

FOR ANILCA TRAINING CLASSROOM USE ONLY

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**COMPILATION¹ AND ANNOTATION OF
AMENDMENTS AND OTHER CONGRESSIONAL ACTIONS AFFECTING
ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT
(ANILCA) Public Law 96-487, 94 Stat. 2371 (1980)**

P. L. 97-394, 96 Stat. 1966 (December 30, 1982), “*Department of the Interior Appropriations Act, FY 1983*” (also titled “*Indian Claims Limitation Act of 1982*”)

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

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) for the interagency visitor centers per ANILCA Section 1305 to remain available until expended (16 USC 3195):

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), . . . 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 Section 1002(e)(2)(C) regarding exploration plans of the coastal plain of the Arctic National Wildlife Refuge and directing the Secretary to adopt regulations regarding use of confidential information acquired from any lease sale:

¹ Contact ANILCA.specialist@gmail.com to report errors or omissions or request permission to use the compilation. NOTE: (1) Congressional authorizations in annual appropriation bills may direct federal land management without specifically referencing ANILCA; and (2) Only those amendments to the Alaska Native Claims Settlement Act that reference or affect ANILCA provisions are included in this compilation.

*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.”.*

TITLE II—FOREST SERVICE, CONSTRUCTION at 1983 provides final payment of Chugach Natives, Inc. land settlement agreement per ANILCA sections 1302(h) and 1430:

to remain available until expended, for final payment, subject to the execution of a final agreement between the Secretary of the Interior, the Secretary of Agriculture, and the Chugach Natives, Incorporated, for the final settlement of land claims of the Chugach Natives, Incorporated, as authorized by section 1302(h) and section 1430 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) and section 22(f) of the Alaska Native Claims Settlement Act, as amended (Public Law 94-204) . . .

SEC. 308 at 1996 prohibits use of funds to permit exploration or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources within designated wilderness, Forest Service RARE II areas recommended for wilderness designation, and Congressionally designated wilderness study areas, except as authorized in specified laws and **except in Alaska** and certain national forest system lands released by the Secretary through land planning to manage for any use. Allows expenditures for processing permits in Alaska and exploration and development of mineral resources on federal lands where authorized within Wilderness or recommended under Forest Service RARE II. (16 USC 1132 note, 43 USC 1782)

SEC. 315 at 1998 confirms (94 Stat. 2406) Interior’s conveyance of surface estate on Admiralty Island to Shee Atika, Inc. per ANILCA Section 506(c) subject to valid existing rights, 17(b) easements, and conveyance of subsurface to Sealaska Inc.; explicitly does not amend ANILCA:

*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” TITLE VI—ALASKA RAILROAD TRANSFER (“Alaska Railroad Transfer Act of 1982”) Directs transfer of the Alaska Railroad to the State of Alaska, protects existing rights-of-way and easements, and does not affect State and Native Corporation land entitlement and related court actions, among other provisions.

SEC. 603 at 2557 defines “(7) *‘Native Corporation’*” as defined in ANILCA Section 102(6) [not as defined in ANCSA] and defines “(9) *‘public lands’*” as defined in ANCSA Section 3(e) [not as defined in ANILCA Section 102]. SEC. 603(10) at 2557 and SEC. 604(b)(1) at 2559 convey the exclusive use easement in Denali National Park and Preserve to the State “*only for railroad purposes, and for such other transportation, transmission, or communication purposes or which lands subject to such easement were utilized as of the date*” of this Act. SEC. 604(c)(3) at 2560 reserves 5,000 square feet at Talkeetna for National Park Service administrative activities that do not interfere with operation of the railroad.

SEC. 606(a) at 2564: “*Lands among the rail properties of the Alaska Railroad shall not be— . . .*

(2) available for conveyance under section 1425 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2515);

(3) available for conveyance to Chugach Natives, Inc., under sections 1429 or 1430 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2531) or under sections 12(c) or 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c) and 1613(h)(8), respectively; . . .”

SEC. 606(c)(1) at 2566 directs final administrative adjudication and review of agency action for this title “*shall be expedited to the same extent as the expedited review provided by section 1108 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3168).*” SEC. 606(d)(5) at 2568-2569 allows lands to be included in a pool for selection by Cook Inlet Regional Corporation subject to consent of the State and Secretary of Transportation under ANCSA Section 3(e). SEC. 606(d)(6) at 2570 restricts disposition of property that violates *valid rights as defined in ANILCA Section 102(6), subject to additional conditions under ANILCA Sections 906(e) and numerous sections in ANILCA Title XIV and ANCSA Section 12.*

SEC. 609 at 2574 authorizes the Alaska Railroad or State to request expeditious approval of a right-of-way for “*access across Federal lands for transportation and related purposes . . . [and] apply for a lease, permit, or conveyance of any necessary or convenient terminal and station grounds and material sites in the vicinity of the right-of-way.*”

SEC. 612 at 2576 directs that rail properties within Denali National Park and Preserve “*subject to the exclusive-use easement*” are transferred to the Secretary of the Interior for administration.

SEC. 613(a) at 2577 exempts “*actions taken pursuant to this title*” in transfer of Alaska Railroad properties from 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 federal land and land management laws. SEC. 613(d) has savings clauses for acreage entitlement to the State and ANCSA 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 removes authority of National Park Service regulations for fish, wildlife, and other park values within the Alaska Railroad right-of-way across 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) “*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*” TITLE IV—FEDERAL COURT IMPROVEMENTS. SEC. 402(22)(A) at 3358 deletes the requirement for precedence of district court and appellate courts to hear civil actions filed for judicial enforcement of ANILCA Section 804 priority for subsistence uses over scheduling for other matters. SEC. 402(22)(B) at 3358-3359 deletes all of ANILCA Section 1108 rights of way titled “**EXPEDITED JUDICIAL REVIEW**” and replaces it.

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

(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. 99-96, 99 Stat. 460 (September 25, 1985) “*To amend the Alaska Native Claims Settlement Act.*” (“the Red Dog Mine Transportation System”)

Section 1 amends the Alaska Native Claims Settlement Act (ANCSA) by adding Sections 34 and 35, which implement the “*Terms and Conditions Governing Legislative Land Consolidation and Exchange between NANA Regional Corporation, Inc., and the United States.*” The exchange grants an easement for a term of 100 years for a transportation system to be constructed and maintained by the State of Alaska or the Alaska Industrial Development Authority and for use and development of borrow sites as needed across and within the Cape Krusenstern National Monument, established by ANILCA Sec. 201(3), to provide access across the park unit between the Red Dog mine on NANA-owned lands and a port on the Chukchi Sea coast. The new ANCSA SEC. 35(b)-(c) at 463 authorize NANA to convey its interests in surface and subsurface estate and to revise its selections to acquire lands in exchange:

Provided, however, That NANA can relinquish only lands that are compact and contiguous to other public lands within the Krusenstern National Monument and . . . it shall be entitled to designate and have conveyed to it any lands outside the boundaries of the Cape Krusenstern National Monument and any other conservation system unit, as established and defined by the Alaska National Interest Lands Conservation Act . . .

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 Section 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 adds new subsection (k) to amend ANILCA Section 504, which directs the Secretary regarding agreements for uses of Shee Atika, Inc. lands and authorizes similar agreements with other owners to harvest timber, construct roads, and other activities on any lands, including wilderness, within the boundaries of Admiralty Island National Monument:

(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), *“To amend section 901 of [ANILCA]”*
Amends ANILCA Section 901(a) by striking *“five years after the date of execution”* each time it occurs in the subsection and inserting *“six years after the date of execution”* in its place.

P. L. 99-272, (April 7, 1986) “TITLE VIII—OUTER CONTINENTAL SHELF AND RELATED PROGRAMS” 43 USC Section 1301 and 1312

Related to “boundaries” addressed in ANILCA Section 103(a) and ANILCA Title IX and XIV, the definition of *“lands beneath navigable waters”* in Section 2 of the Submerged Lands Act (67 Stat. 29, May 22, 1953) is amended to clarify State boundaries include the underlined: *“all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State.”* This is consistent with **SEC. 1312** *“Seaward boundaries of States”* in context:

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.

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 Section 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 inserting *“nine years after the date of enactment”* in its place.

P. L. 99-664, 100 Stat. 3581 (November 17, 1986), “Haida Land Exchange Act of 1986” *“Congress finds and declares that it is in the public interest to implement the land exchanges and acquisitions set forth herein, in order to carry out the purposes of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.”* The Act authorizes specific land exchanges and status of the Haida and Sealaska corporations, State, and Tongass Forest lands and provides language regarding the following ANILCA provisions:

SEC. 2(11) confirms all references to conservation system units have the same meaning as defined in ANILCA.

