

which shall contain such provisions as are necessary and appropriate to achieve the purposes set forth in subsection (b) of this section, including but not limited to—

(A) the identification of the significant resources of the region;

(B) the identification of present and potential uses of land within the region;

(C) the identification of areas within the region according to their significant resources and the present or potential uses within each such area;

(D) the identification of land (other than any land within the National Park System) which should be exchanged in order to facilitate the conserving of fish and wildlife and the management and development of other resources within the region; and

(E) the specification of the uses which may be permitted in each area identified under paragraph (C) and the manner in which these uses shall be regulated by the Secretary or the State, as appropriate, if such plan is approved.

(2) The plan shall also—

(A) specify those elements of the plan, and its implementation, which the Secretary or the Governor:

(i) may modify without prior approval of both parties to the plan; and

(ii) may not modify without such prior approval; and

(B) include a description of the procedures which will be used to make modifications to which paragraph (A)(i) applies.

**(d) Action by Secretary if State does not participate in plan**

If—

(1) the Secretary does not receive notification under subsection (c) of this section that the State will participate in the preparation of the plan; or

(2) after the State agrees to so participate, the Governor submits to the Secretary written notification that the State is terminating its participation;

the Secretary shall prepare a plan containing the provisions referred to in subsection (c)(1) of this section (and containing a specification of those elements in the plan which the Secretary may modify without prior approval of Congress), and submit copies of such plan to the Congress, as provided in subsection (e)(2) of this section, within three years after December 2, 1980.

**(e) Taking effect of plan**

(1) If within three years after December 2, 1980, a plan has been prepared under subsection (c) of this section which is agreed to by the Secretary and the Governor, the plan shall take effect with respect to the United States and the State.

(2) If the plan prepared pursuant to this section is agreed to by the Secretary and the Governor includes any recommendations regarding (i) the exchange of State lands, (ii) the management of Federal lands within any conservation system unit, or (iii) any other actions which require the approval of either the Congress or the Alaska State Legislature, then the Secretary and the Governor shall submit to the Congress

and the State Legislature as appropriate, their proposals for legislation necessary to carry out the recommendations contained in the plan.

**(f) Transitional provisions**

On December 2, 1980, and for a period of three years thereafter, all Federal land within the region (except that land conveyed by title IX of this Act to the State of Alaska and Federal lands located within the boundaries of conservation system units) shall be withdrawn from all forms of appropriation under the public land laws, including selections by the State, and from location and entry under the mining laws and from leasing under the Mineral Leasing Act [30 U.S.C. 181 et seq.], and shall be managed by the Bureau of Land Management under its existing statutory authority and consistent with provisions of this section.

(Pub. L. 96-487, title XII, §1203, Dec. 2, 1980, 94 Stat. 2470.)

REFERENCES IN TEXT

Section 6 of the Alaska Statehood Act, referred to in subsec. (b)(4), is section 6 of Pub. L. 85-508, July 7, 1958, 72 Stat. 399, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

This Act, referred to in subsecs. (b)(4) and (f), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. Title IX of this Act enacted sections 1631 to 1638 of Title 43, Public Lands, amended sections 1614 and 1620 of Title 43, and amended provisions set out as notes under section 1611 of Title 43 and preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Mineral Leasing Act, referred to in subsec. (f), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, which is classified generally to chapter 3A (§181 et seq.) of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

SUBCHAPTER VI—ADMINISTRATIVE PROVISIONS

**§ 3191. Management plans**

**(a) Development; transmittal to Congressional committees**

Within five years from December 2, 1980, the Secretary shall develop and transmit to the appropriate Committees of the Congress a conservation and management plan for each of the units of the National Park System established or to which additions are made by this Act.

**(b) National Park service plan requirements**

Each plan for a unit established, redesignated, or expanded by subchapter LIX-F of chapter 1 of this title shall identify management practices which will carry out the policies of this Act and will accomplish the purposes for which the concerned National Park System unit was established or expanded and shall include at least the following:

(1) Maps indicating areas of particular importance as to wilderness, natural, historical, wildlife, cultural, archeological, paleontological, geological, recreational, and similar resources and also indicating the areas into which such unit will be divided for administrative purposes.

(2) A description of the programs and methods that will be employed to manage fish and wildlife resources and habitats, cultural, geological, recreational, and wilderness resources, and how each conservation system unit will contribute to overall resources management goals of that region. Such programs should include research, protection, restoration, development, and interpretation as appropriate.

(3) A description of any areas of potential or proposed development, indicating types of visitor services and facilities to be provided, the estimated costs of such services and facilities, and whether or not such services and facilities could and should be provided outside the boundaries of such unit.

(4) A plan for access to, and circulation within, such unit, indicating the type and location of transportation routes and facilities, if any.

(5) A description of the programs and methods which the Secretary plans to use for the purposes of (A) encouraging the recognition and protection of the culture and history of the individuals residing, on December 2, 1980, in such unit and areas in the vicinity of such unit, and (B) providing and encouraging employment of such individuals.

(6) A plan for acquiring land with respect to such unit, including proposed modifications in the boundaries of such unit.

(7) A description (A) of privately owned areas, if any, which are within such unit, (B) of activities carried out in, or proposed for, such areas, (C) of the present and potential effects of such activities on such unit, (D) of the purposes for which such areas are used, and (E) of methods (such as cooperative agreements and issuance or enforcement of regulations) of controlling the use of such activities to carry out the policies of this Act and the purposes for which such unit is established or expanded.

(8) A plan indicating the relationship between the management of such unit and activities being carried out in, or proposed for, surrounding areas and also indicating cooperative agreements which could and should be entered into for the purpose of improving such management.

#### **(c) Consideration of factors**

In developing, preparing, and revising a plan under this section the Secretary shall take into consideration at least the following factors:

(1) The specific purposes for which the concerned conservation system unit was established or expanded.

(2) Protection and preservation of the ecological, environmental, wildlife, cultural, historical, archeological, geological, recreational, wilderness, and scenic character of the concerned unit and of areas in the vicinity of such unit.

(3) Providing opportunities for Alaska Natives residing in the concerned unit and areas adjacent to such unit to continue performing in such unit activities which they have traditionally or historically performed in such unit.

(4) Activities being carried out in areas adjacent to, or surrounded by, the concerned unit.

#### **(d) Hearing and participation**

In developing, preparing, and revising a plan under this section the Secretary shall hold at least one public hearing in the vicinity of the concerned conservation unit, hold at least one public hearing in a metropolitan area of Alaska, and, to the extent practicable, permit the following persons to participate in the development, preparation, and revision of such plan:

(1) The Alaska Land Use Council and officials of Federal agencies whose activities will be significantly affected by implementation of such plan.

(2) Officials of the State and of political subdivisions of the State whose activities will be significantly affected by implementation of such plan.

(3) Officials of Native Corporations which will be significantly affected by implementation of such plan.

(4) Concerned local, State, and National organizations and interested individuals.

(Pub. L. 96-487, title XIII, §1301, Dec. 2, 1980, 94 Stat. 2472.)

#### REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

Subchapter LIX-F of chapter 1 of this title, referred to in subsec. (b), commences with section 410hh of this title.

#### **§ 3192. Land acquisition authority**

##### **(a) General authority**

Except as provided in subsections (b) and (c) of this section, the Secretary is authorized, consistent with other applicable law in order to carry out the purposes of this Act, to acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of any conservation system unit other than National Forest Wilderness.

