

(II) to select mineral interests to replace the acreage.

(6) The United States shall not be subject to liability for the presence of any hazardous substance in land or an interest in land solely as a result of any reconveyance to and transfer by the United States of the land or interest pursuant to this subsection.

(Pub. L. 96-487, title IX, §905, Dec. 2, 1980, 94 Stat. 2435; Pub. L. 102-415, §§2, 12, Oct. 14, 1992, 106 Stat. 2112, 2115; Pub. L. 105-333, §9, Oct. 31, 1998, 112 Stat. 3134.)

Editorial Notes

REFERENCES IN TEXT

Act of March 8, 1922 (43 U.S.C. 270-11), referred to in subsec. (a)(2), is act Mar. 8, 1922, ch. 96, 42 Stat. 415, which enacted sections 270-11 to 270-13 of this title. Sections 270-11 and 270-13 of this title were repealed by Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789. For complete classification of this Act to the Code, see Tables.

Act of May 17, 1906, as amended, referred to in subsecs. (a)(3), (4), (5), (d), (e), and (f)(1)(A), is act May 17, 1906, ch. 2469, 34 Stat. 197, as amended, which was classified to sections 270-1 to 270-3 of this title prior to its repeal by Pub. L. 92-203, §18(a), Dec. 18, 1971, 85 Stat. 710.

The Alaska Statehood Act, referred to in subsecs. (a)(4) and (e), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

The Alaska Native Claims Settlement Act, referred to in subsecs. (a)(4), (5)(A), (e), and (f)(4)(A), (5)(C)(ii)(I), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

That Act, as amended, referred to in subsec. (d), is the Federal Power Act, act June 10, 1920, ch. 285, 41 Stat. 1063, which is classified generally to chapter 12 (§791a et seq.) of Title 16, Conservation. Part I of the Federal Power Act of June 10, 1920, as amended, is classified generally to subchapter I (§791a et seq.) of chapter 12 of Title 16. For complete classification of this Act to the Code, see section 791a of Title 16 and Tables.

CODIFICATION

In subsecs. (a)(1), (3)-(5), (c), and (d), “December 2, 1980” substituted for “the effective date of this Act”, which probably meant the date of enactment of Pub. L. 96-487.

AMENDMENTS

1998—Subsec. (a)(7), (8). Pub. L. 105-333 added pars. (7) and (8).

1992—Subsec. (a)(1). Pub. L. 102-415, §2, designated existing provisions as subpar. (A), inserted “or within Fort Davis (except as provided in subparagraph (B))” after “Naval Petroleum Reserve No. 4”, and added subpar. (B).

Subsec. (f). Pub. L. 102-415, §12, added subsec. (f).

§ 1635. State selections and conveyances

(a) Omitted

(b) School lands settlement

(1) In full and final settlement of any and all claims by the State of Alaska arising under the Act of March 4, 1915 (38 Stat. 1214), as confirmed and transferred in section 6(k) of the Alaska Statehood Act, the State is hereby granted seventy-five thousand acres which it shall be enti-

tled to select until January 4, 1994, from vacant, unappropriated, and unreserved public lands. In exercising the selection rights granted herein, the State shall be deemed to have relinquished all claims to any right, title, or interest to any school lands which failed to vest under the above statutes at the time Alaska became a State (January 3, 1959), including lands unsurveyed on that date or surveyed lands which were within Federal reservations or withdrawals on that date.

(2) Except as provided herein, such selections shall be made in conformance with the provisions for selections under section 6(b) of the Alaska Statehood Act. Selections made under this subsection shall be in units of whole sections as shown on the official survey plats of the Bureau of Land Management, including protraction diagrams, unless part of the section is unavailable or the land is otherwise surveyed, or unless the Secretary waives the whole section requirement.

(3) Lands selected and conveyed to the State under this subsection shall be subject to the provisions of subsections (j) and (k) of section 6 of the Alaska Statehood Act.

(c) Prior tentative approvals

(1) All tentative approvals of State of Alaska land selections pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and the United States hereby confirms that all right, title, and interest of the United States in and to such lands is deemed to have vested in the State of Alaska as of the date of tentative approval; except that this subsection shall not apply to tentative approvals which, prior to December 2, 1980, have been relinquished by the State, or have been finally revoked by the United States under authority other than authority under section 11(a)(2), 12(a), or 12(b) of the Alaska Native Claims Settlement Act [43 U.S.C. 1610(a)(2), 1611(a), or 1611(b)].

