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APPROVED
OCT 04 1976

§ 10/4/76
AFF#1

THE WHITE HOUSE
WASHINGTON
October 4, 1976

ACTION

Last Day: October 9

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *J. Cannon*
SUBJECT: S. 3651 - Alaska Native Claims
Settlement Act Amendments

*Pasted
10/5/76*

Attached for your consideration is S. 3651, sponsored by Senators Gravel, Abourezk and Stevens.

*Archives
10/12/76*

The enrolled bill would amend the Alaska Native Claims Settlement Act, as amended, to direct the Secretary of the Interior to withdraw 70,000 acres of public lands in the southeastern Alaska region for the village of Klukwan to select its 23,040 acres as provided by the Act. In addition, the bill would convey certain lands to the Cook Inlet Region Corporation and to the State of Alaska.

A detailed discussion of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg), Bill Barody (Patterson) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 3651 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3651 - Alaska Native Claims
Settlement Act Amendments
Sponsors - Sen. Gravel (D) Alaska, Sen. Abourezk
(D) South Dakota, and Sen. Stevens (R) Alaska

Last Day for Action

October 9, 1976 - Saturday

Purpose

Amends the Alaska Native Claims Settlement Act to: provide for the withdrawal of lands for the village of Klukwan, Alaska; to convey certain lands to the Cook Inlet Region Corporation; and to convey certain lands to the State of Alaska.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Agriculture	Approval
General Services Administration	No objection (informally)
Department of Justice	Defers to Interior and Agriculture

Discussion

Background

The Alaska Native Claims Settlement Act (ANCSA) of 1971 was designed to provide comprehensive and definitive compensation to the Natives for the value of their aboriginal claims to land in Alaska. Basically, the Act

authorized monetary payments and land conveyances to individual Natives, to 12 Native Regional Corporations, and to approximately 220 Native Village Corporations in the aggregate amount of approximately \$965 million and 40 million acres. This enrolled bill is comprised of two distinct provisions that would amend ANCSA. We are noting them as the Klukwan and Cook Inlet provisions, and each is discussed separately below.

Klukwan provision

Section 16 of ANCSA provided for selection of 23,040 acres by each of ten Native villages in Southeast Alaska, such lands to come from the township in which the village was located, to the extent possible, and from contiguous townships if sufficient lands were not available from the township in which the village was located. This land entitlement was less than that for villages outside Southeast Alaska because of a prior payment made to these Natives on their aboriginal claim. Moreover, section 19 of ANCSA allowed certain villages to obtain title to their former reserves (land and subsurface estates) in lieu of participation in the cash and land settlements under ANCSA.

Because the village of Klukwan, a Southeast Alaska village, occupies a former Bureau of Indian Affairs reserve, it qualified to select between sections 16 and 19 as described above. Approximately 250 Natives were enrolled in this village of whom 100 were residents.

Title to the subsurface of lands selected by a village under section 16 accrues to the Regional Corporation, whereas such subsurface title for lands retained under section 19 accrues to the village itself. Because of their reserve's mineral values, the 250 enrollees of Klukwan chose to exercise their section 19 option and obtain title to the surface and subsurface of some 900 acres in lieu of 23,040 acres of surface and ANCSA cash benefits. However, it later developed that the 100 residents of Klukwan, incorporated as Chilkat Indian Village, had already leased out the mineral estate,

Signed 10/4

creating a "valid existing right" to be undisturbed by the original Settlement Act. Thus, the property rights of the members of Chilkat Indian Village did not change, but this selection effectively denied substantial ANCSA benefits to those 150 or so enrollees of Klukwan who were not village members.

In January 1976, you signed S. 1469, P.L. 94-204, which contained a series of amendments to ANCSA, including one addressing the Klukwan situation. These amendments effectively allowed the 250 members of Klukwan to exercise their rights under section 16 even though they had opted originally for section 19 benefits. This left the 150 nonresidents with benefits equal to those of other Southeast Natives, but effectively provided a double benefit for the 100 residents who now receive both section 16 and section 19 benefits.

Since enactment of P.L. 94-204, Klukwan representatives have claimed that the lands from which they are permitted to select 23,040 acres are not of sufficient value. They contend that the State of Alaska and others have already obtained the best lands in this area.

The remedy proposed by section 1 of S. 3651 is to require the Secretary of the Interior to withdraw 70,000 acres of public lands in Southeast Alaska "of similar character and comparable value, to the extent possible, to those of the Chilkat Valley surrounding the village of Klukwan." From this withdrawal, Klukwan would select its 23,040 acres. The enrolled bill would require that these lands not be those already selected by other Native groups, that they not be located on Admiralty Island, and that the Secretary of Agriculture be consulted if National Forest Lands are involved, which will undoubtedly be the case.

The arguments in favor of this provision are as follows:

1. The Klukwan area has been more heavily impacted by State land selections than have the other villages in Southeast, and thus the 150 nonresident Natives have been disadvantaged when compared to other Southeast Natives.

2. Much of the land from which the Klukwan selections could be made absent this legislation is at higher elevations, and some is covered by glaciers (this area adjoins Glacier Bay National Monument).

The arguments against this provision are that:

1. Land selections in Southeast Alaska, under ANCSA, were intended more for village expansion in their immediate surroundings than for economic exploitation by nonresident owners. Under S. 3651, Klukwan could pick and choose individual parcels from the Tongass National Forest if the Secretary of the Interior withdraws such lands after prior consultation with the Department of Agriculture.
2. Other villages in Alaska have land selection difficulties, and an amendment to ANCSA for one group sets a precedent for an untold number of further amendments.
3. One hundred of the residents of Klukwan, though not extraordinarily affluent, have already received more benefits than other Natives and this provision provides still further benefits not available to others.

Cook Inlet provisions

Section 12 of P.L. 94-204 ratified the terms and conditions providing for the settlement of conflicting land claims in the Cook Inlet Area of Alaska under ANCSA. However, in implementing these agreements earlier this year, Interior discovered a need for clarification in the law if prompt and efficient administration of the Cook Inlet Settlement was to be achieved.

Sections 2, 3, 4 and 5 of S. 3651 would verify a revised version of the terms and conditions established under P.L. 94-204 and provide for other adjustments to ANCSA's provisions relating to the Cook Inlet Area. Each provision is briefly summarized below.

Section 2 -- directs the Secretary of the Interior to convey immediately 265 acres of land in Point Woronzof near Anchorage to the State of Alaska. Under P.L. 94-204, the State would receive this tract for park and recreational purposes only, but the enrolled bill broadens the allowable uses to include airport or other public purposes.

Section 3 -- reratifies a clarified version of the terms and conditions under which ANCSA land claims in the Cook Inlet Area are to be resolved.

Section 4 -- authorizes the Secretary of the Interior to convey lands selected by Village Corporations within the Cook Inlet Region to the Cook Inlet Region, Incorporated, for reconveyance to the Village Corporations in satisfaction of such Village Corporations' entitlement under ANCSA. The basic effect of this provision is to transfer from Interior to the Native's Regional Corporation the task of adjudicating and resolving inter-village land selections within the overall entitlements for Cook Inlet.