##### **(b) Restrictions**

Lands located within the boundaries of a conservation system unit which are owned by—

(A) the State or a political subdivision of the State;

(B) a Native Corporation or Native Group which has Natives as a majority of its stockholders;

(C) the actual occupant of a tract, title to the surface estate of which was on, before, or after December 2, 1980, conveyed to such occupant pursuant to section 1613(c)(1) and (h)(5) of title 43, unless the Secretary determines that the tract is no longer occupied for the purpose described in section 1613(c)(1) or (h)(5) of title 43 for which the tract was conveyed and that activities on the tract are or will be detrimental to the purposes of the unit in which the tract is located; or

(D) a spouse or lineal descendant of the actual occupant of a tract described in subparagraph (C), unless the Secretary determines that activities on the tract are or will be detrimental to the purposes of the unit in which the tract is located—

may not be acquired by the Secretary without the consent of the owner.

**(c) Exchanges**

Lands located within the boundaries of a conservation system unit (other than National Forest Wilderness) which are owned by persons or entities other than those described in subsection (b) of this section shall not be acquired by the Secretary without the consent of the owner unless prior to final judgment on the value of the acquired land, the owner, after being offered appropriate land of similar characteristics and like value (if such land is available from public lands located outside the boundaries of any conservation system unit), chooses not to accept the exchange. In identifying public lands for exchange pursuant to this subsection, the Secretary shall consult with the Alaska Land Use Council.

**(d) Improved property**

No improved property shall be acquired under subsection (a) of this section without the consent of the owner unless the Secretary first determines that such acquisition is necessary to the fulfillment of the purposes of this Act or to the fulfillment of the purposes for which the concerned conservation system unit was established or expanded.

**(e) Retained rights**

The owner of an improved property on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or recreational purposes, as the case may be, for a definite term of not more than twenty-five years, or in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the owner's interest in the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that such right is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

**(f) "Improved property" defined**

For the purposes of this section, the term "improved property" means—

(1) a detached single family dwelling, the construction of which was begun before January 1, 1980 (hereinafter referred to as the "dwelling"), together with the land on which the dwelling is situated to the extent that such land—

(A) is in the same ownership as the dwelling or is Federal land on which entry was legal and proper, and

(B) is designated by the Secretary to be necessary for the enjoyment of the dwelling

for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or

(2) property developed for noncommercial recreational uses, together with any structures accessory thereto which were so used on or before January 1, 1980, to the extent that entry onto such property was legal and proper.

In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1980, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed before such date.

**(g) Consideration of hardship**

The Secretary shall give prompt and careful consideration to any offer made by the owner of any property within a conservation system unit to sell such property, if such owner notifies the Secretary that the continued ownership is causing, or would result in, undue hardship.

**(h) Exchange authority**

(1) Notwithstanding any other provision of law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native Groups, Village Corporations, Regional Corporations, and the Urban Corporations, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

(2) Nothing in this Act or any other provision of law shall be construed as authorizing the Secretary to convey, by exchange or otherwise, lands or interest in lands within the coastal plain of the Arctic National Wildlife Refuge (other than land validly selected prior to July 28, 1987), without prior approval by Act of Congress.

**(i) Donation or exchange**

(1) The Secretary is authorized to acquire by donation or exchange, lands (A) which are contiguous to any conservation system unit established or expanded by this Act, and (B) which are owned or validly selected by the State of Alaska.

(2) Any such lands so acquired shall become a part of such conservation system unit.

(Pub. L. 96-487, title XIII, §1302, Dec. 2, 1980, 94 Stat. 2474; Pub. L. 100-395, title II, §201, Aug. 16, 1988, 102 Stat. 981.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (d), (e), (h), and (i)(1), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known

as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

Section 6(i) of the Alaska Statehood Act, referred to in subsec. (h)(1), is section 6(i) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

#### AMENDMENTS

1988—Subsec. (h). Pub. L. 100-395 designated existing provisions as par. (1) and added par. (2).

#### § 3192a. Restrictions on use of appropriated funds

Notwithstanding any other provision of law, none of the funds provided in this Act or any other Act hereafter enacted may be used by the Secretary of the Interior, except with respect to land exchange costs and costs associated with the preparation of land acquisitions, in the acquisition of State, private, or other non-federal lands (or any interest therein) in the State of Alaska, unless, in the acquisition of any State, private, or other non-federal lands (or interest therein) in the State of Alaska, the Secretary seeks to exchange unreserved public lands before purchasing all or any portion of such lands (or interest therein) in the State of Alaska.

(Pub. L. 105-277, div. A, § 101(e) [title I, § 127], Oct. 21, 1998, 112 Stat. 2681-231, 2681-261.)

#### CODIFICATION

Section was enacted as part of Department of the Interior and Related Agencies Appropriations Act, 1999, and also as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of Alaska National Interest Lands Conservation Act which comprises this chapter.

#### § 3193. Use of cabins and other sites of occupancy on conservation system units

##### (a) Improved property on National Park System lands

(1) On public lands within the boundaries of any unit of the National Park System created or enlarged by this Act, cabins or other structures existing prior to December 18, 1973, may be occupied and used by the claimant to these structures pursuant to a renewable, nontransferable permit. Such use and occupancy shall be for terms of five years each: *Provided*, That the claimant of the structure by application:

(A) Reasonably demonstrates by affidavit, bill of sale or other documentation, proof of possessory interest or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the cabin or structure and a map showing its geographic location;

(C) Agrees to vacate the cabin and to remove all personal property from the cabin or structure upon expiration of the permit; and

(D) Acknowledges in the permit that the applicant has no interest in the real property on which the cabin or structure is located.

(2) On public lands within the boundaries of any unit of the National Park System created or enlarged by this Act, cabins or other structures, the occupancy or use of which commenced be-

tween December 18, 1973, and December 1, 1978, may be used and occupied by the claimant of such structure pursuant to a nontransferable, nonrenewable permit. Such use and occupancy shall be for a maximum term of one year: *Provided, however*, That the claimant, by application:

(A) Reasonably demonstrates by affidavit, bill of sale, or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the cabin or structure and a map showing its geographic location;

(C) Agrees to vacate the cabin or structure and to remove all personal property from it upon expiration of the permit; and

(D) Acknowledges in the permit that the applicant has no legal interest in the real property on which the cabin or structure is located.

The Secretary may, on a case by case basis, subject to reasonable regulations, extend such permit term beyond one year for such reasons as the Secretary deems equitable and just.

(3) Cabins or other structures not under permit as specified herein shall be used only for official government business: *Provided however*, That during emergencies involving the safety of human life or where designated for public use by the Secretary, these cabins may be used by the general public.

(4) The Secretary may issue a permit under such conditions as he may prescribe for the temporary use, occupancy, construction and maintenance of new cabins or other structures if he determines that the use is necessary to reasonably accommodate subsistence uses or is otherwise authorized by law.

##### (b) Improved property on other units or areas established or expanded by this Act

The following conditions shall apply regarding the construction, use and occupancy of cabins and related structures on Federal lands within conservation system units or areas not provided for in subsection (a) of this section:

(1) The construction of new cabins is prohibited except as may be authorized pursuant to a nontransferable, five-year special use permit issued by the Secretary. Such special use permit shall only be issued upon a determination that the proposed use, construction, and maintenance of a cabin is compatible with the purposes for which the unit or area was established and that the use of the cabin is either directly related to the administration of the unit or area or is necessary to provide for a continuation of an ongoing activity or use otherwise allowed within the unit or area where the permit applicant has no reasonable alternative site for constructing a cabin. No special use permit shall be issued to authorize the construction of a cabin for private recreational use.