(2) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(3) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(4) Future tentative approvals of State land selections, when issued, shall have the same force and effect as those existing tentative approvals which are confirmed by this subsection and shall be processed for patent by the same administrative procedures as specified in paragraphs (2) and (3) of this subsection.

(d) Prior State selections

(1) In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska, subject only to valid existing rights and Native selection rights under the

Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], all right, title and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (f) of this section, which are specified in the list entitled "Prior State of Alaska Selections to be Conveyed by Congress", dated July 24, 1978, submitted by the State of Alaska and on file in the Office of the Secretary except those Federal lands which are specified in a list dated October 19, 1979, submitted by the State of Alaska and on file with the Office of the Secretary. If any of those townships listed above contain lands within the boundaries of any conservation system unit, national conservation area, national recreation area, new national forest or forest addition, established, designated, or expanded by this Act, then only those lands within such townships which have been previously selected by the State of Alaska shall be conveyed pursuant to this subsection.

(2) In furtherance of the State's entitlement to lands under section 6(a) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], all right, title and interest of the United States in and to all valid land selections made from the national forests under authority of said section 6(a) which have been approved by the Secretary of Agriculture prior to July 1, 1979.

(3) As soon as practicable after December 2, 1980, the Secretary shall issue tentative approvals to such State selections as required by the Alaska Statehood Act and pursuant to subsection (i) of this section. The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

(4) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(5) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(6) Future valid State land selections shall be subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.].

(e) Future "top filings"

Subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the State, at its option, may file future selection applications and amendments thereto, pursuant to section 6(a) or (b) of the Alaska Statehood Act or subsection (b) of this section, for lands which are not, on the date of filing of such applications, available within the meaning of section 6(a) or (b) of the Alaska Statehood Act, other than lands within any conservation system unit

or the National Petroleum Reserve—Alaska. Each such selection application, if otherwise valid, shall become an effective selection without further action by the State upon the date the lands included in such application become available within the meaning of subsection (a) or (b) of section 6 regardless of whether such date occurs before or after expiration of the State's land selection rights. Selection applications heretofore filed by the State may be refiled so as to become subject to the provisions of this subsection; except that no such refiling shall prejudice any claim of validity which may be asserted regarding the original filing of such application. Nothing contained in this subsection shall be construed to prevent the United States from transferring a Federal reservation or appropriation from one Federal agency to another Federal agency for the use and benefit of the Federal Government.

(f) Right to overselect

(1) The State of Alaska may select lands exceeding by not more than 25 per centum in total area the amount of State entitlement which has not been patented or tentatively approved under each grant or confirmation of lands to the State contained in the Alaska Statehood Act or other law. If its selections under a particular grant exceed such remaining entitlement, the State shall thereupon list all selections for that grant which have not been tentatively approved in desired priority order of conveyance, in blocks no larger than one township in size; except that the State may alter such priorities prior to receipt of tentative approval. Upon receipt by the State of subsequent tentative approvals, such excess selections shall be reduced by the Secretary pro rata by rejecting the lowest prioritized selection blocks necessary to maintain a maximum excess selection of 25 per centum of the entitlement which has not yet been tentatively approved or patented to the State under each grant.

(2) The State of Alaska may, by written notification to the Secretary, relinquish any selections of land filed under the Alaska Statehood Act or subsection (b) of this section prior to receipt by the State of tentative approval, except that lands conveyed pursuant to subsection (g) of this section may not be relinquished pursuant to this paragraph.

(3) Omitted

(g) Conveyance of specified lands

In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska all right, title, and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (e) of this section but which lie within those townships outside the boundaries of conservation system units, National Conservation Areas, National Recreation Areas, new national forests and forest additions, established, designated, or expanded by this Act, which are specified in the list entitled "State Selection Lands May 15, 1978", dated July 24, 1978, submitted by the State of Alaska and on file in the office of the Secretary of the Interior. The denomination of lands in such list which are not, on December 2, 1980, available lands within

the meaning of section 6(b) of the Alaska Statehood Act and this Act shall be treated as a future selection application pursuant to subsection (e) of this section, to the extent such an application could have been filed under such subsection (e).

