

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
6054 HOUSE RESOURCES

758

## ACCESS

Nonfederally  
owned lands.  
16 USC 3210.

Sec. 1323. (a) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.

(b) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of the Interior may prescribe, the Secretary shall provide such access to nonfederally owned land surrounded by public lands managed by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-82) as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to access across public lands.

## YUKON FLATS NATIONAL WILDLIFE REFUGE AGRICULTURAL USE

16 USC 3211.

Sec. 1324. Nothing in this Act or other existing law shall be construed as necessarily prohibiting or mandating the development of agricultural potential within the Yukon Flats National Wildlife Refuge pursuant to existing law. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law. Any such development permitted within the Yukon Flats National Wildlife Refuge shall be designed and conducted in such a manner as to minimize to the maximum extent possible any adverse effects of the natural values of the unit.

## TERROR LAKE HYDROELECTRIC PROJECT IN KODIAK NATIONAL WILDLIFE REFUGE

16 USC 3212.

Sec. 1325. Nothing in this Act or the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) shall be construed as necessarily prohibiting or mandating the construction of the Terror Lake Hydroelectric Project within the Kodiak National Wildlife Refuge. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law.

## FUTURE EXECUTIVE ACTIONS

16 USC 3213.

Sec. 1326. (a) No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.

(b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

Publication in  
Federal  
Register;  
notification of  
Congress.

## ALASKA GAS PIPELINE

Sec. 1327. Nothing in this Act shall be construed as imposing any additional requirements in connection with the construction and operation of the transportation system designated by the President and approved by the Congress pursuant to the Alaska Natural Gas Transportation Act of 1976 (Public Law 94-586; 90 Stat. 2908), or as imposing any limitations upon the authority of the Secretary concerning such system.

16 USC 3214.

15 USC 719 note.

## PUBLIC LAND ENTRIES IN ALASKA

Sec. 1328. (a)(1) Subject to valid existing rights, all applications made pursuant to the Acts of June 1, 1938 (52 Stat. 609), May 3, 1927 (44 Stat. 1344), May 14, 1898 (30 Stat. 413), and March 3, 1891 (26 Stat. 1097), which were filed with the Department of the Interior within the time provided by applicable law, and which describe land in Alaska that was available for entry under the aforementioned statutes when such entry occurred, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3) or (4) of this subsection, or where the land description of the entry must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final.

Application approval.  
16 USC 3215.

(2) Where an application describes land within the boundaries of a unit of the National Park System or a unit of the National Wildlife Refuge System, or a unit of the National Wilderness Preservation System in the Tongass or Chugach National Forests established before the effective date of this Act or by this Act, and the described land was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act, or where an application describes land which has been patented or deeded to the State of Alaska or which on or before the date of entry was validly selected by, tentatively approved, patented, deeded or confirmed to the State of Alaska pursuant to applicable law and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a)(2) of the Act by any Native Village certified as eligible pursuant to section 11(b) of such Act, paragraph (1) of this subsection and subsection (c) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 1328(a)(1) hereof, the Alaska Native Claims Settlement Act, and other applicable law.

Adjudication.

43 USC 1310.

43 USC 1601  
note.

(3) Paragraph (1) of this subsection and subsection (c) shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 1328(a)(1) hereof, if on or before the one hundred and eightieth day following the effective date of the Act—

(A) a Native Corporation files a protest with the Secretary of the Interior (the Secretary) stating that the applicant is not entitled to the land described in the application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act; or

(B) the State of Alaska files a protest with the Secretary stating that the land described in the application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for

transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

(C) a person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the application and that said land is the situs of improvements claimed by the person or entity; or

(D) the State of Alaska files a protest with the Secretary respecting an entry which was made prior to a valid selection tentative approval, patent, deed, or confirmation to the State of Alaska pursuant to applicable law; or

(E) regarding public land entries within units of the National Wildlife Refuge System established or expanded in this Act, any such entry not properly made under applicable law, or not the subject of an application filed within the time required by applicable law, or not properly maintained thereafter under applicable law shall be adjudicated pursuant to the Act under which the entry was made.

(4) Paragraph (1) of this subsection and subsection (c) shall not apply to any application which was knowingly and voluntarily relinquished by the applicant.

Application land  
descriptions,  
amendments.

(b) An applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only: *Provided*, That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior of the intended correction of the entry's location, and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(3) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing: *Provided, further*, That the Secretary may require that all applications designating land in a specific area be amended, if at all, prior to a date certain which date shall be calculated to allow for orderly adoption of a plan or survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: *Provided, further*, That no application may be amended for location following adoption of a final plan of survey which includes the location of the entry as described in the application or its location as desired by amendment.

Powersites and  
power-projects.

(c) Where the land described in application (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Acts referred to in section 1322(a)(1) hereof, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: *Provided, however*, That if the described land is included as part of a project licensed under part I of the Federal Power Act of

June 10, 1920 (41 Stat. 24), as amended, or is presently utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, the foregoing provision shall not apply and the application shall be adjudicated pursuant to the appropriate Act: *Provided further*, That where the applicant commenced occupancy of the land after its withdrawal or classification for power site purposes, the entry shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended: *Provided further*, That any right of reentry reserved in a patent pursuant to this section shall expire twenty years after the effective date of this Act if at that time the land involved is not subject to a license or an application for a license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended or other Act of Congress.

16 USC 791a.

16 USC 918.

16 USC 791a.

(d) Prior to issuing a patent for an entry subject to this section, the Secretary shall identify and adjudicate any record entry or application for title to land described in the application, other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the application, and shall determine whether such entry or application represents a valid existing right to which the application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, as affecting National Forest lands.

Existing rights,  
identification  
and  
adjudication.  
43 USC 1601  
note.  
48 USC note  
prec. 21.  
34 Stat. 197.

#### TITLE XIV—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND RELATED PROVISIONS

##### PART A—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

###### STOCK ALIENATION

SEC. 1401. (a) Section 7(h)(3) of the Alaska Native Claims Settlement Act is amended to read as follows:

43 USC 1606.

"(3)(A) On December 18, 1991, all stock previously issued shall be deemed to be canceled, and shares of stock of the appropriate class shall be issued to each stockholder share for share subject only to such restrictions as may be provided by the articles of incorporation of the corporation, or agreements between corporations and individual shareholders.

"(B) If adopted by December 18, 1991, restrictions provided by amendment to the articles of incorporation may include, in addition to any other legally permissible restrictions—

Stock issuance,  
restrictions.

"(i) the denial of voting rights to any holder of stock who is not a Native, or a descendant of a Native, and

"(ii) the granting to the corporation, or to the corporation and a stockholder's immediate family, on reasonable terms, the first right to purchase a stockholder's stock (whether issued before or after the adoption of the restriction) prior to the sale or transfer of such stock (other than a transfer by inheritance) to any other party, including a transfer in satisfaction of a lien, writ of attachment, judgment execution, pledge, or other encumbrance.

"(C) Notwithstanding any provision of Alaska law to the contrary—

"(i) any amendment to the articles of incorporation of a regional corporation to provide for any of the restrictions speci-

Regional and  
native  
corporation  
articles of  
incorporation.

filed in clause (i) or (ii) of subparagraph (B) shall be approved if such amendment receives the affirmative vote of the holders of a majority of the outstanding shares entitled to be voted of the corporation, and

"(ii) any amendment to the articles of incorporation of a Native Corporation which would grant voting rights to stockholders who were previously denied such voting rights shall be approved only if such amendment receives, in addition to any affirmative vote otherwise required, a like affirmative vote of the holders of shares entitled to be voted under the provisions of the articles of incorporation."

43 USC 1607.

(b) Section 8(c) of such Act is amended to read as follows:

"(c) The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for regional corporations in section 7, including the provisions of section 7(h)(3), shall apply to Village Corporations Urban Corporations and Native Groups; except that audits need not be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives or to the Committee on Energy and Natural Resources of the Senate."

43 USC 1606.

(c) At the end of section 1696(h)(1) of title 43, United States Code, insert immediately before the period the words: "or by stockholder who is a member of a professional organization, association, or board which limits the ability of that stockholder to practice his profession because of holding stock issued under this Act".

"Native Corporation,"  
43 USC 1602.

(d) Section 3 of the Alaska Native Claims Settlement Act is amended by the addition of a new subsection as follows:

"(m) 'Native Corporation' means any Regional Corporation, any Village Corporation, any Urban Corporation, and any Native Group."

#### SELECTION REQUIREMENTS

Sec. 1402. Subsection (a)(2) of section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(2)), is amended by adding to the end of that subsection the following: "Provided, That the Secretary in his discretion and upon the request of the concerned Village Corporation, may waive the whole section requirement where—

"(A)(i) a portion of available public lands of a section is separated from other available public lands in the same section by lands unavailable for selection or by a meanderable body of water;

"(ii) such waiver will not result in small isolated parcels of available public land remaining after conveyance of selected lands to Native Corporations; and

"(iii) such waiver would result in a better land ownership pattern or improved land or resource management opportunity;

or

"(B) the remaining available public lands in the section have been selected and will be conveyed to another Native Corporation under this Act."

#### RETAINED MINERAL ESTATE

Sec. 1403. Section 12(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)) is amended by adding a new paragraph (4) to read as follows:

"(4) Where the public lands consist only of the mineral estate, or portion thereof, which is reserved by the United States upon patent of the balance of the estate under one of the public land laws, other than this Act, the Regional Corporations may select as follows:

"(A) Where such public lands were not withdrawn pursuant to subsection 11(a)(3), but are surrounded by or contiguous to lands withdrawn pursuant to said subsection and filed upon for selection by a Regional Corporation, the Corporation may, upon request, have such public land included in its selection and considered by the Secretary to be withdrawn and properly selected.

43 USC 1610.

"(B) Where such public lands were withdrawn pursuant to subsection 11(a)(1) and are required to be selected by paragraph (3) of this subsection, the Regional Corporation may, at its option, exclude such public lands from its selection.

"(C) Where the Regional Corporation elects to obtain such public lands under subparagraph (A) or (B) of this paragraph, it may select, within ninety days of receipt of notice from the Secretary, the surface estate in an equal acreage from other public lands withdrawn by the Secretary for that purpose. Such selections shall be in units no smaller than a whole section, except where the remaining entitlement is less than six hundred and forty acres, or where an entire section is not available. Where possible, selections shall be of lands from which the subsurface estate was selected by that Regional Corporation pursuant to subsection 12(a)(1) or 14(h)(9) of this Act, and, where possible, all selections made under this section shall be contiguous to lands already selected by the Regional Corporation or a Village Corporation. The Secretary is authorized, as necessary, to withdraw up to two times the acreage entitlement of the in lieu surface estate from vacant, unappropriated, and unreserved public lands from which the Regional Corporation may select such in lieu surface estate except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1).

43 USC 1611, 1613.

"(D) No mineral estate or in lieu surface estate shall be available for selection within the National Petroleum Reserve—Alaska or within Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act."

43 USC 1615.

#### VESTING DATE FOR RECONVEYANCES

Sec. 1404. (a) Section 14(c)(1) of the Alaska Native Claims Settlement Act is amended by inserting "as of December 18, 1971 (except that occupancy of tracts located in the Pribilof Islands shall be determined as of the date of initial conveyance of such tracts to the appropriate Village Corporation)" after "title to the surface estate in the tract occupied".

43 USC 1613.

(b) Section 14(c)(2) of such Act is amended by inserting "as of December 18, 1971" after "title to the surface estate in any tract occupied".

(c) Section 14(c)(4) of such Act is amended to read:

"(4) the Village Corporation shall convey to the Federal Government, State, or to the appropriate Municipal Corporation, title to the surface estate for airport sites, airway beacons, and other navigation aids as such existed on December 18, 1971, together with such additional acreage and/or easements as are necessary to provide related governmental services and to insure

safe approaches to airport runways as such airport sites, runways, and other facilities existed as of December 18, 1971."

#### RECONVEYANCE TO MUNICIPAL CORPORATIONS

43 USC 1613.

Sec. 1405. Section 14(c)(3) of the Alaska Native Claims Settlement Act is amended by striking out the semicolon at the end and inserting in lieu thereof the following new language: "unless the Village Corporation and the Municipal Corporation or the State in trust can agree in writing on an amount which is less than one thousand two hundred and eighty acres: *Provided further*, That any net revenues derived from the sale of surface resources harvested or extracted from lands reconveyed pursuant to this subsection shall be paid to the Village Corporation by the Municipal Corporation or the State in trust: *Provided, however*, That the word "sale", as used in the preceding sentence, shall not include the utilization of surface resources for governmental purposes by the Municipal Corporation or the State in trust, nor shall it include the issuance of free use permits or other authorization for such purposes;"

#### CONVEYANCE OF PARTIAL ESTATES

Cemetery sites and historical places.

Sec. 1406. (a) Section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) is amended by replacing the existing paragraph with the following paragraph to read as follows:

"(1) The Secretary may withdraw and convey to the appropriate Regional Corporation fee title to existing cemetery sites and historical places. Only title to the surface estate shall be conveyed for lands located in a Wildlife Refuge, when the cemetery or historical site is greater than 640 acres."

(b) Sections 14(h)(2) and 14(h)(5) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613 (h)(2) and (h)(5)) are amended by adding to the end of each section "unless the lands are located in a Wildlife Refuge".

Reserved minerals.

(c) Section 14(h)(6) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(h)(6)) is modified by adding at the end thereof the following sentence: "Any minerals reserved by the United States pursuant to the Act of March 8, 1922 (42 Stat. 415), as amended, in a Native Allotment approved pursuant to section 18 of this Act during the period December 18, 1971, through December 18, 1975, shall be conveyed to the appropriate Regional Corporation, unless such lands are located in a Wildlife Refuge or in the Lake Clark areas as provided in section 12 of the Act of January 2, 1976 (Public Law 94-204), as amended."

43 USC 270-11.

43 USC 1611 note.

(d) Section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) is amended by adding at the end thereof the following new paragraph:

Subsurface and retained mineral estates.

"(9) Where the Regional Corporation is precluded from receiving the subsurface estate in lands selected and conveyed pursuant to paragraph (1), (2), (3), or (5), or the retained mineral estate, if any, pursuant to paragraph (6), it may select the subsurface estate in an equal acreage from other lands withdrawn for such selection by the Secretary, or, as to Cook Inlet Region, Incorporated, from those areas designated for in lieu selection in paragraph I.B.(2) of the document identified in section 12(b) of Public Law 94-204. Selections made under this paragraph shall be contiguous and in reasonably compact tracts except as separated by unavailable lands, and shall be in whole sections, except

43 USC 1611 note.

where the remaining entitlement is less than six hundred and forty acres. The Secretary is authorized to withdraw, up to two times the Corporation's entitlement, from vacant, unappropriated, and unreserved public lands, including lands solely withdrawn pursuant to section 17(d)(1), and the Regional Corporation shall select such entitlement of subsurface estate from such withdrawn lands within ninety days of receipt of notification from the Secretary.

43 USC 1616.

"(10) Notwithstanding the provisions of subsection 22(h), the Secretary, upon determining that specific lands are available for withdrawal and possible conveyance under this subsection, may withdraw such lands for selection by and conveyance to an appropriate applicant and such withdrawal shall remain until revoked by the Secretary.

Withdrawals.  
43 USC 1621.

"(11) For purposes set forth in subsections (h) (1), (2), (3), (5), and (6), the term Wildlife Refuge refers to Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act."

(e) Any Regional Corporation which asserts a claim with the Secretary to the subsurface estate of lands selectable under section 14(h) of the Alaska Native Claims Settlement Act which are in a Wildlife Refuge shall not be entitled to any in lieu surface or subsurface estate provided by subsections 12(c)(4) and 14(h)(9) of such Act. Any such claim must be asserted within one hundred and eighty days after the date of enactment of this Act. Failure to assert such claim within the one-hundred-and-eighty-day period shall constitute a waiver of any right to such subsurface estate in a Wildlife Refuge as the boundaries of the refuge existed on the date of enactment of the Alaska Native Claims Settlement Act.

Wildlife refuge  
subsurface estate.  
43 USC 1613  
note.  
43 USC 1613.  
43 USC 1611.  
1613.

## SHAREHOLDER HOMESITES

Sec. 1407. Section 21 of the Alaska Native Claims Settlement Act is amended by adding a new subsection at the end thereof, as follows:

43 USC 1620.

"(j) A real property interest distributed prior to December 18, 1991, by a Village Corporation to a shareholder of such Corporation pursuant to a program to provide homesites to its shareholders, shall be deemed conveyed and received pursuant to this Act: *Provided*, That the land received is restricted by covenant for a period not less than ten years to single-family (including traditional extended family customs) residential occupancy, and by such other covenants and retained interests as the Village Corporation deems appropriate: *Provided further*, That the land conveyed does not exceed one and one-half acres: *Provided further*, That the shareholder receiving the homesite, if the shareholder subdivides the land received, shall pay all Federal, State, and local taxes which would have been incurred but for this subsection, together with simple interest at six percent per annum calculated from the date of receipt of the land to be paid to the appropriate taxing authority."

## BASIS IN THE LAND

Sec. 1408. Section 21(c) of the Alaska Native Claims Settlement Act is amended to read as follows:

Property value.

"(c) The receipt of land or any interest therein pursuant to this Act or of cash in order to equalize the values of properties exchanged pursuant to subsection 22(f) shall not be subject to any form of Federal, State, or local taxation. The basis for determining gain or

43 USC 1621.



28 USC 1016.

loss from the sale or other disposition of such land or interest in land for purposes of any Federal, State, or local tax imposed on or measured by income shall be the fair value of such land or interest in land at the time of receipt, adjusted as provided in section 1016 of the Internal Revenue Code of 1954, as amended: *Provided, however*, That the basis of any such land or interest therein attributable to an interest in a mine, well, other natural deposit, or block of timber shall be not less than the fair value of such mine, well, natural deposit, or block of timber (or such interest therein as the Secretary shall convey) at the time of the first commercial development thereof, adjusted as provided in section 1016 of such Code. For purposes of this subsection, the time of receipt of land or any interest therein shall be the time of the conveyance by the Secretary of such land or interest (whether by interim conveyance or patent)."

## FILE PROTECTION

43 USC 1621.

Sec. 1409. Subsection (e) of section 21 of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(e)) is amended by inserting the words "corporation organized under section 14(h)(3)," after "Native group," by replacing the comma following the citation "(64 Stat. 967, 1100)" with a period, and by making a revised sentence out of the remaining phrase by striking the words "and" and "also", replacing the comma after the word "lands" with the words "they shall", and replacing the word "forest" with "wildland".

## INTERIM CONVEYANCES AND UNDERSERLECTIONS

Sec. 1410. Section 22(j) of the Alaska Native Claims Settlement Act is amended to read as follows:

"(j)(1) Where lands to be conveyed to a Native, Native Corporation, or Native group pursuant to this Act as amended and supplemented have not been surveyed, the same may be conveyed by the issuance of an 'interim conveyance' to the party entitled to the lands. Subject to valid existing rights and such conditions and reservations authorized by law as are imposed, the force and effect of such an interim conveyance shall be to convey to and vest in the recipient exactly the same right, title, and interest in and to the lands as the recipient would have received had he been issued a patent by the United States. Upon survey of lands covered by an interim conveyance a patent thereto shall be issued to the recipient. The boundaries of the lands as defined and conveyed by the interim conveyance shall not be altered but may then be redescribed, if need be, in reference to the plat of survey. The Secretary shall make appropriate adjustments to insure that the recipient receives his full entitlement. Where the term 'patent,' or a derivative thereof, is used in this Act, unless the context precludes such construction, it shall be deemed to include 'interim conveyance,' and the conveyances of land to Natives and Native Corporations provided for this Act shall be as fully effectuated by the issuance of interim conveyances as by the issuance of patents.

"(2) Where lands selected and conveyed, or to be conveyed to a Village Corporation are insufficient to fulfill the Corporation's entitlement under subsection 12(b), 14(a), 16(b), or 16(d), the Secretary is authorized to withdraw twice the amount of unfulfilled entitlement and provide the Village Corporation ninety days from receipt of notice from the Secretary to select from the lands withdrawn the land it desires to fulfill its entitlement. In making the withdrawal, the Secretary shall first withdraw public lands that were formerly

43 USC 1611,  
1612, 1615.

withdrawn for selection by the concerned Village Corporation by or pursuant to subsection 11(a)(1), 11(a)(3), 16(a), or 16(d). Should such lands no longer be available, the Secretary may withdraw public lands that are vacant, unreserved, and unappropriated, except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1). Any subsequent selection by the Village Corporation shall be in the manner provided in this Act for such original selections."

43 USC 1610.  
1615.

43 USC 1616.

## ESCROW ACCOUNT

Sec. 1411. (a) Subsection (a) of section 2 of Public Law 94-204 (89 Stat. 1146) is amended to read as follows:

"Sec. 2. (a)(1) During the period of the appropriate withdrawal for selection pursuant to the Settlement Act, any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements, or from trespass occurring after the date of withdrawal of the lands for selection, pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting Corporation or individual entitled to receive benefits under such Act.

Payments.  
43 USC 1613  
note.

"(2) Such proceeds which were received, if any, subsequent to the date of withdrawal of the land for selection, but were not deposited in the escrow account shall be identified by the Secretary within two years of the date of conveyance or this Act, whichever is later, and shall be paid, together with interest payable on the proceeds from the date of receipt by the United States to the date of payment to the appropriate Corporation or individual to which the land was conveyed by the United States: *Provided*, That interest shall be paid on the basis of a semiannual computation from the date of receipt of the proceeds by the United States to the date of payment with simple interest at the rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment: *Provided further*, That any rights of a Corporation or individual under this section to such proceeds shall be limited to proceeds actually received by the United States plus interest: *And provided further*, That moneys for such payments have been appropriated as provided in subsection (e) of this section.

"(3) Such proceeds which have been deposited in the escrow account shall be paid, together with interest accrued by the Secretary to the appropriate Corporation or individual upon conveyance of the particular withdrawn lands. In the event that a conveyance does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the Corporation or individual shall only be entitled to the proportionate amount of the proceeds, including interest accrued, derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds, including interest accrued, 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 conveyance 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 conveyer shall be entitled to the proportionate share of the proceeds, including a proportionate share of interest accrued, in relation to the damages occurring on the respective lands during the period the lands were withdrawn for selection.

"(4) Such proceeds which have been deposited in the escrow account pertaining to lands withdrawn but not selected pursuant to such Act, or selected but not conveyed due to rejection or relinquishment of the selection, shall be paid, together with interest accrued, as would have been required by law were it not for the provisions of this Act.

"(5) Lands withdrawn under this subsection include all Federal lands identified under appendices A, B-1 and B-2 of the document referred to in section 12 of the Act of January 2, 1976 (Public Law 94-204) for Cook Inlet Region, Incorporated, and are deemed withdrawn as of the date established in subsection (a) of section 2 of the Act of January 2, 1976."

(b) Section 2 of Public Law 94-204 (89 Stat. 1146) is amended by adding a new subsection to read as follows:

"(e) There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section."

#### LIMITATIONS

43 USC 1639.  
43 USC 1601  
note.

Sec. 1412. Except as specifically provided in this Act, (i) the provisions of the Alaska Native Claims Settlement Act are fully applicable to this Act, and (ii) nothing in this Act shall be construed to alter or amend any of such provisions.

#### PART B—OTHER RELATED PROVISIONS

##### SUPPLEMENTAL APPROPRIATION FOR NATIVE GROUPS

Grants.  
43 USC 1618  
note.  
43 USC 1613.

Sec. 1413. The Secretary shall pay by grant to each of the Native Group Corporations established pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act and finally certified as a Native Group, an amount not more than \$100,000 or less than \$50,000 adjusted according to population of each Group. Funds authorized under this section may be used only for planning, development, and other purposes for which the Native Group Corporations are organized under the Settlement Act.

##### FISCAL YEAR ADJUSTMENT ACT

Funds, disposition.  
43 USC 1606  
note.