(2) Traditional and customary uses of existing cabins and related structures on Federal lands within a unit or area may be allowed to continue in accordance with a nontransferable, renewable five-year special use permit issued by the Secretary. Such special use permit

shall be issued only upon a determination that the traditional and customary uses are compatible with the purposes for which the unit or area was established. No special use permits shall be issued to authorize the use of an existing cabin constructed for private recreational use.

(3) No special use permit shall be issued under paragraphs (1) or (2) of this subsection unless the permit applicant:

(A) In the case of existing cabins or structures, reasonably demonstrates by affidavit, bill of sale or other documentation, proof of possessory interests or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the existing or proposed cabin or structure and a map showing its geographic location;

(C) Agrees to vacate the cabin or structure and remove, within a reasonable time period established by the Secretary, all personal property from it upon nonrenewal or revocation of the permit; and

(D) Acknowledges in the permit application that the applicant has no interest in the real property on which the cabin or structure is located or will be constructed.

(4) The United States shall retain ownership of all new cabins and related structures on Federal lands within a unit or area specified in this subsection, and no proprietary rights or privileges shall be conveyed through the issuance of the special use permit authorized by paragraphs (1) or (2) of this subsection. Cabins or other structures not under permit shall be used only for official Government business: *Provided, however,* That during emergencies involving the safety of human life or where designated for public use by the unit or area manager, such cabins may be used by the general public.

**(c) Permits to be renewed for life of claimant and immediate family**

(1) Whenever issuance of a nontransferable renewable five-year special use permit is authorized by subsections (a) or (b) of this section, said permit shall be renewed every five years until the death of the last immediate family member of the claimant residing in the cabin or structure, or unless the Secretary has revoked the special use permit in accordance with the criteria established in this section.

(2) Notwithstanding any other provision of this section, the Secretary, after notice and hearing, may revoke a permit provided for in this section if he determines, on the basis of substantial evidence in the administrative record as a whole, that the use under the permit is causing or may cause significant detriment to the principal purposes for which the unit was established.

**(d) Existing cabin leases or permits**

Nothing in this Act shall preclude the renewal or continuation of valid leases or permits in effect on December 2, 1980, for cabins, homesites, or similar structures on Federal lands. Unless the Secretary, or in the case of national forest lands, the Secretary of Agriculture, issues specific findings following notice and an oppor-

tunity for the lease-holder or permittee to respond, that renewal or continuation of such valid permit or lease constitutes a direct threat to or a significant impairment to the purposes for which a conservation system unit was established (in the case of a structure located within a conservation system unit) or the public domain or national forest (in case of a structure located outside conservation system units), he shall renew such valid leases or permits upon their expiration in accordance with the provisions of the original lease or permit, subject to such reasonable regulations as he may prescribe. Subject to the provisions of the original lease or permit, nothing in this Act or subsection shall necessarily preclude the appropriate Secretary from transferring such a lease or permit to another person at the election or death of the original permittee or lessee.

(Pub. L. 96-487, title XIII, §1303, Dec. 2, 1980, 94 Stat. 2476.)

REFERENCES IN TEXT

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

**§ 3194. Archeological and paleontological sites**

Notwithstanding any acreage or boundary limitations contained in this Act with respect to the Cape Krusenstern National Monument, the Bering Land Bridge National Preserve, the Yukon-Charley Rivers National Preserve, and the Kobuk Valley National Park, the Secretary may designate Federal lands or he may acquire by purchase with the consent of the owner, donation, or exchange any significant archeological or paleontological site in Alaska located outside of the boundaries of such areas and containing resources which are closely associated with any such area. If any such site is so designated or acquired, it shall be included in and managed as part of such area. Not more than seven thousand five hundred acres of land may be designated or acquired under this section for inclusion in any single area. Before designation or acquisition of any property in excess of one hundred acres under the provisions of this section, the Secretary shall—

(1) submit notice of such proposed designation or acquisition to the appropriate committees of the Congress; and

(2) publish notice of such proposed designation or acquisition in the Federal Register.

(Pub. L. 96-487, title XIII, §1304, Dec. 2, 1980, 94 Stat. 2478.)

REFERENCES IN TEXT

This Act, referred to in provision preceding par. (1), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

**§ 3195. Cooperative information and education centers**

The Secretary is authorized in consultation with other Federal agencies, to investigate and

plan for an information and education center for visitors to Alaska on not to exceed one thousand acres of Federal land at a site adjacent to the Alaska Highway, and to investigate and plan for similar centers in Anchorage and Fairbanks, Alaska. For the purposes of this investigation, the Secretary shall seek participation in the program planning and/or operation of such centers from appropriate agencies of the State of Alaska, and he is authorized to accept contributions of funds, personnel, and planning and program assistance from such State agencies, other Federal agencies, and Native representatives. The Secretary of Agriculture is authorized to investigate and plan for, in a similar manner, an information and education center for visitors to Alaska in either Juneau, Ketchikan, or Sitka, Alaska. No information center shall be developed pursuant to investigations and plans conducted under authority of this section unless and until such development is specifically authorized by Congress.

(Pub. L. 96-487, title XIII, §1305, Dec. 2, 1980, 94 Stat. 2478.)

**AUTHORIZATION OF APPROPRIATIONS; PURPOSES OF CENTER; OPERATION OF CENTER; DEVELOPMENT PLANS**

Pub. L. 99-664, §11, Nov. 17, 1986, 100 Stat. 4308, provided that:

“(a) **AUTHORIZATION.**—There is hereby authorized to be appropriated \$250,000 to be used by the Secretary of Agriculture to conduct surveys, develop designs, and carry out other preliminary work related to the establishment of an Information and Education Center provided for in section 1305 of Public Law 96-487 [16 U.S.C. 3195].

“(b) **PURPOSES.**—The purposes of the Center authorized by subsection (a) shall be—

“(1) to collect and disseminate to visitors to and residents of Alaska information about the natural, recreational, cultural, historical, archeological, multiple use, and other resources and values of Alaska, with special emphasis on the Tongass National Forest and Southeast Alaska and its people;

“(2) to publicly display temporary and permanent exhibits illustrating and interpreting these resources and values;

“(3) to foster educational programs relating to the heritage resources of Alaska including those pertaining to Alaska Native peoples with particular emphasis on the Haida, Tshimshian, and Tglingit peoples of Southeast Alaska.

“(c) **DESIGN.**—Design of the center in subsection (a) shall be developed in consultation with other appropriate Federal agencies, the Alaska Division of Tourism and other appropriate agencies of the State of Alaska, the local government of the city in which such center is to be located, and southeast Alaska Native organizations.

“(d) **CONSULTATION.**—In establishing, operating, and maintaining the center (and any affiliated branches), the Secretary of Agriculture shall consult with, in addition to those listed in subsection (c), Alaska colleges and universities, the National Historic Association of Alaska, the Alaska Federation of Natives, and appropriate individuals and other organizations concerned with the diverse heritage resources of Alaska.

“(e) **COOPERATIVE AGREEMENTS.**—The Secretary of Agriculture is authorized to enter into cooperative agreements with those individuals and organizations listed in subsections (c) and (d) to facilitate carrying out the purposes of the Center.

“(f) **DEVELOPMENT PLAN.**—Within one year after the date of enactment of this Act [Nov. 17, 1986], and after consultation with the individuals and organizations listed in subsections (c) and (d), the Secretary of Agri-

culture shall submit to Congress a development plan for the Center along with an estimate of the cost.”

