

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not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this chapter and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from December 18, 1971, determines that—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

the eleven Regional Corporations (which excludes the Regional Corporation for southeastern Alaska) as follows:

(1) The number of acres each Regional Corporation is entitled to receive shall be computed (A) by determining on the basis of available data the percentages of all land in Alaska (excluding the southeastern region) that is within each of the eleven regions, (B) by applying that percentage to thirty-eight million acres reduced by the acreage in the southeastern region that is to be selected pursuant to section 1615 of this title, and (C) by deducting from the figure so computed the number of acres within that region selected pursuant to subsections (a) and (b) of this section.

(2) In the event that the total number of acres selected within a region pursuant to subsections (a) and (b) of the section exceeds the percentage of the reduced thirty-eight million acres allotted to that region pursuant to subsection (c)(1)(B) of this section, that region shall not be entitled to receive any lands under this subsection (c). For each region so affected the difference between the acreage calculated pursuant to subsection (c)(1)(B) of this section and the acreage selected pursuant to subsections (a) and (b) of this section shall be deducted from the acreage calculated under subsection (c)(1)(C) of this section for the remaining regions which will select lands under this subsection (c). The reductions shall be apportioned among the remaining regions so that each region's share of the total reduction bears the same proportion to the total reduction as the total land area in that region (as calculated pursuant to subsection (c)(1)(A) of this section¹ bears to the total land area in all of the regions whose allotments are to be reduced pursuant to this paragraph.

(3) Before the end of the fourth year after December 18, 1971, each Regional Corporation shall select the acreage allocated to it from the lands within the region withdrawn pursuant to section 1610(a)(1) of this title, and from the lands within the region withdrawn pursuant to section 1610(a)(3) of this title to the extent lands withdrawn pursuant to section 1610(a)(1) of this title are not sufficient to satisfy its allocation: *Provided*, That within the lands withdrawn by section 1610(a)(1) of this title the Regional Corporation may select only even numbered townships in even numbered ranges, and only odd numbered townships in odd numbered ranges.

(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 chapter, the Regional Corporations may select as follows:

(A) Where such public lands were not withdrawn pursuant to section 1610(a)(3) of this title, but are surrounded by or contiguous to lands withdrawn pursuant to section 1610(a)(3) of this title, 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.

(B) Where such public lands were withdrawn pursuant to section 1610(a)(1) of this title 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 such public lands are surrounded by or contiguous to subsurface lands obtained by a Regional Corporation under subsections² (a) or (b) of this section, the Corporation may, upon request, have such public land conveyed to it.

(D)(i) A Regional Corporation which elects to obtain public lands under subparagraph (C) shall be limited to a total of not more than 12,000 acres. Selection by a Regional Corporation of in lieu surface acres under subparagraph (E) pursuant to an election under subparagraph (C) shall not be made from any lands within a conservation system unit (as that term is defined by section 3102(4) of title 16).

(ii) An election to obtain the public lands described in subparagraph (A), (B), or (C) shall include all available parcels within the township in which the public lands are located.

(iii) For purposes of this subparagraph and subparagraph (C), the term "Regional Corporation" shall refer only to Doyon, Limited.

(E) Where the Regional Corporation elects to obtain such public lands under subparagraph (A), (B), or (C) 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 (a)(1) of this section or section 1613(h)(9) of this title, 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 1616(d)(1) of this title.

(F) 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 December 18, 1971.

(5) Subparagraphs (A), (B), and (C) of paragraph (4) shall apply, notwithstanding the failure of the Regional Corporation to have appealed the rejection of a selection during the conveyance of the relevant surface estate.

¹ So in original. Probably should be followed by a closing parenthesis.

² So in original. Probably should be "subsection".

(d) Village Corporation for Native village at Dutch Harbor; lands and improvements and patent for Village Corporation

To insure that the Village Corporation for the Native village at Dutch Harbor, if found eligible for land grants under this chapter, has a full opportunity to select lands within and near the village, no federally owned lands, whether improved or not, shall be disposed of pursuant to the Federal surplus property disposal laws for a period of two years from December 18, 1971. The Village Corporation may select such lands and improvements and receive patent to them pursuant to section 1613(a) of this title.

(e) Disputes over land selection rights and boundaries; arbitration

Any dispute over the land selection rights and the boundaries of Village Corporations shall be resolved by a board of arbitrators consisting of one person selected by each of the Village Corporations involved, and an additional one or two persons, whichever is needed to make an odd number of arbitrators, such additional person or persons to be selected by the arbitrators selected by the Village Corporations.

(f) Combining entitlements and reallocations

(1) The entitlements received by any Village Corporation under subsection (a) of this section and the reallocations made to the Village Corporation under subsection (b) of this section may be combined, at the discretion of the Secretary, without—

(A) increasing or decreasing the combined entitlement; or

(B) increasing the limitation on selections of Wildlife Refuge System land, National Forest System land, or State-selected land under subsection (a) of this section.

(2) The combined entitlement under paragraph (1) may be fulfilled from selections under subsection (a) or (b) of this section without regard to the entitlement specified in the selection application.

(3) All selections under a combined entitlement under paragraph (1) shall be adjudicated and conveyed in compliance with this chapter.

(4) Except in a case in which a survey has been contracted for December 10, 2004, the combination of entitlements under paragraph (1) shall not require separate patents or surveys, to distinguish between conveyances made to a Village Corporation under subsections (a) and (b) of this section.

(Pub. L. 92-203, §12, Dec. 18, 1971, 85 Stat. 701; Pub. L. 96-487, title XIV, §§1402, 1403, Dec. 2, 1980, 94 Stat. 2492; Pub. L. 105-333, §3, Oct. 31, 1998, 112 Stat. 3130; Pub. L. 108-452, title II, §202, Dec. 10, 2004, 118 Stat. 3582.)

REFERENCES IN TEXT

For Federal surplus property disposal laws, referred to in subsec. (d), see, generally, subtitle I of Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-452, §202(1), substituted “Regional Corporation shall, not later than October 1, 2005,” for “Regional Corporation shall” in second sentence.

Subsec. (f). Pub. L. 108-452, §202(2), added subsec. (f). 1998—Subsec. (c)(4)(C), (D). Pub. L. 105-333, §3(a)(1), added subpars. (C) and (D). Former subpars. (C) and (D) redesignated (E) and (F), respectively.

Subsec. (c)(4)(E). Pub. L. 105-333, §3(a), redesignated subpar. (C) as (E) and substituted “(A), (B), or (C)” for “(A) or (B)”.

Subsec. (c)(4)(F). Pub. L. 105-333, §3(a)(1), redesignated subpar. (D) as (F).

Subsec. (c)(5). Pub. L. 105-333, §3(b), added par. (5). 1980—Subsec. (a)(2). Pub. L. 96-487, §1402, inserted proviso specifying conditions under which Secretary in his discretion and upon request of concerned Village Corporation may waive the whole section requirement.

Subsec. (c)(4). Pub. L. 96-487, §1403, added par. (4).

SEPARABILITY

Pub. L. 95-178, §3(b), Nov. 15, 1977, 91 Stat. 1370, provided that: “If any provision of this Act [enacting section 1628 of this title, amending sections 1613 and 1615 of this title, and amending provisions set out as a note under this section] or the applicability thereof is held invalid, the validity of the remainder of this Act, of section 12 of the Act of January 2, 1976 (Public Law 94-204), as amended [set out below], of the document referred to in section 12(b) thereof, and the duties and obligations of the Secretary of the Interior, the State of Alaska, and Cook Inlet Region, Incorporated, with respect thereto, shall not be affected thereby.”

