



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
Design & Engineering Services Division
Northern Region
2301 Peger Road
Fairbanks, AK 99709-5399
Telephone: (907) 451-5468
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TITLE SEARCH REPORT

PROJECT NAME: KIVALINA
EVACUATION AND SCHOOL SITE
ACCESS ROAD

STATE PROJECT #:

FEDERAL-AID PROJECT #:
NFHW00162

PARCEL #:KIVALINA LAGOON

OWNER OF RECORD: State of Alaska, Department of Natural Resources,
Division of Land and Water Management

ADDRESS: 3700 Airport Way, Fairbanks AK 99709

TYPE OF TITLE: Submerged Land Act of 1953

TAX PARCEL NUMBER: Not taxed at this time

PUBLIC LAND ORDERS

Section 6M of the Statehood Act 85-508 (72 Stat. 339)

PROPERTY DESCRIPTION

Certain tracts of Contiguous Submerged lands being a portion of the Kivalina Lagoon situated within Sections 15 and 16, Township 27 North, Range 26 West, Kateel River Meridian, Alaska; located in the Kotzebue Recording District, State of Alaska.

ENCUMBRANCES

1. Rights of the Public & Governmental bodies for use in trade and commerce over the navigable waterways.
2. Terms and Conditions of the Submerged Land Act of 1953, 43 USC 1301 (67 Stat. 29), Public Law 85-503 (71 Stat. 623) and Public Law 85-508 (72 Stat. 339).

THIS REPORT SUPERSEDES ALL OTHERS

DATED: November 9, 2017 as of 11:00 a.m.

A handwritten signature in blue ink, appearing to be 'MS', is written above a horizontal line.

Mark Sweet, Title Officer

for this purpose, are adopted as laws of the United States: Provided, however, that the laws of the State or Territory relating to the organization or powers of municipalities or local political subdivisions, and the laws or charters of such municipalities or political subdivisions shall not be adopted as laws of the United States.

(4) All functions vested in the State or Territory by the laws described in this section shall continue to be performed within the boundaries by such municipalities, or other local political subdivisions, laws, ordinances, or other local political subdivisions, or the laws or ordinances of such municipalities, or other local political subdivisions, shall remain in full force and effect notwithstanding any withdrawal made under this section.

(5) All functions vested in any municipal corporation, board of directors, or other local political subdivision by the laws described in this section shall continue to be performed within the boundaries by such municipalities, or other local political subdivisions, laws, ordinances, or other local political subdivisions, or the laws or ordinances of such municipalities, or other local political subdivisions, shall remain in full force and effect notwithstanding any withdrawal made under this section.

(6) All other functions vested in the government of Alaska or in any officer or agency thereof, except judicial functions, shall continue to be performed within the boundaries by such officers or agencies, notwithstanding any withdrawal made under this section.

(7) The United States District Court for the District of Alaska shall have original jurisdiction, without regard to the amount in controversy, over all civil actions commenced within such withdrawal, under the laws of the State or Territory of Alaska, as well as over all offenses committed in such withdrawal.

(8) Nothing contained in this section shall affect the jurisdiction established in the United States by subsection (3) of this section, exclusive jurisdiction by appropriate legislation, or as to pending or future suits or proceedings pending within the limits of the withdrawal.

(9) Nothing in this Act shall affect the establishment or the rights, ownership, and authority of the United States in Mount McKinley National Park, as now or hereinafter established, but exclusive jurisdiction, in all cases, shall be exercised by the United States for the national park, as now or hereinafter established, as to the process within the limits of the withdrawal.

of the United States, or were acquired by the United States by purchase, donation, grant, exchange, or otherwise: Provided, however, that the State or Territory shall always have the right to acquire or purchase or to prosecute within the limits of such withdrawal, or to obligate, incur, or otherwise commit, within the limits of such withdrawal, any liability or obligation that the State or Territory has outside of the withdrawal.