SEC. 5 CONTINGENCY AND MANAGEMENT. If acquired by the United States, the Goat and South Pass islands shall be managed as if included within the Tongass National Forest and are withdrawn from State selections. ANILCA visitor services preferences apply to the islands even though they are not conservation system units: *“The provisions of section 1307(b) of the Alaska National Interest Lands Conservation Act shall apply to Goat Island and South Pass Islands notwithstanding the fact that such areas are not conservation system units.”*

SEC. 8(c) specifically exempts lands involved in the Haida and Sealaska land exchanges and associated conveyances from being considered a major Federal action under NEPA, *“nor shall any determination pursuant to section 810 of the Alaska National Interest Lands Conservation Act be required prior to implementation of any provision of this Act.”*

SEC. 11(a) authorizes funds for “preliminary work related to the establishment of an Information and Education Center provided for in section 1305 of Public Law 96-487” (ANILCA). Section 11(b) establishes three Purposes, including *“special emphasis on the Tongass National Forest and Southeast Alaska and its people.”* Section 11(c), (d), and (e) direct the design, require specific consultation, and authorize cooperative agreements. Section 11(f) requires the Secretary to submit a development plan to Congress within one year.

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 amends ANILCA Section 1008, Oil and Gas Leasing Program for Non-North Slope Federal Lands: *“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.”*

SEC. 5201 at 1330-263 amends Section 4(a) of the Land and Water Conservation Fund Act regarding *“ADMISSION FEES”* and Sec. (a)(4) limits authority otherwise granted to charge admission fees: *“Notwithstanding any other provisions of this Act, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation*

opportunities in an urban environment and to which access is publicly available at multiple locations.”

SEC. 5201(a) at 1330-264 amends ANILCA Section 203: “(12) *Notwithstanding section 203 of the Alaska National Interest Lands Conservation Act, the Secretary may charge an admission fee under this section at Denali National Park and Preserve in Alaska.*” ANILCA Section 203 prohibits entrance fees in Alaska park units. Like other Alaska park units, access is publicly available across the boundary to Denali National Park and Preserve and is open to public entry until closed per ANILCA closure procedures; the amendment authorizes a fee for transportation and facilities at the Denali Park road.

SEC. 5202 at 1330-267, temporarily suspends implementation of ANILCA section 705(a):

From the period beginning on October 1, 1987, and extending until September 30, 1989, the provisions of section 705(a) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 539(d)) shall not be effective. In lieu thereof, the following provision shall apply:

‘There is hereby authorized to be appropriated the sum of at least \$40,000,000 annually (or such sums as the Secretary of Agriculture determines necessary) to maintain the timber supply from the Tongass National Forest to dependent industry at a rate of 4,500,000,000 foot board measure per decade.’

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 Section 907 (43 U.S.C. 1636) “**ALASKA LAND BANK,**” as follows:

- (1) Replaces “*subsection (c)(2)*” throughout Section 907 with “*subsection (d)(1)*”,
- (2) Deletes the proviso of subsection (a) “*lands not owned by landowners described in subsection (c)(2) shall not*” and replaces it with “*no lands shall*”,
- (3) Amends ANILCA subsections 907(c), (d) and (e) and replaces with new language:

(c) BENEFITS TO PRIVATE LANDOWNERS.—(1) In addition to any requirement of applicable law, the appropriate Secretary is authorized to provide technical and other assistance with respect to fire control, trespass control, resource and land use planning, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement, all with or without reimbursement as agreed upon by the parties, so long as the landowner is in compliance with the agreement. (2) The provision of . . . ,

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

(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 Section 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) *“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.”* [Rather than quoting this Act (commonly called the ‘Alaska Submerged Lands Act’), the complete Act is **attached to this compilation due to its significant, technical details.**]

SEC. 101-103 at 979 deletes all of ANILCA Section 901 (94 Stat. 2430) and replaces it with new Section 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. (See Solicitor Hopewell memo on administrative finality of BLM navigability determinations per amended provisions of ANILCA Section 901 as affects Section 902). SEC. 102 directs ANILCA 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.

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

... 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 as part of Arctic National Wildlife Refuge:

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 4177-4178 extends the ANILCA Section 1308 (16 USC 3198) preference to veterans in the federal job process that gives preference to local residents competing for employment in Alaska conservation system units. SEC. 401 amends ANILCA Section 1308 “by redesignating subsection (b) as subsection (c)” and inserting after (a) a new subsection (b):

(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 “(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 states:

(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 Section 506(a) (94 Stat. 2406) by adding at the end a new paragraph:

(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 Section 506(a)(5) by adding new subparagraphs “(C)” and “(D)” which provide for exchanges of land pursuant to

ANILCA Section 1302(h) and availability for exchange in relation to state selections and the Mining Law of 1872, with subsurface estate granted to Sealaska, Inc.:

(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 Section 506(a)(3)(A) on Admiralty. SEC. 205(b)(2) requires the boundaries 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 Department of Agriculture, 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, adds a new ANILCA Section 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 Section 1005 (16 U.S.C. 3145):

(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 deletes ANILCA Section 705(a) (16 U.S.C. 539d(a)) and replaces 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 deletes ANILCA Section 705(d) (16 U.S.C. 539d(d)) and replaces 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 adds a new subsection (e) to ANILCA Section 705 (16 U.S.C. 539d):

(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 Section 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 Section 706(a) (16 U.S.C. 539e(a)) by striking the second sentence and amends ANILCA Section 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 Section 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 further amends ANILCA Section 705 (16 U.S.C. 539d) by adding a new subsection (f) to assure continuation of the Small Business Administration timber sale program:

(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, adds a new ANILCA 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 Section 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. 1150 (November 26, 1991)

SEC. 8126 at 1206-1207 authorizes property defined in section 8133 of the Department of Defense Appropriations Act of 1991 (104 Stat. 1909) to be transferred to the Secretary of the Interior for a land exchange(s) between Calista Corporation and the Secretary identified in “The Calista Conveyance and Relinquishment Document,” dated October 28, 1991. The value of the lands and interests shall include consideration of public interest values. The exchange will 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). One provision states: “In the event that the parties cannot agree on the value of such lands and interests in land, the procedures specified in subsection 206(d), of Public Law 94-579, as amended, shall be used to establish the value.”

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 Section 905(a)(1) (43 U.S.C. 1634(a)(1)) by inserting “(A)” after “(1)” 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:

- (B) The land referred to in subparagraph (A) with respect to Fort Davis—
 - (i) shall be restricted to—
 - (1) 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)), 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. 6 at 2113-2114 modifies the Chugach National Forest Boundary to include 9,300 acres on a September 1988 map and to be administered as part of the Forest, subject to valid right-of-ways, easement, lease, license, or permit on lands transferred by this Act.

SEC. 12 at 2115-2118 “*ALASKA NATIVE ALLOTMENTS*” amends ANILCA Section 905 (43 U.S.C. 1634) by adding (f)(1)(A) at the end with additional provisions affecting availability of federal lands, including NPRA, in processing allotments and corporations selections.

SEC. 15 at 2122-2124 “*HAIDA CORPORATION ACCOUNT*” amends the Haida Land Exchange Act of 1986 (PL 99-664) and provides directions for appraising values of the land.

SEC. 16 at 2124-2125 “*LOCAL HIRE*” amends ANILCA Section 1308(a) (16 USC Sec. 3198) to include jobs related to the management of all public lands in Alaska by striking “*a conservation unit*” and inserting “*public lands*” and by striking “*such unit*” everywhere it occurs and replacing it with “*public lands*”.

SEC. 17 at 2124 “*SEALASKA CORPORATION AGREEMENT*” ratifies the November 26, 1991, agreement between Sealaska and the Forest Service and completes provisions of the Sealaska Corporation entitlements under the Haida Land Exchange Act of 1986 (PL 99-664).

P.L. 102-458, 106 Stat. 2267 (October 23, 1992) directs negotiations by the Secretary of the Interior with Kenai Natives Association, Inc., and Cook Inlet Region, Inc., to exchange and acquire land for high value public interest along Kenai River and Moose River in and near Kenai National Wildlife Refuge. The exchange is ratified by P.L. 104-333, November 12, 1996.

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 Sections 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 Section 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 Section 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 conveyed to Arctic Slope Regional Corporation pursuant to this paragraph.

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

(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. 104-123 (April 1, 1996) “Greens Creek Land Exchange Act of 1995”
Amends ANILCA Sections 503 and 504 with provisions for development of Greens Creek Claims.

SEC. 4 provides for Congress approval and ratification of an agreement between Kennecott Greens Creek Mining Company and the Forest Service that allows exploration and development in the area surrounding the Greens Creek Claims.

SEC. 5(a) amends ANILCA Sections 1302(a) and 1302(c); authorizes the Forest Service “to acquire lands or interests in land within conservation system units in the Tongass National Forest, and any land or interest in land so acquired shall be administered by the Secretary as part of the National Forest System and any conservation system unit in which it is located.”

SEC. 5(d) authorizes Kennecott Greens Creek Mining Company to conduct mining and related activities on the lands and interests in lands received as part of the agreement.

SEC. 5(g) is determined to not be a major federal action and not require consideration under National Historic Preservation Act, ANILCA Title VIII, or any other law.