Sec. 1414. (a) Moneys appropriated for deposit in the Alaska Native Fund for the fiscal year following the enactment of this Act, shall, for the purposes of section 5 of Public Law 94-204 only, be deposited into the Alaska Native Fund on the first day of the fiscal year for which the moneys are appropriated, and shall be distributed at the end of the first quarter of the fiscal year in accordance with section 6(c) of the Alaska Native Claims Settlement Act notwithstanding any other provision of law.

(b) For the fiscal year in which this Act is enacted, the money appropriated shall be deposited within 10 days of enactment, unless it has already been deposited in accordance with existing law, and shall be distributed no later than the end of the quarter following the quarter in which the money is deposited: *Provided*, That if the money is already deposited at the time of enactment of this Act, it must be distributed at the end of the quarter in which this Act is enacted.

43 USC 1606.

(c) Notwithstanding section 32 of the Fiscal Year Adjustment Act or any other provisions of law, interest earned from the investment of appropriations made pursuant to the Act of July 31, 1976 (Public Law 94-373; 90 Stat. 1051), and deposited in the Alaska Native Fund on or

after October 1, 1976, shall be deposited in the Alaska Native Fund within thirty days after enactment of this Act and shall be distributed as required by section 6(c) of the Alaska Native Claims Settlement Act.

43 USC 1605

#### RELINQUISHMENT OF SELECTIONS PARTLY WITHIN CONSERVATION UNITS

SEC. 1415. Whenever a valid State or Native selection is partly in and partly out of the boundary of a conservation system unit, notwithstanding any other provision of law to the contrary, the State or any Native Corporation may relinquish its rights in any portion of any validly selected Federal land, including land underneath waters, which lies within the boundary of the conservation system unit. Upon relinquishment, the Federal land (including land underneath waters) so relinquished within the boundary of the conservation system unit shall become, and be administered as, a part of the conservation system unit. The total land entitlement of the State or Native Corporation shall not be affected by such relinquishment. In lieu of the lands and waters relinquished by the State, the State may select pursuant to the Alaska Statehood Act as amended by this Act, an equal acreage of other lands available for such purpose. The Native Corporation may retain an equal acreage from overselection lands on which selection applications were otherwise properly and timely filed. A relinquishment pursuant to this section shall not invalidate an otherwise valid State or Native Corporation land selection outside the boundaries of the conservation system unit, on the grounds that, after such relinquishment, the remaining portion of the land selection no longer meets applicable requirements of size, compactness, or contiguity, or that the portion of the selection retained immediately outside the conservation system unit does not follow section lines along the boundary of the conservation system unit. The validity of the selection outside such boundary shall not be adversely affected by the relinquishment.

43 USC 1640

48 USC note  
prec. 21

#### BRISTOL BAY GROUP CORPORATION LANDS

SEC. 1416. (a) Congress finds that the individual Natives enrolled to Port Alsworth are enrolled at-large in the Bristol Bay Native Corporation. The roll prepared by the Secretary shall be determinative of this fact and such enrollment shall be final.

Acreage entitlements.

(b) The individual Natives enrolled to Port Alsworth have formed a group corporation which shall hereafter be referred to as Tanalian Incorporated. The benefits bestowed by this section upon these Natives shall accrue to such group corporation, regardless of its name.

(c) If Tanalian Incorporated is certified as a group under the Alaska Native Claims Settlement Act, Tanalian Incorporated shall be entitled to make selections in accordance with subsection (d) hereof.

43 USC 1601  
note.

(d)(1) Tanalian Incorporated if certified shall be entitled to make selections of the surface estate of public lands as that term is described in section 3(e) of the Alaska Native Claims Settlement Act from the following described lands, except it may not select any land of Power Site Reserve 485 (the Kontrashibuna Power Site), land acquired by the United States after January 1, 1979, or land subject to a valid existing right, in the amount agreed to by Bristol Native Corporation (not to exceed 320 acres per person or 2,240 acres, whichever is less) and charged against Bristol Bay Native Corpora-

43 USC 1602.

tion's rights to select under section 14(h) as provided for in 43 CFR 2653.1(b):

**Seward Meridian**

Township 1 north, Range 29 west, sections 3, 4, 5, 8, 9, 10, 16, 17, 18, 19, 20, and 21.

(2) If Tanalian Incorporated is certified as a group, the Secretary shall give written notice within sixty days of such certification to Bristol Bay Native Corporation.

(3) If such notice is given, Bristol Bay Native Corporation shall, within sixty days thereafter, give written notice to the Secretary and Tanalian Incorporated as to the amount of acreage Tanalian Incorporated may select.

43 USC 1613.

(4) Within one hundred and eighty days after receipt of such notice, Tanalian Incorporated may select, pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act, the lands withdrawn pursuant to subsection (d)(1).

43 USC 1601  
note.

43 USC 1610.

(5) Within one hundred and eighty days after Tanalian Incorporated makes selections in accordance with subsection (d)(1) hereof, Bristol Bay Native Corporation may select subject to any valid existing right an amount of subsurface estate from public lands as defined in the Alaska Native Claims Settlement Act previously withdrawn under sections 11(a)(1) or 11(a)(3) of the Alaska Native Claims Settlement Act within its boundaries equal to the surface estate entitlement of Tanalian Incorporated. Bristol Bay Native Corporation will forego in lieu subsurface selections in that portion of the Nondalton withdrawal area which falls within the Lake Clark Preserve. Selections made by Bristol Bay Native Corporation shall have priority over any selections made by the State after December 18, 1975. Such subsurface selections shall be in a single contiguous and reasonably compact tract and the exterior boundaries of such selections shall be in conformity with the public lands survey system.

(e) If there is any conflict between selections made by Tanalian Incorporated pursuant to this section and valid Cook Inlet Region, Incorporated or Cook Inlet Region Village selections, the selections of Cook Inlet Region, Incorporated or the Cook Inlet Region Village shall prevail.

Land convey-  
ance.

(f) The Secretary shall convey to Tanalian Incorporated and to Bristol Bay Native Corporation the surface and subsurface estate, respectively, of the acreage selected by the corporation pursuant to this section.

43 USC 1611.

(g) Nothing contained in this section, or done pursuant to authorizations made by this section, shall alter or affect the acreage entitlements of Cook Inlet Region, Incorporated, or Bristol Bay Native Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act nor the boundaries of Cook Inlet Region, Incorporated or Bristol Bay Native Corporation, respectively.

**Pribilof Islands Acquisition Authority**

SEC. 1417. (a) Congress finds and declares that—

(1) certain cliff areas on Saint Paul Island and Saint George Island of the Pribilof Islands group in the Bering Sea and the entirety of Otter Island, and Walrus Island, are used by numerous species of migratory birds, several of them unique, as rookeries;

(2) these areas are of singularly high value for such birds;

(3) these cliff areas, from the line of mean high tide to and including the bluff and areas inland from them, and the entirety of Otter Island, and Walrus Island, aggregating approximately eight thousand acres, properly ought to be made and be managed as a part or parts of the Alaska Maritime National Wildlife Refuge free of any claims of Native Corporation ownership;

(4) this can best be accomplished through purchase by the United States.

(b) The Secretary is authorized and directed to acquire the lands described in subsection (a)(3) of this section on the terms of and conditions set forth in the Agreement known as the "Pribilof Terms and Conditions", between Tanadgusix, Incorporated, Tanaq, Incorporated, the Aleut Corporation, and the Department of the Interior, incorporated as an Attachment of the letter of the Director, Fish and Wildlife Service, Department of the Interior, dated August 4, 1980, file reference FWS 1366, addressed to the Aleut, Tanadgusix, and Tanaq Corporations. The "Pribilof Terms and Conditions," as referenced in this subsection, are hereby ratified as to the duties and obligations of the United States and its agencies, Tanadgusix, Incorporated, Tanaq, Incorporated, and the Aleut Corporation: *Provided*, That the "Pribilof Terms and Conditions" may be modified or amended, upon the written agreement of all parties thereto and appropriate notification in writing to the appropriate committees of the Congress, without further action by the Congress. Upon acquisition by the United States, the lands described in such subsection (a)(3) shall be incorporated within, and made a subunit of, the Alaska Maritime National Wildlife Refuge and administered accordingly.

(c) There are hereby authorized to be appropriated for the purposes of this section, out of any money in the Treasury not otherwise appropriated, for the acquisition of such lands, not to exceed \$7,500,000, to remain available until expended, and without regard to fiscal year limitation.

Appropriation  
authorization.

(d) The land or money exchanged under this section shall be deemed to be property exchanged within the meaning of section 21(c) of the Alaska Native Claims Settlement Act.

43 USC 1620.

#### NANA/COOK INLET REGIONAL CORPORATION LANDS

Sec. 1418. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

43 USC 1613.

#### Kateel River Meridian

Township 32 north, range 18 west, sections 3 through 10, 13 through 36, except those lands within the Kelly River drainage;

Township 32 north, range 17 west, sections 29 through 32, except those lands within the Kelly River drainage;

Township 31 north, range 18 west;

Township 31 north, range 17 west, sections 5 through 8, except those lands within the Kelly River drainage, 17 through 20, 29 through 32;

Township 30 north, range 19 west, sections 1 through 18;

Township 30 north, range 18 west, sections 1 through 9; and

Township 30 north, range 17 west, section 6.

(b)(1) On or prior to one hundred and eighty days from the date of enactment of this Act, NANA Regional Corporation, Incorporated, may select, pursuant to section 14(h)(8) of the Alaska Native Claims

43 USC 1613.

Settlement Act, from the lands withdrawn pursuant to subsection (a). In addition, on or prior to such date, Cook Inlet Region, Incorporated, if it receives the written consent of NANA Regional Corporation, Incorporated, and of the State of Alaska, may select from such lands, such selections to be credited against the Secretary's obligation under paragraph 1(C)(1) of the document entitled, "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as Clarified August 31, 1976", and any such selections conveyed shall be conveyed in partial satisfaction of the entitlement of Cook Inlet Region, Incorporated, under section 12 of Public Law 94-204, as amended.

43 USC 1611  
note.

(2) The lands selected by NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated, unless otherwise provided in a waiver of this paragraph (b)(2) by the Secretary, shall consist of tracts which—

(A) contain not less than eight sections or 5,120 acres, whichever is less; and

(B) have boundaries which follow section lines, except where such boundary is the border of a measurable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size, or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

Land conveyance.

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of either NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by either NANA Regional Corporation, Incorporated or Cook Inlet Region, Incorporated, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act and the provisions of section 906(k) of this Act.

43 USC 1616.  
Act, p. 2437.

(f) Nothing in this section shall be construed as granting or denying to any Regional Corporation, including NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated, the right to select land pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act outside the areas withdrawn by sections 11 and 16 of such Act.

43 USC 1613.  
43 USC 1610,  
1615.

## DOYON REGIONAL CORPORATION LANDS

SEC. 1419. LAND EXCHANGE.—(a)(1) The Secretary is authorized, on the terms and conditions provided in this section and in section 1420, to accept from Doyon, Limited, a Regional Corporation organized pursuant to the Alaska Native Claims Settlement Act, a relinquishment of all selections filed by that corporation under sections 12(c) and 14(h)(8) of such Act which—

43 USC 1601  
note.  
43 USC 1611,  
1613.

(A) lie within the watershed of the Charley River, were withdrawn for selection by Doyon pursuant to section 11(a)(3) of such Act and lie within the following townships:

43 USC 1610.

## Fairbanks Meridian

Township 2 north, range 23, 24, 25, and 26 east;  
Township 3 north, range 23, 24, 25, and 26 east;  
Township 4 north, range 24, 25, and 26 east; and  
Township 2 south, range 20 east.

(B) lie in the following townships outside, but adjacent to, the Charley River watershed:

## Fairbanks Meridian

Township 2 north, range 23 east; and  
Township 2 north, range 24 east, sections 19 through 21, 28 through 33, inclusive.

(C) lie within the following townships inside the Kanuti National Wildlife Refuge:

## Fairbanks Meridian

Township 15 north, range 20 west, sections 4 through 9, 16 through 18, inclusive;  
Township 17 north, range 23 west.

(D) lie within the following townships along the Yukon River:

## Katoal River Meridian

Township 19 south, range 3 west. That portion lying west of the mean high water line of the Yukon River;

Township 20 south, range 3 west. All except the Yukon River and Bullfrog Island;

Township 21 south, range 3 west. That portion of sections 7, 8, and 9 lying south of Honeymoon Slough, and sections 16, 17, and 18; and

Township 21 south, range 4 west. Sections 12 and 13 above the mean high water line of the Yukon River, and sections 2, 3, 10, 11, 14, 15, 19 through 23, and 27 through 34 all lying west of the mean high water line of the Yukon River.

(2) Doyon, Limited, shall have ninety days after the date of enactment of this Act to effect the relinquishment of all the land selections described in subsection (a) hereof, and shall not be entitled to any of the benefits of subsections (b), (c), and (d) hereof or of section 1420 of this Act if the relinquishment of all such selections does not occur during that period.

(3) Following the relinquishment by Doyon, Limited, of all the land selections described in subsection (a) hereof, the Secretary shall determine the acreage so relinquished by such measuring techniques, including aerial photography but not ground surveys, upon which he and Doyon may agree.

(b)(1) In exchange for the lands relinquished pursuant to subsection (a) hereof, the Secretary shall convey to Doyon, Limited, pursuant to the provisions of the Alaska Native Claims Settlement Act, subject to valid existing rights and on the terms and conditions hereinafter set forth, such lands as Doyon may select, within one year after the Secretary's acreage determination pursuant to subsection (a)(3)

Land conveyance.

43 USC 1601 note.

hereof, on an acre-for-acre basis up to the total acreage so relinquished, from the following described lands:

Fairbanks Meridian

Township 35 north, range 7 west, sections 19 through 36;  
Township 34 north, range 7 west, sections 1 through 21, and 28 through 33;

Township 29 north, range 13 west, sections 1 through 3, and 10 through 15;

Township 20 north, range 10 west, within the study area delineated in section 1420;

Township 20 north, range 11 west, within the study area delineated in section 1420;

Township 20 north, range 12 west, within the study area delineated in section 1420 and all remaining lands in the township which are outside of the Hodzana River watershed;

Township 21 north, range 10 west, within the study area delineated in section 1420;

Township 21 north, range 11 west, within the study area delineated in section 1420 and all the remaining lands in the township which are outside of the Hodzana River watershed;

Township 21 north, range 12 west, within the study area delineated in section 1420 and all remaining lands in the township which are outside of the Hodzana River watershed;

Township 1 north, range 25 east, sections 13, 14, 15, 21 through 28, and 33 through 36: *Provided*, That Doyon may not receive a land conveyance within any of the following watersheds:

(1) Arctic Creek, a tributary of Flume Creek;

(2) Diamond Fork of the Seventy-mile River; and

(3) Copper Creek, a tributary of the Charley River.

Township 1 south, range 25 east, sections 1, 2, 3, 10 through 14, 23, 24, and 25: *Provided*, That Doyon may not receive a land conveyance within the watershed of Copper Creek, a tributary of the Charley River;

Township 3 south, range 30 east, sections 20 through 29 and 32 through 36;

Township 4 south, range 28 east, sections 10 through 15, 22 through 28, 33 and 36: *Provided*, That Doyon may not receive a land conveyance any closer than one mile to the mean high water line of the North Fork of the Fortymile River, nor any closer than one-half mile to Champion Creek;

Township 4 south, range 29 east, sections 18 through 22, and 25 through 36: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek;

Township 4 south, range 30 east, sections 1, 2, 11, 12, 13, 24, 25, and 28 through 36: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek;

Township 4 south, range 31 east, sections 6, 7, 8, 17 through 20, and 29 through 32: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek;

Township 5 south, range 30 east, sections 1 through 6, 11, and 12: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek;

Township 5 south, range 31 east, sections 4 through 9: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek;

Township 5 south, range 25 east, sections 12, 13, and 24: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of the Middle Fork of the Fortymile River;

Township 5 south, range 28 east, sections 7, 8, and 17 through 20: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of the Middle Fork of the Fortymile River;

Township 6 south, range 18 east, sections 4 through 9 and 16 through 18;

Township 7 south, range 17 east, sections 12, 13, 24, 25, 26, and 36;

Township 7 south, range 18 east, sections 7, 8, 17 through 20, and 29 through 32;

Township 8 south, range 18 east, sections 1 through 4, 9 through 16, 21 through 28, and 33 through 36;

Township 6 south, range 28 east, sections 31 through 33: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Hutchinson Creek;

Township 7 south, range 28 east, sections 4 through 9, 14 through 23, and 26 through 35;

Township 8 south, range 28 east, sections 2 through 11, and 14 through 18;

Township 7 south, range 21 east, sections 11 through 14, 23 through 26, 35, and 36; and

Township 7 south, range 22 east, sections 2 through 11.

#### Copper River Meridian

Township 27 north, range 6 east, sections 1, 2, 11, and 12;

Township 27 north, range 7 east, sections 1 through 12;

Township 28 north, range 7 east, sections 31 through 36; and

Township 28 north, range 6 east, sections 35 and 36.

(2) Unless a waiver of any such requirement is obtained from the Secretary, the lands selected by Doyon pursuant to subsection (b)(1) shall consist of tracts which: (a) contain not less than eight sections or five thousand one hundred and twenty acres, whichever is smaller, except for the last tract required to complete Doyon's land entitlement; and (b) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, to conform to section lines where a section is less than standard size, or to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection). Selections under subsection (b)(1), subsection (c), and section 1420 shall not be subject to or charged against the maximum acreage limitations set forth in paragraph 3B(2) (a) and (b) of the Stipulation and Agreement entered into by Doyon and the Secretary in *Doyon, Limited against Morton*, civil action numbered 1586-73, in the United States District Court for the District of Columbia.



43 USC 1610.  
43 USC 1611.

43 USC 1611.  
1613.

43 USC 1610.

Land conveyance decision, issuance.

Land entitlement and conveyance.



(8) The lands selected by Doyon, Limited, and conveyed by the Secretary pursuant to subsection (b) hereof shall be treated as if such lands had been withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act and had been selected by Doyon pursuant to section 12(c) of that Act. A failure by Doyon, Limited, to select its total land entitlement under subsection (b)(1) shall not affect Doyon's total land entitlement under sections 12(c) and 14(h)(8) of such Act.

(4) Beginning on the date of enactment of this Act, the lands described in subsection (b)(1) hereof shall be withdrawn from all forms of appropriation under the public land laws as if such lands had been withdrawn pursuant to section 11(a) of the Alaska Native Claims Settlement Act. The Secretary is authorized to terminate such withdrawal with respect to lands not selected by Doyon, Limited, either one year after the Secretary's acreage determination pursuant to subsection (a)(3) hereof or, with respect to the lands subject to such release, upon the giving of notice by Doyon to the Secretary that the corporation is releasing its selection rights under this paragraph to all or part of the withdrawn lands, whichever first occurs. Such withdrawal shall not prevent reasonable surface studies or mineral exploration, including core drilling, by Doyon or its assigns on the lands withdrawn, subject to such rules and regulations as the Secretary may prescribe: *Provided*, That the issuance of regulations under this subparagraph, or any permits thereunder, shall not be subject to any requirement for preparation or submission of an environmental impact statement contained in the National Environmental Policy Act of 1969.

(c)(1) During the withdrawal period specified in subsection (b)(4) hereof, the lands so withdrawn shall also be available for selection by Doyon, Limited, subject to the requirements of subsection (b)(2), in whole or partial satisfaction of its land entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act, and the period of withdrawal shall be extended with respect to any lands so selected until the date of conveyance pursuant to section 14(e) of such Act. The Secretary shall issue a decision to convey title to the lands selected by Doyon pursuant to this subparagraph, subject to valid existing rights, within one hundred and eighty days after each selection.

(2) At any time after enactment of this Act, but no later than six months after termination of the withdrawal provided in subsection (b)(4) hereof, any or all of the land entitlement of Doyon, Limited, under section 14(h)(8) of the Alaska Native Claims Settlement Act may be satisfied by Doyon's identification of the appropriate acreage within lands withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act, which were selected by Doyon on or before December 18, 1975, under section 12(c) of such Act, and have not been relinquished. Upon identification by Doyon, Limited, under this paragraph, such acreage shall no longer be deemed a section 12(c) selection, shall be charged against Doyon's section 14(h)(8) land entitlement and shall be conveyed by the Secretary to Doyon in accordance with the provisions of the Alaska Native Claims Settlement Act.

(8) In the event Doyon, Limited, effects a relinquishment under subsection (a) hereof, and the provisions of this paragraph thus become operative, the corporation shall not thereafter make selections under section 14(h)(8) of the Alaska Native Claims Settlement Act on lands which were (a) withdrawn pursuant to section 11(a), but not selected under section 12(c) of such Act and (b) lie within a conservation system unit created or expanded pursuant to this Act:

Provided, That all Doyon's other selection rights under section 14(h)(8) shall not be affected.

(d)(1) In recognition of the potential need of Doyon, Limited, for access in a southerly direction from its landholdings in the watersheds of the Kandik and Nation Rivers across the Yukon River, the Secretary shall review applications submitted by Doyon, Limited, for one or more rights-of-way which, in order to provide such access, would pass through public lands within the Yukon-Charley National Preserve.

Rights-of-way  
applications.

(2) The Secretary shall approve an application reviewed under paragraph (1) of this subsection, and shall grant the right-of-way requested in such application, if he determines that there exists no economically feasible or otherwise reasonably available alternative route.

(3) Each right-of-way granted under this subsection shall be subject to such reasonable regulations issued by the Secretary as are necessary to minimize the adverse impact of such right-of-way upon any conservation system unit.

(4) No rights-of-way shall be granted under this subsection which would cross the Charley River or which would involve any lands within the watershed of the Charley River.

#### HODZANA RIVER STUDY AREA

SEC. 1420. (a) Subject to the provisions of section 1419 (b) and (c) of this Act, the following described lands, during the period of withdrawal specified in section 1419(b)(4), shall be set aside and managed as a study area by the United States Fish and Wildlife Service in cooperation with Doyon, Limited:

Beginning at elevation point 2970 which lies within the northeast one-quarter of section 10, township 21 north, range 9 west Fairbanks meridian;

thence westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 10, 9, 8, 7, and 6 of township 21 north, range 9 west Fairbanks meridian to the true point of beginning which is the intersection of the crest of the ridgeline of which elevation point 2970 is a part with the township line which separates section 6, township 21 north, range 9 west Fairbanks meridian and section 1, township 21 north, range 10 west Fairbanks meridian;

thence from the true point of beginning; westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 1, 2, 3, 4, 9, 8, 5, 7, and 6 of township 21 north, range 10 west Fairbanks meridian, and through sections 1, 2, and 3 of township 21 north, range 11 west Fairbanks meridian to the intersection of the crest of the aforementioned ridgeline with the crest of the ridgeline which is the watershed boundary between the Hodzana River and west flowing tributaries of the South Fork of the Koyukuk River;

thence southerly and westerly along the crest of this watershed boundary through sections 3, 10, 15, 16, 17, 20, 21, 29, 32, and 31 of township 21 north, range 11 west Fairbanks meridian, section 36 of township 21 north, range 12 west Fairbanks meridian, sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 38, 34, and 35 of township 20 north, range 12 west Fairbanks meridian, and to the northeast one-quarter of section 3, township 19 north, range 12 west Fairbanks meridian where the crest of the watershed of the Hodzana River turns in an easterly direction and becomes, first



the divide between the watershed of the Hodzana and Kanuti Rivers and then the divide between the Hodzana and Dall Rivers; thence easterly along the crest of this watershed to the peak of Dall Mountain which lies within the southeast one-quarter of section 1, township 19 north, range 11 west Fairbanks meridian; thence northeasterly along the crest of Dall Mountain to the intersection of the crest of Dall Mountain with the line between township 20 north, range 9 west Fairbanks meridian and township 20 north, range 10 west Fairbanks meridian which intersection lies approximately on elevation point 3491, the highest point of Dall Mountain on the eastern line of section 36 township 20 north, range 10 west Fairbanks meridian;

thence north along the township line between townships 20 and 21 north, ranges 9 and 10 west Fairbanks meridian to the true point of beginning at the intersection of the crest of the heretofore described west trending ridgeline and this township line, which point lies between section 6 township 21 north, range 9 west Fairbanks meridian and section 1 township 21 north, range 10 west Fairbanks meridian.