**§ 3196. Administrative sites and visitor facilities**

**(a) Establishment**

In conformity with the conservation and management plans prepared for each unit and the purposes of assuring the preservation, protection, and proper management of any conservation system unit, the Secretary may establish sites and visitor facilities—

(1) within the unit, if compatible with the purposes for which the unit is established, expanded, or designated by this Act, and the other provisions of this Act, or

(2) outside the boundaries of, and in the vicinity of, the unit.

To the extent practicable and desirable, the Secretary shall attempt to locate such sites and facilities on Native lands in the vicinity of the unit.

**(b) Authorities of Secretary**

For the purpose of establishing administrative sites and visitor facilities under subsection (a) of this section—

(1) the Secretary and the head of the Federal agency having primary authority over the administration of any Federal land which the Secretary determines is suitable for use in carrying out such purpose may enter into agreements permitting the Secretary to use such land for such purposes;

(2) notwithstanding any other provision of law, the Secretary, under such terms and conditions as he determines are reasonable, may lease or acquire by purchase, donation, exchange, or any other method (except condemnation) real property (other than Federal land), office space, housing, and other necessary facilities which the Secretary determines to be suitable for carrying out such purposes; and

(3) the Secretary may construct, operate, and maintain such permanent and temporary buildings and facilities as he deems appropriate on land which is within, or in the vicinity of, any conservation system unit and with respect to which the Secretary has acquired authority under this subsection to use the property for the purpose of establishing an administrative site or visitor facility under subsection (a) of this section, except that the Secretary may not begin construction of buildings and facilities on land not owned by the United States until the owner of such land has entered into an agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities in furtherance of the purposes of this Act.

(Pub. L. 96-487, title XIII, §1306, Dec. 2, 1980, 94 Stat. 2479.)

**REFERENCES IN TEXT**

This Act, referred to in subsecs. (a)(1) and (b)(3), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

**§ 3197. Revenue-producing visitor services****(a) Continuation of existing visitor services**

Notwithstanding any other provision of law, the Secretary, under such terms and conditions as he determines are reasonable, shall permit any persons who, on or before January 1, 1979, were engaged in adequately providing any type of visitor service within any area established as or added to a conservation system unit to continue providing such type of service and similar types of visitor services within such area if such service or services are consistent with the purposes for which such unit is established or expanded.

**(b) Preference**

Notwithstanding provisions of law other than those contained in subsection (a), of this section, in selecting persons to provide (and in contracting for the provision of) any type of visitor service for any conservation system unit, except sport fishing and hunting guiding activities, the Secretary—

(1) shall give preference to the Native Corporations which the Secretary determines are most directly affected by the establishment or expansion of such unit by or under the provisions of this Act;

(2) shall give preference to persons whom he determines, by rule, are local residents; and

(3) shall, consistent with the provisions of this section, offer to Cook Inlet Region, Incorporated, in cooperation with Village Corporations within the Cook Inlet Region when appropriate, the right of first refusal to provide new revenue producing visitor services within the Kenai National Moose Range or that portion of the Lake Clark National Park and Preserve within the boundaries of the Cook Inlet Region that right to remain open for a period of ninety days as agreed to in paragraph VIII of the document referred to in section 12 of the Act of January 2, 1976 (Public Law 94-204).

**(c) "Visitor service" defined**

As used in this section, the term "visitor service" means any service made available for a fee or charge to persons who visit a conservation system unit, including such services as providing food, accommodations, transportation, tours, and guides excepting the guiding of sport hunting and fishing. Nothing in this Act shall limit or affect the authority of the Federal Government or the State of Alaska to license and regulate transportation services.

(Pub. L. 96-487, title XIII, §1307, Dec. 2, 1980, 94 Stat. 2479; Pub. L. 105-333, §10, Oct. 31, 1998, 112 Stat. 3134.)

## REFERENCES IN TEXT

This Act, referred to in subssecs. (b)(1) and (c), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

Section 12 of the Act of January 2, 1976 (Public Law 94-204), referred to in subsec. (b)(3), is section 12 of Pub. L. 94-204, Jan. 2, 1976, 89 Stat. 1150, which is set out as a note under section 1611 of Title 43, Public Lands.

## AMENDMENTS

1998—Subsec. (b)(1). Pub. L. 105-333 substituted "Native Corporations" for "Native Corporation" and "are most directly affected" for "is most directly affected".

**§ 3198. Local hire****(a) Program**

After consultation with the Office of Personnel Management, the Secretary shall establish an excepted service appointment authority, under which any individual who, by reason of having lived or worked in or near public lands, has special knowledge or expertise concerning the natural or cultural resources of public lands and the management thereof (as determined by the Secretary) shall be considered for selection for any position within public lands without regard to—

(1) any provision of the civil service laws or regulations thereunder which require minimum periods of formal training or experience,

(2) any such provision which provides an employment preference to any other class of applicant is such selection, and

(3) any numerical limitation on personnel otherwise applicable.

Individuals appointed under this subsection shall not be taken into account in applying any personnel limitation described in paragraph (3).

**(b) Preference eligibles within local hire**

Notwithstanding the provisions of subsection (a) of this section, any individual who is eligible to be selected for a position under the provisions of subsection (a) of this section and is a preference eligible as defined in section 2108(3) of title 5 shall be given an employment preference, consistent with the preference in the excepted service as defined in section 2103 of such title.

**(c) Payment of expenses after death of an employee****(1) Definition of immediate family member**

In this subsection, the term "immediate family member" means a person related to a deceased employee that was a member of the household of the deceased employee at the time of death.

**(2) Payments**

If an employee appointed under the program established by subsection (a) of this section dies in the performance of any assigned duties on or after October 1, 2002, the Secretary may—

(A) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for the preparation and transportation of the remains of the deceased employee to a location in the State of Alaska which is selected by the surviving head of household of the deceased employee;

(B) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for transporting immediate family members and the baggage and household goods of the deceased employee and immediate family members to a community in the State of Alaska which is selected by the surviving head of household of the deceased employee.

**(d) Reports**

The Secretary shall from time to time prepare and submit to the Congress reports indicating the actions taken in carrying out the provisions of subsection (a) of this section together with any recommendations for legislation in furtherance of the purposes of this section.

**(e) Competitive status****(1) In general**

Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

**(2) Conversion to competitive service**

Employees who satisfactorily complete two years of continuous service in a permanent appointment made under subsection (a) and who meet satisfactory performance and competitive service qualification requirements shall have their appointment converted to competitive service career-conditional or career employment as appropriate. This paragraph applies to individuals appointed on or after March 30, 2009. An employee who does not meet competitive service qualification requirements after two years of continuous service in an appointment made under subsection (a) shall be converted upon meeting such qualification requirements. Temporary and time-limited appointments will be made in the excepted service. There is no provision for conversion to competitive service when appointments are time-limited.

**(3) Redesignation of certain positions****(A) Persons serving in original positions**

Not later than 60 days after March 30, 2009, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of March 30, 2009, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

**(B) Persons no longer serving in original positions**

With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of March 30, 2009—

(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.

(Pub. L. 96-487, title XIII, §1308, Dec. 2, 1980, 94 Stat. 2480; Pub. L. 100-689, title IV, §401, Nov. 18, 1988, 102 Stat. 4177; Pub. L. 102-415, §16, Oct. 14, 1992, 106 Stat. 2124; Pub. L. 108-199, div. H, §147,

Jan. 23, 2004, 118 Stat. 445; Pub. L. 111-11, title VI, §6101, Mar. 30, 2009, 123 Stat. 1170; Pub. L. 112-74, div. E, title I, §121(b), Dec. 23, 2011, 125 Stat. 1012.)