P.L. 104-134, 110 Stat. 1321 (April 26, 1996)

110-Stat 1321-164 of the Appropriations Act requires National Park Service to conduct a Feasibility Study for a northern access route into Denali National Park and Preserve within one year, using existing funds and conducted solely by permanent planning personnel in Alaska in consultation with the State of Alaska.

110 Stat. 1321-185 authorizes commercial tourism and requires the Forest Service to continue the current Tongass Land Management Plan. *“If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the national Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, . . . the change of purchasers for whatever reason shall not be considered a significant new circumstance. . . .”*

P. L. 104-167, 110 Stat. 1451 (July 29, 1996) “Mollie Beattie Wilderness Area Act”: *“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 land exchange agreements need ratification by Congress, so Section 302(b) ratifies the agreement of 1992, amended in 1993 and 1994, and directs the nonfederal lands acquired to be administered as part of Gates of the Arctic National Park and Preserve (ANILCA Sec. 201(4)), with maps.

SEC. 302(c) completes the requirements of the ANILCA Section 1004 Nigu Wilderness Study, adds 17,000 acres to Noatak National Preserve, and amends ANILCA as follows:

(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”*.

(c)(2) amends ANILCA Section 201(8)(a) (94 Stat. 2380) by increasing 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.

(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) and lands which are under current mineral lease 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 Section 201(1)), Alaska Peninsula National Wildlife Refuge (ANILCA Section 302(1)), and Becharof National Wildlife Refuge (ANILCA Section 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), amends ANILCA Section 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 easements 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 also designates 37,000 acres of Bureau of Land Management (BLM) land adjacent to Kanuti National Wildlife Refuge (ANILCA Section 302(4)) as withdrawn from entry and created as the Lake Totodoten Special Management Area. In managing this new area, SEC. 311 protects ANILCA Section 1110(b) access for inholdings and extends application of ANILCA Section 1110(a):

- (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 Section 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.

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 Section 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. 105-57, 111 Stat. 1252 (October 9, 1997), “National Wildlife Refuge Improvement Act of 1997” *“To amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.”*

SEC. 1(b). *“REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provisions, the reference shall be considered to be made to a section or provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).”*

Administration of the national wildlife refuge system is governed by this Act as amended. The Act is a comprehensive organic act establishing the system mission, statutory purposes, and directing the Secretary regarding administration and acquisition, development of Comprehensive Conservation Plans, cooperation with state fish and wildlife agencies, and priority uses of the refuges, among other provisions.

SEC. 9 provides primacy to ANILCA to ensure respect to conservation planning detailed in ANILCA Title III for Alaska refuges prevails over this Act and explicitly provides primacy of ANILCA over this Act in general if there is any conflict between the two Acts:

SEC. 9. STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA

(a) *IN GENERAL.—Nothing in this Act is intended to affect—*

(1) *the provisions for subsistence uses in Alaska set forth in the Alaska National Interest Lands Conservation Act (Public Law 96-487), including those in titles III and VIII of that Act;*

(2) *the provisions of section 102 of the Alaska National Interest Lands Conservation Act, the jurisdiction over subsistence uses in Alaska, or any assertion of subsistence uses in Alaska in the Federal courts; and*

(3) *the manner in which section 810 of the Alaska National Interest Lands Conservation Act is implemented in national wildlife refuges in Alaska.*

(b) *CONFLICTS OF LAWS.—If any conflict arises between any provision of this Act and any provisions of the Alaska National Interest Lands Conservation Act, then the provision in the Alaska National Interest Lands Conservation Act shall prevail.*

P. L. 105-60, 111 Stat. 1269 (October 10, 1997) “Hood Bay Land Exchange Act of 1997” Amends ANILCA Section 506 by adding authorization for an exchange of 54 acres of Alaska Pulp Corporation land located in Hood Bay on Admiralty Island within Kootznoowoo Wilderness to the Forest Service for 144 acres adjacent to Silver Bay near Sitka and authorizes future lands acquisition by the Forest Service at Chaik Bay.

P. L. 105-83, 111 Stat. 1543 (November 14, 1997) “Department of the Interior and Related Agencies Appropriations Act, 1998”

SEC. 120. Authorizes federal possession of, and compensation for, all patented and valid unpatented mining claims in Kantishna Mining District within Denali National Park and Preserve (ANILCA Sec. 202(3)). The Secretary “*shall permit the orderly termination of all operations on the lands and the removal of equipment, facilities, and personal property . . .*”

SEC. 122. “*KODIAK LAND VALUATION*” Authorizes payment to Kodiak Island Borough for parcels acquired from Akhioko-Kaguyak, Inc., Koniag, Inc., and the Old Harbor Native Corporation for addition to the Kodiak National Wildlife Refuge (ANILCA Sec. 303(5)) and appraisals under the Refuge Revenue Sharing Act (16 USC 7155).

SEC. 127. Authorizes National Park Service to initiate a competitive process to allow one entry per day for a passenger ferry into Bartlett Cove from Juneau for “*accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove*” in Glacier Bay National Park and Preserve (ANILCA Sec. 202(1)).

SEC. 136. Directs National Park Service to compensate the University of Alaska Fairbanks “*for facilities, equipment, and interests owned by the University that were destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park and Preserve.*” (ANILCA Sec. 202(3)) It also directs the Secretary of the Army to provide two 6X6 vehicles and to “*construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering.*”

SEC. 316. “*SUBSISTENCE*” (16 U.S.C. 3102 note) SEC. 316(b) proposed to amend 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):

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 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.

NOTE: Such State laws were not adopted by the State by December 1, 1998, thus, these ANILCA 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 Section 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 ANILCA Sections 202(1) or 205 Commercial fishing. SEC. 123 states:

(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 Section 1302(b) (16 U.S.C. 3192a) "LAND ACQUISITION AUTHORITY" as a directive to the Secretary of the Interior (to offer exchange lands before purchasing lands) that applies to **all** future acquisitions in Alaska until Congress enacts legislation that amends this limit on the Secretary's discretion:

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.

SEC. 339(a) through (b) at 295-296 amend ANILCA Title VIII but delay implementation pending State action. 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).

NOTE: The certification in SEC. 339(b) was not made; therefore, the SEC. 339(a) amendment to ANILCA Title VIII was repealed.

SEC. 339(c) at 296 is a technical amendment to ANILCA Section 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 Sec. 339, amending ANILCA Sec. 805, as follows:

(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 reiterates ANILCA Section 103 directives that private land within the Izembek Refuge designated Wilderness area 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 Sections 202(1) and 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 Section 907(d) Land Bank Protection and Third-Party Trespassers; **SEC. 6** affects ANILCA Section 303(7) Yukon Delta Refuge land exchange; **SEC. 9** amends ANILCA Section 905(a) allotment applications; **SEC. 10** amends ANILCA Section

1307(b) Visitor Services; and **SEC. 11** requires ANILCA Section 1308 Local Hire report in specified time and gives directions for ANILCA Section 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 system unit:

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 (112 Stat. 3135) requires the Secretaries of Agriculture and Interior to report on the implementation of the local hire preference 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 with all attendant benefits in the competitive service, even if they acquired all the skills.) **SEC. 11** 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. SEC. 419 Savings Provisions specifically exempt the 1998 Glacier Bay Prospectus for cruise ship services but provide an expiration of December 31, 2009, for 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 with technical changes and provides compensation by 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:

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. 106-181, 114 Stat. 61 (April 5, 2000) “Title VIII—National Parks Air Tour Management” Sec. 801: *National Parks Air Tour Act of 2000*”: Sec. 803 requires commercial tour operators conducting flights over or near national park units and tribal lands to apply and operate in accordance with air tour management plans adopted as specified for national parks.

SEC. 809 “ALASKA EXEMPTION”

The provisions of this title and section 40128 of title 49, United States Code, as added by section 803(a), do not apply to any land or waters located in Alaska.”

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 ‘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. 106-488, 114 Stat. 2205 (November 9, 2000) “To improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.”

Section 1 requires a report by the Secretary of the Interior “detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and . . .”

Section 2 establishes a Pilot Program to further the “goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act” The programs are to employ residents of local communities in Bering Land Bridge National Preserve, Cape Krusenstern National Monument, Kobuk Valley National Park, and Noatak National Preserve and report results within one year.

P. L. 107-362, 116 Stat. 3021 (December 19, 2002), “Russian River Land Act”

Effectively amends ANILCA Sections 1406 and 1435 by ratifying the land ownership agreement between Cook Inlet Region, Inc. (CIRI), Forest Service, and Fish and Wildlife Service to resolve a dispute over the validity of CIRI 14(h)(1) selections and to provide for public use.