This description is based upon United States Geological Survey Quadrangle Beaver, Alaska, 1966 with minor revisions 1972, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F-2, F-3, F-6, and F-7 Fairbanks meridian, and United States Geological Survey Quadrangle Bettles, Alaska, 1966 with minor revisions 1973, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F-3, F-4, F-5, and F-6. The use of these quadrangles and the protracted land lines thereon is for purposes of convenience in describing the lands within the Hodzana River Study Area. The actual area is to be within the above-described basin, and should any discrepancy appear upon on the ground determination of the location of the watershed boundary, the watershed boundary shall control, not the land lines protracted upon the aforementioned United States Geological Survey Quadrangles.

(b) During the study period herein provided, Doyon, Limited, may, under such reasonable rules and regulations as the Secretary finds necessary to protect the water quality and quantity of the Hodzana River, conduct such investigations within the study area, including core drilling, which will not materially disturb the land surface, as are required to determine the extent of mineralization therein. During the study period, the Fish and Wildlife Service is authorized to undertake such studies of the Hodzana River and its environs as are required to determine the measures to undertake and the regulations necessary to protect and maintain the water quality and quantity of the Hodzana River should lands in its watershed be selected by Doyon, Limited and the minerals therein be developed. Upon agreement with Doyon, Limited, the Secretary is authorized to extend the study period up to an additional two years; if so, the duration of the withdrawal from appropriation for the lands described in subsection (1) hereof and the time during which Doyon, Limited may select such lands or identify such lands for conveyance shall be extended for a like period.

(c) The right of Doyon, Limited to land conveyances within the study area shall be limited to twenty-three thousand and forty acres. Any selections or land identifications by the corporation within the study area also shall be subject to the provisions of subsection 1419(b)(2) of this Act, unless the results of the study indicate, and



Land conveyances, selections, and identifications.

Doyon and the Secretary agree, that some or all of such requirements should be waived.

(d) In the event Doyon receives conveyance in the study area, the corporation shall have those rights of access to the lands involved as are reasonably necessary for the economic operation of such mineral developments. Upon final termination of mining activity, Doyon shall restore any access roads as may be agreed upon by Doyon and the Secretary.

Rights of access.

(e) The National Environmental Policy Act of 1969 shall not be construed, in whole or in part, as requiring the preparation or submission of an environmental impact statement before the issuance of regulations under this paragraph, or any permit relating to mineral development, the conduct of any investigation in the study area, the conveyance of interests therein to Doyon or the grant of any easement or right-of-way to the lands involved. The Secretary, however, is authorized to promulgate such regulations as may reasonably be necessary to protect the water quality and quantity, and to prevent substantial adverse environmental degradation, of the Hodzana River. Any such regulations shall be coordinated with, and shall not be more stringent than, the applicable requirements under the Federal Water Pollution Control Act.

Regulations.  
42 USC 4321  
note.

## CONVEYANCE TO THE STATE OF ALASKA

Sec. 1421. In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act and regardless of whether such lands lie within the boundaries of a conservation system unit established, designated, redesignated, or expanded by this Act, the United States shall, upon Doyon's meeting the terms and conditions set forth in section 1419(a)(1), convey to the State of Alaska all right, title and interest of the United States in:

48 USC note  
prec. 21.

(1) the following lands located south of Circle on the Yukon River:

## Fairbanks Meridian

Township 8 north, range 18 east, section 1;

Township 8 north, range 19 east, That portion of sections 1 through 18, inclusive, lying south and west of the mean high water line of the Yukon River;

Township 8 north, range 20 east, That portion of sections 7 and 18 lying west of the mean high water line of the Yukon River;

Township 9 north, range 17 east;

Township 9 north, range 18 east, That portion lying south and west of the mean high water line of the Yukon River; and

Township 9 north, range 19 east, That portion lying south and west of the mean high water line of the Yukon River.

(2) Upon relinquishment by Doyon, Limited of all land selections pursuant to section 1419(a) of this Act, the lands described in subparagraphs 1419(a)(1)(D).

## DOYON AND FORTYMILE RIVER

Sec. 1422. (a) Subject to the provisions of subsections (b) and (c) of this section, Doyon, Limited shall have the right within one year after the date of enactment of this Act to identify some or all of the following described lands, previously selected by such corporation, in

Land identifica-  
tion rights.

43 USC 1611.

43 USC 1616.

partial satisfaction of its entitlement under section 12(e) of the Alaska Native Claims Settlement Act:

(1) Lands withdrawn pursuant to section 17(d)(1) and formerly withdrawn pursuant to section 17(d)(2), of the Alaska Native Claims Settlement Act:

#### Fairbanks Meridian

Township 1 south, range 27 east, sections 24, 25, 34, 35, 36;  
 Township 1 south, range 28 east, sections 19, 20, 21, 28 through 32;  
 Township 2 south, range 27 east, sections 1 through 4, 8 through 12, 14 through 17, 19 through 22, 27 through 33;  
 Township 3 south, range 24 east, sections 20 through 25, 27 through 34;  
 Township 3 south, range 25 east, sections 2 through 5, 8 through 10, 15 through 22, 27 through 34;  
 Township 3 south, range 26 east, sections 13, 22 through 28, 31 through 36;  
 Township 3 south, range 27 east, sections 4 through 8, 17, 18;  
 Township 3 south, range 28 east, sections 1 through 5, 9 through 11, 14 through 16, 21 through 23, 26, 27;  
 Township 3 south, range 29 east, sections 11 through 15, 20 through 24, 28 through 34;  
 Township 4 south, range 25 east, sections 1 through 5, 8 through 17;  
 Township 4 south, range 26 east, sections 2 through 10, 17, 18;  
 Township 4 south, range 28 east, sections 1, 2;  
 Township 4 south, range 29 east, sections 1 through 18;  
 Township 5 south, range 25 east, sections 1, 4 through 10, 12 through 17, 20 through 24, 28, 29;  
 Township 5 south, range 26 east, sections 4 through 8, 17 through 19;  
 Township 6 south, range 23 east, section 34;  
 Township 6 south, range 25 east, sections 22, 27, 28, 32 through 35;  
 Township 7 south, range 22 east, sections 23 through 26, 35, 36;  
 Township 7 south, range 23 east, sections 3 through 9, 17 through 19, 30, 31;  
 Township 7 south, range 24 east, sections 1, 2, 10 through 16, 21 through 24, 26 through 29, 31 through 34;  
 Township 7 south, range 25 east, sections 6 through 8, 17 through 21, 28 through 33;  
 Township 8 south, range 21 east, sections 13, 23 through 28, 33 through 36; and  
 Township 8 south, range 22 east, sections 1 through 4, 8 through 23, 28 through 33.

#### Copper River Meridian

Township 19 north, range 16 east, sections 3 through 9, 17 through 20;  
 Township 20 north, range 14 east, sections 1 through 18, 20 through 22;

Township 20 north, range 16 east, sections 2 through 11, 13 through 17, 21 through 28, 32 through 36;

Township 20 north, range 16 east, sections 13, 14, 21 through 29, 31 through 36;

Township 21 north, range 12 east, sections 2 through 10, 17 through 20, 30;

Township 21 north, range 13 east, sections 1 through 5, 10 through 14, 23 through 24;

Township 21 north, range 15 east, sections 30, 31, 32;

Township 22 north, range 12 east, sections 4 through 11, 13 through 27, and 36;

Township 22 north, range 13 east, sections 18 through 21, 26 through 36;

Township 24 north, range 11 east, sections 22 through 27, 34 through 36;

Township 24 north, range 12 east, sections 3 through 33;

Township 24 north, range 13 east, sections 2 through 4, 7 through 11, 14 through 23, 30;

Township 25 north, range 11 east, sections 4 through 10, 14 through 18, 20 through 28, 34 through 36;

Township 25 north, range 12 east, sections 31, 32, 33;

Township 25 north, range 13 east, sections 1 through 3, 9 through 16, 21 through 23, 26 through 28, 32 through 35;

Township 26 north, range 13 east, sections 1 through 3, 12;

Township 26 north, range 14 east, sections 4 through 10, 14 through 18, 20 through 23, 26, 27, 31 through 36;

Township 27 north, range 9 east, sections 1 through 3, 9 through 12, 14 through 16, 20 through 23, 26 through 29, 32 through 34;

Township 27 north, range 10 east, sections 2 through 4, 9 through 11, 14 through 18, 21 through 27, 34 through 36;

Township 27 north, range 13 east, sections 3 through 10, 14 through 17, 21 through 28, 34 through 36;

Township 27 north, range 14 east, sections 30, 31, 32;

Township 28 north, range 9 east, sections 35, 36; and

Township 28 north, range 10 east, sections 31 through 35.

(2) Lands withdrawn pursuant to section 17(d)(2) of the Alaska Native Claims Settlement Act some or all of which may not be included within the boundaries of the Fortymile Wild, Scenic and/or Recreational River.

43 USC 1616.

#### Fairbanks Meridian

Township 3 south, range 27 east, sections 19 through 36;

Township 3 south, range 28 east, sections 28 through 34;

Township 4 south, range 28 east, sections 3 through 6, 8 through 17, 19 through 33, 36;

Township 4 south, range 29 east, sections 19 through 22, 25 through 36;

Township 4 south, range 30 east, sections 1, 2, 11 through 13, 24, 25, 28 through 36;

Township 4 south, range 31 east, sections 6 through 8, 17 through 20, 29 through 32;

Township 5 south, range 25 east, sections 25 through 27, 33 through 36;

Township 5 south, range 26 east, sections 13 through 15, 20 through 35;

Township 5 south, range 27 east, sections 7 through 24, 29, 30;  
 Township 5 south, range 28 east, sections 2 through 5, 7 through 10, 15 through 23, 25 through 30, 33 through 36;  
 Township 5 south, range 29 east, sections 29 through 32;  
 Township 5 south, range 30 east, sections 1 through 6, 11, 12;  
 Township 5 south, range 31 east, sections 4 through 9;  
 Township 5 south, range 32 east, sections 24 through 27, 34 through 36;  
 Township 5 south, range 33 east, sections 2 through 4, 8 through 11, 14 through 22, 28 through 32;  
 Township 6 south, range 23 east, sections 2, 3, 10 through 15, 22 through 27, 35, 36;  
 Township 6 south, range 24 east, sections 13, 14, 17 through 36;  
 Township 6 south, range 25 east, sections 2 through 5, 7 through 11, 15 through 21, 29, 30;  
 Township 6 south, range 32 east, sections 1 through 5, 8 through 11, 14 through 17, 20 through 22, 27 through 29, 32 through 35;  
 Township 7 south, range 31 east, sections 13 through 17, 19 through 34;  
 Township 7 south, range 32 east, sections 3 through 5, 7 through 10, 13 through 30, 34 through 36;  
 Township 7 south, range 33 east, sections 13, 19, 24 through 27, 29 through 36; and  
 Township 7 south, range 34 east, sections 4, 7 through 9, 16 through 21, 28 through 33.

#### Copper River Meridian

Township 26 north, range 14 east, sections 12, 13, 24, 25.

Land  
 identification  
 and conveyance.

(b) Doyon, Limited shall have a right to identify only those lands described in subsection (a) hereof which are not included within a conservation system unit pursuant to this Act, and each selection so identified shall be subject to the provisions of subsection 1419(b)(2) of this Act. The Secretary shall convey title to the land promptly after its identification by Doyon, Limited, subject to valid existing rights.

Effective date.

(c) The provisions of this section shall take effect only upon the execution and filing of a stipulation by Doyon, Limited, consenting to the dismissal, with prejudice, of Doyon, Limited against Andrus, Civil Action numbered 78-1148 in the United States District Court for the District of Columbia, within sixty days after the effective date of this Act.

#### AKTNA REGIONAL CORPORATION LANDS

Sec. 1423. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

43 USC 1612.

#### Fairbanks Meridian

Township 20 south, range 5 west, sections 7 through 9, 11 through 14, 16 through 21, 23 through 26, 28 through 33, 35, 36;  
 Township 20 south, range 6 west, sections 1 through 36;  
 Township 20 south, range 7 west, sections 1 through 5, 8 through 14, 23 through 36;



Township 20 south, range 8 west, sections 1 through 28, 33 through 36; and  
Township 20 south, range 9 west, sections 22 through 27, 34 through 36.

(b)(1) On or prior to one hundred and eighty days from the date of enactment of this Act, Ahtna, Incorporated, may select, pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a). Land selection.  
43 USC 1613.

(2) The lands selected by Ahtna, Incorporated, unless otherwise provided in a waiver of this paragraph (b)(2) by the Secretary shall consist of tracts which:

(A) contain not less than eight sections or one thousand two hundred and eighty acres, whichever is less; and

(B) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the conveyance of meridians, (2) to conform to section lines where a section is less than standard size, or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act. Land conveyance.  
43 USC 1601  
note.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Ahtna, Incorporated, under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by and conveyed to Ahtna, Incorporated, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act and the provisions of section 906(k) of this Act. 43 USC 1616.  
Act, p. 2437.

#### BEERING STRAITS REGIONAL CORPORATION LANDS

Sec. 1424. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section: 43 USC 1613.

#### Kateel River Meridian

Tract one—Township 6 north, range 36 west, sections 2, 3, 4, 9, 10, 11, 14, 15, 16;

Tract two—Township 1 north, range 40 west, sections 19, 20, 21, 28-33;

Tract three—Township 3 south, range 21 west, sections 23, 26, 35;

Township 4 south, range 21 west, sections 1, 2, 3;

Tract four—Township 7 south, range 35 west, sections 11, 14, 23, 26, 34, 35, 36;

Township 8 south, range 35 west, sections 1, 2, 3;

Tract five—Township 8 south, range 33 west, sections 19, 20, 21, 27-34;

Tract six—Township 10 south, range 9 west, section 31;

Township 10 south, range 10 west, sections 35, 36;

Township 11 south, range 9 west, sections 6, 7;



Land selection.

43 USC 1613.

Township 11 south, range 10 west, sections 1, 2, 11, 12;  
Tract seven—Township 16 south, range 13 west, sections 5, 6, 7,  
8; and

Tract eight—Fairway Rock located within Teller Quadrangle  
65 degrees 35 minutes north, 165 degrees 45 minutes west.  
(b)(1) On or prior to one hundred and eighty days from the date of  
enactment of this Act, Bering Straits Native Corporation may select,  
pursuant to section 14(h)(8) of the Alaska Native Claims Settlement  
Act, from the lands withdrawn pursuant to subsection (a).

(2) The lands selected by Bering Straits Native Corporation unless  
otherwise provided in a waiver of this paragraph (b)(2) by the  
Secretary shall consist of tracts which—

(A) are not less than the lesser of (1) the entire area within any  
single tract withdrawn pursuant to subsection (a), or (2) eight  
sections, or (3) five thousand one hundred and twenty acres; and

(B) have boundaries which follow section lines, except where  
such boundary is the border of a navigable body of water, with no  
segment of an exterior line less than two miles in length (except  
where shorter segments are necessary (1) to follow section lines  
where township lines are offset along standard parallels caused  
by the convergence of meridians, (2) to conform to section lines  
where a section is less than standard size or (3) to avoid crossing  
the boundary lines of conservation system units created by this  
Act, or of lands which are unavailable for selection).

Land  
conveyance.

(c) The Secretary shall convey the surface and subsurface estate of  
the acreage selected pursuant to subsection (b). Conveyance pursuant  
to this section shall be subject to valid existing rights and the  
provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease  
the acreage entitlement of Bering Straits Native Corporation under  
any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by  
and conveyed to Bering Straits Native Corporation shall return to the  
public domain subject to any prior withdrawals made by the Secre-  
tary pursuant to subsection 17(d)(1) of the Alaska Native Claims  
Settlement Act and the provisions of section 906(k) of this Act.

43 USC 1616.  
Act, p. 2437.

43 USC 1618.

(f) Any selection pursuant to section 14(h)(8) of the Alaska Native  
Claims Settlement Act of any land withdrawn by subsection (a) of this  
section shall preempt any prior selection of the same lands by Bering  
Straits Native Corporation under any other authority of law. Failure  
to select under section 14(h)(8) of the Alaska Native Claims Settle-  
ment Act any particular lands withdrawn by subsection (a) of this  
section will not affect any prior valid selection under section 14(h)(1)  
of the Alaska Native Claims Settlement Act but such prior selection  
shall be adjudicated and conveyed, if valid, pursuant to the Alaska  
Native Claims Settlement Act and any applicable regulations.

Punuk Islands,  
land conveyance.  
43 USC 1618.

(g) In recognition that the Punuk Islands are located within the  
boundary of the former Saint Lawrence Island Reindeer Reserve,  
pursuant to section 19(b) of the Alaska Native Claims Settlement Act  
there is hereby conveyed to and vested in the Gambell Native  
Corporation and Savoonga Native Corporation all of the right, title,  
and interest of the United States in and to said Islands, including  
adjacent islets and rocks, located at Kateel River Meridian, Saint  
Lawrence Quadrangle, 63 degrees, 5 minutes north latitude, 168  
degrees, 50 minutes west longitude.



## EKLUTNA VILLAGE CORPORATION LANDS

**SEC. 1425. EKLUTNA-STATE AGREEMENTS AND NEGOTIATIONS.—(a)** The purpose of this section is to provide for the settlement of certain claims and litigation, and in so doing to consolidate ownership among the United States, the State of Alaska, the Municipality of Anchorage, Eklutna, Incorporated, and Cook Inlet Region, Incorporated, thereby facilitating land management, a fair implementation of the Alaska Native Claims Settlement Act, the protection of State public park lands and resources, and appropriate development patterns in and about Anchorage, Alaska.

(b) The Secretary shall accept relinquishments and make conveyances of selections in accordance with the specific terms, conditions, covenants, reservations, and other restrictions set forth in any agreement respecting the lands described in subparagraph (1) below, executed by the State of Alaska, by the Municipality of Anchorage, and by Eklutna, Incorporated, and hereafter submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs and filed with the Secretary, the execution and implementation of which agreement are hereby authorized as to those duties and obligations of the United States, the State of Alaska, the Municipality of Anchorage, and Eklutna, Incorporated, which arise under Federal law: *Provided, however,* That any conveyance under such agreement of lands to Eklutna, Incorporated, shall be only of the surface estate, with a subsequent conveyance to Cook Inlet Region, Incorporated, of the subsurface estate except as otherwise provided in subsection (h). In aid thereof:

(1) The following lands located within the townships described in sections 11(a) (1) and (2) of the Alaska Native Claims Settlement Act with respect to the Native Village of Eklutna are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and including Public Law 94-204, except section 12 thereof, and from selection under the Alaska Statehood Act, or any statutes authorizing selections by the State of Alaska: (A) lands withdrawn or reserved for national defense purposes; and (B) lands determined by the Secretary under section 3(e)(1) of the Alaska Native Claims Settlement Act not to be public lands for purposes of the Alaska Native Claims Settlement Act. This withdrawal and the agreement shall not affect the administrative jurisdiction of the Department of Defense or any other holding agency over the lands withdrawn, but all forms of disposition other than in accordance with this section and the agreement are prohibited: *Provided,* That the foregoing to the contrary notwithstanding, lands placed prior to July 15, 1979, in the pool contemplated by part I.C.(2) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified 8-13-76", but only to the extent authorized by that document under section 12 of Public Law 94-204 as amended heretofore and in accordance with the procedures and with the consents and approvals required by laws, regulations and Executive orders in effect on such date of placement, may be selected by Cook Inlet Region, Incorporated, free of the effects of the agreement pursuant to this section; if the lands placed in that pool are not thereafter selected in accordance with part I.C.(2) of that document any agreement pursuant to this section shall govern: *Provided further,* That neither the revocation of certain withdrawals of lands made by subsection (b) effective upon the filing of the agreement, nor the expiration of the withdrawal made by subsection (b) in the event no agreement is

Claims and litigation settlement.

43 USC 1601 note.

Agreements submitted to congressional committees.

Withdrawal.  
43 USC 1610.

43 USC 1604 note, 1611 note.  
48 USC note prec. 21.

43 USC 1602.

43 USC 1611 note.

reached, shall be deemed an action causing those lands affected thereby to be subject to disposition under such section 12. The withdrawal made by this subsection (b) will expire March 15, 1982, if an executed agreement described in this section is not filed by the parties thereto on or before that date with the Secretary in the Alaska State Office of the Bureau of Land Management; but if an agreement is so executed, rights under the agreement shall vest as of the effective date of this Act, and this withdrawal shall become permanent, except as otherwise provided in the agreement. The agreement shall not impose upon the United States obligations or outlays of funds, except as reasonable in the ordinary course of business, or impose any procedural requirements or require the reassignment of personnel; and any of its provisions to the extent to the contrary shall be void as against the Secretary.

(2) Upon termination or revocation of any national defense withdrawal or reservation or of any other withdrawal in effect December 18, 1971, respecting lands described in subsection (b)(1), or upon declaration of their excess status in whole or in part, whichever first occurs, but not before, and from time to time, the lands excessed or as to which the withdrawal is terminated or revoked shall be conveyed to Eklutna, Incorporated, as to the surface estate and Cook Inlet Region, Incorporated as to the subsurface estate, or to the State of Alaska (for reconveyance by the State of Alaska in whole or in part to the Municipality of Anchorage), as may be provided in the agreement described in this subsection: *Provided, however,* That such conveyance shall not be made of lands in the pool established under part I.C.(2) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified 8-31-76" under section 12 of Public Law 94-204 as amended heretofore, unless and until removed from that pool in accordance with such part I.C.(2). This section and the agreement shall preempt the procedures of the Federal Property Act (40 U.S.C. 471, et seq., and of 41 CFR 101-47.000 et seq.), (other than as to fixtures and personalty) and the preference right for State selection of section 6(g) of the Alaska Statehood Act. The conveyances to Eklutna, Incorporated, of lands withdrawn by this subsection called for by the agreement shall not be subject to section 1613(c) of title 43, United States Code. This section shall revoke PLO 5187 as it pertains to any lands withdrawn by this subsection and any power project withdrawals other than Power Project 350 as to such lands, effective upon the date of filing of the agreement. Lands conveyed to the State of Alaska, the surface estate of lands conveyed to Eklutna, Incorporated, and the subsurface estate conveyed to Cook Inlet Region, Incorporated, pursuant to this section and the agreement, shall be charged against their respective entitlements under sections 12 and 14 of the Settlement Act and be considered conveyed and received pursuant to the Settlement Act, and section 6 of the Alaska Statehood Act or section 906(c) of this Act.

(c) If an agreement to the following effect executed by the State of Alaska and Eklutna, Incorporated, is hereafter filed with the Secretary in the Alaska State Office of the Bureau of Land Management on or before April 2, 1982, the public lands as defined in the Settlement Act, located within township 17 north, range 3 east, Seward Meridian, Alaska, shall be deemed to have been withdrawn pursuant to section 11(a) of the Settlement Act as of December 18, 1971, and, selections heretofore made by Eklutna, Incorporated, with respect to lands therein shall be processed by the Secretary as though said selections had been made within a township heretofore validly withdrawn pursuant to section 11(a). If no such agreement is filed,

Land  
conveyance.

43 USC 1611  
note.

43 USC 1611,  
1613.  
43 USC 1601  
note.  
48 USC note  
prec. 21.  
Agreements  
filed.

48 USC 1601  
note.  
48 USC 1610.

this subsection shall not be held to affect the validity or invalidity of such selections. Whether or not any agreement is filed, this subsection shall not be held to affect the validity or invalidity of any third party interest heretofore created by the State of Alaska.

(d) Notwithstanding other provisions of this Act, the State and Eklutna, Incorporated, are each authorized to relinquish, in whole or in part, pursuant to either or both of the agreements contemplated by subsections (b) and (c), any one or more land selections affecting lands to be conveyed under the agreement to the other whether or not such selections have been previously approved or tentatively approved. The lands affected by the State selections so relinquished shall be deemed public lands as of December 18, 1971, as that term is defined in the Settlement Act.