(2) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 871 and subsection (b) of section 872, as amended, is hereby repealed, and the following is hereby enacted in its stead:

(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 871 and subsection (b) of section 872, as amended, is hereby repealed, and the following is hereby enacted in its stead:

(b) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 871 and subsection (b) of section 872, as amended, is hereby repealed, and the following is hereby enacted in its stead:

(c) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 871 and subsection (b) of section 872, as amended, is hereby repealed, and the following is hereby enacted in its stead:

(d) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 871 and subsection (b) of section 872, as amended, is hereby repealed, and the following is hereby enacted in its stead:

(e) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 871 and subsection (b) of section 872, as amended, is hereby repealed, and the following is hereby enacted in its stead:

from the first paragraph of such section the words: "Territory of Alaska;"

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(3) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 871 and subsection (b) of section 872, as amended, is hereby repealed, and the following is hereby enacted in its stead:

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(6) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 871 and subsection (b) of section 872, as amended, is hereby repealed, and the following is hereby enacted in its stead:

(7) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 871 and subsection (b) of section 872, as amended, is hereby repealed, and the following is hereby enacted in its stead:

of the United States, or were acquired by the United States by purchase, donation, grant, exchange, or otherwise: Provided, however, that the State or Territory shall always have the right to acquire or purchase or to prosecute within the limits of such withdrawal, or to obligate, incur, or otherwise commit, within the limits of such withdrawal, any liability or obligation that the State or Territory has outside of the withdrawal.

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(7) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 871 and subsection (b) of section 872, as amended, is hereby repealed, and the following is hereby enacted in its stead:

Sec. 23. [Amendment and Nationality Act: amended.] The first sentence of section 212(d)(7) of the Immigration and Nationality Act (66 Stat. 160, 9 U.S.C. sec. 1482(d)(7)) is amended by deleting the word "Alaska".

Sec. 24. [Persons born in Alaska on or after March 30, 1867.] Nothing contained in this Act shall be held to apply to, amend, or modify the provisions of section 302 of the said Act and Nationality Act (66 Stat. 287, 8 U.S.C. sec. 1404).

Sec. 25. [Immigration and Nationality Act: amended.] The first sentence of section 210(a) of the Immigration and Nationality Act (66 Stat. 259, 9 U.S.C. sec. 1412(a)) is amended by deleting the words "District Court of the United States for the Territories of Hawaii and Alaska" and substituting therefor the words "District Court of the United States for the Territory of Alaska".

Sec. 26. [Immigration and Nationality Act: amended.] Section 264(d) of the Immigration and Nationality Act (66 Stat. 268, 9 U.S.C. sec. 1451(d)) is amended by deleting the words "in Alaska and".

Sec. 27. [Transportation by water.] (a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. sec. 889), is further amended by striking out the word "excluding" and inserting in lieu thereof the word "including".

(b) Nothing contained in this or any other Act shall be construed to deprive the United States of its exclusive jurisdiction, heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its Territories or possessions, or as interfering upon the Interstate Commerce Commission jurisdiction over transportation by water between any port ports.

(c) The words "Alaska and mining)"

(d) The second sentence of section 9 of the Act entitled "An Act to provide for the sale of certain lands in the Territory of Alaska, and for other purposes", approved October 20, 1914 (48 U.S.C. 489), is hereby amended to read as follows: "All net profits from operations of Government lands as herein provided and all other payments received under this Act shall be distributed as follows: (1) 90 per centum shall be paid to the Secretary of the Treasury to the State of Alaska for deposit by the Secretary to the State of Alaska for the Territory of Alaska in the Treasury thereof; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts."

(e) Section 95 of the Act entitled "An Act to provide for the mining of coal, phosphorus, oil, oil shale, gas, and other minerals in Alaska", approved February 25, 1920, as amended (48 U.S.C. 491), is amended by inserting immediately before the colon preceding the last proviso thereof the following: "and of those from Alaska 52 1/2 per centum thereof shall be paid to the State of Alaska for deposit by the Secretary thereof."

Sec. 29. [Separability clause.] If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof in any particular, shall be held invalid, the validity of the remainder of this Act shall not be affected thereby; and if any such provision, section, subsection, sentence, clause, phrase, or individual word or other portions and circumstances shall not be affected thereby.

Sec. 30. [Repeal of inconsistent laws.] All Acts or parts of Acts in conflict with the provisions of this Act, whenever passed by the legislature of said Territory or by Congress, are hereby repealed.

MISCELLANEOUS PROVISIONS

LAW'S APPLICABLE TO ALASKA PRIOR TO REORGANIZATION OF TERRITORY. The territory ceded to the United States by Russia by the Treaty of March 30, 1867, is Stat. 559, ratified until 1868 unorganized subject to provisions of act July 27, 1906, Stat. 240, and subsequent acts, most of which were enacted after the date of the said Treaty. R. S. 1195, extended the laws of the United States relating to customs, commerce, and navigation to the

Territory. It was amended by subsequent statute provisions, and particularly by the more comprehensive provisions extending the constitution and laws of the United States to the organized Territory of Alaska of act Aug. 24, 1912, ch. 397, § 1, 3, 23 of this title.

