

ALASKA LEGISLATURE

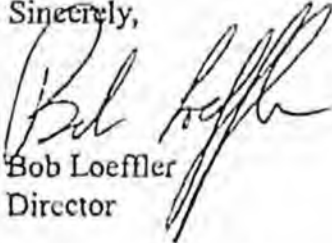
HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2863

Biorka Island Potential Native Allotments. The effect of the potential Native Allotments on the proposed Biorka Island conveyance is different from those of Lisianski Peninsula. That allotment, a portion of which has already been approved by BLM, was excluded from the state's ownership on Biorka Island. If the heirs of Mr. Walton file a reinstatement application with BLM, and BLM approves that application, the area of the reinstated application is automatically excluded from state ownership. This problem may affect the acreage that the University ultimately obtains. However, University ownership will not affect the fate of Mr. Walton's allotment. That fate rests with BLM.

You also asked a question about the location of a seal or sea-lion haulout near the proposed Biorka Island conveyance. I am still trying to find information about that but will relay the information when I have it.

I hope this is helpful. I apologize for not getting you information you requested sooner. If you need anything else, please let me know (and I promise to respond as soon as possible).

Sincerely,



Bob Loeffler
Director

Cc: Representative Ramras

Representative Samuels

Alaska Statehood

Pub. L. 85-508, July 7, 1958, 72 Stat. 339, as amended, provided:

"[Sec. 1. Declaration; acceptance, ratification, and confirmation of Constitution.] That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 8(c) of this Act, the State of Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Alaska entitled, 'An Act to provide for the holding of a constitutional convention to prepare a constitution for the State of Alaska; to submit the constitution to the people for adoption or rejection; to prepare for the admission of Alaska as a State; to make an appropriation; and setting an effective date', approved March 19, 1955 (Chapter 46, Session Laws of Alaska, 1955), and adopted by a vote of the people of Alaska in the election held on April 24, 1956, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

"Sec. 2. [Territory.] The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, now included in the Territory of Alaska.

"Sec. 3. [Constitution.] The constitution of the State of Alaska shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

"Sec. 4. [Compact with United States; disclaimer of right and title to lands or other property; taxation.] As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property (including fishing rights), the right or title to which may be held by said natives or is held by the United States in trust for said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation: Provided, That nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act: And provided further, That no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation. (As amended Pub. L. 86-70, § 2(a), June 25, 1959, 73 Stat. 141.)

"Sec. 5. [Title to property.] The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

"Sec. 6. [Selection from public lands; fish and wildlife resources; public school support; mineral leases, permits, leases, or contracts; mineral land grants; schools and colleges; confirmation of grants; internal improvements; submerged lands.] (a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within thirty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied: Provided further, That for the purposes of this section the term 'public lands of the United States in Alaska which are vacant, unappropriated, and unreserved' shall include, without limiting the use thereof, the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals.

"(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within thirty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: And provided further, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

"(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

"(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

"(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., secs 192-211), as amended, and under the provisions of the Alaska commercial fisheries, laws of June 23, 1906 (34 Stat. 478; 48 U.S.C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., secs. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: Provided, That the administration and management of

the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: Provided, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section 8(a) of the Act of September 2, 1937, as amended (16 U.S.C., sec. 669g-1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U.S.C., sec. 777k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea otter skins made in accordance with the provisions of the Fur Seal Act of 1966 [16 U.S.C. 1151 et seq.]. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Fur Seal Act of 1966, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands, and the payments made to any municipal corporation established pursuant to section 206 of the Fur Seal Act of 1966 [16 U.S.C. 1166] and to the civil service retirement and disability fund pursuant to section 208 of the Fur Seal Act of 1966 [16 U.S.C. 1168]. In administering the Pribilof Islands fund established by section 407 of the Fur Seal Act of 1966 [16 U.S.C. 1187], the Secretary shall consult with the State of Alaska annually. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Fur Seal Act of 1966 and the Northern Pacific Halibut Act of 1937 (16 U.S.C. 772-772i).

"(f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

"(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection or, in the case of selections under subsec. (a) of this section, one hundred and sixty acres. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time

of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words 'equitable claims subject to allowance and confirmation' include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands. As to all selections made by the State after January 1, 1979, pursuant to section 6(b) of this Act, the Secretary of the Interior, in his discretion, may waive the minimum tract selection size where he determines that such a reduced selection size would be in the national interest and would result in a better land ownership pattern.

"(h) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 and the following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U.S.C.⁽¹⁾ 432 and the following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless an application to select such lands is filed with the Secretary of the Interior within a period of ten years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act. When all of the lands subject to a lease, permit, license, or contract are selected, the patent for the lands so selected shall vest in the State of Alaska all the right, title, and interest of the United States in and to that lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all the rentals, royalties, and other payments accruing after that date under that lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of that lease, permit, license, or contract: Provided, That nothing herein contained shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder. Where only a portion of the lands subject to a lease, permit, license, or contract are selected, there shall be reserved to the United States the mineral or minerals subject to that lease, permit, license, or contract, together with such further rights as may be necessary to the full and complete enjoyment of all rights, privileges, and benefits under or with respect to that lease, permit, license, or contract; upon the termination of the lease, permit, license, or contract, title to the minerals so reserved to the United States shall pass to the State of Alaska.

"(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: Provided, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

"(j) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental subdivisions, and no part of the

proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

“(k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U.S.C., sec. 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 30 U.S.C., sec. 191), as amended, are repealed and all lands therein reserved under the provisions of section 1 as of the date of this Act [July 7, 1958] shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.

“(l) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U.S.C., sec. 857), and in lieu of the swampland grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U.S.C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C., secs. 301-308), which grants are hereby declared not to extend to the State of Alaska.

“(m) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder. (As amended Pub. L. 86-70, § 2(b), June 25, 1959, 73 Stat. 141; Pub. L. 86-173, Aug. 18, 1959, 73 Stat. 395; Pub. L. 86-786, §§ 3, 4, Sept. 14, 1960, 74 Stat. 1025; Pub. L. 88-135, Oct. 8, 1963, 77 Stat. 223; Pub. L. 88-289, Mar. 25, 1964, 78 Stat. 169; Pub. L. 89-702, title IV, § 408(b), Nov. 2, 1966, 80 Stat. 1098; Pub. L. 96-487, title IX, § 906(a), (f)(3), Dec. 2, 1980, 94 Stat. 2437, 2440.)

“Sec. 7. [Certification by President; proclamation for elections.] Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include two Senators and one Representative in Congress.

“Sec. 8. [Election of officers; date; propositions; certification of voting results; proclamation by President; laws in effect.] (a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: Provided, That the general election shall not be held later than December 1, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for other elective offices provided for in the constitution of the proposed State of Alaska may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Alaska for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Alaska may prescribe. The Governor of Alaska shall certify the results of said elections to the President of the United States.

"(b) At an election designated by proclamation of the Governor of Alaska, which may be the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, by separate ballot on each, the following propositions:

" '(1) Shall Alaska immediately be admitted into the Union as a State?

" '(2) The boundaries of the State of Alaska shall be as prescribed in the Act of Congress approved XX (date of approval of this Act) and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

" '(3) All provisions of the Act of Congress approved XX (date of approval of this Act) reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people.'

"In the event each of the foregoing propositions is adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Alaska, ratified by the people at the election held on April 24, 1956, shall be deemed amended accordingly. In the event any one of the foregoing propositions is not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

"The Governor of Alaska is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Alaska, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

"(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Alaska, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 7 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act.

"Until the said State is so admitted into the Union, all of the officers of said Territory, including the Delegate in Congress from said Territory, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Alaska into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

"(d) Upon admission of the State of Alaska into the Union as herein provided, all of the Territorial laws then in force in the Territory of Alaska shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term 'Territorial laws' includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is

dependent solely upon the authority of the Congress to provide for the government of Alaska prior to the admission of the State of Alaska into the Union, and the term 'laws of the United States' includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of the admission of the State of Alaska into the Union, (2) are not 'Territorial laws' as defined in this paragraph, and (3) are not in conflict with any other provisions of this Act.

"Sec. 9. [House of Representatives membership.] The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: Provided, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

"Sec. 10. [National defense withdrawals; jurisdiction.] (a) The President of the United States is hereby authorized to establish, by Executive order or proclamation, one or more special national defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

"(b) Special national defense withdrawals established under subsection (a) of this section shall be confined to those portions of Alaska that are situated to the north or west of the following line: Beginning at the point where the Porcupine River crosses the international boundary between Alaska and Canada; thence along a line parallel to, and five miles from, the right bank of the main channel of the Porcupine River to its confluence with the Yukon River; thence along a line parallel to, and five miles from, the right bank of the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160 degrees west of Greenwich; thence south to the intersection of said meridian with the Kuskokwim River; thence along a line parallel to, and five miles from the right bank of the Kuskokwim River to the mouth of said river; thence along the shoreline of Kuskokwim Bay to its intersection with the meridian of longitude 162 degrees 30 minutes west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 57 degrees 30 minutes north; thence east to the intersection of said parallel with the meridian of longitude 156 degrees west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50 degrees north.

"(c) Effective upon the issuance of such Executive order or proclamation, exclusive jurisdiction over all special national defense withdrawals established under this section is hereby reserved to the United States, which shall have sole legislative, judicial, and executive power within such withdrawals, except as provided hereinafter. The exclusive jurisdiction so established shall extend to all lands within the exterior boundaries of each such withdrawal, and shall remain in effect with respect to any particular tract or parcel of land only so long as such tract or parcel remains within the exterior boundaries of such a withdrawal. The laws of the State of Alaska shall not apply to areas within any special national defense withdrawal established under this section while such areas remain subject to the exclusive jurisdiction hereby authorized: Provided, however, That such exclusive jurisdiction shall not prevent the execution of any process, civil or criminal, of the State of Alaska, upon any person found within said withdrawals: And provided further, That such exclusive jurisdiction shall not prohibit the State of Alaska from enacting and enforcing all laws necessary to establish voting districts, and the qualification and procedures for voting in all elections.

"(d) During the continuance in effect of any special national defense withdrawal established under this section, or until the Congress otherwise provides, such exclusive

jurisdiction shall be exercised within each such withdrawal in accordance with the following provisions of law:

"(1) All laws enacted by the Congress that are of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable within the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title, shall apply to all areas within such withdrawals.

"(2) In addition, any areas within the withdrawals that are reserved by Act of Congress or by Executive action for a particular military or civilian use of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any other areas within the withdrawals shall be subject to all laws enacted by the Congress that are of general application to lands withdrawn for defense purposes of the United States.

"(3) To the extent consistent with the laws described in paragraphs (1) and (2) of this subsection and with regulations made or other actions taken under their authority, all laws in force within such withdrawals immediately prior to the creation thereof by Executive order or proclamation shall apply within the withdrawals and, for this purpose, are adopted as laws of the United States: Provided, however, That the laws of the State or Territory relating to the organization or powers of municipalities or local political subdivisions, and the laws or ordinances of such municipalities or political subdivisions shall not be adopted as laws of the United States.

"(4) All functions vested in the United States magistrate judges by the laws described in this subsection shall continue to be performed within the withdrawals by such magistrate judges.

"(5) All functions vested in any municipal corporation, school district, or other local political subdivision by the laws described in this subsection shall continue to be performed within the withdrawals by such corporation, district, or other subdivision, and the laws of the State or the laws or ordinances of such municipalities or local political subdivision shall remain in full force and effect notwithstanding any withdrawal made under this section.

"(6) All other functions vested in the government of Alaska or in any officer or agency thereof, except judicial functions over which the United States District Court for the District of Alaska is given jurisdiction by this Act or other provisions of law, shall be performed within the withdrawals by such civilian individuals or civilian agencies and in such manner as the President shall from time to time, by Executive order, direct or authorize.

"(7) The United States District Court for the District of Alaska shall have original jurisdiction, without regard to the sum or value of any matter in controversy, over all civil actions arising within such withdrawals under the laws made applicable thereto by this subsection, as well as over all offenses committed within the withdrawals.

"(e) Nothing contained in subsection (d) of this section shall be construed as limiting the exclusive jurisdiction established in the United States by subsection (c) of this section or the authority of the Congress to implement such exclusive jurisdiction by appropriate legislation, or as denying to persons now or hereafter residing within any portion of the areas described in subsection (b) of this section the right to vote at all elections held within the political subdivisions as prescribed by the State of Alaska where they respectively reside, or as limiting the jurisdiction conferred on the United States District Court for the District of Alaska by any other provision of law, or as continuing in effect laws relating to the Legislature of the Territory of Alaska. Nothing contained in this section shall be construed as limiting any authority otherwise vested in the Congress or the President. (As amended Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

"Sec. 11. [Denali National Park; military and naval lands; civil and criminal jurisdiction.]

(a) Nothing in this Act shall affect the establishment, or the right, ownership, and authority of the United States in Denali National Park, as now or hereafter constituted; but exclusive jurisdiction, in all cases, shall be exercised by the United States for the national park, as now or hereafter constituted; saving, however, to the State of Alaska the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective political subdivisions of their residence in which the park is situated.

"(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, including naval petroleum reserve numbered 4, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: Provided, (i) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes. The provisions of this subsection shall not apply to lands within such special national defense withdrawal or withdrawals as may be established pursuant to section 10 of this Act until such lands cease to be subject to the exclusive jurisdiction reserved to the United States by that section. (As amended Pub. L. 96-487, title II, § 202(3)(a), Dec. 2, 1980, 94 Stat. 2382.)

"Sec. 12. [Judicial and criminal provisions; amendment.] Effective upon the admission of Alaska into the Union—

"(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is amended by inserting immediately after and underneath item 81 of such analysis, a new item to be designated as item 81A and to read as follows:

" '81A. Alaska';

"(b) Title 28, United States Code, is amended by inserting immediately after section 81 thereof a new section, to be designated as section 81A, and to read as follows:

" § 81A. Alaska

" 'Alaska constitutes one judicial district.

" 'Court shall be held at Anchorage, Fairbanks, Juneau, and Nome.';

"(c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such sect* 2', a * ion immediately above the item: 'Arizona * new item as follows: 'Alaska * 1'; * *

"(d) The first paragraph of section 373 of title 28, United States Code, as heretofore amended, is further amended by striking out the words: 'the District Court for the Territory of Alaska,': Provided, That the amendment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;

"(e) The words 'the District Court for the Territory of Alaska,' are stricken out wherever they appear in sections 333, 460, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;

"(f) The first paragraph of section 1252 of title 28, United States Code, is further amended by striking out the word 'Alaska,' from the clause relating to courts of record;

"(g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;

"(h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: 'including the District Court for the Territory of Alaska,';

"(i) Section 3241 of title 18, United States Code, is amended by striking out the words: 'District Court for the Territory of Alaska, the';

"(j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words: 'for Alaska or';

"(k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: 'the Territory of Alaska,';

"(l) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: 'the Territory of Alaska,';

"(m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: 'and of the District Court for the Territory of Alaska';

"(n) Subsection (q) of section 376 of title 28, United States Code, is amended by striking out the words: 'the District Court for the Territory of Alaska,': Provided, That the amendment made by this subsection shall not affect the rights under such section 376 of any present or former judge of the District Court for the Territory of Alaska or his survivors;

"(o) The last paragraph of section 1963 of title 28, United States Code, is repealed;

"(p) Section 2201 of title 28, United States Code, is amended by striking out the words: 'and the District Court for the Territory of Alaska'; and

"(q) Section 4 of the Act of July 28, 1950 (64 Stat. 380; 5 U.S.C., sec. 341b) is amended by striking out the word: 'Alaska,'.

"Sec. 13. [Continuation of suits.] No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State of Alaska into the Union, but the same shall be transferred and proceeded with as hereinafter provided.

"All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be

tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Alaska.

"Sec. 14. [Appeals.] All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this Act had not been passed. All cases in which final judgment has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require: Provided, That the time allowed by existing law for appeals from the district court for said Territory shall not be enlarged thereby.

"Sec. 15. [Transfer of cases.] All causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the District of Alaska for final disposition and enforcement in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts. All other causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

"Sec. 16. [Succession of courts.] Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

"Sec. 17. [Pending cases in the District Court for the Territory of Alaska.] All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.

"Sec. 18. [Jurisdiction of District Court; termination date.] The provisions of the preceding sections with respect to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner

proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.

"Sec. 19. [Federal Reserve Act; amendment.] The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: 'When the State of Alaska is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section.'

"Sec. 20. [Reservation of coal lands; repeal.] Section 2 of the Act of October 20, 1914 (38 Stat. 742, 48 U.S.C., sec. 433), is hereby repealed.

"Sec. 21. [United States Nationality.] Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, nor restore nationality heretofore lost under any law of the United States or under any treaty to which the United States may have been a party.

"Sec. 22. [Immigration and Nationality Act; amendment.] Section 101(a)(36) of the Immigration and Nationality Act (66 Stat. 170, 8 U.S.C., sec. 1101 (a)(36)) is amended by deleting the word 'Alaska,'.

"Sec. 23. [Immigration and Nationality Act; amendment.] The first sentence of section 212(d)(7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C., sec. 1182 (d)(7)) is amended by deleting the word 'Alaska,'.

"Sec. 24. [Persons born in Alaska on or after March 30, 1867.] Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 304 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C., sec. 1404).

"Sec. 25. [Immigration and Nationality Act; amendment.] The first sentence of section 310(a) of the Immigration and Nationality Act (66 Stat. 239, 8 U.S.C., sec. 1421 (a)) is amended by deleting the words 'District Courts of the United States for the Territories of Hawaii and Alaska' and substituting therefor the words 'District Court of the United States for the Territory of Hawaii'.

"Sec. 26. [Immigration and Nationality Act; amendment.] Section 344(d) of the Immigration and Nationality Act (66 Stat. 265, 8 U.S.C., sec. 1455 (d)) is amended by deleting the words 'in Alaska and'.

"Sec. 27. [Transportation by water.] (a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C., sec. 883), is further amended by striking out the word 'excluding' and inserting in lieu thereof the word 'including'.

"(b) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its Territories or possessions, or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

"Sec. 28. [Mines and mining.] (a) The last sentence of section 9 of the Act entitled 'An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes', approved October 20, 1914 (48 U.S.C. 439), is hereby amended to read as follows: 'All

net profits from operation of Government mines, and all bonuses, royalties, and rentals under leases as herein provided and all other payments received under this Act shall be distributed as follows as soon as practicable after December 31 and June 30 of each year: (1) 90 per centum thereof shall be paid by the Secretary of the Treasury to the State of Alaska for disposition by the legislature thereof; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.'

"(b) Section 35 of the Act entitled 'An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain', approved February 25, 1920, as amended (30 U.S.C. 191), is hereby amended by inserting immediately before the colon preceding the first proviso thereof the following: ', and of those from Alaska 52 1/2 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof'.