## AMENDMENTS

2011—Subsec. (a). Pub. L. 112-74, §121(b)(1), substituted “establish an excepted service appointment authority;” for “establish a program” in introductory provisions.

Subsec. (b). Pub. L. 112-74, §121(b)(2), substituted “excepted service as defined in section 2103 of such title” for “competitive service as defined in section 2102 of such title for which such person is eligible under subchapter I of chapter 33 of such title, in selection to such position”.

Subsec. (e)(2), (3). Pub. L. 112-74, §121(b)(3), added par. (2) and redesignated former par. (2) as (3).

2009—Subsec. (e). Pub. L. 111-11 added subsec. (e).  
2004—Subsecs. (c), (d). Pub. L. 108-199 added subsec. (c) and redesignated former subsec. (c) as (d).

1992—Subsec. (a). Pub. L. 102-415 substituted “public lands” for “a conservation system unit” and substituted “public lands” for “such unit” in two places.

1988—Subsecs. (b), (c). Pub. L. 100-689 added subsec. (b) and redesignated former subsec. (b) as (c).

## PILOT PROGRAM

Pub. L. 106-488, §2, Nov. 9, 2000, 114 Stat. 2205, provided that:

“(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act [16 U.S.C. 3197, 3198] and the provisions of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.], the Secretary [of the Interior] shall—

“(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska—

“(A) Bering Land Bridge National Preserve,

“(B) Cape Krusenstern National Monument,

“(C) Kobuk Valley National Park, and

“(D) Noatak National Preserve; and

“(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States [Senate] and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives.

“(b) In implementing the programs, the Secretary shall consult with the Native Corporations, nonprofit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.”

## LOCAL HIRE REPORT

Pub. L. 105-333, §11, Oct. 31, 1998, 112 Stat. 3135, provided that:

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Oct. 31, 1998], the Secretary of the Interior shall transmit to Congress a report.

“(b) LOCAL HIRE.—The report required by subsection (a) shall—

“(1) indicate the actions taken in carrying out subsection (b) of section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198);

“(2) address the recruitment processes that may restrict employees hired under subsection (a) of such section from successfully obtaining positions in the competitive service; and

“(3) describe the actions of the Secretary of the Interior in contracting with Alaska Native Corporations to provide services with respect to public lands in Alaska.

“(c) COOPERATION.—The Secretary of Agriculture shall cooperate with the Secretary of the Interior in carrying out this section with respect to the Forest Service.”

### § 3199. Navigation aids and other facilities

#### (a) Existing facilities

Within conservation system units established or expanded by this Act, reasonable access to, and operation and maintenance of, existing air and water navigation aids, communications sites and related facilities and existing facilities for weather, climate, and fisheries research and monitoring shall be permitted in accordance with the laws and regulations applicable to units of such systems, as appropriate. Reasonable access to and operation and maintenance of facilities for national defense purposes and related air and water navigation aids within or adjacent to such areas shall continue in accordance with the laws and regulations governing such facilities notwithstanding any other provision of this Act. Nothing in the Wilderness Act [16 U.S.C. 1131 et seq.] shall be deemed to prohibit such access, operation and maintenance within wilderness areas designated by this Act.

#### (b) New facilities

The establishment, operation, and maintenance within any conservation system unit of new air and water navigation aids and related facilities, facilities for national defense purposes, and related air and water navigation aids, and facilities for weather, climate, and fisheries research and monitoring shall be permitted but only (1) after consultation with the Secretary or the Secretary of Agriculture, as appropriate, by the head of the Federal department or agency undertaking such establishment, operation, or maintenance, and (2) in accordance with such terms and conditions as may be mutually agreed in order to minimize the adverse effects of such activities within such unit.

(Pub. L. 96-487, title XIII, § 1310, Dec. 2, 1980, 94 Stat. 2481.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Wilderness Act, referred to in subsec. (a), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

### § 3200. Denali Scenic Highway study

#### (a) Withdrawal

Subject to valid existing rights, all public lands within an area, the centerline of which is the centerline of the Parks Highway from the entrance to Denali National Park to the Talkeetna junction which is one hundred and thirty-six miles south of Cantwell, the Denali Highway between Cantwell and Paxson, the Richardson Highway and Edgerton Highway between Paxson and Chitina, and the existing road between Chitina and McCarthy (as those highways and road are depicted on the official maps of the department of transportation of the State of Alaska) and the boundaries of which are parallel to the centerline and one mile distant

therefrom on either side, are hereby withdrawn from all forms of entry or appropriation under the mining laws and from operation of the mineral leasing laws of the United States. Nothing in this section shall be construed to preclude minor road realignment, minor road improvement, or the extraction of gravel for such purposes from lands withdrawn or affected by the study mandated herein.

#### (b) Study

During the three-year period beginning on December 2, 1980, the Secretary shall study the desirability of establishing a Denali Scenic Highway to consist of all or part of the lands described in subsection (a) of this section. In conducting the studies, the Secretary, through a study team which includes representatives of the Secretary of Transportation, the National Park Service, the Bureau of Land Management, the State, and of each Regional Corporation within whose area of operation the lands described in subsection (a) of this section are located, shall consider the scenic and recreational values of the lands withdrawn under this section, the importance of providing protection to those values, the desirability of providing a symbolic and actual physical connection between the national parks in south central Alaska, and the desirability of enhancing the experience of persons traveling between those parks by motor vehicles. Members of the study team who are not Federal employees shall receive from the Secretary per diem (in lieu of expenses) and travel allowances at the rates provided for employees of the Bureau of Indian Affairs in Alaska in grade GS-15.

#### (c) Cooperation notice: hearings

In conducting the studies required by this section, the Secretary shall cooperate with the State and shall consult with each Village Corporation within whose area of operation lands described in this section are located and to the maximum extent practicable with the owner of any lands adjoining the lands described in subsection (a) of this section concerning the desirability of establishing a Denali Scenic Highway. The Secretary, through the National Park Service, shall also give such public notice of the study as he deems appropriate, including at least publication in a newspaper or newspapers having general circulation in the area or areas of the lands described in subsection (a) of this section, and shall hold a public hearing or hearings at one or more locations convenient to the areas affected.

#### (d) Report

Within three years after December 2, 1980, the Secretary shall report to the President the results of the studies carried out pursuant to this section together with his recommendation as to whether the scenic highway studied should be established and, if his recommendation is to establish the scenic highway, the lands described in subsection (a) of this section which should be included therein. Such report shall include the views and recommendations of all members of the study team. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommenda-

tions and those of the Governor of Alaska with respect to creation of the scenic highways,<sup>1</sup> together with maps thereof, a definition of boundaries thereof, an estimate of costs, recommendations on administration, and proposed legislation to create such a scenic highway, if creation of one is recommended.

**(e) Period of withdrawal**

The lands withdrawn under subsection (a) of this section shall remain withdrawn until such time as the Congress acts on the President's recommendation, but not to exceed two years after the recommendation is transmitted to the Congress.

(Pub. L. 96-487, title XIII, §1311, Dec. 2, 1980, 94 Stat. 2481.)

REFERENCES IN TEXT

The mining laws and the mineral leasing laws of the United States, referred to in subsec. (a), are classified generally to Title 30, Mineral Lands and Mining.

GS-15, referred to in subsec. (b), is contained in the General Schedule, which is set out under section 5332 of Title 5, Government Organization and Employees.

