

ADMINISTRATION OF LANDS . . .

all interests of the United States or the State, as lessor or landowner, in any leases, permits, contracts, or rights-of-way covering the lands.

(2) Upon receipt of a patent or patents to selected lands, a Native village—

(A) shall issue deeds to the occupants, without payment of any consideration, to the surface of tracts occupied by Natives on September 1, 1969, as a primary place of residence, as a primary place of business, for subsistence campsites (up to five acres per individual or forth acres per group), or for reindeer husbandry (up to two thousand and five hundred acres per individual and a maximum of five tracts per village), subject to valid existing rights;

(B) shall issue deeds to the occupants, upon payment of the fair market value for such property, to the surface of tracts occupied by non-Natives on September 1, 1969, as a primary place of residence or a primary place of business, subject to valid existing rights;

(C) may issue deeds to the occupants, either in the discretion of the village without consideration or upon payment of an amount not in excess of fair market value for such property, to the surface of tracts occupied on September 1, 1969, by nonprofit organizations for the purposes for which such organizations were established, subject to valid existing rights: *Provided*, That all nonprofit organizations of the same general character shall be accorded similar treatment with respect to payment for land; and

(D) may issue deeds to the occupants upon payment of the fair market value for such property, to the surface of tracts occupied on September 1, 1969, subject to valid existing rights.

Any dispute over the boundaries, use, occupancy, or value of any tract which is covered by this paragraph may be submitted by any party to such dispute to the Commission for decision.

(3) Upon completion of the survey of lands selected by a Native village, as provided in subsection (a) hereof, the Secretary promptly shall issue a patent or patents to all minerals covered by the mining and mineral leasing laws, subject to valid existing rights, to the regional corporation for the region in which such village is located. At the time of such conveyance, the regional corporation shall succeed and become entitled to any and all interests of the United States or the State, as lessor, in any mineral leases covering such lands.

(4) Upon completion of the survey of lands selected by a regional corporation, as provided in subsection (a) hereof, the Secretary promptly shall issue a patent or patents to such corporation to the land and all interests therein, including minerals covered by the mining and mineral leasing laws, subject to valid existing rights. At the time of such conveyance, the regional corporation shall succeed and become entitled to any and all interests of the United States or the State, as lessor or landowner, in any leases, permits, contracts of rights-of-way covering such lands.

(c) Nothing in this Act, except the withdrawal of public lands pursuant to section 10, shall repeal, modify or otherwise affect the right of any Native to acquire public lands of the United States under the Native Allotment Act of May 17, 1906 (34 Stat. 197), as amended. In

addition, upon application to the Commission within ten years after the effective date of this Act, and upon certification by the Commission that such application is valid and proper, the Secretary shall issue a patent to the Native applicant, subject to valid existing rights, without payment therefor, to the surface of public lands outside the areas withdrawn pursuant to section 10(b) and patented pursuant to section 12(b)—

(1) which have been used by a Native or group of Natives for a period of more than three years immediately prior to the effective date of this Act as a campsite for the harvesting of fish, wildlife, berries, fuel, or other products of the land: *Provided* That such patents shall be issued (A) for five-acre tracts for each subsistence use campsite separate from the campsite of any other applicant, (B) for forty-acre tracts where the campsites of several applicants are in such proximity to each other as to make it not feasible to patent individual five-acre campsites, or (C) for larger tracts, not to exceed sixty acres, where individuals can establish, under such rules and regulations as the Commission may prescribe, historic occupancy and use of the larger tracts; or

(2) which have been used by a bona fide reindeer husbandryman, family, or village community reindeer association or group, which was practicing reindeer management on the effective date of this Act: *Provided*, That such patents shall be up to, but shall not exceed, two thousand five hundred and sixty acres, may include more than one tract, and shall cover only lands that have been leased, permitted, or used for reindeer management purposes, including summer and winter range facilities and intervening line camps, for at least three years prior to the date of application to the Commission; or

(3) which have been used by a Native nineteen years of age or over as a primary place of residence or business for one year prior to the date of application to the Commission: *Provided*, That such patent shall be up to, but shall not exceed, one hundred and sixty acres: *And provided further*, That such patent shall include title to minerals subject to the mining laws, but not to the mineral leasing laws.