Section 5 -- directs the Secretary of the Interior to convey to the Cook Inlet Region 56 acres of land at Fort Richardson, Alaska. This tract would ultimately be conveyed to the Region under the terms of ANCSA, and the effect of this provision is to accomplish the conveyance immediately. In return for the tract, the Region would be required to lower its overall entitlement by 1687.2 acres.

Legislative History

S. 3651 was introduced, passed, and enrolled without the customary Executive Branch and congressional committee review process. However, both Interior and Agriculture submitted to the Congress, without clearance by this Office, letters concerning this legislation.

In this regard, Secretary Kleppe advised the Chairman of the House Interior Committee that his Department supported the Cook Inlet provisions. On the other hand, the Chief of the Forest Service wrote every member of the Senate Interior Committee to express his concerns that the Klukwan provision was an undesirable and inequitable precedent which would lead to further piecemeal amendments to ANCSA.

Agency Views

Both Interior and Agriculture now recommend approval. Interior advises that the enrolled bill would enable it:

"... to execute our existing obligations under the Settlement Act and Public Law 94-204 more efficiently and with a decreased possibility of controversy and protracted litigation."

In its enrolled bill letter, Agriculture restricts its comments to the Klukwan provision, and concludes that:

"As a result of discussions with the Alaska Congressional Delegation, the staff of the House Subcommittee on Indian Affairs, and representatives of Klukwan Village and the Department of the Interior, we have reached agreement that Klukwan will select the maximum amount of usable acreage within their withdrawal area and that any deficiency withdrawal will be made only after further consultation with the Forest Service. We are assured that Klukwan is interested in selecting lands in a compact and contiguous area which will permit them to manage their lands wisely and economically, and are informed that they are interested in joining with other Native villages in cooperative land management. Furthermore, Klukwan representatives have identified the specific areas of the Tongass National Forest which they wish to consider

for their deficiency withdrawal and have discussed these at length with the Regional Forester for the Alaska Region. Based on his views, we do not identify any adverse impact of these withdrawals on the management of the Tongass National Forest."

Conclusion

On balance, we concur in the Interior and Agriculture recommendations for approval. Based on the Forest Service's assessment, we believe the Klukwan provision is primarily objectionable from a precedential standpoint. In this regard, we are not aware of similar situations with respect to other villages, but in future cases the Administration would have to assess each case on the merits. Finally, we view the Cook Inlet provisions as essentially technical amendments to ANCSA which simply provide a statutory verification of agreements previously reached between Interior, the State of Alaska, and Cook Inlet Region, Incorporated.



Paul D. O'Brien
Acting Director

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 2

Time: 425pm

FOR ACTION:

George Humphreys *GH*
 Brad Patterson *BP*
 Max Friedersdorf *MF*
 Steve McConahey *SM*

cc (for information):

Jack Marsh
 Jim Connor
 Ed Schmults

FROM THE STAFF SECRETARY *Bobbie Kelley*

DUE: Date:

October 4

Time:

1100am

SUBJECT:

S.3651-Alaska Native Claims Settlement Act

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
 For the President



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 28 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on the enrolled bill S. 3651, "To amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the village of Klukwan, Alaska, and for other purposes."

We recommend that the President approve the enrolled bill.

Section 1 of S. 3651 as enrolled would amend section 16(d) of the Alaska Native Claims Settlement Act as amended (85 Stat. 688, as amended by P.L. 94-204) to direct the Secretary of the Interior to withdraw 70,000 acres of public lands in the southeastern Alaska region in order that the village corporation, Klukwan, Inc., may select its 23,040 acres of land. To the extent possible, the lands withdrawn shall be comparable in value and character to the lands of the Chilkat Valley, surrounding the village of Klukwan. Section 1 requires the Secretary to consult with the Secretary of Agriculture prior to withdrawing thereunder any lands from the national forest system.

The withdrawal by the Secretary shall be made within six months of enactment, and within one year of withdrawal Klukwan shall select, and have conveyed thereto, the 23,040 acres. None of the lands withdrawn can be those which are the subject of selection by other Native Corporations or located on Admiralty Island, nor shall the legislation affect the existing entitlement of any Regional Corporation to lands pursuant to section 14(h) (8) of ANCSA.

Section 9 of P.L. 94-204 authorized the shareholders of Klukwan, Inc., to participate in the benefits of ANCSA, including the selection of land, as if they had not originally elected to acquire title to their former reserve. However, section 9 only addressed the problem which existed between Klukwan, Inc., and Chilkat Indian Village. It did not address the situation whereby very little usable lands would be available to Klukwan, Inc., due to the earlier selections



in the Klukwan area by the State of Alaska under the Alaska Statehood Act. Section 1 of S. 3651 would enable Klukwan, Inc., to select useable lands by providing for a withdrawal of lands for it in a manner similar to the withdrawal provisions for those Native Villages which come under section 11(a)(3) of ANCSA.

Because of the possibility that a conveyance under section 1 of the enrolled bill might be construed as a conveyance pursuant to section 14(h) of ANCSA, section 1 provides that no regional entitlements under section 14(h)(8) of ANCSA will be affected by any conveyances pursuant to section 1 of S. 3651. It is our understanding that the Congressional intent concerning section 1 (Cong. Rec. H. 10962, Sept. 23, 1976) is that the conveyance to Klukwan, Inc., will be treated in the same manner as conveyances to other villages in the southeast Alaska region, i.e., the surface estate will go to the village and the subsurface estate will go to the region as provided by section 16(b) of ANCSA.

Section 9 of P.L. 94-204 withdrew for selection an area surrounding the Village of Klukwan. Pursuant to section 1 of the enrolled bill and the stated position of Klukwan, Inc., (Cong. Rec. H. 10963, Sept. 23, 1976), this Department intends to: (1) withdraw lands in the prior Klukwan area withdrawal in accord with Klukwan's stated intent (see letter of Sept. 23, 1976 from President, Klukwan, Inc., to Rep. Lloyd Meeds, Cong. Rec. H. 10963); (2) withdraw lands as proposed in the agreement between Klukwan, Inc., and the State of Alaska (Cong. Rec. S. 15215, Sept. 1, 1976) after consultation with the Department of Agriculture; and (3) withdraw additional lands, if necessary, after consultation with Klukwan, Inc., and the Department of Agriculture. It is our understanding that Klukwan, Inc., has made assurances to the Congress that the lands involved under (1) and (2) above meet the section 1 criteria of "similar character and comparable value."

Sections 2 through 5 of the enrolled bill concern certain provisions in the terms and conditions for the consolidation and management of lands in the Cook Inlet Region which are incorporated in section 12 of P.L. 94-204. These sections would clarify certain obligations in those provisions as well as correct certain typographical and printing errors in the original terms and conditions.

Section 2 of the enrolled bill directs the Secretary of the Interior to immediately convey 265 acres of land on Point Woronzof, near Anchorage, to the State of Alaska "for park, recreation, airport or other public purposes." Absent section 2 of S. 3651, the Secretary would have been obligated to convey this land to the State for park and recreation purposes only, pursuant to the provisions of

section 12 of P.L. 94-204. This restricted conveyance may preclude the State from constructing a north-south runway extension at the Anchorage International Airport. The State has proposed such construction and the Federal Aviation Administration has been considering the extension for some time. A final Environmental Impact Statement is expected in early November, 1976. The Air Line Pilots Association considers the existing runways at the Airport unsafe under certain wind conditions.

