections; Village Corporations for listed Native villages; acreage; proximity of selections; conformity to Lands Survey System.** During a period of three years from December 18, 1971, each Village Corporation for the villages listed in subsection (a) of this section shall select, in accordance with rules established by the Secretary, an area equal to 23,040 acres, which must include the township or townships in which all or part of the Native village is located, plus, to the extent necessary, withdrawn lands from the townships that are contiguous to or corner on such townships. All selections shall be contiguous and in reasonably compact tracts, except as separated by bodies of water, and shall conform as nearly as practicable to the United States Lands Survey System.

(c) **Tlingit-Haida settlement.** The funds appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims in the case of The Tlingit and Haida Indians of Alaska, et al. against The United States, numbered 47,900, and distributed to the Tlingit and Haida Indians pursuant to the Act of July 13, 1970 (84 Stat. 431), are in lieu of the additional acreage to be conveyed to qualified villages listed in section 1610 of this title.

(d) **Withdrawal of lands for selection for village of Klukwan; benefits under this chapter; existing entitlements; forest reserves; quitclaims to Chilkat Indian Village; location, character, and value of lands to be withdrawn; withdrawal and selection periods; nonwithdrawal of lands selected or nominated for selection by other Native Corporation or located on Admiralty Island**

(1) The Secretary is authorized and directed to withdraw seventy thousand acres of public lands, as defined in section 1602 of this title, in order that the Village Corporation for the village of Klukwan may select twenty-three thousand and forty acres of land. Such Corporation and the shareholders thereof shall otherwise participate fully in the benefits provided by this chapter to the same

extent as they would have participated had they not elected to acquire title to their former reserve as provided by section 1618(b) of this title: Provided, That nothing in this subsection shall affect the existing entitlement of any Regional Corporation to lands pursuant to section 1613(h)(8) of this title: Provided further, That no such lands shall be withdrawn from an area previously withdrawn as a forest reserve without prior consultation with the Secretary of Agriculture: Provided further, That the foregoing provisions of this subsection shall not become effective unless and until the Village Corporation for the village of Klukwan shall quitclaim to Chilkat Indian Village, organized under the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of May 1, 1936 (49 Stat. 1250), all its right, title, and interest in the lands of the reservation defined in and vested by the Act of September 2, 1957 (71 Stat. 596), which lands are hereby conveyed and confirmed to said Chilkat Indian Village in fee simple absolute, free of trust and all restrictions upon alienation, encumbrance, or otherwise: Provided further, That the United States and the Village Corporation for the village of Klukwan shall also quitclaim to said Chilkat Indian Village any right or interest they may have in and to income derived from the reservation lands defined in and vested by the Act of September 2, 1957, after December 18, 1971, and prior to January 2, 1976.

(2) The lands withdrawn by the Secretary pursuant to paragraph (1) of this subsection shall be located in the southeastern Alaska region and shall be of similar character and comparable value, to the extent possible, to those of the Chilkat Valley surrounding the village of Klukwan. Such withdrawal shall be made within six months of October 4, 1976, and the Village Corporation for the village of Klukwan shall select, within one year from the time that the withdrawal is made, and be conveyed, twenty-three thousand and forty acres. None of the lands withdrawn by the Secretary for selection by the Village Corporation for the village of Klukwan shall have been selected by, or be subject to an outstanding nomination for selection by, any other Native Corporation organized pursuant to this chapter, or located on Admiralty Island.



Content current as of February 7, 1998
Page last revised February 7, 1998

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Created and maintained by Bob Hume

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Alaska Native Claims Settlement Act

Withdrawal of public lands

43 U.S.C. § 1610

(a) Description of withdrawn public lands; exceptions; National Wildlife Refuge lands exception; time of withdrawal

(1) The following public lands are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended:

(A) The lands in each township that encloses all or part of any Native village identified pursuant to subsection (b) of this section;

(B) The lands in each township that is contiguous to or corners on the township that encloses all or part of such Native village; and

(C) The lands in each township that is contiguous to or corners on a township containing lands withdrawn by paragraph (B) of this subsection.

The following lands are excepted from such withdrawal: lands in the National Park System and lands withdrawn or reserved for national defense purposes other than Naval Petroleum Reserve Numbered 4.

(2) All lands located within the townships described in subsection (a)(1) hereof that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from the creation of third party interests by the State under the Alaska Statehood Act.

(3)(A) If the Secretary determines that the lands withdrawn by subsections (a)(1) and (2) hereof are insufficient to permit a Village or Regional Corporation to select the acreage it is entitled to select, the Secretary shall withdraw three times the deficiency from the nearest unreserved, vacant and unappropriated public lands. In making this withdrawal the Secretary shall, insofar as possible, withdraw public lands of a character similar to those on which the village is located and in order of their proximity to the center of the Native village: Provided, That if the Secretary, pursuant to section 1616, and 1621(e) of this title determines there is a need to expand the boundaries of a National Wildlife Refuge to replace any acreage selected in the Wildlife Refuge System by the Village Corporation the withdrawal under this section shall not include lands in the Refuge.