LAND AVAILABLE AFTER SELECTION PERIOD

Pub. L. 108-452, title II, §201, Dec. 10, 2004, 118 Stat. 3582, provided that:

“(a) IN GENERAL.—To make certain Federal land available for conveyance to a Native Corporation that has sufficient remaining entitlement, the Secretary [of the Interior] may waive the filing deadlines under sections 12 and 16 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1615) if—

“(1) the Federal land is—

“(A) located in a township in which all or any part of a Native Village is located; or

“(B) surrounded by—

“(i) land that is owned by the Native Corporation; or

“(ii) selected land that will be conveyed to the Native Corporation;

“(2) the Federal land—

“(A) became available after the end of the original selection period;

“(B)(i) was not selected by the Native Corporation because the Federal land was subject to a competing claim or entry; and

“(ii) the competing claim or entry has lapsed; or

“(C) was previously an unavailable Federal enclave within a Native selection withdrawal area;

“(3)(A) the Secretary provides the Native Corporation with a specific time period in which to decline the Federal land; and

“(B) the Native Corporation does not submit to the Secretary written notice declining the land within the period established under subparagraph (A); and

“(4) the State [of Alaska] has voluntarily relinquished any valid State selection or top-filing for the Federal land.

“(b) CONGRESSIONAL ACTION.—Subsection (a) shall not apply to a parcel of Federal land if Congress has specifically made other provisions for disposition of the parcel of Federal land.”

SETTLEMENT OF REMAINING ENTITLEMENT

Pub. L. 108-452, title II, §209, Dec. 10, 2004, 118 Stat. 3586, provided that:

“(a) IN GENERAL.—The Secretary [of the Interior] may enter into a binding written agreement with a Native Corporation relating to—

“(1) the land remaining to be conveyed to the Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) from land selected

as of September 1, 2004, or land made available under section 201 [set out above], 206 [amending section 1613 of this title], or 208 [amending section 1621 of this title] of this Act;

“(2) the priority in which the land is to be conveyed;

“(3) the relinquishment of selections which are not to be conveyed;

“(4) the selection entitlement to which selections are to be charged, regardless of the entitlement under which originally selected;

“(5) the survey of the exterior boundaries of the land to be conveyed;

“(6) the additional survey to be performed under section 14(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)); and

“(7) the resolution of conflicts with Native allotment [an allotment claimed under the Act of May 17, 1906 (34 Stat. 197, chapter 2469)] applications.

“(b) REQUIREMENTS.—An agreement under subsection (a)—

“(1) shall be authorized by a resolution of the Native Corporation entering into the agreement; and

“(2) shall include a statement that the entitlement of the Native Corporation shall be considered complete on execution of the agreement.

“(c) CORRECTION OF CONVEYANCE DOCUMENTS.—In an agreement under subsection (a), the Secretary and the Native Corporation may agree to make technical corrections to the legal description in the conveyance documents for easements previously reserved so that the easements provide the access intended by the original reservation.

“(d) CONSULTATION.—Before entering into an agreement under subsection (a), the Secretary shall ensure that the concerns or issues identified by the State [of Alaska] and all Federal agencies potentially affected by the agreement are given consideration.

“(e) ERRORS.—Any Native Corporation entering into an agreement under subsection (a) shall receive any gain or bear any loss resulting from errors in prior surveys, protraction diagrams, or computation of the ownership of third parties on any land conveyed.

“(f) EFFECT.—

“(1) IN GENERAL.—An agreement under subsection (a) shall not—

“(A) affect the obligations of Native Corporations under prior agreements; or

“(B) result in a Native Corporation relinquishing valid selections of land in order to qualify for the withdrawal of other tracts of land.

“(2) EFFECT ON SUBSURFACE RIGHTS.—The terms of an agreement entered into under subsection (a) shall be binding on a Regional Corporation with respect to the location and quantity of subsurface rights of the Regional Corporation under section 14(f) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(f)).

“(3) EFFECT ON ENTITLEMENT.—Nothing in this section increases the entitlement provided to any Native Corporation under—

“(A) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); or

“(B) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

“(g) BOUNDARIES OF A NATIVE VILLAGE.—An agreement entered into under subsection (a) may not define the boundaries of a Native Village.

“(h) AVAILABILITY OF AGREEMENTS.—An agreement entered into under subsection (a) shall be available for public inspection in the appropriate offices of the Department of the Interior.”

FINAL PRIORITIES; CONVEYANCE AND SURVEY PLANS

Pub. L. 108-452, title IV, §§401-403, Dec. 10, 2004, 118 Stat. 3591, provided that:

“SEC. 401. DEADLINE FOR ESTABLISHMENT OF REGIONAL PLANS.

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Dec. 10, 2004], the Sec-

retary [of the Interior], in coordination and consultation with Native Corporations, other Federal land management agencies, and the State [of Alaska], shall update and revise the 12 preliminary Regional Conveyance and Survey Plans.

“(b) INCLUSIONS.—The updated and revised plans under subsection (a) shall identify any conflicts to be resolved and recommend any actions that should be taken to facilitate the finalization of land conveyances in a region by 2009.

“SEC. 402. DEADLINE FOR ESTABLISHMENT OF VILLAGE PLANS.

“Not later than 30 months after the date of enactment of this Act [Dec. 10, 2004], the Secretary, in coordination with affected Federal land management agencies, the State, and Village Corporations, shall complete a final closure plan with respect to the entitlements for each Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“SEC. 403. FINAL PRIORITIZATION OF ANCSA SELECTIONS.

“(a) IN GENERAL.—Any Native Corporation that has not received its full entitlement or entered into a voluntary, negotiated settlement of final entitlement shall submit the final, irrevocable priorities of the Native Corporation—

“(1) in the case of a Village, Group, or Urban Corporation entitlement, not later than 36 months after the date of enactment of this Act [Dec. 10, 2004]; and

“(2) in the case of a Regional Corporation entitlement, not later than 42 months after the date of enactment of this Act.

“(b) ACREAGE LIMITATIONS.—The priorities submitted under subsection (a) shall not exceed land that is the greater of—

“(1) not more than 125 percent of the remaining entitlement; or

“(2) not more than 640 acres in excess of the remaining entitlement.

“(c) CORRECTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the priorities submitted under subsection (a) may not be revoked, rescinded, or modified by the Native Corporation.

“(2) TECHNICAL CORRECTIONS.—Not later than 90 days after the date of receipt of a notification by the Secretary that there appears to be a technical error in the priorities, the Native Corporation may correct the technical error in accordance with any recommendations of, and in a manner prescribed by or acceptable to, the Secretary.

“(d) RELINQUISHMENT.—

“(1) IN GENERAL.—As of the date on which the Native Corporation submits its final priorities under subsection (a)—

“(A) any unprioritized, remaining selections of the Native Corporation—

“(i) are relinquished, but any part of the selections may be reinstated for the purpose of correcting a technical error; and

“(ii) have no further segregative effect; and

“(B) all withdrawals under sections 11 and 16 of the Alaska Native Claims Settlement Act (43 U.S.C. 1610, 1615) under the relinquished selections are terminated.

“(2) RECORDS.—All relinquishments under paragraph (1) shall be included in Bureau of Land Management land records.