The Secretary is already required to convey this land to the State under section 12 of P.L. 94-204. Section 2 of S. 3651 would direct immediate conveyance and expands the purposes for which the State may use the land.

Section 12 of P.L. 94-204 incorporated by reference a complex land trade agreement between this Department, the State of Alaska, and Cook Inlet Region, Inc. During the past year, the parties have clarified ambiguities in the agreement, and section 3 of the enrolled bill re-ratifies the clarified version of the agreement. The clarification will result in a more efficient implementation of the Department's existing responsibilities under section 12 of P.L. 94-204.

Section 4 of the enrolled bill provides authority for the Secretary to convey lands selected by village corporations within Cook Inlet Region to the Cook Inlet Region, Inc., for reconveyance to the village corporations in satisfaction of such village corporations entitlement under ANCSA. A number of village corporations in the Cook Inlet Region selected lands in a manner which, in our judgment, did not satisfy the requirements of ANCSA and the implementing regulations. The purpose of these provisions of the Act and regulations is to provide for compact private land holdings, keep Federal adjudication and survey costs to a minimum, and to provide the Alaska Natives their entitlements as set out in the Settlement Act. This Department declared several village selections in Cook Inlet Region invalid for being in violation of these statutory and regulatory provisions.

In the Cook Inlet Region, instead of withdrawing each block of land for one village, we withdrew each block of land for several villages because of the dearth of available lands and the still pending judicial action on village eligibility. We have subsequently reached an agreement whereby we will convey blocks of land selected by the village corporations to Cook Inlet Region, Inc., for reconveyance to the villages notwithstanding the validity of the original selection. Instead of the Department adjudicating the validity of each village selection and surveying the exterior boundaries of each, within these

blocks, the Department will only be required to survey the exterior boundaries of the entire blocks conveyed to the Region. This would allow the Natives, upon the termination of eligibility litigation, to determine how the land within the blocks will be divided. The Department estimates that this relieved survey burden under section 4 will save several hundred thousand dollars. Implementation of this agreement by section 4 will also avoid protracted litigation over the validity of these village selections.

Section 5 of S. 3651 directs the Secretary to convey to the Cook Inlet Region, within 60 days of enactment, 56 acres of land at Fort Richardson, which are in the process of being declared surplus property by the Bureau of Land Management and the General Services Administration. Under the acre equivalency provisions of the original terms and conditions in section 12 of P.L. 94-204, this land would be equivalent to and a substitute for 1687.2 acres of the Region's entitlement. The land to be conveyed under section 4 would have ultimately been conveyed to the Region under P.L. 94-204 anyway. Immediate conveyance as provided by section 4 would relieve the Department or GSA of interim management costs.

In our judgment, this legislation will enable the Department to execute our existing obligations under the Settlement Act and Public Law 94-204 more efficiently and with a decreased possibility of controversy and protracted litigation. Accordingly, we recommend that the President approve the enrolled bill.

Sincerely yours,



Assistant Secretary of the Interior

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

September 28, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget

Dear Mr. Lynn:

As requested by your office, here are our views on the enrolled enactment, S. 3651, an Act "To amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the village of Klukwan, Alaska, and for other purposes."

Insofar as S. 3651 affects the responsibilities of this Department, we recommend that the President approve the enactment. We defer to the Department of the Interior on the merit of sections 2 and 3 of the Act relating to Cook Inlet.

Section 1 of S. 3651 would amend the Alaska Native Claims Settlement Act to authorize and direct the Secretary of the Interior to withdraw 70,000 acres of public land from which Klukwan Village Corporation could select its entitlement of 23,040 acres. The bill also provides that the lands shall be located in southeastern Alaska and shall be to the extent possible of similar character and value to those of the Chilkat Valley surrounding the Village of Klukwan. In addition, S. 3651 provides that no lands that have been previously withdrawn as a forest reserve shall be withdrawn without prior consultation with the Secretary of Agriculture. The circumstances leading to this legislation are detailed in the enclosed legislative history of S. 3651.

Lands in the Tongass National Forest would qualify for selection under S. 3651, and Klukwan Village Corporation has signified its intention to request withdrawal of such lands. As the Department charged with responsibility for administering the National Forest System, we obviously review thoroughly all proposals to transfer lands out of National Forest status to assess the impact on the management of the National Forests. In recognition of Klukwan's land selection difficulties, we have given the Klukwan situation considerable attention in a desire to reach an equitable and acceptable solution. Toward this end, the Forest Service met repeatedly with the Alaska Congressional Delegation and Klukwan representatives.

We have previously had two principal concerns with this legislation. First, there had been no conclusive determination that lands were not available within Klukwan's original withdrawal area. It was Klukwan's sincere belief that the State of Alaska had prior claim to its core

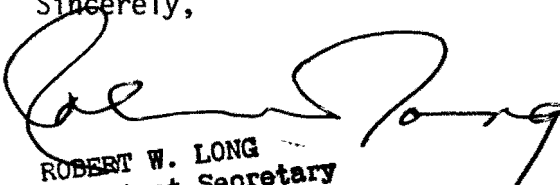
township and adjacent lands that led to their request for this legislation. This view was initially supported by certain segments within the Department of the Interior. However, in the last week, the Department of the Interior has determined that as much as 14,800 acres may still be available for selection by Klukwan within the core township.

Our second concern with the legislation was the absence of criteria by which Klukwan would select its entitlement. We were concerned that Klukwan could select isolated tracts in a number of locations, thereby creating within the National Forest undesirable private inholdings which could not be feasibly managed.

As a result of discussions with the Alaska Congressional Delegation, the staff of the House Subcommittee on Indian Affairs, and representatives of Klukwan Village and the Department of the Interior, we have reached agreement that Klukwan will select the maximum amount of usable acreage within their withdrawal area and that any deficiency withdrawal will be made only after further consultation with the Forest Service. We are assured that Klukwan is interested in selecting lands in a compact and contiguous area which will permit them to manage their lands wisely and economically, and are informed that they are interested in joining with other Native villages in cooperative land management. Furthermore, Klukwan representatives have identified the specific areas of the Tongass National Forest which they wish to consider for their deficiency withdrawal and have discussed these at length with the Regional Forester for the Alaska Region. Based on his views, we do not identify any adverse impact of these withdrawals on the management of the Tongass National Forest.

Had there been sufficient time for the House to enact its own bill, we would, of course, have preferred and worked for specific statutory language embracing the verbal understandings and correspondence that have developed between the Department of the Interior, the Forest Service, and Klukwan. However, the Congressional schedule prior to adjournment has not permitted the more careful approach, and Klukwan needs a legislative remedy before adjournment, since its selection rights under existing law expire in early January 1977 before the new Congress could act. Given the legislative history established on the floor of the House, the correspondence exchanged between parties, and what we believe to be good faith on all sides, we recommend that the President sign the legislation.

