

NOVEMBER 2003 COMPILATION¹ AND ANNOTATION OF
AMENDMENTS AND OTHER CONGRESSIONAL ACTIONS AFFECTING
ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT
Pub. L. 96-487, 94 Stat. 2371 (1980)

P. L. 97-394, 96 Stat. 1966 (December 30, 1982), “Department of the Interior Appropriations Act, FY 1983”:

Title I at 1970, OPERATION OF THE NATIONAL PARK SYSTEM, affects concessionaire and guide services in Alaska (16 USC 20b note), as follows:

Provided, That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation.

Title I at 1971, CONSTRUCTION, authorizes funds (amends 16 U.S.C. 451) to remain available until expended past the fiscal year (16 USC 3195), as follows:

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended . . . for the Federal share of the construction and development cost for the Alaska Interagency Visitor Centers of Anchorage, Fairbanks, and Tok, Alaska, pursuant to section 1305 of the Alaska National Interest Lands Conservation Act (Public Law 96-487).

SEC. 110 at 1982, GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR, amends ANILCA 1002(e)(2)(C) regarding exploration plans of the coastal plain of the Arctic National Wildlife Refuge directing the Secretary to adopt regulation regarding use of confidential information acquired from any lease sale, as follows:

*SEC. 110. Notwithstanding any other provision of law, section 1002 of the Alaska National Interest Lands Conservation Act (Public Law 96-487)(16 U.S.C. 3142(e)(2)(C)) is amended as follows: Insert before the period: “and: **Provided**, that the Secretary shall prohibit by regulation any person who obtains access to such data and information from the Secretary or from any person other than a permittee from participation in any lease sale which includes the areas from which the information was obtained and from any commercial use of the information. The Secretary shall require that any permittee shall make available such data to any person at fair cost.”.*

¹ This compilation may be incomplete. Items contained in annual appropriation bills can affect federal land management authorizations without specifically referencing statutes and/or are not available electronically. This does not include amendments to the Alaska Native Claims Settlement Act, affecting ANILCA Titles IX and XIV.

SEC. 308 at 1996 prohibits use of funds which would permit exploration or development in wilderness, forest areas, or designated wilderness areas, **except in Alaska** and in certain national forest system lands released to management for any use; allows land management planning in Alaska and exploration and development of mineral resources on Federal lands within the Wilderness system or recommended under Forest Service RARE II.

SEC. 315 at 1998 explicitly does **not** amend ANCSA or ANILCA, but it does confirm (94 Stat. 2406) the Secretary of Interior's conveyance of surface estate on Admiralty Island to Shee Atika, Incorporated per ANILCA Section 506(c), subject to valid existing rights, 17(b) easements designated by the Secretary of Agriculture, and conveyance of subsurface to Sealaska Incorporated, as follows:

*SEC. 315. The titles conveyed by and the easements and restrictions heretofore reserved and imposed by the Secretary of the Interior pursuant to section 506(c) of Public Law 96-487 are hereby confirmed in all respects: **Provided**, That nothing herein shall be deemed to amend the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act.*

P. L. 97-468, 96 Stat. 2543 (January 14, 1983), “Rail Safety and Service Improvement Act of 1982”: Provides guidance for the transfer of the Alaska Railroad to protect existing rights-of-way and to not affect state and Native Corporation land entitlement and related court actions.

SEC. 613(a) at 2577 exempts “*actions taken pursuant to this title*” in transfer of rail properties of the Alaska Railroad from the provisions of the Administrative Procedures Act, Federal Advisory Committee Act, and National Environmental Policy Act, among others, “. . . *except to the extent that such laws may be applicable to granting of rights-of-way under section 609 of this title.*”

SEC. 613(b) exempts application of this title in transfer of rail properties of the Alaska Railroad to affect prior withdrawal or reservation of land for the use of the Alaska Railroad under the Alaska Statehood Act, ANCSA, ANILCA and general land and land management laws of the United States.

SEC. 613(d) contains savings clauses for acreage entitlement to the state and Native corporations.

SEC. 613(e) states:

With respect to interests of Native Corporations under [ANCSA and ANILCA], except as provided in this title, nothing . . . affect any judgment heretofore entered in a court of competent jurisdiction, or valid existing right or claim of valid existing right.

SEC. 615(b)(5) at 2578 amends ANILCA Section 202(3)(a) in removing authority of national park regulations for fish, wildlife, and other park values within the Alaska Railroad right-of-way crossing Denali National Park and Preserve:

(5) Section 202(3)(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh-1(3)(a)) is amended by striking the third sentence.

P. L. 98-620, 98 Stat. 3335 (November 8, 1984) “*An Act To amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes*”:

SEC. 402(22)(A) at 3358 amends ANILCA by repealing Sec. 807(b), thereby deleting the requirement for precedence of district court and appellate courts to hear civil actions filed for judicial enforcement of the ANILCA Sec. 804 priority for subsistence uses over scheduling for other matters, as follows:

(22)(A) Section 807(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3117(b)) is repealed.

SEC. 402(22)(B) at 3358-3359 deletes all of ANILCA Sec. 1108 rights of way “EXPEDITED JUDICIAL REVIEW” and replaces it as follows:

(B) Section 1108 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3168) is amended to read as follows:

“INJUNCTIVE RELIEF

“SEC. 1108. No court shall have jurisdiction to grant any injunctive relief lasting longer than ninety days against any action pursuant to this title except in conjunction with a final judgment entered in a case involving an action pursuant to this title.”

P. L. 99-235, 99 Stat. 1761 (January 9, 1986) “*To amend section 504 of the Alaska National Interest Lands Conservation Act to promote the development of mineral wealth in Alaska*”:

SEC. 2(a) at 1761 amends ANILCA Sec. 504(c), as follows:

(1) by adding the following after the words “two-hundred-seventy days after the date of the enactment of this Act” in subparagraph (A) of paragraph (1) of subsection (c): “(or, with respect to an unperfected claim within the Greens Creek watershed portion of the Admiralty Island National Monument, within five years and three months after the date of the enactment of this Act.)”;

(2) by striking the period at the end of subparagraph (A) of paragraph (2) of subsection (c) and by inserting in lieu thereof the following: “or subparagraph(c)(2)(C)”;

(3) by adding a new subparagraph (C) after subparagraph (B) of paragraph (2) of subsection (c) as follows:

“(C) Any permit to explore an unperfected mining claim within Admiralty Island National Monument during the period beginning on the date five years and one day after the date of enactment of this Act shall terminate on the date six years after the date of enactment of this Act.”

(4) by striking the words “before the expiration of such permit” from paragraph (1) of subsection (e) and by inserting in lieu thereof the words “on or before the date five years after the date of enactment of this Act”;

(5) by striking the words “upon the expiration of such permit” from paragraph (2) of subsection (e) and by inserting in lieu thereof the words “at midnight, December 2, 1986,”; and

(6) by adding the following new paragraph (3) at the end of subsection (e):

“(3) No patent of any type shall be issued under this subsection with respect to any unperfected mining claim with regard to which the holder thereof has not notified the Secretary pursuant to paragraph (1) of this subsection on or before the date five years after the date of enactment of this Act.”

SEC. 2(b) at 1761-1762 amends ANILCA Sec. 504 by adding new subsection (k) at the end, which directs the Secretary regarding agreements for uses of Shee Atika, Incorporated, lands and authorizing execution of similar agreements with regards to timber harvest, construction of roads, and other activities that may affect wilderness areas within the boundaries of the Admiralty Island National Monument, as follows:

(k) PROTECTION AGREEMENTS.—(1) Subject to the availability of necessary appropriations, the Secretary shall undertake to negotiate an agreement acceptable to and binding on Shee Atika, Incorporated, its successors and assigns, whereby it is agreed that during the term of such agreement there shall occur on lands within the boundary of the Admiralty Island National Monument which as of October 1, 1985, were owned by Shee Atika, Incorporated, no harvesting of timber, construction of roads, or any other activities which would impair the suitability of such lands for preservation as wilderness.