“(e) FAILURE TO SUBMIT PRIORITIES.—If a Native Corporation fails to submit priorities by the deadline specified in subsection (a)—

“(1) with respect to a Native Corporation that has priorities on file with the Secretary, the Secretary—

“(A) shall convey to the Native Corporation the remaining entitlement of the Native Corporation, as determined based on the most recent priorities of the Native Corporation on file with the Secretary and in accordance with the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

“(B) may reject any selections not needed to fulfill the entitlement; or

“(2) with respect to a Native Corporation that does not have priorities on file with the Secretary, the Secretary shall satisfy the entitlement by conveying land selected by the Secretary, in consultation with the appropriate Native Corporation, the Federal land managing agency with administrative jurisdiction over the land to be conveyed, and the State, that, to the maximum extent practicable, is—

“(A) compact;

“(B) contiguous to land previously conveyed to the Native Corporation; and

“(C) consistent with the applicable preliminary Regional Conveyance and Survey Plan referred to in section 401.

“(f) PLAN OF CONVEYANCE.—

“(1) IN GENERAL.—The Secretary shall—

“(A) identify any Native Corporation that does not have sufficient priorities on file;

“(B) develop priorities for the Native Corporation in accordance with subsection (e); and

“(C) provide to the Native Corporation a plan of conveyance based on the priorities developed under subparagraph (B).

“(2) FINALIZED SELECTIONS.—Not later than 180 days after the date on which the Secretary provides a plan of conveyance to the affected Village, Group, or Urban Corporation and the Regional Corporation, the Regional Corporation shall finalize any Regional selections that are in conflict with land selected by the Village, Group, or Urban Corporation that has not been prioritized by the deadline under subsection (a)(1).

“(g) DISSOLVED OR LAPSED CORPORATIONS.—

“(1)(A) If a Native Corporation is lapsed or dissolved at the time final priorities are required to be filed under this section and does not have priorities on file with the Secretary, the Secretary shall establish a deadline for the filing of priorities that shall be one year from the provisions of notice of the deadline.

“(B) To fulfill the notice requirement under paragraph (1), the Secretary shall—

“(i) publish notice of the deadline to a lapsed or dissolved Native Corporation in a newspaper of general circulation nearest the locality where the affected land is located; and

“(ii) seek to notify in writing the last known shareholders of the lapsed or dissolved corporation.

“(C) If a Native Corporation does not file priorities with the Secretary before the deadline set pursuant to subparagraph (A), the Secretary shall notify Congress.

“(2) If a Native Corporation with final priorities on file with the Bureau of Land Management is lapsed or dissolved, the United States—

“(A) shall continue to administer the prioritized selected land under applicable law; but

“(B) may reject any selections not needed to fulfill the lapsed or dissolved Native Corporation's entitlement.”

AVAILABILITY OF PROPERTY ACCOUNT FOR PURPOSES INVOLVING PUBLIC SALE OF PROPERTY BY FEDERAL AGENCIES

Pub. L. 100-202, §101(j) [§127], Dec. 22, 1987, 101 Stat. 1329-311, 1329-318, provided that: “In addition to the purposes for which it is now available, the property account established by section 12(b) of the Act of January 2, 1976, as amended (43 U.S.C. 1611 note) [section 12(b) of Pub. L. 94-204 set out below] shall be available hereafter for purposes involving any public sale of property

by any agency of the United States, including the Department of Defense, or any element thereof.”

AUTHORITY TO CONVEY LANDS UNDER APPLICATION FOR SELECTION TO COOK INLET REGION, INC., FOR RECONVEYANCE TO VILLAGE CORPORATIONS; TENDER OF CONVEYANCE OF DESCRIBED LAND TO COOK INLET REGION, INC., ACCEPTANCE BY REGION, AND EFFECT ON ENTITLEMENT

Pub. L. 94-456, §§4, 5, Oct. 4, 1976, 90 Stat. 1935, provided that:

“SEC. 4. (a) The Secretary is authorized to convey lands under application for selection by Village Corporations within Cook Inlet Region to the Cook Inlet Region, Incorporated, for reconveyance by the Region to such Village Corporations. Such lands shall be conveyed as partial satisfaction of the statutory entitlement of such Village Corporations from lands withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act [section 1610(a)(3) of this title] (hereinafter, The Settlement Act) [this chapter], and with the consent of the Region affected, as provided in section 12 of the Act of January 2, 1976 (89 Stat. 1145, 1150) [set out as a note below], from lands outside the boundaries of Cook Inlet Region. This authority shall not be employed to increase or decrease the statutory entitlement of any Village Corporation or Cook Inlet Region, Incorporated. For the purposes of counting acres received in computing statutory entitlement, the Secretary shall count the number of acres or acre selections surrendered by Village Corporations in any exchange for any other lands or selections.

“(b) The Secretary shall not be required to survey any land conveyed pursuant to subsection 4(a) until the Village Corporation entitlement for all eligible Village Corporations has been conveyed. With respect to the conveyances made by the Secretary in the manner authorized by subsection 4(a), the Secretary shall survey the exterior boundaries of each entire area conveyed to Cook Inlet Region, Incorporated, pursuant to subsection 4(a) and monument to boundary lines at angle points and intervals of approximately two miles on straight lines. The Secretary shall not be required to provide ground survey or monumentation along meanderable water boundaries. Each township corner located within the exterior boundary of land conveyed shall be located and monumented. Any areas within such tracts that are to be reconveyed pursuant to section 14(C)(1) and (2) of the Settlement Act [section 1613(c)(1) and (2) of this title] shall also be surveyed pursuant to 43 C.F.R. 2650.

“(c) Conveyances made under the authority of subsection (a) of this section shall be considered conveyances under the Settlement Act [this chapter] and subject to the provisions of that Act, except as provided by this Act [amending section 1615(a) and (d) of this title and amending provisions set out as a note below].

“SEC. 5. (a) The Secretary shall, within sixty days after the effective date of this Act [Oct. 4, 1976], tender conveyance of the land described in subsection (b), subject to valid existing rights, to Cook Inlet Region, Incorporated. If the conveyance is accepted by the Region, such lands shall be considered 1,687.2 acre-equivalents within the meaning of paragraph I(C)(2)(e)(iii) of the Terms and Conditions as clarified August 31, 1976, and the Secretary's obligations under paragraph I(C) of those Terms and Conditions will be reduced accordingly. If, however, said section 12 of the Act of January 2, 1976 [set out as a note below], does not take effect then the entitlement of Cook Inlet Region, Incorporated, under section 12(c) [section 1611(c) of this title] shall be reduced by 8,346 acres.

“(b) The land referred to in subsection (a) is described as a parcel of land located in section 7 of township 13 north, range 2 west of the Seward Meridian, Third Judicial District, State of Alaska; said parcel being all of Government lots 5 and 7 and that portion of the SE¼ NW¼ lying north of the north right-of-way line of the Glenn Highway, State of Alaska, Department of Highways Project No. F-042-1(2), and more particularly described as follows:

“Commencing at the north quarter corner of said section 7;

“thence south 00 degrees 12 minutes east, a distance of 1,320.0 feet, more or less, to the northeast corner of said southeast quarter northwest quarter;

“thence west along the north line of southeast quarter northwest quarter a distance of 94.0 feet, more or less, to the north right-of-way line of the Glenn Highway and the true point of beginning;

“thence south 53 degrees 16 minutes 15 seconds west along said north right-of-way line, a distance of 1,415.0 feet, more or less, to a point of curve being at right angles to centerline Station 216 plus 51.35;

“thence continuing along said north right-of-way line along a curve to the right with a central angle of 12 degrees 51 minutes 34 seconds, having a radius of 5,595.58 feet for an arc distance of 105.0 feet, more or less, to a point of intersection of said north right-of-way line with the west line of said southeast quarter northwest quarter;

“thence north 00 degrees 12 minutes west along said west line, being common with the east line of Government lot 5, a distance of 910.0 feet, more or less, to the northwest corner of said southeast quarter northwest quarter;

“thence east along the north line of said southeast quarter northwest quarter, a distance of 1,225.0 feet, more or less, to the point of beginning; containing 56.24 acres, more or less.”