(e) Eklutna, Incorporated, and the Secretary shall stipulate to dismiss cause number A-78-24 Civil in the United States District Court for the District of Alaska, when the Secretary tenders to Eklutna, Incorporated, a conveyance of all lands in township 17 north, range 3 east, Seward Meridian, which are to be conveyed to Eklutna, Incorporated, under the agreement referred to in subsection (c).

(f) Eklutna, Incorporated, and the Secretary shall stipulate to dismiss cause number A-78-192 Civil in the United States District Court for the District of Alaska except as to the lands affected thereby which under the agreement referred to in subsection (b) are to remain in litigation in that cause, if any, when the Secretary tenders to Eklutna, Incorporated, a conveyance of all those lands which under the agreement the State agrees are to be conveyed to Eklutna, Incorporated, from among those selected at one time by the State under the authority of the Mental Health Enabling Act of 1966 (70 Stat. 709).

(g) The Secretary shall convey to Eklutna, Incorporated, its entitlement without regard to the acreage or interests which may ultimately be conveyed to Eklutna, Incorporated, under the agreement from within lands withdrawn by subsection (b). The agreement shall, however, require Eklutna, Incorporated, to subject to section 907 of this Act one or more compact tracts of lands of at least equal acreage to that ultimately to be conveyed to Eklutna, Incorporated, under the agreement from those withdrawn by subsection (b). The agreement shall require Eklutna, Incorporated, to reconvey to the State lands from those subject to section 907 in an amount provided by the agreement, upon the occasion of each receipt of lands by Eklutna, Incorporated, from among those withdrawn by subsection (b). Lands received by the State in such a reconveyance from Eklutna, Incorporated, shall be charged, to the extent of the acreage received by Eklutna, Incorporated, in the relevant conveyance to it, against the State's entitlement under section 6 of the Alaska Statehood Act, or section 906(c) of this Act, as the State may elect. If thereby the State receives more than its entitlements under the Act elected, it shall reconvey to the United States a compact tract of unencumbered State lands of equal acreage contiguous to lands belonging to the United States. Eklutna, Incorporated, shall also subject to section 907 of this Act, once an agreement under subsection (c) exists and thereafter from time to time, one or more compact tracts which equals the acreage amount by which Eklutna, Incorporated's entitlement would be over satisfied considering the acreage already conveyed to Eklutna, Incorporated; to the extent such a risk of over entitlement abates the lands may be withdrawn from the Land Bank.

Ante. p. 2444.

48 USC note  
proc. 21.  
Ante. p. 2437.

Ante. p. 2444.



Alaska, p. 3444.

(h) In the event that Eklutna, Incorporated, receives a conveyance from the United States of the surface estate in lands withdrawn by subsection (b) pursuant to the agreement authorized in that subsection, and if a reconveyance from Eklutna, Incorporated, of the surface estate in land to the State from those subject to section 907 of this Act is thereby occasioned, a conveyance of the subsurface estate in the lands conveyed to Eklutna, Incorporated, shall be withheld until the Secretary ascertains to whom the subsurface estate is to be conveyed under this subsection. The entity owning the subsurface estate in those reconveyed lands shall retain that interest, unless it in the agreement or separately consents to convey the same to the State. In the event such entity so consents to convey the subsurface to the State, the Secretary shall convey the subsurface estate in the lands conveyed to Eklutna, Incorporated, to that entity; if such entity does not so consent, the subsurface estate in the lands conveyed to Eklutna, Incorporated, shall be conveyed to the State.

## EKLUTNA-STATE ANCHORAGE AGREEMENT

Claims and  
litigation,  
settlement.

Sec. 1426. (a) The purpose of this section is to provide for the settlement of certain claims and litigation, and in so doing to implement section 14 of the Settlement Act under the unique circumstances of the Native Village of Eklutna, with respect to the municipality of Anchorage.

(b) The terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled "Agreement of Compromise and Settlement" submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs, executed by Eklutna, Incorporated, and the municipality of Anchorage, acting by its mayor, and to be executed by the State of Alaska, acting by the commissioner of the department of community and regional affairs, are hereby ratified as to the rights, duties, and obligations of the State of Alaska, the municipality of Anchorage, and Eklutna, Incorporated, which arise among them under section 14(c) (2) and (3) of the Settlement Act, and Eklutna, Incorporated, is discharged accordingly from section 14(c)(3) thereof as to all lands heretofore selected by it.

(c) If, for any reason, the foregoing agreement is not executed by the State of Alaska this section shall be of no force and effect.

## KODIAK VILLAGE AND REGIONAL CORPORATION LANDS

Definitions.

Sec. 1427. (a) As used in this section, the term—

(1) "Afognak Island" means Afognak Island, and Bear, Teck, Hogg, and Murphy Islands, above the line of mean high tide within the exterior boundaries of the Chugach National Forest. Murphy Island is that unnamed island shown on USGS Topographical Map, Scale 1:63360 entitled "Afognak B-2, 1952, Rev. 1967", lying in Seward Meridian, Alaska, Township 21 south, Range 19 west, that shares the common corner of sections 27, 28, 33, and 34.

(2) "Deficiency village acreage on the Alaska Peninsula" means the aggregate number of acres of public land to which "Kodiak deficiency Village Corporations" are entitled, under section 14(a) of the Alaska Native Claims Settlement Act, to a conveyance of the surface estate on account of deficiencies in available lands on Kodiak Island, and to which Kodiak, Incorporated is entitled under section 14(f) of that Act to conveyance of the subsurface estate.



43 USC 1613.

(3) "12(b) acreage on the Alaska Peninsula" means the aggregate number of acres of public lands to which "Koniag 12(b) Village Corporations" are entitled under section 14(a) of the Alaska Native Claims Settlement Act by reason of section 12(b) of that Act, to conveyance of the surface estate and to which Koniag, Incorporated, under section 14(f) of that Act, is entitled to conveyance of the subsurface estate, less the aggregate acreage of 12(b) lands on Kodiak Island as to which Koniag 12(b) Village Corporations will receive conveyances, the latter being estimated to be approximately fifteen thousand acres.

43 USC 1613.  
1611.

(4) "Koniag deficiency village corporation" means any or all of the following:

Alognak Native Corporation;  
Nu-Nachk-Pit, Incorporated;  
Ouzinkie Native Corporation; and  
Leisnoi, Incorporated.

(5) "Koniag 12(b) Village Corporation" means the village corporations listed in subparagraph (4) above, if within sixty days of the effective date of this Act, Koniag, Incorporated, by a resolution duly adopted by its Board of Directors, designates them as such as a class, and all of the following: Natives of Akhiok, Incorporated, Old Harbor Native Corporation, Kaguyak, Inc., Karluk Native Corporation and each of the corporations listed in subsection (e)(2) of this section which files a release as provided for in subsection (e)(1) of this section.

(6) "Koniag region" means the geographic area of Koniag, Incorporated, under the Alaska Native Claims Settlement Act.

43 USC 1601  
note.

(7) "Koniag village" means a Native village under the Alaska Native Claims Settlement Act which is within the Koniag region.

(8) "Koniag Village Corporation" means a corporation formed under section 8 of the Alaska Native Claims Settlement Act to represent the Natives of a Koniag village and any Village Corporation listed in subsection (e)(2) of this section which has filed a release as provided in subsection (e)(1) of this section.

43 USC 1607.

(9) "Koniag 14(h)(8) lands on the Alaska Peninsula" means the aggregate number of acres of public lands to which Koniag, Incorporated Regional Native Corporation is entitled under section 14(h)(8) of the Alaska Native Claims Settlement Act, less the acreage of lands withdrawn for conveyance to that corporation by Public Land Order Numbered 5627 (42 F.R. 63170) and conveyed to that corporation.

43 USC 1613.

(10) Any term defined in subsection 3(e) of the Alaska Native Claims Settlement Act has the meaning therein defined.

43 USC 1602.

(11) "Alaska Peninsula" means the Alaska Peninsula and all islands adjacent thereto which are withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and Koniag, Incorporated, including but not limited to Sutwik, Hartman, Terrace, Nakchamik, and West and East Channel Islands, except those islands selected by Koniag, Inc. pursuant to section 15 of Public Law 94-204.

43 USC 1610.

(b)(1) In full satisfaction of (A) the right of Koniag, Incorporated, Regional Native Corporation to conveyance of Koniag 14(h)(8) lands on the Alaska Peninsula under the Alaska Native Claims Settlement Act; (B) the right of each Koniag Deficiency Village Corporation to conveyance under that Act of the surface estate of deficiency village acreage on the Alaska Peninsula; (C) the right of each Koniag 12(b) Village Corporation to conveyance under the Alaska Native Claims Settlement Act of surface estate of 12(b) acreage on the Alaska Peninsula; (D) the right of Koniag, Incorporated under the Alaska Native Claims Settlement Act to conveyance of the subsurface estate

43 USC 1611  
notes.  
Land  
conveyances.

43 USC 1601  
note.



43 USC 1611,  
1613.

of the deficiency village acreage on the Alaska Peninsula and of the 12(b) acreage on the Alaska Peninsula; and (E) the right of Koniag, Incorporated, to receive the minerals in the subsurface estates that, under subsection (g)(3) of this section and sections 12(a)(1) and 14(f) of the Alaska Native Claims Settlement Act, it will be conveyed on the Alaska Peninsula, other than oil and gas and sand and gravel that it will be conveyed as provided in subsection (l) of this section; and in lieu of conveyances thereof otherwise, the Secretary of the Interior shall, under the terms and conditions set forth in this section, convey as provided in subsection (c) of this section the surface estate of all of the public lands on Afognak Island except those lands referred to in subparagraphs 2 (A), (B), (C), and (D) of this subsection, and simultaneously therewith, the Secretary shall, under the terms and conditions set forth in this section, convey the subsurface estate of such lands to Koniag, Incorporated.

(2) There are excepted from the conveyances provided for in subparagraph (1) of this subsection:

(A) Selections of the State of Alaska on Afognak Island heretofore made under section 6(a) of the Alaska Statehood Act and described as follows:

48 USC notes  
prec. 21.

#### Seward Meridian, Alaska

##### Parcel I

Township 22 south, range 17 west, section 30, 31 fractional all southwest quarter;

Township 22 south, range 18 west, section 36, southeast quarter;

Township 23 south, range 17 west, sections 6, northeast quarter, 7, west half; 18, west half; 19, west half and southeast quarter; 20, southwest quarter; 29, west half, 30 all; and

Township 23 south, range 18 west, section 1, east half; 12, east half; 13 all; 24 all; 25 all.

##### Parcel II

Township 22 south, range 17 west, section 30, all; 31 all; Township 22 south, range 17 west, section 6, northeast quarter;

(B) Surface estate of lands on Afognak Island to which Afognak Native Corporation, Ouzinkie Native Corporation and Natives of Kodiak, Incorporated are entitled pursuant to the Alaska Native Claims Settlement Act and the subsurface estate of such lands;

(C) The lands on Afognak Island referred to in subsection (d) of this section if conveyed as therein provided; and


(D) The following described lands:

#### Seward Meridian, Alaska

Beginning at the point for the meander corner of sections 7 and 18, township 22 south, range 21 west, Seward meridian at the line of mean high tide on the easterly shore of Foul Bay, southeasterly of San Island;

thence easterly, between sections 7 and 18, 8 and 17, 9 and 16, approximately  $2\frac{1}{4}$  miles to the corner of sections 9, 10, 15, and 16, township 22 south, range 21 west, Seward meridian;





thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, township 22 south, range 21 west, Seward meridian;

thence easterly, between sections 3 and 10, 2 and 11, approximately 2 miles to the corner of sections 1, 2, 11 and 12, township 22 south, range 21 west, Seward meridian;

thence northerly, between sections 1 and 2, approximately one-half mile to the one-quarter section corner of sections 1 and 2, township 22 south, range 21 west, Seward meridian;

thence easterly, on the east-west centerline of section 1, approximately one-half mile to the center one-quarter section corner of section 1, township 22 south, range 21 west, Seward meridian;

thence northerly, on the north-south centerlines of sections 1 and 36, approximately 1 mile to the center one-quarter section corner of section 36, township 21 south, range 21 west, Seward meridian;

thence easterly, on the east-west centerline of section 36, approximately one-half mile to the one-quarter section corner of sections 31 and 36, township 21 south, ranges 20 and 21 west, Seward meridian;

thence northerly, between ranges 20 and 21 west, approximately 2 1/4 miles to the corner of sections 13, 18, 19, and 24, township 21 south, ranges 20 and 21 west, Seward meridian;

thence easterly, between sections 18 and 19, 17 and 20, approximately 1 1/4 miles to the one-quarter section corner of sections 17 and 20, township 21 south, range 20 west, Seward meridian;

thence northerly, on the north-south centerline of section 17, approximately one-half mile to the center one-quarter section corner of section 17, township 21 south, range 20 west, Seward meridian;

thence easterly, on the east-west centerline of section 17, approximately one-half mile to the one-quarter section corner of sections 16 and 17, township 21 south, range 20 west, Seward meridian;

thence northerly, between sections 16 and 17, approximately one-half mile to the corner of sections 8, 9, 16, and 17, township 21 south, range 20 west, Seward meridian;


thence easterly, between sections 9 and 16, approximately one-half mile to the one-quarter section corner of sections 9 and 16, township 21 south, range 20 west, Seward meridian;

thence northerly, on the north-south centerlines of sections 4 and 9, approximately 2 miles to the closing subdivision corner of section 4, township 21 south, range 20 west, Seward meridian;

thence westerly, on the fifth standard parallel south, approximately 2 1/4 miles to the standard corner of sections 31 and 32, township 20 south, range 20 west, Seward meridian;

thence northerly, between sections 31 and 32, approximately 1 mile to the corner of sections 29, 30, 31, and 32, township 20 south, range 20 west, Seward meridian;

thence westerly, between sections 30 and 31, approximately one-half mile to the one-quarter section corner of sections 30 and 31, township 20 south, range 20 west, Seward meridian;



thence northerly, on the north-south centerline of section 30, approximately one-half mile to the center one-quarter section corner of section 30, township 20 south, range 20 west, Seward meridian;

thence westerly, on the east-west centerline of section 30, approximately one-half mile to the one-quarter section corner of sections 25 and 30, township 20 south, ranges 20 and 21 west, Seward meridian;

thence southerly, between ranges 20 and 21 west, approximately one-half mile to the corner of sections 25, 30, 31, and 36, township 20 south, ranges 20 and 21 west, Seward meridian;

thence westerly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 26, 35, and 36, township 20 south, range 21 west, Seward meridian;

thence northerly, between sections 25 and 26, approximately one-half mile to the point for the meander corner of sections 25 and 26, township 20 south, range 21 west, Seward meridian, at the line of mean high tide of the southerly arm of Bluefox Bay;

thence westerly, northerly, southerly and easterly along the line of mean high tide of Afognak Island to the point for the intersection of the north-south centerline of section 29, township 20 south, range 21 west, Seward meridian on the northerly shore of Devil Inlet;

thence southerly, on the north-south centerline of section 29, township 20 south, range 21 west, Seward meridian, across Devil Inlet, to the line of mean high tide on the southerly shore of Devil Inlet; and

thence westerly, northerly, southerly and easterly along the line of mean high tide of Afognak Island to the point of beginning.

43 USC 1610.

(3) All public lands on the Alaska Peninsula withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and for Koniag, Incorporated and all lands conveyed to such corporations subject to reconveyance to the United States upon enactment of this section; are hereby withdrawn, subject to valid existing rights and Native selection rights under that Act as modified by this Act, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act and shall remain so withdrawn subject to the provisions of section 1203 of this Act. Following the filing with the Secretary of the Interior of (A) all resolutions pursuant to subparagraph (4) of this subsection, (B) the joint venture agreement referred to in subsection (c) of this section, (C) releases by such of the Koniag Village Corporations referred to in subsection (e)(2) of this section as file releases as provided in subsection (e)(1) of this section, and (D) all reconveyances of lands and interests in lands to the United States required by agreements with the Secretary of the Interior upon enactment of this section; and upon the conveyances by the Secretary of the Interior of all public lands on Afognak Island to be conveyed as provided in subsection (c) of this section, all Native selection rights in and to public lands on the Alaska Peninsula withdrawn under section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and for Koniag, Incorporated, shall, except as provided in subsection (g) of this section, be extinguished and all claims thereto arising under this Act or the Alaska Native Claims Settlement Act shall be barred, and such public lands (except as provided in subsection (g) of this section) shall be included within the Alaska Peninsula National Wildlife Refuge and administered accordingly.

48 USC note  
prec. 21.  
Ante, p. 2479.

43 USC 1610.

43 USC 1601  
note.

(4) As a condition precedent to the conveyances provided for by subparagraph (1) of this subsection, Koniag, Incorporated, each Koniag Deficiency Village Corporation and each Koniag 12(b) Village

Corporation shall file with the Secretary of the Interior resolutions duly adopted by their respective boards of directors accepting the conveyances provided for in this subsection as being in full satisfaction of their respective entitlements to conveyances of Koniag 14(h)(8) lands on the Alaska Peninsula, of deficiency village acreage on the Alaska Peninsula and of 12(b) acreage on the Alaska Peninsula, and Koniag, Incorporated, shall further file with the Secretary of the Interior a resolution duly adopted by its board of directors accepting the provisions of subsection (1) of this section.

(5) The lands on Afognak Island required to be conveyed pursuant to paragraph (1) of this subsection shall remain open and available to sport hunting and fishing and other recreational uses by the public under applicable law (but without liability on the part of Koniag, Incorporated or any Koniag Village Corporation, except for willful acts, to any user by reason of such use), subject only to such reasonable restrictions which may be imposed by Koniag, Incorporated and the affected Koniag Village Corporations for the purposes of limiting or prohibiting such public uses in the immediate vicinity of logging or other commercial operations which may be undertaken by the corporations upon the affected lands. Such restrictions shall comprise only those restrictions necessary to insure public safety and to minimize conflicts between recreational and commercial uses. Koniag, Incorporated and the affected Koniag Village Corporations shall permit access to the lands on Afognak Island conveyed to them by employees of the State for purposes of managing fish and wildlife and by other State officers and employees, and employees of political subdivisions of the State, for the purposes of carrying out this subsection.

Afognak Island,  
recreational and  
commercial uses.

(6) To further accomplish the purposes of paragraph (5), Koniag, Incorporated and the Koniag Villages are authorized to enter into cooperative agreements regarding lands on Afognak Island with the Secretary of the Interior, the State of Alaska, and those political subdivisions of the State which desire to participate and which have jurisdiction over the portions of Afognak Island affected. Each such agreement shall—

Cooperative  
agreements.

(A) permit the Secretary of the Interior reasonable access to such land to carry out the obligations of the Secretary under the agreement;

(B) set forth those services which any other party agrees to provide, which services may include technical and other assistance with respect to fire control, trespass control, law enforcement, resource and land use planning, the conserving of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement;

(C) set forth such additional terms and conditions as the parties may agree to as being necessary and appropriate to carry out the terms of the agreement; and

(D) specify the effective period of the agreement.

(c) The Secretary of the Interior shall convey the surface estate on Afognak Island to be conveyed under subsection (b)(1) of this section to a joint venture providing for the development of the surface estate on Afognak Island to be conveyed under this subsection, consisting of the Koniag Deficiency Village Corporations, the Koniag 12(b) Village Corporations and Koniag, Incorporated (or wholly owned subsidiaries thereof), in which (1) the share of the Koniag Deficiency Village Corporations as a class in the costs and revenues of such joint venture is determined on the basis of a fraction, the numerator of which is the deficiency village acreage on the Alaska Peninsula and the denomi-

Afognak Island,  
land conveyance.



18 USC 1601  
note.

Land  
conveyance.

nator is the sum of the deficiency village acreage on the Alaska Peninsula plus the 12(b) acreage on the Alaska Peninsula plus the Koniag 14(h) acreage on the Alaska Peninsula, which fraction shall be multiplied by the number of acres on Afognak Island to be conveyed by reason of subparagraph (b)(1) of this subsection; (2) the share of the Koniag 12(b) Village Corporations as a class is determined on the basis of a fraction, the numerator of which is the 12(b) acreage on the Alaska Peninsula and the denominator of which is the denominator referred to in (1) above, which fraction shall be multiplied by the number of acres on Afognak Island referred to in (1) above; and (3) the share of Koniag, Incorporated is determined on the basis of a fraction, the numerator of which is the Koniag 14(h) acreage on the Alaska Peninsula and the denominator of which is the denominator referred to in (1) above which fraction shall be multiplied by the number of acres on Afognak Island to in (1) above. In such joint venture, each Koniag Deficiency Village Corporation shall participate in the share of the Koniag Deficiency Village Corporations as a class in the ratio that the entitlement of each to deficiency village acreage on the Alaska Peninsula bears to the total deficiency village acreage on the Alaska Peninsula and each Koniag 12(b) Village Corporation shall participate in the share of the Koniag 12(b) Village Corporations as a class in the ratio that the number of Natives enrolled under the Alaska Native Claims Settlement Act to the village that corporation represents bears to the number of Natives enrolled to all villages represented by Koniag 12(b) Village Corporations. The conveyance shall be made as soon as practicable after there has been filed with the Secretary of the Interior a duly executed joint venture agreement with provisions for sharing of and entitlements in costs and revenues of such venture as provided in this subsection. The conveyance shall not indicate the respective interests of each of the corporations in the surface estate conveyed but such interests shall be as provided in this subsection which shall be incorporated by reference into the conveyance. The subsurface estate in the foregoing lands shall be conveyed simultaneously to Koniag, Incorporated. Neither the joint venture, and Koniag Village Corporation having an interest in the joint venture or the lands conveyed thereto, nor Koniag, Incorporated shall take or permit any action which may be inimical to bear denning activities on the Tonki Cape Peninsula.

(d) In the event the Ouzinkie Native Corporation and Koniag, Incorporated, within ninety days after the effective date of this Act, enter into an agreement to convey to the Kodiak Island Borough their respective rights, titles, and interests in and to the surface and subsurface estate respectively in the following described land:

Seward Meridian, Alaska

Township 27 south, range 20 west;

Sections 9 through 12 inclusive, all;

Sections 13, north half, excluding Monashka Bay; southwest quarter; north half southeast quarter, excluding Monashka Bay; southwest quarter south east quarter;

Sections 14, 15, and 16, all;

Sections 21 and 22, all;

Section 23, north half, north half southwest quarter, southwest quarter southwest quarter, northwest quarter southeast quarter;

Section 24, north half northwest quarter; and



Section 27, north half, southwest quarter, west half southeast quarter.

the Secretary of the Interior shall convey to Ouzinkie Native Corporation the surface estate and to Koniag, Incorporated the subsurface estate in the following described land on Afognak Island:

Seward Meridian, Alaska

Township 22 south, range 19 west;  
 Sections 6, 7, 15, all;  
 Section 18, west half;  
 Sections 19, 22, 23, all;  
 Sections 31 through 35 inclusive, all; and  
 Section 36, south half.

The agreement between Kodiak Island Borough, Ouzinkie Native Corporation and Koniag, Incorporated may contain the provisions agreed to by the parties including, but not limited, to easements across the lands to be conveyed to the Kodiak Island Borough.

(e)(1) Each village listed in paragraph (2) of this subsection which, through the Koniag Village Corporation listed alongside it, files with the Secretary of the Interior, within sixty days from the effective date of this Act, a release duly authorized by its board of directors releasing, in consideration of the benefits provided for in this section, the United States, its officers, employees, and agents from all claims of the village and the Village Corporations to lands and interests therein arising under the Alaska Native Claims Settlement Act or compensation in any form therefor (except as provided in paragraph (3) of this subsection) along with a release by Koniag, Incorporated, duly authorized by its board of directors, releasing the United States, its officers, employees, and agents, from Koniag's claims to subsurface estate under the Alaska Native Claims Settlement Act arising out of the claims of such village or compensation in any form therefor (except as provided in paragraph (3) of this subsection) shall be deemed an eligible village under the Alaska Native Claims Settlement Act. This section shall be inoperative as to any such village which does not file such a release but shall be operative as to each of such villages which files such a release.