"Sec. 29. [Separability clause.] If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

"Sec. 30. [Repeal of inconsistent laws.] All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed."

Alaska Omnibus Act

Pub. L. 86-70, June 25, 1959, 73 Stat. 141, as amended, provided:

"[Sec. 1. Short Title.] That this Act may be cited as the 'Alaska Omnibus Act'.

"Sec. 2 [Federal jurisdiction.] (a) Section 4 of the Act of July 7, 1958 (72 Stat. 339) [set out as a note above], providing for the admission of the State of Alaska into the Union, is amended by striking out the words 'all such lands or other property, belonging to the United States or which may belong to said natives', and inserting in lieu thereof the words 'all such lands or other property (including fishing rights), the right or title to which may be held by said natives or is held by the United States in trust for said natives'.

"(b) Section 6(e) of said Act is amended by striking out the word 'legislative' and inserting in lieu thereof the word 'calendar'.

"Sec. 3. [Termination of application of certain Federal laws.] Any Territorial law, as that term is defined in section 8(d) of the Act of July 7, 1958 (72 Stat. 339, 344) [set out as a note above], providing for the admission of the State of Alaska into the Union—

"(a) which provides for the regulation of commerce within Alaska by an agency of the United States, and

"(b) the application of which to the State of Alaska is continued solely by reason of such section 8 (d), shall cease to apply to the State of Alaska on June 30, 1961, or on the effective date of any law enacted by the Legislature of the State of Alaska which modifies or changes such Territorial law, whichever occurs first.

"Sec. 4. [Sugar Act; amendment.] Section 101 of the Sugar Act of 1948, as amended (7 U.S.C., supp. V, sec. 1101), is further amended by adding thereto a new subsection, to be designated subsection '(o)' and to read as follows:

" '(o) The term "continental United States" means the 49 States and the District of Columbia.'

"Sec. 5. [Soil Bank Act; amendment.] Section 113 of the Soil Bank Act (7 U.S.C., supp. V, sec. 1837), is amended to read as follows: 'This subtitle B shall apply to the continental United States, except Alaska, and, if the Secretary determines it to be in the national interest, to the State of Alaska, the Territory of Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands, and as used in this subtitle B, the term "State" includes Hawaii, Puerto Rico, and the Virgin Islands.'

"Sec. 6. [Armed Forces; amendment.] (a) Title 10, United States Code, section 101 (2), is amended by striking out the words 'Alaska, Hawaii,' and inserting in lieu thereof the word 'Hawaii'.

"(b) Title 10, United States Code, sections 802 (11) and 802 (12), are each amended by striking out the words 'that part of Alaska east of longitude 172 degrees west,'.

"(c) Title 10, United States Code, section 2662 (c), is amended by striking out the word 'Alaska,'.

"Sec. 7. [National Bank Act; amendment.] Section 5192 of the Revised Statutes, as amended (12 U.S.C. 144), is further amended by striking out the words 'in Alaska or'.

"Sec. 8. [Federal Reserve Act; amendment.] (a) Section 1 of the Federal Reserve Act, as amended (12 U.S.C. 221), is further amended by deleting the period at the end of such section and inserting in lieu thereof the following: '; the term "the continental United States" means the States of the United States and the District of Columbia.'

"(b) Section 19 of the Federal Reserve Act, as amended (12 U.S.C. 466), is further amended by striking the words 'in Alaska or'.

"Sec. 9. [Home Loan Bank Board.] (a) Paragraph (3) of section 2 of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1422 (3)), is further amended by striking out the words 'Territories of Alaska and Hawaii' and inserting in lieu thereof the words 'Territory of Hawaii'.

"(b) Section 7 of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1466), is further amended by striking out the words 'continental United States, to the Territories of Alaska and Hawaii' and inserting in lieu thereof the words 'continental United States (including Alaska), to the Territory of Hawaii'.

"Sec. 10. [National Housing Act; amendment.] The National Housing Act is amended by—
"(a) striking out the word 'Alaska,' in sections 9, 201 (d), 207 (a)(7), 601 (d), 713 (q), and 801 (g) (12 U.S.C., secs. 1706d, 1707 (d), 1713 (a)(7), 1736 (d), 1747l (q); supp. V, sec. 1748 (g));

"(b) striking out the words 'the Territory of Alaska,' in section 207 (c)(2) (12 U.S.C., supp. V, sec. 1713 (c)(2)), and inserting the word 'Alaska' in lieu thereof;

"(c) by striking out the words 'the Territory of Alaska or in Guam' in section 214 (12 U.S.C., supp. V, sec. 1715d; 48 U.S.C., supp. V, sec. 484d), and inserting the words 'Alaska, Guam,' in lieu thereof; and

"(d) striking out the words 'Territory' in the two places where it appears in section 806 (12 U.S.C., supp. V, sec. 1748e), and inserting the word 'State' in lieu thereof.

"Sec. 11. [Coast Guard; amendment.] Title 14, United States Code, section 634 (b), is amended by striking out the words 'and for the territory of' in both places where they appear therein.

"Sec. 12. [Securities and Exchange Commission.] (a) Paragraph (6) of section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b (6)), is further amended by striking out the word 'Alaska,'.

"(b) Paragraph (16) of section 3(a) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c (a)(16)), is further amended by striking out the word 'Alaska,'.

"(c) Paragraph (18) of section 202(a) of the Investment Advisers Act of 1940, as amended (15 U.S.C. 80b-2 (a)(18)), is further amended by striking out the word 'Alaska,'.

"(d) Paragraph (37) of section 2(a) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a-2 (a)(37)), is further amended by striking out the word 'Alaska,'.

"(e) Paragraph (1) of section 6(a) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a-6 (a)(1)), is further amended by striking out the word 'Alaska,'.

"Sec. 13. [Soil Conservation.] (a) Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C., supp. V, sec. 590h (b)), is further amended by inserting, immediately following the words 'continental United States', the words ', except in Alaska'.

"(b) Section 17(a) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590q (a)), is further amended by striking out the words 'the United States, the Territories of Alaska and Hawaii' and inserting in lieu thereof the words: 'the States, the Territory of Hawaii', and by striking out the word 'Alaska' the second time it appears therein.

"Sec. 14. [Bald Eagles.] Section 1 of the Act of June 8, 1940 (16 U.S.C. 668), is amended by striking out the words 'except the Territory of Alaska,'.

"Sec. 15. [Wildlife restoration.] Section 8(a) of the Act of September 2, 1937, as amended (16 U.S.C., supp. V, sec. 669g-1), is further amended by striking out the words 'the Alaska Game Commission,' 'said Territory of Alaska,' 'not exceeding \$75,000 for Alaska, and', and 'the Territory of Alaska,'.

"Sec. 16. [Fish restoration.] Section 12 of the Act of August 9, 1950, as amended (16 U.S.C., supp. V, sec. 777k), is further amended by striking out the words 'the Alaska Game Commission,' 'said Territory of Alaska,' 'not exceeding \$75,000 for Alaska, and', and 'the Territory of Alaska,'.

"Sec. 17. [Criminal Code; amendments.] (a) Title 18, United States Code, section 5024, is amended by striking out the words 'other than Alaska' and inserting in lieu thereof the words 'including Alaska'.

"(b) Section 6 of the Act of August 25, 1958 (72 Stat. 845, 847), is amended by striking out the words 'other than Alaska' and inserting in lieu thereof the words 'including Alaska'.

"(c) Subsections (a) and (b) of this section shall be effective on July 7, 1961, or on the date of the Executive order referred to in section 18 of the Act of July 7, 1958 (72 Stat. 339, 350), providing for the admission of the State of Alaska into the Union, whichever occurs first.

"(d) Title 18, United States Code, section 1385, is amended by deleting the last sentence thereof.

"Sec. 18. [Education.] (a)(1) Subsection (a) of section 103 of the National Defense Education Act of 1958 (72 Stat. 1580, 1582), relating to definition of State, is amended by striking out 'Alaska,' each time it appears.

"(2) Paragraph (3)(B) of section 302(a) of such Act (72 Stat. 1580, 1588), relating to definition of continental United States for purposes of allotments for science, mathematics and modern foreign language instruction equipment, is amended by striking out 'does not include Alaska' and inserting in lieu thereof 'includes Alaska'.

"(3) Section 1008 of such Act (72 Stat. 1580, 1605), relating to allotments to territories, is amended by striking out 'Alaska,'.

"(b)(1) Section 4 of the Act of February 23, 1917 (20 U.S.C. 14), relating to allotments for teacher-training, is amended by striking out '\$90,000' and inserting in lieu thereof '\$98,500'. The proviso in the last paragraph of section 5 of such Act (20 U.S.C. 16) and so much of section 12 of such Act (20 U.S.C. 22) as follows the last semicolon shall not be applicable to Alaska prior to the third fiscal year which begins after the enactment of this Act.

"(2) Paragraph (1) of section 2 of the Vocational Education Act of 1946 (20 U.S.C. 15i), relating to definition of States and Territories, is amended by striking out 'the Territories of Alaska and Hawaii' and inserting in lieu thereof 'the Territory of Hawaii'.

"(3) Subsection (e) of section 210 (20 U.S.C., supp. V, sec. 15jj (e)), and subsection (a) of section 307 of such Act (72 Stat. 1580, 1600), relating to definition of State, are each amended by striking out 'Alaska,'.

"(c) Paragraph (13) of section 15 of the Act of September 23, 1950, as amended (72 Stat. 548, 558), relating to definition of State, is amended by striking out 'Alaska,'.

"(d)(1) The material in the parentheses in the first sentence of subsection (d) of section 3 of the Act of September 30, 1950, as amended, relating to determination of local contribution rate, is amended to read: '(other than a local educational agency in Hawaii,

Puerto Rico, Wake Island, Guam, or the Virgin Islands, or in a State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency)'.
"

"(2) The fourth sentence of such subsection is amended by inserting '(including Alaska)' after 'continental United States' the first time it appears in such sentence. The fifth sentence of such subsection is amended by inserting '(including Alaska)' after 'continental United States' the second time it appears in such sentence.

"(3) The last sentence of such subsection is amended by striking out 'Alaska,' and by inserting after 'the Virgin Islands,' the following: 'or in any State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency,'.

"(4) Paragraph (8) of section 9 of such Act (20 U.S.C., supp. V, sec. 244 (6)), relating to definition of State, is amended by striking out 'Alaska,'.

"Sec. 19. [Importation of milk and cream.] Subsection (b) of section 9 of the Act of February 15, 1927 (21 U.S.C. 149 (b)), is amended by inserting the words, ', including Alaska' immediately following the words 'continental United States'.

"Sec. 20. [Opium Poppy Control.] Section 12 of the Opium Poppy Control Act of 1942 (21 U.S.C. 188k) is amended by deleting therefrom the words 'the Territory of Alaska,'.

"Sec. 21. [Highways.] (a) The Secretary of Transportation shall transfer to the State of Alaska by appropriate conveyance without compensation, but upon such terms and conditions as he may deem desirable, all lands or interests in lands, including buildings and fixtures, all personal property, including machinery, office equipment, and supplies, and all records pertaining to roads in Alaska, which are owned, held, administered by, or used by the Secretary in connection with the activities of the Bureau of Public Roads in Alaska, (i) except such lands or interests in lands, including buildings and fixtures, personal property, including machinery, office equipment, and supplies, and records as the Secretary may determine are needed for the operations, activities, and functions of the Bureau of Public Roads in Alaska after such transfer, including services or functions performed pursuant to section 44 of this Act; and (ii) except such lands or interests in lands as he or the head of any other Federal agency may determine are needed for continued retention in Federal ownership for purposes other than or in addition to road purposes.

"(b) Notwithstanding any other provision of this section, any contract entered into by the Federal Government in connection with the activities of the Bureau of Public Roads in Alaska which has not been completed on the date of the transfer provided under subsection (a) hereof may be completed according to the terms thereof.

"(c)(1) The State of Alaska shall be responsible for the maintenance of roads, including bridges, tunnels, and ferries, transferred to it under subsection (a) of this section, as long as any such road is needed for highway purposes.

"(2) Federal-aid funds apportioned to Alaska under title 23, United States Code, for fiscal year 1960 and prior fiscal years, and unobligated on the date of enactment of this Act, may be used for maintenance of highways on the Federal-aid systems in Alaska.

"(d) Effective July 1, 1959, the following provisions of law are repealed:

"(1) Title 23, United States Code, section 103 (f);

"(2) Title 23, United States Code, section 116 (d);

"(3) Title 23, United States Code, section 119;

"(4) Title 23, United States Code, section 120 (h), except that the portion of the first sentence thereof relating to the percentage of funds to be contributed by Alaska shall continue to apply to funds apportioned to Alaska for fiscal year 1960 and prior fiscal years;

"(5) Sections 107(b) and (d) of the Federal-Aid Highway Act of 1956 (70 Stat. 374, 377, 378);

"(6) Section 2 of the Act of January 27, 1905 (33 Stat. 616), as amended (48 U.S.C. 322 and the following); and

"(7) The Act of June 30, 1932 (47 Stat. 446), as amended (48 U.S.C. 321 (a) and the following).

"(e) Effective on July 1, 1959, the following provisions of law are amended:

"(1) The definition of the term 'State' in title 23, United States Code, section 101 (a), is amended to read as follows:

" 'The term "State" means any one of the forty-nine States, the District of Columbia, Hawaii, or Puerto Rico.';

"(2) Title 23, United States Code, section 104 (b), is amended by deleting the phrase ', except that only one-third of the area of Alaska shall be included' where it appears in paragraphs (1) and (2) of said section 104 (b);

"(3) Title 23, United States Code, section 116 (a), is amended by deleting the phrase 'Except as provided in subsection (d) of this section,' and by capitalizing the word 'it' immediately following such phrase; and

"(4) Title 23, United States Code, section 120 (a), is amended by deleting the phrase 'subsection (d) and (h)' and by inserting in lieu thereof the phrase 'subsection (d)'.

"(f) Notwithstanding the limitation contained in subsection (f) of section 120 of Title 23, United States Code, the Secretary of Transportation is authorized to make expenditures from the emergency fund under section 125 of such title for the repair or reconstruction of highways on the Federal-aid highway systems of Alaska which have been damaged or destroyed by the 1964 earthquake and subsequent seismic waves, in accordance with the Federal share payable under subsection (a) of section 120 of such title. The increase in expenditures resulting from the difference between the Federal share authorized by this subsection and that authorized by subsection (f) of section 120 of such title shall be reimbursed to the emergency fund by an appropriation from the general fund of the Treasury: Provided, That such increase in expenditures shall not exceed \$15,000,000 in the aggregate. (As amended Pub. L. 88-451, § 3, Aug. 19, 1964, 78 Stat. 505; Pub. L. 97-449, § 2(a), Jan. 12, 1983, 96 Stat. 2439.)

"Sec. 22. [Internal Revenue.] (a) Section 2202 of the Internal Revenue Code of 1986 (relating to missionaries in foreign service), and sections 3121(e)(1), 3306(j), 4221(d)(4), and 4233(b) of such Code (each relating to a special definition of 'State') are amended by striking out 'Alaska,'

"(b) Section 4262(c)(1) of the Internal Revenue Code of 1986 (definition of 'continental United States') is amended to read as follows:

" '(1) Continental United States.—The term "continental United States" means the District of Columbia and the States other than Alaska.'

"(c) Section 4502(5) of the Internal Revenue Code of 1986 (relating to definition of 'United States') is amended by striking out 'the Territories of Hawaii and Alaska' and by inserting in lieu thereof 'the Territory of Hawaii'.

"(d) Section 4774 of the Internal Revenue Code of 1986 (relating to territorial extent of law) is amended by striking out 'the Territory of Alaska,'

"(e) Section 7621(b) of the Internal Revenue Code of 1986 (relating to boundaries of internal revenue districts) is amended to read as follows:

" '(b) Boundaries.—For the purpose mentioned in subsection (a), the President may subdivide any State, Territory, or the District of Columbia, or may unite into one district two or more States or a Territory and one or more States.'

"(f) Section 7653(d) of the Internal Revenue Code of 1986 is amended by striking out 'its Territories or possessions' and inserting in lieu thereof 'its possessions or the Territory of Hawaii'.

"(g) Section 7701(a)(9) of the Internal Revenue Code of 1986 (relating to definition of 'United States') is amended by striking out 'the Territories of Alaska and Hawaii' and inserting in lieu thereof 'the Territory of Hawaii'.

"(h) Section 7701(a)(10) of the Internal Revenue Code of 1986 (relating to definition of State) is amended by striking out 'Territories' and inserting in lieu thereof 'Territory of Hawaii'.

"(i) The amendments contained in subsections (a) through (h) of this section shall be effective as of January 3, 1959. (As amended Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

"Sec. 23. [Courts.] (a) The Judicial Conference of the United States, with the assistance of the Administrative Office of the United States Courts, shall conduct a study, including a field survey, of the Federal judicial business arising in the State of Alaska with a view toward directing the United States Court of Appeals for the Ninth Circuit to hold such terms of court in Anchorage or such other Alaskan cities as may be necessary for the prompt and efficient administration of justice.

"(b) Title 28, United States Code, section 81A, is amended by inserting the word 'Ketchikan,' immediately following the word 'Juneau,'.

"(c) Such authority as has been exercised by the Attorney General heretofore, with regard to the Federal court system in Alaska, pursuant to section 30 of the Act of June 6, 1900 (48 U.S.C. 25), shall continue to be exercised by him after the court created by section 12(b) of the Act of July 7, 1958 (72 Stat. 339, 348) [set out above], providing for the admission of the State of Alaska into the Union, is established.

"(d) All balances of public moneys received by the clerks of each division of the District Court for the Territory of Alaska pursuant to section 10 of the Act of June 6, 1900, as amended (48 U.S.C. 107), which are on hand after all payments ordered by that court and approved by the Administrative Office of the United States Courts shall have been made, shall be covered into the Treasury of the United States as required by law, and the Secretary of the Treasury shall pay the amounts so covered, which are hereby appropriated, to the State of Alaska.

"Sec. 24. [Vocational Rehabilitation Act; amendment.] (a) Subsection (g) of section 11 of the Vocational Rehabilitation Act (29 U.S.C., supp. V, sec. 41 (g)), relating to definition of State, is amended by striking out 'Alaska,'.

"(b)(1) Subsection (i) and paragraph (1) of subsection (h) of such section, relating to definition of allotment percentages and Federal shares for purposes of allotment and matching for vocational rehabilitation services, are each amended by striking out '(excluding Alaska)' and inserting in lieu thereof '(including Alaska)'.

"(2) Paragraph (1) of such subsection (h) is further amended by striking out 'Alaska,'.

"(3) Such subsection (i) is further amended by striking out 'Hawaii and Alaska' in clause (3) and inserting in lieu thereof 'Hawaii,'.