SETTLEMENT OF CLAIMS AND CONSOLIDATION OF OWNERSHIP AMONG THE UNITED STATES, THE COOK INLET REGION, INC. AND THE STATE OF ALASKA

Pub. L. 94-204, §12, Jan. 2, 1976, 89 Stat. 1150, as amended by Pub. L. 94-456, §3, Oct. 4, 1976, 90 Stat. 1935; Pub. L. 95-178, §3(a), Nov. 15, 1977, 91 Stat. 1369; Pub. L. 96-55, §2, Aug. 14, 1979, 93 Stat. 386; Pub. L. 96-311, July 17, 1980, 94 Stat. 947; Pub. L. 96-487, title XIV, §1435, Dec. 2, 1980, 94 Stat. 2545; Pub. L. 97-468, title VI, §606(d), Jan. 14, 1983, 96 Stat. 2566; Pub. L. 99-500, §101(h) [title III, §319], Oct. 18, 1986, 100 Stat. 1783-242, 1783-286, and Pub. L. 99-591, §101(h) [title III, §319], Oct. 30, 1986, 100 Stat. 3341-242, 3341-287; Pub. L. 101-511, title VIII, §8133(a), Nov. 5, 1990, 104 Stat. 1909; Pub. L. 102-154, title III, §320, Nov. 13, 1991, 105 Stat. 1036; Pub. L. 103-204, §32(b), Dec. 17, 1993, 107 Stat. 2413, provided that:

“(a) The purpose of this section is to provide for the settlement of certain claims, and in so doing to consolidate ownership among the United States, the Cook Inlet Region Incorporated (hereinafter in this section referred to as the ‘Region’), and the State of Alaska, within the Cook Inlet area of Alaska in order to facilitate land management and to create land ownership patterns which encourage settlement and development in appropriate areas. The provisions of this section shall take effect at such time as all of the following have taken place:

“(1) the State of Alaska has conveyed or irrevocably obligated itself to convey lands to the United States for exchange, hereby authorized, with the Region in accordance with the document referred to in subsection (b);

“(2) the Region and all plaintiffs/appellants have withdrawn from Cook Inlet against Kleppe, numbered 75-2232, ninth circuit, and such proceedings have been dismissed with prejudice; and

“(3) all Native village selections under section 12 of the Settlement Act [section 1611 of this title] of the lands within Lake Clark, Lake Kontrashibuna, and Mulchatna River deficiency withdrawals have been irrevocably withdrawn and waived.

The conveyances described in paragraph (1) of this subsection shall not be subject to the provisions of section 6(i) of the Alaska Statehood Act (72 Stat. 339) [set out as note preceding section 21 of Title 48, Territories and Insular Possessions].

“(b) The Secretary shall make the following conveyances to the Region, in accordance with the specific terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document enti-

tled ‘Terms and Conditions for Land Consolidation and Management in Cook Inlet Area’, which was submitted to the House Committee on Interior and Insular Affairs on December 10, 1975, and clarified on August 31, 1976, the terms of which, as clarified, are hereby incorporated herein and ratified as to the duties and obligations of the United States and the Region, as a matter of Federal law.

“(1) title to approximately 10,240 acres of land within the Kenai National Moose Range; except that there shall be no conveyance of the bed of Lake Tustamena, or the mineral estate in the waterfront zone described in the document referred to in this subsection;

“(2) title to oil and gas and coal in not to exceed 9.5 townships within the Kenai National Moose Range;

“(3) title to Federal interests in township 10 south, range 9 west, F.M., and township 20 north, range 9 east, S.M.;

“(4) title to township 1 south, range 21 west, S.M.: sections 3 to 10, 15 to 22, 29, and 30; and rights to metalliferous minerals in the following sections in township 1 north, range 21 west, S.M.: sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36;

“(5) title to twenty-nine and sixty-six hundredths townships of land outside the boundaries of Cook Inlet Region: unless pursuant to the document referred to in this subsection a greater or lesser entitlement shall exist, in which case the Secretary shall convey such entitlement;

“(6) title to lands selected by the Region from a pool which shall be established by the Secretary and the Administrator of General Services: *Provided*, That conveyances pursuant to this paragraph shall not be subject to the provisions of section 22(l) of the Settlement Act [section 1621(l) of this title]: *Provided further*, That conveyances pursuant to this paragraph shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in paragraph (5) of this subsection and on the basis of values determined by agreement among the parties, notwithstanding any other provision of law. Effective upon their conveyance, the lands referred to in paragraph (1) of this subsection are excluded from the Kenai National Moose Range, but they shall automatically become part of the range and subject to the laws and regulations applicable thereto upon title thereafter vesting in the United States. The Secretary is authorized to acquire lands formerly within the range with the concurrence of the Region so long as the Region owns such lands. Section 22(e) of the Settlement Act [section 1621(e) of this title], concerning refuge replacement, shall apply with respect to lands conveyed pursuant to paragraphs (1) and (2) of this subsection, except that the Secretary may designate for replacement land twice the amount of any land conveyed without restriction to a native corporation.

“(7)(i) Until the obligations of the Secretary and the Administrator of General Services under section 12(b)(5) and (6) of this Act [subsec. (b)(5), (6) of this note] are otherwise fulfilled: (a) Cook Inlet Region, Incorporated, may, by using the account established in subsection 12(b)(7)(iv) [subsec. (b)(7)(iv) of this note], bid, as any other bidder for property as defined in subsection 12(b)(7)(vii) [subsec. (b)(7)(vii) of this note], [sic] wherever located, in accordance with the applicable laws and regulations of the Federal agency or instrumentality offering such property for sale. No preference right of any type will be offered to Cook Inlet Region Incorporated, for bidding on property under this section 12(b)(7) [subsec. (b)(7) of this note]. There shall be no advertising other than that ordinarily required by such sale. [sic] (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) [now 40 U.S.C. 545(b)] 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 [this chapter]: *Provided*, That nothing in these subsections 12(b)(7)(i)(b) or (ii) [subsec. (b)(7)(i)(b) or (ii) of this note] shall be construed to establish, enlarge or diminish authority of the Administrator or the Secretary within the State of Alaska. Prior to any disposition under subsection 12(b)(7)(i)(b) [subsec. (b)(7)(i)(b) of this note], 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) Subject to the exceptions stated in section 12(b)(9) [subsec. (b)(9) of this note], and notwithstanding the foregoing subsection 12(b)(7)(i) [subsec. (b)(7)(i) of this note] and any provision of any other law or any implementing regulation inconsistent with this subsection, until the obligations of the Secretary and the Administrator of General Services under section 12(b)(5) and (6) [subsec. (b)(5) and (6) of this note] are otherwise fulfilled:

“(A) concurrently with the commencement of screening of any excess real property, wherever located, for utilization by Federal agencies, the Administrator of General Services shall notify the Region that such property may be available for conveyance to the Region upon negotiated sale. Within fifteen days of the date of receipt of such notice, the Region may advise the Administrator that there is a tentative need for the property to fulfill the obligations established under section 12(b)(5) and (6) [subsec. (b)(5) and (6) of this note]. If the Administrator determines the property should be disposed of by transfer to the Region, the Administrator or other appropriate Federal official shall promptly transfer such property;

“(B) no disposition or conveyance of property under this subsection to the Region shall be made until the Administrator, after notice to affected State and local governments, has provided to them such opportunity to obtain the property as is recognized in title 40, United States Code and the regulations thereunder for the disposition or conveyance of surplus property; and

“(C) as used in this subsection, ‘real property’ means any land or interests in land owned or held by the United States or any Federal agency, any improvements on such land or rights to their use or exploitation, and any personal property related to the land.