(2) The villages and Koniag Village Corporations referred to in the foregoing paragraph are:

Anton Larsen Bay	Anton Larsen, Incorporated
Bells Flats	Bells Flats Natives, Incorporated
Uganik	Uganik Natives, Incorporated
Litnik	Litnik, Incorporated
Port William	Shuyak, Incorporated
Ayakulik	Ayakulik, Incorporated
Uyak	Uyak Natives, Incorporated

(3)(A) When Uyak Natives, Incorporated, Uganik Natives Incorporated, or Ayakulik, Incorporated (and Koniag, Incorporated in respect of such corporations) executes a release as provided for in paragraph (1) of this subsection, the Secretary of the Interior shall convey to each Village Corporation executing such release the

Claims releases.

43 USC 1601  
 note.

Land  
 conveyance.

surface estate of the one square mile of land excluded from the Kodiak Island National Wildlife Refuge by Public Land Order Numbered 1634 on account of the village it represents. The Secretary of the Interior shall by reason of conveyance of surface estate to a Village Corporation under this paragraph (3) convey to Koniag, Incorporated the subsurface estate in such lands.

(B) Upon conveyance of each Koniag Village Corporation of that land described in subparagraph (A), such Village Corporation shall comply with the requirements of subsection (f) of this section, except that it shall be required to convey twenty acres to the State in trust for any Municipal Corporation established in the Native village in the future for community expansion and appropriate rights of way for public use, and other foreseeable community needs.

(4) There shall vest in the Native Village Corporation representing each village that files a release as provided for in subsection (e)(1) of this section the right to all revenues received by Koniag, Incorporated from the Alaska Native Fund which would have been distributed to it by Koniag, Incorporated under subsections (j) and (k) of section 7 of the Alaska Native Claims Settlement Act (subject to subsection (l) of section 7 of that Act) had such village been determined to be eligible at the time of such distributions, less amounts heretofore paid by Koniag, Incorporated under subsection (m) of section 7 of that Act to stockholders of such corporations as members of the class of at-large stockholders of Koniag, Incorporated. Each corporation representing a village that files a release as provided for in subsection (e)(1) of this section shall hereafter be entitled to share pro rata with all other Koniag Village Corporations in distributions of funds to Village Corporations made by Koniag, Incorporated out of funds hereafter received by Koniag, Incorporated from the Alaska Native Fund or from any other source and shall be eligible for all other rights and privileges to which Alaska Native Village Corporations are entitled under any applicable laws, except as limited by this subsection. Nothing in this paragraph shall prohibit Koniag, Incorporated from withholding out of funds otherwise due a Village Corporation that files a release as provided for in subsection (e)(1) of this section, such sums as may be required to reimburse Koniag, Incorporated for an equitable portion of expenses incurred by Koniag, Incorporated in connection with or arising out of the defense of or assertion of the eligibility of the village represented by such corporation for benefits under the Alaska Native Claims Settlement Act, including costs incident to land selection therefor.

(f) All conveyances made by reason of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances (including patents) had been made or issued pursuant to that Act.

(g) Nothing in this section shall be deemed to affect (1) section 15 of the Act of January 2, 1976 (Public Law 94-204) as amended by section 911 of this Act; (2) the right, subject to subsection (l) of this section, of Koniag, Incorporated to in lieu subsurface estate on the Alaska Peninsula under sections 12(a)(1) and 14(f) of the Alaska Native Claims Settlement Act, less the acreage of such in lieu subsurface estate conveyed to Koniag, Incorporated under the provisions of law referred to in subdivision (1) of this subsection; or (3) the right under the Alaska Native Claims Settlement Act of Koniag, Incorporated, subject to subsection (l) of this section, to subsurface estate in and to the following described land:



Revenue  
entitlement.

43 USC 1606.

43 USC 1601  
note.

43 USC 1611  
note.  
AAA, p. 2447.

43 USC 1611,  
1612.

43 USC 1601  
note.



## Seward Meridian, Alaska

Township 37 north, range 48 west;  
 Section 9;  
 Sections 15 through 17 inclusive;  
 Sections 20 through 22 inclusive; and  
 Sections 28, 33;

Township 37 south, range 49 west;  
 Sections 21 through 23 inclusive;  
 Sections 26 through 28 inclusive; and  
 Sections 33 through 35 inclusive;

Township 38 south, range 48 west;  
 Sections 4 through 9 inclusive;

Township 38 south, range 49 west;  
 Sections 1 through 4 inclusive;  
 Sections 6 through 23 inclusive; and  
 Sections 26 through 34 inclusive;

Township 38 south, range 50 west;  
 Sections 1 through 3 inclusive;  
 Sections 10 through 12 inclusive;  
 Sections 13 through 15 inclusive;  
 Sections 22 through 26 inclusive; and  
 Sections 35, 36;

Township 39 south, range 49 west;  
 Sections 3 through 7 inclusive;  
 Sections 9 through 10 inclusive; and  
 Sections 18, 19, 30;

Township 38 south, range 50 west;  
 Sections 1, 2, 7, 8, 12, 13;  
 Sections 15 through 18 inclusive;  
 Sections 20 through 22 inclusive;  
 Sections 24 through 27 inclusive; and  
 Section 35.

(h) All public lands on Afognak Island, other than those lands referred to in subsections (b)(2) (A) and (B) of this section are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act as amended, and shall remain so withdrawn until and unless conveyed pursuant to this Act. Any such lands not conveyed under this section except those lands described in subsection (b)(2)(E), may be opened by the Secretary of the Interior to the extent he deems appropriate.

(i) As additional consideration for the relinquishment by Koniag Village Corporations of rights to surface estate on the Alaska Peninsula and by Koniag, Incorporated of rights to surface and subsurface estate thereon as provided in subsection (b)(4) of this section, Koniag, Incorporated shall, solely for purpose of prospecting for, extraction and removal of subsurface resources retained by it under subsection (l) of this section on the Alaska Peninsula, have the same rights of access and use of surface estate, after consultation with the surface owner, as are now provided for in 50 CFR 29.32.

(j) The acreage to be allocated to Koniag, Incorporated under section 12(b) of the Alaska Native Claims Settlement Act shall be determined as though each village listed in subparagraph (e)(2) of this section had selected 69,120 acres under section 12(a) of the Alaska Native Claims Settlement Act. Acreages allotted to other regional corporations under section 12(b) of the Alaska Native Claims Settle-

Withdrawal.

48 USC note  
prec. 21.Rights of access  
and use.Acreage  
allocation.  
43 USC 1661.



Timber  
resources.

43 USC 1604.

Subsurface  
estate,  
conveyance.

43 USC 1611,  
1613.

Alaska Maritime  
National  
Wildlife Refuge,  
Kodiak National  
Wildlife Refuge.

Anta, p. 2496.



Land  
conveyance.  
43 USC 1611.

ment Act shall be determined on the basis of the acreages actually conveyed to such villages under this section or the Alaska Native Claims Settlement Act.

(k) Koniag, Incorporated's interest in the timber resources of the joint venture referred to in subsection (c) of this section, determined as therein provided, shall for purposes of section 7(l) of the Alaska Native Claims Settlement Act be deemed to be Koniag's timber resources. Koniag, Incorporated shall be entitled to deduct from its share of proceeds therefrom any and all expenses of the kind and nature which Regional Corporations are entitled to deduct from revenues from timber resources prior to the distributions required by said section 7(l).

(l) In conveying subsurface estate to Koniag, Incorporated on the Alaska Peninsula, whether under subsection (g)(3) of this section or as in lieu subsurface estate as provided in sections 12(a)(1) and 14(f) of the Alaska Native Claims Settlement Act, the Secretary of the Interior shall retain all minerals other than oil and gas and sand and gravel used in connection with prospecting for, extracting, storing or removing oil and gas: *Provided*, That removal of oil and gas and sand and gravel shall, after consultation with the surface owner, be accomplished as now provided in 50 CFR section 29.32. Koniag, Incorporated may in its discretion enter into agreements with the owner of the surface estate in such lands for the conveyance of the subsurface estate to the surface owner without compensation, but this provision shall not be construed to require such conveyances without Koniag, Incorporated's agreement.

(m) All public lands, including submerged lands, adjacent to and seaward of Afognak Island from the line of mean high tide to the exterior boundary of the former "Afognak Forest and Fish Culture Reserve", part of the existing Chugach National Forest, as reserved by proclamation dated December 24, 1892, and as shown on the diagram forming a part of the proclamation dated February 23, 1909, are hereby included within the Alaska Maritime National Wildlife Refuge and the lands described in subdivision (D) of subsection (b)(2) of this section are hereby included within the Kodiak National Wildlife Refuge: *Provided*, That notwithstanding the inclusion of Delphin and Discover Islands in the Alaska Maritime National Wildlife Refuge, the joint venture provided for in subsection (c) of this section shall be entitled to and there shall be conveyed to the joint venture in the conveyance provided for in subsection (c) hereof, the right to timber resources on such islands: *Provided*, That management and harvest of such timber resources shall be only in accordance with management plans jointly developed by the joint venture and the Secretary of the Interior.

(n) Section 22(j)(2) of the Alaska Native Claims Settlement Act as amended by section 1410 shall not apply to Koniag, Incorporated or to any Koniag Village Corporation.

(o) Nothing in this section shall abrogate any existing Forest Service timber contract on Afognak Island or revoke existing cabin leases or term special use permits on Afognak Island.

#### CHUGACH VILLAGE CORPORATION LANDS

SEC. 1428. (a) Notwithstanding the restrictions applicable to the Village Corporation selections under section 12(b) of the Alaska Native Claims Settlement Act imposed by section 12(a) of the Settlement Act, including but not limited to the sixty-nine thousand one hundred and twenty-acre conveyance limitation placed on land

selected by Village Corporations within the National Forest, National Wildlife Refuge System, or State selected lands, the Secretary shall convey under section 14(a) of the Alaska Native Claims Settlement Act from lands previously selected from lands withdrawn pursuant to section 11 of such Act in the Chugach National Forest by the Village Corporations created by the enrolled residents of the villages of Chenega, Eyak, and Tatitlek, those additional entitlement acreages which are reallocated to these corporations under section 12(b) of such Settlement Act by the Regional Corporation for the Chugach region.

43 USC 1613.  
43 USC 1610.

43 USC 1611.

(b) Within ninety days after the enactment of this act, the three Village Corporations referred to in subsection (a) of this section shall file with the Secretary a list of those lands selected by each of them under section 12(b) from lands withdrawn pursuant to section 11 of the Settlement Act from within the Chugach National Forest, in the order of priority in which they wish to receive conveyance to such lands: *Provided, however,* That the village of Chenega shall not be able to receive conveyance to lands selected pursuant to section 12(b) of the Settlement Act on the mainland in the area of Icy Bay and Whale Bay, as depicted on the map entitled "Areas not available for Chenega 12(b) conveyance", dated April 1979: *Provided further,* That the village of Eyak shall not be able to receive conveyance to lands selected pursuant to section 12(b) of the Settlement Act in the area east of Mountain Slough and in the area more than a thousand feet south of the centerline of the Copper River Highway as depicted on the map entitled "Areas not available for Eyak 12(b) conveyance", dated April 1979.

Chugach  
National Forest  
Land selection

43 USC 1611.  
43 USC 1610.

43 USC 1611.

(c) The Board of Directors of Chugach Natives, Incorporated, shall, within ninety days after the enactment of this Act, file with the Secretary a resolution indicating the number of acres allocated to each of these Village Corporations under the Regional Corporation's existing sixty-four thousand four hundred-acre 12(b) allocation, and the basis on which future 12(b) allocations made by the Secretary, if any, are to be reallocated among the Village Corporations in the Chugach region.

Acreage  
allocation.

(d) The Secretary shall process the lands for conveyance in the priority listed, and subject to the requirements of the settlement act for selection, tract size, compactness, and contiguity, convey to the corporations such acreage to which they are entitled: *Provided, however,* That applicants for selection filed by the State of Alaska under section 6(a) of the Alaska Statehood Act, as amended, shall take precedence over such Chugach Village Corporation 12(b) selections within the Chugach National Forest, except in the area of Windy and Cedar Bays on Hawkins Islands, where applications for State selections in township 15 south, ranges 4 and 5 west of the Copper River Meridian, shall be subordinated to 12(b) selections filed by the Eyak Corporation; and except further in the area of Boswell Bay on Hinchinbrook Island, where State applications for selection in township 17 south, range 5 west of the Copper River meridian, except for those in sections 10 and 15 of said township, shall be subordinated to 12(b) selections filed by the Eyak Corporation. State applications for selection of any of the above-described lands which are not subordinated to Chugach village selections shall be adjudicated and approved or disapproved pursuant to section 6(a) of the Alaska Statehood Act: *Provided, however,* That any disapproval of such State selections shall not vest any selection right in any Chugach Village Corporation.

48 USC note  
prec. 21.



(e) Should the corporations fail to timely file the information required by subsections (b) and (c) of this section or if the priority listing submitted under subsection (b) does not meet the tract size, compactness, or contiguity requirements of the Settlement Act, the Secretary may provide the corporations thirty days from the date of notice to file the information to make the necessary corrections.

(f) If any Chugach Village Corporation voluntarily relinquishes any selection of lands within the boundaries of a conservation system unit, such lands shall be added to such unit and administered accordingly.

CHUGACH REGIONAL CORPORATION LANDS

Sec. 1429. (a) Subject to valid existing rights, within one hundred and eighty days after the enactment of this Act, Chugach Natives, Incorporated, shall be entitled to select public lands not reserved for purposes other than National Forests from within the Chugach Region under section 14(h)(8) of the Alaska Native Claims Settlement Act from within the boundaries of the Chugach National Forest. Chugach Natives, Incorporated, shall make no selection of lands within the areas identified on the maps entitled "Western Prince William Sound Areas Not Available for Chugach 14(h)(8) Selection" and "Copper River Delta Area Not Available for Chugach 14(h)(8) selection", both dated April 1979.

43 USC 1613.

Adjudication.

(b) The Secretary shall receive and adjudicate such selections as though they were timely filed pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, as though such lands were available for selection under such provision.

(c) The Secretary shall convey such lands selected pursuant to this authorization which otherwise comply with the applicable statutes and regulations: *Provided, however,* That the corporation shall make no selection of lands, which overlap selection applications filed by the State of Alaska under section 6(a) of the Alaska Statehood Act as amended, on or before September 1, 1978, and that any disapproval of such selection applications shall not vest any selection right in Chugach Natives, Incorporated.

48 USC note prec. 21.

(d) If Chugach Natives, Incorporated, elects to select any or all of its lands to which it is entitled under section 14(h)(8) of the Settlement Act from lands within the Chugach National Forest made available pursuant to this authority, the following lands within the Carbon Mountain regional deficiency area shall be adjudicated as though they were timely filed by Chugach Natives, Incorporated, under section 12(c) of the Settlement Act, notwithstanding any prior relinquishment of 12(c) selections and subsequent selection of these lands by Chugach Natives, Incorporated, under section 14(h)(8) of the Settlement Act:

43 USC 1611.

43 USC 1613.

Township 16 south, range 9 east, sections 7 through 10, 16 through 31;

Township 19 south, range 9 east, sections 1 through 36;

Township 20 south, range 9 east, sections 1 through 36; and

Township 20 south, range 10 east, sections 5 through 8, 17 through 20, 29 through 32.

(e) If legislation is enacted or a proposal implemented pursuant to section 1430 of this Act, selections by the Chugach Natives, Incorporated, under this section shall also be subject to the provisions of such legislation or proposal.

(f) The Secretary shall process the lands for conveyance under this section subject to the requirements of the Settlement Act for selection, tract size, and compactness. These selections shall also be



Land conveyance proceeding.

subject to any requirements regarding contiguity which are agreed to as a result of the study established by section 1430.

#### CHUGACH REGION STUDY

**SEC. 1430. (a) PARTICIPANTS; PURPOSES.**—The Secretary of the Interior, the Secretary of Agriculture, and the Alaska Land Use Council, in conjunction with Chugach Natives, Incorporated, and the State of Alaska, if the State chooses to participate, are directed to study the land ownership and use patterns in the Chugach region. The objectives of the study are: to identify lands, pursuant to guidelines contained in section 1302(h) of this Act, and in section 22(f) of the Settlement Act, as amended, which can be made available for conveyance to Chugach Natives, Incorporated; for the purpose of consolidation of land ownership patterns in the Chugach region; to improve the boundaries of and identify new conservation system units; to obtain a fair and just land settlement for the Chugach people; and realization of the intent, purpose and promise of the Alaska Native Claims Settlement Act by the Chugach Natives, Incorporated. The study participants are directed to identify in-region and out-of-region lands, including lands within the Chugach National Forest and State lands but excluding lands in private ownership, which can be made available to Chugach Natives, Incorporated, in satisfaction of its regional land entitlement pursuant to section 12(c) of the Alaska Native Claims Settlement Act, to consider monetary payment in lieu of land and to consider all other options which the participants in the study consider to be appropriate to achieve the objectives set forth above.

43 USC 1601  
note.

43 USC 1611.

**(b) LANDS.**—Lands identified to meet the study objectives outlined in subsection (a) shall be, to the maximum extent possible, lands of like kind and character to those traditionally used and occupied by the Chugach people and shall be, to the maximum extent possible, coastal accessible, and economically viable. The inclusion of lands within the areas designated as conservation system units or for wilderness study by this Act within the Chugach region shall not preclude the identification of those lands to meet the study objectives outlined in subsection (a).

**(c) PROCEDURE.**—The study participants shall hold at least three public hearings, at least one of which shall be in Anchorage and at least two of which shall be in the Chugach region. In conducting the study, the study participants shall seek review and comment from the public, including the residents of the Chugach region, and all meetings of the study participants shall be open to the public.

Public hearings.

**(d) REPORT.**—The study shall be completed and the President shall report to the Congress within one year of the date of enactment of this Act. He shall also transmit with the report any legislation necessary to implement the study recommendations.

Presidential  
report to  
Congress.

**(e) DEADLINE.**—If legislation is necessary to implement the recommendations of the study submitted by the President, then any selection deadlines for Chugach Natives, Incorporated, under section 12(c) of the Alaska Native Claims Settlement Act or section 14(h)(8) of such Act pursuant to section 1429 of this Act will be extended for one year following the date of enactment of the legislation enacted to implement the recommendations of the study submitted by the President.

43 USC 1611.  
43 USC 1613.

**(f)(1) LAND STATUS DURING STUDY.**—Until Congress takes final action on any legislation transmitted by the President which is necessary to implement the study or until the recommendations of

48 USC note  
 prec. 21.  
 ALA. p. 2430.



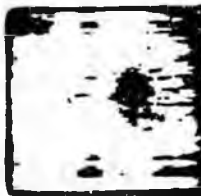
the study are implemented, whichever occurs first, all State selections filed after July 21, 1979 pursuant to section 6 of the Alaska Statehood Act or title 9 of this Act within the Chugach region shall be considered timely filed but shall not be adjudicated or conveyed except as provided in this section: *Provided*, That nothing in this section shall impede or be interpreted so as to restrict the adjudication and conveyance of State selections filed before September 1, 1978: State selections filed after July 21, 1979 within the Chugach region shall be subordinate to the results of the study as implemented or to legislation enacted to implement the study as to the land as affected and any such selection which is in conflict with the results of the study as implemented shall thereupon be denied.

(2) Except for lands within the areas designated as conservation system units or for wilderness study by this Act, the Secretary of the Interior is hereby authorized to withdraw, subject to valid existing rights, any Federal lands identified for possible selection and conveyance or exchange to Chugach in the proposed study report submitted by the President. The Secretary shall specify all forms of appropriation or disposal, if any, prohibited on such lands in such withdrawals, including but not limited to selections by the State of Alaska, appropriations under the mining laws; leasing under the mineral leasing laws or appropriations under any other public land laws. The consent of the head of any agency administering the land in the area to be withdrawn shall not be necessary prior to such withdrawal. Such withdrawal shall remain in force and effect for one year following the date of enactment of the legislation authorizing implementation of the recommendations in the study report signed by the President unless the Secretary shall earlier determine that the lands of any part thereof included in the withdrawal no longer need the protection of the withdrawal. If lands are selected by Chugach Natives, Incorporated, the withdrawals of the selected lands shall remain in force and effect until the selection is conveyed or finally rejected. The withdrawal and any modification, amendment or revocation thereof shall be published in the Federal Register and shall be effective on the date of publication in the Federal Register.

Publication in  
 Federal  
 Register.

(3) Prior to conveyance, any lands selected by Chugach Natives, Incorporated pursuant to the study or legislation implementing the study, shall be subject to administration by the Secretary of the Interior or by the Secretary of Agriculture in the case of national forest lands under applicable laws and regulations, and their authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal: *Provided, however*, That the Secretary shall not make any contract or grant any lease, permit, right-of-way or easement without prior consultation with Chugach Natives, Incorporated. Any lands irrevocably selected by Chugach Natives, Incorporated, shall not be subject to any contract, lease, permit, right-of-way or easement without the prior consent of Chugach Natives, Incorporated. However, the Secretary shall not be prohibited, if otherwise authorized, from issuing permits without prior consultation with Chugach Natives, Incorporated, or without the consent of Chugach Natives, Incorporated, on lands irrevocably selected by Chugach Natives, Incorporated, to the Prince William Sound Fisheries Management Council for aquaculture sites identified to the Secretary by the Prince William Sound Fisheries Management Council and Chugach Natives, Incorporated, within thirty days after the enactment of this Act.

(4) Lands withdrawn pursuant to this section shall not be construed to be "lands held for the benefit of Indians, Aleuts, and Eskimos"



pursuant to section 103(e)(2) of Public Law 94-579 (43 U.S.C. 1702 (1976)).

(5) All lands withdrawn under this subsection shall be subject to section 2 of Public Law 94-204 (43 U.S.C. 1613).

(g) **INTERIM MANAGEMENT.**—Until Congress takes final action on any legislation transmitted by the President pursuant to this section or until lands agreed to by the participants in the study are conveyed, whichever comes first, the Secretary of the Interior and the Secretary of Agriculture shall manage lands under their control in the Chugach region in close consultation with Chugach Natives, Incorporated, and, to the maximum extent possible, in such a manner so as not to adversely affect or preclude any option which the participants in the study may consider.

(h) **RELINQUISHED AREAS.**—Any lands within the exterior boundaries of a conservation system unit or a national forest previously selected by Chugach Natives, Incorporated, but relinquished by Chugach Natives, Incorporated, shall, upon receipt of any such relinquishment become a part of the unit and administered accordingly.

(i) **CONVEYANCE OF EXISTING SELECTIONS.**—Prior to the enactment of new legislation to implement the recommendations of the study, nothing in this section shall be construed to prevent Chugach Natives, Incorporated, from notifying the Secretary of its desire to receive conveyance of lands previously selected or the power of the Secretary to adjudicate such selections and to convey those lands properly selected.

43 USC 1613  
note.

#### ARCTIC SLOPE REGIONAL CORPORATION LANDS

**SEC. 1431 (a) PURPOSES; REFERENCE DOCUMENT.**—In order to further the purposes of:

- (1) satisfying land entitlements in the Arctic Slope Region;
- (2) consolidating and exchanging land holdings for the mutual benefit of the United States and the Native Corporations within the Arctic Slope region; and
- (3) providing for oil and gas operations in the Kurupuk Lake area, consistent with environmental protection;

Congress enacts this section. The specific terms, conditions, procedures, covenants, reservations and other restrictions set forth in the document entitled "Terms and Conditions for Land Exchanges and Resolution of Conveyancing Issues in Arctic Slope Region, Between the Department of the Interior and Arctic Slope Regional Corporation" (hereafter in this section referred to as "Terms and Conditions"), which was executed on June 29, 1979, and subsequently submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, are hereby incorporated in this section, and are ratified, as to the duties and obligations of the United States and the Arctic Slope Regional Corporation, as a matter of Federal law.

