ALASKA FEDERATION OF NATIVES

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2012 ANNUAL CONVENTION

RESOLUTION 12-42

TITLE: PRIOR CONTAMINATION OF LANDS CONVEYED PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

WHEREAS: The Alaska Native Claims Settlement Act ("ANCSA") is universally recognized as a land settlement; and

WHEREAS: Pursuant to ANCSA, the federal government conveyed to many Alaska Native Corporations land that had been contaminated by the federal government or from activities allowed or overseen by the federal government prior to their conveyance under ANCSA; and

WHEREAS: During the 1990's, Congress acknowledged that contaminated lands were being conveyed to Alaska Native Corporations pursuant to ANCSA; and

WHEREAS: Section 103 of Public Law 104-42 (codified at 43 U.S.C. 1629f) required the Secretary of the Interior to provide a detailed report on contaminants on lands prior to their conveyance to Alaska Native Corporations; and

WHEREAS: In December 1998, the Department of the Interior submitted a report to Congress which estimated approximately 650 contaminated sites were on lands conveyed pursuant to ANCSA; and

WHEREAS: Alaska Native Corporations, as the landowners, are subject to liability under federal and Alaska State law for the contaminated condition of their lands; and

WHEREAS: The State of Alaska has instituted several enforcement actions against Alaska Native Corporations for the cleanup of ANCSA conveyed lands which had been contaminated prior to their conveyance; and

WHEREAS: Several Alaska Native Corporations have incurred considerable expense in cleaning up contaminated sites, negotiating land exchanges and/or battling with the federal and state government to clean up sites on a case-by-case basis; and

WHEREAS: In recognition of this problem, Congressman Don Young stated, "it was clearly not the intention of ANCSA to extinguish Native claims by conveying contaminated property to recipients;" and

NOW THEREFORE BE IT RESOLVED by the delegates to the 2012 Annual Convention of the Alaska Federation of Natives, Inc., that the Alaska Federation of Natives does hereby support the introduction and enactment of federal legislation acknowledging that the federal government is financially responsible for the remediation of contaminated lands conveyed pursuant to the Alaska Native Claims Settlement Act and shall utilize Alaska Native remediation companies when possible; and,

BE IT FURTHER RESOLVED that Alaska Federation of Natives approach Alaska's Congressional Delegation and ask them to approach the Environmental Protection Agency and the Department of Defense to add such contaminated Alaska Native Claims Settlement Act lands as superfund projects.

SUBMITTED BY: ALASKA NATIVE VILLAGE CEO ASSOCIATION, THE EYAK CORPORATION

COMMITTEE ACTION: DO PASS

CONVENTION ACTION: AMENDED AND PASSED