"Sec. 25. [Gold Reserve Act; amendment.] Section 15 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 444), is further amended by striking out the words ', the District of Columbia, and the Territory of Alaska' and inserting in lieu thereof the words 'and the District of Columbia'.

"Sec. 26. [Silver Purchase Act; amendment.] Section 10 of the Silver Purchase Act of 1934 (31 U.S.C. 448b), is amended by striking out the words ', the District of Columbia, and the Territory of Alaska' and inserting in lieu thereof the words 'and the District of Columbia'.

"Sec. 27. [National Guard; amendment.] Title 32, United States Code, section 101 (1), is amended by striking out the words 'Alaska, Hawaii,' and inserting in lieu thereof the word 'Hawaii'.

"Sec. 28. [Water Pollution Control Act; amendment.] (a) Paragraph (1) of section 5(h) of the Federal Water Pollution Control Act (33 U.S.C., supp. V, sec. 466d (h)(1)), relating to Federal share for purposes of matching for program operation, is amended by striking out '(excluding Alaska)' and inserting in lieu thereof '(including Alaska)' and by striking out, in clause (B), 'and Alaska'.

"(b) Subsection (d) of section 11 of such Act (33 U.S.C., Supp. V, sec. 466j (d)), is amended by striking out 'Alaska,'.

"Sec. 29. [Veterans' Benefits; amendment.] (a) Title 38, United States Code, section 903 (b) [now 2303(b)], is amended by striking out the words ', or to the place of burial within Alaska if the deceased was a resident of Alaska who had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care'; by inserting the word 'continental' immediately before the words 'United States' the second time they appear in such section; and by inserting, immediately following the words 'continental United States' in both places where they appear in such section, the parenthetical phrase '(including Alaska)'.

"(b) Title 38, United States Code, section 2007 (c) [now 4107(c)], is amended by striking out the word 'Alaska,'.

"Sec. 30. [Federal Property and Administrative Services Act; amendment.] (a) Subsection (f) of section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472 (f)), is amended by striking out the words ', Hawaii, Alaska,' and inserting in lieu thereof the words '(including Alaska), Hawaii,'.

"(b) Subsection (a) of section 702 of such Act (40 U.S.C., supp. V, sec. 522 (a)), is amended by striking out the words 'Territories of Alaska and Hawaii' and inserting in lieu thereof the words 'Territory of Hawaii'.

"Sec. 31. [Public Health Service Act; amendment.] (a) Subsection (f) of section 2 of the Public Health Service Act (42 U.S.C. 201 (f)), relating to definition of State, is amended by striking out 'Hawaii, Alaska,' and inserting in lieu thereof 'Hawaii,' and by striking out ', the District of Columbia, or Alaska' and inserting in lieu thereof 'or the District of Columbia'.

"(b)(1) Effective July 1, 1959, section 371 of the Public Health Service Act, as added by the Alaska Mental Health Enabling Act (42 U.S.C., supp. V, sec. 273), is repealed.

"(2) Subsection (a) of section 372 of such Act (42 U.S.C., supp. V, sec. 274 (a)), is amended by striking out 'the Territory of'.

"(3) Subsections (b), (c), and (e) of such section are each amended by striking out 'the Territory' each time it appears and inserting in lieu thereof 'Alaska'.

"(4) Such subsection (e) is further amended by striking out 'the Territory's' and inserting in lieu thereof 'Alaska's'.

"(c)(1) Subsection (a) of section 631 of such Act (42 U.S.C., supp. V, sec. 2911 (a)), relating to definition of allotment percentage for purposes of allotments for construction, is amended by striking out '(excluding Alaska)' and inserting in lieu thereof '(including Alaska)' and by striking out 'for Alaska and Hawaii shall be 50 per centum each' in clause (2) and inserting in lieu thereof 'for Hawaii shall be 50 per centum'.

"(2) Subsection (d) of such section, relating to definition of State, is amended by striking out 'Alaska,'.

"Sec. 32. [Social Security Act; amendment.] (a) Paragraph (8) of section 1101(a) of the Social Security Act (72 Stat. 1013, 1050), relating to definition of Federal percentage for purposes of matching for public assistance grants, is amended by striking out 'Alaska and' in clause (ii) of subparagraph (A) and by striking out '(excluding Alaska)' in subparagraphs (A) and (B) and inserting in lieu thereof '(including Alaska)'.

"(b)(1) Subsection (a) of section 524 of the Social Security Act (72 Stat. 1013, 1054), relating to definition of allotment percentage for purposes of allotments for child welfare services, is amended by striking out '50 per centum in the case of Alaska and' in clause (B).

"(2) Subsection (b) of such section, relating to definition of Federal share for purposes of matching for child welfare services, is amended by striking out '50 per centum in the case of Alaska and' in clause (2).

"(3) Such subsections (a) and (b), and subsection (c) of such section, relating to promulgation of Federal shares and allotment percentages, are each amended by striking out '(excluding Alaska)' and inserting in lieu thereof '(including Alaska)'.

"(c)(1) The last sentence of section 202(i) of the Social Security Act (42 U.S.C., supp. V, sec. 402 (i)), is amended by striking out 'forty-eight' and inserting in lieu thereof 'forty-nine'.

"(2) Subsections (h) and (i) of section 210 of such Act (42 U.S.C. 410 (h), (i)), relating to definitions of State and United States for purposes of old-age, survivors, and disability insurance, are each amended by striking out 'Alaska,'.

"(d)(1) Paragraph (1) of section 1101(a) of the Social Security Act (42 U.S.C., supp. V, sec. 1301 (a)(1)), relating to definition of State, is amended by striking out 'Alaska, Hawaii,' and inserting in lieu thereof 'Hawaii'.

"(2) Paragraph (2) of such section (42 U.S.C., 1301 (a)(2)), relating to definition of United States, is amended by striking out 'Alaska,'.

"Sec. 33. [Congressional Record.] Section 73 of the Act of January 12, 1895, as amended (44 U.S.C., supp. V, sec. 183), is further amended by striking out the word 'Alaska,' [Repealed by Pub. L. 90-620, § 3, Oct. 22, 1968, 82 Stat. 1310].

"Sec. 34. [Federal Register.] Section 8 of the Federal Register Act (44 U.S.C. 308) is amended by striking out the parenthetical phrase '(not including Alaska)' and inserting in lieu thereof the parenthetical phrase '(including Alaska)' [Repealed by Pub. L. 90-620, § 3, Oct. 22, 1968, 82 Stat. 1310].

"Sec. 35. [Airports.] (a) The Administrator of the Federal Aviation Agency is authorized and directed to transfer to the State of Alaska by appropriate conveyance, and subject to such terms and conditions as he may deem appropriate, all the right, title, and interest of the United States in and to the public airports constructed and operated pursuant to the Act of May 28, 1948, as amended (48 U.S.C. 485 and the following), including all the land, buildings, structures, facilities, equipment, and other personal property appurtenant thereto and necessary for the operation thereof, except for such property, real or personal, as the Administrator may determine is needed for the performance of functions of the United States in Alaska after such transfer. Such transfer shall be without monetary consideration to the United States.

"(b) Notwithstanding any other provisions of this section, any contract entered into by the Federal Aviation Agency in connection with its activities with respect to public airports constructed and operated pursuant to the Act of May 28, 1948, as amended (48 U.S.C. 485 and the following), which has not been completed by the date of enactment of this Act, may be completed according to the terms thereof.

"Sec. 36. [Selective Service.] Section 16(b) of the Universal Military Training and Service Act, as amended (50 U.S.C., app., sec. 466 (b)), is further amended by striking out the word 'Alaska,'.

"Sec. 37. [Real property transactions.] Section 43(c) of the Act of August 10, 1956 (50 U.S.C. app., supp. V, sec. 2285 (c)), is amended by striking out the word 'Alaska,'.

"Sec. 38. [Recreation facilities.] Section 2 of the Act of May 4, 1956 (70 Stat. 130), is hereby repealed. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1960, such sums as may be necessary to complete the construction of facilities described in section 1 of such Act, as amended by the Act of August 30, 1957 (71 Stat. 510), if construction was begun prior to June 30, 1959, and to maintain the facilities pending their transfer pursuant to such section.

"Sec. 39. [Aircraft loan guarantees.] Section 3 of the Act of September 7, 1957 (71 Stat. 629), is amended by striking out the words 'Territory of Alaska' and inserting in lieu thereof the words 'State of Alaska'.

"Sec. 40. [Defense Base Act; amendment.] (a) Paragraphs (2) and (3) of section 1(a) of the Defense Base Act, as amended (55 Stat. 622; 42 U.S.C. 1651 and the following), are amended by striking out 'Alaska;' in the parenthetical phrase in each paragraph.

"(b) Paragraph (6) of section 1(a) of that Act is amended by striking out 'or in Alaska or the Canal Zone'.

"(c) Section 1(b) of that Act is amended by striking the period at the end of paragraph (3), inserting in lieu thereof a semicolon, and adding the following paragraph:

" '(4) the term "continental United States" means the States and the District of Columbia.'

"Sec. 41. [Timber removal.] The Act of March 3, 1891 (26 Stat. 1093), as amended (16 U.S.C. 607), is further amended by deleting the words 'Territory of Alaska' and the words 'or Territory' where they there appear and by inserting the word 'Alaska,' after the words 'In the State of'.

"Sec. 42. [War Hazards Compensation Act; amendment.] (a) Paragraphs (2), (3), and (5) of section 101(a) of the War Hazards Compensation Act, as amended (56 Stat. 1028; 42 U.S.C. 1701 and the following), are amended by striking out 'or in Alaska or the Canal Zone'.

"(b) Section 104 of that Act [42 U.S.C. 1704] is amended by adding the following new subsection at the end thereof:

" '(c) The provisions of this section shall not apply with respect to benefits on account of any injury or death occurring within any State.'

"(c) Section 201 of that Act [42 U.S.C. 1711] is amended by adding the following new subsection at the end thereof:

" '(f) the term "continental United States" means the States and the District of Columbia.'

"Sec. 43. [Buy American Act; amendment.] Section 1(b) of Title III of the Act of March 3, 1933 (41 U.S.C. 10c (b)), is amended by striking out the word 'Alaska,'.

"Sec. 44. [Transitional grants.] (a) In order to assist the State of Alaska in accomplishing an orderly transition from Territorial status to statehood, and in order to facilitate the assumption by the State of Alaska of responsibilities hitherto performed in Alaska by the Federal Government, there are hereby authorized to be appropriated to the President, for the purpose of making transitional grants to the State of Alaska, the sum of \$10,500,000 for the fiscal year ending June 30, 1960; the sum of \$6,000,000 for each of the fiscal years ending June 30, 1961, and June 30, 1962; the sum of \$3,000,000 for each of the fiscal years ending June 30, 1963, and June 30, 1964; and the sum of \$23,500,000 for the period ending June 30, 1966.

"(b) The Governor of Alaska may submit to the President a request that a Federal agency continue to provide services or facilities in Alaska for an interim period, pending the provision of such services or facilities by the State of Alaska. Such interim period shall not extend beyond June 30, 1966. In the event of such request, and in the event of the approval thereof by the President, the President may allocate, at his discretion, to such agency the funds necessary to finance the provision of such services or facilities. Such funds shall be allocated from appropriations made pursuant to subsection (a) hereof, and the amount of such funds shall be deducted from the amount of grants available to the State of Alaska pursuant to such subsection.

"(c) After the transfer or conveyance to the State of Alaska of any property or function pursuant to the Act of July 7, 1958 (72 Stat. 339) [set out as a note above], providing for the admission of the State of Alaska into the Union, or pursuant to this Act or any other law, and until June 30, 1966, the head of the Federal agency having administrative jurisdiction of such property prior to its transfer or conveyance may contract with the State of Alaska for the performance by such agency, on a reimbursable basis, of some or all of the functions authorized to be performed by it in Alaska immediately preceding such conveyance or transfer. (As amended Pub. L. 88-311, §§ 1, 2, May 27, 1964, 78 Stat. 201.)

"Sec. 45. [Transfer of property.] (a) If the President determines that any function performed by the Federal Government in Alaska has been terminated or curtailed by the Federal Government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may, until July

1, 1966, in his discretion, transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with such function, the assumption of which function is pursuant to this Act or the Act of July 7, 1958 (72 Stat. 339) [set out as a note above].

"(b) Structures and improvements of block 32 of the city of Juneau granted to the State of Alaska by section 6(c) of the Act providing for the admission of Alaska into the Union (72 Stat. 339, 340), shall include all furnishings and equipment in the structure known as the Governor's mansion, or used in the operation or maintenance thereof. (As amended Pub. L. 88-311, § 2, May 27, 1964, 78 Stat. 201.)

"Sec. 46. [Claims Commission.] (a) In the event that any disputes arise between the United States and the State of Alaska prior to January 1, 1965, concerning the transfer, conveyance, or other disposal of property to the State of Alaska pursuant to section 6(e) of the Act of July 7, 1958 (72 Stat. 339, 340) [set out as a note above], providing for the admission of the State of Alaska into the Union, or pursuant to this Act, the President is authorized (1) to appoint by and with the advice and consent of the Senate a temporary commission of three persons, to consider, ascertain, adjust, determine, and settle such disputes, and (2) to make such rules and regulations as may be necessary to establish such temporary commission or as may be necessary to terminate such temporary commission at the conclusion of its duties. In carrying out its duties under this section, such commission may hold such hearings, take such testimony, sit and act at such times and places, and incur such expenditures as the commission deems necessary. No commission shall be appointed under authority of this subsection after June 30, 1965.

"(b) The commission may, without regard to the civil service laws and the Classification Act of 1949, employ and fix the compensation of such employees as it deems necessary to carry out its duties under this section. The commission is authorized to use the facilities, information, and personnel of the departments, agencies, and establishments of the executive branch of the United States Government which it deems necessary to carry out its duties; and each such department, agency, and instrumentality is authorized to furnish such facilities, information, and personnel to the commission upon request made by the commission. The commission shall reimburse each such department, agency, or instrumentality for the services of any personnel utilized. The commission may establish such procedures, rules, and regulations as may be necessary to carry out its duties under this section.

"(c) No member of such commission shall be an officer or employee of the United States or of the State of Alaska. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. Each member of the commission shall be paid compensation at the rate of \$50 per day for each day spent in the work of the commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance in accordance with the provisions of the Travel Expense Act of 1949, as amended, when away from his usual place of residence.

"(d) There are hereby authorized to be appropriated such sums as may be necessary to enable the commission to perform its duties under this section.

"Sec. 47. [Effective dates.] (a) The amendments made by paragraph (2) of subsection (a) of section 18, by subsection (a) of section 28, by paragraph (1) of subsection (c) of section 31, by subsections (a) and (b) of section 32, and, except as provided in subsection (c) of this section, by subsection (b) of section 24, shall be applicable in the case of promulgations of Federal shares, allotment percentages, allotment ratios, and Federal percentages, as the case may be, made after satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska, and for this purpose such promulgations shall, before such data for the full period required by the

applicable statutory provision as so amended are available from the Department of Commerce, be based on satisfactory data available from such Department for such one full year or, when such data for a two-year period are available, for such two years.

"(b) The amendments made by paragraphs (1) and (3) of subsection (a) of section 18 shall be applicable, in the case of allotments under section 302(b) or 502 of the National Defense Education Act of 1958 [20 U.S.C. 442 (b) or 482], for fiscal years beginning July 1, 1959, and in the case of allotments under section 302(a) of such Act, in the case of allotments based on allotment ratios, promulgated under such section 302 (a), to which the amendment made by paragraph (2) of subsection (a) of section 18 of this Act is applicable.

"(c) [Repealed. Pub. L. 86-624, § 47(g)(4), July 12, 1960, 74 Stat. 424.]

"(d) The amendments made by paragraphs (2) and (3) of subsection (b), by subsection (c), and by paragraph (4) of subsection (d) of section 18; by subsection (a) of section 24; by subsection (b) of section 28; by subsection (a), b / subparagraphs (2), (3), and (4) of subsection (b), and by paragraph (2) of subsection (c) of section 31; by paragraph (2) of subsection (c) and by subsection (d) of section 32; and, except as provided in subsection (b) of this section by paragraph (1) of subsection (a) of section 18, shall be effective on January 3, 1959.

"(e) The amendment made by paragraph (1) of subsection (c) of section 32 shall apply in the case of deaths occurring on or after January 3, 1959.

"(f) The amendments made by paragraph (1) of subsection (b) and paragraphs (1), (2), and (3) of subsection (d) of section 18 shall be applicable for fiscal years beginning July 1, 1959.

"(g) The amendments in sections 40 and 42 shall take effect when enacted: Provided, however, That with respect to injuries or deaths occurring on or after January 3, 1959, and prior to the effective date of these amendments, claims filed by employees engaged in the State of Alaska in any of the employments covered by the Defense Base Act [42 U.S.C. 1651 et seq.] (and their dependents) may be adjudicated under the Workmen's Compensation Act of Alaska instead of the Defense Base Act. (As amended Pub. L. 86-624, § 47(g)(4), July 12, 1960, 74 Stat. 424.)

"Sec. 48. [Definition of 'Continental United States'.] Whenever the phrase 'continental United States' is used in any law of the United States enacted after the date of enactment of this Act, it shall mean the 49 States on the North American Continent and the District of Columbia, unless otherwise expressly provided.

"Sec. 49. [Other subjects.] The amendment by this Act of certain statutes by deleting therefrom specific references to Alaska or such phrases as 'Territory of Alaska' shall not be construed to affect the applicability or inapplicability in or to Alaska of other statutes not so amended.

"Sec. 50. [Separability.] If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"Sec. 51. [New Federal Loan Adjustments.] (a) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower's indebtedness under programs administered by the Farmers Home Administration in Alaska as he finds necessary because of loss resulting from the 1964 earthquake and subsequent seismic waves, and he may refinance outstanding indebtedness of applicants in Alaska for loans under section 502 of the Housing Act of 1949 [42 U.S.C. 1472] for the repair, reconstruction, or replacement of dwellings or farm buildings lost, destroyed, or damaged by such causes and securing such outstanding indebtedness. Such loans may also provide for the purchase of building sites, when the original sites cannot be utilized.

"(b) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower's indebtedness under programs administered by the Rural Electrification Administration in Alaska as he finds necessary because of loss, destruction, or damage of

property resulting from the 1964 earthquake and subsequent seismic waves. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 505.)

"Sec. 52. [Compromise or Release of Notes or Other Obligations.] The Secretary of Housing and Urban Development is authorized to compromise or release such portion of any note or other obligation held by him with respect to property in Alaska pursuant to Title II of the Housing Amendments of 1955 [42 U.S.C. 1491-1497] or included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, as he finds necessary because of loss, destruction, or damage to facilities securing such obligations by the 1964 earthquake and subsequent seismic waves. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 506, and amended Pub. L. 90-19, § 15(a), May 25, 1967, 81 Stat. 24.)