Pending the issuance of a patent under this paragraph, the Secretary may permit continued use of the lands for the purposes upon which the application for patent is based. The Secretary shall apply the rule of approximation with respect to acreage limitations set forth in this paragraph.

(d) (1) Where, prior to patent of any land under subsection (c), a lease, contract, or permit has been issued for the utilization of surface or mineral resources covered under such patent (including a lease issued under section 6(g) of the Statehood Act), the patent shall contain provisions making it subject to the lease, contract, or permit and the right of the lessee, contractee, or permittee to the complete enjoyment of all rights, privileges, and benefits granted him by such lease, contract, or permit. Upon issuance of the patent, the patentee shall succeed and become entitled to any and all interests of the United States or the State, as lessor, contractor, or permitter, in any such leases, contracts, or permits covering the

surface or minerals patented.

(2) The Secretary shall provide as a condition to the granting of each permit to prospect, or to the granting of each lease to mine or drill for minerals covered by the mineral leasing laws, which minerals are situated in lands patented pursuant to subsection (c), and are not covered by such patent, that the permittee or lessee shall provide a bond, satisfactory to the Secretary, to indemnify the surface patentee for any damages which such permittee or lessee may cause in connection with the development of such permit or lease, and further the Secretary shall include provisions in such lease or permit which will protect the surface patentee against unreasonable interference in the enjoyment of his land.

ADMINISTRATION OF LANDS

SEC. 13. (a) Village and regional corporations may exchange lands, interests in lands and water rights with each other, or with the State or the United States, and the Secretary, the Secretary of Agriculture and the Secretary of Defense, under such rules and regulations as they respectively may prescribe, may exchange land, interests in lands and water rights under their jurisdiction with village and regional corporations, for the purpose of effecting land consolidations or for facilitating the management or development of land. Exchanges of lands, interests in lands and water rights hereunder shall be made on the basis of equal value, and the value of improvements on lands shall be given due consideration and allowance made therefor in any valuation: *Provided*, That either party to an exchange under this subsection may pay or accept cash in order to equalize the values of the properties exchanged.

(b) Pending the selection by a Native village or regional corporation pursuant to sections 11 or 15 of public lands withdrawn in accordance with section 10, or the restoration of such lands to the status in which they had been placed prior to the effective date of this Act, the Secretary may take such actions as shall be necessary to administer, manage and protect such withdrawn public lands: *Provided*, That the Secretary shall not sell or otherwise permanently dispose of lands or interests therein, except as provided in this subsection: *And provided further*, That the Secretary shall not, without the consent of the village or regional corporation for the benefit of which the land was withdrawn, issue, enter into or renew any lease, contract or permit covering withdrawn lands which will be in effect more than eighteen months after the effective date of this Act. The Secretary, with the approval of the Commission, and in accordance with such rules and regulations as he shall prescribe, may grant an easement or right-of-way for a public purpose over, across, under or through withdrawn public lands on condition that the grantee of such easement or right-of-way: (1) shall provide a bond, satisfactory to the Secretary, in an amount sufficient to pay the fair market value of any interest it acquires in lands subsequently selected by a Native village or regional corporation; and (2) shall agree to conserve the natural resources of the land, including fish and wildlife, and to protect the surface owner from unreasonable interference in the enjoyment of his land. All payments or revenues attributable to the use or other disposition or withdrawn lands selected by a Native village or regional corporation, after

deducting the cost of administration thereof, shall be paid by the Secretary to such village or corporation.

(c) After the selection by a Native village or regional corporation pursuant to sections 11 or 15 of public lands withdrawn in accordance with Section 10, but before the issuance of a patent thereto under section 12, such village or corporation shall have a right to lease or dispose of the lands and interests in lands so selected, including minerals, on the same terms and conditions (except that approval shall be by the Commission rather than by the Secretary) as an Indian tribe organized under section 16 of the Act of June 18, 1934 (25 U.S.C. 476; 48 Stat. 987), may dispose of unallotted lands and interests therein, including minerals, to which its title has been recognized by treaty or statute: *Provided*, That easements or rights-of-way for public purposes may be acquired within such lands by condemnation in accordance with the laws of the State.