P. L. 108-199, 118 Stat. 445 (January 23, 2004)

Amends ANILCA Section 1308, the local hire law, to pay expenses for transportation and preparation of remains of a deceased employee and immediate family members and their household to any community in Alaska selected by the surviving head of household:

SEC. 147. PAYMENT OF EXPENSES AFTER THE DEATH OF CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

- (1) by redesignating subsection (c) as subsection (d); and
 (2) by inserting after subsection (b) the following:

(c) *PAYMENT OF EXPENSES AFTER DEATH OF AN EMPLOYEE.*

(1) *DEFINITION OF IMMEDIATE FAMILY MEMBER.—In this subsection the term “immediate family member” means a person related to a deceased employee that was a member of the household of the deceased employee at the time of death.*

(2) *PAYMENTS.—If an employee appointed under the program established by subsection (a) dies in the performance of any assigned duties on or after October 1, 2002, the Secretary may—*

(A) *pay or reimburse reasonable expenses, regardless of when those expenses were incurred, for the preparation and transportation of the remains of the deceased employee to a location in the State of Alaska which is selected by the surviving head of household of the deceased employee;*

(B) *pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for transporting immediate family members and the baggage and household goods of the deceased employee and immediate family members to a community in the State of Alaska which is elected by the surviving head of household of the deceased employee.”*

P.L. 108-452, 118 Stat. 3575 (December 10, 2004) “Alaska Land Transfer Acceleration Act”

SEC. 102 “*PRIORITIZATION OF LAND TO BE CONVEYED*” and SEC. 103: “Section 906(h)(2) of [ANILCA] (43 U.S.C. 1635(h)(2) is amended” to clarify the State’s selections, prioritization, establish minimum acreage waivers, and address reversionary interests in land acquired. SEC. 104 addresses land status for future power projects under Section 906(e) of ANILCA. The remaining sections in Title I address State selections and top filings under ANILCA Section 906(e), the Alaska Statehood Act, and other provisions.

SEC. 207 requires the Secretary within 18 months to conduct the following, provide public notice and comment, and submit a report to Congress:

review the withdrawals made pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1) to determine any portion of the lands withdrawn pursuant to that provision can be opened to appropriation under the public land laws or if their withdrawal is still needed to protect the public interest in those lands.

SEC. 301 amends Section 18 of ANCSA by adding:

(d)(1) If an allotment application is valid or would have been approved under section 905 of the Alaska National Interests Lands Conservation Act (43 U.S.C. 1634) had the land described in the application been in Federal ownership on December 2, 1980, the Secretary may correct a conveyance to a native Corporation or to the State that includes

land described in the allotment application to exclude the described allotment land with the written concurrence of the Native Corporation or the state.

Further additions to ANCSA Section 18 follow as (d)(2) and (d)(3).

Section 302 provides title recovery of Native Allotments if the allotment “*is valid or would have been approved under section 905 of [ANILCA] (42 U.S.C. 1634) had the land described in the allotment application been in Federal ownership on December 2, 19380” and other conditions regarding probate and liability for hazardous substances. Section 303 similarly addresses revisions of Native Corporation land selections that would have been approved under ANILCA Section 905 so long as “*the proposed revision would not create an isolated inholding within a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102))”**

Section 404 directs final prioritization of State selections be submitted within 4 years “*in accordance with section 906(f)(1) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(f)(1)) . . . shall include in the prioritized list land which has been top-filed under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)).*

P. L. 110-229, 122 Stat. 754 (May 8, 2008) “CONSOLIDATED NATURAL RESOURCES ACT OF 2008” Under **TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS, Subtitle A—Cooperative Agreements**, SEC. 301(a) authorizes National Park Service to expend funds and participate in activities on non-federal lands inside and outside of the park units under numerous specific terms and conditions.

SEC. 301. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating landowners for the purpose of protecting natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

SEC. 301(b) details terms and conditions under which such an agreement can be entered and requires “*a cooperative agreement entered into under subsection (a) shall provide clear and direct benefits to park natural resources ...*” [e.g., Authorization in SEC. 301(a) does not diminish National Park Service’s responsibility to respect and fulfill state requirements involving conservation and management of fish and wildlife, which authority in Alaska was transferred under the Statehood Act to the State of Alaska and confirmed in ANILCA Section 1314(a).]

SEC. 301(c) prohibits use of funds for the purpose of land acquisition and regulatory activity, as follows:

(c) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

***Title III, Subtitle F—Denali National Park and Alaska Railroad Exchange, SEC. 351.
DENALI NATIONAL PARK AND ALASKA RAILROAD CORPORATION EXCHANGE.***

Subparagraph (1)(A) authorizes the Secretary to grant the Alaska Railroad Corporation an exclusive use easement to provide for track and associated facilities for turning railroad trains near the Denali Park Station. In exchange, subparagraph (1)(B) requires that certain portions of the Corporation’s existing exclusive use easement be relinquished. Subparagraph (2)(A) requires that the exchange of easements be approximately equal-acre basis; (2)(B) limits the park grant to 25 acres, (2)(C) details the interests conveyed pursuant to the Alaska Railroad Transfer Act of 1982; (2)(D) assigns all costs of the exchange to the Corporation; and (2)(E) amends ANILCA Section 202(3) by adding additional land in the park to designated Wilderness:

(E) LAND TO BE PART OF WILDERNESS.—The land underlying any easement relinquished to the United States under this section that is adjacent to designated wilderness is hereby designated as wilderness and added to the Denali Wilderness, the boundaries of which are modified accordingly, and shall be managed in accordance with applicable provisions of the Wilderness Act (78 Stat. 892) and the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2371).

P. L. 111-11, 123 Stat. 991 (March 30, 2009) “Omnibus Public Land Management Act of 2009”

***TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS, Subtitle A—
National Landscape Conservation System.***

In establishing a National Conservation System of certain BLM lands, Title II specifically states that lands in Alaska under ANILCA management provisions are not affected by any regulations or law that applies to lands designated as components of the National Landscape Conservation System. These include: Steese National Conservation Area, Iditarod National Historic Trail, six designated Wild and Scenic Rivers (Beaver Creek, Birch Creek, Delta, Gulkana River, Fortymile River, and Unalakleet River), and the wilderness study area within the ANILCA 1002 area.

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

- (1) Each area that is designated as—*
 - (A) a national monument;*

- (B) a national conservation area;
 - (C) a wilderness study area
 - (D) a national scenic trail or national historic trail designated as a component of the National Trails System;
 - (E) a component of the National Wild and Scenic Rivers System; or
 - (F) a component of the National Wilderness Preservation System.
- (2) Any area designated by Congress to be administered for conservation purposes, including—
- . . . [text omitted]
 - (E) any additional area designated by Congress for inclusion in the system.
- (c) **MANAGEMENT.**—*The Secretary shall manage the system—*
- (1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and
 - (2) in a manner that protects the values for which the components of the system were designated.
- (d) **EFFECT.**—
- (1) **IN GENERAL.**—*Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—*
 - (A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);
 - (B) the Wilderness Act (16 U.S.C. 1131 et seq.)
 - (C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);
 - (D) the National Trails System Act (16 U.S.C. 1241 et seq.); and
 - (E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).
 - (2) **FISH AND WILDLIFE.**—*Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land management by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.*

TITLE III—FOREST SERVICE AUTHORIZATIONS, Subtitle D—Land Conveyances and Exchanges, authorizes a land conveyance from the Tongass National Forest to the City of Coffman Cove, in section 3301, “*subject to valid existing rights.*” Per Subsection (b)(2)(B) and (b)(3), the Forest Service reserves lands from the exchange that are related to one Forest Development Road and allows reservation of a right-of-way “*to provide access to the National Forest System land excluded from the conveyance.*” Nothing in this exchange affects ANILCA provisions for access for subsistence, access to inholdings, and other provisions that apply to federal lands that result from this exchange, and such provisions no longer apply to federal lands once they are conveyed out of federal ownership (consistent with ANILCA Section 103(c)).

TITLE V—RIVERS AND TRAILS, Subtitle D—National Trail System Amendments, specifically addresses the Iditarod Trail. The Iditarod National Historic Trail was established by Congress so is a conservation system unit (as defined in ANILCA Sec. 102) and is managed under numerous ANILCA provisions; thus, this language effectively amends ANILCA in management of the Iditarod Trail as follows:

SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.
(5) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end of the following:

“No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

“(g) **REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **ROUTE.**—The term ‘route’ includes a trail segment commonly known as a cutoff.

“(B) **SHARED ROUTE.**—The term ‘shared route’ means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

“(2) **REQUIREMENTS FOR REVISION.**—

“(A) **IN GENERAL.**—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

“(B) **STUDY REQUIREMENTS AND OBJECTIVES.**—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection

.....[**NOTE:** text omitted; no Trails in Alaska were listed for study]

SUBTITLE E—EFFECT OF TITLE [Title V]

SEC. 5401. EFFECT.

(a) **EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.**—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) **EFFECT ON STATE AUTHORITY.**—Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS, Subtitle B—Competitive Status for Federal Employees in Alaska, amends ANILCA Section 1308 local hire provisions as follows:

SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end of the following:

“(e) COMPETITIVE STATUS.—

“(1) IN GENERAL.—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

“(2) REDESIGNATION OF CERTAIN POSITIONS.—

“(A) PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

“(B) PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

“(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

“(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.”