(2) During the period an agreement as described in paragraph (1) is in effect the requirements of Corps of Engineers permit numbered 071-OYD-2-810133, Chatham Strait 92 shall be suspended so far as such requirements are applicable to lands subject to such an agreement.

(3) After the execution of the agreement described in paragraph (1) of this subsection, and subject to the availability of necessary agreements acceptable to and binding on Shee Atika, Incorporated, its successors and assigns, for periods after the expiration of the agreement described in paragraph (1). The provisions of paragraph (2) shall apply during the period any agreements executed pursuant to this paragraph are in effect.

(4) The Secretary is authorized to execute agreements similar to the agreement described in paragraph (1) with regard to any lands within the boundaries of the Admiralty Island National Monument which are owned by an entity other than the United States.

P. L. 99-258, 100 Stat. 42 (March 19, 1986):

Amends ANILCA Sec. 901(a) by striking “five years after the date of execution” each time it occurs in the subsection and replacing it with: “six years after the date of execution”.

P. L. 99-644, 100 Stat. 3581 (November 10, 1986), “To amend the Alaska National Interest Lands Conservation Act of 1980 to clarify the treatment of submerged lands and ownership by the Alaskan Native Corporation.”:

Amends ANILCA Sec. 901(a) by striking “six years after the date of execution” each time it occurs in the subsection and replacing it with: “eight years after the date of execution” and by striking *seven years after the date of enactment*” wherever it occurs in the subsection and replacing it with “nine years after the date of enactment”.

P. L. 100-203, 101 Stat. 1330 (December 22, 1987), “Omnibus Budget Reconciliation Act of 1987”, “Title V—Energy and environmental programs”:

SEC. 5105 at 1330-259, ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT, amends ANILCA Sec. 1008:

Section 1008 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3148) is amended as follows:

- (1) Subsections (c) and (e) are deleted in their entirety.*
- (2) The second sentence of subsection 1008(d) is deleted.*

P. L. 100-241, 101 Stat. 1788 (February 3, 1988), “Alaska Native Claims Settlement Act Amendments of 1987”:

SEC. 11 at 1806-1810 amends ANILCA Sec. 907 (43 U.S.C. 1636) “ALASKA LAND BANK” as follows:

- (1) Replace “subsection (c)(2)” with “subsection (d)(1)”,
- (2) Delete the proviso of subsection (a) “lands not owned by landowners described in subsection (c)(2) shall not” and replace it with “no lands shall”,

(3) Delete ANILCA Sec. 907(c), (d) and (e) and replace with language addressing:

(c) *BENEFITS TO PRIVATE LANDOWNERS . . . ,*

(d) *AUTOMATIC PROTECTIONS FOR LANDS CONVEYED PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT . . . , and:*

(e) *CONDEMNATION.—All land subject to an agreement made pursuant to subsection (a) and all land, and interests in land, conveyed or subsequently reconveyed pursuant to the Alaska Native Claims Settlement Act to a native individual, Native Corporation, or Settlement Trust shall be subject to condemnation for public purposes in accordance with the provisions of this Act and other applicable law.”; and*

(4) Retains ANILCA Sec. 907(f) and adds a new subsection:

(g) *STATE JURISDICTION.—Except as expressly provided in subsection (d), no provision of this section shall be construed as affecting the civil or criminal jurisdiction of the State of Alaska.*

P. L. 100-395, 102 Stat. 979 (August 16, 1988), “Submerged Lands Act of 1988”, “*to amend the Alaska National Interest Lands Conservation Act of 1980 to clarify the conveyance and ownership of submerged lands by Alaska Natives, Native Corporations and the State of Alaska*”:

SEC. 101-103 at 979 deletes all of ANILCA Sec. 901 (94 Stat. 2430) and replaces it with new Sec. 901(a)(1)-(4), (b)(1)-(2), (c)(1)-(3), and (d). In summary, Sec. 101 addresses acreage calculations regarding submerged lands, directs related conveyances, and defines navigable. Sec. 102 directs the changes to not affect prior land exchanges. Sec. 103 directs the Secretary to report to Congress on priorities for acquisitions of private and state lands within conservation system units. The statute of limitations on navigability decisions is deleted.

SEC. 201 at 981 amends ANILCA Section 1302(h) (94 Stat. 2430) as follows:

. . . is amended by redesignating the section “(h)(1)” and by adding the following new subsection:

(2) Nothing in this Act or any other provision of law shall be construed as authorizing the Secretary to convey, by exchange or otherwise, lands or interest in lands within the coastal plain of the Arctic National Wildlife Refuge (other than land validly selected prior to July 28, 1987), without prior approval by Act of Congress.

SEC. 301 amends ANILCA Sections 303(2) and 304 by redesignating lands to part of the Arctic National Wildlife Refuge as follows:

The lands described in Public Land Order 6607 of July 8, 1985 (50 Fed. Reg. 130), comprising approximately three hundred and twenty-five thousand acres, are hereby included as part of the Arctic National Wildlife Refuge to be subject to and administered in accordance with the provisions of section 303(2) and 304 of the Alaska National Interest Lands Conservation Act (94 Stat. 2430; Public Law 96-487) and other applicable statutes.

P. L. 100-689, 102 Stat. 4161 (November 18, 1988) “Sec. 401. VETERANS PREFERENCES WITHIN LOCAL HIRE OF ALASKA CONSERVATION SYSTEM UNITS”:

SEC. 401 at 4177 extends the ANILCA employment preference to veterans. (ANILCA Sec. 1308 modifies the federal job process to give a preference to local residents competing for employment in the Alaska conservation system units.) SEC. 401 amends ANILCA Sec. 1308 (16 U.S.C. 3198) “*by redesignating subsection (b) as subsection (c)*” and inserting after (a) a new subsection (b), as follows:

(b) PREFERENCE ELIGIBLES WITHIN LOCAL HIRE.—Notwithstanding the provisions of subsection (a), any individual who is eligible to be selected for a position under the provisions of subsection (a) and is a preference eligible as defined in section 2108(3) of title 5, United States Code, shall be given employment preference, consistent with the preference in the competitive service as defined in section 2102 of such title for which such person is eligible under subchapter I of chapter 33 of such title, in selection to such position.

P. L. 101-378, 104 Stat. 468 (August 17, 1990) “Admiralty Island National Monument Land Management Act of 1990”:

SEC. 201 at 468:

(b) PURPOSE—The purpose of this title is to improve Federal management of lands on Admiralty Island, Alaska, as provided herein.

SEC. 202 at 468-469:

(2) land management and Federal administration of Admiralty Island National Monument may be enhanced by Federal land acquisitions, through land exchanges or otherwise, and by cooperative agreements between the Federal Government and the indigenous residents of the island, the people of the city of Angoon and the Native Village Corporation, Kootznoowoo, Incorporated.

SEC. 203 at 469 “LAND ACQUISITION AND EXCHANGE” amends ANILCA Sec. 506(a) (94 Stat. 2406) by adding language as a new paragraph authorizing cooperative agreements

and agreements for land acquisitions, through exchange or otherwise, and requires a report to Congress, as follows:

(9)(A) The Secretary is authorized and directed to enter into such cooperative agreements and agreements for land acquisitions, through exchange or otherwise, with Kootznoowoo as are deemed necessary by the Secretary to carry out the purposes specified in sections 201 and 503 of this Act and to improve the management of Federal lands on Admiralty Island.