**§ 3201. Administration of national preserves**

A National Preserve in Alaska shall be administered and managed as a unit of the National Park System in the same manner as a national park except as otherwise provided in this Act and except that the taking of fish and wildlife for sport purposes and subsistence uses, and trapping shall be allowed in a national preserve under applicable State and Federal law and regulation. Consistent with the provisions of section 3126 of this title, within national preserves the Secretary may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having responsibility over hunting, fishing, and trapping activities.

(Pub. L. 96-487, title XIII, §1313, Dec. 2, 1980, 94 Stat. 2483.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

**§ 3202. Taking of fish and wildlife**

**(a) Responsibility and authority of State of Alaska**

Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands except as may be provided in subchapter II of this chapter, or to amend the Alaska constitution.

<sup>1</sup> So in original. Probably should be "highway."

**(b) Responsibility and authority of Secretary**

Except as specifically provided otherwise by this Act, nothing in this Act is intended to enlarge or diminish the responsibility and authority of the Secretary over the management of the public lands.

**(c) Areas controlled; areas closed, exceptions**

The taking of fish and wildlife in all conservation system units, and in national conservation areas, national recreation areas, and national forests, shall be carried out in accordance with the provisions of this Act and other applicable State and Federal law. Those areas designated as national parks or national park system monuments in the State shall be closed to the taking of fish and wildlife, except that—

(1) notwithstanding any other provision of this Act, the Secretary shall administer those units of the National Park System, and those additions to existing units, established by this Act and which permit subsistence uses, to provide an opportunity for the continuance of such uses by local rural residents; and

(2) fishing shall be permitted by the Secretary in accordance with the provisions of this Act and other applicable State and Federal law.

(Pub. L. 96-487, title XIII, §1314, Dec. 2, 1980, 94 Stat. 2484.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

**§ 3203. Wilderness management**

**(a) Application only to Alaska**

The provisions of this section are enacted in recognition of the unique conditions in Alaska. Nothing in this section shall be construed to expand, diminish, or modify the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.] or the application or interpretation of such provisions with respect to lands outside of Alaska.

**(b) Aquaculture**

In accordance with the goal of restoring and maintaining fish production in the State of Alaska to optimum sustained yield levels and in a manner which adequately assures protection, preservation, enhancement, and rehabilitation of the wilderness resource, the Secretary of Agriculture may permit fishery research, management, enhancement, and rehabilitation activities within national forest wilderness and national forest wilderness study areas designated by this Act. Subject to reasonable regulations, permanent improvements and facilities such as fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other accepted means of maintaining, enhancing, and rehabilitating fish stocks may be permitted by the Secretary to achieve this objective. Any fish hatchery, fishpass or other aquaculture facility authorized for any such area shall be constructed, managed, and operated in a manner that minimizes adverse

impacts on the wilderness character of the area. Developments for any such activities shall involve those facilities essential to these operations and shall be constructed in such rustic manner as to blend into the natural character of the area. Reasonable access solely for the purposes of this subsection, including temporary use of motorized equipment, shall be permitted in furtherance of research, management, rehabilitation and enhancement activities subject to reasonable regulations as the Secretary deems desirable to maintain the wilderness character, water quality, and fish and wildlife values of the area.

**(c) Existing cabins**

Previously existing public use cabins within wilderness designated by this Act, may be permitted to continue and may be maintained or replaced subject to such restrictions as the Secretary deems necessary to preserve the wilderness character of the area.

**(d) New cabins**

Within wilderness areas designated by this Act, the Secretary or the Secretary of Agriculture as appropriate, is authorized to construct and maintain a limited number of new public use cabins and shelters if such cabins and shelters are necessary for the protection of the public health and safety. All such cabins or shelters shall be constructed of materials which blend and are compatible with the immediate and surrounding wilderness landscape. The Secretary or the Secretary of Agriculture, as appropriate, shall notify the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources of his intention to remove an existing or construct a new public use cabin or shelter.

**(e) Timber contracts**

The Secretary of Agriculture is hereby directed to modify any existing national forest timber sale contracts applying to lands designated by this Act as wilderness by substituting, to the extent practicable, timber on the other national forest lands approximately equal in volume, species, grade, and accessibility for timber or relevant lands within such units.

**(f) Beach log salvage**

Within National Forest wilderness and national forest monuments designated<sup>1</sup> by this Act, the Secretary of Agriculture may permit or otherwise regulate the recovery and salvage of logs from coastlines.

(Pub. L. 96-487, title XIII, §1315, Dec. 2, 1980, 94 Stat. 2484; Pub. L. 103-437, §6(d)(31), Nov. 2, 1994, 108 Stat. 4584.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (a), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

This Act, referred to in subsecs. (b) to (f), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. For com-

<sup>1</sup> So in original. Probably should be "designated".

plete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

**§ 3204. Allowed uses**

**(a) Establishment and use of new facilities**

On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act or other applicable State and Federal law the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities. Such facilities and equipment shall be constructed, used, and maintained in a manner consistent with the protection of the area in which they are located. All new facilities shall be constructed of materials which blend with, and are compatible with, the immediately surrounding landscape. Upon termination of such activities and uses (but not upon regular or seasonal cessation), such structures or facilities shall, upon written request, be removed from the area by the permittee.

**(b) Denial of proposed use or establishment**

Notwithstanding the foregoing provisions, the Secretary may determine, after adequate notice, that the establishment and use of such new facilities or equipment would constitute a significant expansion of existing facilities or uses which would be detrimental to the purposes for which the affected conservation system unit was established, including the wilderness character of any wilderness area within such unit, and may thereupon deny such proposed use or establishment.

(Pub. L. 96-487, title XIII, §1316, Dec. 2, 1980, 94 Stat. 2485.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

**§ 3205. General wilderness review**

**(a) Suitability of lands for preservation; report to President**

Within five years from December 2, 1980, the Secretary shall, in accordance with the provisions of section 1132(d) of this title relating to public notice, public hearings, and review by State and other agencies, review, as to their suitability or unsuitability for preservation as wilderness, all lands within units of the National Park System and units of the National Wildlife Refuge System in Alaska not designated as wilderness by this Act and report his findings to the President.

**(b) Presidential recommendations to Congress**

The Secretary shall conduct his review, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of sections<sup>1</sup> 1132(c) and (d) of this title. The President shall advise the Congress of his recommendations with respect to such areas within seven years from December 2, 1980.

**(c) Administration of units unaffected pending Congressional action**

Nothing in this section shall be construed as affecting the administration of any unit of the National Park System or unit of National Wildlife Refuge System in accordance with this Act or other applicable provisions of law unless and until Congress provides otherwise by taking action on any Presidential recommendation made pursuant to subsection (b) of this section.

(Pub. L. 96-487, title XIII, §1317, Dec. 2, 1980, 94 Stat. 2485.)

## REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (c), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

**§ 3206. Statewide cultural assistance program**

In furtherance of the national policy set forth in section 461 of this title, and in furtherance of the need to protect and interpret for the public benefit cultural and archeological resources and objects of national significance relating to prehistoric and historic human use and occupation of lands and waters in Alaska, the Secretary may, upon the application of a Native Corporation or Native Group, provide advice, assistance, and technical expertise to the applicant in the preservation, display, and interpretation of cultural resources, without regard as to whether title to such resources is in the United States. Such assistance may include making available personnel to assist in the planning, design, and operation of buildings, facilities, and interpretive displays for the public and personnel to train individuals in the identification, recovery, preservation, demonstration, and management of cultural resources.