"Sec. 53. [Urban Renewal.] The Secretary of Housing and Urban Development is authorized to enter into contracts for grants not exceeding \$25,000,000 for urban renewal projects in Alaska, including open land projects, under section 111 of the Housing Act of 1949 [42 U.S.C. 1462], which he determines will aid the communities in which they are located in reconstruction and redevelopment made necessary by the 1964 earthquake and subsequent seismic waves. Such authorization shall be in addition to and separate from any grant authorization contained in section 103(b) of said Act [42 U.S.C. 1453 (b)]. "The Secretary may increase the capital grant for a project assisted under this section to not more than 90 per centum of net project cost where he determines that a major portion of the project area has either been rendered unusable as a result of the 1964 earthquake and subsequent seismic waves or is needed in order adequately to provide, in accordance with the urban renewal plan for the project, new locations for persons, businesses, and facilities displaced by the earthquake. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 506, and amended Pub. L. 90-19, § 15, May 25, 1967, 81 Stat. 24.)

"Sec. 54. [Extension of Term of Home Disaster Loans.] Loans made pursuant to paragraph (1) of section 7(b) of the Small Business Act (72 Stat. 387), as amended (15 U.S.C. 636 (b)), for the purpose of replacing, reconstructing, or repairing dwellings in Alaska damaged or destroyed by the 1964 earthquake and subsequent seismic waves, may have a maturity of up to thirty years: Provided, That the provisions of section 7(c) of said Act [15 U.S.C. 636 (c)] shall not be applicable to such loans. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 506.)

"Sec. 55. [Modification of Civil Works Projects.] The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to make such modifications to previously authorized civil works projects in Alaska adversely affected by the 1964 earthquake and subsequent seismic waves as he finds necessary to meet changed conditions and to provide for current and reasonably prospective requirements of the communities they serve, at an estimated cost of \$10,000,000. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 506.)

"Sec. 56. [Purchase of Alaska State Bonds.] The Secretary of Housing and Urban Development is authorized to purchase, in accordance with the provisions of sections 202(b), 203, and 204 of Title II of the Housing Amendments of 1955 [42 U.S.C. 1492 (b), 1493, and 1494], the securities and obligations of, or make loans to, the State of Alaska to finance any part of the programs needed to carry out the reconstruction activities in Alaska related to the 1964 earthquake and subsequent seismic waves or to complete capital improvements begun prior to the earthquake: Provided, That the aggregate amount of such purchase or loan shall not exceed \$25,000,000. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 506, and amended Pub. L. 90-19, § 15(a), May 25, 1967, 81 Stat. 24.)

"Sec. 57. [Retirement or Adjustment of Outstanding Mortgage Obligation.] For the purpose of enabling the State of Alaska to retire or adjust outstanding home mortgage obligations or other real property liens secured by one to four family homes which were

severely damaged or destroyed in the March 1964 earthquake and subsequent seismic waves, the President is authorized to make additional grants to the State of Alaska in an amount not to exceed a total of \$5,500,000 to match, on a fifty-fifty basis, any funds provided by the State to pay the costs of retiring or adjusting such mortgage obligations. In order to be approved, a State application for a grant for carrying out the purpose of this section must: (1) be in accordance with a plan submitted by the State, to be approved by the President, for the implementation of the purpose of this section; (2) designate the State agency for retiring or adjusting said mortgage obligations; (3) provide that the mortgagor shall be required to absorb the damage loss to the entire extent of his equity interest in the property and also agree to pay at least \$1,000 of the outstanding mortgage balance; (4) provide that no payments for retiring or adjusting mortgage obligations on a single property shall exceed \$30,000; (5) provide regulations to assure equitable treatment among home owners and to prevent unjustified payments or gains to the State, mortgagees or mortgagors; and (6) provide that the State agency will make such reports, in such form and containing such information as the President may from time to time require, and give the President, upon demand, access to the records on which such reports are based." (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 507.)

Assistance to Alaska for Reconstruction of Areas Damaged by Earthquake

Pub. L. 88-451, Aug. 19, 1964, 78 Stat. 505, as amended, provided:

"[Section 1. Short Title.] That this Act may be cited as the '1964 Amendments to the Alaska Omnibus Act.'

"Sec. 2. [Congressional Declaration.] The Congress hereby recognizes that the State of Alaska has experienced extensive property loss and damage as a result of the earthquake of March 27, 1964, and subsequent seismic waves, and declares the need for special measures designed to aid and accelerate the State's efforts in providing for the reconstruction of the areas in the State devastated by this natural disaster.

"Sec. 3. [This section added subsec. (f) to section 21 of the Alaska Omnibus Act, Pub. L. 86-70, June 25, 1959, 73 Stat. 141, set out above.]

"Sec. 4. [This section added sections 51 to 57 to the Alaska Omnibus Act, Pub. L. 86-70, June 25, 1959, 73 Stat. 141, set out above.]

"Sec. 5. [Authorization of Appropriations.] There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, which shall be available for obligation until June 30, 1967, except that any sums so appropriated to carry out section 53 of the Alaska Omnibus Act [set out above] shall be available after such date for obligation in connection with one or more of the following urban renewal projects authorized for execution prior to June 30, 1967; Alaska R-8, Westchester; Alaska R-19, Kodiak; Alaska R-20, downtown Anchorage; Alaska R-21, Seward; Alaska R-22, Valdez; Alaska R-25, Mineral Creek; Alaska R-26, Seldovia; Alaska R-28, Cordova. There is also authorized to be appropriated such sums as may be necessary for the expenses of such advisory commissions or committees as the President may establish in connection with the reconstruction and development planning of the State of Alaska. The total amount authorized to be appropriated pursuant to this section shall not exceed \$55,650,000. (As amended Pub. L. 91-367, § 1, July 31, 1970, 84 Stat. 691.)

"Sec. 6. [Termination Date.] The authority contained in this Act shall expire on June 30, 1967, except that such expiration shall not affect—

"(1) the authority conferred by section 53 of the Alaska Omnibus Act [set out above] until the completion of the following urban renewal projects authorized for execution prior to June 30, 1967: Alaska R-8, Westchester; Alaska R-19, Kodiak; Alaska R-20, downtown Anchorage; Alaska R-21, Seward; Alaska R-22, Valdez; Alaska R-25, Mineral Creek; Alaska R-26, Seldovia; Alaska R-28, Cordova; or

"(2) the payment of expenditures for any obligation or commitment entered into under this Act prior to June 30, 1967.

(As amended Pub. L. 91-367, §sect; 2, July 31, 1970, 84 Stat. 691.)

"Sec. 7. [Report to the Congress.] The President shall report semiannually during the term of this Act to the President of the Senate and the Speaker of the House on the actions taken under this Act by the various Federal agencies. The first such report shall be submitted not later than February 1, 1965, and shall cover the period ending December 31, 1964."

Delegation of Functions

Ex. Ord. No. 11230, under which the functions of the President under sections 44(a) and 45(a) of the Alaska Omnibus Act of June 25, 1959, set out above, were delegated to the Director of the Bureau of the Budget [now the Director of Management and Budget], was superseded by Ex. Ord. No. 11609, eff. July 22, 1971, 36 F.R. 13747, set out under section 301 of Title 3.

United States District Court of Alaska

Readiness of United States District Court for District of Alaska to assume functions imposed upon it, see Ex. Ord. No. 10867, eff. Feb. 20, 1960, 25 F.R. 1584, set out under section 81A of Title 28, Judiciary and Judicial Procedure.

Proc. No. 3269. Admission of the State of Alaska Into the Union

Proc. No. 3269, eff. Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, provided:

WHEREAS the Congress of the United States by the act approved on July 7, 1958 (72 Stat. 339) [set out above], accepted, ratified, and confirmed the constitution adopted by a vote of the people of Alaska in an election held on April 24, 1955, and provided for the admission of the State of Alaska into the Union on an equal footing with the other States of the Union upon compliance with certain procedural requirements specified in that act; and

WHEREAS it appears from information before me that a majority of the legal votes cast at an election held on August 26, 1958, were in favor of each of the propositions required to be submitted to the people of Alaska by section 8(b) of the Act of July 7, 1958 [set out above]; and

WHEREAS it further appears from information before me that a general election was held on November 25, 1958, and that the returns of the general election were made and certified as provided in the act of July 7, 1958; and

WHEREAS the Acting Governor of Alaska has certified to me the results of the submission to the people of Alaska of the three propositions set forth in section 8(b) of the act of July 7, 1958 [set out above], and the results of the general election; and

WHEREAS I find and announce that the people of Alaska have duly adopted the propositions required to be submitted to them by the act of July 7, 1958 [set out above], and have duly elected the officers required to be elected by that act:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Alaska to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Alaska into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington at one minute past noon on this third day of January in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

Dwight D. Eisenhower. [seal]

Ex. Ord. No. 10857. Termination of Federal Functions in Alaska and Transfer of Property Held by United States

Ex. Ord. No. 10857, eff. Dec. 29, 1959, 25 F.R. 33, provided:

WHEREAS section 6(e) of the act of July 7, 1958, 72 Stat. 339, as amended [set out as a note above], provides that the administration and management of the fish and wildlife resources of Alaska shall be transferred to the State of Alaska on the first day of the first calendar year following the expiration of ninety calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of such resources in the broad national interest; and

WHEREAS the Secretary of the Interior made such certification to the Congress on April 27, 1959; and

WHEREAS section 45(a) of the Alaska Omnibus Act (73 Stat. 152) [set out as a note above] provides that if the President determines that any function performed by the Federal Government in Alaska has been terminated by the Federal Government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may, until July 1, 1964, in his discretion, transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with such function; and

WHEREAS it appears that it would be in the public interest to delegate to the Secretary of the Interior, to the extent hereinafter indicated, the authority vested in the President by section 45(a) of the Alaska Omnibus Act:

NOW, THEREFORE, by virtue of the authority vested in me by section 45(a) of the Alaska Omnibus Act (73 Stat. 152) and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

Section 1. It is hereby determined that the functions performed by the United States in Alaska pursuant to the Alaska game law of July 1, 1943, 57 Stat. 301 [sections 192, 193, and 195 to 211 of this title], the act of June 26, 1906, 34 Stat. 478, the act of June 6, 1924, 43 Stat. 465, and the acts amending or supplementing such acts, will terminate on December 31, 1959, and that the same functions or substantially the same functions will be assumed by the State of Alaska.

Sec. 2. There is hereby delegated to the Secretary of the Interior, effective January 1, 1960, the authority vested in the President by section 45(a) of the Alaska Omnibus Act to transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with the functions described in section 1 hereof.

Sec. 3. The Secretary of the Interior is hereby authorized to redelegate to (1) the Assistant Secretary for Fish and Wildlife, (2) the Commissioner of Fish and Wildlife, (3) the Directors of the Bureaus of Commercial Fisheries and Sport Fisheries and Wildlife, and (4) the Regional Directors, Alaska Region, of the Bureaus of Commercial Fisheries and Sport Fisheries and Wildlife all or any part of the authority delegated to the Secretary of the Interior by section 2 hereof.

Sec. 4. All transfers and conveyances made under or pursuant to this order shall be made in accordance with such policies, conditions, and procedures as may be prescribed by the Secretary of the Interior.

Dwight D. Eisenhower.

Title 43 Section 1635. State selections and conveyances

(a) Omitted

(b) School lands settlement

(1) In full and final settlement of any and all claims by the State of Alaska arising under the Act of March 4, 1915 (38 Stat.1214), as confirmed and transferred in section 6(k) of the Alaska Statehood Act, the State is hereby granted seventy-five thousand acres which it shall be entitled to select until January 4, 1994, from vacant, unappropriated, and unreserved public lands. In exercising the selection rights granted herein, the State shall be deemed to have relinquished all claims to any right, title, or interest to any school lands which failed to vest under the above statutes at the time Alaska became a State (January 3, 1959), including lands unsurveyed on that date or surveyed lands which were within Federal reservations or withdrawals on that date.

(2) Except as provided herein, such selections shall be made in conformance with the provisions for selections under section 6(b) of the Alaska Statehood Act. Selections made under this subsection shall be in units of whole sections as shown on the official survey plats of the Bureau of Land Management, including protraction diagrams, unless part of the section is unavailable or the land is otherwise surveyed, or unless the Secretary waives the whole section requirement.

(3) Lands selected and conveyed to the State under this subsection shall be subject to the provisions of subsections (j) and (k) of section 6 of the Alaska Statehood Act.

(c) Prior tentative approvals

(1) All tentative approvals of State of Alaska land selections pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), and the United States hereby confirms that all right, title, and interest of the United States in and to such lands is deemed to have vested in the State of Alaska as of the date of tentative approval; except that this subsection shall not apply to tentative approvals which, prior to December 2, 1980, have been relinquished by the State, or have been finally revoked by the United States under authority other than authority under section 11(a)(2), 12(a), or 12(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1610(a)(2), 1611(a), or 1611(b)).

(2) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(3) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(4) Future tentative approvals of State land selections, when issued, shall have the same force and effect as those existing tentative approvals which are confirmed by this subsection and shall be processed for patent by the same administrative procedures as specified in paragraphs (2) and (3) of this subsection.

(d) Prior State selections

(1) In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), all right, title and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (l) of this section, which are specified in the list entitled "Prior State of Alaska Selections to be Conveyed by Congress", dated July 24, 1978, submitted by the State of Alaska and on file in the Office of the Secretary except those Federal lands which are specified in a list dated October 19, 1979, submitted by the State of Alaska and on file with the Office of the Secretary. If any of those townships listed above contain lands within the boundaries of any conservation system unit, national conservation area, national recreation area, new national forest or forest addition, established, designated, or expanded by this Act, then only those lands within such townships which have been previously selected by the State of Alaska shall be conveyed pursuant to this subsection.

(2) In furtherance of the State's entitlement to lands under section 6(a) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), all right, title and interest of the United States in and to all valid land selections made from the national forests under authority of said section 6(a) which have been approved by the Secretary of Agriculture prior to July 1, 1979.

(3) As soon as practicable after December 2, 1980, the Secretary shall issue tentative approvals to such State selections as required by the Alaska Statehood Act and pursuant to subsection (i) of this section. The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

(4) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(5) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(6) Future valid State land selections shall be subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(e) Future "top filings" Subject to valid existing rights and Native selection rights

under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the State, at its option, may file future selection applications and amendments thereto, pursuant to section 6(a) or (b) of the Alaska Statehood Act or subsection (b) of this section, for lands which are not, on the date of filing of such applications, available within the meaning of section 6(a) or (b) of the Alaska Statehood Act, other than lands within any conservation system unit or the National Petroleum Reserve - Alaska. Each such selection application, if otherwise valid, shall become an effective selection without further action by the State upon the date the lands included in such application become available within the meaning of subsection (a) or (b) of section 6 regardless of whether such date occurs before or after expiration of the State's land selection rights. Selection applications heretofore filed by the State may be refilled so as to become subject to the provisions of this subsection; except that no such refiling shall prejudice any claim of validity which may be asserted regarding the original filing of such application. Nothing contained in this subsection shall be construed to prevent the United States from transferring a Federal reservation or appropriation from one Federal agency to another Federal agency for the use and benefit of the Federal Government.

(f) Right to overselect

(1) The State of Alaska may select lands exceeding by not more than 25 per centum in total area the amount of State entitlement which has not been patented or tentatively approved under each grant or confirmation of lands to the State contained in the Alaska Statehood Act or other law. If its selections under a particular grant exceed such remaining entitlement, the State shall thereupon list all selections for that grant which have not been tentatively approved in desired priority order of conveyance, in blocks no larger than one township in size; except that the State may alter such priorities prior to receipt of tentative approval. Upon receipt by the State of subsequent tentative approvals, such excess selections shall be reduced by the Secretary pro rata by rejecting the lowest prioritized selection blocks necessary to maintain a maximum excess selection of 25 per centum of the entitlement which has not yet been tentatively approved or patented to the State under each grant.

(2) The State of Alaska may, by written notification to the Secretary, relinquish any selections of land filed under the Alaska Statehood Act or subsection (b) of this section prior to receipt by the State of tentative approval, except that lands conveyed pursuant to subsection (g) of this section may not be relinquished pursuant to this paragraph.

(3) Omitted

(g) Conveyance of specified lands

In furtherance of the State's entitlement to lands under section 5(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska all right, title, and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (e) of this section but which lie within those townships outside the boundaries of conservation system units, National Conservation Areas, National Recreation Areas, new national forests and forest additions, established, designated, or expanded by this Act, which are specified in the list entitled "State Selection Lands May

15, 1978", dated July 24, 1978, submitted by the State of Alaska and on file in the office of the Secretary of the Interior. The denomination of lands in such list which are not, on December 2, 1980, available lands within the meaning of section 6(b) of the Alaska Statehood Act and this Act shall be treated as a future selection application pursuant to subsection (e) of this section, to the extent such an application could have been filed under such subsection (e) of this section.

(h) Limitation of conveyances of specified lands tentative approvals; surveys

(1) Lands identified in subsection (g) of this section are conveyed to the State subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.). All right, title, and interest of the United States in and to such lands shall vest in the State of Alaska as of December 2, 1980, subject to those reservations specified in subsection (l) of this section.

(2) As soon as practicable after December 2, 1980, the Secretary shall issue to the State tentative approvals to such lands as required by the Alaska Statehood Act and pursuant to subsection (i) of this section. The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

(3) Upon approval of a land survey by the Secretary, those lands identified in subsection (g) of this section shall be patented to the State of Alaska.

(4) If the State elects to receive patent to any of the lands which are identified in subsection (g) of this section on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(i) Adjudication

Nothing contained in this section shall relieve the Secretary of the duty to adjudicate conflicting claims regarding the lands specified in subsection (g) of this section, or otherwise selected under authority of the Alaska Statehood Act, subsection (b) of this section, or other law, prior to the issuance of tentative approval.

(j) Clarification of land status outside units

As to lands outside the boundaries of a conservation system unit, National Recreation Areas, National Conservation Areas, new national forests and forest additions, the following withdrawals, classifications, or designations shall not, of themselves, remove the lands involved from the status of vacant, unappropriated, and unreserved lands for the purposes of subsection (d) or (g) of this section and future State selections pursuant to the Alaska Statehood Act or subsection (b) of this section:

(1) withdrawals for classification pursuant to section 17(d)(1) of the Alaska Native Claims

Settlement Act (43 U.S.C. 1616(d)(1)); except that, in accordance with the Memorandum of

Understanding between the United States and the State of Alaska dated September 2, 1972,

to the extent that Public Land Orders Numbered 5150, 5151, 5181, 5182, 5184, 5187, 5190,

5194, and 5388 by their terms continue to prohibit State selections of certain lands, such lands

shall remain unavailable for future State selection except as provided by subsection (e) of this Act;

(FOOTNOTE 1)

(FOOTNOTE 1) So in original. Probably should be "subsection (e) of this section;"

(2) withdrawals pursuant to section 11 of the Alaska Native Claims Settlement Act (43 U.S.C. 1610), which are not finally conveyed pursuant to section 12, 14, or 19 of such Act (43 U.S.C. 1611, 1613, or 1618);

(3) classifications pursuant to the Classification and Multiple Use Act (78 Stat. 987);

(4) classifications or designations pursuant to the National Forest Management Act (90 Stat. 2949) as amended; and

(5) classifications, withdrawals exceeding 5,000 acres (except withdrawals exceeding 5,000 acres which the Congress, by concurrent resolution, approves within 180 days of the withdrawal or December 2, 1980, whichever occurs later), or designations pursuant to the Federal Land Policy and Management Act (90 Stat. 2743) (43 U.S.C. 1701 et seq.).