TITLE VI, Subtitle E—Izembek National Wildlife Refuge Land Exchange, authorizes an exchange of lands in SEC. 6402(a), “for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska” upon notification by the State of Alaska and King Cove Corporation of intent to exchange non-federal land outlined in the Act. Under **SEC. 6402(b)(2)** the Secretary initiates an environmental impact statement that identifies a specific road corridor in consultation with the State, City of King Cove, and the Agdaagux Tribe. **SEC. 6402(b)(3)** authorizes participants in preparation of the EIS as a cooperating agency. **SEC. 6402(c)**, exempts “conveyance of the Federal land and non-Federal land” from “any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.” **SEC. 6402(d), PUBLIC INTEREST DETERMINATION**, requires among other limitations that “the Secretary shall determine that the land exchange (including the construction of the road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest. **SEC. 6402(e)** holds the land exchange until the state land in Kinzaroff Lagoon is designated by the State as a State refuge. **SEC. 6402(f) DESIGNATION OF ROAD**

CORRIDOR, requires: . . . *the Secretary shall—(1) minimize the adverse impact of the road corridor on the Refuge; (2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and (3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.*

SEC. 6404 ADMINISTRATION OF CONVEYED LANDS, amends ANILCA upon completion of the land exchange to revise the ANILCA-designated wilderness boundaries and modify acreage within Alaska Peninsula and Izembek National Wildlife Refuges (ANILCA Sec. 302(1) and Sec. 303(3)), including “*Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—(i) the Izembek National Wildlife Refuge Wilderness; or (ii) the Alaska Peninsula National Wildlife Refuge Wilderness.*”

NOTE: Per Sec. 6402(d), the Secretary of the Interior made a determination that the proposed road was not in the national public interest, thereby the land exchange and road construction were not initiated, and the legislative authority expired 7 years after this Act.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS, Subtitle A—Additions to the National Park System

SEC. 8010 designates the Kenai Mountains-Turnagain Arm National Heritage Area, Alaska. The Section establishes a local coordinating entity, requires a management plan, consultation with the Forest Service and State, requires a business plan for the role of the coordinating entity, and requires that the management plan be submitted “*not later than 3 years after the date on which funds are first made available*” to the Secretary for approval.

SEC. 8010(c)(4)(C) details terms for approval of the management plan including “*(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.*”

SEC. 8010(c)(4)(C) details the criteria for approval of the management plan, including demonstrating “*partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*”

SEC. 8010(c)(4)(D), (E), and (F) detail terms for disapproval, amendments, and authorities of the management plan.

The remainder of SEC. 8010 details a required evaluation report after three years, annual reports of expenditures by the local coordinating committee, authorities to expend Federal funds, prohibits “*acquisition of any interest in any real property*”, and specifically prevents any impact on private property rights and regulatory authorities of the federal and state agencies. One million dollars is annually appropriated up to a total of ten million dollars to implement the section, limiting the Federal cost share of any activity to not exceed 50 percent. Authority of the Secretary to provide financial assistance terminates after 15 years from enactment of this Act.

TITLE XIII--MISCELLANEOUS

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT. states: “Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

“(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

“(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

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

P. L. 111-24, 123 Stat. 1764-1765 (May 22, 2009), “Credit Card Accountability Responsibility and Disclosure Act of 2009”

SEC. 512 “Protecting Americans from Violent Crime” allows individuals who can legally possess firearms under applicable federal and State laws, to also possess firearms in National Parks and National Wildlife Refuges in Alaska. [Although not a direct amendment of ANILCA, it specifically authorizes a use on certain public lands established by and managed under ANILCA, therefore is noted at ANILCA Section 1316 Allowed Uses.]

P. L. 112-74, 125 Stat. 1006 (December 23, 2011) “CONSOLIDATED APPROPRIATIONS ACT, 2012, GENERAL PROVISIONS, Department of the Interior

SEC. 119 prohibits National Park Service from expending any funds involving boating in Yukon-Charley Rivers National Preserve (ANILCA Section 201(10)):

SEC. 119. None of the funds made available by this Act may be used by the Secretary of the Interior to implement or enforce regulations concerning boating within Yukon-Charley National Preserve, including waters subject to the jurisdiction of the United States, pursuant to section 3(h) of Public Law 91-383 (16 U.S.C. 1a-2(h)) or any other authority. This section does not affect the authority of the Coast Guard to regulate the use of waters subject to the jurisdiction of the United States within Yukon-Charley National Preserve.

SEC. 121(b) amends ANILCA Section 1308, local hire provisions, as follows:

(b) LOCAL HIRE AUTHORITY.—Section 1308 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3198) is amended--

(1) in subsection (a), by striking “establish a program” and inserting “establish an excepted service appointment authority,”;

(2) in subsection (b), by striking “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” and inserting “expected service as defined in section 2103 of such title”

(3) in subsection (e), by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph (2):

“(2) CONVERSION TO COMPETITIVE SERVICE.—Employees who satisfactorily complete two years of continuous service in a permanent appointment made under subsection (a) and who meet satisfactory performance and competitive service qualification requirements shall have their appointment converted to competitive service career-conditional or career employment as appropriate. This paragraph applies to individuals appointed on or after March 30, 2009. An employee who does not meet competitive service qualification requirements after two years of continuous service in an appointment made under subsection (a) shall be converted upon meeting such qualification requirements. Temporary and time-limited appointments will be made in the excepted service. There is no provision for conversion to competitive service when appointments are time-limited.”

P. L. 113-33, 127 Stat. 514 (September 18, 2013) “Denali National Park

Improvement Act” SEC. 2—KANTISHNA HILLS MICROHYDRO PROJECT; LAND

EXCHANGE. The term “appurtenance” is defined to include: transmission lines; distribution lines; signs; buried communication lines; necessary access routes for microhydro project construction, operation, and maintenance; and electric cables. The term “Kantishna Hills area” is the “*area of the Park located within 2 miles of Moose Creek, as depicted on the map.*” The term “microhydro project” is defined as “*a hydroelectric power generating facility with a maximum power generation capability of 100 kilowatts*” and includes intake pipelines and “*any distribution or transmission lines*” to serve the Kantishna Hills area.

(b) PERMITS FOR MICROHYDRO PROJECTS.—

(1) IN GENERAL.—The Secretary may issue permits for microhydro projects in the Kantishna Hills area.

(2) TERMS AND CONDITIONS.—Each permit under paragraph (1) shall be—

(A) issued in accordance with such terms and conditions as are generally applicable to rights-of-way within units of the National Park System; and

(B) subject to such other terms and conditions as the Secretary determines to be necessary.

(3) COMPLETION OF ENVIRONMENTAL ANALYSIS—Not later than 180 days after the date on which an applicant submits an application for the issuance of a permit under this subsection, the Secretary shall complete any analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) of any proposed or existing microhydro projects located in the Kantishna Hills area.

Subsection (c) authorizes a land exchange in order to consolidate ownership of Denali Park and Doyon Tourism, Inc. lands. Lands acquired by Park Service will be administered as part of the Park.

SEC. 3. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE

This subsection further defines “*appurtenance*” and specifically excludes “*compressor stations.*” Subsection (b) PERMIT authorizes the Secretary to issue right-of-way permits for:

- (1) *a high-pressure natural gas transmission pipeline (including appurtenances) in nonwilderness areas within the boundary of Denali National Park within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park; and*
- (2) *any distribution and transmission pipelines and appurtenances that the Secretary determines to be necessary to provide natural gas supply to the Park.*

Subsection (c) lays out further TERMS AND CONDITIONS for the permit issued under subsection (b).

SEC. 4. DESIGNATION OF THE WALTER HARPER TALKEETNA RANGER

STATION. This section names the Talkeetna Ranger Station 100 miles south of the entrance to Denali National Park.

P. L. 113-287, 128 Stat. 3096 (December 19, 2014) This Act recodifies into Title 54 the statutory provisions relating to National Park Service that were previously located in Title 16 U.S.C. “**National Park Service and Related Programs.**” The Act contains a “**Disposition Table**” at 128 State. 3273, which identifies each affected section of the United States Code. The introduction to this table contains important explanations of how the classification is restated and reenacted, repealed, and omitted but not repealed. None appear to substantively affect Alaska national park units, but a thorough analysis is not available.

P. L. 113-291 (December 19, 2014) “CARL LEVIN AND HOWARD P. “BUCK” MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015” TITLE XXX—NATURAL RESOURCES RELATED GENERAL PROVISIONS
Subtitle A—Land Conveyances and Related Matters

SEC. 3001. Land Conveyance, Wainwright, Alaska. This section directs the Secretary to convey 1,518 acres and improvements to Olgoonik Corporation within 180 days, comprising the former Distant Early Warning Line Site in the National Petroleum Reserve in Alaska near Wainwright, Alaska, described as United States Survey Number 5252 within Umiat Meridian. [Note: access provisions of ANILCA Section 1323(b) apply to inholdings within NPRA.]

SEC. 3002. Sealaska Land Entitlement Finalization. This section completes Sealaska’s land entitlement under 14(h) of the Alaska Native Claims Settlement Act (43 USC 1613(h)) by directing transfer of 18 parcels (approximately 69,585 acres) depicted as “Sealaska Selections” on maps dated June 14, 2013; authorizes Sealaska to file application for 490 acres of federal land in 76 cemetery sites and historical places; amends ANILCA Section 508 by adding eight LUD II conservation areas in the Tongass National Forest; and other actions.

