

legislate on the subject matter or the legality of this chapter, all rights of land selection granted to the State by the Alaska Statehood Act shall be suspended as to any public lands which are determined by the Secretary to be potentially valuable for mineral development, timber, or other commercial purposes, and no selections shall be made, no tentative approvals shall be granted, and no patents shall be issued for such lands during the pendency of such litigation. In the event of such suspension, the State's right of land selection pursuant to section 6 of the Alaska Statehood Act shall be extended for a period of time equal to the period of time the selection right was suspended.

(Pub. L. 92-203, §10, Dec. 18, 1971, 85 Stat. 696.)

#### REFERENCES IN TEXT

The Alaska Statehood Act and section 6 of the Alaska Statehood Act, referred to in subsec. (b), are Pub. L. 85-508, July 7, 1958, 72 Stat. 339, and section 6 thereof, as amended, and are 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.

#### § 1610. Withdrawal of public lands

##### (a) Description of withdrawn public lands; exceptions; National Wildlife Refuge lands exception; time of withdrawal

(1) The following public lands are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from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

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

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

(C) The lands in each township that is contiguous to or corners on a township containing lands withdrawn by paragraph (B) of this subsection.

The following lands are excepted from such withdrawal: lands in the National Park System and lands withdrawn or reserved for national defense purposes other than Naval Petroleum Reserve Numbered 4.

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been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from the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

(3)(A) If the Secretary determines that the lands withdrawn by subsections (a)(1) and (2) hereof are insufficient to permit a Village or Regional Corporation to select the acreage it is entitled to select, the Secretary shall withdraw three times the deficiency from the nearest unreserved, vacant and unappropriated public lands. In making this withdrawal the Secretary shall, insofar as possible, withdraw public lands

of a character similar to those on which the village is located and in order of their proximity to the center of the Native village: *Provided*, That if the Secretary, pursuant to section 1616, and 1621(e) of this title determines there is a need to expand the boundaries of a National Wildlife Refuge to replace any acreage selected in the Wildlife Refuge System by the Village Corporation the withdrawal under this section shall not include lands in the Refuge.