(b) **TRANSFER TO THE UNITED STATES.**—The Secretary is authorized to accept from Arctic Slope Regional Corporation a relinquishment of all right, title, and interest of Arctic Slope Regional Corporation in the following described lands:

Fairbanks Meridian

Township 34 north, range 21 west, sections 4 through 9, 16 through 18;

Township 34 north, range 22 west, sections 1 through 6, 11 through 14;

Township 35 north, range 20 west, sections 1 through 24;

Township 35 north, range 21 west, sections 1 through 4, 9 through 16, 21 through 24, 28 through 33;

Township 35 north, range 22 west, sections 1 through 12, 17 through 20, 27 through 34;

Township 35 north, range 23 west, sections 1 through 3, 10 through 17, 20 through 24, 28, 29, 32, 33;

Township 36 north, range 21 west, sections 1 through 4, 9 through 20, 23 through 26, 29 through 32, 35, 36;

Township 36 north, range 22 west, sections 5 through 8, 25 through 36;

Township 36 north, range 23 west, sections 1, 5 through 8, 12 through 30, 34 through 36;

Township 36 north, range 24 west, sections 1 through 3, 10 through 12;

Township 37 north, range 21 west, sections 25 through 36;

Township 37 north, range 22 west, sections 25 through 36;

#### Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;

Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Township 17 south, range 2 west, partial, sections 3 through 6; and

Township 17 south, range 3 west, partial, sections 1 through 4.

#### Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24.

(c) LAND EXCHANGE.—As a land exchange, contingent upon Arctic Slope Regional Corporation's relinquishment of lands described in subsection (b) and upon conveyance of lands described in paragraph (4), below, and subject to valid existing rights, (1) the Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States in the following described lands, subject to valid existing rights and to the terms, conditions, procedures, covenants, reservations, and restrictions specified in the "Terms and Conditions":

#### Umiat Meridian

Township 13 south, range 4 east, sections 1 through 36;

Township 14 south, range 3 east, sections 9 through 16, 21 through 28, 32 through 36;

Township 15 south, range 3 east, sections 25 through 30, 33 through 36;

Township 15 south, range 4 east, sections 6, 7, 18 through 36; and

Township 16 south, range 3 east, sections 1 through 3, 6, 7, 9 through 16, 18 through 30.

(2) Subject to valid existing rights, the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in the following described lands subject to the terms,

conditions, procedures, covenants, reservations and restrictions specified in the "Terms and Conditions":

Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30; and

Township 12 south, range 12 west, sections 13 through 16, 21 through 28.

Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24.

The Secretary shall except and reserve access easements for park-related purposes from Kurupa Lake to federally owned lands within Gates of the Arctic National Park limited to: The right to land and store aircraft at Kurupa Lake, the right to ingress and egress from the Lake along specific corridors leading to federally owned lands in Gates of the Arctic National Park and the right to camp overnight at the lakeshore and along the specific easement corridors. The conveyance shall be subject to the following covenants: The requirement for a plan of oil and gas operations prior to any exploration or development activities, the authority of the Secretary to modify or revoke any plan of operations for oil and gas exploration which does not utilize available technologies least damaging to the resources of the Kurupa Lake area and surrounding Federal lands and the authority of the Secretary to require good faith consultations to develop a plan of operations for oil and gas development which utilizes available technologies minimizing damage to the resources of the Kurupa Lake area and surrounding Federal lands. Such exceptions, reservations, and covenants shall be binding on Arctic Slope Regional Corporation, its successors and assigns.

(3) Subject to valid existing rights, the Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States, except sand and gravel, in the subsurface estate of the following described lands, subject to the terms, conditions, procedure, covenants, reservations, and restrictions specified in the "Terms and Conditions".

Umiat Meridian

Township 12 south, range 9 east, sections 1 through 31;

Township 12 south, range 10 east, sections 1 through 18;

(4) The Secretary is authorized to accept from Arctic Slope Regional Corporation a conveyance of all right, title, and interest of Arctic Slope Regional Corporation in the following described lands:

Umiat Meridian

Township 13 south, range 1 west, sections 31 through 36;

Township 13 south, range 1 east, sections 31 through 36;

Township 14 south, range 2 east, sections 6, 7, 18, 19, 30, 31;

Township 14 south, range 4 east, sections 1 through 3, 10 through 15, 22 through 27, 33 through 36;

Township 15 south, range 1 west, sections 1 through 6, 11, 12, 19, 20, 27 through 34;

Township 15 south, range 1 east, sections 5 through 8, 17 through 20;

Township 16 south, range 2 east, sections 13 through 15, 22 through 27, 34 through 36;

Township 16 south, range 4 east, sections 1 through 4, 9 through 16, 19 through 36;

Township 17 south, range 1 west, sections 1, 2, 5, 6, partial;

Township 17 south, range 1 east, partial;

Township 17 south, range 3 east, partial;

Township 16 south, range 2 west, sections 19 through 36;

Township 16 south, range 3 west, sections 19 through 28, 33 through 36;

Township 15 south, range 4 west, sections 2 through 4, 9 through 11, 14 through 16, 19 through 23, 26 through 32; and

Township 16 south, range 4 west, sections 5 through 8, 17 through 24.

(d) **TRANSFERS TO NATIVE CORPORATION.**—The Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States in the following described lands selected or identified for selection pursuant to the Alaska Native Claims Settlement Act, and to the extent such lands lie outside the boundaries of the National Petroleum Reserve in Alaska:

Umiat Meridian

Township 3 south, range 6 west, sections 24 through 26, 33 through 36;

Township 4 south, range 6 west, sections 1 through 5, 7 through 36;

Township 4 south, range 7 west, sections 11 through 16, 19 through 36;

Township 4 south, range 8 west, sections 23 through 29, 32 through 36;

Township 5 south, range 6 west, sections 1 through 18;

Township 5 south, range 7 west, sections 1 through 36;

Township 5 south, range 8 west, sections 1 through 5, 7 through 36;

Township 5 south, range 9 west, sections 25 through 27, 34 through 36;

Township 6 south, range 6 west, sections 19, 30, 31;

Township 6 south, range 7 west, sections 1 through 18, 22 through 27, 34 through 36;

Township 7 south, range 6 west, sections 5 through 8, 17 through 20, 29 through 32;

Township 7 south, range 7 west, sections 1, 2, 11 through 14, 19 through 36;

Township 7 south, range 8 west, sections 19 through 36;

Township 7 south, range 9 west, sections 22 through 27, 34 through 36;

Township 8 south, range 6 west, sections 4 through 9, 16 through 36;

Township 8 south, range 7 west, sections 1 through 36;

Township 8 south, range 8 west, sections 1 through 18, 22 through 27, 34 through 36;

Township 9 south, range 6 west, sections 1 through 36;

Township 9 south, range 7 west, sections 1 through 36;

Township 9 south, range 8 west, sections 1 through 36;

Township 10 south, range 5 west, sections 19 through 36;

Township 10 south, range 6 west, sections 1 through 36;

Township 10 south, range 7 west, sections 1 through 36;

Township 10 south, range 8 west, sections 1 through 36;

Township 10 south, range 9 west, sections 19 through 36;

Township 10 south, range 10 west, sections 19 through 36;  
 Township 11 south, range 5 west, sections 1 through 18;  
 Township 11 south, range 6 west, sections 1 through 18;  
 Township 11 south, range 7 west, sections 1 through 21, 28  
 through 33;  
 Township 11 south, range 8 west, sections 1 through 36;  
 Township 11 south, range 9 west, sections 1 through 36;  
 Township 11 south, range 10 west, sections 1 through 36;  
 Township 11 south, range 11 west, sections 1 through 36;  
 Township 11 south, range 12 west, sections 1 through 36;  
 Township 11 south, range 13 west, sections 1 through 36;  
 Township 12 south, range 8 west, partial, sections 1 through 24;  
 Township 12 south, range 9 west, partial, sections 1 through 24;  
 Township 12 south, range 10 west, partial, sections 1 through  
 24;  
 Township 12 south, range 11 west, sections 1 through 16, 21  
 through 28;  
 Township 12 south, range 12 west, sections 1 through 12, 17  
 through 20, 29, 30;  
 Township 12 south, range 13 west, sections 1 through 30;

#### Kateel River Meridian

Township 34 north, range 16 east, sections 7 through 24;  
 Township 34 north, range 17 east, sections 7 through 24; and  
 Township 34 north, range 18 east, sections 7, 8, 17 through 20.  
 (e) ACQUISITION AND EXCHANGE AUTHORITY.—(1) The Secretary is  
 authorized, in order to carry out the purposes of this Act, to acquire  
 by purchase or exchange any of the following described lands which  
 have been or may hereafter be conveyed to Arctic Slope Regional  
 Corporation pursuant to subsection (c)(2) of this section or pursuant  
 to the Alaska Native Claims Settlement Act:

43 USC 1601  
 note.

#### Umist Meridian

Township 12 south, range 8 east, sections 1 through 36;  
 Township 12 south, range 7 east, sections 1 through 36;  
 Township 12 south, range 6 east, sections 10 through 15, 22  
 through 27, 34 through 36;  
 Township 13 south, range 7 east, sections 1 through 18;  
 Township 13 south, range 6 east, sections 1 through 18;  
 Township 12 south, range 11 west, sections 17 through 20, 29,  
 30; and  
 Township 12 south, range 12 west, sections 13 through 16, 21  
 through 28.

#### Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21  
 through 24.  
 (2) Lands specified in paragraph (1) of this subsection may be  
 acquired for such purposes only with the consent of Arctic Slope  
 Regional Corporation. If such lands are so acquired by the Secretary,  
 or if any such lands are not conveyed to Arctic Slope Regional  
 Corporation, such lands shall become, and be administered as, a part  
 of Gates of the Arctic National Park; the boundaries of the Park shall  
 thereby be deemed to include such lands to the same extent as if the  
 lands were included within such boundaries by this Act: *Provided*,  
 That no such boundary change shall take effect until ninety days  
 after the Secretary provides notice in writing to the Congress of his

Boundary  
 change,  
 notification of  
 Congress.

intention to consummate an acquisition that would result in such boundary change.

(8) To facilitate an exchange provided for in this subsection, the Secretary is authorized to make available to Arctic Slope Regional Corporation lands, or interests therein, from public lands within the Arctic Slope Region, as determined pursuant to section 7(a) of the Alaska Native Claims Settlement Act, including lands, or interests therein, within the National Petroleum Reserve—Alaska in the event that lands within the reserve are made subject to leasing under the Mineral Leasing Act of 1920, as amended, or are otherwise made available for purposes of development of oil, gas, or other minerals.

(f) LAND EXCHANGE.—As a land exchange:

(1) contingent upon Arctic Slope Regional Corporation conveying the lands described in paragraph (2) below and upon receiving interim conveyances to the following described lands:

Umiat Meridian

Township 9 south, range 2 west, sections 22 through 27, 34 through 36;

Township 9 south, range 3 west, sections 1 through 3, 10 through 12;

Township 9 south, range 12 west, sections 1 through 18; and

Township 9 south, range 13 west, sections 1 through 3, 10 through 15, 22 through 24.

the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in the following described lands:

Umiat Meridian

Township 9 south, range 12 west, sections 19 through 24;

Township 9 south, range 11 west, sections 4 through 9, 16 through 21;

Township 9 south, range 3 west, sections 13 through 15, 22 through 27; and

Township 9 south, range 2 west, sections 28, 33.

(2) the Secretary is authorized to accept from Arctic Slope Regional Corporation a relinquishment of all right, title and interest of Arctic Slope Regional Corporation in the following described lands:

Umiat Meridian

Township 8 south, range 11 west, sections 13 through 15, 22 through 27; and

Township 8 south, range 10 west, sections 7 through 11, 13 through 21, 28 through 33.

(g) KAKTOVIK EXCHANGE.—As a land exchange, contingent upon Kaktovik Inupiat Corporation conveying the lands described in paragraph (1) of this subsection and upon the Arctic Slope Regional Corporation conveying the lands described in paragraph (4) of this subsection—

(1) the Secretary is authorized to accept from Kaktovik Inupiat Corporation all right, title and interest of Kaktovik Inupiat Corporation in the surface estate of the following described lands:

43 USC 1506.

30 USC 181 note.

## Umial Meridian

Township 2 south, range 23 east, sections 25 through 28, 33 through 36; and

Township 2 south, range 24 east, sections 1 through 24, 29 through 32.

(2) the Secretary shall convey to Kaktovik Inupiat Corporation all right, title and interest of the United States in the surface estate of the following described lands:

All those lands on Kaktovik Island—Barter Island Group, Alaska, which were not properly selected by Kaktovik Inupiat Corporation on or before December 18, 1975, and which were not on January 1, 1979, in a defense withdrawal:

*Provided*, That such lands when conveyed to Kaktovik Inupiat Corporation shall be subject to the provisions of the Alaska Native Claims Settlement Act, including section 22(g) of said Act, except that the acreage limitation for Village Corporation selection of lands within the National Wildlife Refuge System shall not apply;

43 USC 1601  
note. 1621.

(3) Kaktovik Inupiat Corporation shall identify additional lands it desires to acquire pursuant to this exchange from within the following described lands, and to the extent necessary to acquire the surface estate of an aggregate total of twenty-three thousand and forty acres, including the lands conveyed by the Secretary to Kaktovik Inupiat Corporation pursuant to subsection (g)(2) hereof:

## Umial Meridian

Township 7 north, ranges 32 through 36 east;

Township 8 north, ranges 32 through 36 east; and

Township 9 north, ranges 33 through 34 east;

or such other adjacent lands as the Secretary and Kaktovik Inupiat Corporation may mutually agree upon. Upon the concurrence of the Secretary in the lands identified, he shall convey to Kaktovik Inupiat Corporation all right, title and interest of the United States in the surface estate of the lands so identified: *Provided*, That such lands shall be contiguous to lands previously conveyed to Kaktovik Inupiat Corporation pursuant to section 14(a) of the Alaska Native Claims Settlement Act: *Provided further*, That such lands when conveyed to Kaktovik Inupiat Corporation shall be subject to the provisions of the Alaska Native Claims Settlement Act, including section 22(g) of said Act, except that the acreage limitation for Village Corporation selection of lands within the National Wildlife Refuge System shall not apply;

43 USC 1613.

(4) the Secretary is authorized to accept from Arctic Slope Regional Corporation a conveyance of all right, title and interest of Arctic Slope Regional Corporation in the subsurface estate of the following described lands:

## Umial Meridian

Township 2 south, range 23 east, sections 25 through 28, 33 through 36; and

Township 2 south, range 24 east, sections 1 through 24, 29 through 32.

(h) **WYUK LANDS TRANSFER**—Upon the concurrence of the Secretary of Defense, the Secretary shall convey to Arctic Slope Regional

Corporation all right, title and interest of the United States in all or part of the following described lands:

Beginning at Weyuk, United States Coast and Geodetic Survey Survey Mark (1586) north 62 degrees east 2,900 feet, more or less, the true point of beginning of this description, thence north 1,100 feet, more or less, thence easterly, meandering along the coast approximately 2,000 feet, more or less, thence south 700 feet, more or less, thence west 1,800 feet, more or less, to the true point of beginning.

(i) NAVAL ARCTIC RESEARCH LABORATORY.—The Secretary shall convey to Ukpagvik Inupiat Corporation all right, title and interest of the United States in the surface estate of the following described lands:

Umiat Meridian

Township 23 north, range 18 west, sections 13 fractional excluding interim conveyance numbered 045, 14 excluding north-west quarter, southwest quarter, west half southeast quarter, 23 excluding northwest quarter, west half northeast quarter, southwest quarter, southeast quarter, 24 excluding east half, southwest quarter and interim conveyance numbered 045, 28 excluding northeast quarter, southeast quarter, 29 fractional, 32 fractional, excluding United States Survey 4615, United States Survey 1432, and interim conveyance numbered 045, 33 excluding northeast quarter, east half east half northwest quarter, northeast quarter southeast quarter, northeast quarter north-west quarter southeast quarter and interim conveyance numbered 045.

(j) RIGHTS-OF-WAY, ETC.—(1) In recognition that Arctic Slope Regional Corporation has a potential need for access in an easterly direction from its landholdings in the Kurupa Lake area and the watershed of the Killik River to the Trans-Alaska Pipeline corridor, the Secretary is authorized and directed, upon application by Arctic Slope Regional Corporation for a right-of-way in this region, to grant to such corporation, its successors and assigns, according to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended, a right-of-way across the following public lands, or such other public lands as the Secretary and Arctic Slope Regional Corporation may mutually agree upon, for oil and gas pipelines, related transportation facilities and such other facilities as are necessary for the construction, operation and maintenance of such pipelines:

Umiat Meridian

Township 11 south, range 10 west;  
 Township 10 south, ranges 8 through 10 west;  
 Township 10 south, range 7 west, sections 19 through 36;  
 Township 11 south, range 7 west, sections 1 through 18;  
 Township 11 south, range 6 west;  
 Township 11 south, range 5 west, sections 1 through 18;  
 Township 10 south, range 5 west, sections 19 through 36;  
 Township 10 south, ranges 1 through 4 west; and  
 Township 10 south, ranges 1 through 10 east.

The final alignment and location of all facilities across public lands shall be in the discretion of the Secretary.

(2) The Secretary shall make available to Arctic Slope Regional Corporation, its successors and assigns, such sand and gravel as is reasonably necessary for the construction or maintenance of any pipeline or facility and use of rights-of-way appurtenant to the exercise of the rights granted under this subsection, such sand and gravel to be provided to Arctic Slope Regional Corporation, its successors and assigns, for fair market value by negotiated sale.

(k) NEPA.—The National Environmental Policy Act of 1969 (83 Stat. 852) shall not be construed, in whole or in part, as requiring the preparation or submission of any environmental document for any action taken by the Secretary or the Secretary of Defense pursuant to this section.

42 USC 4321  
note.

(l) SURFACE USES, ETC.—(1) With respect to the following described lands, the subsurface estate of which is to be conveyed to Arctic Slope Regional Corporation pursuant to subsection (c) hereof:

#### Umiat Meridian

Township 12 south, range 9 east, sections 1 through 31; and Township 12 south, range 10 east, sections 1 through 18. Arctic Slope Regional Corporation shall have such use of the surface estate, including such right of access thereto, as is reasonably necessary to the exploration for and removal of oil and gas from said subsurface estate, subject to such rules and regulations by the Secretary that are applicable to the National Park System.

(2) The Secretary shall identify for Arctic Slope Regional Corporation, its successors and assigns, reasonably available sand and gravel which may be used without cost to the United States in the construction and maintenance of facilities and use of rights-of-way appurtenant to the exercise of the rights conveyed under this subsection, notwithstanding the provisions of section 801 et seq., title 30, United States Code, and sand and gravel shall be made available at no charge to Arctic Slope Regional Corporation.

(m) RELATION TO ENTITLEMENTS.—(1) The Secretary shall reduce the acreage charged against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Arctic Slope Regional Corporation to the United States pursuant to subsection (c)(4) of this section.

43 USC 1611.

(2) The Secretary shall charge against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Arctic Slope Regional Corporation pursuant to subsections (c)(1), (c)(2), (d), (f)(1) and (h) of this section.

(3) The Secretary shall reduce the acreage charged against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Arctic Slope Regional Corporation to the United States pursuant to subsection (c)(4) of this section.

(4) Notwithstanding the exception by the United States of sand and gravel, the Secretary shall charge against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Arctic Slope Regional Corporation pursuant to subsection (c)(3) of this section.

(5) The Secretary shall reduce the acreage charged against the entitlement of Kaktovik Inupiat Corporation pursuant to section

43 USC 1611.

12(a) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Kaktovik Inupiat Corporation to the United States pursuant to subsection (g)(1) of this section.

(6) The Secretary shall charge against the entitlement of Kaktovik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Kaktovik Inupiat Corporation pursuant to subsection (g) (2) and (3) of this section.

(7) The Secretary shall charge against the entitlement of Ukpeagvik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Ukpeagvik Inupiat Corporation pursuant to subsection (i) of this section.

(8) In no event shall the conveyances issued by the Secretary to Arctic Slope Regional Corporation, Kaktovik Inupiat Corporation, and Ukpeagvik Inupiat Corporation pursuant to the Alaska Native Claims Settlement Act and this section exceed the total entitlements of such Corporations under the Alaska Native Claims Settlement Act, except as expressly provided for in subsection (g) of this section.

43 USC 1601  
note.

(n) RESERVED LANDS.—(1) Congress finds that it is in the public interest to reserve in public ownership the submerged lands in the bed of the Colville River adjacent to lands selected by Kuupik Corporation and in the beds of the Nechelik Channel, Kupigruck Channel, Elaktoveach Channels, Tamayyak Channel, and Sakoonang Channel from the Colville River to the Arctic Ocean, and (2) notwithstanding any other provision of law, conveyance of the surface estate of lands selected by Kuupik Corporation pursuant to section 12 (a) and (b) of the Alaska Native Claims Settlement Act and associated conveyance of the subsurface estate to Arctic Slope Regional Corporation pursuant to section 14(f) of such Act shall not include conveyance of the beds of the Colville River and of the channels named in this subsection, and the acreage represented by the beds of such river and of such named channels shall not be charged against the land entitlement of Kuupik Corporation and Arctic Slope Regional Corporation pursuant to the provisions of the Alaska Native Claims Settlement Act.

43 USC 1613.

(o) FUTURE OPTION TO EXCHANGE, ETC.—(1) Whenever, at any time within forty years after the date of enactment of this Act, public lands in the National Petroleum Reserve—Alaska or in the Arctic National Wildlife Range, within seventy-five miles of lands selected by a Village Corporation pursuant to the provisions of section 12(a)(1) of the Alaska Native Claims Settlement Act, are opened for purposes of commercial development (rather than exploration) of oil or gas, Arctic Slope Regional Corporation shall be entitled, at its option, within five years of the date of such opening, to consolidate lands by exchanging the in-lieu subsurface lands which it selected pursuant to the provisions of section 12(a)(1) of the Act for an equal acreage of the subsurface estate, identified by Arctic Slope Regional Corporation, beneath the lands selected by the Village Corporation. Prior to the exercise of such option, Arctic Slope Regional Corporation shall obtain the concurrence of the affected Village Corporation. The subsurface estate identified for receipt by Arctic Slope Regional Corporation pursuant to this subsection shall be contiguous and in reasonably compact tracts, except as separated by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than five thousand seven hundred and sixty acres.

43 USC 1611.

(2) Arctic Slope Regional Corporation shall not be entitled to exchange, pursuant to the provisions of paragraph (1) of this subsection, any in-lieu subsurface estate which the corporation has developed for purposes of commercial extraction of subsurface resources; unless the Secretary determines such an exchange to be in the national interest.

(3) The Secretary shall take such steps as may be necessary to effectuate an exchange sought by Arctic Slope Regional Corporation in accordance with the provisions of paragraph (1).

(4) With regard to subsurface estates acquired by Arctic Slope Regional Corporation pursuant to this subsection, the Secretary may promulgate such regulations as may be necessary to protect the environmental values of the Reserve or Range and consistent with the regulations governing the development of those lands within the Reserve or Range which have been opened for purposes of development, including, but not limited to, regulations issued pursuant to section 22(g) of the Alaska Native Claims Settlement Act.

43 USC 1621.

(p) **CONDITIONS.**—All lands or interests in lands conveyed by the Secretary in subsections (d), (f)(1), (g)(2), (g)(3), (h), and (i) of this section to Arctic Slope Regional Corporation or a Village Corporation, as the case may be, shall be subject to valid existing rights, and in accordance with, and subject to, the provisions of the Alaska Native Claims Settlement Act, as amended, as though the lands were originally conveyed to such corporation under the provisions of such Act.

43 USC 1601  
note.

#### COOK INLET VILLAGE SETTLEMENT

Sec. 1432. The Secretary is directed to:

(a) Terminate the review of the eligibility of Salamatof Native Association, Incorporated and withdraw any determination that said village corporation is not eligible for benefits under section 14(a) of this Act.

(b) Implement the agreement among the Secretary, Cook Inlet Region, Incorporated and Salamatof Native Association, Incorporated, which agreement dated August 17, 1979, had been filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs in the House of Representatives, the terms of which are hereby authorized.

(c) Remove from the Kenai National Moose Range the surface estate of any land therein to be conveyed to Salamatof and the subsurface estate of any lands therein conveyed or to be conveyed to Cook Inlet Region, Incorporated, pursuant to the agreement authorized to be implemented under subparagraph (ii) of this paragraph.