(B) The Secretary shall make every effort to complete agreements within eighteen months of the date of enactment of this paragraph.

(C) The Secretary shall report to Congress before the end of such eighteen-month period on the status and results of negotiations with Kootznoowoo. The report shall include, but not be limited to, any Kootznoowoo properties proposed to be acquired by the United States, any Federal land or other compensation to be offered in exchange, and the text of any proposed or executed agreements.

(D) Any lands on Admiralty Island acquired by the United States pursuant to this paragraph shall be added to and incorporated within the Admiralty Island National Monument.

(E) The inability of the Secretary and Kootznoowoo to reach agreement shall not preclude subsequent negotiations at any time for the purposes of land exchanges or other matters.

(F) Enactment of this paragraph shall not create any right or cause of action by Kootznoowoo, Incorporated, or any other party against the United States.

SEC. 204 at 469-470 “LAND SELECTION CONSOLIDATION” amends ANILCA Sec. 506(a)(5) by adding new subparagraphs “(C)” and “(D)” which provide for exchanges of land pursuant to ANILCA Sec. 1302(h) and availability for exchange in relation to state selections and the Mining Law of 1872, with subsurface estate granted to Sealaska, Inc., as follows:

(C) In order to consolidate Federal land ownership and improve management of all land and timber resources in the area, the lands between such sale area and lands lying to the east of such sale area which have been or may be conveyed to Kootznoowoo pursuant to this paragraph shall be made available by the Secretary for an exchange between the Federal Government and Kootznoowoo, Incorporated, pursuant to the terms of section 1302(h) of this Act. If such sale is voluntarily terminated, or is canceled or forfeited in accordance with applicable law and regulations, then the lands within the sale area shall also be made available for exchange. The availability of the lands within the sale area for exchange shall continue for one year following the date the sale is completed and closed, or for one year following its termination, cancellation, or forfeiture, whichever is later. Nothing in this section shall affect valid land selections which the State of Alaska has filed with the Federal Government pursuant to Public Law 85-508, nor shall this section cause these lands to be removed from entry pursuant to the Mining Law of 1872.

(D) Subject to lode mining claims, known as KAEL 1-216 inclusive, and valid existing rights, the subsurface estate in the lands conveyed to Kootznoowoo, Incorporated, pursuant to subparagraph (C) shall be granted to Sealaska, Incorporated.

Nothing in subparagraphs (C) or (D) shall create a right or cause of action by Kootznoowoo, Incorporated, or any other party against the United States.

SEC. 205(a) at 470 amends ANILCA Section 703(a)(1) (16 U.S.C. 1132 note) by deleting “Admiralty Island National Monument Wilderness” and inserting “Kootznoowoo Wilderness”.

SEC. 205(b) at 470 establishes 17.34 acres as the Angoon Administrative Site pursuant to (b)(1) for uses related to administration of the Tongass, as referenced in ANILCA Sec. 506(a)(3)(A) on Admiralty. Sec. 205(b)(2) requires the boundaries to be adjusted and resurveyed under (A) description with (B) a perpetual public easement for the Angoon-Killisnoo Road. (C) provides an easement for road and utility access to connect and follow the Relay Road right of way, subject to valid existing rights except those of Kootznoowoo, Inc. and providing certain other provisions for structures, improvements, and management of the easements. Sec. 205(b)(3) requires the title to be quitclaimed by Kootznoowoo to the Secretary of Agriculture. Sec. 205(b)(4) states that paragraphs (2) and (3) are subject to dismissal of litigation with prejudice by Kootznoowoo, Incorporated against the Department of Agriculture, with each bearing their respective litigation costs.

P. L. 101-380, 104 Stat. 484 (August 18, 1990), “Oil Pollution Act of 1990”, “Subtitle C—Provisions Applicable to Alaska Natives”:

SEC. 8301 at 572, LAND CONVEYANCES, amends ANILCA (43 U.S.C. 1642) by adding a new section after Sec. 1437, as follows:

SEC. 1438. Solely for the purpose of bringing claims that arise from the discharge of oil, the Congress confirms that all right, title, and interest of the United States in and to the lands validly selected pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) by Alaska Native corporations are deemed to have vested in the respective corporations as of March 23, 1989. This section shall take effect with respect to each Alaska Native corporation only upon its irrevocable election to accept an interim conveyance of such land and notice of such election has been formally transmitted to the Secretary of the Interior.

SEC. 8302 at 572, IMPACT OF POTENTIAL SPILLS IN THE ARCTIC OCEAN ON ALASKA NATIVES, amends ANILCA Sec. 1005 (16 U.S.C. 3145) as follows:

(1) by amending the heading to read as follows:

*“WILDLIFE RESOURCES PORTION OF STUDY AND IMPACT OF
POTENTIAL OIL SPILLS IN THE ARCTIC OCEAN”*

(2) by inserting “(a)” after “SEC. 1005.”; and

(3) by adding at the end the following:

“(b)(1) The Congress finds that—

“(A) Canada has discovered commercial quantities of oil and gas in the Amalagak region of the Northwest Territory;

“(B) Canada is exploring alternatives for transporting the oil from the Amalagak field to markets in Asia and the Far East;

“(C) one of the options the Canadian Government is exploring involves transshipment of oil from the Amalagak field across the Beaufort Sea to tankers which would transport the oil overseas;

“(D) the tankers would traverse the American Exclusive Economic Zone through the Beaufort Sea into the Chuckchi Sea and then through the Bering Straits;

“(E) the Beaufort and Chuckchi Seas are vital to Alaska’s Native people, providing them with subsistence in the form of walrus, seals, fish, and whales;

“(F) the Secretary of the Interior has conducted Outer Continental Shelf lease sales in the Beaufort and Chuckchi Seas and oil and gas exploration is ongoing;

“(G) an oil spill in the Arctic Ocean, if not properly contained and cleaned up, could have significant impacts on the indigenous people of Alaska’s North Slope and on the Arctic environment and

“(H) there are no international contingency plans involving our two governments concerning containment and cleanup of an oil spill in the Arctic Ocean.

“(2)(A) The Secretary of the Interior, in consultation with the Governor of Alaska, shall conduct a study of the issues of recovery of damages, contingency plans, and coordinate actions in the event of an oil spill in the Arctic Ocean.

“(B) The Secretary shall, no later than January 31, 1991, transmit a report to the Congress on the findings and conclusions reached as the result of the study carried out under this subsection.

“(c) The Congress calls upon the Secretary of State, in consultation with the Secretary of the Interior, the Secretary of Transportation, and the Governor of Alaska, to begin negotiations with the Foreign Minister of Canada regarding a treaty dealing with the complex issues of recovery of damages, contingency plans, and coordinated actions in the event of an oil spill in the Arctic Ocean.

“(d) The Secretary of State shall report to the Congress on the Secretary’s efforts pursuant to this section no later than June 1, 1991.”

P. L. 101-626, 104 Stat. 4426 (November 28, 1990) “Tongass Timber Reform Act”:

TITLE I—FOREST MANAGEMENT PROVISIONS

SEC. 101 at 4426 amends ANILCA by deleting Sec. 705(a) (16 U.S.C. 539d(a)) and replacing it with:

SEC. 705. (a) Subject to appropriations, other applicable law, and the requirements of the National Forest Management Act of 1976 (Public Law 94-588) except as provided in subsection (d) of this section, the Secretary shall, to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources, seek to provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such forest and (2) meets the market demand from such forest for each planning cycle.

SEC. 102 at 4426 amends ANILCA by deleting Sec. 705(d) (16 U.S.C. 539d(d)) and replacing it with:

(d) All provisions of section 6(k) of the National Forest Management Act of 1976 (16 U.S.C. 1604(k)) shall apply to the Tongass National Forest except that the Secretary need not consider economic factors in the identification of lands not suited for timber production.