(h) Limitation of conveyances of specified lands tentative approvals; surveys

(1) Lands identified in subsection (g) are conveyed to the State subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]. All right, title, and interest of the United States in and to such lands shall vest in the State of Alaska as of December 2, 1980, subject to those reservations specified in subsection (l) of this section.

(2)(A) As soon as practicable after December 2, 1980, the Secretary shall issue to the State tentative approvals to such lands as required by the Alaska Statehood Act and pursuant to subsection (i) of this section.

(B)(i) The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

(ii) In establishing the priorities for tentative approval under clause (i), the State shall—

(I) in the case of a selection under section 6(a) of Public Law 85-508 (commonly known as the “Alaska Statehood Act”) (72 Stat. 340), include all land selected; or

(II) in the case of a selection under section 6(b) of that Act—

(aa) include at least 5,760 acres; or

(bb) if a waiver has been granted under section 6(g) of that Act or less than 5,760 acres of the entitlement remains, prioritize the selection in such increments as are available for conveyance.

(3) Upon approval of a land survey by the Secretary, those lands identified in subsection (g) shall be patented to the State of Alaska.

(4) If the State elects to receive patent to any of the lands which are identified in subsection (g) on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(i) Adjudication

Nothing contained in this section shall relieve the Secretary of the duty to adjudicate conflicting claims regarding the lands specified in subsection (g) of this section, or otherwise selected under authority of the Alaska Statehood Act, subsection (b) of this section, or other law, prior to the issuance of tentative approval.

(j) Clarification of land status outside units

As to lands outside the boundaries of a conservation system unit, National Recreation Areas, National Conservation Areas, new national forests and forest additions, the following withdrawals, classifications, or designations shall not, of themselves, remove the lands involved from the status of vacant, unappropri-

ated, and unreserved lands for the purposes of subsection (d) or (g) of this section and future State selections pursuant to the Alaska Statehood Act or subsection (b) of this section:

(1) withdrawals for classification pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act [43 U.S.C. 1616(d)(1)]; except that, in accordance with the Memorandum of Understanding between the United States and the State of Alaska dated September 2, 1972, to the extent that Public Land Orders Numbered 5150, 5151, 5181, 5182, 5184, 5187, 5190, 5194, and 5388 by their terms continue to prohibit State selections of certain lands, such lands shall remain unavailable for future State selection except as provided by subsection (e) of this Act;¹

(2) withdrawals pursuant to section 11 of the Alaska Native Claims Settlement Act [43 U.S.C. 1610], which are not finally conveyed pursuant to section 12, 14, or 19 of such Act [43 U.S.C. 1611, 1613, or 1618];

(3) classifications pursuant to the Classification and Multiple Use Act (78 Stat. 987);

(4) classifications or designations pursuant to the National Forest Management Act (90 Stat. 2949) as amended; and

(5) classifications, withdrawals exceeding 5,000 acres (except withdrawals exceeding 5,000 acres which the Congress, by concurrent resolution, approves within 180 days of the withdrawal or December 2, 1980, whichever occurs later), or designations pursuant to the Federal Land Policy and Management Act (90 Stat. 2743) [43 U.S.C. 1701 et seq.].

(k) Interim provisions

Notwithstanding any other provision of law, on lands selected by, or granted or conveyed to, the State of Alaska under section 6 of the Alaska Statehood Act or this Act, but not yet tentatively approved to the State:

(1) The Secretary is authorized to make contracts and grant leases, licenses, permits, rights-of-way, or easements, and any tentative approval or patent shall be subject to such contract, lease, license, permit, right-of-way, or easement; except that (A) the authority granted the Secretary by this subsection is that authority the Secretary otherwise would have had under existing laws and regulations had the lands not been selected by the State, and (B) the State has concurred prior to such action by the Secretary.