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

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

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

#### NAME OF PLACE AND REGION

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

Dot Lake, Tanana.  
 Eagle, Upper Yukon-Porcupine.  
 Eek, Southwest Coastal Lowland.  
 Egegik, Bristol Bay.  
 Eklutna, Cook Inlet.  
 Ekuk, Bristol Bay.  
 Ekwok, Bristol Bay.  
 Elim, Bering Strait.  
 Emmonak, Southwest Coastal Lowland.  
 English Bay, Cook Inlet.  
 False Pass, Aleutian.  
 Fort Yukon, Upper Yukon-Porcupine.  
 Gakona, Copper River.  
 Galena, Koyukuk-Lower Yukon.  
 Gambell, Bering Sea.  
 Georgetown, Upper Kuskokwim.  
 Golovin, Bering Strait.  
 Goodnews Bay, Southwest Coastal Lowland.  
 Grayling, Koyukuk-Lower Yukon.  
 Gulkana, Copper River.  
 Hamilton, Southwest Coastal Lowland.  
 Holy Cross, Koyukuk-Lower Yukon.  
 Hooper Bay, Southwest Coastal Lowland.  
 Hughes, Koyukuk-Lower Yukon.  
 Huslia, Koyukuk-Lower Yukon.  
 Igiugig, Bristol Bay.  
 Iliamna, Cook Inlet.  
 Inalik, Bering Strait.  
 Ivanof Bay, Aleutian.  
 Kaguyak, Kodiak.  
 Katovik, Arctic Slope.  
 Kalskag, Southwest Coastal Lowland.  
 Kaltag, Koyukuk-Lower Yukon.  
 Karluk, Kodiak.  
 Kasigluk, Southwest Coastal Lowland.  
 Kiana, Bering Strait.  
 King Cove, Aleutian.  
 Kipnuk, Southeast Coastal Lowland.  
 Kivalina, Bering Strait.  
 Kobuk, Bering Strait.  
 Kokhanok, Bristol Bay.  
 Koliganek, Bristol Bay.  
 Kongiganak, Southwest Coastal Lowland.  
 Kotlik, Southwest Coastal Lowland.  
 Kotzebue, Bering Strait.  
 Koyuk, Bering Strait.  
 Koyukuk, Koyukuk-Lower Yukon.  
 Kwethluk, Southwest Coastal Lowland.  
 Kwigillingok, Southwest Coastal Lowland.  
 Larsen Bay, Kodiak.  
 Levelock, Bristol Bay.  
 Lime Village, Upper Kuskokwim.  
 Lower Kalskag, Southwest Coastal Lowland.  
 McGrath, Upper Kuskokwim.  
 Makok, Koyukuk-Lower Yukon.  
 Manley Hot Springs, Tanana.  
 Manokotak, Bristol Bay.  
 Marshall, Southwest Coastal Lowland.  
 Mary's Igloo, Bering Strait.  
 Medfra, Upper Kuskokwim.  
 Mekoryuk, Southwest Coastal Lowland.  
 Mentasta Lake, Copper River.  
 Minchumina Lake, Upper Kuskokwim.  
 Minto, Tanana.  
 Mountain Village, Southwest Coastal Lowland.  
 Nabesna Village, Tanana.  
 Naknek, Bristol Bay.  
 Napaimute, Upper Kuskokwim.  
 Napakiak, Southwest Coastal Lowland.  
 Napaskiak, Southwest Coastal Lowland.  
 Nelson Lagoon, Aleutian.  
 Nenana, Tanana.  
 Newhalen, Cook Inlet.  
 New Stuyahok, Bristol Bay.  
 Newtok, Southwest Coastal Lowland.  
 Nightmute, Southwest Coastal Lowland.  
 Nikolai, Upper Kuskokwim.  
 Nikolski, Aleutian.  
 Ninilchik, Cook Inlet.  
 Noatak, Bering Strait.  
 Nome, Bering Strait.  
 Nondalton, Cook Inlet.  
 Nooiksut, Arctic Slope.  
 Noorvik, Bering Strait.  
 Northeast Cape, Bering Sea.  
 Northway, Tanana.  
 Nulato, Koyukuk-Lower Yukon.  
 Nunapitchuk, Southwest Coastal Lowland.  
 Ohogamiut, Southwest Coastal Lowland.  
 Old Harbor, Kodiak.  
 Oscarville, Southwest Coastal Lowland.  
 Ouzinkie, Kodiak.  
 Paradise, Koyukuk-Lower Yukon.  
 Pauloff Harbor, Aleutian.  
 Pedro Bay, Cook Inlet.  
 Perryville, Kodiak.  
 Pilot Point, Bristol Bay.  
 Pilot Station, Southwest Coastal Lowland.  
 Pitkas Point, Southwest Coastal Lowland.  
 Platinum, Southwest Coastal Lowland.  
 Point Hope, Arctic Slope.  
 Point Lay, Arctic Slope.  
 Portage Creek (Ohgsenakale), Bristol Bay.  
 Port Graham, Cook Inlet.  
 Port Heiden (Meshick), Aleutian.  
 Port Lions, Kodiak.  
 Quinhagak, Southwest Coastal Lowland.  
 Rampart, Upper Yukon-Porcupine.  
 Red Devil, Upper Kuskokwim.  
 Ruby, Koyukuk-Lower Yukon.  
 Russian Mission or Chauthalue  
 (Kuskokwim), Upper Kuskokwim.  
 Russian Mission (Yukon), Southwest Coastal  
 Lowland.  
 St. George, Aleutian.  
 St. Mary's, Southwest Coastal Lowland.  
 St. Michael, Bering Strait.  
 St. Paul, Aleutian.  
 Salamatof, Cook Inlet.  
 Sand Point, Aleutian.  
 Savonoski, Bristol Bay.  
 Savoonga, Bering Sea.  
 Scammon Bay, Southwest Coastal Lowland.  
 Selawik, Bering Strait.  
 Seldovia, Cook Inlet.  
 Shageluk, Koyukuk-Lower Yukon.  
 Shaktoolik, Bering Strait.  
 Sheldon's Point, Southwest Coastal Low-  
 land.  
 Shishmaref, Bering Strait.  
 Shungnak, Bering Strait.  
 Slana, Copper River.  
 Sleetmute, Upper Kuskokwim.  
 South Naknek, Bristol Bay.  
 Squaw Harbor, Aleutian.  
 Stebbins, Bering Strait.  
 Stevens Village, Upper Yukon-Porcupine.  
 Stony River, Upper Kuskokwim.  
 Takotna, Upper Kuskokwim.  
 Tanacross, Tanana.  
 Tanana, Koyukuk-Lower Yukon.

