

108TH CONGRESS
1ST SESSION

S. 924

AN ACT

To authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DEFINITIONS.**

2 For the purposes of this Act, the term:

3 (1) “ANCSA” means the Alaska Native Claims
4 Settlement Act (43 U.S.C. 1601 et seq.);

5 (2) “ANILCA” means the Alaska National In-
6 terest Lands Conservation Act (16 U.S.C. 3101 et
7 seq.);

8 (3) “Calista” means the Calista Corporation, an
9 Alaska Native Regional Corporation established pur-
10 suant to ANCSA;

11 (4) “Identified Lands” means approximately
12 10,943 acres of lands (including surface and sub-
13 surface estates) designated as “Proposed Village
14 Site” on a map entitled “Proposed Newtok Ex-
15 change,” dated September, 2002, and available for
16 inspection in the Anchorage office of the United
17 States Fish and Wildlife Service;

18 (5) “limited warranty deed” means a warranty
19 deed which is, with respect to its warranties, limited
20 to that portion of the chain of title from the moment
21 of conveyance from the United States to Newtok to
22 and including the moment at which such title is val-
23 idly reconveyed to the United States;

24 (6) “Newtok” means the Newtok Native Cor-
25 poration, an Alaska Native Village Corporation es-
26 tablished pursuant to ANCSA;

1 (7) “Newtok lands” means approximately
 2 12,101 acres of surface estate comprising conveyed
 3 lands and selected lands identified as Aknerkochik
 4 on the map referred to in paragraph (4) and that
 5 surface estate selected by Newtok on Baird Inlet Is-
 6 land as shown on the map; and

7 (8) “Secretary” means the Secretary of the In-
 8 terior.

9 **SEC. 2. LANDS TO BE EXCHANGED.**

10 (a) LANDS EXCHANGED TO THE UNITED STATES.—
 11 If, within 180 days after the date of enactment of this
 12 Act, Newtok expresses to the Secretary in writing its in-
 13 tent to enter into a land exchange with the United States,
 14 the Secretary shall accept from Newtok a valid,
 15 unencumbered conveyance, by limited warranty deed, of
 16 the Newtok lands previously conveyed to Newtok. The Sec-
 17 retary shall also accept from Newtok a relinquishment of
 18 irrevocable prioritized selections for approximately 4,956
 19 acres for those validly selected lands not yet conveyed to
 20 Newtok.

21 (b) LANDS EXCHANGED TO NEWTOK.—In exchange
 22 for the Newtok lands conveyed and selections relinquished
 23 under subsection (a), the Secretary shall, subject to valid
 24 existing rights and notwithstanding section 14(f) of
 25 ANCSA, convey to Newtok the surface and subsurface es-

1 tates of the Identified Lands. The conveyance shall be by
 2 interim conveyance. Subsequent to the interim conveyance,
 3 the Secretary shall survey identified Lands at no cost to
 4 Newtok and issue a patent to the Identified Lands subject
 5 to the provisions of ANCSA and this Act.

6 **SEC. 3. CONVEYANCE.**

7 (a) **TIMING.**—The Secretary shall issue interim con-
 8 veyances pursuant to subsection 2(b) at the earliest pos-
 9 sible time after acceptance of the Newtok conveyance and
 10 relinquishment of selections under subsection 2(a).

11 (b) **RELATIONSHIP TO ANCSA.**—Lands conveyed to
 12 Newtok under this Act shall be treated as having been
 13 conveyed under the provisions of ANCSA, except that the
 14 provisions of 14(c) and 22g of ANCSA shall not apply to
 15 these lands. Consistent with section 103(c) of ANILCA,
 16 these lands shall not be included as a portion of the Yukon
 17 Delta National Wildlife Refuge and shall not be subject
 18 to regulations applicable solely to public lands within this
 19 Conservation System Unit.

20 (c) **EFFECT ON ENTITLEMENT.**—Except as otherwise
 21 provided, nothing in this Act shall be construed to change
 22 the total acreage of land to which Newtok is entitled under
 23 ANCSA.

24 (d) **EFFECT ON NEWTOK LANDS.**—The Newtok
 25 Lands shall be included in the Yukon Delta National Wild-

1 life Refuge as of the date of acceptance of the conveyance
 2 of those lands from Newtok, except that residents of the
 3 Village of Newtok, Alaska, shall retain access rights to
 4 subsistence resources on those Newtok lands as guaran-
 5 teed under section 811 of ANILCA (16 U.S.C. 3121), and
 6 to subsistence uses, such as traditional subsistence fishing,
 7 hunting and gathering, consistent with section 803 of
 8 ANILCA (16 U.S.C. 3113).

9 (e) ADJUSTMENT TO CALISTA CORPORATION ANCSA
 10 ENTITLEMENT FOR RELINQUISHED NEWTOK SELEC-
 11 TIONS.—To the extent that Calista subsurface rights are
 12 affected by this Act, Calista shall be entitled to an equiva-
 13 lent acreage of in lieu subsurface entitlement for the
 14 Newtok selections relinquished in the exchange as set
 15 forth in subsection 2(a) of this Act. This equivalent enti-
 16 tlement shall come from subsurface lands already selected
 17 by Calista, but which have not been conveyed. If Calista
 18 does not have sufficient subsurface selections to accommo-
 19 date this additional entitlement, Calista Corporation is
 20 hereby authorized to make an additional in lieu selection
 21 for the deficient acreage from lands within the region but
 22 outside any conservation system unit.

23 (f) ADJUSTMENT TO EXCHANGE.—If requested by
 24 Newtok, the Secretary may consider and make adjust-

- 1 ments to the exchange to meet the purposes of this Act,
- 2 subject to all the same terms and conditions of this Act.

Passed the Senate July 17, 2003.

Attest:

Secretary.

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