(2) On and after December 2, 1980, 90 per centum of any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements or from trespasses originating after the date of selection by the State shall be held by the Secretary until such lands have been tentatively approved to the State. As such lands are tentatively approved, the Secretary shall pay to the State from such account the proceeds allocable to such lands which are derived from contracts, leases, licenses, permits, rights-of-way, easements, or trespasses. The proceeds derived from contracts, leases, licenses, permits, rights-of-way, easements or trespasses and deposited to the

¹ So in original. Probably should be “subsection (e) of this section;”.

account pertaining to lands selected by the State but not tentatively approved due to rejection or relinquishment shall be paid as would have been required by law were it not for the provisions of this Act. In the event that the tentative approval does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the State shall only be entitled to the proportionate amount of the proceeds derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the tentative approval and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the State shall be entitled to the proportionate share of the proceeds in relation to the damages occurring on the respective lands.

(3) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act [43 U.S.C. 1608] or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(l) Existing rights

(1) All conveyances to the State under section 6 of the Alaska Statehood Act, this Act, or any other law, shall be subject to valid existing rights, to Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and to any right-of-way or easement reserved for or appropriated by the United States prior to selection of the underlying lands by the State of Alaska.

(2) Where, prior to a conveyance to the State, a right-of-way or easement has been reserved for or appropriated by the United States or a contract, lease, permit, right-of-way, or easement has been issued for the lands, the conveyance shall contain provisions making it subject to the right-of-way or easement reserved or appropriated and to the contract, lease, license, permit, right-of-way, or easement issued or granted, and also subject to the right of the United States, contractee, lessee, licensee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits previously granted, issued, reserved, or appropriated. Upon issuance of tentative approval, the State shall succeed and become entitled to any and all interests of the United States as contractor, lessor, licensor, permittor,² or grantor, in any such contracts, leases, licenses, permits, rights-of-way, or easements, except those reserved to the United States in the tentative approval.

(3) The administration of rights-of-way or easements reserved to the United States in the tentative approval shall be in the United States, including the right to grant an interest in such right-of-way or easement in whole or in part.

(4) Where the lands tentatively approved do not include all of the land involved with any contract, lease, license, permit, right-of-way, or

easement issued or granted, the administration of such contract, lease, license, permit, right-of-way, or easement shall remain in the United States unless the agency responsible for administration waives such administration.

(5) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act [43 U.S.C. 1608] or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(m) Extinction of certain time extensions

Any extensions of time periods granted to the State pursuant to section 17(d)(2)(E) of the Alaska Native Claims Settlement Act [43 U.S.C. 1616(d)(2)(E)] are hereby extinguished, and the time periods specified in subsections (a) and (b) of this section shall hereafter be applicable to State selections.

(n) Effect on third-party rights

(1) Nothing in this section shall alter the rights or obligations of any party with regard to section 12 of the Act of January 2, 1976 (Public Law 94-204), sections 4 and 5 of the Act of October 4, 1976 (Public Law 94-456), or section 3 of the Act of November 15, 1977 (Public Law 94-178).

(2) Any conveyance of land to or confirmation of prior selections of the State made by this Act or selections allowed under this Act shall be subject to the rights of Cook Inlet Region, Incorporated, to nominate lands outside of its region with such nominations to be superior to any selection made by the State after July 18, 1975, including any lands conveyed to the State pursuant to subsection (g) of this section, and to the duty of the Secretary, with consent of the State, to make certain lands within the Cook Inlet Region available to the Corporation, both in accordance with the provisions of section 12(b) of the Act of January 2, 1976 (Public Law 94-204), as amended.

(3) Nothing in this chapter shall prejudice a claim of validity or invalidity regarding any third-party interest created by the State of Alaska prior to December 18, 1971, under authority of section 6(g) of the Alaska Statehood Act or otherwise.

(4) Nothing in this Act shall affect any right of the United States or Alaska Natives to seek and receive damages against any party for trespass against, or other interference with, aboriginal interests if any, occurring prior to December 18, 1971.

(o) Status of lands within units

(1) Notwithstanding any other provision of law, subject to valid existing rights any land withdrawn pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act [43 U.S.C. 1616(d)(1)] and within the boundaries of any conservation system unit, National Recreation Area, National Conservation Area, new national forest or forest addition, shall be added to such unit and administered accordingly unless, before, on, or after December 2, 1980, such land has been validly selected by and conveyed to a Native Corporation, or unless before December 2, 1980, such land has been validly selected by, and after December 2, 1980, is conveyed to the State. At such time as the entitlement of any Native

² So in original. Probably should be "permitter,".