SEC. 3002(c)(1) directs that interim conveyance of the 18 parcels of federal land shall be completed within 60 days of receipt of the Sealaska resolution concurring with this Finalization, subject to easements under section 17(b) of the Alaska Native Claims Settlement Act (43 USC 1616i(b)) and subject to valid existing rights. **SEC. 3002(c)** states:

- (3) TREATMENT OF LAND CONVEYED.**—*Except as otherwise provided in this section, any land conveyed to Sealaska under paragraph (1) shall be—*
- (A) Considered to be land conveyed by the Secretary under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 USC 1613(h)(8)); and*
 - (B) Subject to all laws (including regulations) applicable to entitlements under section 14(h)(8)), including section 907(d) of the Alaska National Interest Lands Conservation Act (43 USC 1636(d)).*

SEC. 3002(c)(4) EASEMENTS directs that the interim conveyance and patents are “*subject to the reservation of public easements under section 17(b) of the Alaska Native Claims Settlement Act (43 USC 1616(b))*,” and no public easement so reserved “*shall be terminated without publication of notice of the proposed termination in the Federal Register*.” The Secretary is also directed to “*reserve a conservation easement to protect the aquatic and riparian habitat, extending 100 feet on each side of the anadromous water bodies depicted as “100 Foot Conservation Easement” on the maps numbered 3, 4, and 6*.” In order to harvest timber outside conservation easements, Sealaska may “*maintain roads within the conservation easement that are in existence on the date of enactment of this Act*” and may “*construct temporary roads and yarding corridors across the conservation easements in accordance with the applicable National Forest System construction standards*.” The Secretary shall reserve a 10-year easement within the conveyance on map 7 “*to access and continue Forest Service research activities on the study plots located on the land*”.

SEC. 3002(c)(5) HUNTING, FISHING, AND RECREATION directs that land conveyed “*outside a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 USC 1615(a)) shall remain open and available to subsistence uses, noncommercial recreational hunting and fishing, and other noncommercial recreational uses by the public . . . without liability on the part of Sealaska . . . and*”, subject to “*any reasonable restrictions that may be imposed by Sealaska on the public use*” for public safety, to minimize conflicts between recreational and commercial uses, to protect cultural resources, to conduct scientific research, or to provide environmental protection. Such restrictions must be posted on the applicable property in accordance with State law.

SEC. 3002(d) CEMETERY SITES AND HISTORICAL PLACES authorizes Sealaska to submit applications under Alaska Native Claims Settlement Act (43 USC 1613(h)(1)(A)) by December 18, 2016, for not more than 76 cemetery sites and historical places. **SEC. 3002(d)(1)(D)** only allows applications for such sites “*that are not located within a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 USC 3102))*”. Under **SEC. 3002(d)(3) CONVEYANCE**, such conveyances are subject to valid existing rights and other specified provisions. Under **SEC. 3002(d)(3)(B)(iv)**: “*any access to or use of the cemetery sites and historical places shall be consistent with the management plans for adjacent*

public land, if the management plans are more restrictive than the laws (including regulations) applicable under paragraph (9).”

SEC. 3002(d)(7) PUBLIC ACCESS.—Conveyance of cemetery sites and historical places is subject to “(A)(i) *the reservation of public easements under section 17(b) of Alaska Native Claims Settlement Act*”; “(ii) *public access across the conveyed land in cases in which no reasonable alternative access around the land is available, without liability to Sealaska*”; and “(iii) *public access to and along any Class I stream described in section 705(e) of the Alaska National Interest Lands Conservation Act (16 USC 539d(e)) for noncommercial recreational and subsistence fishing, without liability to Sealaska . . .*” Such public access and use is subject to reasonable restrictions by Sealaska for public safety, environmental protection, and “*to protect and conduct research on the historic, archaeological, and cultural resources,*” on condition that Sealaska post notices of the restrictions on the applicable property.

SEC. 3002(d) regarding conveyance of cemetery sites and historical places:

(9) TREATMENT OF LAND CONVEYED.—Except as otherwise provided in this section, any land conveyed to Sealaska under this subsection shall be—

(A) considered land conveyed by the Secretary under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 USC 1613(h)(1); and

(B) subject to all laws (including regulations) applicable to conveyances under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 USC 1613(h)(1), including section 907(d) of the Alaska National Interest Lands Conservation Act (43 USC 1636(d).

SEC. 3002(e) MISCELLANEOUS.—(1) **SPECIAL USE AUTHORIZATIONS.**—(A) **IN GENERAL.**—*On the conveyance of land to Sealaska under subsection (c)(1)—*

(i) any guiding or outfitting special use authorization issued by the Forest Service for the use of the conveyed land shall terminate; and

(ii) as a condition of the conveyance and consistent with section 14(g) of the Alaska Native Claims Settlement Act (43 USC 1613(g)), Sealaska shall issue the holder of the special use authorization terminated under clause (i) an authorization to continue the authorized use, subject to the terms and conditions that were in the special use authorization issued by the Forest Service, for

(I) the remainder of the term of the authorization; and
(II) 1 additional consecutive 10-year renewal period.

SEC. 3002(e)(2) ROADS AND FACILITIES requires the Secretary of Agriculture and Sealaska “*shall negotiate*” a binding agreement for use of National Forest System roads and related transportation facilities by Sealaska and the use of Sealaska roads and related transportation facilities by the Forest Service.

SEC. 3002(e)(3) TRADITIONAL TRADE AND MIGRATION ROUTES establishes three routes, which “*shall be open to travel by Sealaska and the public*” subject to conditions applied by the Secretary of Agriculture.

SEC. 3002(e)(4) TONGASS NATIONAL FOREST YOUNG GROWTH MANAGEMENT

allows timber harvest to facilitate transition from commercial timber harvest of old growth stands under the authority in subsection (m) of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 USC 1604) and the terms of ANILCA Section 705(a) (16 USC 539d(a)), subject to numerous limitations in SEC. 3002(e)(4)(B). SEC. 3002(e)(4)(C) states: *“Nothing in this section affects the requirement under section 705(a) of the Alaska National Interest Lands Conservation Act (16 USC 539d(a)) that the Forest Service seek to meet demand for timber from the Tongass National Forest.”*

SEC. 3002(f)(1) CONSERVATION AREAS amends ANILCA Section 508 (Public Law 96-487; 104 Stat. 4428) by adding eight LUD II areas (number 13-20) in the Tongass National Forest (NOTE ANILCA Section 508 was added by SEC. 201 of Public Law 101-626, the “Tongass Timber Reform Act” that amended ANILCA Titles V and VII, adding 12 LUD II areas):

(13) BAY OF PILLARS.—Certain land which comprises approximately 20,863 acres, as generally depicted on the map entitled ‘Bay of Pillars LUD II Management Area—Proposed’ and dated June 14, 2013.

(14) KUSHNEAHIN CREEK.—Certain land which comprises approximately 33,613 acres, as generally depicted on the map entitled ‘Kushneahin Creek LUD II Management Area—Proposed’ and dated June 14, 2013.

(15) NORTHERN PRINCE OF WALES.—Certain land which comprises approximately 8,728 acres, as generally depicted on the map entitled ‘Northern Prince of Wales LUD II Management Area—Proposed’ and dated June 14, 2013.

(16) WESTERN KOSCIUSKO.—Certain land which comprises approximately 8,012 acres, as generally depicted on the map entitled ‘Western Kosciusko LUD II Management Area—Proposed’ and dated June 14, 2013.

(17) EASTERN KOSCIUSKO.—Certain land which comprises approximately 1,664 acres, as generally depicted on the map entitled ‘Eastern Kosciusko LUD II Management Area—Proposed’ and dated June 14, 2013.

(18) SARKAR LAKES.—Certain land which comprises approximately 24,509 acres, as generally depicted on the map entitled ‘Sarkar Lakes LUD II Management Area—Proposed’ and dated June 14, 2013.

(19) HONKER DIVIDE.—Certain land which comprises approximately 19,805 acres, as generally depicted on the map entitled ‘Honker Divide LUD II Management Area—Proposed’ and dated June 14, 2013.

(20) EEK LAKE AND SUKKWAN ISLAND.—Certain land which comprises approximately 34,873 acres, as generally depicted on the map entitled ‘Eek Lake and Sukkwan Island LUD II Management Area—Proposed’ and dated June 14, 2013.

SEC. 3002(f)(2) prevents buffer zones being established due to activities occurring adjacent to the LUD IIs established by this Act in the Tongass National Forest:

NO BUFFER ZONES.—

(A) IN GENERAL.—The designation of conservation areas by paragraphs (13) through (20) of section 508 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 104 Stat. 4428) (as added by paragraph (1)) (referred to in this subsection as the

“conservation areas”) is not intended to lead to the creation of protective perimeters or buffer zones around the conservation areas.