(B) The Secretary shall make the withdrawal provided for in subsection (3)(A) hereof on the basis of the best available information within sixty days of December 18, 1971, or as soon thereafter as practicable.

(b) List of Native villages subject to chapter; review; eligibility for benefits; expiration of withdrawals for villages; alternative eligibility; eligibility of unlisted villages

(1) The Native villages subject to this chapter are as follows:

NAME OF PLACE AND REGION

- Afognak, Afognak Island.
- Akhiok, Kodiak.
- Akiachak, Southwest Coastal Lowland.
- Akiak, Southwest Coastal Lowland.
- Akutan, Aleutian.
- Alakanuk, Southwest Coastal Lowland.
- Alatna, Koyukuk-Lower Yukon.
- Aleknagik, Bristol Bay.
- Allakaket, Koyukuk-Lower Yukon.
- Ambler, Bering Strait.
- Anaktuvuk Pass, Arctic Slope.
- Andreadsey, Southwest Coastal Lowland.
- Aniak, Southwest Coastal Lowland.
- Anvik, Koyukuk-Lower Yukon.
- Arctic Village, Upper Yukon-Porcupine.
- Atka, Aleutian.
- Atkasook, Arctic Slope.
- Atmautluak, Southwest Coastal Lowland.
- Barrow, Arctic Slope.
- Beaver, Upper Yukon-Porcupine.
- Belkofsky, Aleutian.
- Bethel, Southwest Coastal Lowland.
- Bill Moore's, Southwest Coastal Lowland.
- Biorka, Aleutian.
- Birch Creek, Upper Yukon-Porcupine.
- Brevig Mission, Bering Strait.
- Buckland, Bering Strait.
- Candle, Bering Strait.
- Cantwell, Tanana.
- Canyon Village, Upper Yukon-Porcupine.
- Chalkyitsik, Upper Yukon-Porcupine.
- Chanilut, Southwest Coastal Lowland.
- Cherfornak, Southwest Coastal Lowland.
- Chevak, Southwest Coastal Lowland.
- Chignik, Kodiak.
- Chignik Lagoon, Kodiak.
- Chignik Lake, Kodiak.
- Chistochina, Copper River.
- Chitina, Copper River.
- Chukwuktligamute, Southwest Coastal Lowland.
- Circle, Upper Yukon-Porcupine.
- Clark's Point, Bristol Bay.
- Copper Center, Copper River.
- Crooked Creek, Upper Kuskokwim.
- Deering, Bering Strait.
- Dillingham, Bristol Bay.
- Dot Lake, Tanana.

- Eagle, Upper Yukon-Porcupine.
- Eek, Southwest Coastal Lowland.
- Egegik, Bristol Bay.
- Eklutna, Cook Inlet.
- Ekuk, Bristol Bay.
- Ekwok, Bristol Bay.
- Elim, Bering Strait.
- Emmonak, Southwest Coastal Lowland.
- English Bay, Cook Inlet.
- False Pass, Aleutian.
- Fort Yukon, Upper Yukon-Porcupine.
- Gakona, Copper River.
- Galena, Koyukuk-Lower Yukon.
- Gambell, Bering Sea.
- Georgetown, Upper Kuskokwim.
- Golovin, Bering Strait.
- Goodnews Bay, Southwest Coastal Lowland.
- Grayling, Koyukuk-Lower Yukon.
- Gulkana, Copper River.
- Hamilton, Southwest Coastal Lowland.
- Holy Cross, Koyukuk-Lower Yukon.
- Hooper Bay, Southwest Coastal Lowland.
- Hughes, Koyukuk-Lower Yukon.
- Huslia, Koyukuk-Lower Yukon.
- Igiugig, Bristol Bay.
- Iliamna, Cook Inlet.
- Inalik, Bering Strait.
- Ivanof Bay, Aleutian.
- Kaguyak, Kodiak.
- Kaktovik, Arctic Slope.
- Kalskag, Southwest Coastal Lowland.
- Kaltag, Koyukuk-Lower Yukon.
- Karluk, Kodiak.
- Kasigluk, Southwest Coastal Lowland.
- Kiana, Bering Strait.
- King Cove, Aleutian.
- Kipnuk, Southeast Coastal Lowland.
- Kivalina, Bering Strait.
- Kobuk, Bering Strait.
- Kokhanok, Bristol Bay.
- Koliganek, Bristol Bay.
- Kongiganak, Southwest Coastal Lowland.
- Kotlik, Southwest Coastal Lowland.
- Kotzebue, Bering Strait.
- Koyuk, Bering Strait.
- Koyukuk, Koyukuk-Lower Yukon.
- Kwethluk, Southwest Coastal Lowland.
- Kwigillingok, Southwest Coastal Lowland.
- Larsen Bay, Kodiak.
- Levelock, Bristol Bay.
- Lime Village, Upper Kuskokwim.