R. S. 1956, provided for restriction or prohibition of the transportation and use of firearms, ammunition, and explosives in the Territory of Alaska. It was amended by act March 18, 1908, ch. 104, § 1, which provided for certain law-bearing animals and of the sale in the Territory of the various thereof. They were to a great extent amended and re-enacted or otherwise amended or were repealed, by subsequent acts, particularly act March 3, 1899, ch. 456, §§ 172-179, 30 Stat. 1729, and act March 3, 1900, ch. 458, 36 Stat. 256. The provisions of the said act March 18, 1908, are hereby amended, amended and other acts relating to the same of the acts which in Title 18, Conservation of the Game and Other Things, are hereby amended.

Alaska was constituted a civil and judicial district and a civil government thereof was established by act May 10, 1906, ch. 28, Stat. 24, which provided for a governor and other officers and the duties thereof for said district. This act appears to have been entirely superseded or repealed.

A Criminal Code and Code of Criminal Procedure for the District were enacted by act March 3, 1899, ch. 428, Stat. 1233. These having been in operation, were amended by act March 3, 1902, ch. 397, § 1, Stat. 513.

EMERGENCY SERVICES IN ALASKA. The first sentence of section 9 of the Act entitled "An Act to provide for the sale of certain lands in the Territory of Alaska, and for other purposes", approved October 20, 1914 (48 U.S.C. 489), is hereby amended to read as follows: "All net profits from operations of Government lands as herein provided and all other payments received under this Act shall be distributed as follows: (1) 90 per centum shall be paid to the Secretary of the Treasury to the State of Alaska for deposit by the Secretary to the State of Alaska for the Territory of Alaska in the Treasury thereof; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts."

(3) Section 95 of the Act entitled "An Act to provide for the mining of coal, phosphorus, oil, oil shale, gas, and other minerals in Alaska", approved February 25, 1920, as amended (48 U.S.C. 491), is amended by inserting immediately before the colon preceding the last proviso thereof the following: "and of those from Alaska 52 1/2 per centum thereof shall be paid to the State of Alaska for deposit by the Secretary thereof."

Sec. 29. [Separability clause.] If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof in any particular, shall be held invalid, the validity of the remainder of this Act shall not be affected thereby; and if any such provision, section, subsection, sentence, clause, phrase, or individual word or other portions and circumstances shall not be affected thereby.

Sec. 30. [Repeal of inconsistent laws.] All Acts or parts of Acts in conflict with the provisions of this Act, whenever passed by the legislature of said Territory or by Congress, are hereby repealed.

Sec. 31. [Repeal of inconsistent laws.] All Acts or parts of Acts in conflict with the provisions of this Act, whenever passed by the legislature of said Territory or by Congress, are hereby repealed.

MISCELLANEOUS PROVISIONS

LAW'S APPLICABLE TO ALASKA PRIOR TO REORGANIZATION OF TERRITORY. The territory ceded to the United States by Russia by the Treaty of March 30, 1867, is Stat. 559, ratified until 1868 unorganized subject to provisions of act July 27, 1906, Stat. 240, and subsequent acts, most of which were enacted after the date of the said Treaty. R. S. 1195, extended the laws of the United States relating to customs, commerce, and navigation to the

An Alaska War Council, hereafter called the Council, with organization, functions, and duties as follows:

(a) The Governor of Alaska shall be the Chairman of the Council. The Council shall elect one of its members to serve as Vice-Chairman of the Council.

(b) The Council shall meet at the call of the Chairman at any time and place within the Territory, at the request of the military authorities. Meetings shall be held at the demand of the war emergency may require, but not less often than bi-monthly.

(c) It shall be the duty of the Council, and of the said special representatives with regard to program and progress in their respective fields of activities, so far as to the and that for the duration of the war the conduct of Federal civil activities shall be brought into closest possible conformity with military requirements.

(d) The Council shall consist from time to time with the Alaska representatives of the National Resources Planning Board.

(e) The Council shall make such recommendations to the military authorities as it deems desirable relative to coordination of Federal civil activities with the military program and relative to the safety and security of the civilian population of Alaska. Any such recommendations made to the military authorities shall be submitted through the appropriate liaison officer named hereunder provided for.