SEC. 103(a) at 4426-4427 amends ANILCA Sec. 705 (16 U.S.C. 539d) by adding a new subsection:

(e) In order to assure protection of riparian habitat, the Secretary shall maintain a buffer zone of no less than one hundred feet in width on each side of all Class I streams in the Tongass National Forest, and on those Class II streams which flow directly into a Class I stream, within which commercial timber harvesting shall be prohibited, except where independent national forest timber sales have already been sold prior to March 1, 1990, or where volume has been released prior to March 1, 1990; to either the Alaska Pulp Corporation or the Ketchikan Pulp Company pursuant to the long-term timber sale contracts numbered 12-11-010-1545 and A10fs-1042 respectively. If such an independent timber sale or released volume is within the buffer zone, the Secretary shall make every effort to relocate such independent sale or released volume to an area outside of the buffer zone. The Secretary shall use best management practices, as outlined in the Region 10 Soil and Water Conservation handbook (FSH 2509.22), January 1990, to assure the protection of riparian habitat on streams or portions of streams not protected by such buffer zones. For the purposes of this subsection, the terms 'Class I streams' and 'Class II streams' mean the same as they do in the Region 10 Aquatic Habitat Management Handbook (FSH 2609.24), June 1986.

SEC. 103(b) at 4427 further amends ANILCA Sec. 705 by requiring:

No later than one year after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the State of Alaska, the National Marine Fisheries Service, and affected private land owners, shall prepare and transmit to

the Congress a study containing recommendations on the need, if any, to standardize riparian management practices for Federal, State, and private lands within the Tongass National Forest.

SEC. 104(a) at 4427 amends ANILCA Sec. 706(a) (16 U.S.C. 539e(a)) by striking the second sentence and amends ANILCA Sec. 706(b) (16 U.S.C. 539e(b)), as follows:

- (1) Strike “and (4)” and insert in lieu thereof “(4)”.*
- (2) Strike the period at the end of the subsection and insert “, and (5) the impact of timber management on subsistence resources, wildlife, and fisheries habitats.”*

SEC. 104(b) at 4427 amends ANILCA Sec. 706(c) (16 U.S.C. 539e(c)) by inserting “*the southeast Alaska commercial fishing industry,*” before “*the Alaska Land Use Council*” for required consultation.

SEC. 105(a) at 4427 amends the National Forest Management Act of 1976 (16 U.S.C. 472a(i)(1)) to delete the exemption for sales of timber on National Forest System lands in Alaska.

SEC. 105(b) at 4427 amends ANILCA Sec. 705 (16 U.S.C. 539d) by adding a new subsection at the end to assure the continuation of the Small Business Administration timber sale program, as follows:

(f) Subject to appropriations, the provisions of this Act and other applicable law (including but not limited to the requirements of the National Forest Management Act of 1976 (Public Law 94-588)) and in order to assure the continuation of the Small Business Administration timber sale program, the Secretary shall, in consultation with the Administrator of the Small Business Administration and to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources, seek to provide a supply of timber from the Tongass National Forest to those purchasers qualifying as ‘small business concerns’ under the Small Business Act as amended (15 U.S.C. 631 et seq.).

SEC. 105(c) affects timber sales in the Tongass:

The provisions of subsections 105(a) and (b) of this section shall not apply to the purchase of timber within the Tongass National Forest pursuant to the long-term sale contracts numbered 12-11-010-1545 and A10fs-1042 between the United States and the Alaska Pulp Corporation, and between the United States and the Ketchikan Pulp Company, respectively.

SEC. 106. TENAKEE SPRINGS ROAD directs:

The Secretary of Agriculture shall not construct a vehicular access road connecting the Indian River and Game Creek roads, and shall not engage in any further efforts to connect the city of Tenakee Springs with the logging road system

on Chichagof Island, unless the city council of Tenakee Springs and Hoonah both determine that the road should be constructed and so inform the Secretary.

TITLE II—TONGASS NATIONAL FOREST LANDS PROTECTION

SEC. 201 at 4428, LUD II MANAGEMENT AREAS, amends ANILCA Title V by adding a new section 508 that designates 12 areas as LUD II in perpetuity: Yakutat Forelands, Berners Bay, Anan Creek, Kadashan, Lisianski River/Upper Hoonah Sound, Mt. Calder/Mt. Holbrook, Nutkwa, Outside Islands, Trap Bay, Point Adolphus/Mud Bay, Naha, and Salmon Bay.

SEC. 202 at 4429-4430, WILDERNESS DESIGNATION, amends ANILCA Sec. 703 (16 U.S.C. 1132-1136) by adding 6 additional wilderness designated areas in the Tongass National Forest: Pleasant/Lemusurier/Inian Islands, Young Lake addition, South Etolin Island, Chuck River, Karta River, and Kuiu.

SEC. 203 at 4430 requires the Secretary, as part of revising the Tongass Land Management Plan, in consultation with the State of Alaska, the City of Tenakee Springs, and other interested parties, a comprehensive study of the Kadashan LUD II Management Area. The Secretary shall report to Congress, which shall include:

- (a) an assessment of the natural, cultural, environmental, fish and wildlife (including habitat) resources and values of such area; and*
- (b) an assessment of the need for, potential uses, alternatives to and environmental impacts of providing a transportation corridor route through the Kadashan river valley.*

P. L. 102-172, 105 Stat. 1206

SEC. 8126 authorized a land exchange between Calista Corporation and the Secretary to resolve the majority of lands included within the Yukon Delta National Wildlife Refuge (established by ANILCA Section 303(7)) thus under the management restrictions of ANCSA 22(g).

P. L. 102-415, 106 Stat. 2112 (October 14, 1992) “Alaska Land Status Technical Corrections Act of 1992”:

SEC. 2 at 2112, FORT DAVIS NATIVE ALLOTMENT, amends ANILCA Sec. 905(a)(1) (43 U.S.C. 1634(a)(1)) by inserting “(A)” after “(I)” and by inserting “*or within Fort Davis (except as provided in subparagraph (B))*” after “*Naval Petroleum Reserve No. 4*”; and by adding the following new subparagraph at the end:

- (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 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)), 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.

SEC. 12 at 2115-2118, ALASKA NATIVE ALLOTMENTS, amends ANILCA Sec. 905 (43 U.S.C. 1634) by adding a new section at the end, with additional provisions affecting allotments and corporations.

SEC. 16 at 2124, LOCAL HIRE, extends the ANILCA Section 1308 (16 USC Sec. 3198) local hire preference to jobs related to the management of all public lands in Alaska. Section 16 amends ANILCA Sec. 1308(a) by striking “*a conservation unit*” and inserting “*public lands*” and by striking “*such unit*” everywhere it occurs and replacing it with “*public lands*”.

P. L. 103-437, 108 Stat. 4581 (November 2, 1994) “*To make technical improvement in the United States Code by amending provisions to reflect the current names of congressional committees*”:

SEC. 6(d)(31) at 4584 amends ANILCA Sec. 706(a) and 1315(d) (16 U.S.C. 5393(a), 3203(d)) to strike “*Interior and Insular Affairs*” and replace with “*Natural Resources*”.

SEC. 6(y) at 4587 amends ANILCA Sec. 806 (16 U.S.C. 3116) to strike “*Interior and Insular Affairs*” and replace with “*Natural Resources*”.