(k) Interim provisions

Notwithstanding any other provision of law, on lands selected by, or granted or conveyed to, the State of Alaska under section 6 of the Alaska Statehood Act or this Act, but not yet tentatively approved to the State:

(1) The Secretary is authorized to make contracts and grant leases, licenses, permits, rights-of-way, or easements, and any tentative approval or patent shall be subject to such contract, lease, license, permit, right-of-way, or easement; except that

(A) the authority granted the Secretary by this subsection is that authority the Secretary otherwise would have had under existing laws and regulations had the lands not been selected by the State, and

(B) the State has concurred prior to such action by the Secretary.

(2) On and after December 2, 1980, 90 per centum of any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements or from trespasses originating after the date of selection by the State shall be held by the Secretary until such lands have been tentatively approved to the State. As such lands are tentatively approved, the Secretary shall pay to the State from such account the proceeds allocable to such lands which are derived from contracts, leases, licenses, permits, rights-of-way, easements, or trespasses. The proceeds derived from contracts, leases, licenses, permits, rights-of-way, easements or trespasses and deposited to the account pertaining to lands selected by the State but not tentatively approved due to rejection or relinquishment shall be paid as would have been required by law were it not for the provisions of this Act. In the event that the tentative approval does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the State shall only be entitled to the proportionate amount of the proceeds derived from such contract, lease, license, permit, right-of-way or easement, which results from multiplying the total of

such proceeds by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the tentative approval and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the State shall be entitled to the proportionate share of the proceeds in relation to the damages occurring on the respective lands.

(3) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act (43 U.S.C. 1608) or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(l) Existing rights

(1) All conveyances to the State under section 6 of the Alaska Statehood Act, this Act, or any other law, shall be subject to valid existing rights, to Native selection rights under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), and to any right-of-way or easement reserved for or appropriated by the United States prior to selection of the underlying lands by the State of Alaska.

(2) Where, prior to a conveyance to the State, a right-of-way or easement has been reserved for or appropriated by the United States or a contract, lease, permit, right-of-way, or easement has been issued for the lands, the conveyance shall contain provisions making it subject to the right-of-way or easement reserved or appropriated and to the contract, lease, license, permit, right-of-way, or easement issued or granted, and also subject to the right of the United States, contractee, lessee, licensee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits previously granted, issued, reserved, or appropriated. Upon issuance of tentative approval, the State shall succeed and become entitled to any and all interests of the United States as contractor, lessor, licensor, permittor, (FOOTNOTE 2) or grantor, in any such contracts, leases, licenses, permits, rights-of-way, or easements, except those reserved to the United States in the tentative approval.

(FOOTNOTE 2) So in original. Probably should be "permitter,".

(3) The administration of rights-of-way or easements reserved to the United States in the tentative approval shall be in the United States, including the right to grant an interest in such right-of-way or easement in whole or in part.

(4) Where the lands tentatively approved do not include all of the land involved with any contract, lease, license, permit, right-of-way, or easement issued or granted, the administration of such contract, lease, license, permit, right-of-way, or easement shall remain in the United States unless the agency responsible for administration waives such administration.

(5) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act (43 U.S.C. 1608) or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(m) Extinguishment of certain time extensions Any extensions of time periods granted to the State pursuant to section 17(d)(2)(E) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(2)(E)) are

hereby extinguished, and the time periods specified in subsections (a) and (b) of this section shall hereafter be applicable to State selections.

(n) Effect on third-party rights

(1) Nothing in this section shall alter the rights or obligations of any party with regard to section 12 of the Act of January 2, 1976 (Public Law 94-204), sections 4 and 5 of the Act of October 4, 1976 (Public Law 94-456), or section 3 of the Act of November 15, 1977 (Public Law 94-178).

(2) Any conveyance of land to or confirmation of prior selections of the State made by this Act or selections allowed under this Act shall be subject to the rights of Cook Inlet Region, Incorporated, to nominate lands outside of its region with such nominations to be superior to any selection made by the State after July 18, 1975, including any lands conveyed to the State pursuant to subsection

(g) of this section, and to the duty of the Secretary, with consent of the State, to make certain lands within the Cook Inlet Region available to the Corporation, both in accordance with the provisions of section 12(b) of the Act of January 2, 1976 (Public Law 94-204), as amended.

(3) Nothing in this chapter shall prejudice a claim of validity or invalidity regarding any third-party interest created by the State of Alaska prior to December 18, 1971, under authority of section 6(g) of the Alaska Statehood Act or otherwise.

(4) Nothing in this Act shall affect any right of the United States or Alaska Natives to seek and receive damages against any party for trespass against, or other interference with, aboriginal interests if any, occurring prior to December 18, 1971.

(o) Status of lands within units

(1) Notwithstanding any other provision of law, subject to valid existing rights any land withdrawn pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)) and within the boundaries of any conservation system unit, National Recreation Area, National Conservation Area, new national forest or forest addition, shall be added to such unit and administered accordingly unless, before, on, or after December 2, 1980, such land has been validly selected by and conveyed to a Native Corporation, or unless before December 2, 1980, such land has been validly selected by, and after December 2, 1980, is conveyed to the State. At such time as the entitlement of any Native Corporation to land under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is satisfied, any land within a conservation system unit selected by such Native Corporation shall, to the extent that such land is in excess of its entitlement, become part of such unit and administered accordingly: Provided, That nothing in this subsection shall necessarily preclude the future conveyance to the State of those Federal lands which are specified in a list dated October 19, 1979, submitted by the State of Alaska and on file with the Office of the Secretary: Provided further, That nothing in this subsection shall affect any conveyance to the State pursuant to subsections

(b), (c), (d), or (g) of this section.

(2) Until conveyed, all Federal lands within the boundaries of a conservation system unit, National Recreation Area, National Conservation Area, new national forest or forest addition, shall be administered in accordance with the laws applicable to such unit.

(p) PYK line

The second proviso of section 6(b) of the Alaska Statehood Act regarding Presidential approval of land selection north and west of the line described in section 10 of such Act shall not apply to any conveyance of land to the State pursuant to subsections (c), (d), and (g) of this section but shall apply to future State selections

Development/Acquisition Plans and Notice

P05.11.04

- A. The vice president for finance and planning shall:
1. Cause to be maintained and updated as needed, Campus Land Acquisition Plans for each campus. No real property may be acquired for campus development purposes unless acquired pursuant to an approved Campus Land Acquisition Plan or specifically approved by the Board.
 2. Create, maintain, and update biennially, Strategic Plans for the comprehensive management and development of Investment Property which include a statement of the goals and objectives to be accomplished in managing and developing Investment Property;
 3. Annually or as needed, and after consultation with affected campuses, prepare Development Plans which describe development projects on Investment Property not previously presented to the Board;
 4. Prepare an Annual Report to the Board which contains: (i) a summary of progress made toward the goals and objectives stated in Strategic Plan(s), (ii) a summary of the financial performance of the Office of Land Management for the prior fiscal year, (iii) a summary of the status of projects covered in Development Plans, and (iv) other information relevant to University Real Property.
 5. To the extent practicable, provide notice of annual Development Plans, as follows:
 - a. Make copies of such Development Plan available at all campuses, state legislative information offices, and at other such locations as the University may designate;
 - b. Publish not less than sixty (60) days prior to the scheduled consideration by the Board of Regents a notice in major newspapers of general circulation in the state which provides the public with information on the locations where the Development Plan is available for public inspection and inviting public comment on the Development Plan;
 - c. Make copies of the Development Plan available to all legislators and organized boroughs and municipalities; and
 - d. Seek public comment on the Development Plan prior to consideration by the Board.
 6. Provide reasonable public notice for all sales, leases, exchanges or transfers of interests in University Real Property.
- B. In exercising its fiduciary responsibility, the Board will administer University Real Property for the exclusive use and benefit of the University, and recognize a societal obligation to consider the needs of the state, local governments, and the community as a whole. To assist in balancing these responsibilities and obligations, the University shall consider the following

principles in managing and developing University Real Property:

1. Fair Market Value. Disposals of University Real Property interests shall be at fair market value unless a direct and substantial benefit to the University can be documented, such as when adjacent University property will become more accessible, marketable and/or valuable because of increased availability of utilities or access, or because the transaction offers other tangible benefits to the University. Reasonable fees may be established for routine transactions such as easements, rights-of-way, permits and temporary uses of University Real Property.
2. Economic Feasibility. Development projects on Investment Property shall not be undertaken unless the estimated return exceeds the estimated cost of development in an amount commensurate with the risk involved or the project will position the University to take advantage of future opportunities.
3. Environmentally Sound Development. In developing University Real Property, the University shall adhere to all applicable environmental laws and regulations. In addition, the University shall:
 - a. follow generally accepted scientific theory as the basis for development decisions;
 - b. inventory and seek funding for clean-up of any contaminated sites and pursue recovery from parties responsible for such contamination; and
 - c. develop and harvest renewable resources in an environmentally responsible manner and employ such techniques that foster the sustained yield of the resource, including allocation of a portion of revenue realized from renewable resources to enhancing the growth and yield of such resources.
4. Jobs for Alaskans. Development projects which provide an opportunity for the creation of jobs for Alaskans will be pursued to the extent economically feasible and practicable by encouraging development of in-state value-added industries.
5. Public Participation. Processes and procedures will be established to provide for public input on investment property land and resource development projects that require Board approval under Regents' Policy 05.11.05 A2(d).
6. Access Through University Property. Subject to receipt of acceptable tort immunity for death, personal injury, and property damage occurring on University lands, the University will recognize, or provide alternative access for RS 2477 rights-of-way and existing state identified historic trails which cross Investment

Property.

In addition, procedures shall be established which provide for granting access easements and rights-of-way at fair market value (including provision for any diminution of value) to others who must cross Investment Property, provided that such easements do not interfere with the University's ability to develop or use its land.

7. Traditional and Customary Use. Subject to receipt of acceptable tort immunity for death, personal injury, and property damage occurring on University lands, the University shall develop guidelines consistent with the Board's fiduciary responsibility to accommodate traditional and customary use of Investment Property for hunting, fishing, trapping, recreational use, and gathering foodstuffs.
8. Compatible Investment and Research/Educational Use. Investment Property shall be made available to faculty and staff for research and educational purposes provided such use is compatible with development plans and approved by the vice president for finance and planning or his/her designee. Academic units will be responsible for all costs and liabilities associated with such research/educational use.

04-19-96

Juneau Empire

Bills would transfer land to University

JUNEAU - More than 500,000 acres of state and federal land would be transferred to the University of Alaska under proposals announced Friday by Gov. Frank Murkowski and U.S. Sen. Lisa Murkowski.

The governor said he planned to introduce a bill that would transfer 260,000 acres of state land to the university using a process that would take three years to complete and cost less than \$850,000.

University officials and the state Department of Natural Resources had spent much of the past year selecting the land, said Gov. Murkowski spokesman Mike Chambers. The land would be used as educational properties and investment properties to generate revenue.

The land includes 40,114 acres in Southeast Alaska, 17,110 acres in Southcentral Alaska and 202,776 acres in Interior Alaska.

The governor plans to introduce the bill on Monday, Chambers said.

"This land transfer will help fulfill the promise of a true land grant university. It provides a portfolio of income and educational properties to deliver to the University of Alaska both a steady and strong funding stream and the tools to expand its research capabilities," Gov. Murkowski said in a statement.

In Washington, D.C., Sen. Murkowski introduced legislation Friday to grant 250,000 acres of federal land to the university, with provisions to match the extra acreage of the state land grant.

The senator's bill would require the university to return about 10,000 acres it now holds in national parks and refuges, including in Denali National Park, Kenai Fjords National Park, Wrangell-St. Elias National Park, and in the Alaska Peninsula and Maritime National Wildlife refuges.

The university would be unable to choose any federal land classified as roadless, old-growth timber acreage in the Tongass National Forest or land used by federal or military institutions.

SITNEWS

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Ketchikan, Alaska www.sitnews.us

Governor and University Officials Craft Land Bill

February 06, 2005
Sunday

Fairbanks, Alaska - Governor Frank H. Murkowski announced Friday that he will introduce legislation that transfers 260,000 acres of state land to the University of Alaska system.

"This land transfer will help fulfill the promise of a true land grant university. It provides a portfolio of income and educational properties to deliver to the University of Alaska both a steady and strong funding stream and the tools to expand its research capabilities," Murkowski said.

The legislation creates a streamlined transfer of lands that have been selected by the University of Alaska over the course of the last year. It would supplant Senate Bill 7, passed in 2000, which created a complicated land transfer process estimated to last ten years and cost \$17 million. Governor Murkowski's proposal is expected to take three years to complete and cost less than five percent of the previous estimate.

"This land transfer strengthens the University of Alaska's ability to prepare its students for the jobs of the future," Murkowski said.

Governor Murkowski announced the legislation during a press conference at the University of Alaska Fairbanks campus. In attendance were several University Regents along with DNR Commissioner Tom Irwin, UAF Chancellor Steve Jones and University President Mark Hamilton.

"We appreciate the commitment, cooperation and support from the Governor and the Department of Natural Resources for its help in developing this proposal," Hamilton said.

In conjunction with the state efforts, Sen. Lisa Murkowski introduced legislation to grant 250,000 acres of federal land to the University of Alaska with provisions to match additional acreage with the state land grant on a one-to-one ratio. Overall, these efforts will help the University achieve the goal of being one of the premier land grant universities in the nation.

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Anchorage Daily News

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State land may end up with University of Alaska

LEGISLATION: Murkowski hopes lawmakers will approve transfer meant to benefit UA.

By LARRY PERSILY
Anchorage Daily News

(Published: February 5, 2005)

JUNEAU -- Gov. Frank Murkowski is asking the Legislature to approve the transfer of 260,000 acres of state land to the University of Alaska, intended to provide the school with a new source of income for the years ahead.

The fast-track legislation, which will be introduced next week and already is scheduled for a hearing Wednesday in the House Resources Committee, identifies 71 parcels around the state, including 90,000 acres with potential natural gas resources in the Nenana Basin southwest of Fairbanks.

Many of the other parcels are recreational lands, including possible cabin sites.

The Southcentral parcels "are for the most part ... lands that will be turned into recreational subdivisions," said Bob Loeffler, director of the Division of Mining, Land and Water Management at the Department of Natural Resources.

The university could earn revenue by selling or leasing the parcels.

Murkowski's proposal comes after the Alaska Supreme Court a year ago rejected a challenge to a 2000 legislative measure to set up a 250,000-acre university land endowment. Then-Gov. Tony Knowles had vetoed the bill, arguing it was an ineffective and unreliable way to fund the university. The court struck down the veto, though no lands were ever transferred.

"This has been a long time coming," Murkowski said.

All but one of the properties would be transferred to the university within three years, according to the Department of Natural Resources.

"This land transfer ... provides a portfolio of income and educational properties to deliver to the University of Alaska both a steady and strong funding stream and the tools to expand its research capabilities," Murkowski said at a Friday afternoon press conference in Fairbanks.

None of the acreage currently produces any significant income,



Gov. Frank Murkowski wants to transfer land to the University of Alaska. ()



UA President Mark Hamilton: "We are thrilled with the opportunity." (Photo by Erik Hill / Anchorage Daily News)

Loeffler said. "There is an odd this and that," he said, such as a regional nonprofit hatchery at one of the Southeast Alaska sites, but no sizable rent or lease checks will immediately go to the university with the land transfers.

Click on photo to enlarge

Andex Resources holds an exploration license on some of the Nenana Basin land, west of the Parks Highway, and is exploring several public and private parcels in the area for natural gas potential. The company has not drilled any wells, though preliminary field work is under way this winter.

"We are thrilled with the opportunity," University President Mark Hamilton said before introducing the governor at Friday's press conference. "This is a man who believes in us."

Just a day before, however, Hamilton told a joint meeting of the House and Senate Finance committees in Juneau it could be years before the university earned significant money from such a land grant.

"We want the land, without a doubt. ... We need it. It's just not the kind of project that is going to meet the immediate needs of the university," said Hamilton, who was in Juneau for his annual plea for increased state funding for the university system.

"I don't believe that giving them this land is all that big of a favor," said Lance Trasky of Anchorage, a retired Department of Fish and Game biologist active in state and federal land-use issues. "I don't think they make that much off it over time."

In addition to the Nenana land, the governor is seeking legislative authority to transfer 40,000 acres in 44 parcels in Southeast Alaska and 39,000 acres in 14 other parcels in Southcentral and the Interior.

The proposal also includes 90,000 acres of "educational properties" statewide, the largest of which is 51,820 acres of Tanana Valley State Forest land southwest of Fairbanks that could become a university research forest.

Southcentral parcels include:

- 12,500 acres south and southwest of McCarthy.
- 1,000 acres near Willow Creek Road, formerly reserved for a new state capital.
- 450 acres near Frying Pan Lake, southwest of Willow.
- 280 acres at Deception Creek, east of Willow.

Department of Natural Resource officials said the entire list of parcels, maps and descriptions will be available on the department Web site Monday.

Other parcels in the governor's bill are:

- 960 acres at Summit Lake, west of the Richardson Highway. The region is a popular winter recreation area.
- 16,000 acres at Jarvis Creek, at the easternmost edge of the Nenana Basin, an area of coal potential.

- 2,880 acres used by the rocket launching facility at Kodiak.

Some of the parcels are best suited for commercial development, such as sites along the Dalton Highway, the Department of Natural Resources said. The Southeast lands generally are suited for remote recreational developments, some are for residential uses and some hold limited commercial timber potential, the department said in a booklet describing the properties.

The university will need to consider public access and fair allocation among different uses in managing the lands, said Rob Hardy of Wasilla, a registered big game guide and ecotourism operator.

Murkowski has worked for years, first as a U.S. senator and now as governor, to get enough land for the university to provide future income. Although he never won congressional approval for federal land transfers, he could succeed at moving state lands to the university if legislators accept his proposal.

Sen. Lisa Murkowski, meanwhile, introduced her own legislation Friday in the U.S. Senate, seeking 250,000 acres of federal land to match the governor's proposal. Sen. Murkowski's bill would allow the university to select from federal lands statewide, with prohibitions on taking lands within roadless areas in the Tongass National Forest and the National Petroleum Reserve-Alaska.

