

(c) Lands subject to exchange

(1) The lands to be transferred to the City of Kake under subsection (a) of this section are the surface and subsurface estate to approximately 1,430 acres of land owned by Kake Tribal Corporation and Sealaska Corporation, and depicted as “KTC Land to City of Kake” on the map entitled “Kake Land Exchange-2000”, dated May 2000.

(2) The lands subject to relinquishment by the State of Alaska and to conveyance to Kake Tribal Corporation and Sealaska Corporation under subsection (a) of this section are the surface and subsurface estate to approximately 1,389 acres of Federal lands depicted as “Jenny Creek-Land Selected by the State of Alaska to KTC” on the map entitled “Kake Land Exchange-2000”, dated May 2000.

(3) In addition to the transfers authorized under subsection (a) of this section, the Secretary may acquire from Sealaska Corporation the subsurface estate to approximately 1,127 acres of land depicted as “KTC Land-Conservation Easement to SEAL Trust” on the map entitled “Kake Land Exchange-2000”, dated May 2000, through a land exchange for the subsurface estate to approximately 1,168 acres of Federal land in southeast Alaska that is under the administrative jurisdiction of the Secretary. Any exchange under this paragraph shall be subject to the mutual consent of the United States Forest Service and Sealaska Corporation.

(d) Withdrawal

Subject to valid existing rights, the lands described in subsection (c)(2) of this section are withdrawn from all forms of location, entry, and selection under the mining and public land laws of the United States and from leasing under the mineral and geothermal leasing laws. This withdrawal expires 18 months after the effective date of this section.

(e) Maps

The maps referred to in this chapter shall be maintained on file in the Office of the Chief, United States Forest Service, the Office of the Secretary of the Interior, and the Office of the Petersburg Ranger District, Alaska.

(f) Watershed management

The United States Forest Service may cooperate with Kake Tribal Corporation and the City of Kake in developing a watershed management plan that provides for the protection of the watershed in the public interest. Grants may be made, and contracts and cooperative agreements may be entered into, to the extent necessary to assist the City of Kake and Kake Tribal Corporation in the preparation and implementation of a watershed management plan for the land within the City of Kake’s municipal watershed.

(g) Effective date

This section is effective upon the execution of one or more conservation easements that, subject to valid existing rights of third parties—

- (1) encumber all lands depicted as “KTC Land to City of Kake” and “KTC Land-Conservation Easement to SEAL Trust” on a map entitled “Kake Land Exchange-2000” dated May 2000;

(2) provide for the relinquishment by Kake Tribal Corporation of the Corporation’s development rights on lands described in paragraph (1); and

(3) provide for perpetual protection and management of lands depicted as “KTC Land to City of Kake” and “KTC Land-Conservation Easement to SEAL Trust” on the map described in paragraph (1) as—

- (A) a watershed;
- (B) a municipal drinking water source in accordance with the laws of the State of Alaska;
- (C) a source of fresh water for the Gunnuk Creek Hatchery; and
- (D) habitat for black bear, deer, birds, and other wildlife.

(h) Timber manufacturing; export restriction

Notwithstanding any other provision of law, timber harvested from lands conveyed to Kake Tribal Corporation under this section shall not be available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey such timber to any person for the purpose of exporting that timber from the State of Alaska.

(i) Authorization of appropriations

There are authorized such sums as may be necessary to carry out this chapter, including to compensate Kake Tribal Corporation for relinquishing its development rights pursuant to subsection (g)(2) of this section and to provide assistance to Kake Tribal Corporation to meet the requirements of subsection (h) of this section. No funds authorized under this section may be paid to Kake Tribal Corporation unless Kake Tribal Corporation is a party to the conservation easements described in subsection (g) of this section.

(Pub. L. 92-203, § 42, as added Pub. L. 106-283, § 3, Oct. 6, 2000, 114 Stat. 867.)

REFERENCES IN TEXT

The Alaska Statehood Act, referred to in subsecs. (a)(1) and (b)(1), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, as amended, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

DECLARATION OF PURPOSE

Pub. L. 106-283, § 2, Oct. 6, 2000, 114 Stat. 867, provided that: “The purpose of this Act [see Short Title of 2000 Amendment note set out under section 1601 of this title] is to authorize the reallocation of lands and selection rights between the State of Alaska, Kake Tribal Corporation, and the City of Kake, Alaska, in order to provide for the protection and management of the municipal watershed.”

