

31ST Alaska State Legislature



Senator John Coghill

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Resources Committee
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Committee
Vice-Chair
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SPONSOR STATEMENT

SB 42 - Quitclaim Deed for Native Allotments

43 U.S. CODE § 1635 - STATE SELECTIONS AND CONVEYANCES (c) Prior tentative approvals:

“(1) All tentative approvals of State of Alaska land selections pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act...”

The Alaska Native Allotment Act of 1906, enacted on May 17, 1906, permitted individual Alaska Natives to acquire title to up to 160 acres of land. **A native allotment is a valid existing right** to title that has been through the certification process with BIA.

Currently, when the federal government has “wrongfully or erroneously” conveyed land to the state because there was a prior, legitimate claim to the land, the director of the Division of Lands is not required to make right and quitclaim deed the land back to the federal government so BLM can deed the land to the person who filed the allotment claim or his or her surviving family members.

There will be a few cases where there will be extenuating circumstances that would prevent the State from righting a wrong but they must be clearly unsolvable, such as native allotments that are situated along the TAPS.

There are over 300 individual native allotments acquired under the Native Allotment Act of 1906 that have erroneously been titled to the State of Alaska by BLM. These allotments have been well documented and verified by BLM. My native allotment bill would require DNR title native allotment lands to BLM when the land has been “wrongfully or erroneously” conveyed to the state, enabling BLM to grant fee simple title to the native allotments owners or their surviving relatives.