

§ 1631. Ownership of submerged lands

(a) Meandering in the surveying of submerged land

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

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

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

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

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

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

(2) The specific terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled, "Memorandum of Agreement between the United States Department of the Interior and the State of Alaska" dated March 28, 1984, signed by the Secretary and the Governor of Alaska and submitted to the Committee on Interior and Insular Affairs of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, are hereby incorporated in this section and are ratified as to the duties and obligations of the United States and the State, as a matter of Federal law.

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

(1) The execution of an interim conveyance or patent, as appropriate, by the Bureau of Land Management which conveys an area of land selected by a Native or Native Corporation which

includes, surrounds, or abuts a lake, river, or stream, or any portion thereof, shall be the final agency action with respect to a decision of the Secretary of the Interior that such lake, river, or stream, is or is not navigable, unless such decision was validly appealed to an agency or board of the Department of the Interior on or before December 2, 1980.

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

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

(d) Definitions

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

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

REFERENCES IN TEXT

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

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

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

The Submerged Lands Act, referred to in subsecs. (a)(2) and (d), is act May 22, 1953, ch. 65, 67 Stat. 29, as amended, which is classified generally to subchapters I and II (§§1301 et seq., 1311 et seq.) of chapter 29 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

CODIFICATION

August 16, 1988, referred to in subsec. (b)(1), was in the original “the date of enactment of this section”, which was translated as meaning the date of enactment of Pub. L. 100-395, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1988—Pub. L. 100-395 amended section generally, revising and restating as subsecs. (a) to (d) provisions of former subsecs. (a) to (h).

1986—Subsec. (a). Pub. L. 99-644 substituted “eight years after the date of execution” for “six years after the date of execution” in two places and “nine years after December 2, 1980” for “seven years after December 2, 1980” in two places.

Pub. L. 99-258 substituted “six years after the date of execution” for “five years after the date of execution” in two places.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

CONSTRUCTION

Pub. L. 100-395, title I, §102, Aug. 16, 1988, 102 Stat. 980, provided that: “Nothing in this Act [amending this section and section 3192 of Title 16, Conservation, and enacting provisions set out as notes under this section] shall amend or alter any land exchange agreement to which the United States is a party, or any statute, including but not limited to the Act of January 2, 1976 (89 Stat. 1151) and section 506(c) of the Alaska National Interest Lands Conservation Act (94 Stat. 2409; Public Law 96-487), that authorizes, ratifies or implements such an agreement.”

REPORT TO CONGRESS

Pub. L. 100-395, title I, §103, Aug. 16, 1988, 102 Stat. 980, directed Secretary of the Interior to prepare a report that assesses the effects of the implementation of section 101 of Pub. L. 100-395 (amending this section) on Conservation System Units as defined in 16 U.S.C. 3102(4) and makes recommendations for appropriate action, specified scope of the report, and directed Secretary, within one year after Aug. 16, 1988, to submit a report to Congress.

DEFINITIONS

For definition of the terms “land”, “Federal land”, “public lands”, “conservation system unit”, “Alaska Native Claims Settlement Act”, “Native Corporation”, “Regional Corporation”, “Village Corporation”, “Urban Corporation”, “Native Group”, “Native land”, “Secretary”, “wilderness” and “National Wilderness Preservation System”, “Alaska Statehood Act”, “State”, “Alaska Native” or “Native”, “fish and wildlife”, and “take” or “taking” as used in this chapter, including sections 1639 to 1641 of this title, as having the same meaning as they have in the Alaska Native Claims Settlement Act, section 1601 et seq. of this title, and the Alaska Statehood Act, Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions, see section 3102 of Title 16, Conservation.

§ 1632. Statute of limitations on decisions of Secretary and reconveyance of land by Village Corporation

(a) Except for administrative determinations of navigability for purposes of determining ownership of submerged lands under the Submerged Lands Act [43 U.S.C. 1301 et seq., 1311 et seq.], a decision of the Secretary under this chapter or

the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within two years after the day the Secretary’s decision becomes final or December 2, 1980, whichever is later: *Provided*, That the party seeking such review shall first exhaust any administrative appeal rights.

(b) Decisions made by a Village Corporation to reconvey land under section 14(c) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(c)] shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within one year after the date of the filing of the map of boundaries as provided for in regulations promulgated by the Secretary.

(Pub. L. 96-487, title IX, §902, Dec. 2, 1980, 94 Stat. 2433.)

REFERENCES IN TEXT

The Submerged Lands Act, referred to in subsec. (a), is Act May 22, 1953, ch. 65, 67 Stat. 29, as amended, which is classified generally to subchapters I and II (§§1301 et seq., 1311 et seq.) of chapter 29 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title IX of Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2430, which enacted this chapter, amended sections 1614 and 1620 of this title, and amended provisions set out as notes under section 1611 of this title and preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of title IX to the code, see Tables.

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

§ 1633. Administrative provisions

(a) Limitations concerning easements

With respect to lands conveyed to Native Corporations or Native Groups the Secretary shall reserve only those easements which are described in section 17(b)(1) of the Alaska Native Claims Settlement Act [43 U.S.C. 1616(b)(1)] and shall be guided by the following principles:

(1) all easements should be designed so as to minimize their impact on Native life styles, and on subsistence uses; and

(2) each easement should be specifically located and described and should include only such areas as are necessary for the purpose or purposes for which the easement is reserved.

(b) Acquisition of future easements

Whenever, after a conveyance has been made by this Act or under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Secretary determines that an easement not reserved at the time of conveyance or by operation of subsection (a) of this section is required for any purpose specified in section 17(b)(1) of the Alaska Native Claims Settlement Act, he is authorized to acquire such easement by purchase or otherwise. The acquisition of such an easement shall be deemed a public purpose for which the Secretary may exercise his exchange