

(4) Identifying Federal land in units of the National Wildlife Refuge System

In identifying whether Federal lands within units of the National Wildlife Refuge System in the State should be made available for allotment under paragraph (2)(B), the Secretary shall not identify any Federal land in a unit of the National Wildlife Refuge System—

(A) the conveyance of which, independently or as part of a group of allotments—

(i) could significantly interfere with biological, physical, cultural, scenic, recreational, natural quiet, or subsistence values of the unit of the National Wildlife Refuge System;

(ii) could obstruct access by the public or the Fish and Wildlife Service to the resource values of the unit;

(iii) could trigger development or future uses in an area that would adversely affect resource values of the surrounding National Wildlife Refuge System land;

(iv) could open an area of a unit to new access and uses that adversely affect resources values of the unit; or

(v) could interfere with the management plan of the unit;

(B) that is located within 300 feet from the shore of a navigable water body;

(C) that is not consistent with the purposes for which the unit of the National Wildlife Refuge System was established;

(D) that is designated as wilderness by Congress; or

(E) that is within the Arctic National Wildlife Refuge.

(d) Limitation

No Federal land may be identified for selection or made available for allotment within a unit of the National Wildlife Refuge System unless it has been authorized by an Act of Congress subsequent to March 12, 2019. Further, any proposed conveyance of land within a unit of the National Wildlife Refuge System must have been identified by the Secretary in accordance with subsection (c)(4) in the report to Congress required by subsection (c) and include patent provisions that the land remains subject to the laws and regulations governing the use and development of the Refuge.

(Pub. L. 116-9, title I, § 1119, Mar. 12, 2019, 133 Stat. 630.)

REFERENCES IN TEXT

Act of May 17, 1906, as in effect on December 17, 1971, referred to in subsec. (a)(2)(A)(ii)(I), means act May 17, 1906, ch. 2469, 34 Stat. 197, which was classified to sections 270-1 to 270-3 of this title prior to its repeal by Pub. L. 92-203, § 18(a), Dec. 18, 1971, 85 Stat. 710.

CODIFICATION

Section was enacted as part of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and not as part of the Alaska Native Claims Settlement Act which comprises this chapter.

DEFINITION OF “SECRETARY”

“Secretary” means the Secretary of the Interior, see section 2 of Pub. L. 116-9, set out as a note under section 1 of Title 16, Conservation.

§ 1629h. Kake Tribal Corporation land transfer

(a) In general

If—

(1) the State of Alaska relinquishes its selection rights under the Alaska Statehood Act (Public Law 85-508) to lands described in subsection (c)(2) of this section; and

(2) Kake Tribal Corporation and Sealaska Corporation convey all right, title, and interest to lands described in subsection (c)(1) to the City of Kake, Alaska,

then the Secretary of Agriculture (hereinafter referred to as “Secretary”) shall, not later than 180 days thereafter, convey to Kake Tribal Corporation title to the surface estate in the land identified in subsection (c)(2) of this section, and convey to Sealaska Corporation title to the subsurface estate in such land.

(b) Effect on selection totals

(1) Of the lands to which the State of Alaska relinquishes selection rights and which are conveyed to the City of Kake pursuant to subsection (a), 694.5 acres shall be charged against lands to be selected by the State of Alaska under section 6(a) of the Alaska Statehood Act and 694.5 acres against lands to be selected by the State of Alaska under section 6(b) of the Alaska Statehood Act.

(2) The land conveyed to Kake Tribal Corporation and to Sealaska Corporation under this section is, for all purposes, considered to be land conveyed under this chapter. However, the conveyance of such land to Kake Tribal Corporation shall not count against or otherwise affect the Corporation’s remaining entitlement under section 1615(b) of this title.

(c) Lands subject to exchange

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

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

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

(d) Withdrawal

Subject to valid existing rights, the lands described in subsection (c)(2) are withdrawn from

all forms of location, entry, and selection under the mining and public land laws of the United States and from leasing under the mineral and geothermal leasing laws. This withdrawal expires 18 months after the effective date of this section.

(e) Maps

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

(f) Watershed management

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

(g) Effective date

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

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

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

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

(A) a watershed;

(B) a municipal drinking water source in accordance with the laws of the State of Alaska;

(C) a source of fresh water for the Gunnuk Creek Hatchery; and

(D) habitat for black bear, deer, birds, and other wildlife.

(h) Authorization of appropriations

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

(Pub. L. 92-203, §42, as added Pub. L. 106-283, §3, Oct. 6, 2000, 114 Stat. 867; amended Pub. L. 116-9, title I, §1105, Mar. 12, 2019, 133 Stat. 607.)

REFERENCES IN TEXT

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

section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2019—Subsecs. (h), (i). Pub. L. 116-9 redesignated subsec. (i) as (h), struck out “and to provide assistance to Kake Tribal Corporation to meet the requirements of subsection (h)” after “pursuant to subsection (g)(2)”, and struck out former subsec. (h). Prior to amendment, text of subsec. (h) read as follows: “Notwithstanding any other provision of law, timber harvested from lands conveyed to Kake Tribal Corporation under this section shall not be available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey such timber to any person for the purpose of exporting that timber from the State of Alaska.”

DECLARATION OF PURPOSE

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

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

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§ 1631. Ownership of submerged lands

(a) Meandering in the surveying of submerged land

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

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

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