(B) OUTSIDE ACTIVITIES.—The fact that activities outside of the conservation areas are not consistent with the purposes of the conservation areas or can be seen or heard within the conservation areas shall not preclude the activities or uses outside the boundary of the conservation areas.

Subtitle B—Public Lands and National Forest System Management. Repeals the Cabin User Fee Fairness Act of 2000.

SEC. 3024 CABIN USER AND TRANSFER FEES requires the Secretary of Agriculture “to establish a fee in accordance with this section for the issuance of a special use permit for the use and occupancy of National Forest System land for recreational residence purposes” but exempts Alaska as follows:

(i) EFFECT.—

(2) ALASKA.—The Secretary shall not establish or impose a fee or condition under this section for permits in the State of Alaska that is inconsistent with section 1303(d) of the Alaska National Interest Lands Conservation Act (16 USC 3193(d)).

ORDER NO. 3337, August 28, 2015: By Order of the Secretary of the Interior, under authority in 43 U.S.C. §§ 364-364f, the name of “Mount McKinley” in the State of Alaska is changed to “Denali” (noted at ANILCA Sec. 202(3)(a)).

P. L. 115-20, H.J. Res. 69 (April 3, 2017) “Joint Resolution”

Congress’ repeals the Department of the Interior rule “*Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska*” promulgated by the US Fish and Wildlife Service (81 Fed. Reg. 52247, August 5, 2016): “*such rule shall have no force or effect.*” Disapproval under the Congressional Review Act prohibits the agency from adopting similar rules in perpetuity unless Congress grants authorization.

P. L. 115-97, 131 Stat. 2054 (December 22, 2017), short title “Tax Cuts and Jobs Act,” An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

Title II Section 20001 repeals the prohibition in ANILCA Section 1003 on development in the Coastal Plain in Arctic National Wildlife Refuge and amends ANILCA Sections 303 and 1002 by requiring the Secretary to establish and administer all aspects of a competitive oil and gas program in the non-wilderness portion of Arctic National Wildlife Refuge (known as the “1002 Area”) and redefining the term “Coastal Plain” by referencing a map prepared by the United States Geological Survey. It further directs the Secretary to manage the oil and gas program on the Coastal Plain in a manner similar to what is required by the Naval Petroleum Reserves Production Act of 1976 (42 USC 6501 et seq.), sets a 16.67 percent royalty rate for leases, and allocates 50 percent of the revenue derived from the program to the State of Alaska. The Section requires the Secretary to conduct at least two area-wide lease sales within the 10-year budget

window and directs the Secretary to issue any necessary rights-of-way or easements across the Coastal Plain associated with the oil and gas program (preempting ANILCA XI TUS process). The Section authorizes development of up to 2,000 surface acres of federal land on the Coastal Plain, including production and support facilities such as airstrips, gravel berms, and piers for support of pipelines. The entire text of “**SEC. 20001. OIL AND GAS PROGRAM**” is quoted below (ANILCA references underlined):

(a) DEFINITIONS.— *In this section:*

(1) **COASTAL PLAIN.**—*The term “Coastal Plain” means the area identified as the 1002 Area on the plates prepared by the United States Geological Survey entitled “ANWR Map – Plate 1” and “ANWR Map – Plate 2”, dated October 24, 2017, and on file with the United States Geological Survey and the Office of the Solicitor of the Department of the Interior.*

(2) **SECRETARY.**—*The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management*

(b) OIL AND GAS PROGRAM.—

(1) **IN GENERAL.**—*Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) shall not apply to the Coastal Plain.”*

(2) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—*The Secretary shall establish and administer a competitive oil and gas program for the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain.*

(B) **PURPOSES.**—*Section 303(2)(B) of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2390) is amended—*

(i) in clause (iii), by striking “and” at the end;

(ii) in clause (iv), by striking the period at the end and inserting “, and”; and

(iii) by adding at the end the following:

“(v) to provide for an oil and gas program on the Coastal Plain.”.

(3) **MANAGEMENT.**—*Except as otherwise provided in this section, the Secretary shall manage the oil and gas program on the Coastal Plain in a manner similar to the administration of lease sales under the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) (including regulations).*

(4) **ROYALTIES.**—*Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), the royalty rate for leases issued pursuant to this section shall be 16.67 percent.*

(5) **RECEIPTS.**—*Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), of the amount of adjusted bonus, rental, and royalty receipts derived from the oil and gas program and operations on Federal land authorized under this section—*

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

(c) 2 LEASE SALES WITHIN 10 YEARS.—

(1) **REQUIREMENT.**—

(A) **IN GENERAL.**—*Subject to subparagraph (B), the Secretary shall conduct not fewer than 2 lease sales area-wide under the oil and gas program under this section by not later than 10 years after the date of enactment of this Act.*

(B) **SALE ACREAGES; SCHEDULE.**—

(i) *ACREAGES.*—*The Secretary shall offer for lease under the oil and gas program under this section—*

(I) not fewer than 400,000 acres area-wide in each lease sale; and
(II) those areas that have the highest potential for the discovery of hydrocarbons.

(ii) *SCHEDULE.*—*The Secretary shall offer—*

(I) the initial lease sale under the oil and gas program under this section not later than 4 years after the date of enactment of this Act; and

(II) a second lease sale under the oil and gas program under this section not later than 7 years after the date of enactment of this Act.

(2) *RIGHTS-OF-WAY.*—*The Secretary shall issue any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation necessary to carry out this section.*

(3) *SURFACE DEVELOPMENT.*—*In administering this section, the Secretary shall authorize up to 2,000 acres of Federal land on the Coastal Plain to be covered by production and support facilities (including airstrips and any area covered by gravel berms or piers for support of pipelines) during the term of the leases under the oil and gas program under this section.*

P. L. 115-141, December 22, 2017, “Consolidated Appropriations Act, 2018”

DIVISION G, Title I Department of the Interior authorized the appropriation to Bureau of Land Management to be used as authorized by law, including “*assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96-487 (16 U.S.C. 3150(a)), \$1,183,043,000, to remain available*” until spent.

Section 116 named the Wilderness area established in ANILCA Sec. 701(6), as follows:

JAY S. HAMMOND WILDERNESS

SEC. 116(a) DESIGNATION.—*The approximately 2,600,000 acres of National Wilderness Preservation System land located within the Lake Clark National Park and Preserve designated by section 701(6) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1132 note; Public Law 96-487) shall be known and designated as the “Jay S. Hammond Wilderness.”*

(b) REFERENCES.—*Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness area referred to in subsection (a) shall be deemed to be a reference to the “Jay S. Hammond Wilderness.”*

TITLE III—FEDERAL LAND TRANSACTION FACILITATION REAUTHORIZATION

Section 302 amends the Federal Land Transaction Facilitation Act:

(1) in section 203(1) (43 U.S.C. 2302(1), by striking “cultural, or” and inserting “cultural, recreational access and use, or other”;

(2) in section 203(2) (43 U.S.C. 2302(s))—

(A) in the matter preceding subparagraph (A), by striking “on the date of enactment of this Act was” and inserting “is”;

(B) by amending subparagraph (A) to read as follows:

“(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, priority species and habitats designated in a land use plan in accordance with subpart E (entitled “Fish and Wildlife”) of part I of Appendix C of Bureau of Land Management Land Use Planning Handbook H-1601-1 (Rel 1-1693), a special recreation management area, or a national natural landmark managed by the Bureau of Land Management;”; and

(C) by amending subparagraph (D) to read as follows:

“(D) a National Forest or National Grassland in the National Forest System; or”;

(3) in section 203 (43 U.S.C. 2302), by inserting the following paragraph after section 203(2) (and redesignating the following paragraphs accordingly):

“(3) *INACCESSIBLE LANDS THAT ARE OPEN TO PUBLIC HUNTING, FISHING, RECREATIONAL SHOOTING, OR OTHER RECREATIONAL PURPOSES.—The term ‘inaccessible lands that are open to public hunting, fishing, recreational shooting, or other recreational purposes’ means public lands in Alaska and the eleven contiguous Western States (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) consisting of at least 640 contiguous acres on which the public is allowed under Federal or State law to hunt, fish, target shoot or use the land for other recreational purposes but—*

“(A) to which there is no public access or egress; or

“(B) to which public access or egress to the land is significantly restricted, as determined by the Secretary,”; and . . . [Emphasis added]

The above section directs completion of appraisals and legal requirements necessary for the sale or exchange of public land, provides a data base of such land, and authorizes expenditure of funds “for the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities.”

P. L. 116-9, (March 12, 2019), short title “John D. Dingell, Jr. Conservation, Management, and Recreation Act”. This Act is a compilation of many bills that designate and direct management of public lands. Only those provisions that amend ANILCA or apply to Alaska public lands are addressed below:

Sec. 1012. Grants conveyance to Ukpeagvik Inupiat Corporation all US sand and gravel deposits underlying the corporation’s surface estate to fulfill the entitlement under ANCSA Sec. 12(a).