(Pub. L. 96-487, title XIII, §1318, Dec. 2, 1980, 94 Stat. 2486.)

**§ 3207. Effect on existing rights; water resources**

Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or—

- (1) as affecting in any way any law governing appropriation or use of, or Federal right to, water on lands within the State of Alaska;
- (2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control, or
- (3) as superseding, modifying, or repealing, except as specifically set forth in this Act, ex-

isting laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or regulatory functions in relation thereto.

(Pub. L. 96-487, title XIII, §1319, Dec. 2, 1980, 94 Stat. 2486.)

## REFERENCES IN TEXT

This Act, referred to in provision preceding par. (1) and par. (3), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

**§ 3208. Authorization of appropriations; contract authority**

(a)<sup>1</sup> There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for fiscal years beginning after the fiscal year 1980. No authority to enter into contracts or to make payments or to expend previously appropriated funds under this Act shall be effective except to the extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 96-487, title XIII, §1321, Dec. 2, 1980, 94 Stat. 2487.)

## REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

**§ 3209. Effect on prior withdrawals**

**(a) Rescission of prior reservations and withdrawals; management by Secretary and Secretary of Agriculture of lands outside boundaries established by this Act**

The withdrawals and reservations of the public lands made by Public Land Orders No. 5653 of November 16, 1978, 5654 of November 17, 1978, Public Land Orders numbered 5696 through 5711 inclusive of February 12, 1980, Federal Register Documents No. 34051, of December 5, 1978 and No. 79-17803 of June 8, 1979 and Proclamations No. 4611 through 4627, inclusive, of December 1, 1978, were promulgated to protect these lands from selection, appropriation, or disposition prior to December 2, 1980. As to all lands not within the boundaries established by this Act of any conservation system unit, national conservation area, national recreation area, or national forest addition, the aforesaid withdrawals and reservations are hereby rescinded on the effective date of this Act, and such lands shall be managed by the Secretary pursuant to the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.], or in the case of lands within a national forest, by the Secretary of Agriculture pursuant to the laws applicable to the national forests, unless otherwise specified by this Act. As to the Federal lands which are within the aforesaid boundaries, the aforesaid withdrawals and reservations are, on the effective

<sup>1</sup> So in original. Probably should be "section".

<sup>1</sup> So in original. No subsec. (b) has been enacted.

date of this Act, hereby rescinded and superseded by the withdrawals and reservations made by this Act. Notwithstanding any provision to the contrary contained in any other law, the Federal lands within the aforesaid boundaries established by this Act shall not be deemed available for selection, appropriation, or disposition except as expressly provided by this Act.

**(b) Effective date**

This section shall become effective upon the relinquishment by the State of Alaska of selections made on November 14, 1978, pursuant to the Alaska Statehood Act which are located within the boundaries of conservation system units, national conservation areas, national recreation areas, and forest additions, established, designated, or expanded by this Act.

(Pub. L. 96-487, title XIII, §1322, Dec. 2, 1980, 94 Stat. 2487.)

REFERENCES IN TEXT

Proclamations No. 4611 through 4627, inclusive, of December 1, 1978, referred to in subsec. (a), are Procs. No. 4611 through 4627, Dec. 1, 1978, 93 Stat. 1446-1473, which are set out as notes under section 431 of this title.

This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The effective date of this Act, referred to in subsec. (a), probably means the date of enactment of Pub. L. 96-487, which was approved Dec. 2, 1980.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

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

**§ 3210. Access by owner to nonfederally owned land**

**(a) Reasonable use and enjoyment of land within boundaries of National Forest System**

Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.

**(b) Reasonable use and enjoyment of land surrounded by public lands managed by Secretary**

Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of the Interior may prescribe, the Secretary shall provide such access to nonfederally owned land surrounded by public lands managed by the Secretary under the Federal Land Policy

and Management Act of 1976 (43 U.S.C. 1701-82) as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to access across public lands.

(Pub. L. 96-487, title XIII, §1323, Dec. 2, 1980, 94 Stat. 2488.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (b), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

**§ 3211. Yukon Flats National Wildlife Refuge agricultural use**

Nothing in this Act or other existing law shall be construed as necessarily prohibiting or mandating the development of agricultural potential within the Yukon Flats National Wildlife Refuge pursuant to existing law. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law. Any such development permitted within the Yukon Flats National Wildlife Refuge shall be designed and conducted in such a manner as to minimize to the maximum extent possible any adverse effects of the natural values of the unit.

(Pub. L. 96-487, title XIII, §1324, Dec. 2, 1980, 94 Stat. 2488.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

**§ 3212. Terror Lake Hydroelectric Project in Kodiak National Wildlife Refuge**

Nothing in this Act or the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) shall be construed as necessarily prohibiting or mandating the construction of the Terror Lake Hydroelectric Project within the Kodiak National Wildlife Refuge. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law.

(Pub. L. 96-487, title XIII, §1325, Dec. 2, 1980, 94 Stat. 2488.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The National Wildlife Refuge System Administration Act of 1966, referred to in text, consists of sections 4 and 5 of Pub. L. 89-699, Oct. 15, 1966, 80 Stat. 927, as amended, and is classified to sections 668dd and 668ee of this title. For further details, see Short Title note set out under section 668dd of this title.

**§ 3213. Future executive branch actions**

(a) No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.

(b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

(Pub. L. 96-487, title XIII, §1326, Dec. 2, 1980, 94 Stat. 2488.)

## REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

**§ 3214. Alaska gas pipeline**

Nothing in this Act shall be construed as imposing any additional requirements in connection with the construction and operation of the transportation system designated by the President and approved by the Congress pursuant to the Alaska Natural Gas Transportation Act of 1976 (Public Law 94-586; 90 Stat. 2903) [15 U.S.C. 719 et seq.], or as imposing any limitations upon the authority of the Secretary concerning such system.

(Pub. L. 96-487, title XIII, §1327, Dec. 2, 1980, 94 Stat. 2489.)

## REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Alaska Natural Gas Transportation Act of 1976 (Public Law 94-586; 90 Stat. 2903), referred to in text, is Pub. L. 94-586, Oct. 22, 1976, 90 Stat. 2903, as amended, which is classified generally to chapter 15C (§719 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 719 of Title 15 and Tables.

**§ 3215. Public land entries in Alaska****(a) Application approval; adjudication; protests; voluntary relinquishment of application**

(1) Subject to valid existing rights, all applications made pursuant to the Acts of June 1, 1938 (52 Stat. 609),<sup>1</sup> May 3, 1927 (44 Stat. 1364),<sup>1</sup> May

14, 1898 (30 Stat. 413),<sup>1</sup> and March 3, 1891 (26 Stat. 1097), which were filed with the Department of the Interior within the time provided by applicable law, and which describe land in Alaska that was available for entry under the aforementioned statutes when such entry occurred, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3) or (4) of this subsection, or where the land description of the entry must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final.

(2) Where an application describes land within the boundaries of a unit of the National Park System or a unit of the National Wildlife Refuge System, or a unit of the National Wilderness Preservation System in the Tongass or Chugach National Forests established before the effective date of this Act or by this Act, and the described land was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act [43 U.S.C. 1610(a)(1)], or where an application describes land which has been patented or deeded to the State of Alaska or which on or before the date of entry was validly selected by, tentatively approved, patented, deeded or confirmed to the State of Alaska pursuant to applicable law and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act [43 U.S.C. 1610(a)(1)(A)] from those lands made available for selection by section 11(a)(2) of the Act [43 U.S.C. 1610(a)(2)] by any Native Village certified as eligible pursuant to section 11(b) of such Act [43 U.S.C. 1610(b)], paragraph (1) of this subsection and subsection (c) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in paragraph (1) of this subsection, the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and other applicable law.