“(iii) If the Region accepts any conveyance under section 12(b)(7)(i) or (ii) [subsec. (b)(7)(i) or (ii) of this note], it shall be in exchange for acres or acre-equivalents as provided in subparagraph I(C)(2)(e) of the document referred to in this section, except that, after the obligation of the Secretary and the Administrator under subparagraph I(C)(2)(g) of that document has been fulfilled, the acre-equivalents under subparagraph I(C)(2)(e)(iii)(A) shall be one-half the valued increment therein stated. The entitlement of the Region under section 12(b) of this Act [subsec. (b) of this note] shall be reduced by the number of acres or acre-equivalents attributed to the Region under this subsection. The Secretary and the Administrator are directed to execute an agreement with the Region which shall conform substantially to the ‘Memorandum of Understanding Regarding the Implementation of Section 12(b)(7)’, dated September 10, 1982, and submitted to the Senate Committee on Commerce, Science, and Transportation. The Secretary, the Administrator and the Region may thereafter otherwise agree to procedures to implement responsibilities under this section 12(b)(7) [subsec. (b)(7) of this note], including establishment of accounting procedures and the delegation or reassignment of duties under this statute.

“(iv) The Secretary of the Treasury shall establish a Cook Inlet Region, Incorporated property account,

which shall be available for the purpose of bidding on property, as defined in subsection 12(b)(7)(vii) [subsec. (b)(7)(vii) of this note], or paying for the conveyance of property pursuant to subsections 12(b)(7)(i) or (ii) [subsec. (b)(7)(i), (ii) of this note]. The balance of the account shall be the sum of (1) the acre-equivalent exchange value established by paragraph I(C)(2)(e)(iii)(A) of the document referred to in this subsection, of the unfulfilled entitlement of Cook Inlet Region, Incorporated, [on] December 2, 1980, to acre or acre-equivalents under paragraph I(C)(2)(g) of the document referred to in this subsection 12(b) [subsec. (b) of this note] and (2) one-half the acre or acre-equivalent exchange value under subparagraph I(C)(2)(e)(iii)(A) of seven townships fewer than the unfulfilled entitlement of the Region on the same date to acres or acre-equivalents under paragraph I(C)(1) of the document referred to in this section. The balance of the property account shall be adjusted in accordance with subsection 12(b)(7)(iii) [subsec. (b)(7)(iii) of this note] to reflect transfers or successful bids under section 12(b)(5) and (6) of this section [subsec. (b)(5) and (6) of this note] or payments of forfeited deposits, penalties, or other assessments imposed under a valid bid or sales contract on Cook Inlet Region, Incorporated.

“(v) The amount charged against the Treasury account established under subsection 12(b)(7)(iv) [subsec. (b)(7)(iv) of this note] for sales or transfers of property made pursuant to the Federal Property and Administrative Services Act of 1949, 40 U.S.C. sec. 471 et seq. [see chapters 1 to 11 of Title 40, Public Buildings, Property, and Works, and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of Title 41, Public Contracts], or any legislative or executive delegation under that Act, 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) [now 40 U.S.C. 572(a)], as amended.

“(vi) 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) of the document referred to in subsection (b) of this section [subsec. (b) of this note] shall be prima facie evidence of such fair value.

“(vii) Notwithstanding the definition of ‘property’ found in the Federal Property and Administrative Services Act of 1949, as amended [see 40 U.S.C. 102(9)], as used in this section 12(b)(7) [subsec. (b)(7) of this note], ‘property’ means any property—real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds), or mixed—owned, held, or controlled by the United States (including that in a corporate capacity or as a receiver or conservator, or such other similar fiduciary relationship), and offered for sale by any agency or instrumentality of the United States, including but not limited to the General Services Administration, Department of Defense, Department of the Interior, Department of Agriculture, Department of Housing and Urban Development, the United States Courts and any Government corporation, agency or instrumentality subject to chapter 91 of title 31, United States Code; real property means any land or interest in land or option to purchase land, any improvements on such lands, or rights to their use or exploitation.

“(viii) Any charge against the property account and any transfer of funds from the property account heretofore made for the purpose of consummating any prior sale or making a deposit or other payment to bind any contract of sale or paying any forfeiture of deposit, penalty or assessment is hereby authorized, ratified and affirmed.

“(8) Subject to the exceptions stated in section 12(b)(9) [subsec. (b)(9) of this note], and notwithstanding any provisions of law or implementing regulation inconsistent with this section:

“(i) The deadlines in subparagraphs I(C)(2)(a) and (g) of the document referred to in this section shall be extended until the Secretary’s obligations under section 12(b)(5) and (6) [subsec. (b)(5) and (6) of this note] are fulfilled: *Provided*, That:

“(A) the obligation of the Secretary under subparagraph I(C)(2)(a) of such document shall terminate on such date, after July 15, 1984, that the Secretary has fulfilled his obligation under subparagraph I(C)(2)(g) of that document: *Provided*, That the obligation of the Secretary under subparagraph I(C)(2)(g) of such document shall be fulfilled at such date, after July 15, 1984, that the sum of the acres or acre-equivalents identified for and placed in the pool and the acres or acre-equivalents used by the Region in purchasing property under section 12(b)(7) [subsec. (b)(7) of this note] equals or exceeds 138,240 acres or acre-equivalents;

“(B) the authority of the Secretary under subparagraphs I(C)(2)(b) and I(C)(2)(g)(ii) of such document to contribute to the pool created under subparagraph I(C)(2)(a) of such document shall terminate (a) on July 15, 1984, if, by that date, the Secretary has fulfilled his obligation under subparagraph I(C)(2)(g), or (b) if not, on such date after July 15, 1984 as such obligation is fulfilled, or (c) if such obligation remains unfulfilled, on July 15, 1987;

“(C) the concurrence by the State as described in subparagraphs I(C)(2)(a)(vi) and I(C)(2)(c) of the document referred to in this section shall be deemed not required after the Secretary has fulfilled his obligation under subparagraph I(C)(2)(g) of that document, but in no event after July 15, 1987. In lieu of such concurrence, after 1984 as to military property, and after the Secretary has fulfilled his obligation under subparagraph I(C)(2)(g) of that document or July 15, 1987, whichever is earlier, as to any other property, except property of the Alaska Railroad which is governed by subsection 12(b)(6)(i)(D) of this Act [probably means subpar. (i)(D) of this paragraph], the Secretary shall not place any lands in the selection pool referred to in subparagraphs I(C)(2)(a) and (g) of the document referred to in this section without the prior written concurrence of the State. Such concurrence shall be deemed obtained unless the State advises the Secretary within ninety days of receipt of a formal notice from the Secretary that he is considering placing property in the selection pool, that the State, or a municipality of the State which includes all or part of the property in question, requires the property for a public purpose of the State or municipality; and