Sincerely,



ROBERT W. LONG
Assistant Secretary

Legislative History of S. 3651
to permit Klukwan Village
to select National Forest Lands

Section 16 of the Alaska Native Claims Settlement Act provides a settlement with natives of southeast Alaska.

Section 16(a) withdraws, from all public land laws, including mining and mineral leasing act and from selection under the Alaska Statehood Act, all public lands within, contiguous to or cornering on townships of 10 native villages. Klukwan is one of the villages.

Section 16(b) permits said villages to select up to 23,040 acres from the public lands withdrawn within 3 years. However, selected lands must be contiguous and in reasonably compact tracts.

Section 16(c) states that the funds awarded in previous court settlement are in lieu of additional acreage the villages might have received under section 11.

Section 19(a) revokes the reservations created for natives in past, subject to any valid existing rights of non-natives.

Section 19(b) gives village corporations two years in which to elect to choose surface and sub-surface rights of reservation or to elect to receive benefits under Alaska Native Claims Settlement Act. Selection of the existing reservations are subject to valid existing rights and excludes village corporations from any benefits under ANCSA.

Rather than elect to receive entitlements under Sec. 16(a)&(b), Klukwan natives voted to retain their reservation lands on the erroneous assumption that they would receive subsurface rights of an existing mineral lease. The circumstance is explained in the House Report on H.R. 6644, companion to S. 1469 which was signed into law.

SECTION 9

Section 9 amends section 16 of the Settlement Act by adding a new subsection (d).

Under section 19 of the Settlement Act, former reservations in Alaska established by Executive or Secretarial order or by Act of Congress, with the exception of the Annette Island Reserve, were abol-

ished. Native villages within such reserves had the option of retaining the lands, su face and subsurface, set aside as a reservation or of participating in land entitlements under the Settlement Act, in which case they received no subsurface rights. These rights are reserved for the regional corporations.

A reservation was set aside by the Act of September 2, 1957 for the Chilkat Indian Village which was organized pursuant to the provisions of the Indian Reorganization Act, as amended. The land was near the village of Klukwan and was an enlargement of an Executive order reservation. The same Act permitted the IRA corporation to lease the minerals underlying the lands for its benefit. This was done.

The Natives of the Klukwan village area voted to retain the former reserve. However, section 19 made such lands, in the hands of the Native corporations, subject to valid existing rights. One such right was the existing iron ore mineral lease by the IRA corporation which remained separate from the ANCSA corporation.

While all of the members of the IRA corporation are also members of the ANCSA corporation, the reverse is not true. Since the IRA corporation has a vested right to the subsurface of lands and very likely to the surface also, the net effect is that the ANCSA corporation and its shareholders have no real assets whatsoever.

The new subsection (d) of section 16 would, in effect, vitiate the election of Klukwan, Inc. to retain their former reserve. Lands which were withdrawn for them for selection prior to that election are to be re-withdrawn for a period of one year after the date of enactment of this section and Klukwan, Inc. is to select an area equal to 23,040 acres in accordance with the Act. The corporation and its shareholders will share fully in the benefits of the Act as if there had been no election under 19(b).

The foregoing provision will not become effective until Klukwan, Inc. quitclaims to Chilkat, Inc. any interest it may have in the former reserve lands which are quieted in Chilkat, Inc., in fee simple.

The Committee adopted an amendment to section 9 which provides that the United States and Klukwan, Inc., must also quitclaim any interest they may have in certain funds earned on the lease of the mineral resources of the former reserve since enactment of the Settlement Act to Chilkat, Inc.

In addition, the Committee adopted another amendment which provides that nothing in the new subsection shall affect existing land entitlements in 14(h) (8) of the Settlement Act.

USDI supported the provision of H.R. 6644 to remedy the situation in their report to the House Committee on Interior and Insular Affairs dated December 10, 1975, and printed in House Report 94-729.

SECTION 9

Under section 19(b) of ANCSA, seven Native villages elected to acquire title to the surface and subsurface estate of former reserves in lieu of receiving both benefits as a Native village under ANCSA, and regional corporation benefits.

Section 9 concerns one of the seven villages, Klukwan, Inc., which voted to retain the former reserve, the Klukwan Reserve or Reservation. Chilkat Indian Village, the organization of Natives who actually reside on the reserve, had negotiated a mineral lease in 1970, and it has been alleged in pending litigation that valid existing rights under this lease may survive the enactment of ANCSA and the extinguishment of the reserve itself. While all the residents of the reserve are members of Chilkat Indian Village, many of those non-residents who enrolled there and are stockholders in Klukwan, Inc., are not members of Chilkat. The mineral deposit is the major element of value in the lands of the former reserve and if the Chilkat position is correct the majority of Klukwan's shareholders would not receive the benefit of either the lease or the Settlement Act.

Section 9 would amend section 16 of ANCSA to allow the shareholders of Klukwan, Inc., to participate in the Act's benefits as if they had not elected to acquire title to their former reserve, including the selection of land, providing that Klukwan, Inc., will quit claim all its rights, title and interest in the reserve to Chilkat Indian Village.

We support the provisions of section 9. However, while section 9 would take care of the reserve land and rights thereto, it may not extend to \$100,000 in lease rentals already derived from the lease after the passage of the Settlement Act. In our judgment, the United States and Klukwan, Inc., should also quit claim to Chilkat all rights to rentals and other benefits paid by the lessee prior to the passage of this bill. Further, Chilkat should also relinquish any claims it might have against Klukwan, Inc., the United States or the lessee, for mispayment.

We would note that section 9 may affect the Regions under section 12(c) of ANCSA by decreasing the acreage factor by 23,933, and under section 14(h) (8) by changing the Regional population factor.

USDA did not comment on the Klukwan provision because it did not impact us.

P.L. 94-204 signed on 1/2/76 amended Section 16 of ANCA to reinstate Klukwan's eligibility to receive benefits under the Settlement Act, in effect vitiating Klukwan's previous vote to retain reservation lands and subsurface rights.

Sec. 9. Section 16 of the Settlement Act is amended by inserting at the end thereof a new subsection (d) to read as follows:

"(d) The lands enclosing and surrounding the village of Klukwan which were withdrawn by subsection (a) of this section are hereby rewithdrawn to the same extent and for the same purposes as provided by said subsection (a) for a period of one year from the date of enactment of this subsection, during which period the Village Corporation for the village of Klukwan shall select an area equal to twenty three thousand forty acres in accordance with the provisions of subsection (b) of this section and such Corporation and the shareholders thereof shall otherwise participate fully in the benefits provided by this Act to the same extent as they would have participated had they not elected to acquire title to their former reserve as provided by section 19(b) of this Act: *Provided*, That nothing in this subsection shall affect the existing entitlement of any Regional Corporation to lands pursuant to section 14(h) (8) of this Act *Provided further*, That the foregoing provisions of this subsection shall not become effective unless and until the Village Corporation for the village of Klukwan shall quitclaim to Chilkat Indian Village, organized under the provisions of the Act of June 18, 1934 (48 Stat. 944), as amended by the Act of May 1, 1936 (49 Stat. 1250), all its right, title, and interest in the lands of the reservation defined in and vested by the Act of September 2, 1957 (71 Stat. 596), which lands are hereby conveyed and confirmed to said Chilkat Indian Village in fee simple absolute, free of trust and all restrictions upon alienation, encumbrance, or otherwise *Provided further*, That the United States and the Village Corporation for the Village of Klukwan shall also quitclaim to said Chilkat Indian Village any right or interest they may have in and to income derived from the reservation lands defined in and vested by the Act of September 2, 1957 (71 Stat. 597) after the date of enactment of this Act and prior to the date of enactment of this subsection."