(3) Paragraph (1) of this subsection and subsection (c) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in paragraph (1) of this subsection, if on or before the one hundred and eightieth day following the effective date of the<sup>2</sup> Act—

(A) a Native Corporation files a protest with the Secretary of the Interior (the Secretary) stating that the applicant is not entitled to the land described in the application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]; or

(B) the State of Alaska files a protest with the Secretary stating that the land described in the application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be "this".

(C) a person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the application and that said land is the situs of improvements claimed by the person or entity; or

(D) the State of Alaska files a protest with the Secretary respecting an entry which was made prior to a valid selection tentative approval, patent, deed, or confirmation to the State of Alaska pursuant to applicable law; or

(E) regarding public land entries within units of the National Wildlife Refuge System established or expanded in this Act, any such entry not properly made under applicable law, or not the subject of an application filed within the time required by applicable law, or not properly maintained thereafter under applicable law shall be adjudicated pursuant to the Act under which the entry was made.

(4) Paragraph (1) of this subsection and subsection (c) of this section shall not apply to any application which was knowingly and voluntarily relinquished by the applicant.

**(b) Amendment of land description in application**

An applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only: *Provided*, That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior of the intended correction of the entry's location, and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(3) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing: *Provided further*, That the Secretary may require that all applications designating land in a specific area be amended, if at all, prior to a date certain which date shall be calculated to allow for orderly adoption of a plan or survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: *Provided further*, That no application may be amended for location following adoption of a final plan of survey which includes the location of the entry as described in the application or its location as desired by amendment.

**(c) Powersites and power-projects**

Where the land described in application (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classi-

fied for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Acts referred to in subsection (a)(1) of this section, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: *Provided, however*, That if the described land is included as part of a project licensed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended [16 U.S.C. 791a et seq.], or is presently utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, the foregoing provision shall not apply and the application shall be adjudicated pursuant to the appropriate Act: *Provided further*, That where the applicant commenced occupancy of the land after its withdrawal or classification for powersite purposes, the entry shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended [16 U.S.C. 818]: *Provided further*, That any right of reentry reserved in a patent pursuant to this section shall expire twenty years after the effective date of this Act if at that time the land involved is not subject to a license or an application for a license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended [16 U.S.C. 791a et seq.] or other Act of Congress.

**(d) Validity of existing rights; rights acquired by actual use and national forest lands unaffected**

Prior to issuing a patent for an entry subject to this section, the Secretary shall identify and adjudicate any record entry or application for title to land described in the application, other than the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the application, and shall determine whether such entry or application represents a valid existing right to which the application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, as affecting National Forest lands.

(Pub. L. 96-487, title XIII, §1328, Dec. 2, 1980, 94 Stat. 2489.)

REFERENCES IN TEXT

Act of June 1, 1938 (52 Stat. 609), referred to in subsec. (a)(1), is act June 1, 1938, ch. 317, 52 Stat. 609, which was classified to sections 682a to 682e of Title 43, Public Lands, was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, 2789.

Act of May 3, 1927 (44 Stat. 1364), referred to in subsec. (a)(1), probably means act Mar. 3, 1927, ch. 323, 44 Stat. 1364, which was classified to section 687a of Title 43, and was repealed by Pub. L. 94-579, title VII, §703(b), Oct. 21, 1976, 90 Stat. 2789, 2791.

Act of May 14, 1898, referred to in subsec. (a)(1), is act May 14, 1898, ch. 299, 30 Stat. 409, which is classified to sections 607a and 615a of this title, sections 270, 270-4, 687a, 687a-2, 687a-3, 687a-4, 687a-5, and 942-1 to 942-9 of Title 43, and section 392 of Title 48, Territories and Insular Possessions. Section 270 of Title 43 was repealed

by Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789. Section 270-4 of Title 43 was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787. Sections 687a and 687a-2 to 687a-5 of Title 43 were repealed by Pub. L. 94-579, title VII, §§703(a), 704(a), Oct. 21, 1976, 90 Stat. 2789, 2792. Section 392 of Title 48 was eliminated from the Code as obsolete. For complete classification of this Act to the Code, see Tables.

Act of March 3, 1891, referred to in subsec. (a)(1), is act Mar. 3, 1891, ch. 561, 26 Stat. 1095, which is classified to sections 161, 162, 165, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a-6, 718, 728, 732, 893, 946 to 949, 989, 1165, 1166, 1181, and 1197 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, section 495 of Title 25, Indians, and sections 30, 36, 44, 45, 48; and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables.

The effective date of this Act, referred to in subsecs. (a) to (c), probably means the date of enactment of Pub. L. 96-487, which was approved Dec. 2, 1980.

This Act, referred to in subsec. (a)(2) and (3)(E), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in subsecs. (a)(2), (3)(A) and (d), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

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

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

Act of May 17, 1906, as amended, referred to in subsec. (d), is act May 17, 1906, ch. 2469, 34 Stat. 197, as amended, which was classified to sections 270-1 to 270-3 of Title 43, Public Lands, prior to its repeal by Pub. L. 92-203, §18(a), Dec. 18, 1971, 85 Stat. 710. See section 1617 of Title 43.

#### SUBCHAPTER VII—NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROCESS

##### § 3231. Areas subject to national need recommendation process

The process contained in this subchapter shall apply to all public lands within Alaska except for lands within units of the National Park System and the Arctic National Wildlife Refuge.

(Pub. L. 96-487, title XV, §1501, Dec. 2, 1980, 94 Stat. 2549.)

##### § 3232. Recommendations of President to Congress

###### (a) Recommendation

At any time after December 2, 1980, the President may transmit a recommendation to the Congress that mineral exploration, development, or extraction not permitted under this Act or other applicable law shall be permitted in a specified area of the lands referred to in section 3231 of this title. Notice of such transmittal

shall be published in the Federal Register. No recommendation of the President under this section may be transmitted to the Congress before ninety days after publication in the Federal Register of notice of his intention to submit such recommendation.

###### (b) Findings

A recommendation may be transmitted to the Congress under subsection (a) of this section if the President finds that, based on the information available to him—

(1) there is an urgent national need for the mineral activity; and

(2) such national need outweighs the other public values of the public lands involved and the potential adverse environmental impacts which are likely to result from the activity.

###### (c) Report

Together with his recommendation, the President shall submit to the Congress—

(1) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendation;

(2) a statement of the conditions and stipulations which would govern the activity if approved by the Congress; and

(3) in any case in which an environmental impact statement is required under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], a statement which complies with the requirements of section 102(2)(C) of such Act [42 U.S.C. 4332(2)(C)]. In the case of any recommendation for which an environmental impact statement is not required under section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)], the President may, if he deems it desirable, include such a statement in his transmittal to the Congress.

###### (d) Approval

Any recommendation under this section shall take effect only upon enactment of a joint resolution approving such recommendation within the first period of one hundred and twenty calendar days of continuous session of Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such recommendation. Any recommendation of the President submitted to Congress under subsection (a) of this section shall be considered received by both Houses for purposes of this section on the first day on which both are in session occurring after such recommendation is submitted.

###### (e) One-hundred-and-twenty-day computation

For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

(Pub. L. 96-487, title XV, §1502, Dec. 2, 1980, 94 Stat. 2549.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the