Daily News reporter Larry Persily can be reached at lpersily@adn.com, or in Juneau at 523-9306.

[The list: "University of Alaska Land Grant List Parcel Descriptions"](#)

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UA official: There's no reason to sell Narrow Cape land

Article published on Tuesday, Feb 08th, 2005

By WES HANNA

Mirror Writer

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A recent proposal by Gov. Frank Murkowski to grant 2,880 acres of state land at Kodiak Island's Narrow Cape to the University of Alaska system has caused concern that the land transfer would lead to the closure of the road system recreational lands.

Closures could be precipitated by the private ownership of land by the University itself or through transferring the land to the Alaska Aerospace Development Corporation, some Kodiak community members fear.

Several local people have contacted Kodiak Rep. Gabrielle Ledoux's office with concerns about the land grant bill, LeDoux legislative aide Christine Marasigan wrote in an e-mail.

However, university public relations officials said Monday that should the land be conveyed to the university, it was unlikely the university would turn around and sell it to the AADC.

"I can't imagine why we would sell it," said Kate Ripley, in the public relations office of the university system. "There is no reason we would."

The university system worked with the Alaska Department of Natural Resources to select the lands for the land conveyance bill announced Friday. The Narrow Cape lands were selected as "educational property" to further the education and research aspect of the university system. They were not selected as "investment property" for their income potential.

"This (educational) category includes twelve properties that are either important to current university educational or research programs or that can be developed for such programs," the overview land list from DNR states. "Their primary purpose is educational, not for revenue-generation."

Ripley said the Narrow Cape land would complement the rocket launch lands the University already manages at the facility at Poker Flat.

The Poker Flat Research Range is the world's only scientific rocket launching facility owned by a university. It is located approximately 30 miles north of Fairbanks and is operated by the University of Alaska's Geophysical Institute. Poker Flat is home to many scientific instruments designed to study the arctic atmosphere and ionosphere, according to information from its Web site.

"This dovetails so nicely with what we are already doing with Poker Flats," Ripley said.

In theory, if the land is conveyed to the university, it could sell the land, Ripley said. There is no promise that they wouldn't, but there would need to be a compelling reason for the university system to sell.

There has been some suggestion since University of Alaska president Mark Hamilton is also president of the board of AADC, he could decide to sell the lands to AADC.

But Ripley said a land sale on the magnitude of the 2,380 acres would go before the Board of Regents and would have its own open and public process.

Hamilton is scheduled to be in Kodiak on Thursday.

There are no current plans to develop the land, Ripley said.

All current land agreements would remain in effect should the land go to the university system, Ripley said.

These include the interagency agreement that allows the Kodiak Launch Complex to operate, a grazing lease owned by the Kodiak Game Ranch which expires in 2019 and a lease to the Coast Guard for the Loran station which expires in 2017.

In the future, perhaps 50 years down the road, the university may decide to regroup and make different use of the land to better benefit the university, Ripley said.

Nor is the university planning to limit public access to the area.

"Current access and public use areas are retained," the university land grant parcel description states, "including access to Fossil Beach."

Bob Loeffler, director of DNR division of Mining, Land and Water, said even if the land at Narrow Cape is conveyed to the university system, the road easements that allow access to the land and fossil beach would be preserved.

The university land grant bill has been introduced in the legislature as House Bill 130 and is on a fast track through the Legislature.

The legislation is written so the lands would be conveyed to the university system in the next three years.

Marasigan encouraged people to come to the legislative information office, located at 112 Mill Bay Road, tomorrow at 1 p.m. when the bill will be heard in the House Resources Committee of which LeDoux is a member.

"Our office encourages people to listen in and comment at the LIO office," Marasigan wrote.

Mirror writer Wes Hanna can be reached via e-mail at whanna@kodiakdailymirror.com.

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P.O. Box 766
Talkeetna, AK 99676
March 7, 2004

Representative Mark Neuman and
Members of the House Finance Committee
Alaska State House of Representatives

Via e-mail: [Representative Mark Neuman@legis.state.ak.us](mailto:Representative_Mark_Neuman@legis.state.ak.us)

[Representative Mike Chenault@legis.state.ak.us](mailto:Representative_Mike_Chenault@legis.state.ak.us)
[Representative Kevin Meyer@legis.state.ak.us](mailto:Representative_Kevin_Meyer@legis.state.ak.us)
[Representative Bill Stoltze@legis.state.ak.us](mailto:Representative_Bill_Stoltze@legis.state.ak.us)
[Representative Richard Foster@legis.state.ak.us](mailto:Representative_Richard_Foster@legis.state.ak.us)
[Representative Mike Hawker@legis.state.ak.us](mailto:Representative_Mike_Hawker@legis.state.ak.us)
[Representative Jim Holm@legis.state.ak.us](mailto:Representative_Jim_Holm@legis.state.ak.us)
[Representative Mike Kelly@legis.state.ak.us](mailto:Representative_Mike_Kelly@legis.state.ak.us)
[Representative Bruce Weyhrauch@legis.state.ak.us](mailto:Representative_Bruce_Weyhrauch@legis.state.ak.us)
[Representative Eric Croft@legis.state.ak.us](mailto:Representative_Eric_Croft@legis.state.ak.us)
[Representative Reggie Joule@legis.state.ak.us](mailto:Representative_Reggie_Joule@legis.state.ak.us)
[Representative Carl Moses@legis.state.ak.us](mailto:Representative_Carl_Moses@legis.state.ak.us)

Dear Mark, and members of the House Finance Committee:

I wish to express my very strong opposition to the HB 130, the University of Alaska Land Grant Bill.

I ask that my comments be entered into the official public record.

This bill represents poor public policy because it sharply curtails or eliminates public process and because it is fiscally unsound.

Specifically, the first reason I oppose this bill is because it removes the public, especially local communities, from the decision making process on how these lands are used or developed. This bill privatizes 260,000 acres of public lands and cuts the public out from any say on what happens to those lands. This is not only wrong from the standpoint of basic democratic principles, but it also means that the University could be deprived of critical information relevant to a particular proposal. It could, for example, be that the proposed development would conflict with something of overriding public concern like the integrity of a community water supply. These are public lands and, accordingly, the public has an absolute right to participate in the land use decisions. This means that the public must be informed of land use proposals and it must be afforded the opportunity to be heard and have their comments and concerns reflected in the final decisions.

The second reason I oppose this bill is also related to lack of public process. I live in Talkeetna, and the University owns a significant amount of land in our community. My experience, in dealing with the University, has been that their land use decisions are driven solely by the bottom line. From where I sit, the University has demonstrated virtually no appreciation or concern for needs or wishes of the people who live here. Trails is a good example. Trails are very important to this community, and getting trails easements across University property is next to impossible. The University is not open to cooperating with the community, and they are not even open to the concept that a good trail system is a highly valued amenity that would raise land value, not detract from it.

The third reason I oppose this bill is that granting land for development is not a cost effective or efficient way to fund the University. The Alaska Department of Natural Resources is in the business of development or sale of state lands. It has the staff experience and expertise and the resources needed to accomplish this mission. When the state transfers land to the University, the University must, albeit on a much smaller scale, duplicate this Department. This is enormously costly and inefficient. What logically should happen is that DNR does what it is designed to do in order to generate revenue. The University should be doing what it is intended to do, which is to provide educational opportunities. The state should be funding the University outright rather than indirectly by transferring land.

Again, this bill is bad public policy and should be killed outright. At the very least, rather than reduce or eliminate public notice and participation requirements, this bill should strengthen them. This bill should be changed such that the University's public notice and public participation requirements are sufficient to ensure that the public is fully informed of land use proposals, is afforded an opportunity to comment, and that those comments are fully integrated into the decision making process.

Sincerely,

[signed]

John Strassenburgh



REPRESENTATIVE BILL THOMAS

ALASKA STATE LEGISLATURE DISTRICT 5

e-mail: Representative.Bill.Thomas@legis.state.ak.us webpage: www.akrebublicans.org/thomas/

State Capitol

Juneau AK, 99801-1182

907-465-3732

888-461-3732

FAX 907-465-2652

MEMORANDUM

Date: 4-06-05

To: Representative Meyer, Co-Chair House Finance Committee
Representative Chenault, Co-Chair House Finance Committee

From: Representative Thomas

Re: HB 130 University Land Grant

As you are well aware, the life of HB 130 has been one filled with controversy and turmoil, especially for those living in Southeast Alaska. I have persistently tracked this bill and voiced my concerns while it was in House Resources. However, instead of feeling that the flaws in the bill have been remedied; I have continually uncovered serious concerns which alarm both my constituents and me. It is because of my own concerns and the concerns of the people in District 5 that I must adamantly request that the following parcels be excluded from HB 130:

Mite Cove	MF1001
Pelican	ST1002
Idaho Inlet	MF1002
Sumdum	SD1001
Haines	HA.CH.1001
Rowan Bay	CS.RB.1001
Tenakee Springs	ST1003 (17 acres)
City of Naukati	(The City of Naukati has applied to become a second class city and some of the lands they have applied for are in HB 130)

Some of the concerns voiced in my district have been the preservation of historical, cultural, and subsistence areas. Further, this bill directly conflicts with those

municipalities and boroughs who are in the process of incorporating. It sends a mixed message to the people of Alaska when our government encourages incorporation, yet allows another entity to select the very lands that the boroughs or municipalities desire for incorporation.

In closing, due to the contentious nature of HB 130, I believe that Southeast Alaska would best be served by exempting the entire 40,000 acres that are proposed in the bill.

I have attached backup information about the exemptions I have outlined above. If you require any additional information please contact my office.



HAINES BOROUGH, ALASKA
P.O. BOX 1209, HAINES, ALASKA 99827
Administration 907.766.2231 • (fax) 907.766.2716
Tourism 907.766.2234 • (fax) 907.766.3155
Police Dept. 907.766.2121 • (fax) 907.766.2190
Fire Dept. 907.766.2115 • (fax) 907.766.3373

April 6, 2005

The Honorable Bill Thomas
District 5 Representative
State Capitol, Room 42B
Juneau, AK 99801-1182

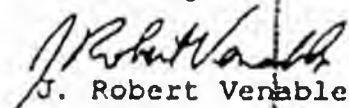
Re: House Bill 130

Dear Rep. Thomas:

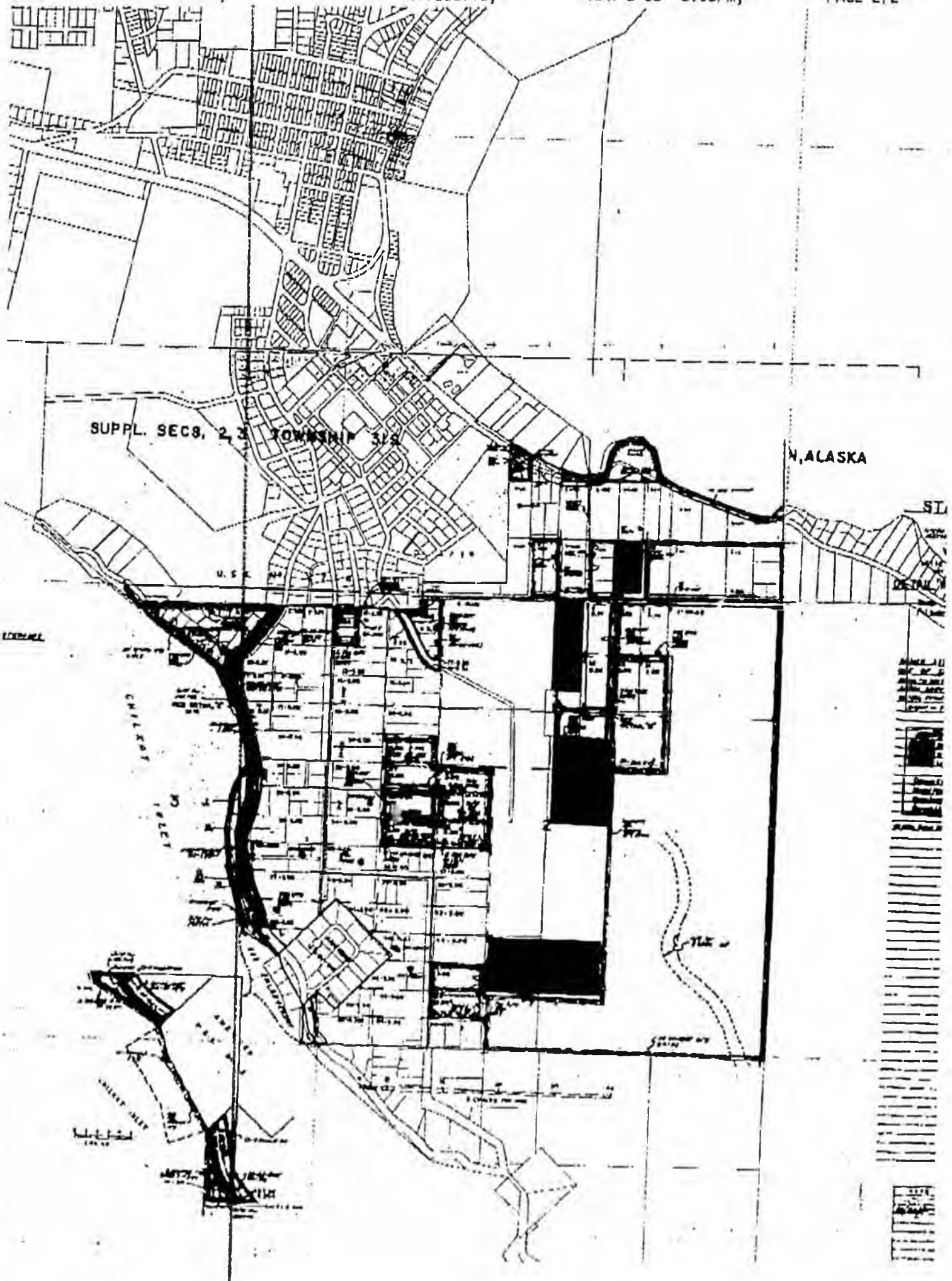
The Haines Borough has concerns regarding HB 130 which proposes to convey state land to the University of Alaska. Most of the Haines acreage proposed in HB 130 is located in Excursion Inlet and in other outlying areas of the Haines Borough. However, there are four parcels located within the townsite (former City limits). These lands have been targeted by the Haines Borough to be requested under the Municipal Entitlement Act. These four parcels are not consistent with the intent of HB 130 which seeks to establish a University research forest. They are within the growing residential/mixed use zones of the Haines Borough. I have attached a map to illustrate this point.

The Haines Borough Assembly at their March 22, 2005 meeting respectfully requested that these parcels not be part of the conveyance in HB 130 until such a time as the Borough has opportunity to complete its land selections.

Sincerely,


J. Robert Venables

Cc: Governor Frank Murkowski
Senator Albert Kookash



Bertha Cavanaugh, Acting President
Kake Tribal Corporation
P.O. Box 263
Kake, Alaska 99830
March 8, 2005

Rep: Jay Ramras, Chairman
House Resource Committee
State Capitol
Juneau, Alaska 99801-1182

Dear Rep: Ramras:

Kake Tribal Corporation and its shareholders are aware of HB130: conveyance of State Public lands to the University.

WE realize the importance of higher education to our people but feel that this would not be the answer to help fund the educational system of Alaska.

The transfer of lands in SE Alaska will have an impact on our communities within the transfer areas of Native allotments, subsistence life style, cultural preservation sites and especially with long standing community interest.

The long term effect could potentially cause conflicts with SE Communities that have traditional and customary use.

We therefore oppose the State of Alaska's conveyance of lands in the SE communities specifically the Keku Is. Rowan Bay area.

Sincerely yours,

Bertha Cavanaugh
Bertha Cavanaugh, Acting President
Kake Tribal Corporation

cc: Senator Thomas Wagoner, Chairmen
Senator Albert Kookesh
Rep. William Thomas, Jr.

Mary Irvine
326 Sixth Street
Juneau, Alaska 99801
(907) 586-1480

April 4, 2005

Dear Representative Thomas:

I am writing to you about the University Lands Bill. A very small parcel of land contained within HB 130 has the potential for destroying an old village site, and wreaking havoc with the primitive character of the Tracy Arm-Ford's Terror Wilderness Area if it remains included as one of the properties subject to HB 130. The parcel is the five-acre piece of land identified on the DNR maps only as "Sumdum." The property is within the heart of the above-mentioned federal wilderness area, and as a tidal property, has the potential for development of the most pernicious kind.

While I am not a constituent living in your district, this parcel of land that is so dear to me is within your apportionment district, and I am appealing to you to take special action however you can in regards to this property, preferably to get the parcel removed from the Lands Bill. It is a very special place in Southeast Alaska: most people who use it either live here or visit Tracy Arm to experience the extraordinary beauty and primitive character of the place. To allow the parcel of land identified as "Sumdum" to go forward as part of the Lands bill would destroy an old village site and also sound a death knell for the continued wilderness characteristic of the surrounding Wilderness Area.

While 5 acres sounds almost imperceptibly small in relation to the hundreds of thousands of acres included in the Lands Bill, five acres would be just enough for a private entrepreneur to build a set of commercial hotel facilities, or to erect a commercial dock for cruiseships, or perhaps to allow for helicopter landings within the heart of the Wilderness Area.

I asked the following two (2) questions at the University and DNR's public open house held in Juneau on this proposal, held earlier this year, and received inadequate answers. (I have been unable to attend any legislative hearings yet on the bill.) Both of my questions concern the existence of archaeological sites on the subject properties.

So I am hoping you can either somehow get the "Sumdum" parcel taken out of the Lands bill, or in the alternative, at the very least, ask these questions of those pushing the Lands bill on it's fast track forward.

(1) Disclosure of existing archaeological sites of which DNR has special knowledge

First, I am wondering why – during the process of choosing and offering properties to the University Lands Office - DNR has not disclosed to the Lands Office the existence of potential historic, prehistoric, and archeological resource sites on the parcels of land.

Alaska Statute 41.35 mentions that it is the policy of the State to protect such sites

"from loss, desecration, and destruction so that the scientific, historic, and cultural"

heritage embodied in these resources may pass undiminished to future generations. ...The Legislature finds and declares that the historic, prehistoric, and archeological resources of the state are properly the subject of concerted and coordinated efforts exercised on behalf of the general welfare of the public in order that these resources may be located, preserved, studied, exhibited, and evaluated "

The University Lands Officer present at the scoping meeting (Director Mari E. Montgomery) told me frankly that she didn't know why DNR had not red-flagged such sites for the University, and that not knowing about the existence of such sites has presented convoluted problems in the past, for example, when the University tried to alienate property it had received from a DNR land transfer.

