

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 authority pursuant to section 22(f) of the Alaska Native Claims Settlement Act [43 U.S.C. 1621(f)].

(c) Status of certain lease offers

Offers for noncompetitive oil and gas leases under the Mineral Leasing Act of 1920 [30 U.S.C. 181 et seq.] which were filed but which did not result in the issuance of a lease on or before December 18, 1971, on lands selected by, and conveyed before, on, or after December 2, 1980, to, Native Corporations or to individual Natives under paragraph (5) or (6) of section 14(h) [43 U.S.C. 1613(h)(5) or (6)] as part of the entitlement to receive land under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] shall not constitute valid existing rights under section 14(g) of such Act [43 U.S.C. 1613(g)] or under this Act.

(d) Limitation

This Act is not intended to modify, repeal, or otherwise affect any provision of the Act of January 2, 1976 (89 Stat. 1145), as amended or supplemented by Public Laws 94-456 and 95-178, and shall not be construed as imposing any additional restriction on the use or management of those lands described in section 22(k) of the Alaska Native Claims Settlement Act [43 U.S.C. 1621(k)].

(Pub. L. 96-487, title IX, §903, Dec. 2, 1980, 94 Stat. 2433.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) to (d), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, 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 Native Claims Settlement Act, referred to in subsecs. (b) and (c), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, 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.

The Mineral Leasing Act of 1920, referred to in subsec. (c), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§181 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this

Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

Act of January 2, 1976 (89 Stat. 1145), as amended or supplemented by Public Laws 94-456 and 95-178, referred to in subsec. (d), is Pub. L. 94-204, Jan. 2, 1976, 89 Stat. 1145, which enacted sections 1625 to 1627 of this title, amended sections 1615, 1616, 1620, and 1621 of this title, and enacted provisions set out as notes under sections 1604, 1605, 1611, 1613, 1618, and 1625 of this title, as amended and supplemented by Pub. L. 94-456, Oct. 4, 1976, 90 Stat. 1934, which amended section 1615 of this title and provisions set out as notes under section 1611 of this title, and Pub. L. 95-178, Nov. 15, 1977, 91 Stat. 1369, which amended sections 1613, 1615, and 1628 of this title, enacted a provision set out as a note under section 1611 of this title, and amended a provision set out as a note under section 1611 of this title. For complete classification of these Acts to the Code, see Tables.

§ 1634. Alaska Native allotments

(a) Approval of applications for certain lands; lands containing coal, oil, or gas; nonmineral lands; lands within National Park System; protests; voluntary relinquishment of application

(1)(A) Subject to valid existing rights, all Alaska Native allotment applications made pursuant to the Act of May 17, 1906 (34 Stat. 197, as amended) which were pending before the Department of the Interior on or before December 18, 1971, and which describe either land that was unreserved on December 13, 1968, or land within the National Petroleum Reserve—Alaska (then identified as Naval Petroleum Reserve No. 4) or within Fort Davis (except as provided in subparagraph (B)) are hereby approved on the one hundred and eightieth day following December 2, 1980, except where provided otherwise by paragraph (3), (4), (5), or (6) of this subsection, or where the land description of the allotment must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final. The Secretary shall cause allotments approved pursuant to this section to be surveyed and shall issue trust certificates therefor.

(B) The land referred to in subparagraph (A) with respect to Fort Davis—

(i) shall be restricted to—

(I) the allotment applications named in the decision published at 96 IBLA 42 (1987) and to the acreage involved in those applications; or

(II) the heirs of an applicant who made an application described in subclause (I); and

(ii) shall be subject to valid existing rights and an easement for the Iditarod National Historic Trail established by section 1244(a)(7) of title 16, but pending final determination of the trail's location, the easement shall be located on an interim basis by the Secretary, in consultation with the Iditarod Historic Trail Advisory Council.

(2) All applications approved pursuant to this section shall be subject to the provisions of the Act of March 8, 1922 (43 U.S.C. 270-11) [43 U.S.C. 270-11 to 270-13].¹

(3) When on or before the one hundred and eightieth day following December 2, 1980, the

Secretary determines by notice or decision that the land described in an allotment application may be valuable for minerals, excluding oil, gas, or coal, the allotment application shall be adjudicated pursuant to the provision of the Act of May 17, 1906, as amended, requiring that land allotted under said Act be nonmineral: *Provided*, That "nonmineral", as that term is used in such Act, is defined to include land valuable for deposits of sand or gravel.

(4) Where an allotment application describes land within the boundaries of a unit of the National Park System established on or before December 2, 1980, and the described land was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act [43 U.S.C. 1610(a)(1)], or where an allotment application describes land which has been patented or deeded to the State of Alaska or which on or before December 18, 1971, was validly selected by or tentatively approved or confirmed to the State of Alaska pursuant to the Alaska Statehood Act and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act [43 U.S.C. 1610(a)(1)(A)] from those lands made available for selection by section 11(a)(2) of the Act [43 U.S.C. 1610(a)(2)] by any Native Village certified as eligible pursuant to section 11(b) of such Act [43 U.S.C. 1610(b)], paragraph (1) of this subsection and subsection (d) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended, the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and other applicable law.

(5) Paragraph (1) of this subsection and subsection (d) shall not apply and the Native allotment application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended, if on or before the one hundred and eightieth day following December 2, 1980—

(A) A Native Corporation files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application, and said land is withdrawn for selection by the Corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]; or

(B) The State of Alaska files a protest with the Secretary stating that the land described in the allotment application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

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

(6) Paragraph (1) of this subsection and subsection (d) shall not apply to any application pending before the Department of the Interior on or before December 18, 1971, which was knowingly and voluntarily relinquished by the applicant thereafter.

¹ See References in Text note below.