Following enactment of P.L. 94-204, Klukwan Village undertook a survey of lands in its withdrawal area as a basis of nominating areas for selection. In the spring of 1973, Klukwan received a report from its consultants which indicated that the lands within Klukwan's withdrawal area might not be available because the State had indicated its intent to select the lands. In June before oversight hearings held by the Committee on Interior and Insular Affairs of the Senate, the President of Klukwan requested a legislative remedy of Klukwan's land selection problem.

Department of Justice
Washington, D.C. 20530

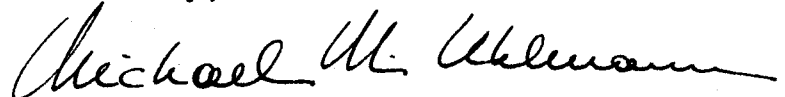
September 28, 1976

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill S. 3651, "To amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the village of Klukwan, Alaska, and for other purposes." The Department of Justice defers to those agencies more directly concerned with the subject matter of the bill as to whether it should receive Executive approval.

Sincerely,



Michael M. Uhlmann
Assistant Attorney General

Date October 2

Time: 425pm

FOR ACTION:

George Humphreys
Brad Patterson
Max Friedersdorf
Steve McConahey

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

October 4

Time:

1100am

SUBJECT:

S.3651-Alaska Native Claims Settlement Act

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

^{10/4}
No objection.

B. Roth

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

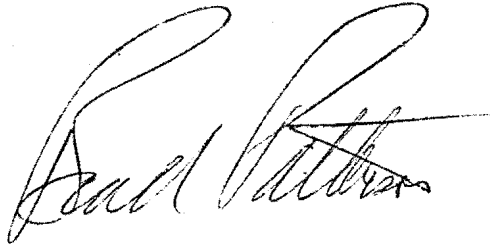
James M. Cannon
For the President

THE WHITE HOUSE
WASHINGTON

October 4, 1976

NOTE TO THE STAFF SECRETARY

I concur that S 2981 and
S 3651 should be signed by the President.

A handwritten signature in cursive script, appearing to read "Bradley H. Patterson, Jr.", written in dark ink.

Bradley H. Patterson, Jr.

Date: October 2

Time: 425pm

FOR ACTION:

George Humphreys
Brad Patterson
Max Friedersdorf
Steve McConahey

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

October 4

Time:

1100am

SUBJECT:

S.3651-Alaska Native Claims Settlement Act

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*I reviewed approval
part*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

Da October 2

Time: 425pm

FOR ACTION:

George Humphreys
Brad Patterson
Max Friedersdorf
Steve McConahey *M.B.*

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

S.3651-Alaska Native Claims Settlement Act

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommend Approval - [Signature]*PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

AMENDING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT TO PERMIT THE VILLAGE OF KLUKWAN, ALASKA, TO PARTICIPATE FULLY IN THE ACT'S BENEFITS

AUGUST 26, 1976.— Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 3651]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3651) to amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the village of Klukwan, Alaska, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 3651 is to permit Klukwan, Inc., the Native Village Corporation for the village of Klukwan established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; as amended, 43 U.S.C. 1601-1627), to participate fully in the settlement provided by that Act. Because of problems (discussed below) not contemplated during Congressional deliberations on the Settlement Act, the village of Klukwan was unable to obtain the lands and funds made available to Native villages under that Act. Therefore, a provision which had as its express purpose the application of settlement benefits to Klukwan was included among the amendments to the Settlement Act enacted in the Act of January 2, 1976 (89 Stat. 1145). This provision—section 9 of the 1976 Act—has been successful in providing Klukwan with distributions of moneys from the Alaska Native Fund established by the Settlement Act. Unfortunately, again because of problems (discussed below) unforeseen at the time of enactment of the 1976 Act, Klukwan is still effectively denied its land selection rights under the Settlement Act. S. 3651 would remedy these problems by requiring the Secretary of the Interior to withdraw 70,000 acres of public land similar in character to land surrounding the Klukwan area but unavailable for selection by Klukwan, Inc. The Corporation

would then be able to select the 23,040 acres due it under the Settlement Act from the withdrawn lands.

BACKGROUND TO, NEED FOR, AND DESCRIPTION OF S. 3651

Klukwan is a Tlingit village located 110 miles north of Juneau, Alaska. It is the home of the Chilkat Indians. These Indians once roamed over an area of at least 2 million miles extending from what is now the northernmost area of British Columbia, Canada, south to Berners Bay, just north of Juneau.

The official territorial status of the Chilkats was drastically altered in April 21, 1913, when President Woodrow Wilson signed Executive Order No. 1764 creating an 800 acre reserve for the Chilkat Indians of Klukwan. Two years later, Executive Order No. 2227 established a Native sanitarium reserve of 82 acres, two miles from the village. The 800 acre reserve was reduced to 492 acres by Executive Order No. 3673, signed by President Warren Harding. On April 27, 1943, however, the Secretary of the Interior granted additional lands to enlarge the reserve to 810 acres. Throughout, the sanitarium reserve remained intact.

In 1946, Public Land Order No. 324 was issued. P.L.O. 324 withdrew 12,800 acres for classification as the Klukwan Reservation. In an October 14, 1946, hearing on the proposal, representatives of the area testified against the reservation concept. Accordingly, on December 9, 1946, the Secretary of the Interior approved the recommendations of the hearing officer that the reservation proposal in P.L.O. 324 be rejected and that hearings be held to determine the possessory claims of the Klukwan Natives. On May 27, 1947, Public Land Order 373 revoked P.L.O. 324 as it applied to Klukwan. No hearings were held, however, and for ten years no action was taken concerning the land status of Klukwan.

The Congress first took action on the Klukwan land problems in 1957 when it passed the Act of September 2, 1957 (71 Stat. 596) which redefined the boundaries of the reservation and empowered the Chilkat Indian Village, an entity organized under the Indian Reorganization Act (48 Stat. 984), to lease the reservation land for mining purposes.

In 1971, the Alaska Native Claims Settlement Act was enacted. Its purpose was to settle the aboriginal land claims of all the Indians, Eskimos, and Aleuts in Alaska. This legislation extinguished all aboriginal claims to land in Alaska and in return provided the Natives (individually and through 12 Regional Corporations and approximately 220 Village Corporations established under the law's provisions) with a land settlement of approximately 40 million acres and a monetary settlement of nearly a billion dollars (an Alaska Native Fund composed of \$462,500,000 from the general fund of the Treasury, and \$500 million from mineral revenues from lands in Alaska conveyed to the State under the Statehood Act after the enactment of the Settlement Act and from the remaining Federal lands, except Naval Petroleum Reserve No. 4).