Since DNR is charged with keeping records concerning such sites, not only at their Records Office in Sitka, but also at the SHPO's office in Anchorage, and in various archaeological files here in Juneau, DNR should be able to review the inventory of land parcels covered by this proposal, and highlight for any legislator who requests it and for the University, any areas of concern. I am not asking for DNR to divulge sensitive specifics about any sites, but rather, to red-flag these sites prior to choosing them for proposal for inclusion in a bill such as HB 130, which would change the stewardship of these sites, by transferring the management of them from DNR to the University Lands Office.

My own knowledge of the "Sumdum" site as an archaeologically significant site comes not from any special knowledge that could have come from a review of sensitive DNR files, but rather from a personal interest in the Tracy Arm-Ford's Terror Wilderness Area. Over the past twelve years, I have worked as a fill-in naturalist on a number of day tour boats that go down and back to Tracy Arm-Ford's Terror, narrating for tourists the natural history of the area, information about the tidewater glaciers, relating some of the history of Tlingit people of the S'awdaan Kwáan of which at least two clanhouse names are known – the Black Bear House and the Glacier House, and providing stories about the early (1869 – early 1900) mining history in the area. Learning more about these things has become an avocation for me. I have begun to research the history of the area using readily-available library materials and have begun conversations with Native elders with knowledge of the area.

There are many historical records that add to our knowledge about the Tracy Arm-Ford's Terror Wilderness Area, but as yet, there is no one reference source which can incorporate them all. For documentation about the significant archaeological nature of the parcel "Sumdum" involved in HB130, I would rely on the book researchers refer to as *Goldschmidt and Haas*. As you may know, Walter Goldschmidt and Theodore Haas conducted interviews in 1946 around Southeast Alaska; their work is considered a wealth of information not only by archaeologists working in the field, but also by many Native Alaskan people, especially in Southeast. On page 43 of their book, Haa Anni, Our Land: Tlingit and Haida Land Rights and Use (republished in 1998), they state:

"The Holkham Bay area included the site of the Sumdum Village, which was situated below the glacier of that name. ...There was a village on the south shore of Endicott Arm as well as at the mouth of the Sumdum Glacier."

I have attached to this letter to you a photo of the map that appears in Haa Anni, Our Land, clearly showing the site of this second village mentioned. The 5-acre parcel

identified by DNR as a potential property for inclusion in HB 130 is precisely on this old village site.

The reference in Goldschmidt and Haas shows that the parcel chosen for inclusion in HB130 is probably extremely rich in archaeological material. Further, it is most probable that the Sumdum Mining operations (no mean operation – they operated a 10-stamp mill there to crush the thousands of tons of rock they brought out of the surrounding mountains) grew up on this very site. There are two anadromous fish streams that still support runs of salmon on the 5-acre site (which would hint at the presence of Native and/or non-Native fish traps and weirs on the site), and there are also historical records, maps, and photographs of the old United States Post Office at this site. The second image attached to this letter is a rough area map included in Arthur Coe Spencer's 1906 US Department of the Interior – USGS – book entitled, The Juneau Gold Belt, Alaska which denotes the location of the United States Post Office at Sumdum.

I believe it is most appropriate to require conducting this disclosure step at this point in time, prior to the transfer of stewardship, since DNR has specialized knowledge of these potential sites, and also since once the transfer to the University Lands Office takes place, the land becomes far more likely to become alienated from the protection of the State.

If parcels which may have archaeological sites on them are not identified at this point – and it is simply (and probably erroneously) assumed that the University will dig for this information at a later date – I believe the State would be acting in violation of its own State archaeological resources protection statute.

(2) Consultation with neighboring landowner concerning existing archaeological sites

My second concern is also somewhat procedural. While the State archaeological resources protection statute may not list the Forest Service specifically, I believe the Forest Service should be consulted with regards to all parcels which border on Forest Service lands.

Especially concerning land parcels in Southeast Alaska which border on the Tongass National Forest, the largest national forest in the United States. I asked the University Lands Officer at the scoping meeting whether DNR had consulted with the Forest Service as to the existence of potential historic, prehistoric, and archeological resource sites on the parcels of land. Again, Mari Montgomery told me frankly that she was unaware of any such concerted effort or coordination between the two agencies. It is baffling to me why this would not be done at this point in time.

Most of the land parcels in the Southeast area abut National Forest land. And since the Forest Service is the major land-holder in Southeast with this kind of information already gathered (via studies conducted and surveys accomplished by a cadre of professional archaeologists) and at its disposal, it seems only natural for such a consultation to take place. To highlight another example, the Forest Service would quite possibly be the agency best-equipped to assist in determining whether the spectacular, world-class caves on Prince of Wales Island would be affected by this land proposal, or - for another example - whether the subtle cultural and cross-cultural, and historic mining remains on the lands at the head of Sanford Cove in Endicott Arm would be affected by this land

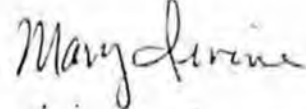
proposal. I believe the Forest Service would welcome the opportunity to undertake such a review and consultation in the name of sustainable and positive land management.

Again, I am not asking for sensitive specifics about any sites to become publicized. I am, rather asking that these sites be red-flagged in consultation between agencies prior to the stewardship of these sites transferring from DNR to the University.

In summary, I am asking you to if possible, assist in spreading the word about the archaeological nature of the 5-acre Sumdum parcel, so that the Sumdum parcel might be pulled from further consideration under the Lands Bill. Further, if necessary, to please assist your legislative colleagues in considering two procedural questions relating to the Lands Bill. First (1), that DNR disclose to the University Lands Office the existence of potential historic, prehistoric, and archeological resource sites on the parcels of land involved, and thereby comply with AS 41.35. And second (2), that DNR consult with the Forest Service as to the existence of potential historic, prehistoric, and archeological resource sites on the parcels of land, and thereby comply with AS 41.35.

Thank you for taking the time to read this somewhat lengthy letter. If I can clarify any of these thoughts for you or otherwise be of any help on this issue, please let me know.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary Irvine".

Mary Irvine

Mary.Irvine@ACSAAlaska.net

FROM: THE JUNEAU GOLD BELT, Arthur Coe Spencer



FIG. 4. - Sketch map of Hotham Bay and vicinity.



City

of

Pelican

BOX 737 • PELICAN, ALASKA 99802 • PHONE: 735-2202/2203 • FAX: 735-2258 • E-MAIL: pelican@ptialaska.net • WEBSITE: www.pelican.net

**CITY OF PELICAN
RESOLUTION 2005-7**

A RESOLUTION FOR THE CITY OF PELICAN IN OPPOSITION TO GRANTING CERTAIN STATE LAND AT PELICAN, MITE COVE, AND IDAHO INLET TO THE UNIVERSITY OF ALASKA THROUGH THE PROPOSED UNIVERSITY LAND GRANT LEGISLATION UNDER CONSIDERATION BY THE 24TH ALASKA LEGISLATURE.

WHEREAS, the University Lands Bills (SB 96, HB 130) introduced in the Alaska State Legislature would transfer 260,000 acres from land owned by the State of Alaska to the University of Alaska; and

WHEREAS, the University was already granted 30 percent of state lands in the northwest Chichagof/Yakobi Island region, well above the 10 percent average for all of Southeast state lands and the .21 percent average for the remainder of the state; and

WHEREAS, these additional parcels will represent over 99 percent of state lands in the region transferred to the University; and

WHEREAS, two of these parcels are adjacent to municipal lands; and

WHEREAS, University ownership/sale of these parcels will restrict potential economic opportunities for Pelican and will preclude use of these lands for borough formation; and

WHEREAS, Mite Cove has been identified as a potential site for a spring king salmon penstock and release site by NSRAA which will benefit our economically depressed region; and

WHEREAS, it is in Pelican's best interest that these parcels be managed under the recently revised Northern Southeast Area Plan (NSEAP); and

WHEREAS, the NSEAP is the result of much public input and seeks to balance the needs of all stakeholders; and

WHEREAS, the University is not required by Alaska Statute to provide for any form of public process or land management in the HB 130 / SB 96; and

WHEREAS, the University has a history of selling land in our region without notification to our community or the use of a public bid process.

**RESOLUTION 2005-7
PAGE 2**

NOW THEREFORE BE IT RESOLVED: That the City of Pelican opposes the transfer of the Pelican, Mite Cove, and Idaho Inlet parcels to the University and requests their removal from HB 130.

BE IT FURTHER RESOLVED: That the City of Pelican urges the Alaska Legislature and the Governor of Alaska to explore mechanisms to fund the University with equity to all regions of the state.

BE IT FURTHER RESOLVED: That the City of Pelican desires to see state lands in Lisianski Inlet and Idaho Inlet managed under the NSEAP and to remain under State of Alaska ownership to provide for future needs.

BE IT FURTHER RESOLVED: That the City of Pelican is in opposition to granting certain State land at Pelican, Mite Cove, Idaho Inlet to the University of Alaska through the proposed University Land Grant Legislation under consideration by the 24th Alaska Legislature.

PASSED, APPROVED AND ADOPTED THIS 15th **DAY OF** April, 2005.

Signed: Patricia Phillips
Patricia Phillips, Mayor

Attest:

Betty L. Bean
Betty L. Bean, City Clerk/Treasurer



Bill - I know that you think there's not many ^{papers} in Idaho, but we all voted for you in Hoonah. This piece is for the future of ETS in Idaho — as well Paul 697-2720 209-5149

We would like to emphasize we are not against this bill, but feel that there is a significant problem with this bill as currently written.

At statehood the only regions of the state where selections were limited were the Tongass and Chugach National Forest. These were limited to 400,000 acres combined. Under ANSCA Native selections were limited to 23,500 acres in SE.

The current selection of 40,000 acres in SE by the University amounts to over 10% of total allocated lands in Southeast Alaska, which compares to .21% of total allocated lands in the remainder of the state. Worked out on an equivalent basis through out the state, Southeast would be asked to contribute less than 1,000 acres instead of the 40,000 acres we are being asked to contribute at this time. In NW Chichagof we have already contributed 850 acres to the University of Alaska.

Of the 40,000 acres the majority is not currently within boroughs. It makes up virtually 100% (99.76%) of state lands in the NW Chichagof area.

HB 130 includes the following parcels

- 320 acres - Mite Cove
- 851 acres - Pelican
- 539 acres - Idaho Inlet

1,710 acres

After the original DNR land selections and distributions of the 70s and 80s, 2,545 acres remained. The University had already selected 835 acres, or 30% of those lands, and sold them in 2001.

They are now asking for an additional 1,710 acres, which as stated is virtually 100% (99.76%) of all state land in the NW Chichagof area.

Consider the following 4 points.

- 1 The University selections leave nothing for future borough selections for NW Chichagof.
- 2 Does not provide for the future. It precludes any future commercial opportunities.
- 3 The Bohemia Basin nickel mine, which was kept out of ANILCA, reverted to wilderness status in 2001.
- 4 Land from prior DNR distributions is available. Because of shifting economic conditions land prices are depressed. Currently land is available. Large amounts of land would flood the market and depress the local prices further.

Please fight for us!

- 5 These parcels do not have timber value and would consequently be sold as cabin sites. History shows that these would be sold primarily to non residents, which history shows do not contribute significantly to the local economy.

We are not against this bill but feel that the original University selection of 835 acres (30% of state land) is more than our fair share to support the University.

Solutions

Amend the bill to remove:

MF 1002

ST 1002

PA 1002

Or

Pass the bill with an amendment that these parcels will go through a more thorough review.

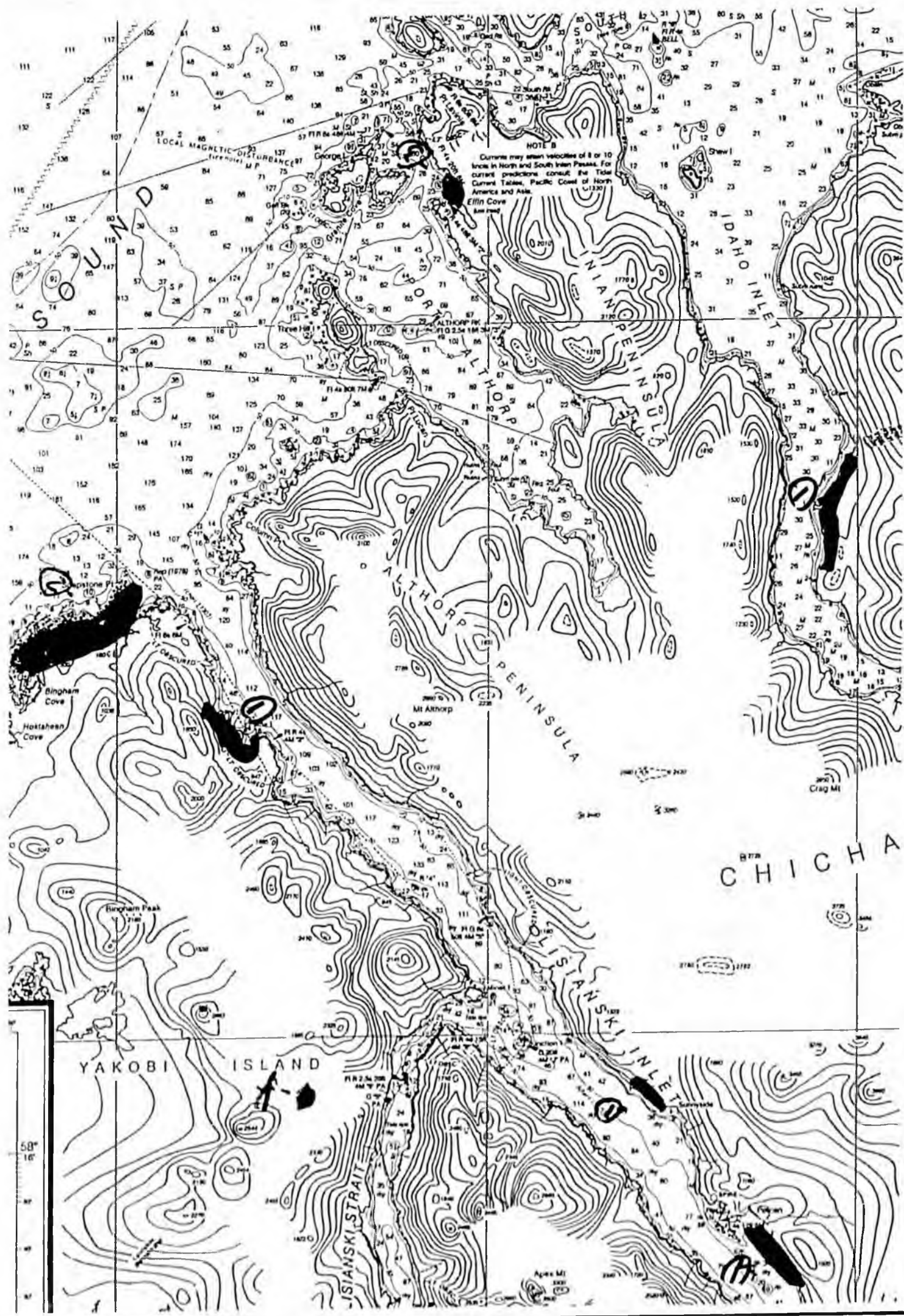
Please do not put us in the NW Chichagof area at an economic disadvantage when we eventually end up in an organized borough.

Rod Selvig
Maryln Selvig
Steve Hemenway
Debbie Hemenway
Tammy Mulick
Paul Johnson
Jane Button
and lots of other NW Chichagof residents

- Notes to Chart 17302

- *1 Red - Remaining DNR land on NW Chichagof, proposed to be selected by University of Alaska.
- *2 Green - Land the University of Alaska has already selected and sold in 2001.
- *3 Purple - What would be the remaining DNR land left in NW Chichagof area.
- *4 Orange - Nickel deposit kept out of ANILCA, but turned back over to the Forest Service.
- *5 Orange - Nickel deposit on patented property last reported to be owned by the University of Alaska.

All other land is federal, other than ECFin Cove, Pelican, and other small parcels. This is the only state land we have!



CHICHA

YAKOBI ISLAND

ISANSKI STRAIT

ISANSKI INLET

ALTHORP PENINSULA

SOUND

5.8
16'

February 14, 2005

Dear Legislators:

We the undersigned, residents of Pelican and Lisianski Inlet, request that you reject HB 130 and SB 96, The University Lands Bill. We urge you to protect the lands slated for transfer in Lisianski Inlet for the following reasons:

- They are highly used for subsistence and recreation purposes. Privatization of these lands designated as "Public Recreation and Tourism -Undeveloped" in DNR's own Northern Southeast Area Plan (NSEAP) would open them for any type of commercial development.
- They are adjacent to Wilderness and Roadless areas and large-scale development would be an inconsistent use. Further, this use would be inconsistent with local planning documents.
- There are no safeguards in the bill that mandate the University manage these lands in a manner that is consistent with community planning and resident's needs. "[Land] shall be managed in a manner that, to the extent practicable, permits reasonable activities of the public that do not interfere with the use or management of the land by the university," is insufficient to protect the public's best interest.
- There is already a process in place whereby the transfer of land to the University may be accomplished that allows for greater public process. Moreover, SB 7 requires the University to establish a management plan and seek public comment before land disposals. This bill seeks to circumvent the public process.
- The University is compelled to manage these parcels for profit only. DNR's management mandate is more encompassing to include recreation, compatibility with adjacent lands, local planning, traditional uses including subsistence, habitat, and development among other needs.
- The Mite Cove parcel is an important anchorage for commercial fishermen and the uplands are a documented deer and bear corridor. The NSEAP recognizes this critical habitat and use and protects this land from private ownership.
- Businesses holding DNR tidelands leases adjacent to these parcels would be displaced by private ownership.
- These parcels were designated as primarily "Public Recreation and Tourism - Undeveloped" in DNR's NSEAP; this calls for land to be remain undeveloped and cannot be sold to individuals. Other uses included water uses and some settlement, but only on the beach fringe. This is a far cry from DNR's own characterization of the bill as "focused primarily on lands that had been designated settlement, general use, or general public recreation in DNR land-use plans." Of note, "general public recreation" does not exist in the NSEAP as a land use designation.

Please carefully consider the negative impacts on the residents of Pelican and Lisianski Inlet of this legislation. We can only extrapolate the deleterious effects statewide of the University Lands Bill.