(d) Implement an agreement among Cook Inlet Region, Incorporated, the corporation representing the Village of Alexander Creek, the corporation representing the group of Alexander Creek and the United States, if such agreement is filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives prior to December 18, 1979, the terms of which are hereby authorized, and upon performance of the conditions precedent set forth in said agreement, certify Alexander Creek, Incorporated, as a group corporation, eligible for land and other benefits under the Alaska Native Claims Settlement Act and this Act.

(e) Treat lands conveyed to Alexander Creek as lands conveyed to Village Corporations for the limited purpose of calculating the acreage to be charged against the entitlement of Cook Inlet Region under section 4 of Public Law 94-458.

43 USC 1611  
note.

(f) Accept any lands that are tendered by the State of Alaska for the purpose of implementing the agreement described in subparagraph (d) of this paragraph, such tender not to be subject to the provisions of section 6(d) of the Alaska Statehood Act (72 Stat. 339).

48 USC note  
prec. 21.

#### BRISTOL BAY NATIVE CORPORATION LANDS

Sec. 1433. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14 (h)(8) of the Alaska Native Claims Settlement Act and this section:

43 USC 1613.

#### Seward Meridian

Township 14 south, range 58 west, sections 6, 7, 18, 19, and 30.

(b) On or prior to one hundred and eighty days from the date of enactment of this Act, Bristol Bay Native Corporation may select pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, the lands withdrawn pursuant to subsection (a).

(c) The Secretary shall convey to Bristol Bay Native Corporation the surface and subsurface estate of the acreage selected by it. Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

43 USC 1601  
note.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Bristol Bay Native Corporation, under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not conveyed to Bristol Bay Native Corporation, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act, subsection 204(e) of the Federal Land Policy and Management Act, and the provisions of section 906(k) of this Act.

43 USC 1616.  
43 USC 1714.  
Alas. p. 2437.

#### SHEE ATIKA-CHARCOAL AND ALICE ISLAND CONVEYANCE

Sec. 1434. In partial satisfaction of the rights of Shee Atika, Incorporated, under section 14(h)(3) of the Alaska Native Claims Settlement Act, the Secretary of the Interior shall convey to Shee Atika, Incorporated, subject to reservation of easements as provided in section 17(b)(3) of that Act, the surface estate, and to Sealaska Corporation the subsurface estate, in and to the land owned by the United States in section 1, township 56 S, range 63 E, Copper River meridian, comprising Charcoal and Alice Islands, excluding, however, the land therein occupied under Federal permit by the Mount Edgcombe Grade School, the lands comprising the Mausoleum of the United States Public Health Service, as designated by that Service, and the lands comprising the maintenance and warehouse buildings of the Bureau of Indian Affairs, Department of the Interior, as designated by the Bureau of Indian Affairs, and approximately 1.5 acres, heretofore declared excess to the needs of the United States Public Health Service and transferred to the General Services Administration. Shee Atika, Incorporated, shall designate from the land heretofore selected by or conveyed to it pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act, a block of land equal in acreage to the lands to be conveyed to it under this provision, and all claims and rights of Shee Atika, Incorporated, in and to the surface estate, and all claims and rights of Sealaska Corporation, in

43 USC 1613.

and to the subsurface estate of such designated lands shall be deemed extinguished.

AMENDMENT TO PUBLIC LAW 94-204

Sec. 1435. Section 12(b) of the Act of January 2, 1976 (Public Law 94-204), as amended by section 4 of the Act of October 4, 1978 (Public Law 95-456) and section 3 of the Act of November 15, 1977 (Public Law 95-178) is hereby amended to add the following new paragraphs:

"12(b)(7)(i) Until the obligations of the Secretary and the Administrator of General Services under subsection 12(b)(6) of this Act are otherwise fulfilled: (a) Cook Inlet Region, Incorporated, may, by crediting the account established in subsection 12(b)(7)(ii), bid, as any other bidder for surplus property, wherever located, in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. sec. 484), as amended. No preference right of any type will be offered to Cook Inlet Region Incorporated, for bidding for General Services Administration surplus property under this subparagraph and no additional advertising shall be required other than that prescribed in title 40, United States Code, section 484(e)(2) of the Federal Property and Administrative Services Act; (b) the Administrator of General Services may, at the discretion of the Administrator, tender to the Secretary any surplus property otherwise to be disposed of pursuant to 40 U.S.C. 484(e)(3) to be offered Cook Inlet Region, Incorporated for a period of 90 days so as to aid in the fulfillment of the Secretary's program purposes under the Alaska Native Claims Settlement Act: *Provided*, That nothing in this subsection 12(b)(7)(i)(b) shall be construed to establish, enlarge or diminish authority of the Administrator or the Secretary within the State of Alaska. If the Region accepts such property, it shall be in exchange for acres or acre-equivalents as provided in subparagraph I(C)(2)(e) of the document, referred to in subsection (b) of this section. Prior to any disposition under subsection 12(b)(7)(i)(b), the Administrator shall notify the governing body of the locality where such property is located and any appropriate State agency, and no such disposition shall be made if such governing body or State agency, within ninety days of such notification formally advises the Administrator that it objects to the proposed disposition.

"(ii) The Secretary of the Treasury shall establish a Cook Inlet Region, Incorporated surplus property account, which shall be available for the purpose of bidding on Federal surplus property. The balance of the account shall be the acre-equivalent exchange value established by paragraph I(C)(2)(e) of the document referred to in this subsection, of the unfulfilled entitlement of Cook Inlet Region, Incorporated, the effective date of this subsection to acre or acre-equivalents under paragraph I(C)(2)(g) of the document referred to in this subsection and shall be adjusted to reflect transfers or successful bids under subsection 12(b)(6) of this section.

"(iii) The amount charged against the Treasury account established under subsection (ii) shall be treated as proceeds of dispositions of surplus property for the purpose of determining the basis for calculating direct expenses pursuant to 40 U.S.C. 485(b), as amended.

"(iv) The basis for computing gain or loss on subsequent sale or other disposition of lands or interests in land conveyed to Cook Inlet Region, Incorporated, under this subsection, for purposes of any Federal, State or local tax imposed on or measured by income, shall be the fair value of such land or interest in land at the time of receipt. The amount charged against Cook Inlet's entitlement under I(C)(2)(e)

Cook Inlet  
Region, Inc.  
surplus  
property.  
43 USC 1611  
note.

43 USC 1601  
note.

Report to  
Congress.

of the document referred to in subsection (b) of this section shall be prima facie evidence of such fair value.

"12(b)(8) Cook Inlet Region, Incorporated, the Secretary and/or the Administrator shall have until July 15, 1982, to complete the nomination of lands for the pool described in subsection 12(b)(6); *Provided, however,* That the Secretary shall report to Congress on January 15, 1982, as to:

"(i) Such studies and inquiries as shall have been initiated by the Secretary and the Administrator of General Services, or have been prepared by other holding agencies, to determine what lands, within the exterior boundaries of the Cook Inlet Region, or elsewhere can be made available to the Cook Inlet Region, Incorporated, to the extent of its entitlement;

"(ii) The feasibility and appropriate nature of reimbursement to Cook Inlet Region, Incorporated, for its unfulfilled entitlement as valued in paragraph 1(CX2)(e) of the document referred to in this subsection;

"(iii) The extent to which implementation to the mechanisms established in subsection 12(b)(7) promise to meet said unfulfilled commitment; and

"(iv) Such other remedial legislation on administrative action as may be needed.

#### INALIK NATIVE CORPORATION LANDS

Sec. 1436. (a) Upon the filing of a valid relinquishment by the State of Alaska of its selections of the following described lands, said lands are hereby withdrawn, subject to valid existing rights for a period of one year for selection by the Inalik Native Corporation:

#### Katoel River Meridian

Township 1 south, range 41 west;  
Township 1 south, range 42 west; and  
Township 1 south, range 43 west.

(b) The Inalik Native Corporation is authorized to select the lands described in subsection (a) in partial satisfaction of its entitlement under section 14 of the Alaska Native Claims Settlement Act. The Secretary shall receive and adjudicate such selections as though they were timely filed pursuant to section 12 of the Alaska Native Claims Settlement Act, and shall convey said lands to the Inalik Native Corporation and the Bering Straits Native Corporation pursuant to section 14 of the Alaska Native Claims Settlement Act.

(c) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of the Inalik Native Corporation and Bering Straits Native Corporation under any section of the Alaska Native Claims Settlement Act.

#### CONVEYANCES TO VILLAGE CORPORATIONS

Sec. 1437. (a) **OPTIONAL PROCEDURE.**—The provisions of this section shall be applicable only to the conveyance of Federal lands described herein to a Native Corporation which within one hundred and eighty days after the date of enactment of this Act or the date of eligibility determination, whichever is later, files a document with the Secretary setting forth its election to receive conveyance pursuant to this section.



43 USC 1613.

43 USC 1611.

43 USC 1601  
note.

43 USC 1641.

(b) "Comm" Townships Etc.—(1)(A) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), 14(b), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native Village which is determined by the Secretary to be eligible for land under section 11 or 16 of the Alaska Native Claims Settlement Act, and which did not elect to acquire a former reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the public lands, as defined in such Act, in the township or townships withdrawn pursuant to section 11(a)(1) or 16(a) of such Act in which all or any part of such Village is located. As used in this paragraph the term "Native Village" has the same meaning such term has in section 3(c) of the Alaska Native Claims Settlement Act.

(B) Where two or more Village Corporations are entitled to the same land by virtue of the same township or townships embracing all or part of the Native Villages, the conveyance made by paragraph (A) shall not be effective as to such lands until an arbitration decision or other binding agreement between or among the Corporations is filed with and published by the Secretary. Within thirty days of receipt of such decision or agreement, the Secretary shall publish notice of the decision or agreement in the Federal Register. Effective with such publication, title to the lands conveyed by subparagraph (A) shall vest in the Village Corporation as specified in the decision or agreement. For purposes of section 902, until title vests in the Village Corporation pursuant to this subparagraph, the Secretary shall consider the entire acreage involved chargeable to each Corporation's entitlement.

(2) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native Village which is determined by the Secretary to be eligible for land under section 11 of such Act, and which did not elect to acquire a former reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn pursuant to section 11(a)(2) of such Act in which all or any part of such village is located: *Provided*, That any such land reserved to or selected by the State of Alaska under the Acts of March 4, 1915 (38 Stat. 1214), as amended, January 21, 1929 (45 Stat. 1091), as amended, or July 28, 1966 (70 Stat. 709), and lands selected by the State which have been tentatively approved to the State under section 6(g) of the Alaska Statehood Act and as to which the State, prior to December 18, 1971, had conditionally granted title to, or contracts to purchase, the surface estate to third parties, including cities and boroughs within the State, and such reservations, selections, grants, and contracts had not expired or been relinquished or revoked by the date of this Act, shall not be conveyed by operation of this paragraph: *And provided further*, That the provisions of subparagraph (1)(B) of this subsection shall apply to the conveyances under this paragraph.

(3) Subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation which, by the date of enactment of this Act, is determined by the Secretary to be eligible under the Alaska Native Claims Settlement Act to, and has elected to, acquire title to any estate pursuant to section 19(b) of the Alaska Native Claims Settlement Act, all of the

Surface estates  
conveyances.  
43 USC 1611,  
1613, 1621.  
Anas. p. 2437.

43 USC 1609,  
1615.

43 USC 1602.

Publication in  
Federal  
Register.

43 USC 1611,  
1613, 1621.  
Anas. p. 2437.

43 USC 1610.

43 USC 1618.

48 USC 353.  
43 USC 852 note.  
48 USC 46-1.

48 USC note  
prec. 21.

43 USC 1601  
note.  
43 USC 1618.



43 USC 1601  
note.

43 USC 1604  
note, 1606 note,  
1611 note, 1613  
and note, 1615,  
1618, 1618 note,  
1620, 1621, 1625  
and note, 1628,  
1627, 1628.  
43 USC 1611.

43 USC 1613.

43 USC 1601  
note.

43 USC 1613,  
1618.

43 USC 1611.

43 USC 1618.



right, title, and interest of the United States in and to the estates in a reserve, as such reserve existed on December 18, 1971, which was set aside for the use or benefit of the stockholders or members of such Corporation before the date of enactment of the Alaska Native Claims Settlement Act. Nothing in this paragraph shall apply to the Village Corporation for the Native village of Klukwan, which Corporation shall receive those rights granted to it by the Act of January 2, 1976 (Public Law 94-204) as amended by the Act of October 4, 1976 (Public Law 94-456).

(4) Subject to valid existing rights and section 903(a) of this Act, and except where such lands are within a National Wildlife Refuge or the National Petroleum Reserve—Alaska, for which the Regional Corporation obtains in-lieu rights pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act, there is hereby conveyed to and vested in each Regional Corporation which, as a result of a conveyance of a surface estate by operation of paragraphs (1) and (2) of this subsection, is entitled under section 14(f) of the Alaska Native Claims Settlement Act to receive the subsurface estate corresponding to such surface estate, all of the right, title, and interest of the United States in and to such subsurface estate.

(c) DOCUMENTS.—As soon as possible after the date of enactment of this Act, the Secretary shall issue to each Native Corporation referred to in subsection (b) interim conveyances or patents to the estate or estates conveyed to such Corporation by such subsection, but title shall be deemed to have passed on the date of the filing of a document of election described in subsection (a), notwithstanding any delay in the issuance of the interim conveyances or patents.

(d) RECONVEYANCES; DISPUTES.—A Village Corporation's obligation to reconvey lands under section 14(c) of the Alaska Native Claims Settlement Act shall arise only upon receipt of an interim conveyance or patent, whichever is earlier, under subsection (c) of this section or under such Act. For purposes of the Alaska Native Claims Settlement Act, legislative conveyances made by, or interim conveyances and patents issued pursuant to, this title shall have the same effect as if issued pursuant to sections 14(a), 14(b), 14(f), and 19(b) of the Alaska Native Claims Settlement Act and shall be deemed to have been so issued. Disputes between or among Native Corporations arising from conveyances under this Act shall be resolved by a board of arbitrators of a type described in section 12(e) of the Alaska Native Claims Settlement Act pertaining to disputes over land selection rights and the boundaries of Village Corporations.

(e) EXISTING RIGHTS.—All conveyances made by operation of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances or patents had been made or issued pursuant to that Act.

(f) EASEMENTS.—For a period of one year from the date of enactment of this Act, the Secretary may identify and issue a decision to reserve in the patent those easements, pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act, which are described in section 17(b)(1) of such Act on lands conveyed by this section, but the Secretary shall not reserve a greater number of easements or more land for a particular easement or easements than is reasonably necessary and he shall be guided by the principles of section 903 of this Act. Upon the finality of the decision so issued, such easements shall be reserved in the conveyance document or documents issued by the Secretary as required by this section.

(c) **DEFINITION.**—For purposes of this section, the term "Native Corporation" means Village Corporations and Regional Corporations.

#### TITLE XV—NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROCESS

##### AREAS SUBJECT TO THE NATIONAL NEED RECOMMENDATION PROCESS

**Sec. 1501.** The process contained in this title shall apply to all public lands within Alaska except for lands within units of the National Park System and the Arctic National Wildlife Refuge. 16 USC 3231.

##### RECOMMENDATIONS OF THE PRESIDENT TO CONGRESS

**Sec. 1502 (a) RECOMMENDATION.**—At any time after the date of enactment of this Act the President may transmit a recommendation to the Congress that mineral exploration, development, or extraction not permitted under this Act or other applicable law shall be permitted in a specified area of the lands referred to in section 1501. Notice of such transmittal shall be published in the Federal Register. No recommendation of the President under this section may be transmitted to the Congress before ninety days after publication in the Federal Register of notice of his intention to submit such recommendation. 16 USC 3232.

Publication in  
Federal  
Register.

(b) **FINDINGS.**—A recommendation may be transmitted to the Congress under subsection (a) if the President finds that, based on the information available to him—

(1) there is an urgent national need for the mineral activity; and

(2) such national need outweighs the other public values of the public lands involved and the potential adverse environmental impacts which are likely to result from the activity.

(c) **REPORT.**—Together with his recommendation, the President shall submit to the Congress—

Submittal to  
Congress.

(1) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendation;

(2) a statement of the conditions and stipulations which would govern the activity if approved by the Congress; and

(3) in any case in which an environmental impact statement is required under the National Environmental Policy Act of 1969, a statement which complies with the requirements of section 102(2)(C) of such Act. In the case of any recommendation for which an environmental impact statement is not required under section 102(2)(C) of the National Environmental Policy Act of 1969, the President may, if he deems it desirable, include such a statement in his transmittal to the Congress.

42 USC 4321  
note.

42 USC 4332.

(d) **APPROVAL.**—Any recommendation under this section shall take effect only upon enactment of a joint resolution approving such recommendation within the first period of one hundred and twenty calendar days of continuous session of Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such recommendation. Any recommendation of the President submitted to Congress under subsection (a) shall be considered received by both Houses for purposes of this section on the first day on which both are in session occurring after such recommendation is submitted.

(e) **ONE-HUNDRED-AND-TWENTY-DAY COMPUTATION.**—For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

**EXPEDITED CONGRESSIONAL REVIEW**

16 USC 3233.

**Sec. 1503. (a) RULEMAKING.**—This subsection is enacted by Congress—

(1) as an exercise of the rulemaking power of each House of Congress, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by subsection (b) of this section and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) **RESOLUTION.**—For purposes of this section, the term "resolution" means a joint resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the recommendation of the President for \_\_\_\_\_ in \_\_\_\_\_ submitted to the Congress on 19 \_\_\_\_", the first blank space therein to be filled in with appropriate activity, the second blank space therein to be filled in with the name or description of the area of land affected by the activity, and the third blank space therein to be filled with the date on which the President submits his recommendation to the House of Representatives and the Senate. Such resolution may also include material relating to the application and effect of the National Environmental Policy Act of 1969 to the recommendation.

42 USC 4321  
note.

(c) **REFERRAL.**—A resolution once introduced with respect to such Presidential recommendation shall be referred to one or more committees (and all resolutions with respect to the same Presidential recommendation shall be referred to the same committee or committees) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) **OTHER PROCEDURES.**—Except as otherwise provided in this section the provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

15 USC 719f.

Approved December 2, 1980.

---

**LEGISLATIVE HISTORY:**

**HOUSE REPORT** No. 96-97, pt. I (Comm. on Interior and Insular Affairs) and pt. II (Comm. on Merchant Marine and Fisheries).

**SENATE REPORT** No. 96-413 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 125 (1979): May 4, 10, 15, 16 considered and passed House.

Vol. 126 (1980): July 21-25, Aug. 4, 5, 18, 19, considered and passed Senate, amended.

Nov. 12, House concurred in Senate amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:**

Vol. 16, No. 49 (1980): December 2, Presidential statement.

○

**HJR**

**78**

# HOUSE COMMITTEE REPORT

(9)

Date Referred: February 9, 1990

FURTHER REFERRALS:

Date of Committee Action: 3/16/90.

JUDICIARY  
FINANCE

The RESOURCES Committee considered:

HJR 78

HOUSE JOINT RES. NO. 78

CREATE ALASKA ENVIRONMENTAL TRUST FUND

Proposing amendments to the Constitution of the State of Alaska to establish an Alaska environmental trust fund.

**RECOMMENDATIONS:**

- [ ] be replaced with \_\_\_\_\_ [ ] the same title
- [ ] \_\_\_\_\_ [ ] a new title
- [ ] have attached amendment(s)
- [X] do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- [ ] fiscal impact \_\_\_\_\_ [ ] fiscal note(s) \_\_\_\_\_
- [X] zero fiscal note DEC [ ] zero fiscal note(s) \_\_\_\_\_
- [ ] zero with analysis \_\_\_\_\_ [ ] zero fn/analysis \_\_\_\_\_

**SIGNING DO PASS:**

\_\_\_\_\_  
*Conrad M. ...*  
*Michael ...*  
*Bill ...*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING:**

(Check approp. column)

	Do Not Pass	No Rec	Amend
<i>Bob ...</i>		X	
<i>Werner ...</i>		X	

\_\_\_\_\_  
Chairman's signature

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION : HJR 78

PUBLISH DATE : 2/9/90

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Environ. Conservation  
 Title: Proposing amendments to the BRU: Environmental Quality  
Constitution of the State of AK to establish environ. trust fund.  
 Sponsor: Rep. Hudson, Ulmer Components: \_\_\_\_\_  
 Requestor: House Resource

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gail Gatton  
 Division: Commissioner's Office

Phone: 465-2600  
 Date: 3/20/90

Approved by Commissioner: ADKyl  
 Agency: Environmental Conservation

Date: 465-2600

Distribution (by preparer) :  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

6-1268E  
Bradley  
3/16/99

Original sponsor(s): REP. NAVARRE, Brown, Menard, M.Davis, Finkelstein, Ellis, Davidson

1  
2 IN THE HOUSE

3 CS FOR HOUSE JOINT RESOLUTION NO. 50 ( )

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 SIXTEENTH LEGISLATURE - SECOND SESSION

6 Proposing amendments to the Constitution  
7 of the State of Alaska relating to an  
8 environmental damages mitigation, abate-  
9 ment, and control fund.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. Article IX, sec. 7, Constitution of the State of Alaska,  
12 is amended to read:

13 SECTION 7. DEDICATED FUNDS. The proceeds of any state tax or  
14 license shall not be dedicated to any special purpose, except as  
15 provided in Sections 15 and 17 [SECTION 15] of this article or when  
16 required by the federal government for state participation in federal  
17 programs. This provision shall not prohibit the continuance of any  
18 dedication for special purposes existing upon the date of ratification  
19 of this section by the people of Alaska.

20 \* Sec. 2. Article IX, Constitution of the State of Alaska, is amended  
21 by adding a new section to read:

22 SECTION 17. ALASKA ENVIRONMENTAL DAMAGES MITIGATION, ABATEMENT,  
23 AND CONTROL FUND. After deducting the amounts required to be placed  
24 in the permanent fund, one percent of the proceeds of each State tax,  
25 license, royalty, and other source of State income shall be placed in  
26 a dedicated fund. The principal and interest of the fund shall be  
27 subject to appropriation by the legislature only for the mitigation,  
28 abatement, and control of environmental damages to the land, water, or  
29 air of the State. The legislature shall implement this section.

1        \* Sec. 3. The amendments proposed by this resolution shall be placed  
2 before the voters of the state at the next general election in conformity  
3 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-  
4 tion laws of the state.  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**H J R**

**88**

FISCAL NOTE

REQUEST:

Revision Date: 3/2/90  
Title: Constitutional Amendment:  
Subsistence  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Dept. of Fish and Game  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No FY 90 impact.

Prepared by: Molly McCammon  
Division: Commissioner's/Office/  
Approved by Commissioner: *[Signature]*  
Agency: \_\_\_\_\_

Phone: 465-4100  
Date: 3/1/90  
Date: 2 28 90

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

7-12-88

March 2, 1990

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a joint resolution proposing an amendment to the Alaska Constitution to give rural residents a priority for subsistence uses of fish and wildlife.

In Title VIII of the Alaska National Interest Lands Conservation Act ("ANILCA"), P.L. 96-487, 94 Stat. 2371, 2422 (1980), the United States Congress established a priority for subsistence uses of fish and wildlife by rural residents on federal land, and provided that the priority would be implemented by the secretaries of interior and agriculture unless the state enacted legislation affording the same priority. In ch. 52, SLA 1986, the legislature gave rural residents a priority for subsistence uses of fish and wildlife. The legislature enacted ch. 52, in part, to prevent a federal takeover of fish and wildlife management on federal land, an action with which I wholeheartedly agree.

In McDowell v. State, 785 P.2d 1 (1989), however, the Alaska Supreme Court held that a subsistence priority for rural residents violates the Alaska Constitution. This raises the distinct possibility that the state will lose management of fish and wildlife on federal land and, conceivably, state-wide. Such a result is simply unacceptable. It also means that the state might find it difficult, if not impossible, to ensure that rural residents most reliant on fish and wildlife have the necessary opportunities to take those resources when needed.