Corporation to land under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] is satisfied, any land within a conservation system unit selected by such Native Corporation shall, to the extent that such land is in excess of its entitlement, become part of such unit and administered accordingly: *Provided*, That nothing in this subsection shall necessarily preclude the future conveyance to the State of those Federal lands which are specified in a list dated October 19, 1979, submitted by the State of Alaska and on file with the Office of the Secretary: *Provided further*, That nothing in this subsection shall affect any conveyance to the State pursuant to subsections (b), (c), (d), or (g) of this section.

(2) Until conveyed, all Federal lands within the boundaries of a conservation system unit, National Recreation Area, National Conservation Area, new national forest or forest addition, shall be administered in accordance with the laws applicable to such unit.

(p) PYK line

The second proviso of section 6(b) of the Alaska Statehood Act regarding Presidential approval of land selection north and west of the line described in section 10 of such Act shall not apply to any conveyance of land to the State pursuant to subsections (c), (d), and (g) of this section but shall apply to future State selections.

(Pub. L. 96-487, title IX, §906, Dec. 2, 1980, 94 Stat. 2437; Pub. L. 108-452, title I, §102, Dec. 10, 2004, 118 Stat. 3577.)

Editorial Notes

REFERENCES IN TEXT

Act of March 4, 1915, as confirmed and transferred in section 6(k) of the Alaska Statehood Act, referred to in subsec. (b)(1), is act Mar. 4, 1915, ch. 181, §1, 38 Stat. 1214, which was classified to section 353 of Title 48, Territories and Insular Possessions, and was repealed by section 6(k) of the Alaska Statehood Act, Pub. L. 85-508, §6(k), July 7, 1958, 72 Stat. 343. See section 6(k) of the Alaska Statehood Act set out as a note preceding section 21 of Title 48.

The Alaska Statehood Act, referred to in text, is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48. For complete classification of this Act to the Code, see Tables.

The Alaska Native Claims Settlement Act, referred to in subsecs. (c)(1), (d)(1), (2), (6), (e), (h)(1), (l)(1), and (o)(1), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

This Act, referred to in subsecs. (d)(1), (g), (k), (l)(1), and (n)(2), (4), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

The Classification and Multiple Use Act, referred to in subsec. (j)(3), probably means Pub. L. 88-607, Sept. 19, 1964, 78 Stat. 986, which enacted sections 1411 to 1418 of this title, and was omitted from the Code.

The National Forest Management Act, as amended, referred to in subsec. (j)(4), probably means the National Forest Management Act of 1976, Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2949. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of Title 16, Conservation, and Tables.

The Federal Land Policy and Management Act, referred to in subsec. (j)(5), probably means the Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

Section 12 of the Act January 2, 1976 (Public Law 94-204), referred to in subsec. (n)(1) and (2), is section 12 of Pub. L. 94-204, Jan. 2, 1976, 89 Stat. 1150, which is set out as a note under section 1611 of this title.

Sections 4 and 5 of the Act of October 4, 1976 (Public Law 94-456), referred to in subsec. (n)(1), are sections 4 and 5 of Pub. L. 94-456, Oct. 4, 1976, 90 Stat. 1935, which are set out as a note under section 1611 of this title.

Section 3 of the Act of November 15, 1977 (Public Law 94-178), referred to in subsec. (n)(1), probably means section 3 of Pub. L. 95-178, Nov. 15, 1977, 91 Stat. 1369, which enacted a provision set out as a note under section 1611 of this title and amended a provision set out as a note under section 1611 of this title.

This chapter, referred to in subsec. (n)(3), was in the original “this title”, meaning title IX of Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2430, which enacted this chapter, amended sections 1614 and 1620 of this title, and amended provisions set out as notes under section 1611 of this title and preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of title IX to the Code, see Tables.

Section 10 of the Alaska Statehood Act, referred to in subsec. (p), is section 10 of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48.

CODIFICATION

Section is comprised of section 906 of Pub. L. 96-487. Subsecs. (a) and (f)(3) of section 906 of Pub. L. 96-487 amended section 6(a) and (b), and section 6(g), respectively, of the Alaska Statehood Act, Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

In subsec. (j)(5), “December 2, 1980” substituted for “the effective date of this Act”, which probably meant the date of enactment of Pub. L. 96-487.

