

107TH CONGRESS
2^D SESSION

S. 2016

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

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2002

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 For the purposes of this Act, the term—

5 (1) “Identified lands” means approximately
6 5,580 acres of lands (including surface and sub-
7 surface) designated as “FWS West” upon a map en-
8 titled “Proposed Newtok Exchange,” dated March
9 17, 2000, and available for inspection in the Anchor-

1 age office of the United States Fish and Wildlife
2 Service;

3 (2) “Newtok” means Newtok Native Corpora-
4 tion, an Alaska Native Corporation established pur-
5 suant to the Alaska Native Claims Settlement Act
6 (ANCSA) of 1971 (85 Stat. 688), as amended;

7 (3) “Newtok lands” means approximately
8 11,105 acres of lands (including conveyed lands and
9 land selections) identified as “Aknerkochik” on the
10 map referred to in paragraph (1);

11 (4) “limited general warranty deed” means a
12 general warranty deed which is, with respect to its
13 warranties, limited to that portion of the chain of
14 title from the moment of conveyance from the
15 United States to Newtok to and including the mo-
16 ment at which such title is validly reconveyed to the
17 United States of America and its assigns; and

18 (5) “Secretary” means the Secretary of the In-
19 terior.

20 **SEC. 2. LANDS TO BE EXCHANGED.**

21 (a) LANDS EXCHANGED TO THE UNITED STATES.—

22 (1) If, after a final value is assigned to the Identified lands
23 and to the Newtok lands, Newtok expresses to the Sec-
24 retary in writing an intent to enter into a land exchange
25 with the United States, the Secretary shall accept from

1 Newtok a conveyance by limited general warranty deed of
2 those tracts of the Newtok lands necessary to equalize the
3 value of the Identified lands.

4 (2) A value shall be a final value for purposes of para-
5 graph (1) if—

6 (A) the Secretary has assigned a value to tracts
7 within the Identified lands and the Newtok lands in
8 accordance with section 3 and if all rights to appeal
9 the determination, or to request a review, rehearing,
10 or redetermination of the matter that is the subject
11 of the determination, have been exhausted, have
12 lapsed or have been expressly waived by Newtok; or

13 (B) the value is determined by binding arbitra-
14 tion under section 3.

15 (3) The Newtok lands shall be included in the Yukon
16 Delta National Wildlife Refuge as of the date of the ac-
17 ceptance of the conveyance of those lands from Newtok,
18 except that residents of the Village of Newtok, Alaska
19 shall retain access rights guaranteed under the Alaska Na-
20 tional Interest Lands Conservation Act (ANILCA) section
21 811 (16 U.S.C. 3121) for subsistence fishing, hunting and
22 gathering as defined in ANILCA section 803 (16 U.S.C.
23 3113).

24 (b) LANDS EXCHANGED TO NEWTOK.—In exchange
25 for the Newtok lands conveyed under subsection (a)(1),

1 the Secretary shall, subject to valid existing rights and
2 notwithstanding any other provision of law, convey to
3 Newtok surface and subsurface rights to the Identified
4 lands. Such conveyance shall be by quitclaim deed, based
5 upon a metes and bounds description of the land to be
6 conveyed. Identified lands shall not be subject to section
7 22(g) of ANCSA.

8 **SEC. 3. APPRAISALS.**

9 (a) Not later than 60 days after the date of the enact-
10 ment of this Act, the Secretary and Newtok shall meet
11 to determine the identity of a qualified appraiser who shall
12 perform an appraisal of the Newtok lands and the Identi-
13 fied lands. Such appraiser shall be selected by the mutual
14 agreement of the Secretary and Newtok, or if such agree-
15 ment is not reached within 60 days after such initial meet-
16 ing, then the Secretary and Newtok, no later than 90 days
17 after such initial meeting, shall each designate an ap-
18 praiser who is qualified to perform the appraisal. The two
19 appraisers so identified shall select a third qualified ap-
20 praiser who shall perform the appraisal. Within 120 days
21 after the selection of the third appraiser, a written ap-
22 praisal report setting out the values of the Newtok lands
23 and the Identified lands, and the methodology used to ar-
24 rive at the values, shall be delivered to the Secretary and
25 to Newtok.

1 (b) Appraisals under this subsection shall be per-
2 formed in conformity with the Uniform Appraisal Stand-
3 ards for Federal Land Acquisitions. Any special instruc-
4 tion regarding the performance of the appraisals shall be
5 issued only upon the mutual agreement of Newtok and
6 the Secretary.

7 (c) Within 60 days after the receipt of the appraisal
8 report described in paragraph (1), the Secretary shall de-
9 termine the value of the Newtok lands and the Identified
10 lands shall immediately notify Newtok of such determina-
11 tion. If Newtok does not agree with the value as deter-
12 mined by the Secretary, the Secretary and Newtok shall
13 submit the matter to binding arbitration.

14 **SEC. 4. CONVEYANCE.**

15 (a) CONVEYANCE BY NEWTOK.—Newtok shall have
16 one hundred and eighty (180) days after the date the val-
17 ues are final under section 2(a)(2) to notify the Secretary
18 of its intent to enter into the exchange and convey to the
19 Secretary the appropriate tracts within the Newtok Lands.
20 The Secretary may extend such time for good cause.

21 (b) CONVEYANCE BY THE SECRETARY.—The Sec-
22 retary shall convey to Newtok the Identified lands pursu-
23 ant to section 2(b) within one hundred and eighty (180)

1 days after the approval of the Newtok conveyance pursu-
2 ant to subsection (a).

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