“(D) notwithstanding section 606(a)(2) of the Alaska Railroad Transfer Act of 1982 [section 1205(a)(2) of Title 45, Railroads], the Secretary may include property of the Alaska Railroad in the pool of lands to be made available for selection to the extent that he is authorized to do so under a provision of section 12(b) of this Act [subsec. (b) of this note] if the State consents to its inclusion, which consent is not subject to any limitation under subsection 12(b)(8)(i)(C) herein: *Provided*, That, while the Alaska Railroad is the property of the United States, the Secretary shall obtain the consent of the Secretary of Transportation prior to including such property: *And provided further*, That, if the transfer of the Alaska Railroad to the State does not occur pursuant to the terms of the Alaska Railroad Transfer Act of 1982 [see Short Title note set out under section 1201 of Title 45] or any amendments thereto, the State’s consent shall be deemed obtained unless

the State advises the Secretary in writing, within ninety days of receipt of a formal notice from the Secretary that he is considering placing such property in the selection pool, that the State, or a municipality of the State which includes all or part of the property in question, requires the property for a public purpose of the State or the municipality.

“(ii) In addition to the review required to identify public lands under section 3(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(e)), the Secretary shall identify for inclusion in the pool all public lands (as such term is used under section 3(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(e)), as described in subparagraph I(C)(2)(a)(v) of the document referred to in this section, and shall, in so doing, review all Federal installations within the boundaries of the Cook Inlet Region whether within or without the areas withdrawn pursuant to section 11 of the Alaska Native Claims Settlement Act (43 U.S.C. 1610) or by the Secretary acting under authority contained in that section: *Provided*, That no such additional review under such subparagraph shall be required of military installations or of such other installations as may be mutually excluded from review by the Region and the Secretary: *And provided further*, That the Secretary shall not review any property of the Alaska Railroad unless such property becomes available for selection pursuant to subsection 12(b)(8)(i)(D) [subsec. (b)(8)(i)(D) of this note].

“(iii) The concurrence required of the State as to the inclusion of any property in the pool under subparagraph I(C)(2)(b) of the document referred to in this section shall be deemed obtained unless the State advises the Secretary in writing, within ninety days of receipt of a formal notice from the Secretary that the Secretary is considering placing property in the selection pool, that the State, or a municipality of the State which includes all or part of the property in question requires the property for a public purpose of the State or the municipality.

“(iv) The deadlines in subparagraph I(C)(1)(b) of the document referred to in this section shall be extended for an additional twenty-four months beyond the dates established in the Act of July 17, 1980 (Public Law 96-311; 94 Stat. 947) [amending this note].

“(v) On or before January 15, 1985, the Secretary shall report to the Congress with respect to:

“(A) 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, except for lands held by the Alaska Railroad or the State-owned railroad, within the boundaries of the Cook Inlet Region or elsewhere can be made available to the Region, to the extent of its entitlement;

“(B) the feasibility and appropriate nature of reimbursement of the Region for its unfulfilled entitlement as valued in subsection 12(b)(7)(iv) of this Act [subsec. (b)(7)(iv) of this note];

“(C) the extent to which implementation of the mechanisms established in section 12(b)(7) [subsec. (b)(7) of this note] promise to meet such unfulfilled entitlement;

“(D) such other remedial legislation or administrative action as may be needed; and

“(E) the need to terminate any mechanism established by law through which the entitlement of the Region may be completed.

“(9) No disposition or conveyance of property located within the State to the Region under section 12(b)(6), 12(b)(7) and 12(b)(8), as amended [subsec. (b)(6) to (8) of this note], shall be made if the property is subject to an express waiver of rights under the provisions of subparagraph I(C)(2)(f) of the document referred to in this section, or if such disposition or con-

veyance violates valid rights, including valid selections or valid authorized agreements, of Native Corporations (as such term is used in section 102(6) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(6)) or the State existing at the time of such disposition or conveyance under section 6 of Public Law 85-508, as amended [set out as a note preceding section 21 of Title 48, Territories and Insular Possessions] (excepting section 906(e) of the Alaska National Interest Lands Conservation Act [section 1635(e) of this title]), sections 12(a), 12(b), 16(b) or 22(f) of the Alaska Native Claims Settlement Act [subsec. (a) or (b) of this section or section 1615(b) or 1621(f) of this title, respectively], section 12(h) of the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1154) [subsec. (h) of this note], or sections 1416, 1418 through 1425 (inclusive), 1427 through 1434 (inclusive), or 1436 of the Alaska National Interest Lands Conservation Act [not classified to the Code]; *Provided, however*, That nothing within this subsection 12(b)(9) [subsec. (b)(9) of this note] shall diminish such rights and priorities as the Region has under section 12(b) of the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1151), as amended by section 4 of the Act of October 4, 1976 (Public Law 94-456; 90 Stat. 1935), section 3 of the Act of November 15, 1977 (Public Law 95-178; 91 Stat. 1369), section 2 of the Act of August 14, 1979 (Public Law 96-55; 93 Stat. 386), the Act of July 17, 1980 (Public Law 96-311; 94 Stat. 947), and section 1435 of the Alaska National Interest Lands Conservation Act [subsec. (b) of this note].

“(10) For the purpose of its incorporation into this section, paragraph I(C)(1) of the document referred to in this section is amended as follows: (1) by striking ‘withdrawn’ and inserting in lieu thereof ‘withdrawn or formerly withdrawn’; (2) by striking ‘17(d)(1)’ and inserting in lieu thereof ‘17(d)(1) and (2)’; and (3) by striking the last sentence of subparagraph I(C)(1)(a) and inserting in lieu thereof the following: ‘Cook Inlet Region, Incorporated shall not nominate any lands within the boundaries of any conservation system unit, national conservation area, national recreation area, national forest, defense withdrawal, or any lands that were made available to the State for selection pursuant to sections 2 and 5 of the State-Federal Agreement of September 1, 1972.’

“(11) Notwithstanding the provisions of section 906 of the Alaska National Interest Lands Conservation Act [section 1635 of this title] and section 6(i) of the Alaska Statehood Act (72 Stat. 339) [set out in a note preceding section 21 of Title 48, Territories and Insular Possessions];

“(i) The State is hereby authorized to convey to the United States for reconveyance to the Region, and the Secretary is directed to accept and so reconvey, lands tentatively approved for patent or patented to the State, if the State and the Region enter into an agreement that such lands shall be reconveyed to the Region to fulfill all or part of its entitlement under paragraph I(C)(1) of the document referred to in this section: *Provided*, That the acreage of lands conveyed to the United States under this provision shall be added to the State’s unfulfilled entitlement pursuant to section 6 of the Alaska Statehood Act, and the number of townships to be nominated, pooled, struck, selected and conveyed pursuant to paragraph I(C)(1) of the document referred to in this section shall be reduced accordingly.

“(ii) The Secretary is directed to convey to the Region lands selected by the State prior to July 18, 1973 or pursuant to sections 2 and 5 of the State-Federal Agreement of September 1, 1972, if the State relinquishes such selections and enters into an agreement with the Region that such lands shall be reconveyed to the Region to fulfill all or part of its entitlement under paragraph I(C)(1) of the document referred to in this section, and the number of townships to be nominated, pooled, struck, selected and conveyed pursuant to paragraph I(C)(1) of the

document referred to in this section shall be reduced accordingly.