AMENDMENTS

2004—Subsec. (h)(2). Pub. L. 108-452 designated first sentence as subpar. (A) and second sentence as cl. (i) of subpar. (B) and added cl. (ii) of subpar. (B).

Statutory Notes and Related Subsidiaries

SELECTION OF CERTAIN REVERSIONARY INTERESTS HELD BY THE UNITED STATES

Pub. L. 108-452, title I, §103, Dec. 10, 2004, 118 Stat. 3577, provided that:

“(a) IN GENERAL.—All reversionary interests held by the United States in land owned by the State [of Alaska] or any political subdivision of the State and any Federal land leased by the State under the Act of August 23, 1950 (25 U.S.C. 293b), or the Act of June 4, 1953 (25 U.S.C. 293a), that is prioritized for conveyance by the State under section 906(h)(2) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(h)(2))—

“(1) are deemed to be selected; and

“(2) may, with the concurrence of the Secretary [of the Interior] or the head of the Federal agency with administrative jurisdiction over the land, be conveyed under section 6 of Public Law 85-508 (commonly known as the ‘Alaska Statehood Act’) (72 Stat. 340) [set out as a note preceding section 21 of Title 48, Territories and Insular Possessions].

“(b) EFFECT ON ENTITLEMENT.—If, before the date of enactment of this Act [Dec. 10, 2004], the entitlement of the State has not been charged with respect to a parcel for which a reversionary interest is conveyed under subsection (a), the total acreage of the parcel shall be

charged against the remaining entitlement of the State.

“(c) MINIMUM ACREAGE REQUIREMENT NOT APPLICABLE.—The minimum acreage requirement under subsections (a) and (b) of section 6 of Public Law 85-508 (commonly known as the ‘Alaska Statehood Act’) (72 Stat. 340) shall not apply to the selection of reversionary interests under subsection (a).

“(d) STATE WAIVER.—On conveyance to the State of any reversionary interest selected under subsection (a), the State shall be deemed to have waived all right to any future credit should the reversion not occur.

“(e) LIMITATION.—This section shall not apply to—

“(1) reversionary interests in land acquired by the United States through the use of amounts from the Exxon Valdez Oil Spill Trust Fund; or

“(2) reversionary interests in any land conveyed to the State as a result of the ‘Terms and Conditions for Land Consolidation and Management in Cook Inlet Area’ as ratified by section 12 of Public Law 94-204 (43 U.S.C. 1611 note).”

SETTLEMENT OF REMAINING ENTITLEMENT

Pub. L. 108-452, title I, §106, Dec. 10, 2004, 118 Stat. 3579, provided that:

“(a) IN GENERAL.—The Secretary [of the Interior] may enter into a binding written agreement with the State [of Alaska] with respect to—

“(1) the exact number and location of acres of land remaining to be conveyed under each entitlement established or confirmed by Public Law 85-508 (commonly known as the ‘Alaska Statehood Act’) (72 Stat. 340) [set out as a note preceding section 21 of Title 48, Territories and Insular Possessions], from—

“(A) the land selected by the State as of January 3, 1994; and

“(B) selections under the Act of January 21, 1929 (45 Stat. 1091, chapter 92) [43 U.S.C. 852 note];

“(2) the priority in which the land is to be conveyed;

“(3) the relinquishment of selections which are not to be conveyed; and

“(4) the survey of the exterior boundaries of the land to be conveyed.

“(b) CONSULTATION.—Before entering into an agreement under subsection (a), the Secretary shall ensure that any concerns or issues identified by any Federal agency potentially affected are given consideration.

“(c) ERRORS.—The State, by entering into an agreement under subsection (a), shall receive any gain or bear any loss that results from errors in prior surveys, protraction diagrams, or the computation of the ownership of third parties on any land conveyed under an agreement entered into under subsection (a).

“(d) AVAILABILITY OF AGREEMENTS.—Agreements entered into under subsection (a) shall be available for public inspection in the appropriate offices of the Department of the Interior.

“(e) EFFECT.—Nothing in this section increases the entitlement provided to the State under Public Law 85-508 (commonly known as the ‘Alaska Statehood Act’) (72 Stat. 340), or the Act of January 21, 1929 (45 Stat. 1091, chapter 92).”