P. L. 104-42, 109 Stat. 353 (November 2, 1995) “*An Act to amend the Alaska Native Claims Settlement Act, and for other purposes*”:

SEC. 105 at 355 amends ANILCA Sec. 1431(o) (94 Stat. 2542) by adding at the end:

(5) Following the exercise by Arctic Slope Regional Corporation of its option under paragraph (1) to acquire the subsurface estate beneath lands within the National Petroleum Reserve—Alaska selected by Kuukpik Corporation, where such subsurface estate entirely surrounds lands subject to a Native allotment application approved under section 905 of this Act, and the oil and gas in such lands have been reserved to the United States, Arctic Slope Regional Corporation, at its further option and subject to the concurrence of Kuukpik

Corporation, shall be entitled to receive a conveyance of the reserved oil and gas, including all rights and privileges therein reserved to the United States, in such lands. Upon the receipt of a conveyance of such oil and gas interests, the entitlement of Arctic Slope Regional Corporation to in-lieu subsurface lands under section 12(a)(1)) shall be reduced by the amount of acreage determined by the Secretary to be reduced by the amount of acreage determined by the Secretary to be conveyed to Arctic Slope Regional Corporation pursuant to this paragraph.

SEC. 106(a) at 355 references ANILCA Sec. 102(4) (94 Stat. 2375), requiring the Secretary to report within 9 months as follows:

(2) An assessment of the potential impacts of additional allotments on conservation system units as that term is defined as in section 102(4) of the Alaska National Interest Lands Conservation Act (94 Stat. 2375).

(3) Recommendations for any additional legislation that the Secretary concludes is necessary.”

P. L. 104-167, 110 Stat. 1451 (July 29, 1996), “Mollie Beattie Wilderness Area Act”:

In its entirety, the statute amends ANILCA Sec. 702(3):

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 702(3) of Public Law 96-487 is amended by striking “Arctic National Wildlife Refuge Wilderness” and inserting “Mollie Beattie Wilderness”. The Secretary of the Interior is authorized to place a monument in honor of Mollie Beattie’s contributions to fish, wildlife, and waterfowl conservation and management at a suitable location that he designates within the Mollie Beattie Wilderness.

P. L. 104-333, 110 Stat. 4093 (November 12, 1996) “Omnibus Parks and Public Lands Management Act”:

SEC. 302 ANAKTUVUK PASS LAND EXCHANGE (16 USC 410hh note) at 4117-4119: Section 302(a) recognizes inadequacy of linear easements reserved for all-terrain vehicles and need for residents of Anaktuvuk Pass to use all-terrain vehicles in summer to access caribou and other subsistence resources. It also recognizes the land exchange agreements need ratification by Congress. Section 302(b) ratifies the agreement of 1992, amended in 1993 and 1994, and directs the lands acquired to be administered as part of Gates of the Arctic National Park and Preserve, with maps.

SEC. 302(c)(1) amends ANILCA Section 701(2) (94 Stat. 2371) by adding 56,825 acres of wilderness and deleting 73,993 acres as wilderness “*thus revising the Gates of the Arctic Wilderness to approximately 7,034,832 acres*”.

SEC. 302(c)(2) amends ANILCA Section 201(8)(a) (94 Stat. 2417) by decreasing Noatak National Preserve acreage from “*approximately six million four hundred and sixty thousand acres*” to “*approximately 6,477,168 acres*” and references the above maps accompanying the exchange.

SEC. 302(c)(3) amends ANILCA Section 701(7) (94 Stat. 2417) by increasing Noatak Wilderness by striking “*approximately five million eight hundred thousand acres*” and inserting “*approximately 5,817,168 acres.*”

SEC. 302(d) subsection (1) clarifies that private lands received via the exchange are conveyed subject to valid existing rights and shall be deemed received consistent with ANCSA 22(f). Under subsection (2) nothing in the exchange affects “*the preference for subsistence uses and access to subsistence resources otherwise provided under*” ANILCA.

SEC. 303 ALASKA PENINSULA SUBSURFACE CONSOLIDATION at 4119-4122: Excludes lands in a conservation system unit as defined in ANILCA Section 102(4) from availability for this exchange and directs terms for an exchange of Koniag Corporation subsurface 275,000 acres within Aniakchak National Monument and Preserve (ANILCA 201(1)), Alaska Peninsula National Wildlife Refuge (ANILCA 302(1)), and Becharof National Wildlife Refuge (ANILCA 302(2)). Directions to the Secretary include negotiations with the State of Alaska for selection rights and direct valuation of property rights.

SEC. 311 KENAI NATIVES ASSOCIATION LAND EXCHANGE at 4139-4145, cited as “Kenai Natives Association Equity Act Amendments of 1996” (43 USC 1784 note): Sec. 311 amends ANILCA Sec. 702(7) Kenai Wilderness (110 Stat. 4144) to add 592 acres, as part of completing conveyances to Kenai Natives Association and transferring land rights, in and near Kenai National Wildlife Refuge, including access easement, which were negotiated as directed by Public Law 102-458. Changes to implement Kenai Native Association Land adjustments include, among others:

such lands shall be automatically removed from the National Wildlife Refuge System and shall neither be considered as part of the Refuge nor subject to any laws pertaining solely to lands within the boundaries of the Refuge. The conveyance restrictions imposed by section 22(g) of ANCSA (i) shall then be ineffective . . .

SEC. 311 further designates 37,000 acres of Bureau of Land Management (BLM) land adjacent to Kanuti National Wildlife Refuge (ANILCA Sec. 302(4)) as withdrawn from entry and created as a special management area. In managing this new BLM area adjacent to Kanuti Refuge, Sec. 311 protects ANILCA Sec. 1110(b) access for inholdings and extends application of ANILCA Sec. 1110(a), as follows:

(A) Private access for any purpose, including economic development, to lands within the boundaries of the Special Management Area which are owned by third parties or are held in trust by the Secretary for third parties pursuant to the Alaska Native Allotment Act (25 U.S.C. 336). Such rights may be subject to restrictions issued by the BLM to protect subsistence uses of the Special Management Area.

(b) Existing public access across the Special Management Area. Section 1110(a) of ANILCA shall apply to the Special Management Area.

SEC. 703 GLACIER BAY NATIONAL PARK at 4185-4186: This section effectively amends ANILCA Sec. 203 (which prohibits any fees or entrance charges to parks in Alaska) by establishing a permit fee in Glacier Bay. A \$5.00 per person fee is required of passengers on cruise ships (accommodating 500 or more for at least 3 nights) and of concessionaires providing visitor services in Glacier Bay. A special fund is established to allocate 60% for emergency response equipment and to conduct studies, as follows:

Section 3(g) of Public Law 91-383 (16 U.S.C. 1a-2(g)) is amended by: striking ‘and park programs’ and inserting the following at the end: ‘Sixty percent of the fees paid by permittees for the privilege of entering into Glacier Bay for the period beginning on the first full fiscal year following the date of enactment of this sentence shall be deposited into a special account and that such funds shall be available—

(1) to the extent determined necessary, to acquire and preposition necessary and adequate emergency response equipment to prevent harm or the threat of harm to aquatic park resources from permittees; and

(2) to conduct investigations to quantify any effect of permittees’ activity on wildlife and other natural resource values of Glacier Bay National Park. The investigations provided for in this subsection shall be designed to provide information of value to the Secretary, in determining any appropriate limitations on permittees’ activity in Glacier Bay. The Secretary may not impose any additional permittee operating conditions in the areas of air, water, and oil pollution beyond those determined and enforced by other appropriate agencies. When competitively awarding permits to enter Glacier Bay, the Secretary may take into account the relative impact particular permittees will have on park values and resources, provided that no operating conditions or limitations relating to noise abatement shall be imposed unless the Secretary determines, based on the weight of the evidence from all available studies including verifiable scientific information from the investigations provided for in this subsection, that such limitations or conditions are necessary to protect park values and resources. Fees paid by certain permittees for the privilege of entering into Glacier Bay shall not exceed \$5 per passenger. For the purposes of this subsection, ‘certain permittee’ shall mean a permittee which provides overnight accommodations for at least 500 passengers for an itinerary of at least 3 nights, and ‘permittee’ shall mean a concessionaire providing visitor services within Glacier Bay. Nothing in this subsection authorizes the Secretary to require additional categories of

permits in, or otherwise increase the number of permits to enter Glacier Bay National Park.”.

