

Public Law 108–129
108th Congress

An Act

Nov. 17, 2003
[S. 924]

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

16 USC 668dd
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For the purposes of this Act, the term—

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

(2) “ANILCA” means the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(3) “Calista” means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

(4) “Identified Lands” means approximately 10,943 acres of lands (including surface and subsurface estates) designated as “Proposed Village Site” on a map entitled “Proposed Newtok Exchange,” dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

(5) “limited warranty deed” means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States;

(6) “Newtok” means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

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

(8) “Secretary” means the Secretary of the Interior.

SEC. 2. LANDS TO BE EXCHANGED.

(a) **LANDS EXCHANGED TO THE UNITED STATES.**—If, within 180 days after the date of enactment of this Act, Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok.

(b) **LANDS EXCHANGED TO NEWTOK.**—In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estates of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance, the Secretary shall survey Identified Lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this Act.

SEC. 3. CONVEYANCE.

(a) **TIMING.**—The Secretary shall issue interim conveyances pursuant to subsection 2(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 2(a).

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

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

(d) **EFFECT ON NEWTOK LANDS.**—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those Newtok lands as guaranteed under section 811 of ANILCA (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with section 803 of ANILCA (16 U.S.C. 3113).

(e) **ADJUSTMENT TO CALISTA CORPORATION ANCSA ENTITLEMENT FOR RELINQUISHED NEWTOK SELECTIONS.**—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 2(a) of this Act. This equivalent entitlement shall come from subsurface lands already selected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage from lands within the region but outside any conservation system unit.

(f) ADJUSTMENT TO EXCHANGE.—If requested by Newtok, the Secretary may consider and make adjustments to the exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.

Approved November 17, 2003.

LEGISLATIVE HISTORY—S. 924:

HOUSE REPORTS: No. 108-345 (Comm. on Resources).

SENATE REPORTS: No. 108-97 (Comm. on Energy and Natural Resources).

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July 17, considered and passed Senate.

Nov. 4, considered and passed House.