

THE SECRETARY OF THE INTERIOR
Washington

ORDER NO. 3220, Amendment No. 1 (*Amended material italicized*)

SIGNATURE DATE: February 11, 2005

Subject: Reopening of Selected Applications for Historical Places and Cemetery Sites Under ANCSA

Sec. 1 Purpose. The purpose of this Order is to permit the reopening of certain applications which were filed in a timely fashion under Section 14(h)(1) of the Alaska Native Claims Settlement Act (ANCSA), but which were subsequently closed. *The purposes of this amendment are to reissue and extend the expiration date of Secretary's Order 3220, dated January 5, 2001. The amended Order provides authority for reopening certain applications for consideration and processing in accordance with revised procedures.*

Sec. 2 Authority. As provided in 43 CFR ' 2650.0-8, the Secretary has discretionary authority to waive any non-statutory regulation implementing ANCSA. There is no statutory deadline for filing or reopening Section 14(h)(1) applications.

Sec. 3 Policy Decision. Based on difficulties that occurred in the past adjudication of Section 14 (h)(1) applications, it is in keeping with the intent of ANCSA to reopen certain Section 14(h)(1) applications. Any Section 14(h)(1) applications for land that would be unavailable for conveyance may not be reopened; however, they are subject to administrative review by the Bureau of Indian Affairs. Furthermore, in order to be eligible for reopening hereunder, the application must be one of the 196 closed applications listed on the attachment to this Order.

Sec. 4 Requests for Reopening. All requests for reopening of Section 14(h)(1) applications under this Order must be submitted in writing by the selecting ANCSA regional corporation to the Bureau of Indian Affairs, ANCSA Office, Anchorage, Alaska within two years of the effective date of this Order. By submitting a request to reopen an application hereunder, the submitting regional corporation agrees to have the request considered and processed in accordance with this Order and any implementing procedures established by the Secretary. A request by the Chugach Alaska Corporation to reopen a 14(h)(1) application may be approved only if reopening would be consistent with the requirements of paragraph 16 of the 1982 CNI Agreement.

Sec. 5 Waivers. The following are waived:

a. 43 CFR ' 2653.4(b) to the extent it may set a regulatory deadline that prevents the reopening of closed Section 14(h)(1) applications at this time.

b. Specific extensions of the regulatory deadline to file applications under Section 14(h)(1) granted and published in the Federal Register (for example, extension for NANA

published in 43 Fed. Reg. 29818, July 20, 1976), to the extent such extensions may be construed as preventing reopening of Section 14(h)(1) applications under this Order.

Sec. 6 **Appeal Rights.** Nothing in this Order is intended to create new or additional rights, and actions taken under this Order on ANCSA regional corporations= requests to reopen closed application(s) shall not be appealable.

Sec. 7 **Effective Date.** This amended Order is effective immediately and will remain in effect until *five years* from the date hereof or its conversion into the Departmental Manual or until it is superseded or revoked, whichever occurs earlier.

/s/ Gale A. Norton
Secretary of the Interior

SO#3220A1 2/11/05
Replaces SO#3220 1/5/01

ARCHIVED