SEC. 1035 REGULATIONS OF FISHING IN CERTAIN WATERS OF ALASKA:

SEC. 1035(a) amends ANILCA Sec. 202(2) description of Katmai National Park and Preserve. Subsections (c) and (d) are savings clauses that clarify these changes do not affect jurisdiction and management of water and submerged lands. Paragraphs (a) and (b) allow traditional fishing of spawned-out sockeye salmon in Naknek Lake and River, as follows:

(a) IN GENERAL.—Local residents who are descendants of Katmai residents who lived in the Naknek Lake and River Drainage shall be permitted, subject to reasonable regulations established by the Secretary of the Interior, to continue their traditional fishery for red fish within Katmai National Park (the national park and national preserve redesignated, established, and expanded under section 202(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh-1).

(b) RED FISH DEFINED.—For the purposes of subsection (a), the term “red fish” means spawned-out salmon that has no significant commercial value.

P. L. 105-83, 111 Stat. 1543 (1997):

SEC. 316. SUBSISTENCE. (16 U.S.C. 3102 note) Sec. 316(b) amends ANILCA Title VIII in subsections (b)(2)-(9) at 1592-1595 with a savings clause in Sec. 316(c) and a conditional effective date in Sec. 316(d), as follows:

Unless (16 U.S.C. 3102 note) and until laws are adopted in the State of Alaska which provide for the definition, preference, and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), the amendments made by subsection (b) of this section shall be effective only for the purposes of determining whether the State’s laws provide for such definition, preference, and participation. The (NOTE: Certification. Alaska) Secretary shall certify before December 1, 1998 if such laws have been adopted in the State of Alaska. Subsection (b) shall be repealed on such date if such laws have not been adopted.

Such State law was not adopted, thus these amendments were repealed.

P. L. 105-277, 112 Stat. 2681 (October 21, 1998) “Omnibus Appropriations Bill 1998”:

SEC. 123 at 259-261, **COMMERCIAL FISHING IN GLACIER BAY NATIONAL PARK**, amends ANILCA Title II (16 U.S.C. 410hh—4 note) with regards the reduction and

administration of commercial fishing within Glacier Bay National Park and Preserve. Sec. 123 affects the park unit, which was expanded and redesignated by ANILCA Sec. 202(1). Although Sec. 123 does not specify what section of ANILCA to insert the new language, it could be viewed as new provisions under either Sec. 202(1) or ANILCA Sec. 205 Commercial fishing. Sec. 123 reads as follows:

(a) GENERAL.—

(1) The Secretary of the Interior and the State of Alaska shall cooperate in the development of a management plan for the regulation of commercial fisheries in Glacier Bay National Park pursuant to existing State and Federal statutes and any applicable international conservation and management treaties. Such management plan shall provide for commercial fishing in the marine waters within Glacier Bay National Park outside of Glacier Bay Proper, and in the marine waters within Glacier Bay Proper as specified in paragraphs (a)(2) through (a)(5), and shall provide for the protection of park values and purposes, for the prohibition of any new or expanded fisheries, and for the opportunity for the study of marine resources.

(2) In the nonwilderness waters within Glacier Bay Proper, commercial fishing shall be limited, by means of non-transferable lifetime access permits, solely to individuals who—

(A) hold a valid commercial fishing permit for a fishery in a geographic area that includes the nonwilderness waters within Glacier Bay Proper;

(B) provide a sworn and notarized affidavit and other available corroborating documentation to the Secretary of the Interior sufficient to establish that such individual engaged in commercial fishing for halibut, tanner crab, or salmon in Glacier Bay Proper during qualifying years which shall be established by the Secretary of the Interior within one year of the date of the enactment of this Act; and

(C) fish only with—

(i) longline gear for halibut;

(ii) pots or ring nets for tanner crab; or

(iii) trolling gear for salmon.

(3) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in the West Arm of Glacier Bay Proper (West Arm) north of 58 degrees, 50 minutes north latitude, except for trolling for king salmon during the period from October 1 through April 30. The waters of Johns Hopkins Inlet, Tarr Inlet and Reid Inlet shall remain closed to all commercial fishing.

(4) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in the East Arm of Glacier Bay Proper (East Arm) north of a line drawn from Point Caroline, through the southern end of Garforth Island to the east side of Muir Inlet, except that trolling for king salmon during the period from October 1 through April 30 shall be allowed south of a line drawn across Muir Inlet at the southernmost point of Adams Inlet.

(5) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in Geikie Inlet.

(b) THE BEARDSLEE ISLANDS AND UPPER DUNDAS BAY.—Commercial fishing is prohibited in the designated wilderness waters within Glacier Bay National Park and Preserve, including the waters of the Beardslee Islands and Upper Dundas Bay. Any individual who—

(1) on or before February 1, 1999, provides a sworn and notarized affidavit and other available corroborating documentation to the Secretary of the Interior sufficient to establish that he or she has engaged in commercial fishing for Dungeness crab in the designated wilderness waters of the Beardslee Islands, or Dundas Bay within Glacier Bay National Park pursuant to a valid commercial fishing permit in at least six of the years during the period 1987 through 1996;

(2) at the time of receiving compensation based on the Secretary of the Interior's determination as described below—

(A) agrees in writing not to engage in commercial fishing for Dungeness crab within Glacier Bay Proper;

(B) relinquishes to the State of Alaska for the purposes of its retirement any commercial fishing permit for Dungeness crab for areas within Glacier Bay Proper;

(C) at the individual's option, relinquishes to the United States the Dungeness crab pots covered by the commercial fishing permit; and

(D) at the individual's option, relinquishes to the United States the fishing vessel used for Dungeness crab fishing in Glacier Bay Proper; and

(3) holds a current valid commercial fishing permit that allows such individual to engage in commercial fishing for Dungeness crab in Glacier Bay National Park,

shall be eligible to receive from the United States compensation that is the greater of (i) \$400,000, or (ii) an amount equal to the fair market value (as of the date of relinquishment) of the commercial fishing permit for Dungeness crab, of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel, together with an amount equal to the present value of the foregone net income from commercial fishing for Dungeness crab for the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996. Any individual seeking such compensation shall provide the consent necessary for the Secretary of the Interior to verify such net earnings in the fishery. The Secretary of the Interior's determination of the amount to be paid shall be completed and payment shall be made within six months from the date of application by the individuals described in this subsection and shall constitute final agency action subject to review pursuant to the Administrative Procedures Act in the United States District Court for the District of Alaska.

(c) **DEFINITION AND SAVINGS CLAUSE.**—

(1) *As used in this section, the term “Glacier Bay Proper” shall mean the marine waters within Glacier Bay, including coves and inlets, north of a line drawn from Point Gustavus to Point Carolus.*

(2) *Nothing in this section is intended to enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within the boundaries of Glacier Bay National park, or the tidal or submerged lands under any provision of State or Federal law.*

SEC. 127 at 261 amends ANILCA Sec. 1302 (16 U.S.C. 3192a) **LAND ACQUISITION AUTHORITY**, as follows:

Notwithstanding any other provision of law, none of the funds provided in this Act or any other Act hereafter enacted may be used by the Secretary of the Interior, except with respect to land exchange costs and costs associated with the preparation of land acquisitions, in the acquisition of State, private, or other non-federal lands (or any interest therein) in the State of Alaska, unless, in the acquisition of any State, private, or other non-federal lands (or interests therein) in the State of Alaska, the Secretary seeks to exchange unreserved public lands before purchasing all or any portion of such lands (or interest therein) in the State of Alaska.