Section one of the joint resolution would add a new section to art. VIII of the Alaska Constitution to ensure that the constitution does not prohibit (1) a subsistence priority for rural residents, and (2) the allocation of fish and wildlife for subsistence uses on the basis of local or community residence, availability of alternative resources,

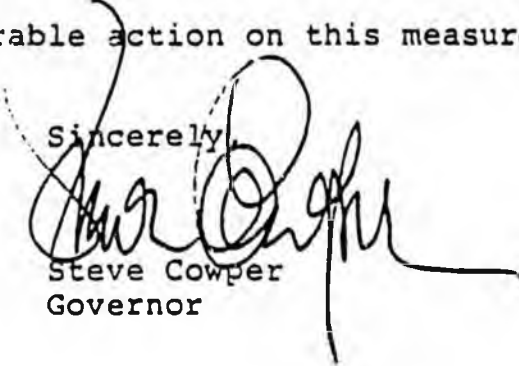
and customary and direct dependence on a fish or game population as a mainstay of livelihood. This would give the legislature clear constitutional authority to enact laws that are consistent with the subsistence provisions of ANILCA.

Section 2 of the joint resolution would validate, ratify, and reinstate those provisions enacted by ch. 52, SLA 1986, held invalid by the Alaska Supreme Court in the McDowell decision. While the court declared that those provisions were inconsistent with the constitution as it read at the time of the decision, they have not been repealed by the legislature nor declared void in a final court judgment. (In any event, while there is a presumption that a constitutional amendment is not retrospective, case law from this and other jurisdictions makes clear that an amendment will have retroactive effect if such an intent is clearly expressed, as here. See Mathews v. Quinton, 362 P.2d, 932, 938 -- 939 [Alaska 1961].) By reinstating and ratifying the provisions of the 1986 law, the state would be back in the same position it was in before the McDowell decision, but with the certainty that the provisions of the 1986 law are constitutional.

Section 3 of the joint resolution is, essentially, the standard language directing the lieutenant governor to place the proposed constitutional amendment, including the statement of intended effect, before the voters in a single ballot proposition at the next general election.

I urge your prompt and favorable action on this measure.

Sincerely,



Steve Cowper  
Governor

# NEWS RELEASE

STATE OF ALASKA

OFFICE OF THE GOVERNOR  
P.O. BOX A  
JUNEAU, ALASKA 99811

STEVE COWPER,  
GOVERNOR



FOR INFORMATION CONTACT

DAVID RAMSEUR  
PRESS SECRETARY

TERRENCE O'MALLEY  
DEPUTY PRESS SECRETARY

(907) 465-3500

---

FOR IMMEDIATE RELEASE  
March 2, 1990  
No. 90-40

## COWPER INTRODUCES SUBSISTENCE CONSTITUTIONAL AMENDMENT

JUNEAU--Gov. Steve Cowper today is introducing a joint resolution in both houses of the state legislature that would give rural Alaska residents a priority for subsistence uses of fish and wildlife.

The resolution would amend the state constitution to authorize a subsistence priority for rural residents. In determining subsistence eligibility, the amendment would allow the state to consider where a person lives, what the availability of alternative resources is, and whether subsistence is the customary and primary livelihood of people in the area.

"We've considered a whole gamut of options, from completely restructuring our fish and game management system to challenging federal subsistence law in court," Cowper said. "We've concluded that a constitutional amendment is the only practical way we can guarantee that Alaskans who depend on a subsistence way of life won't be deprived of access to fish and game."

The resolution must pass by a two-thirds majority vote in both the House and Senate before appearing on November's general election ballot for voter approval.

In 1980, Congress passed the Alaska National Interest Lands Conservation Act (ANILCA) mandating a priority for subsistence uses of fish and wildlife on federal lands by rural residents. ANILCA also set out that the federal government would take over management of fish and game resources on federal lands in Alaska if the state did not pass similar legislation giving rural residents subsistence priority.

-MORE-

5

In 1986, Alaska's legislature passed subsistence legislation giving rural residents preference when resources are scarce, thus preventing a federal takeover of fish and wildlife management on federal lands in Alaska.

Last December, in *McDowell v. State*, the Alaska Supreme Court declared that law unconstitutional, thereby jeopardizing the state's authority to manage fish and wildlife on federal lands and perhaps throughout the state. That ruling also would make it difficult, if not impossible, for the state to ensure that Alaskans who depend on fish and wildlife the most have the necessary opportunity to take those resources.

"Although we've asked the Supreme Court to reconsider its ruling on subsistence, it's unlikely the court will reverse itself," Cowper said. "The current subsistence situation is unacceptable. Alaska has to be able to manage its own fish and wildlife resources. Otherwise, the federal government would be making decisions about the allocation of our resources and how people here should live their lives. Alaskans know what's best for Alaskans and I believe we need to stand together to protect our citizens' rights through a constitutional amendment."

The joint resolution introduced today would add a new section to Article VIII of the state constitution ensuring that the constitution does not prohibit:

- a subsistence priority for rural residents; and
- the allocation of fish and wildlife for subsistence uses on the basis of local or community residence, availability of alternative resources, and customary and direct dependence on a fish or game population as a mainstay of livelihood.

In addition, the resolution would reinstate the provisions of the 1986 subsistence law ruled unconstitutional by the state Supreme Court in December. That would put subsistence back in the same position it was before the Supreme Court decision in the *McDowell* case. The resolution also directs the lieutenant governor to place the proposed constitutional amendment before voters in November's general election.

Last month, the Alaska Federation of Natives adopted a policy position supporting a similar constitutional amendment giving subsistence preference to rural residents.

A CONSTITUTIONAL AMENDMENT ESTABLISHING  
A SUBSISTENCE PRIORITY FOR RURAL ALASKANS

Position paper prepared by  
Alaska Department of Fish and Game  
and  
Alaska Department of Law

March 7, 1990

I. The problem

On December 22, 1989 the Alaska Supreme Court issued a decision in McDowell v. State that the rural preference in the state subsistence law was unconstitutional. This ruling makes it constitutionally impossible for Alaska to enact a law consistent with Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). That section makes federal officials responsible for providing a preference for subsistence uses of fish and wildlife by rural residents on federal public lands unless, in laws of general applicability, the state provides for such uses.

Without a solution to the problem created by the McDowell decision, management of fish and wildlife will be conducted both by the federal and the state governments. This will undoubtedly lead to conflicts over the allowable uses of fish and wildlife and take many of the decisions out of the hands of Alaskans and give them to the federal government. The state was granted a stay by the Supreme Court until July 1 with respect to existing regulations only.

II. Objectives to be achieved in any solution

We believe that any solution must meet the following objectives:

The state must retain its traditional role as manager of the fish and wildlife resources in Alaska in order to ensure the continued health and viability of those resources, as well as to make sure management of the resources is responsive to the needs of Alaskans.

There should be a priority for subsistence uses of fish and wildlife by those Alaskans who most rely on such uses, the majority of whom live in rural areas of the state.

The greatest certainty and predictability must be given to all fish and wildlife users, requiring that potential management conflicts between state and federal management agencies be minimized.

### III. Review process

In the two months since the ruling, the administration has received comments from a wide range of interested and affected Alaskans, reviewed a number of recommended solutions, and met with a variety of user groups including Alaska Native organizations, commercial fishing organizations, and sportsmen and outdoor groups. Since allocation of Alaska's fish and wildlife resources touches nearly everyone in the state, the administration has kept an open mind in reviewing all proposed solutions. For that reason, a great deal of time has been spent in reviewing the legal parameters of the court ruling and all such proposals.

### IV. Options suggested

\* Ask the Alaska Supreme Court to reconsider its decision in McDowell.

The state requested a rehearing of the supreme court's decision, arguing that the court overlooked or misconceived several legal principles and material facts. That request for rehearing has been denied.

\* Amend the Alaska Constitution to authorize a subsistence priority for rural residents.

Since this is the preferred option chosen by Governor Cowper, it will be discussed in more detail in sections V and VI of this paper.

\* Amend ANILCA to eliminate the federal subsistence priority for rural residents.

The administration rejected this approach primarily because it does not have the support of either the Alaska Congressional delegation or the Alaska Native community, both of which would be essential for any amendment to pass Congress. ANILCA was crafted as a compromise which balanced a number of competing interests. Amending it would require an agreement among the state, the Alaska Native community, and the Alaska Congressional delegation at the very minimum. In addition, in the 1978 subsistence statute, throughout the ANILCA legislative process, in the 1982 statewide ballot referendum, and in the 1986 subsistence statute the state has continually supported A subsistence priority FOR rural residents.

\* Amend ANILCA to preempt state law as necessary to grant rural residents a subsistence priority statewide.

Under this scenario, we would ask Congress to apply the supremacy clause and require the state to give rural residents a subsistence priority statewide, despite the constitutional problems addressed by the Alaska Supreme Court in McDowell. Because of state sovereignty principles, this was not considered to be an option that the state should willingly support. Without state support, it is probably not politically attainable.

\* Amend state law to provide a subsistence priority to state residents most dependent on fish and wildlife, as determined through some kind of individualized permitting system, and then amend ANILCA to conform to the state law.

This option was initially suggested by Governor Cowper early in the debate on how to resolve the dilemma posed by the supreme court's ruling. State officials went to great lengths to attempt to develop a system that would be consistent with the state constitution. The tentative proposal was for a three-member Subsistence Commission with powers and authorities similar to the Commercial Fisheries Entry Commission to determine who was a "subsistence user," using a set of criteria for making those determinations. This option was eventually rejected because 1) it would be extremely burdensome and intrusive on those Alaskans it was intended to protect; 2) it would create a large, cumbersome bureaucracy with a cost of many millions of dollars a year; 3) it was estimated that at least 100,000 individual determinations would need to be made, all of them subject to appeals and litigation; 4) it would require a minimum of three to four years to establish such a system and make the initial determinations; and 5) there was a serious question whether such a system would be consistent with the Alaska Constitution as interpreted in McDowell.

In addition, this approach would still result in state law being inconsistent with the subsistence preference provisions of ANILCA, in the absence of an amendment to ANILCA, already determined to be unattainable. This create an unacceptable risk of a federal takeover of fish and wildlife management.

\* Interpret section 804 of ANILCA as preempting state law on federal lands (as those may ultimately be defined by the courts), with implementation carried out by state officials.

State and federal attorneys agree that Congress intended the ANILCA subsistence priority for rural residents to apply on federal lands and to preempt conflicting state laws. A legal argument can be made that, under the supremacy clause of the United States Constitution, state officials can implement the ANILCA subsistence priority by rural residents on federal lands directly under ANILCA. On the other hand, it can be argued that state officials are bound by the state constitution and cannot implement a conflicting federal law.

Another uncertainty is the geographic scope of the ANILCA preference. "Public lands" are defined as "land situated in Alaska which, after the date of enactment of this Act, are Federal lands, except [valid state and Native corporation selections]." "Federal land" is defined as "lands the title to which is in the United States after the date of enactment of this Act." "Land" is defined as "lands, waters, and interests therein."

The possible geographic scope of the ANILCA preference under these definitions ranges from "narrow" (wildlife only when they are physically present on federal land, and fish only when in non-navigable waters on federal land) to "broad" (wildlife throughout their migratory range, even when not on federal land, and fish wherever they are in any waters of the state, including the territorial sea).

This option is not the preferred option for reasons in addition to the uncertainty over the geographical scope of ANILCA. Since the state would be acting under federal, as opposed to state authority, there would undoubtedly be litigation challenging the ability of the state to proceed directly under ANILCA. The more direct avenue is to amend the state constitution to allow state agencies to act directly under state law. However, the preemption option may provide a fallback position if the constitutional amendment fails.

\* Seek cooperative agreements with the Secretaries of Interior and Agriculture under which the ANILCA priority would be implemented by them, perhaps only through closure authority to avoid dual management of the resource.

It is clear that a failure by the state to give rural residents a subsistence priority, something which McDowell now says is impossible under the state constitution, would result in a federal takeover of fish and game management for subsistence uses on federal public lands. The Secretary of the Interior has made it clear he wishes to see the state resolve this issue in order to bring us into compliance with the provisions of ANILCA. One former Interior Department official believes that the Secretaries' authorities to implement a subsistence priority for rural residents on federal lands is limited under ANILCA to their authority to close the lands to the taking of fish and wildlife until the priority is satisfied. However, current Department of the Interior officials have also made it clear that they believe their authority to be much more expansive than mere closure authority.

This is an option that, of necessity, is being discussed with federal officials both for the time period between July 1 and the effective date of a constitutional amendment, and in the event an amendment does not pass the Legislature or the voters. Because it

easily could result in a federal takeover of fish and wildlife management however, it is not the preferred option.

\* Use current management tools -- seasons, bag limits, same-day (or even two-day) airborne prohibitions, etc. -- creatively to benefit those most dependent on fish and wildlife.

Some people point to the fact that prior to the state's 1978 statute giving subsistence uses a priority, the Boards of Fisheries and Game had the authority to provide for subsistence uses using the traditional regulatory tools of methods and means. They argue that in order to make the state approach consistent with ANILCA, these traditional regulatory tools could be employed to explicitly favor rural residents. Any direct attempt by the boards to implement such a priority through regulations would be subject to the same constitutional challenge as the rural preference struck down in McDowell. In addition, ANILCA only stays the federal responsibility for providing the subsistence priority by rural residents on federal lands if the state has, in laws of general applicability, the same definition of and priority for subsistence as the federal law. Simply using traditional management tools would not satisfy that requirement of ANILCA, again running the risk of a federal takeover.

\* Challenge the ANILCA subsistence priority for rural residents and/or Congress' power to require such a priority on constitutional grounds.

The administration does not support this option primarily because we support the rural subsistence preference contained in ANILCA and believe an attempt to challenge that priority is not warranted. Such a challenge would probably be based on the grounds that the ANILCA priority violates 1) equal protection, applicable to federal statutes under the due process clause of the Fifth Amendment to the United States Constitution, and 2) the statehood compact. With respect to the first argument, the federal constitution has a much more deferential equal protection test than the Alaska Constitution, and the state is not considered to have very strong legal arguments. With respect to the second argument, a unanimous United States Supreme Court ruled in 1976 that the federal government has the constitutional authority to regulate fish and wildlife on federal lands.

\* Amend the Alaska Constitution to authorize a subsistence priority for Alaska Natives.

Although many of the rural residents who most rely on fish and wildlife for their economic and cultural well-being are Alaska Natives, there are also many non-Native rural residents who depend on the same fish and wildlife. The administration does not support

a Native only preference. Further, such a priority would not be consistent with ANILCA.

\* Amend ANILCA to authorize a subsistence preference for Alaska Natives.

The same position as above applies to this option.

V. The administration's preferred approach

In McDowell, the Alaska Supreme Court struck down the state's subsistence priority for rural residents because it violated article VIII of the Alaska Constitution. It did not rely on any provisions of the federal constitution in striking down the subsistence priority for rural residents. Accordingly, the Alaska Constitution can be amended to make constitutional the subsistence priority by rural residents struck down in McDowell.

Amending the state constitution is the cleanest way to allow the state to again be consistent with ANILCA and provide a subsistence priority by rural residents. Such an amendment would ensure that the state would retain management of fish and wildlife on federal land, a goal which played a major role in the statehood movement. In addition, it would permit the state to ensure that rural residents most reliant on fish and wildlife have the necessary opportunities to take those resources when needed. The state has attempted to do so for more than 10 years now, only to be stymied by one court decision after another. By authorizing a subsistence priority for rural residents in the Alaska Constitution, the state would have clear authority to finally implement what has been state policy for more than a decade.

VI. Further Discussion and Considerations

A. The amendment and its effect

The governor has proposed a constitutional amendment which would authorize the limitation of subsistence uses of fish and wildlife to rural residents. Such uses already can be the subject of a priority under the current article VIII, section 4, which authorizes "preferences among beneficial uses." The proposed section 19 would be added to article VIII, and would read:

Nothing in this constitution prohibits the Legislature from limiting the taking of fish and wildlife for subsistence uses to rural residents, and from providing for the allocation of that taking among rural residents on the basis of local or community residents, availability of alternative resources, and customary and direct dependence on

a fish or game population as the mainstay of livelihood.

The wording of the proposed resolution makes clear that:

The intent of the amendment proposed by this resolution is to validate, ratify, and reinstate any provisions of [the 1986 state subsistence law] and of any regulations adopted [thereunder], which otherwise might have to be declared invalid under the Alaska Supreme Court's decision in McDowell v. State, 785 P.2d 1 (Alaska 1989), and to explicitly reverse the effect of the McDowell decision as to those provisions and regulations.

If this resolution passes the Legislature and in the November general election, the state would be authorized to have legislation consistent with ANILCA and the legislation which was enacted in 1986 would be validated retroactively, rather than requiring reenactment. The principle of retroactive validation is accepted in caselaw from other jurisdictions, and has been noted by the Alaska Supreme Court in Matthews v. Quinton, 362 P.2d 932, 938 (Alaska 1961).

B. What happens between July 1 and the general election?

If this resolution passes the Legislature, the state could ask the Alaska Supreme Court for an extension of the stay in McDowell until after the November general election results were certified. The justification for the request would be that, if the amendment does pass in the general election, the disruptions and start-up costs for a contingency plan which would only be effective from July 1 through the general election would not be in the best interests of the state.

The court may not be receptive to such a request, since in a February 26, 1990, order denying a request that the current stay be vacated, the court stated:

The stay entered on January 5, 1990, will expire on the close of business July 1, 1990. Extensions to the stay will not be granted.

The court may have been indicating that the state must face up to the consequences of the McDowell decision. The comment, however, was made in a context in which no party had asked for an extension of the stay. It is possible that if a constitutional amendment did pass the Legislature, the court might consider an extension. At the same time, we cannot rely on an extension of the stay. Thus, a contingency plan will have to be developed which would apply from July 1 until after the November election, in the

event the stay were not continued. The state is currently participating in the federal contingency planning process.

C. The amendment's relationship to the Kenaitze problem.

The proposed amendment only attempts to resolve the problem created by the supreme court's decision in McDowell, which conclusively precludes the state from having a law that is consistent with the definition of and priority for subsistence uses in ANILCA. This imminently threatens the unified management so necessary for the welfare of the fish and wildlife in Alaska and for those who use those resources. The proposed amendment does not attempt to address other subsistence issues, such as the inconsistency of the state's definition of "rural" and Congress's use of that term in ANILCA, as identified by the ninth circuit court of appeals in Kenaitze Indian Tribe v. State, 860 F.2d 312 (9th Cir. 1988).

In that case, the court held that the state's current definition of "rural area" found in AS 16.05.940(25) is not consistent with the use of the term "rural" in ANILCA. The state had defined "rural area" as:

a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area.

The ninth circuit concluded that focusing on the economy of the community or area was not consistent with Congress's intent. It based its view on what it considered the "common sense" meaning of "rural" as being connected to population levels and densities. If the proposed constitutional amendment passes, it would not resolve the "rural" issue; unless the proposed constitutional amendment passes, however, the state cannot even attempt to achieve consistency between its definition of "rural" and the federal one.

Even if the McDowell decision had not been issued, it would still be premature to consider changing state law to define "rural" in a way which would be consistent with ANILCA. Although the ninth circuit said the state definition was not consistent, it did not say what the term "rural" in ANILCA meant, and gave the state no clear guidance as to how the state definition should be amended to make it consistent with ANILCA. The meaning of "rural" in the federal law is currently the subject of federal district court proceedings in the Kenaitze case. Until that litigation provides more guidance as to what would be consistent with ANILCA, it would be inappropriate to try to amend state law to match the federal law. At this point, of course, the state does not even

have the authority to define subsistence in terms of rural residents, quite apart from refining the "rural" definition.

If this constitutional amendment passes, the state will in the meanwhile have gathered more information about the scope of the term "rural" in ANILCA through the federal district court case. A reasoned decision can then be made whether the best course is to repeal the state definition, replace the state definition with another definition, or attempt to amend ANILCA to reflect the state definition in the federal law.

#### D. Severability

If the constitutional amendment validating the 1986 subsistence law does not pass, the ANILCA standards will apply to federal land in the state. However, what the rules would be for state and private lands depends on the question of severability.

Under McDowell, the limitation of the subsistence priority to only rural residents in the 1986 state law is invalid on state and private lands. However, the court did not decide whether the remainder of the 1986 law, including the priority of subsistence uses over other uses, is also invalid.

The basic question is whether the Legislature would have intended the subsistence mandate and priority to remain in effect if the class of subsistence users included all Alaskans. In that event, hunting by nonresidents and sport and commercial fishing would have to be eliminated before subsistence uses (open to all Alaskans) on any fish stock or game population could be cut back. (The subsistence uses would be subject to reasonable regulation, however, without requiring other uses be eliminated.)

If the Legislature would have intended that the rest of the law fall if the rural limitation were invalid, then the boards would not be required to authorize subsistence fishing and hunting (open to all Alaskans), and would not be required to give it a priority. The boards could in their discretion, however, authorize subsistence and give it a priority, in any given situation.

This question will probably be presented to the superior court when the case returns there from the supreme court.

STEVE COWPER  
GOVERNOR



ac  
7-18-88

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 2, 1990

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a joint resolution proposing an amendment to the Alaska Constitution to give rural residents a priority for subsistence uses of fish and wildlife.

In Title VIII of the Alaska National Interest Lands Conservation Act ("ANILCA"), P.L. 96-487, 94 Stat. 2371, 2422 (1980), the United States Congress established a priority for subsistence uses of fish and wildlife by rural residents on federal land, and provided that the priority would be implemented by the secretaries of interior and agriculture unless the state enacted legislation affording the same priority. In ch. 52, SLA 1986, the legislature gave rural residents a priority for subsistence uses of fish and wildlife. The legislature enacted ch. 52, in part, to prevent a federal takeover of fish and wildlife management on federal land, an action with which I wholeheartedly agree.

In McDowell v. State, 785 P.2d 1 (1989), however, the Alaska Supreme Court held that a subsistence priority for rural residents violates the Alaska Constitution. This raises the distinct possibility that the state will lose management of fish and wildlife on federal land and, conceivably, state-wide. Such a result is simply unacceptable. It also means that the state might find it difficult, if not impossible, to ensure that rural residents most reliant on fish and wildlife have the necessary opportunities to take those resources when needed.

Section one of the joint resolution would add a new section to art. VIII of the Alaska Constitution to ensure that the constitution does not prohibit (1) a subsistence priority for rural residents, and (2) the allocation of fish and wildlife for subsistence uses on the basis of local or community residence, availability of alternative resources,

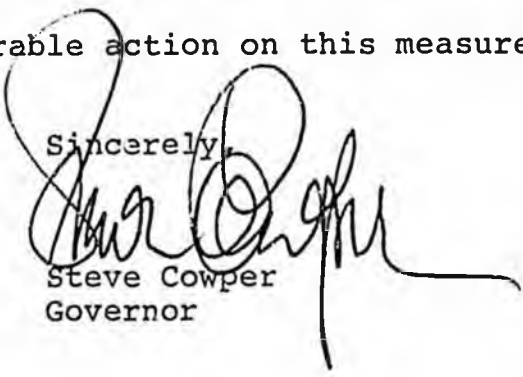
and customary and direct dependence on a fish or game population as a mainstay of livelihood. This would give the legislature clear constitutional authority to enact laws that are consistent with the subsistence provisions of ANILCA.

Section 2 of the joint resolution would validate, ratify, and reinstate those provisions enacted by ch. 52, SLA 1986, held invalid by the Alaska Supreme Court in the McDowell decision. While the court declared that those provisions were inconsistent with the constitution as it read at the time of the decision, they have not been repealed by the legislature nor declared void in a final court judgment. (In any event, while there is a presumption that a constitutional amendment is not retrospective, case law from this and other jurisdictions makes clear that an amendment will have retroactive effect if such an intent is clearly expressed, as here. See Mathews v. Quinton, 362 P.2d, 932, 938 -- 939 [Alaska 1961].) By reinstating and ratifying the provisions of the 1986 law, the state would be back in the same position it was in before the McDowell decision, but with the certainty that the provisions of the 1986 law are constitutional.

Section 3 of the joint resolution is, essentially, the standard language directing the lieutenant governor to place the proposed constitutional amendment, including the statement of intended effect, before the voters in a single ballot proposition at the next general election.

I urge your prompt and favorable action on this measure.

Sincerely,



Steve Cowper  
Governor

**HJR**

**90**