CHAPTER 33A—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT AND ALASKA STATEHOOD

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§ 1631. Ownership of submerged lands

(a) Meandering in the surveying of submerged land

(1) Except as provided in paragraph (2), whenever the Secretary surveys land selected by a Native, a Native Corporation, or the State pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Alaska Statehood Act, or this Act, lakes, rivers, and streams shall be meandered in accordance with the principles in the Bureau of Land Management, "Manual of Surveying Instructions" (1973).

(2) If title to lands beneath navigable waters of a lake less than fifty acres in size or a river or stream less than three chains in width did not vest in the State pursuant to the Submerged Lands Act [43 U.S.C. 1301 et seq., 1311 et seq.], such lake, river, or stream shall not be meandered.

(3) The Secretary is not required to determine the navigability of a lake, river, or stream which because of its size or width is required to be meandered or to compute the acreage of the land beneath such lake, river, or stream or to describe such land in any conveyance document.

(4) Nothing in this subsection shall be construed to require ground survey or monumentation of meanderlines.

(b) Ownership of riparian lands; ratification of memorandum of agreement

(1) Whenever, either before or after August 16, 1988, the Secretary conveys land to a Native, a Native Corporation, or the State pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Alaska Statehood Act, or this Act which abuts or surrounds a meanderable lake, river, or stream, all right, title, and interest of the United States, if any, in the land under such lake, river, or stream lying between the uplands and the median line or midpoint, as the case may be, shall vest in and shall not be charged against the acreage entitlement of such Native or Native Corporation or the State. The right, title, and interest vested in a Native or Native Corporation shall be no greater an estate than the estate he or it is conveyed in the land which abuts or surrounds the lake, river, or stream.

(2) The specific terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled, "Memorandum of Agreement between the United States Department of the Interior and the State of Alaska" dated March 28, 1984, signed by the Secretary and the Governor of Alaska and 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 obliga-

tions of the United States and the State, as a matter of Federal law.

(c) Interim conveyances and patents; navigability of streams; award of costs and attorney's fees

(1) The execution of an interim conveyance or patent, as appropriate, by the Bureau of Land Management which conveys an area of land selected by a Native or Native Corporation which includes, surrounds, or abuts a lake, river, or stream, or any portion thereof, shall be the final agency action with respect to a decision of the Secretary of the Interior that such lake, river, or stream, is or is not navigable, unless such decision was validly appealed to an agency or board of the Department of the Interior on or before December 2, 1980.

(2) No agency or board of the Department of the Interior other than the Bureau of Land Management shall have authority to determine the navigability of a lake, river, or stream within an area selected by a Native or Native Corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] or this Act unless a determination by the Bureau of Land Management that such lake, river, or stream, is or is not navigable, was validly appealed to such agency or board on or before December 2, 1980.

(3) If title to land conveyed to a Native Corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] or this Act which underlies a lake, river, or stream is challenged in a court of competent jurisdiction and such court determines that such land is owned by the Native Corporation, the Native Corporation shall be awarded a money judgment against the plaintiffs in an amount equal to its costs and attorney's fees, including costs and attorney's fees incurred on appeal.

(d) Definitions

For the purposes of this section, the terms "navigable" and "navigability" means navigable for the purpose of determining title to lands beneath navigable waters, as between the United States and the several States pursuant to the Submerged Lands Act [43 U.S.C. 1301 et seq., 1311 et seq.] and section 6(m) of the Alaska Statehood Act.

(Pub. L. 96-487, title IX, §901, Dec. 2, 1980, 94 Stat. 2430; Pub. L. 99-258, Mar. 19, 1986, 100 Stat. 42; Pub. L. 99-644, Nov. 10, 1986, 100 Stat. 3581; Pub. L. 100-395, title I, §101, Aug. 16, 1988, 102 Stat. 979.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsecs. (a)(1), (b)(1), and (c)(2), (3), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

This Act, referred to in subsecs. (a)(1), (b)(1), and (c)(2), (3), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

The Alaska Statehood Act, referred to in subsecs. (a)(1), (b)(1), and (d), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, as amended, which is set out as a note preced-