The above Section 127 directive to the Secretary of the Interior (to offer exchange lands before purchasing lands) applies to **all** acquisitions forevermore in Alaska until Congress enacts legislation that amends this limit on the Secretary’s discretion.

SEC. 339. (a) – (b) at 295-296 amend ANILCA Title VIII but delay implementation. Sec. 339(a) was repealed under terms of (b), as follows:

(a) **RESTRICTION ON FEDERAL MANAGEMENT UNDER TITLE VIII OF THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.**—

(1) *Notwithstanding any other provision of law, hereafter neither the Secretary of the Interior nor the Secretary of Agriculture may, prior to December 1, 2000, implement or enforce any final rule, regulation, or policy pursuant to title VIII of the Alaska National Interest Lands Conservation Act to manage and to assert jurisdiction, authority, or control over land, water, and wild, renewable resources, including fish and wildlife, in Alaska for subsistence uses, except within—*

(A) *areas listed in 50 C.F.R. 100.3(b) (October 1, 1998) and*

(B) *areas constituting “public land or public lands” under the definition of such term found at 50 C.F.R. 100.4 (October 1, 1998).*

(2) *The areas in subparagraphs (A) and (B) of paragraph (1) shall only be construed to mean those public lands which as of October 1, 1998, were subject to federal management for subsistence uses pursuant to Title VIII of the Alaska National Interest Lands Conservation Act.*

(b) SUBSECTION (a) REPEALED –

(1) The Secretary of the Interior shall certify before October 1, 1999, if a bill or resolution has been passed by the Alaska State Legislature to amend the Constitution of the State of Alaska that, if approved by the electorate, would enable the implementation of state laws of general applicability consistent with, and which provide for the definition, preference, and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act.

(2) Subsection (a) shall be repealed on October 1, 1999, unless prior to that date the Secretary of the Interior makes such a certification described in paragraph (1).

The certification above in SEC. 339(b) was not made, therefore SEC. 339(a) was repealed.

SEC. 339(c) at 296 is a technical amendment to ANILCA Sec. 805, affecting the time frame for establishment of subsistence resource regions and regional advisory committees. SEC. 339(d) is a savings clause applicable to all of Section 339.

(c) TECHNICAL AMENDMENTS TO THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—Section 805 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115) is amended—

(1) in subsection (a) by striking “one year after the date of enactment of this Act,”

(2) in subsection (d) by striking “within one year from the date of enactment of this Act.”

(d) EFFECT ON TIDAL AND SUBMERGED LAND.—Nothing in this section invalidates, validates, or in any other way affects any claim of the State of Alaska to title to any tidal or submerged land in Alaska.

SEC. 353 provides funds and enables construction of facilities for transportation under ANILCA Title XI within the exterior boundary of Izembek National Wildlife Refuge, established by ANILCA Sections 303(3). Sec. 353 prohibits any part of the facilities from being built on Izembek National Wilderness, established by ANILCA Section 702(6) but determines that private land within the Izembek refuge designated-Wilderness is not part of the designated wilderness.

SEC. 353. KING COVE HEALTH AND SAFETY.

(a) ROAD ON KING COVE CORPORATION LANDS.—Of the funds appropriated in this section, not later than 60 days after the date of enactment of this Act, \$20,000,000 shall be made available to the Aleutians East Borough for the construction of an unpaved road not more than 20 feet in width, a dock, and marine facilities and equipment. Such road shall be constructed on King Cove Corporation Lands and shall extend from King Cove to such dock. The Aleutians East Borough, in consultation with the State of Alaska, shall determine the appropriate location of such dock and marine facilities. In no instance may any part of such road, dock,

*marine facilities or equipment enter or pass over any land within
Congressionally-designated wilderness in the Izembek National Wildlife Refuge
(for purposes of this section, the lands within the Refuge boundary already
conveyed to the King Cove Corporation are not within the wilderness area).
(b) KING COVE AIR STRIP.—*

**P. L. 105-317, 112 Stat. 3002 (October 30, 1998) “Glacier Bay National Park
Boundary Adjustment Act of 1998”:**

The Act affects ANILCA Sec. 202(1) and ANILCA Sec. 701(3) by providing authorization for the Secretary to exchange land within Glacier Bay National Park and Glacier Bay National Wilderness areas with the State of Alaska under specified conditions for a hydroelectric power project, and to modify the units’ boundaries accordingly.

**P. L. 105-333, 112 Stat. 3129 (October 31, 1998) “ANCSA Land Bank
Protection Act of 1998”:** *“To amend the Alaska Native Claims Settlement Act to
make certain clarifications to the land bank protection provisions, and for other
purposes.”*

SEC. 1 and SEC. 2 amend ANILCA Sec. 907(d) Land Bank Protection and Third-Party Trespassers. SEC. 6 affects ANILCA Sec. 303(7) Yukon Delta Refuge land exchange. SEC. 9 amends ANILCA Sec. 905(a) allotment applications. SEC. 10 amends ANILCA Sec. 1307(b) Visitor Services. SEC. 11 requires ANILCA Sec. 1308 Local Hire report in a specific time period, and gives directions regarding ANILCA Sec. 1302(h) land exchanges, as follows:

SECTION 1. AUTOMATIC LAND BANK PROTECTION.

(a) *LANDS RECEIVED IN EXCHANGE FROM CERTAIN FEDERAL AGENCIES.—The matter preceding clause (i) of section 907(d)(1)(A) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is amended by inserting “or conveyed to a Native Corporation pursuant to an exchange authorized by section 22(f) of the Alaska Native Claims Settlement Act or section 1302(h) of this Act or other applicable law” after “Settlement Trust”.*

(b) *LANDS EXCHANGED AMONG NATIVE CORPORATIONS.—Section 907(d)(2)(B) of such Act (43 U.S.C. 1636(d)(2)(B)) is amended—*

(1) by striking “and” at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting “; and”; and

(3) by adding at the end the following:

“(iv) lands or interest in lands shall not be considered developed or leased or sold to a third party as a result of an exchange or conveyance of such land or interest in land between or among Native Corporations and trusts,

partnerships, corporations, or joint ventures, whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.”

(c) ACTIONS BY TRUSTEE SERVING PURSUANT TO AGREEMENT OF NATIVE CORPORATIONS.—Section 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is amended—

(1) by striking “or” at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting “; or”; and

(3) by adding at the end the following:

“(iii) to actions by any trustee whose right, title, or interest in land or interests in land arises pursuant to an agreement between or among Native Corporations and trusts, partnerships, or joint ventures whose beneficiaries, partners, shareholders, or joint venturers are native Corporations.”

SEC. 2. DEVELOPMENT BY THIRD-PARTY TRESPASSERS.

Section 907(d)(2)(A)(i) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)(2)(A)(i)) is amended—

(1) by inserting “Any such modification shall be performed by the Native individual or Native Corporation.” after “substantial modification.”;

(2) by inserting a period after “developed state” the second place it appears; and

(3) by adding “Any lands previously developed by third-party trespassers shall not be considered to have been developed.”

SEC. 3. RETAINED MINERAL ESTATE.

(a) IN GENERAL – Section 12(c)(4) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)(4)) is amended—

(1) by redesignating subparagraphs (C) (D) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (B) the following new subparagraphs:

(C) Where such public lands are surrounded by or contiguous to subsurface lands obtained by a Regional Corporation under subsections (a) or (b), 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 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)).

(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.’; and
(2) in subparagraph (E) (as so redesignated), by striking ‘(A) or (B)’ and inserting ‘(A), (B), or (C)’.