Section 19(a) of the Settlement Act revoked all Indian reserves established prior to passage of the Act, with the exception of the Annette Island Reserve created for the people of Metlakatla. Mem-

bers of the Native Village Corporations formed in the area of each reserve were given the opportunity to hold an election to decide whether they wished to acquire title to the surface and subsurface estate of the former reserve or to acquire benefits normally accorded to a Native Village Corporation formed pursuant to the Settlement Act. Seven Village Corporations, including that of Klukwan, elected to take title to reservation land. On May 24, 1972, 892.208 acres, comprising reserve land and native sanitarium reserve land, were conveyed by patent to Klukwan, Inc.

Section 9 of the Act of January 2, 1976 (89 Stat. 1145, 1150) added a new subsection (d) to section 16 of the Settlement Act (43 U.S.C. 1601, 1615). This subsection overruled the election results and the subsequent conveyance of title and provided instead that Klukwan, Inc., the Native Village Corporation established pursuant to the Settlement Act, would become a full participant in the Settlement Act and that Chilkat Indian Village, the Indian Reorganization Act entity, would obtain the fee simple title to the 892.208 acre reserve. It also directed the Secretary of the Interior to withdraw land for Klukwan's 23,040 acre selection in the core township and seven townships which are adjacent to or corner on that township. Klukwan, Inc. was given until January 2, 1976 to make its selection. The reason for this legislative step was described in Senate Report No. 94-361 on S. 1469 (August 1, 1975, p. 25).

The Committee understands that, at the time of the election, it was generally understood among the voters that the Settlement Act Village Corporation on the reserve (Klukwan, Inc.) and its 255 members would succeed to the lease of certain mineral rights in the reserve negotiated by the Indian Reorganization Act entity, Chilkat Indian Village, with United States Steel Corporation in 1970. This may be erroneous. Instead, the rights of both the lessor and lessee may both survive the enactment of the Settlement Act, and, should these rights be extant, only the Chilkat Indian Village, the membership of which numbers 100, would receive the income from the 1970 lease. Under these circumstances, the 155 members of Klukwan, Inc. who are not also members of Chilkat Indian Village would not receive the benefits of either the lease or the Settlement Act.

Section 9 of the 1976 Act would remedy this problem by conveying all reserve land to the Chilkat Indian Village and permitting the Village Corporation for the Village of Klukwan and its shareholders to participate fully in the Settlement Act benefits.

Upon passage of the 1976 Act, Klukwan, Inc. hired consultants to assist it in making its 23,040 acre land selection under the Settlement Act. By letter of May 24, 1976 (see Appendix to this report), the consultants informed Klukwan, Inc. there was virtually no land available in the core township, principally because of private and State ownership and State selection of lands in that township.

Furthermore, studies commissioned by Klukwan, Inc. also show the bulk of the land remaining in the seven townships in Klukwan's withdrawal area to be either patented to the State or selected by

the State prior to 1969. While the land not so selected or patented exceeds 23,040 acres and while 14,000 acres of the State selections within the core township have been declared invalid by the Interior Department, these lands are not of a "character similar to those in which the village is located" a criteria for making deficiency withdrawals under section 11(a)(3)(A) of the Settlement Act (43 U.S.C. 1610(a)(3)(A)). The average elevation of this available land is above 5,000 feet and its dominant features are snow and ice. Furthermore, there is no access to that land. In short, it would not provide Klukwan, Inc. with an economically viable land base.

The land surrounding the village of Klukwan is some of the richest in the State of Alaska. This fact was recognized by the State when it made its selections in the eight townships of the withdrawal area under the Alaska Statehood Act (72 Stat. 339, as amended; 48 U.S.C. prec. § 21 note). Much of the rest of the land of Southeast Alaska is in the 16,043,477 acre Tongass National Forest.

Klukwan, Inc. has suffered unique difficulties in making its land selections. First, Klukwan is in the unusual situation among southeastern Alaska villages in that it is not situated either in or adjacent to the Tongass National Forest and thus is precluded from selecting therein. Second, the Settlement Act did not provide for deficiency land withdrawals for section 16 villages—Klukwan and the other reservation land villages. Accordingly, S. 3651 is required to allow the making of deficiency withdrawals for the benefit of Klukwan, Inc., and to permit Klukwan, Inc., to select its lands from the wider area, including, perhaps, the national forest.

S. 3651 would amend the Settlement Act to provide for the deficiency withdrawal of 70,000 acres, excluding lands selected or nominated for selection by other Native Regional or Village Corporations and the lands of Admiralty Island. It would require that such withdrawal be made within 6 months and provide Klukwan, Inc., with a period of one year after the withdrawal to make its selection.

LEGISLATIVE HISTORY

S. 3651 was introduced on July 1, 1976, by Senator Gravel, for himself and Senators Abourezk and Stevens. At a June 14, 1976, oversight hearing on the implementation of the Settlement Act, the Committee on Interior and Insular Affairs took testimony on the land selection problems of the village of Klukwan. At that time, the language of S. 3651 was presented to the Committee by the representatives of Klukwan, Inc.

Cost

In accordance with subsection (a) of section 255 of the Legislative Reorganization Act, the following is a statement of estimated costs which would be incurred in the implementation of S. 3651:

The land withdrawal would result in minor administrative costs which would be funded within the continuing programs of the agencies involved. The commitment to incur all other administrative costs, including those associated with transfer of title, was previously made by the enactment of the Settlement Act and the Act of January 2, 1976.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, in open business session on August 5, 1976, by an unanimous voice vote of a quorum present recommended that the Senate pass S. 3651, without amendments.

EXECUTIVE COMMUNICATIONS

The Committee received no communications from Federal agencies pertaining to S. 3651.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by S. 3651 are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 16 OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT (85 STAT. 688, 705, AS AMENDED 43 U.S.C. 1601, 1615)

WITHDRAWAL AND SELECTION OF PUBLIC LANDS; FUNDS IN LIEU OF ACREAGE

(a) Withdrawal of public lands; list of Native villages.

All public lands in each township that encloses all or any part of a Native village listed below, and in each township that is contiguous to or corners on such township, except lands withdrawn or reserved for national defense purposes, are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended:

Angoon, Southeast.
 Craig, Southeast.
 Hoonah, Southeast.
 Hydaburg, Southeast.
 Kake, Southeast.
 Kasaan, Southeast.
 Klawock, Southeast.
 [Klukwan, Southeast.]
 Saxman, Southeast.
 Yakutat, Southeast.

(b) Native land selections: Village Corporations for listed Native villages; acreage; proximity of selections; conformity to lands Survey Systems.

During a period of three years from December 18, 1971, each Village Corporation for the villages listed in subsection (a) of this section shall select, in accordance with rules established by the Secretary, an area equal to 23,040 acres, which must include the township or townships in which all or part of the Native village is located, plus, to the extent necessary, withdrawn lands from the townships that are contiguous to or corner on such townships. All selections shall be contiguous and in reasonably compact tracts, except as separated by bodies of water, and

shall conform as nearly as practicable to the United States Lands Survey System. Such allocation as the Regional Corporation for the southeastern Alaska region shall receive under section 1613(h) (8) of this title shall be selected and conveyed from lands not selected by such Village Corporations that were withdrawn by subsection (a) of this section, except lands on Admiralty Island in the Angoon withdrawal area and, without the consent of the Governor of the State of Alaska or his delegate, lands in the Saxman and Yakutat withdrawal areas.