For the purposes of this subsection, the board of directors of the regional corporation, and the council, board of directors or other governing body recognized by the Secretary as having authority to act for a Native village, shall have the same rights, powers, duties and authority as a tribal council possesses in acting for an organized tribe; the village land selection committee, elected pursuant to section 11(b) of this Act, shall be authorized to exercise the same rights, powers and authority, and assume the same duties, if the Secretary and the Corporation both approve. Notwithstanding any other provision of law, all payments or revenues attributable to the leasing or other disposition of selected lands in accordance with this subsection shall be paid directly to the Native village or regional corporation, as the case may be.

(d) After the patenting of selected lands pursuant to section 12 of this Act, the village and regional corporations may hold, manage, lease or dispose of such lands and interests therein, including minerals, in accordance with the laws of the State: *Provided, however*, That for a period of ten years after the effective date of this Act, any sale (other than a sale pursuant to section 12(b) (2)), mortgage, surface lease for a term (including renewals) of more than fifth years, grant of a permanent easement or right-of-way, or gift of such lands, or interests in lands, shall require the approval of the Commission in order to be valid. Land deemed to a non-Native individual or organization by a Native village pursuant to section 12(b) (2), and land sold by a village or regional corporation to any person or entity other than a Native, the Corporation, or another village or regional corporation shall not be exempt from taxation pursuant to section 18 (c) of this Act as of the date of such deed or sale.

ROYALTY ON DISPOSITION OF PUBLIC LANDS

SEC. 14. (a) (1) Except as provided in subsection (b) hereof, disposition of all deposits of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur located in public lands in Alaska and of all deposits of any other minerals located in such lands, which the Congress may hereafter authorize to be disposed of by sale or lease, after the effective date of this Act shall be only under such competitive bidding procedures, using oral or sealed bidding or a combination thereof, as the Secretary may prescribe by

regulation. The provisions of the Mineral Leasing Act of February 25, 1920, as amended and supplemented (41 Stat. 437, 30 U.S.C. 181 and following), and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 and following) shall apply to the extent that such provisions are not inconsistent with this Act.

(2) All revenues derived from rentals and bonuses upon disposition of such minerals during the period beginning January 1, 1969, and ending on the effective date of this Act, shall be distributed as provided in the Statehood Act of July 7, 1958 (72 Stat. 339), except that, prior to calculating the shares of the State and the United States as set forth in such Act, 2 per centum of such proceeds shall be deducted and paid into the Fund. From the royalty received by the State or the United States, as the case may be, under each lease for the disposition of such minerals entered into during the same period, an amount equal to 2 per centum of the gross value of the minerals (as the gross value thereof is determined for royalty purposes under the lease involved) also shall be deducted and paid into the Fund, and the respective shares of the State and the United States in such royalty shall be calculated on the remaining balance. The provisions of this paragraph shall be enforceable by the United States for the benefit of the Natives.

(3) All leases or other dispositions of such minerals made after the effective date of this Act shall provide: (A) that a royalty of 2 per centum upon the gross value of any minerals produced (as that gross value is determined for royalty purposes under such lease or other disposition) shall be paid into the Fund; and (B) that 2 per centum of all revenues derived from rentals and bonuses upon disposition of such minerals shall be deducted and paid into the Fund prior to calculating the respective shares of the State and the United States in such proceeds under the Statehood Act.

(b) The Secretary, with the concurrence of the Secretary of Defense, may dispose of deposits of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur located within naval petroleum reserve numbered 4 either upon application therefor or upon his own motion only under such competitive bidding procedures, using oral or sealed bidding or a combination thereof, as the Secretary may prescribe by regulation. The provisions of the Mineral Leasing Act of February 25, 1920, as amended and supplemented, shall apply to the extent that such provisions are not inconsistent with this Act. All leases or other dispositions of such minerals made in accordance with this subsection shall provide: (1) that a royalty of 2 per centum upon the gross value of any minerals produced (as that gross value is determined for royalty purposes under such lease or other disposition) shall be paid into the Fund; (2) that 2 per centum of all revenues derived from rentals and bonuses upon disposition of such minerals shall be deposited in the Fund; and (3) that the remaining proceeds from the disposition of such minerals be returned as miscellaneous receipts to the Treasury of the United States.

(c) There shall be paid into the Fund 2 per centum of all revenues derived by the United States from the sale or lease of surface resources located on public lands in Alaska, except lands withdrawn under section 10 of this Act, from the disposition by

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