“(iii) The Secretary, in the Secretary’s discretion, is authorized to enter into an agreement with the State and the Region to implement the authority contained in this section 12(b)(11) [subsec. (b)(11) of this note], which agreement may provide for conveyances directly from the State to the Region. Conveyances directly conveyed shall be deemed conveyances from the Secretary pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(c) The lands and interests conveyed to the Region under the foregoing subsections of this section and the lands provided by the State exchange under subsection (a)(1) of this section, shall be considered and treated as conveyances under the Settlement Act [this chapter] unless otherwise provided, and shall constitute the Region’s full entitlement under sections 12(c) and 14(h)(8) of the Settlement Act [sections 1611(c) and 1613(h)(8) of this title]. Of such lands, 3.58 townships of oil and gas and coal in the Kenai National Moose Range shall constitute the full surface and subsurface entitlement of the Region under section 14(h)(8) [section 1613(h)(8) of this title]. The lands which would comprise the difference in acreage between the lands actually conveyed under and referred to in the foregoing subsections of this section, and any final determination of what the Region’s acreage rights under sections 12(c) and 14(h)(8) of the Settlement Act [sections 1611(c) and 1613(h)(8) of this title] would have been, if the conveyances set forth in this section to the Region had not been executed, shall be retained by the United States and shall not be available for conveyance to any Regional Corporation or Village Corporation, notwithstanding any provisions of the Settlement Act [this chapter] to the contrary.

“(d)(1) The Secretary shall convey to the State of Alaska all right, title, and interest of the United States in and to all of the following lands:

“(i) At least 22.8 townships and no more than 27 townships of land from those presently withdrawn under section 17(d)(2) of the Settlement Act [section 1616(d)(2) of this title] in the Lake Iliamna area and within the Nushagak River or Koksetana River drainages near lands heretofore selected by the State, the amount and identities of which shall be determined pursuant to the document referred to in subsection (b); and

“(ii) 26 townships of lands in the Talkeetna Mountains, Kamishak Bay, and Tutna Lake areas, the identities of which are set forth in the document referred to in subsection (b).

All lands granted to the State of Alaska pursuant to this subsection shall be regarded for all purposes as if conveyed to the State under and pursuant to section 6 of the Alaska Statehood Act [set out as a note preceding section 21 of Title 48, Territories and Insular Possessions]; *Provided, however*, That this grant of lands shall not constitute a charge against the total acreage to which the State is entitled under section 6(b) of the Alaska Statehood Act.

“(2) The Secretary is authorized and directed to convey to the State of Alaska, without consideration, all right, title, and interest of the United States in and to all that tract generally known as the Campbell tract and more particularly identified in the document referred to in subsection (b) except for one compact union of land, which he determines, after consultation with the State of Alaska, is actually needed by the Bureau of Land Management for its present operations: *Provided*, That in no event shall the unit of land so excepted exceed 1,000 acres in size. The land authorized to be conveyed pursuant to this paragraph shall be used for public parks and recreational purposes and other compatible public purposes. An area encompassing approximately sixty-two acres and depicted on the map entitled ‘Native Heritage Park Proposal’ and on file with the Secretary shall be managed in accordance with the generalized land use plan outlined in the Greater Anchorage Area Borough’s Far North Bicen-

ennial Park Master Development Plan of September 1974. Except as provided otherwise in this paragraph, in making the conveyance authorized and required by this paragraph, the Secretary shall utilize the procedures of the Recreation and Public Purposes Act (44 Stat. 741), as amended [section 869 et seq. of this title], and regulations developed pursuant to that Act, and the conveyance of such lands shall also contain a provision that, if the lands cease to be used for the purposes for which they were conveyed; the lands and title thereto shall revert to the United States: *Provided, however*, That the acreage limitation provided by section 1(b) of that Act, as amended by the Act of June 4, 1954 (68 Stat. 173) [section 869(b) of this title], shall not apply to this conveyance, nor shall the lands conveyed pursuant to this paragraph be counted against that acreage limitation with respect to the State of Alaska or any subdivision thereof: *Provided further*, That to the extent necessary, any and all conveyance documents executed concerning the conveyance of the lands referred to in this proviso shall be deemed amended accordingly to conform to this proviso.

“(3) The Secretary is authorized and directed to make available for selection by the State, in its discretion, under section 6 of the Alaska Statehood Act [set out as a note preceding section 21 of Title 48, Territories and Insular Possessions], 12.4 townships of land to be selected from lands within the Talkeetna Mountains and Koksetna River area as described in the document referred to in subsection (b).

“(e) The Secretary may, notwithstanding any other provision of law to the contrary, convey title to lands and interests in lands selected by Native corporations within the exterior boundaries of Power Site Classification 443, February 13, 1958, to such corporations, subject to the reservations required by section 24 of the Federal Power Act [section 818 of Title 16, Conservation]. This conveyance shall be considered and treated as a conveyance under the Settlement Act [this chapter].

“(f) All conveyances of lands made or to be made by the State of Alaska in satisfaction of the terms and conditions of the document referred to in subsection (b) of this section shall pass all of the State's right, title, and interest in such lands, including the minerals therein, as if those conveyances were made pursuant to section 22(f) of the Settlement Act [section 1621(f) of this title], except that dedicated or platted section line easements and highway and other rights-of-way may be reserved to the State.

“(g) The Secretary, through the National Park Service, shall provide financial assistance, not to exceed \$25,000, hereby authorized to be appropriated, and technical assistance to the Region for the purpose of developing and implementing a land use plan for the west side of Cook Inlet, including an analysis of alternative uses of such lands.

“(h) Village Corporations within the Cook Inlet Region shall have until December 18, 1976, to file selections under section 12(b) of the Settlement Act [section 1611(b) of this title], notwithstanding any provision of that Act to the contrary.

“(i) The Secretary shall report to the Congress by April 15, 1976, on the implementation of this section. If the State fails to agree to engage in a transfer with the Federal Government, pursuant to subsection (a)(1), the Secretary shall prior to December 18, 1976, make no conveyance of the lands that were to be conveyed to the Region in this section, nor shall he convey prior to such date the Point Campbell, Point Woronzof, and Campbell tracts, so that the Congress is not precluded from fashioning an appropriate remedy. In the event that the State fails to agree as aforesaid, all rights of the Region that may have been extinguished by this section shall be restored.”