Sec. 1105. Repeals provisions limiting export of timber harvested from Kake Tribal Corporation land, by amending ANCSA Sec 42.

Sec. 1113 directs the Secretary, in coordination with the Secretary of Agriculture and consultation with Chugach Alaska Corporation, to conduct within one year a study of land ownership and use patterns in the Chugach Region, Alaska “to assess the social and economic impacts of the [Habitat Protection and Acquisition] Program [of the Exxon Valdez Oil Spill Trustee Council], including impacts caused by split estate ownership patterns created by Federal

acquisitions under the program” on the Chugach Region and on Chugach Corporation land; and to identify lands for exchange. The Secretary must report to Congress within 18 months.

SEC. 1119. ALASKA NATIVE VIETNAM ERA VETERANS LAND ALLOTMENT.

(a)(1) DEFINITIONS. “*Available Federal land*” excludes the TransAlaska Pipeline and corridors, Armed Forces land, pending right-of-way for natural gas corridors, Arctic National Wildlife Refuge, National Forests, designated Wilderness, National Park System, National Trail System, National Wild and Scenic Rivers System, and National Petroleum Reserve-Alaska.

(a)(2) ELIGIBLE INDIVIDUALS requires the Secretary to determine Native veterans who served in the Armed Forces during specified dates that have not received an allotment under prior Acts or who is a legally recognized representative of a deceased eligible individual.

(b) ALLOTMENTS FOR ELIGIBLE INDIVIDUALS.—

Section (b)(1) requires within 180 days, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, “*shall provide to the Secretary a list of all members of the Armed Forces who served during the period between August 5, 1964, and December 31, 1971.*” The Secretary will determine whether applicants meet the military requirements and provide outreach and assistance to eligible individuals in applying for allotments.

Section (b)(2) requires the Secretary to promulgate implementing regulations within 18 months.

Section (b)(3)–(4) allows eligible individuals to select 1 parcel from 2.5 to 160 acres of “*available Federal land*” and make an application within 5 years of publication of the final regulations. Conflicting selections give preference to earliest filings.

Subsection (b)(5) requires the Secretary, in consultation with the State and ANCSA corporations, within 1 year to identify available land administered by the Bureau of Land Management, certify it is free of contamination, survey and segregate navigable and meanderable waters and unavailable land, and publish maps. Certificates of allotment will be issued within 1 year of an eligible individual submitting a selection for available Federal land.

Subsection (c) requires the Secretary within 1 year to conduct a study to determine any lands within the National Wildlife Refuge System in Alaska that should be made available subject to certain determinations and report to Congress. Lands are excluded that meet certain criteria; e.g., interfere with subsistence values, obstruct public access to resources, cause adverse impacts to resources, interfere with the management plan, within 300 feet of navigable waterbodies. No land in the National Wildlife Refuge System identified for selection requires authorization by a subsequent Act of Congress, and such land remains subject to the Refuge laws and regulations.

SEC. 2206. WORLD WAR II PACIFIC SITES

(c) ALEUTIAN ISLANDS WORLD WAR II NATIONAL MONUMENT, ALASKA.—

Redesignates the areas in Alaska of the World War II Valor in the Pacific National Monument established by Presidential Proclamation 8327 (73 FR 75293, Dec 10, 2008) as “Aleutian Islands World War II National Monument.”

SEC. 2401. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE.

Amends Section 3(b)(1) of Denali National Park Improvement Act (PL 113-33; 127 Stat. 516): by deleting “*within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park*” and amends Section 3(c)(1) in subparagraph (A) by inserting “and” after the semicolon, by deleting subparagraph (B), and renaming subparagraph (C) as (B). Section 3 is further “*amended by adding at the end the following:*”

(d) APPLICABLE LAW.—A high pressure gas transmission pipeline (including appurtenances) in a nonwilderness area within the boundary of the Park, shall not be subject to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.)”.

SEC. 2409 BOWS IN PARKS.

Amends Chapter 1049 in United States Code Title 54 to authorize transport of bows and crossbows that “*are not ready for immediate use across any System unit in the vehicle of the individual*” so long as the arrows are secured or stowed in a quiver or other transport case and a crossbow is uncocked, and the individual is not otherwise prohibited by law from possessing bows and crossbows. The bows or crossbows must remain inside the vehicle throughout the period being transported across National Park System land, and the possession must be in compliance with the State laws in which the System unit is located. The table of sections for USC Title 54 is also amended to add “*104908 Bows in parks*”.

SEC. 2410 WILDLIFE MANAGEMENT IN PARKS

This section allows use of qualified volunteers to assist in carrying out wildlife management on System lands subject to training requirements, qualifications, and other terms. Subsection (c) authorizes the Secretary to allow donation and distribution of meat from such activities to Indian Tribes, qualified volunteers, food banks, and other organizations. The table of sections for USC Title 54 is amended accordingly.

SEC. 3001 REAUTHORIZATION OF LAND AND WATER CONSERVATION FUND.

This section reauthorizes the Fund, which provides 40% for use by States for recreational public access projects. The Secretaries of Interior and Agriculture are required annually to develop a priority list of projects to secure recreational public access to Federal land for hunting, fishing, recreational shooting, or other outdoor recreational purposes.

TITLE IV—SPORTSMEN’S ACCESS AND RELATED MATTERS

SEC. 4101 CONGRESSIONAL DECLARATION OF NATIONAL POLICY

This section (p. 178) adopts Executive Orders 12962 and 13443 as the policy of the Federal departments and agencies to

“(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and Tribal fish and wildlife agencies, and the public;

“(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

Section 4102 directs that Federal land “*shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 4103.*” Federal lands are not opened by the Act.

Section 4103 directs that the Secretary, in closing areas or periods, “*shall designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.*” The Secretary “*shall—(A) consult with State fish and wildlife agencies; (B) provide public notice and opportunity for comment under paragraph (2)*” which requires advance publication, public comment notice, and an explanation of the reasons and necessity for proposed closures to hunting, fishing, and recreational shooting, with a 60 day comment period for permanent closures and 30 days for temporary closures. The Secretary is required to provide reasoned responses to the comments and explain how issues were addressed. Temporary closures are limited to 180 days except in an emergency, and may only be renewed 3 times subject to separate notice and comment and may not be permanently closed without going through separate notice and comment as required for permanent closures. The Secretary is required to annually publish a list of all areas closed and submit to Congress a report that identifies the list of areas closed, acreage of each, a survey, and percentage of Federal land in each State closed to hunting, fishing, and recreational shooting, except for closures of less than 14 days and closures covered by a special use permit.

Section 4104 authorizes the Secretary to lease or permit use of Federal land for shooting ranges except land in (1) National Landscape Conservation System; (2) National Wilderness Preservation System; (3) areas designated as wilderness study area; administratively classified as wilderness-eligible, wilderness-suitable, or primitive or semi-primitive area; (4) national monument, national volcanic monument, or national scenic area; or (5) National Wild and Scenic Rivers System including areas designated for study for addition to the System.

Section 4105 Defines participation by the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and Forest Service in preparing a priority list within one year then biennially for 10 years, which identifies location and acreage of land (a minimum of 640 acres) on which the public is allowed under Federal or State law to hunt, fish, or use the land for other recreational purposes but has no public access or egress or such access is significantly restricted. The list must include information received from the public or other stakeholders, potential for recreational use, access options, and whether the issue of public access could be resolved by acquisition of an easement, right-of-way, or fee title and steps necessary for acquisition.

Subtitle E—Miscellaneous. A set of savings clauses; e.g., nothing in this Title affects treaty or right of federally recognized Indian Tribe, and nothing “*enlarges or diminishes the responsibility or authority of States with respect to fish and wildlife management,*” among others.

TITLE IX—MISCELLANEOUS

SEC. 9001. EVERY KID OUTDOORS ACT

For 7 years, the Secretaries are required to establish a program to provide free access for grade 4 students to Federal land and waters that have public access through issuance of an annual pass. The Secretaries are authorized to collaborate with State Park systems and may provide visitor services. Specific data is required in an annual, comprehensive report to Congress.

P. L. 116-94, (December 20, 2019), “Further Consolidated Appropriations Act, 2020,” “DIVISION D—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020”

Title I provides funds to BLM for “*assessment of mineral potential of public lands pursuant to [ANILCA] section 1010(a) of Public Law 96-487 (16 U.S.C. 3150(a)), \$1,237,015,000, to remain available until September 30, 2021.*”

Title IV directs management of the National Forests in Alaska, amending ANILCA Titles V and VII: “TIMBER SALE REQUIREMENTS”:

SEC. 436. No timber sale in Alaska’s Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service’s appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

Title IV also prevents application of regulations in Alaska for “*SMALL REMOTE INCINERATORS*” adopted in 2011, as follows:

SEC. 441. None of the funds made available in this Act may be used to implement or enforce the regulation issued on March 21, 2011 at 40 CFR part 60 subparts CCCC and DDDD with respect to units in the State of Alaska that are defined as “small, remote incinerator” units in those regulations and, until a subsequent regulation is issued, the Administrator shall implement the law and regulation in effect prior to such date.