(c) Tlingit-Haida settlement.

The funds appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims in the case of The Tlingit and Haida Indians of Alaska, et al. against The United States, numbered 47,900, and distributed to the Tlingit and Haida Indians pursuant to the Act of July 13, 1970 (84 Stat. 431), are in lieu of the additional acreage to be conveyed to qualified villages listed in section 1610 of this title.

(d) Rewithdrawal of lands surrounding village of Klukwan; period of rewithdrawal; quitclaim of certain lands and income to Chilkat Indian Village.

¶The lands enclosing and surrounding the village of Klukwan which were withdrawn by subsection (a) of this section are hereby rewithdrawn to the same extent and for the same purposes as provided by said subsection (a) of this section for a period of one year from January 2, 1976, during which period the Village Corporation for the village of Klukwan shall select an area equal to twenty-three thousand and forty acres in accordance with the provisions of subsection (b) of this section and such Corporation and the shareholders thereof shall otherwise participate fully in the benefits provided by this chapter to the same extent as they would have participated had they not elected to acquire title to their former reserve as provided by section 1618 (b) of this title: *Provided*, That nothing in this subsection shall affect the existing entitlement of any Regional Corporation to lands pursuant to section 1613(h) (8) of this title: *Provided further*, That the foregoing provisions of this subsection shall not become effective unless and until the Village Corporation for the village of Klukwan shall quitclaim to Chilkat Indian Village, organized under the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of May 1, 1936 (49 Stat. 1250), all its rights, title, and interest in the lands of the reservation defined in and vested by the Act of September 2, 1957 (71 Stat. 596), which lands are hereby conveyed and confirmed to said Chilkat Indian Village in fee simple absolute, free of trust and all restrictions upon alienation, encumbrance, or otherwise: *Provided further*, That the United States and the Village Corporation for the village of Klukwan shall also quitclaim to said Chilkat Indian Village any right or interest they may have in and to income derived from the reservation lands defined in and vested by the Act of September 2, 1957 (71 Stat. 597), after December 18, 1971 and prior to January 2, 1976. ¶

(d) (1) *Because Congress has determined that there are no lands of suitable character available for selection by the village of Klukwan in the township that encloses Klukwan or in the townships contigu-*

ous to or cornering on such township, the Secretary is authorized and directed to withdraw seventy thousand acres of public lands, as defined in section 3 of this Act, in order that the Village Corporation for the village of Klukwan may select twenty-three thousand and forty acres of land. Such Corporation and the shareholders thereof shall otherwise participate fully in the benefits provided by this Act to the same extent as they would have participated had they not elected to acquire title to their former reserve as provided by section 19(b) of this Act: Provided, That nothing in this subsection shall affect the existing entitlement of any Regional Corporation to lands pursuant to section 14(h) (8) of this Act: Provided further, That the foregoing provisions of this subsection shall not become effective unless and until the Village Corporation for the village of Klukwan shall quitclaim to Chilkat Indian Village, organized under the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of May 1, 1936 (49 Stat. 1250), all its right, title, and interest in the lands of the reservation defined in and vested by the Act of September 2, 1957 (71 Stat. 596), which lands are hereby conveyed and confirmed to said Chilkat Indian Village in fee simple absolute, free of trust and all restrictions upon alienation, encumbrance, or otherwise: Provided further, That the United States and the Village Corporation for the village of Klukwan shall also quitclaim to said Chilkat Indian Village any right or interest they may have in and to income derived from the reservation lands defined in and vested by the act of September 2, 1957 (71 Stat. 597), after the date of enactment of this Act and prior to the date of enactment of this subsection.

(2) *The lands withdrawn by the Secretary pursuant to paragraph (1) of this subsection shall be located in the southeastern Alaska region and shall be of similar character and comparable value to those of the Chilkat Valley surrounding the village of Klukwan. Such withdrawal shall be made within six months of the date of enactment of this subsection and the Village Corporation for the village of Klukwan shall select, within one year from the time that the withdrawal is made, and be conveyed, twenty-three thousand and forty acres. None of the lands withdrawn by the Secretary for selection by the Village Corporation for the village of Klukwan shall have been selected by, or be subject to an outstanding nomination for selection by, any other Native Corporation organized pursuant to this Act, or located on Admiralty Island.*

APPENDIX

F. M. LINDSEY AND ASSOCIATES,
Anchorage, Alaska, May 24, 1976.

IRENE SPARKS (Rowan)
President (Klukwan, Inc.),
Anchorage, Alaska.

MRS. IRENE SPARKS: I have researched the Klukwan core township per your request and have found the following acreages: Please refer to the enclosed status plats:

State patented lands:	
USS. 3708-----	3, 415. 02
Sec. 29-----	153. 05
Sec. 30-----	384. 53
Sec. 31-----	456. 64
Sec. 32-----	80. 00
Sec. 34-----	320. 00
Total -----	4, 800. 24
River acreage:	
Sec. 30-----	179. 83
Sec. 31-----	153. 87
Secs. 29 and 30-----	254. 02
Sec. 33-----	95. 58
Sec. 34-----	47. 84
Total -----	731. 14
Total State-----	5, 540. 38
Total State selection-----	² 14, 718. 21
Private lands (except Klukwan reserve):	
Sec. 30-----	73. 20
Sec. 31-----	¹ 28. 69
Secs. 29 and 32-----	285. 56
USS. 948-----	88. 60
USS. 991-----	103. 67
Total -----	579. 72
Klukwan reserve:	
Sec. 32-----	82. 22
Sec. 33-----	491. 73
Sec. 34-----	112. 16
Total -----	686. 11
Total private-----	1, 265. 83
Mineral surveys:	
MS 2205-----	467. 44
MS 2223-----	40. 03
MS 2206-----	460. 00
MS 2207-----	380. 00
M 2193-----	183. 63
Total mineral-----	1, 486. 10

See footnotes at end of table, p. 10.

Total State patented lands.....	5,540.38
Total State selection.....	² 14,718.21
Total private.....	1,265.83
Total mineral.....	1,486.10
<hr/>	
Total acreage in T28S, R56E, C.R.M.....	23,010.52
Additional amount due to shortage in gross Core Township acreage..	29.48
<hr/>	
Total entitlement outside of Core Township.....	23,040.00

¹ Exact ownership in doubt may fall under State selection.

² This calculated figure based on attached letter of amendment from the State of Alaska, dated June 16, 1972, being valid; if not valid total entitlement outside of Core Township would be 8,321.79.

If there are any questions on the preceding please feel free to call our office.

Yours very truly,

ROBERT T. KEAN.



S. 3651

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the village of Klukwan, Alaska, and for other purposes.

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

SECTION 1. (a) Section 16(a) of the Alaska Native Claims Settlement Act (85 Stat. 688, 705, as amended; 43 U.S.C. 1604, 1615) is further amended by striking "Klukwan, Southeast."