Tatilek, Chugach.  
 Tazlina, Copper River.  
 Telida, Upper Kuskokwim.  
 Teller, Bering Strait.  
 Tetlin, Tanana.  
 Togiak, Bristol Bay.  
 Toksook Bay, Southwest Coastal Lowland.  
 Tulusak, Southwest Coastal Lowland.  
 Tuntutuliak, Southwest Coastal Lowland.  
 Tununak, Southwest Coastal Lowland.  
 Twin Hills, Bristol Bay.  
 Tyonek, Cook Inlet.  
 Ugashik, Bristol Bay.  
 Unalakleet, Bering Strait.  
 Unalaska, Aleutian.  
 Unga, Aleutian.  
 Uyak, Kodiak.  
 Venetie, Upper Yukon-Porcupine.  
 Wainwright, Arctic Slope.  
 Wales, Bering Strait.  
 White Mountain, Bering Strait.

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

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

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

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

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

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

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

(Pub. L. 92-203, § 11, Dec. 18, 1971, 85 Stat. 696.)

#### REFERENCES IN TEXT

The Alaska Statehood Act, as amended, referred to in subsec. (a)(1), (2), 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.

### § 1611. Native land selections

#### (a) Acreage limitation; proximity of selections and size of sections and units; waiver

(1) During a period of three years from December 18, 1971, the Village Corporation for each Native village identified pursuant to section 1610 of

this title shall select, in accordance with rules established by the Secretary, all of the township or townships in which any part of the village is located, plus an area that will make the total selection equal to the acreage to which the village is entitled under section 1613 of this title. The selection shall be made from lands withdrawn by section 1610(a) of this title: *Provided*, That no Village Corporation may select more than 69,120 acres from lands withdrawn by section 1610(a)(2) of this title, and not more than 69,120 acres from the National Wildlife Refuge System, and not more than 69,120 acres in a National Forest: *Provided further*, That when a Village Corporation selects the surface estate to lands within the National Wildlife Refuge System or Naval Petroleum Reserve Numbered 4, the Regional Corporation, for that region may select the subsurface estate in an equal acreage from other lands withdrawn in section 1610(a) of this title within the region, if possible.

(2) Selections made under this subsection (a) of this section shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than 1,280 acres: *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 chapter.

#### (b) Allocation; reallocation considerations

The difference between twenty-two million acres and the total acreage selected by Village Corporations pursuant to subsection (a) of this section shall be allocated by the Secretary among the eleven Regional Corporations (which excludes the Regional Corporation for southeastern Alaska) on the basis of the number of Natives enrolled in each region. Each Regional Corporation shall, not later than October 1, 2005, reallocate such acreage among the Native villages within the region on an equitable basis after considering historic use, subsistence needs, and population. The action of the Secretary or the Corporation shall not be subject to judicial review. Each Village Corporation shall select the acreage allocated to it from the lands withdrawn by section 1610(a) of this title.

#### (c) Computation

The difference between thirty-eight million acres and the 22 million acres selected by Village Corporations pursuant to subsections (a) and (b) of this section shall be allocated among