3. The Governor of Alaska, as Chairman of the Council, shall see that the Council is organized and that it shall have such personnel and staff as may be necessary for the proper conduct of its business. The Council shall be organized and shall have such personnel and staff as may be necessary for the proper conduct of its business.

4. In connection with the activities of the Army and Navy forces in Alaska, the commanding officer of each such force shall designate a responsible liaison officer to act as the representative of the military authorities in the said force, and the Department of War and the Department of the Navy shall each designate a responsible liaison officer who shall meet with the Council and to whom the Council and liaison officers, serving either jointly or singly, shall report.

5. The heads of civil Federal departments, agencies, independent establishments, and Government-owned corporations conducting activities in Alaska, or their special representatives designated in accordance with this order, shall conform with such requests as the Secretary of War may make from time to time for the purpose of the war of the services personnel, equipment, and facilities of any such agency, independent establishment, or corporation, or of any bureau, office or other administrative unit of any such department. The Secretary of War, in the formulation of any such requests, shall consult with the Secretary of the Navy with respect to all matters of interest to the Department of the Navy.

6. This order shall become effective as of the date hereof, and shall continue in force and effect so long as there is in force the First War Powers Act, 1941 (former sections 107-109 of Title 60, Appendix, War and National Defense), remains in force.

§ 21. Territory of Alaska organized.

The territory ceded to the United States by Russia by the Treaty of March 30, 1867, and known as Alaska, shall be and constitute the Territory of Alaska under the laws of the United States, the Government of which shall be organized and administered as provided by said laws. (Aug. 24, 1912, ch. 397, § 1, 37 Stat. 512.)

REORGANIZATION BY THE TERRITORY

The laws of the Territory of Alaska, referred to in this title, are set out in 15 Stat. 520.

WAR LAW

§ 22. Provisions concerning the laws of the United States and the Territory of Alaska were made by act

July 27, 1908, ch. 378, § 1, 15 Stat. 240, incorporated into R. S. 1194, which was expunged by this section.

GOALS REORGANIZATION

Construction of this section be to powers of courts and independent, see section 41 of this title.

Extension of the Constitution and laws of the United States to the Territory of Alaska see section 23 of this title.

Prevailing wage rates to be paid for labor on Federal public buildings in Alaska, see section 770n of Title 40, Federal Buildings, Property, and Works.

§ 22. Capital of Juneau.

TERRITORY COURTS

By act May 17, 1884, ch. 53, § 1, 23 Stat. 24, the temporary seat of government was established at Sitka, and by act June 9, 1890, 31 Stat. 321, it was provided that the seat of government shall remain at Sitka until suitable ground and buildings thereon shall be obtained by purchase or otherwise at Juneau.

§ 23. Constitution and laws of the United States extended.

The Constitution of the United States, and all the laws thereof which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States. All the laws of the United States passed prior to August 24, 1912, establishing the executive and judicial departments in Alaska shall continue in full force and effect until amended or repealed by Act of Congress; except as herein provided or repeated by Act of Congress prior to that date shall continue in full force and effect until altered, amended, or repealed by Congress or by the legislature. (Aug. 24, 1912, ch. 397, § 3, 37 Stat. 512.)

COMPROMISE

Section 12 completed part of the first sentence of section 3 of act Aug. 24, 1912, of the provisions of the laws of the United States, referred to in this title, and sections 24 and 80 of this title, respectively.

GOVERNANCE OF TERRITORY

Upon admission of the State of Alaska into the Union, all powers modified by Pub. L. 65-106, July 7, 1958, 72 Stat. 389, or by the constitution of the State or as thereafter modified or changed by the legislature of the State, see section 81(d) of Pub. L. 85-508, set out preceding section 21 of this title.

CROSS REORGANIZATION

Laws establishing the executive and judicial departments, see sections 61-64, 66 and 101-120 of this title.

§ 24. Authority of Territory legislature to repeal or amend existing laws limited; additional laws or

The authority granted to the legislature by section 23 of this title to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal revenue, postal, or other general laws of the United States or to the game, fish, and fur seal laws and laws relating to fur-bearing animals of the United States applicable to Alaska, or to the laws of the United States providing for taxes on business and trade, or to sections 41, 47, 161-169, and 322-325 of this title. This provision shall not operate to prevent the legislature from imposing other