(b) **FAILURE TO APPEAL NOT PROHIBITIVE**- Section 12(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)) is amended by adding at the end the following:

‘(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.’

...

SEC. 6 CALISTA NATIVE CORPORATION LAND EXCHANGE.

(a) **CONGRESSIONAL FINDINGS.**—Congress finds and declares that—

(1) the land exchange authorized by section 8126 of Public Law 102-172 should be implemented without further delay;

(2) the Calista Corporation, the Native Regional Corporation organized under the authority of the Alaska Native Claims Settlement Act for the Yupik Eskimos of Southwestern Alaska, which includes the majority of the Yukon Delta National Wildlife Refuge—

. . . [omitted text]

(5) in light of the foregoing, it is appropriate and necessary in this unique situation that Congress authorize and direct the implementation of this exchange as set forth in this section in furtherance of the purposes and underlying goals of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

SEC. 9 allows legislative approval of Native allotment applications where State protests have been withdrawn or dismissed and the applications are “open and pending on the date of enactment of this paragraph”; such approval is subject to reservation of any easement, right-of-way, and trail for public use if the trail predated the applicant’s claimed use and occupancy.

SEC. 9. ALASKA NATIVE ALLOTMENT APPLICATIONS

Section 905(a) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1634(a)) is amended by adding at the end the following:

“(7) Paragraph (1) of this subsection shall cease to apply, to an application—

“(A) that is open and pending on the date of enactment of this paragraph;

“(B) if the lands described in the application are in Federal ownership other than as a result of reacquisition by the United States after January 3, 1959; and

“(C) if any protest which is filed by the State of Alaska pursuant to paragraph (5)(B) with respect to the application is withdrawn or

dismissed either before, on, or after the date of the enactment of this paragraph.

“(8)(A) Any allotment application which is open and pending and which is legislatively approved by enactment of paragraph (7) shall, when allotted, be made subject to any easement, trail, or right-of-way in existence on the date of the Native allotment applicant’s commencement of use and occupancy.

“(B) The jurisdiction of the Secretary is extended to make any factual determinations required to carry out this paragraph.”

SEC. 10 allows the Secretary flexibility of working with affected Native Corporations rather than just one Native Corporation, thus amends ANILCA Section 1307 for contracting visitor services, except sport fishing and hunting guiding activities, within any conservation unit, as follows:

SEC. 10. VISITOR SERVICES.

Paragraph (1) of section 1307(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(b)) is amended—

(1) by striking “Native Corporation” and inserting “Native Corporations”; and

(2) by striking “is most directly affected” and inserting “are most directly affected”

SEC. 11 requires a report submitted by the Secretaries of Agriculture and Interior concerning the implementation of the local hire preferences for public lands employment and relationship to the federal competitive service opportunities. Persons previously appointed under the local hire process were unable to become permanent employees of the Department with all the attendant benefits in the competitive service, even if they acquired all the skills. This amends ANILCA Section 1308 as follows:

SEC. 11. LOCAL HIRE REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall transmit to Congress a report.

(b) LOCAL HIRE.—The report required by subsection (a) shall—

(1) indicate the actions taken in carrying out subsection (b) of section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198);

(2) address the recruitment processes that may restrict employees hired under subsection (a) of such section from successfully obtaining positions in the competitive service; and

(3) describe the actions of the Secretary of the Interior in contracting with Alaska Native Corporations to provide services with respect to public lands in Alaska.

(c) COOPERATION.—The Secretary of Agriculture shall cooperate with the Secretary of the Interior in carrying out this section to the Forest Service.

P. L. 105-391, 112 Stat. 3497, (November 13, 1998) “National Parks Omnibus Management Act of 1998”: *“To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.”*

The Act contains numerous directives affecting National Park career development, resource inventory and management, concessions management, and miscellaneous provisions regarding fees that could affect park management decisions in Alaska park units. Section 419 Savings Provisions specifically exempts the 1998 Glacier Bay Prospectus for cruise ship services but provides an expiration date of December 31, 2009 for any preferential right of renewal issued under that prospectus.

P. L. 106-31, 113 Stat. 57, (May 21, 1999) “Emergency Supplemental Appropriations”:

Amends P. L. 105-277 (above) with technical changes and provides compensation through a specified process to fish processors, crew members, communities, and others affected by the congressional closures of Alaska-regulated commercial fishing in Glacier Bay National Park, as follows:

SEC. 501. GLACIER BAY.

(a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277 (16 USC 410hh-4 note.)) is amended—

(1) in paragraph (1)--

(A) by striking "February 1, 1999" and inserting "August 1, 1999"; and

(B) by striking "1996" and inserting "1998"; and

(2)(A) by striking "of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel,"; and

(B) by striking "the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996." and inserting "for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period. In addition, such individual shall be eligible to receive from the United States fair market value for any Dungeness crab pots, related gear, and not more than one Dungeness crab fishing vessel if such individual chooses to relinquish to the United States such pots, related gear, or vessel."

(b) OTHERS AFFECTED BY FISHERY CLOSURES AND

RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by redesignating subsection (c) as

subsection (d) and inserting immediately after subsection (b) the following new subsection:

"(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide \$23,000,000 for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect."

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277 (16 USC 410hh-4 note.)), as amended, is amended further by inserting at the end the following new subsection:

Publication "(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) and shall provide an opportunity for public comment of no less than 45 days on such interim final rule. **Federal Register, publication.** The final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) shall be published in the Federal Register no later than September 30, 1999 and shall take effect on September 30, 1999, except that the limitations in paragraphs (3) through (5) of such subsection shall not apply with respect to halibut fishing until November 15, 1999 or salmon troll fishing until December 31, 1999. In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter."

(d) For the purposes of making the payments authorized in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as amended by this section, an additional \$26,000,000 is hereby appropriated to 'Departmental Management, Department of the Interior', to remain available until expended, of which \$3,000,000 shall be an additional amount for compensation authorized by section 123(b) of such Act, as amended, and of which \$23,000,000 shall be for compensation authorized by section 123(c) of such Act, as amended. The entire amount made available in this subsection is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)), and shall be available only if the President transmits to the Congress an official budget request that includes designation of the entire amount as an emergency requirement as defined in such Act.

P.L. 106-291, 114 Stat. 998 (October 11, 2000) “Department of the Interior and Related Agencies Appropriations Act, FY 2001”:

The Act’s directive, which limits Secretarial discretion, applies only to use of FY 2001 funds. However, the agencies are hereby ‘sensitized’ to current Congressional interest:

SEC. 345 BACKCOUNTRY LANDING STRIP ACCESS

(a) IN GENERAL.—Funds made available by this Act shall not be used to permanently close aircraft landing strips, officially recognized by State or Federal aviation officials, without public notice, consultation with cognizant State and Federal aviation officials and the consent of the Federal Aviation Administration.

(b) AIRCRAFT LANDING STRIPS.—An aircraft landing strip referred to in subsection (a) is a landing strip on Federal land administered by the Secretary of the Interior or the Secretary of Agriculture that is commonly known, and is consistently used for aircraft landing and departure activities.

(c) PERMANENT CLOSURE.—For the purposes of subsection (a), an aircraft landing strip shall be considered to be closed permanently if the intended duration of the closure is more than 180 days in any calendar year.”

P. L. 107-89 (December 18, 2001) amends 43 USC Section 1312:

Amends the Submerged Lands Act Subchapter II Section 1312 “*Seaward boundaries of States*” (related to ANILCA 103(a) regarding seaward boundaries and ANILCA Title IX land conveyances), to read as follows:

The seaward boundary of each original coastal State is approved and confirmed as a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State’s seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore approved by Congress.