(b) Section 16(d) of such Act is amended to read as follows:

"(d) (1) The Secretary is authorized and directed to withdraw seventy thousand acres of public lands, as defined in section 3 of this Act, in order that the Village Corporation for the village of Klukwan may select twenty-three thousand and forty acres of land. Such Corporation and the shareholders thereof shall otherwise participate fully in the benefits provided by this Act to the same extent as they would have participated had they not elected to acquire title to their former reserve as provided by section 19(b) of this Act: *Provided*, That nothing in this subsection shall affect the existing entitlement of any Regional Corporation to lands pursuant to section 14(h) (8) of this Act: *Provided further*, That no such lands shall be withdrawn from an area previously withdrawn as a forest reserve without prior consultation with the Secretary of Agriculture: *Provided further*, That the foregoing provisions of this subsection shall not become effective unless and until the Village Corporation for the village of Klukwan shall quitclaim to Chilkat Indian Village, organized under the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of May 1, 1936 (49 Stat. 1250), all its right, title, and interest in the lands of the reservation defined in and vested by the Act of September 2, 1957 (71 Stat. 596), which lands are hereby conveyed and confirmed to said Chilkat Indian Village in fee simple absolute, free of trust and all restrictions upon alienation, encumbrance, or otherwise: *Provided further*, That the United States and the Village Corporation for the village of Klukwan shall also quitclaim to said Chilkat Indian Village any right or interest they may have in and to income derived from the reservation lands defined in and vested by the Act of September 2, 1957 (71 Stat. 597), after December 18, 1971, and prior to January 2, 1976.

"(2) The lands withdrawn by the Secretary pursuant to paragraph (1) of this subsection shall be located in the southeastern Alaska region and shall be of similar character and comparable value, to the extent possible, to those of the Chilkat Valley surrounding the village of Klukwan. Such withdrawal shall be made within six months of the date of enactment of this paragraph and the Village Corporation for the village of Klukwan shall select, within one year from the time that the withdrawal is made, and be conveyed, twenty-three thousand and forty acres. None of the lands withdrawn by the Secretary for selection by the Village Corporation for the village of Klukwan shall have been selected by, or be subject to an outstanding nomination for selection by, any other Native Corporation organized pursuant to this Act, or located on Admiralty Island."

S. 3651—2

SEC. 2. Notwithstanding any other provision of law, the Secretary is hereby authorized and directed to convey immediately to the State of Alaska, subject to valid existing rights, the following described lands for park, recreation, airport, or other public purposes:

Seward Meridan, Alaska

T. 13 N., R. 4 W.

Section 28, $E\frac{1}{2}W\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$,
 $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$,
 $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$.

Containing 265 acres, more or less.

SEC. 3. The first sentence of subsection 12(b) of the Act of January 2, 1976 (89 Stat. 1145, 1151), is amended by changing the matter preceding the first colon to read as follows:

“(b) The Secretary shall make the following conveyances to the Region, in accordance with the specific terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled ‘Terms and Conditions for Land Consolidation and Management in Cook Inlet Area’, which was submitted to the House Committee on Interior and Insular Affairs on December 10, 1975, and clarified on August 31, 1976, the terms of which, as clarified, are hereby incorporated herein and ratified as to the duties and obligations of the United States and the Region, as a matter of Federal law.”

SEC. 4. (a) The Secretary is authorized to convey lands under application for selection by Village Corporations within Cook Inlet Region to the Cook Inlet Region, Incorporated, for reconveyance by the Region to such Village Corporations. Such lands shall be conveyed as partial satisfaction of the statutory entitlement of such Village Corporations from lands withdrawn pursuant to section 11(a) (3) of the Alaska Native Claims Settlement Act (hereinafter, “The Settlement Act”), and with the consent of the Region affected, as provided in section 12 of the Act of January 2, 1976 (89 Stat. 1145, 1150), from lands outside the boundaries of Cook Inlet Region. This authority shall not be employed to increase or decrease the statutory entitlement of any Village Corporation or Cook Inlet Region, Incorporated. For the purposes of counting acres received in computing statutory entitlement, the Secretary shall count the number of acres or acre selections surrendered by Village Corporations in any exchange for any other lands or selections.

(b) The Secretary shall not be required to survey any land conveyed pursuant to subsection 4(a) until the Village Corporation entitlement for all eligible Village Corporations has been conveyed. With respect to the conveyances made by the Secretary in the manner authorized by subsection 4(a), the Secretary shall survey the exterior boundaries of each entire area conveyed to Cook Inlet Region, Incorporated, pursuant to subsection 4(a) and monument to boundary lines at angle points and intervals of approximately two miles on straight lines. The Secretary shall not be required to provide ground survey or monumentation along meanderable water boundaries. Each township corner located within the exterior boundary of land conveyed shall be located and monumented. Any areas within such tracts

that are to be reconveyed pursuant to section 14(C) (1) and (2) of the Settlement Act shall also be surveyed pursuant to 43 C.F.R. 2650.

(c) Conveyances made under the authority of subsection (a) of this section shall be considered conveyances under the Settlement Act and subject to the provisions of that Act, except as provided by this Act.

SEC. 5. (a) The Secretary shall, within sixty days after the effective date of this Act, tender conveyance of the land described in subsection (b), subject to valid existing rights, to Cook Inlet Region, Incorporated. If the conveyance is accepted by the Region, such lands shall be considered 1,687.2 acre-equivalents within the meaning of paragraph I(C) (2) (e) (iii) of the Terms and Conditions as clarified August 31, 1976, and the Secretary's obligations under paragraph I(C) of those Terms and Conditions will be reduced accordingly. If, however, said section 12 of the Act of January 2, 1976, does not take effect then the entitlement of Cook Inlet Region, Incorporated, under section 12(c) shall be reduced by 8,346 acres.

(b) The land referred to in subsection (a) is described as a parcel of land located in section 7 of township 13 north, range 2 west of the Seward Meridian, Third Judicial District, State of Alaska; said parcel being all of Government lots 5 and 7 and that portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying north of the north right-of-way line of the Glenn Highway, State of Alaska, Department of Highways Project No. F-042-1 (2), and more particularly described as follows:

"Commencing at the north quarter corner of said section 7;

"thence south 00 degrees 12 minutes east, a distance of 1,320.0 feet, more or less, to the northeast corner of said southeast quarter northwest quarter;

"thence west along the north line of southeast quarter northwest quarter a distance of 94.0 feet, more or less, to the north right-of-way line of the Glenn Highway and the true point of beginning;

"thence south 53 degrees 16 minutes 15 seconds west along said north right-of-way line, a distance of 1,415.0 feet, more or less, to a point of curve being at right angles to centerline Station 216 plus 51.35;

"thence continuing along said north right-of-way line along a curve to the right with a central angle of 12 degrees 51 minutes 34 seconds, having a radius of 5,595.58 feet for an arc distance of 105.0 feet, more or less, to a point of intersection of said north right-of-way line with the west line of said southeast quarter northwest quarter;

"thence north 00 degrees 12 minutes west along said west line, being common with the east line of Government lot 5, a distance of

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910.0 feet, more or less, to the northwest corner of said southeast quarter northwest quarter;

“thence east along the north line of said southeast quarter northwest quarter, a distance of 1,225.0 feet, more or less, to the point of beginning; containing 56.24 acres, more or less.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*