EFFECT OF FEDERAL MINING CLAIMS

Pub. L. 108-452, title I, §107, Dec. 10, 2004, 118 Stat. 3580, provided that:

“(a) CONDITIONAL RELINQUISHMENTS.—

“(1) IN GENERAL.—To facilitate the conversion of Federal mining claims to State [of Alaska] mining claims on land selected or topfiled by the State, a Federal mining claimant may file with the Secretary [of the Interior] a voluntary relinquishment of the Federal mining claim conditioned on conveyance of the land to the State.

“(2) CONVEYANCE OF RELINQUISHED CLAIM.—The Secretary may convey the land described in the relinquished Federal mining claim to the State if, with respect to the land—

“(A) the State has filed as of January 3, 1994—

“(i) a selection application under Public Law 85-508 (commonly known as the ‘Alaska Statehood Act’) (72 Stat. 339) [set out as a note preceding section 21 of Title 48, Territories and Insular Possessions]; or

“(ii) a future selection application under section 906(e) of the Alaska National Interest Lands Conservation Act [(43 U.S.C. 1635(e)); and

“(B) the land addressed by the selection application or future selection application is conveyed to the State.

“(3) OBLIGATIONS UNDER FEDERAL LAW.—Until the date on which the land is conveyed under paragraph (2), a Federal mining claimant shall be subject to any obligations relating to the land under Federal law.

“(4) NO RELINQUISHMENT.—If the land previously encumbered by the relinquished Federal mining claim is not conveyed to the State under paragraph (2), the relinquishment of land under paragraph (1) shall be of no effect.

“(b) RIGHTS-OF-WAY; OTHER INTEREST.—On conveyance to the State of a relinquished Federal mining claim under this section, the State shall assume authority over any leases, licenses, permits, rights-of-way, operating plans, other land use authorizations, or reclamation obligations applicable to the relinquished Federal mining claim on the date of conveyance.”

FINAL PRIORITIZATION OF STATE SELECTIONS

Pub. L. 108-452, title IV, §404, Dec. 10, 2004, 118 Stat. 3593, provided that:

“(a) FILING OF FINAL PRIORITIES.—

“(1) IN GENERAL.—The State [of Alaska] shall, not later than the date that is 4 years after the date of enactment of this Act [Dec. 10, 2004], in accordance with section 906(f)(1) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(f)(1)), file final priorities with the Secretary [of the Interior] for all land grant entitlements to the State which remain unsatisfied on the date of the filing.

“(2) RANKING.—All selection applications on file with the Secretary on the date specified in paragraph (1) shall—

“(A) be ranked on a Statewide basis in order of priority; and

“(B) include an estimate of the acreage included in each selection.

“(3) INCLUSIONS.—The State 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)).

“(4) ACREAGE LIMITATION.—

“(A) IN GENERAL.—Acreage for top-filings shall not be counted against the 125 percent limitation established under section 906(f)(1) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(f)(1)).

“(B) RELINQUISHMENT.—

“(i) IN GENERAL.—The State shall relinquish any selections that exceed the 125 percent limitation.

“(ii) FAILURE TO RELINQUISH.—If the State fails to relinquish a selection under clause (i), the Secretary shall reject the selection.

“(5) LOWER-PRIORITY SELECTIONS.—Notwithstanding the prioritization of selection applications under paragraph (1), if the Secretary reserves sufficient entitlements for the top-filed selections, the Secretary may continue to convey lower-priority selections.

“(b) DEADLINE FOR PRIORITIZATION.—

“(1) IN GENERAL.—The State shall irrevocably prioritize sufficient selections to allow the Secretary to complete transfer of 101,000,000 acres by September 30, 2009.

“(2) REPRIORITIZATION.—Any selections remaining after September 30, 2009, may be reprioritized.

“(c) FINANCIAL ASSISTANCE.—The Secretary may, using amounts made available to carry out this Act [see Short Title of 2004 Amendment note set out under

section 1601 of this title], provide financial assistance to other Federal agencies, the State, and Native Corporations and entities to assist in completing the transfer of land by September 30, 2009.”