- Lower Kalskag, Southwest Coastal Lowland.
- McGrath, Upper Kuskokwim.
- Makok, Koyukuk-Lower Yukon.
- Manley Hot Springs, Tanana.
- Manokotak, Bristol Bay.
- Marshall, Southwest Coastal Lowland.
- Mary's Igloo, Bering Strait.
- Medfra, Upper Kuskokwim.
- Mekoryuk, Southwest Coastal Lowland.
- Mentasta Lake, Copper River.
- Minchumina Lake, Upper Kuskokwim.
- Minto, Tanana.
- Mountain Village, Southwest Coastal Lowland.
- Nabesna Village, Tanana.
- Naknek, Bristol Bay.
- Napaimute, Upper Kuskokwim.
- Napakiak, Southwest Coastal Lowland.
- Napaskiak, Southwest Coastal Lowland.
- Nelson Lagoon, Aleutian.
- Nenana, Tanana.
- Newhalen, Cook Inlet.
- New Stuyahok, Bristol Bay.
- Newtok, Southwest Coastal Lowland.
- Nightmute, Southwest Coastal Lowland.
- Nikolai, Upper Kuskokwim.
- Nikolski, Aleutian.
- Ninilchik, Cook Inlet.
- Noatak, Bering Strait.
- Nome, Bering Strait.
- Nondalton, Cook Inlet.
- Nooiksut, Arctic Slope.
- Noorvik, Bering Strait.
- Northeast Cape, Bering Sea.
- Northway, Tanana.
- Nulato, Koyukuk-Lower Yukon.
- Nunapitchuk, Southwest Coastal Lowland.
- Ohogamiut, Southwest Coastal Lowland.
- Old Harbor, Kodiak.
- Oscarville, Southwest Coastal Lowland.
- Ouzinkie, Kodiak.
- Paradise, Koyukuk-Lower Yukon.
- Pauloff Harbor, Aleutian.
- Pedro Bay, Cook Inlet.
- Perryville, Kodiak.
- Pilot Point, Bristol Bay.
- Pilot Station, Southwest Coastal Lowland.
- Pitkas Point, Southwest Coastal Lowland.
- Platinum, Southwest Coastal Lowland.
- Point Hope, Arctic Slope.
- Point Lay, Arctic Slope.
- Portage Creek (Ohgsenakale), Bristol Bay.

- Port Graham, Cook Inlet.
- Port Heiden (Meshick), Aleutian.
- Port Lions, Kodiak.
- Quinhagak, Southwest Coastal Lowland.
- Rampart, Upper Yukon-Porcupine.
- Red Devil, Upper Kuskokwim.
- Ruby, Koyukuk-Lower Yukon.
- Russian Mission or Chauthalue (Kuskokwim), Upper Kuskokwim.
- Russian Mission (Yukon), Southwest Coastal Lowland.
- St. George, Aleutian.
- St. Mary's, Southwest Coastal Lowland.
- St. Michael, Bering Strait.
- St. Paul, Aleutian.
- Salamatof, Cook Inlet.
- Sand Point, Aleutian.
- Savonoski, Bristol Bay.
- Savoonga, Bering Sea.
- Scammon Bay, Southwest Coastal Lowland.
- Selawik, Bering Strait.
- Seldovia, Cook Inlet.
- Shageluk, Koyukuk-Lower Yukon.
- Shaktoolik, Bering Strait.
- Sheldon's Point, Southwest Coastal Lowland.
- Shishmaref, Bering Strait.
- Shungnak, Bering Strait.
- Slana, Copper River.
- Sleetmute, Upper Kuskokwim.
- South Naknek, Bristol Bay.
- Squaw Harbor, Aleutian.
- Stebbins, Bering Strait.
- Stevens Village, Upper Yukon-Porcupine.
- Stony River, Upper Kuskokwim.
- Takotna, Upper Kuskokwim.
- Tanacross, Tanana.
- Tanana, Koyukuk-Lower Yukon.
- Tatilek, Chugach.
- Tazlina, Copper River.
- Telida, Upper Kuskokwim.
- Teller, Bering Strait.
- Tetlin, Tanana.
- Togiak, Bristol Bay.
- Toksook Bay, Southwest Coastal Lowland.
- Tulusak, Southwest Coastal Lowland.
- Tuntutuliak, Southwest Coastal Lowland.
- Tununak, Southwest Coastal Lowland.
- Twin Hills, Bristol Bay.
- Tyonek, Cook Inlet.
- Ugashik, Bristol Bay.
- Unalakleet, Bering Strait.
- Unalaska, Aleutian.
- Unga, Aleutian.

- Uyak, Kodiak.
- Venetie, Upper Yukon-Porcupine.
- Wainwright, Arctic Slope.
- Wales, Bering Strait.
- White Mountain, Bering Strait.

(2) Within two and one-half years from December 18, 1971, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under section 1613(a) and (b) of this title, and any withdrawal for such village shall expire, if the Secretary determines that

(A) less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; or,

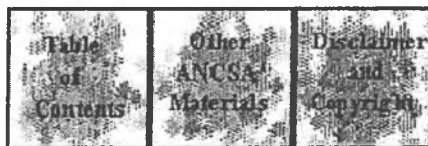
(B) the village is of a modern and urban character, and the majority of the residents are non-Native.

Any Native group made ineligible by this subsection shall be considered under section 1613(h) of this title.

(3) Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this chapter and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from December 18, 1971, determines that

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.



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