CONVEYANCE TO KONIAG, INC., A REGIONAL CORPORATION, OF THE SUBSURFACE ESTATE OF LANDS TO BE SELECTED

Pub. L. 94-204, §15, Jan. 2, 1976, 89 Stat. 1154, as amended by Pub. L. 96-487, title IX, §911, Dec. 2, 1980, 94 Stat. 2447, provided that:

“(a) The Secretary shall convey under section 12(a)(1) and 14(f) of the Settlement Act [sections 1611(a)(1) and 1613(f) of this title] to Koniag, Incorporated, a Regional Corporation established pursuant to section 7 of said Act [section 1606 of this title], such of the subsurface estate, other than title to or the right to remove gravel and common varieties of minerals and materials, as is selected by said corporation from lands withdrawn by Public Land Order 5397 for identification for selection by it located in the following described area:

“Township 36 south, range 52 west, all;

“Township 37 south, range 51 west, all;

“Township 37 south, range 52 west, all;

“Township 37 south, range 53 west, sections 1 through 4, 9 through 16, 21 through 24, and the north half of sections 25 through 28;

“Township 38 south, range 51 west, sections 1 through 5, 9, 10, 12, 13, 18, 24, and 25;

“Township 38 south, range 52 west, sections 1 through 35;

“Township 38 south, range 53 west, sections 1, 12, 13, 24, 25, and 26;

“Township 39 south, range 51 west, sections 1, 6, 7, 16 through 21, 28 through 33, and 36;

“Township 39 south, range 52 west, sections 1, 2, 11 through 15, and 22 through 24;

“Township 39 south, range 53 west, sections 33 through 36, and the south half of section 26;

“Township 40 south, range 51 west, sections 2 and 6;

“Township 40 south, range 52 west, sections 6 through 10, 15 through 21, and 27 through 36;

“Township 40 south, range 53 west, sections 1 through 19, 21 through 28, and 34 through 36;

“Township 40 south, range 54 west, sections 1 through 34;

“Township 41 south, range 52 west, sections 7, 8, 9, 16, 17, and 18;

“Township 41 south, range 53 west, sections 1, 4, 5, 8, 9, 11, 12, and 16;

“Township 41 south, range 54 west, section 6, S. M., Alaska;

“Notwithstanding the withdrawal of such lands by Public Land Order 5179, as amended, pursuant to section 17(d)(2) of the Settlement Act [section 1616(d)(2) of this title]: *Provided*, That notwithstanding the future designation by Congress as part of the National Park System or other national land system referred to in section 17(d)(2)(A) of the Settlement Act [section 1616(d)(2)(A) of this title] of the surface estate overlying any subsurface estate conveyed as provided in this section, and with or without such designation, Koniag, Incorporated, shall have such use of the surface estate, including such right of access thereto, as is reasonably necessary to the exploration for and the removal of oil and gas from said subsurface estate, subject to such regulations by the Secretary as are necessary to protect the ecology from permanent harm.

“The United States shall make available to Koniag, its successors and assigns, such sand and gravel as is reasonably necessary for the construction of facilities and rights-of-way appurtenant to the exercise of the rights conveyed under this section, pursuant to the provisions of section 601 et seq., title 30, United States Code, and the regulations implementing that statute which are then in effect.

“(b) The subsurface estate in all lands other than those described in subsection (a) within the Koniag Region and withdrawn under section 17(d)(2)(E) of the Settlement Act [section 1616(d)(2)(E) of this title], shall not be available for selection by Koniag Region, Incorporated.”

SELECTION OF LANDS BY VILLAGE CORPORATION OF TATITLEK

Pub. L. 94-204, §16, Jan. 2, 1976, 89 Stat. 1155, provided that: “Within ninety days after the date of enactment of this Act [Jan. 2, 1976], the corporation created by the enrolled residents of the Village of Tatitlek may file selections upon any of the following described lands: Copper River Meridian

“Township 9 south, range 3 east, sections 23, 26, 31-35.

“Township 10 south, range 3 east, sections 2-27, 34-36.

“Township 11 south, range 4 east, sections 5, 6, 8, 9, 16, 17, 20-22, 27-29, 33-35.

“Township 9 south, range 3 east, sections 3-6, 9-11.

“Township 9 south, range 3 east, sections 14-16, 21, 22, 27, 28.

“The Secretary shall receive and adjudicate such selections as though they were timely filed pursuant to section 12(a) or 12(b) of the Settlement Act [section 1611(a) or 1611(b) of this title], and were withdrawn pursuant to section 11 of that Act [section 1610 of this title].

“The Secretary shall convey such lands selected pursuant to this authorization which otherwise comply with the applicable statutes and regulations. This section shall not be construed to increase the entitlement of the corporation of the enrolled residents of Tatitlek or to increase the amount of land that may be selected from the National Forest System. The subsurface of any land selected pursuant to this section shall be conveyed to the Regional Corporation for the Chugach Region pursuant to section 14(f) of the Settlement Act [section 1613(f) of this title].”

§ 1612. Surveys

(a) Areas for conveyance to Village Corporations; monumentation of exterior boundaries; meanderable water boundaries exempt from requirement; land occupied as primary place of residence or business, or for other purposes and other patentable lands as subject to survey

The Secretary shall survey the areas selected or designated for conveyance to Village Corporations pursuant to the provisions of this chapter. He shall monument only exterior boundaries of the selected or designated areas at angle points and at intervals of approximately two miles on straight lines. No ground survey or monumentation will be required along meanderable water boundaries. He shall survey within the areas selected or designated land occupied as a primary place of residence, as a primary place of business, and for other purposes, and any other land to be patented under this chapter.

(b) Withdrawals, selections, and conveyances pursuant to chapter: current plats of surveys or protraction diagrams; conformity to Land Survey System

All withdrawals, selections, and conveyances pursuant to this chapter shall be as shown on current plats of survey or protraction diagrams of the Bureau of Land Management, or protraction diagrams of the Bureau of the State where protraction diagrams of the Bureau of Land Management are not available, and shall conform as nearly as practicable to the United States Land Survey System.

(Pub. L. 92-203, §13, Dec. 18, 1971, 85 Stat. 702.)

§ 1613. Conveyance of lands

(a) Native villages listed in section 1610 and qualified for land benefits; patents for surface estates; issuance; acreage

Immediately after selection by a Village Corporation for a Native village listed in section 1610 of this title which the Secretary finds is qualified for land benefits under this chapter,

the Secretary shall issue to the Village Corporation a patent to the surface estate in the number of acres shown in the following table:

| If the village had on the 1970 census enumeration date a Native population between— | It shall be entitled to a patent to an area of public lands equal to— |
|---|---|
| 25 and 99 | 69,120 acres. |
| 100 and 199 | 92,160 acres. |
| 200 and 399 | 115,200 acres. |
| 400 and 599 | 138,240 acres. |
| 600 or more | 161,280 acres. |

The lands patented shall be those selected by the Village Corporation pursuant to section 1611(a) of this title. In addition, the Secretary shall issue to the Village Corporation a patent to the surface estate in the lands selected pursuant to section 1611(b) of this title.

(b) Native villages listed in section 1615 and qualified for land benefits; patents for surface estates; issuance; acreage

Immediately after selection by any Village Corporation for a Native village listed in section 1615 of this title which the Secretary finds is qualified for land benefits under this chapter, the Secretary shall issue to the Village Corporation a patent to the surface estate to 23,040 acres. The lands patented shall be the lands within the township or townships that enclose the Native village, and any additional lands selected by the Village Corporation from the surrounding townships withdrawn for the Native village by section 1615(a) of this title.

(c) Patent requirements; order of conveyance; vesting date; advisory and appellate functions of Regional Corporations on sales, leases, or other transactions prior to final commitment

Each patent issued pursuant to subsections (a) and (b) of this section shall be subject to the requirements of this subsection. Upon receipt of a patent or patents:

(1) the Village Corporation shall first convey to any Native or non-Native occupant, without consideration, title to the surface estate in the tract occupied 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) as a primary place of residence, or as a primary place of business, or as a subsistence campsite, or as headquarters for reindeer husbandry;

(2) the Village Corporation shall then convey to the occupant, either without consideration or upon payment of an amount not in excess of fair market value, determined as of the date of initial occupancy and without regard to any improvements thereon, title to the surface estate in any tract occupied as of December 18, 1971 by a nonprofit organization;

(3) the Village Corporation shall then convey to any Municipal Corporation in the Native village or to the State in trust for any Municipal Corporation established in the Native village in the future, title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community ex-