§ 1636. Alaska land bank

(a) Establishment; agreements

(1) In order to enhance the quantity and quality of Alaska’s renewable resources and to facilitate the coordinated management and protection of Federal, State, and Native and other private lands, there is hereby established the Alaska Land Bank Program. Any private landowner is authorized as provided in this section to enter into a written agreement with the Secretary if his lands adjoin, or his use of such lands would directly affect, Federal land, Federal and State land, or State land if the State is not participating in the program. Any private landowner described in subsection (d)(1) whose lands do not adjoin, or whose use of such lands would not directly affect either Federal or State lands also is entitled to enter into an agreement with the Secretary. Any private landowner whose lands adjoin, or whose use of such lands would directly affect, only State, or State and private lands, is authorized as provided in this section to enter into an agreement with the State of Alaska if the State is participating in the program. If the Secretary is the contracting party with the private landowner, he shall afford the State an opportunity to participate in negotiations and become a party to the agreement. An agreement may include all or part of the lands of any private landowner: *Provided*, That no lands shall be included in the agreement unless the Secretary, or the State, determines that the purposes of the program will be promoted by their inclusion.

(2) If a private landowner consents to the inclusion in an agreement of the stipulations provided in subsections (b)(1), (b)(2), (b)(4), (b)(5), and (b)(7), and if such owner does not insist on any additional terms which are unacceptable to the Secretary or the State, as appropriate, the owner shall be entitled to enter into an agreement pursuant to this section. If an agreement is not executed within one hundred and twenty days of the date on which a private landowner communicates in writing his consent to the stipulations referred to in the preceding sentence, the appropriate Secretary or State agency head shall execute an agreement. Upon such execution, the private owner shall receive the benefits provided in subsection (c) hereof.

(3) No agreement under this section shall be construed as affecting any land, or any right or interest in land, of any owner not a party to such agreement.

(b) Terms of agreement

Each agreement referred to in subsection (a) shall have an initial term of ten years, with provisions, if any, for renewal for additional periods of five years. Such agreement shall contain the following terms:

(1) The landowner shall not alienate, transfer, assign, mortgage, or pledge the lands subject to the agreement except as provided in section 14(c) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(c)], or permit development or improvement on such lands ex-

cept as provided in the agreement. For the purposes of this section only, each agreement entered into with a landowner described in subsection (d)(1) shall constitute a restriction against alienation imposed by the United States upon the lands subject to the agreement.

(2) Lands subject to the agreement shall be managed by the owner in a manner compatible with the management plan, if any, for the adjoining Federal or State lands, and with the requirements of this subsection. If lands subject to the agreement do not adjoin either Federal or State lands, they shall be managed in a manner compatible with the management plan, if any, of Federal or State lands which would be directly affected by the use of such private lands. If no such plan has been adopted, or if the use of such private lands would not directly affect either Federal or State lands, the owner shall manage such lands in accordance with the provisions in paragraph (1) of this subsection. Except as provided in (3)¹ of this subsection, nothing in this section or the management plan of any Federal or State agency shall be construed to require a private landowner to grant public access on or across his lands.

(3) If the surface landowner so consents, such lands may be made available for local or other recreational use: *Provided*, That the refusal of a private landowner to permit the uses referred to in this subsection shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(4) Appropriate Federal and/or State agency heads shall have reasonable access to such privately owned land for purposes relating to the administration of the adjoining Federal or State lands, and to carry out their obligations under the agreement.

(5) Reasonable access to such land by officers of the State shall be permitted for purposes of conserving fish and wildlife.

(6) Those services or other consideration which the appropriate Secretary or the State shall provide to the owner pursuant to subsection (c)(1) shall be set forth.

(7) All or part of the lands subject to the agreement may be withdrawn from the Alaska land bank program not earlier than ninety days after the landowner—

(A) submits written notice thereof to the other parties which are signatory to the agreement; and

(B) pays all Federal, State and local property taxes and assessments which, during the particular term then in effect, would have been incurred except for the agreement, together with interest on such taxes and assessments in an amount to be determined at the highest rate of interest charged with respect to delinquent property taxes by the Federal, State or local taxing authority, if any.

(8) The agreement may contain such additional terms, which are consistent with the

¹ So in original. Probably should be “paragraph (3)”.