Thank you for your consideration.
Sincerely,

The Residents of Pelican and Lisianski Inlet

Mar 02 05 07:24a

James C Slater

650-968-9511

p. 1

FEB-28-05 MON 03:40 PM
07/28/2005 12:04

PROV HOUSE
15415635286

FAX:19972615629
RAVS FOODPLACE #44

PAGE 3

PAGE 82

NAME	DATE	ADDRESS	PHONE	STATUS
TRACY M. LORBER	3/1/05	PO Box 3 Polina AK 99552	907-552-1111	YES
ROBERT R. LORBER	3/1/05	PO Box 3 Polina AK 99552	907-552-1111	YES
EMERIE J. PEREIRA	3/1/05	PO Box 96 Polina AK 99552	907-552-1111	YES
LARRY N. CARROLL	3/1/05	PO Box 96 Polina AK 99552	907-552-1111	YES
LINDA J. CUMSTON	3/1/05	PO Box 96 Polina AK 99552	907-552-1111	YES
ALICE S. STANON	3/1/05	PO Box 96 Polina AK 99552	907-552-1111	YES
EDWINA BROWN	3/1/05	PO Box 96 Polina AK 99552	907-552-1111	YES
JAMES C. SLATER	3/1/05	PO Box 63 Polina AK 99552	907-552-1111	YES
LORETTA V. WOODZ	3/1/05	PO Box 63 Polina AK 99552	907-552-1111	NO

File 100500 04 Political Parties

Pelican and Lisianski Inlet Residents Opposed to HB 130/SB 96, University Lands Bill					
The undersigned residents offer their concurrence with the letter dated February 14, 2006 regarding transfer of state land to the University:					
Name	Date	Signature	Mailing Address	Phone	Registered Voter? (Y/N)
Deb Jensen	2-13-05	[Signature]	PO Box 619 Pelican	735-2444	Y
Keith Heller	2-13-05	[Signature]	Box 304 Pelican	735-2495	Y
Michelle Stewart	2-14-05	[Signature]	Box 402 Pelican	735-2498	Y
Mary Ulland	2-14-05	[Signature]	Box 27 Pelican	735-2631	Y
Harold ALLARD SR	2-14-05	[Signature]	Box 24 Pelican	735-2633	Y
Eric Jensen	2-14-05	[Signature]	P.O. Box 24 Pelican		Y
William C. Stewart	2-14-05	[Signature]	PO Box 703 Pelican	735-2340	
Royce J. Mattson	2-14-05	[Signature]	Box 94 Pelican, 99832	735-2303	Y
Eudelia F. Paddock	2-14-05	[Signature]	Box 29 Pelican AK 99832	735-2286	Y
DAVID DUFFEY	2-14-05	[Signature]	Box 23 Pelican, AK 99832	735-2282	Y
Thary Strickland	2-14-05	[Signature]	Box 723 Pelican AK 99832	735-2297	Y
William STEPHEN	2-14-05	[Signature]	Box 723 Pelican AK 99832	735-2297	Y
William H. Paddock	2-14-05	[Signature]	Box 29 Pelican AK 99832	735-2286	Y
Harold P. ALLARD JR	2-14-05	[Signature]	Box 410 Pelican AK 99832		Y
Michael Allard	2-14-05	[Signature]	Box 723 Pelican AK 99832		Y
KEN WOLFF	2-15-05	[Signature]	Box 74 Pelican AK 99832	735-2333	Y
[Name]	2-15-05	[Signature]	P.O. Box 703	735-2310	Y
Bernice Kimpel	2-15-05	[Signature]	P.O. Box 703 Pelican AK 99832	735-2310	Y
DEE BEAN	2-15-05	[Signature]	P.O. Box 743, Pelican AK 99832	735-2208	Y
Sandra Kamshell	2-15-05	[Signature]	PO 735 Pelican AK 99832	735-2181	Y
2 E Schoman	2-15-05	[Signature]	PO Box 739 Pelican AK	735-2242	YES
Paula Bigham	2-15-05	[Signature]	PO Box 54 Pelican AK	735-2515	Y
SALLY JO BRIDGE	2-15-05	[Signature]	PO Box 71, 2 PELICAN AK	735-2204	YES
Martha A. Hewlett	2-15-05	[Signature]	PO Box 69 Pelican AK 99832	735-2269	Yes
Allen Stewart	2-16-05	[Signature]	P.O. Box 606 Pelican AK	735-2293	Yes
Linda M. Hely	2-16-05	[Signature]	P.O. Box 775 Pelican AK	735-2247	Yes
Vicki Shockley	2-17-05	[Signature]	P.O. Box 76 Pelican, AK	735-2286	yes
Michael O. Shockley	2-17-05	[Signature]	P.O. Box 76 Pelican, AK	735-2286	yes

HB

130

(FILE 2)

HFIN

FILE

Brandon Maitlen

From: Brennans [brennans@gci.net]
Sent: Sunday, March 06, 2005 8:51 PM
To: Rep. Jay Ramras; Rep. Ralph Samuels
Subject: Fw: HB 130; Baranof Warm Springs

Co-chairmen Ramras and Samuels,

On behalf of the Baranof Property Owners Association, thank you for hearing and listening to testimony of those opposed to inclusion of the Warm Springs Bay lagoon and lakefront parcel in the HB 130 conveyance; and thank you for your action in removing it from the bill. In the long run, the unpopularity and associated negative publicity from this conveyance would have outweighed whatever financial benefit the University would have received from this marginally developable property. Your responsiveness to public testimony was in this regard in the best interest of the University itself; was consistent with DNR's prior area plan; and is very much appreciated by the residents of Warm Springs Bay.

Jim Brennan
President, BPOA

3/7/2005

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

FAX

ATTN. Representative Jay Ramras

Fax Number 19074652070

Phone Number

FROM Deb Spencer

Fax Number 907-735-2505

Phone Number 907-735-2495

SUBJECT HB 130

Number of Pages 5

Date 3/5/2005

MESSAGE

Dear Members of the House Resources Committee:

We are disappointed with the committee's decision to move the bill out of committee on Friday rather than as announced to be Monday. Pelican residents still wish to submit a petition letter regarding HB 130. We are concerned that the lands in our inlet will not be managed with the same level of balanced consideration and public input that is provided in DNR's Northern Southeast Area Plan.

Please take our concerns into consideration should HB 130 reach the House floor as it appears destined to do. Thank you.

February 14, 2005

Dear Legislators:

We the undersigned, residents of Pelican and Lisianski Inlet, request that you reject HB 130 and SB 96, The University Lands Bill. We urge you to protect the lands slated for transfer in Lisianski Inlet for the following reasons:

- They are highly used for subsistence and recreation purposes. Privatization of these lands designated as "Public Recreation and Tourism -Undeveloped" in DNR's own Northern Southeast Area Plan (NSEAP) would open them for any type of commercial development.
- They are adjacent to Wilderness and Roadless areas and large-scale development would be an inconsistent use. Further, this use would be inconsistent with local planning documents.
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- The University is compelled to manage these parcels for profit only. DNR's management mandate is more encompassing to include recreation, compatibility with adjacent lands, local planning, traditional uses including subsistence, habitat, and development among other needs.
- The Mite Cove parcel is an important anchorage for commercial fishermen and the uplands are a documented deer and bear corridor. The NSEAP recognizes this critical habitat and use and protects this land from private ownership.
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Please carefully consider the negative impacts on the residents of Pelican and Lisianski Inlet of this legislation. We can only extrapolate the deleterious effects statewide of the University Lands Bill.

Thank you for your consideration.
Sincerely,

The Residents of Pelican and Lisianski Inlet

Pelican and Lisianski Inlet Residents Opposed to HB 130/SB 96, University Lands Bill

The undersigned residents offer their concurrence with the letter dated February 14, 2005 regarding transfer of state land the University:

Name	Date	Signature	Mailing Address	Phone	Registered Voter? (Y/N)
Deb Jones	2-13-05	<i>[Signature]</i>	PO Box 619 Pelican	735-2495	Y
Keith Hellen	2-13-05	<i>[Signature]</i>	Box 304 Pelican	735-2495	Y
Laticia Stewart	2-14-05	<i>[Signature]</i>	Box 402 Pelican	735-2498	Y
Mary Allard	2/14/05	<i>[Signature]</i>	Box 27 Pelican	735-2631	Y
Harold Allard SR	2-14/05	<i>[Signature]</i>	Box 22 Pelican	735-2631	Y
Gord Jensen	2-14/05	<i>[Signature]</i>	P.O. Box 26 Pelican	-	Y
William C. Stewart	2-14-05	<i>[Signature]</i>	PO Box 703 Pelican	735-2340	
Royce J. Mattison	2-14-05	<i>[Signature]</i>	Box 94 Pelican 99832	735-2303	Y
Eudelia F. Paddock	2-14-05	<i>[Signature]</i>	Box 29 Pelican AK 99832	735-2286	Y
DAVID DUFFEY	2-14-05	<i>[Signature]</i>	Box 23 Pelican AK 99832	735-2286	Y
Mary Strahm	2-14-05	<i>[Signature]</i>	Box 723 Pelican AK 99832	735-2286	Y
William Strahm	2-14-05	<i>[Signature]</i>	Box 723 Pelican AK 99832	735-2286	Y
William H. Paddock	2-14-05	<i>[Signature]</i>	Box 29 Pelican AK 99832	735-2286	Y
Harold R. Allard JR	2-14-05	<i>[Signature]</i>	Box 46 Pelican AK 99832	-	Y
Michael Allard	2-14-05	<i>[Signature]</i>	Box 723 Pelican AK 99832	-	Y
Ken Wolff	2-15-05	<i>[Signature]</i>	Box 94 Pelican AK 99832	735-2303	Y
Beatrice Kimpel	2-15-05	<i>[Signature]</i>	P.O. Box 703 Pelican AK 99832	735-2303	YES
Betty Bean	2-15-05	<i>[Signature]</i>	P.O. Box 743 Pelican AK 99832	735-2269	Yes
Sandra Ramsdell	2-15-05	<i>[Signature]</i>	PO 735 Pelican AK 99832	735-2481	yes
J.E. Schonen	2-15-05	<i>[Signature]</i>	PO Box 739 Pelican AK	735-2248	YES
Paula Burch	2-15-05	<i>[Signature]</i>	PO Box 54 Pelican AK	735-2515	100
SALLY JO BRIDGE	2-15-05	<i>[Signature]</i>	PO BOX 762 PELICAN AK	735-2204	YES
Martha A. Hewlett	2/15/05	<i>[Signature]</i>	PO Box 69 Pelican AK 99832	735-2269	Yes
Allen Stewart	2/16/05	<i>[Signature]</i>	PO Box 606 Pelican AK	735-2213	no
Linda M. Allen	2/16/05	<i>[Signature]</i>	PO Box 775 Pelican AK	735-2267	Yes
Vicki Shuckey	2/17/05	<i>[Signature]</i>	P.O. Box 76 Pelican AK	735-2286	yes
Mick Shockey	2/17/05	<i>[Signature]</i>	P.O. Box 76 Pelican AK	735-2286	yes

NAME	PHONE	ADDRESS	PHONE	REGISTRATION NUMBER	NO. LICENSES
TEARO, L...	214-214-2142	PO Box 3, Palmetto, AK 99531	214-214-2142		YES
Robert R. ...	214-214-2142	PO Box 3, Palmetto, AK 99531	214-214-2142		YES
EMMA J. ...	214-214-2142	PO Box 3, Palmetto, AK 99531	214-214-2142		YES
LARRY N. ...	214-214-2142	PO Box 3, Palmetto, AK 99531	214-214-2142		YES
LINDA J. ...	214-214-2142	PO Box 3, Palmetto, AK 99531	214-214-2142		YES
ALAN C. ...	214-214-2142	PO Box 3, Palmetto, AK 99531	214-214-2142		YES
EDWIN ...	214-214-2142	PO Box 3, Palmetto, AK 99531	214-214-2142		YES
JAMES C. Slater	3/1/05	PO Box 63, Palmetto, AK 99531	735-2505		YES
LORETTA VADEE	3/1/05	PO Box 63, Palmetto, AK 99531	735-2505		NO

AK 00000000000000000000

PAGE 3

FAX: 19072615628

RAY HOUSE

03:40 PM

Joseph M. Beedle
Vice President for Finance
Phone: (907) 450-8022
Fax: (907) 450-8023
joe.beedle@alaska.edu

208 Butrovich Building
910 Yukon Drive
PO Box 755120
Fairbanks, AK 99775-5120



UNIVERSITY
of ALASKA
Many Traditions One Alaska

Mr. Jerome Selby, Mayor
Kodiak Island Borough
710 Mill Bay Road
Kodiak, Alaska 99615

February 28, 2005

**Re: Proposed University Land Grant
Kodiak Launch Complex**

Dear Mayor Selby:

Thank you for inviting the University of Alaska to meet with the Kodiak Island Borough Assembly on March 3, 2005. Mari Montgomery, Director of Land Management, and I are looking forward to an opportunity to listen to the Assembly's concerns regarding the transfer of the Kodiak Launch Complex (KLC) property, approximately 2,880 acres, to the University of Alaska under proposed House Bill 130 / Senate Bill 96, the state land grant legislation now pending in the State Legislature. In turn, we hope to explain why owning the KLC property is compatible with the University's core mission, reach a mutual understanding of the existing constraints on management of the KLC, and demonstrate the University's commitment to being a good neighbor.

The University of Alaska has been in the aerospace research business since at least 1930, when Veryl Fuller, the only member of the physics department at the Alaska Agricultural College and School of Mines, began to measure the height of the aurora using two specially designed, synchronized cameras. His work was completed by Ervin Bramhall, who published their results in 1937. Nine years later, Congress authorized an appropriation to establish the Geophysical Institute, in part because aurora activity interfered with high frequency military radio reception. Since that time, research interests at the Geophysical Institute have broadened to include space physics; atmospheric sciences; snow, ice, and permafrost; sedimentation and tectonics; seismology; volcanology; and remote sensing. Given Kodiak's location and geologic history, many of these areas of scientific inquiry by the Geophysical Institute appear to have already had direct benefit to the residents of your borough.

The University has operated the Poker Flat Research Range since 1968, it is the only university owned and operated high-latitude, auroral-zone rocket launching facility in the United States. The University's Geophysical Institute has launched over 1,600 meteorological missiles and 299 major, high-altitude sounding rocket experiments by scientists and technicians from a variety of federal agencies and international universities. The Poker Flat Research Range is located

approximately thirty miles northeast of Fairbanks and compares closely to the KLC as to location, size, and distance to communities. The University has land use authorizations relating to its operations with the Bureau of Land Management; the Alaska Division of Mining, Land and Water (DMLW), the U.S. Fish and Wildlife Service; Doyon, Ltd.; and the Traditional Village Councils of Venetie and Arctic Village on a case by case basis to retrieve payloads and debris from their properties.

The area in which the University operates is in close proximity to a very populated area of Alaska and is bisected by the Steese Highway. This is a State of Alaska Department of Transportation (DOT&PF) maintained 162 mile long transportation corridor that serves numerous small communities, mining operations and popular recreation areas. The University's launch facility has co-existed peaceably in this area for more than thirty-five years with neighbors such as residential homeowners, downhill ski slope operators, tourism operators, miners, trappers, hunters, recreational trail users. Other compatible multiple uses in the area include the Fort Knox Gold Mine, Department of Army Seismic Sensing Station, Historical Chatanika Gold Camp, Chatanika Lodge, Upper Chatanika River State Recreation Area, McKay Creek Trailhead and Trail and White Mountains National Recreation Area.

During major launch operations the University is authorized by DOT&PF to close the Steese Highway for periods of no longer than 20 minutes. In addition to brief closures of the highway, during certain launches, the University offers to relocate and pay a per diem to several homeowners in close proximity to the launch facility. Notices of major launch activities are provided to the newspaper, local business owners and residents and posted at popular recreation trailheads. Simply put, the University has extensive experience in balancing the management of a launch facility with popular public use areas.

The Alaska Aerospace Development Corporation (AADC) occupies the KLC under an existing Interagency Land Management Assignment (ILMA) granted by the DMLW in 1994 and revised in 2003. Only the area identified for potential conveyance to the University is the area under the current ILMA. The conveyance would also be subject to Section 5 of the proposed legislation which states:

Sec. 14.40.365...(e) Land conveyed under this section to the Board of Regents in trust for the University of Alaska is subject to any valid possessory interest or other valid existing right, including any lease, license, contract, prospecting site, claim, sale, permit, right-of-way, or easement held by another person on the effective date of this section.

Other existing interests on the Kodiak Launch Complex include powerline easements, a grazing lease, the Loran Station lease, an Omnibus Act road, and material sites. The University regards the ILMA as the functional equivalent of a lease. The conveyance would be subject to all of these interests and easements, ensuring access to public and navigable waters.

The existing ILMA to the AADC includes the following terms and conditions, among others:

- The term is for 30 years, expiring May 17, 2024, and may be cancelled earlier for non-use.
- The ILMA may be renewed under the same terms and conditions as long as the land continues to be used for an orbital launch facility or other aerospace related activity.
- The ILMA assigns to AADC jurisdiction and management of the surface and so much of the subsurface estate as needed under the development plan.
- The Landlord may review "at regular intervals to analyze current and proposed uses as these uses relate to alternative uses for all or part of the land and to determine the uses which best provide for the public interest." (AS 38.04.060(b))
- Public access to state lands, tidelands and waterways shall not be blocked or restricted in any way on state land.
- AADC may restrict public access through the ILMA parcel to protect public safety and the assignee's improvements. (The DMLW currently interprets this to mean "during launches and hazardous operations.")

On January 27, 2004, the AADC requested additional management authority over Ugak Island and the mountaintops around the ILMA during launches and hazardous operations because of national security concerns. The request encompassed an additional 14,048 acres. On November 12, 2004, the Southcentral Regional Manager issued a Draft Decision that 1) proposed adding Ugak Island to the existing ILMA and 2) proposed an alternate procedure for managing public access. Under the Draft Decision, the Southcentral Regional Office of the DMLW will respond in writing to a written request from the AADC to restrict public access to the area outside of the existing ILMA on a case by case basis. While the comment period on the draft decision closed on January 14, 2005, a final decision has not yet been issued by the Regional Manager.

Given the terms of the existing ILMA, the University is constrained from interfering with the AADC's jurisdiction over the KLC. However, it appears that there are several opportunities for synergy between AADC programs and the existing research programs at the Geophysical Institute. These include learning from each other's experiences; testing methods, designs, and procedures; building on the Geophysical Institute's familiarity with commercial applications to expand capacity at the KLC; designing research projects that take advantage of both locations; and using the Kodiak facility for an observation site or a field station for other programs in the earth sciences, global climate change, and space and upper atmospheric sciences. The University fully understands that any of these initiatives will require the concurrence and cooperation of the AADC. In addition, should the AADC cease orbital launch activities for any reason, the University would be well positioned to use the existing facilities for its own research purposes.

The University is aware of the contention over the existing and proposed activities at the KLC and the concern that University ownership of the KLC would further complicate these issues. We expect to learn more about local concerns at the meeting with the assembly. To demonstrate the University's commitment to being a good neighbor to the residents of the Kodiak Island Borough, should the pending legislation be enacted into law, we propose to provide a deed restriction granting the Kodiak Island Borough a 90-day right of first refusal for the Kodiak