



TANANA CHIEFS CONFERENCE

A consortium of 42 members, working in unity to advance Alaska Native Self-Determination

Understanding Land Status Differentiations

*Allotment Application (Aguilar cases) vs conveyed allotments and ANCSA lands—
Seeking Legislative Solution to Aguilar Cases*

Pending allotment applications, due to erroneously conveyed allotment parcels to the State of Alaska, must be resolved after languishing for decades, sometimes nearly 100 years. A legislative solution to convey these parcels to their rightful owners must move forward.

Allotment titles can be subject to RS2477 access if evidence demonstrates this access pre-dates use by the allotment applicant. Less than 5% of the pending allotment cases have trails on them.

This issue has nothing to do with recent RS2477 cases.

Conveyed land parcels: certificated Native allotments and ANCSA lands

Certificated Native allotments have been conveyed to the allotment owner, governed by certain statutes and regulations pertaining to trust responsibilities. The title may contain provisions for access under RS2477.

If there are issues of trespass, it is the responsibility of the trustee to protect the allotment owner. Recent cases, such as the Purdy's in Chicken, demonstrate that trust responsibility (see TCC white paper RS 2477 claims to access Native allotments and ANCSA lands).

ANCSA land is provided to regional and village corporations through the 1971 Alaska Native Claims Settlement Act. Provisions for access include section 17(b) easements and RS 2477.

Access to lands to these lands, whether a certificated through federal provisions pertain to CONVEYED, TITLED land.

Purdy and Ahtna are recent cases dealing with access (see TCC RS-2477 claims to access Native allotments and ANCSA Lands)—in both, ample access has been granted.

RS2477 –Background

RS 2477 refers to access through statute 2477, originally enacted as Section 8 of the Mining Act of 1866 granting right-of-ways for the construction of highways over public lands. The act was repealed in 1976 with enactment of Federal Land Policy and Management Act (FLPMA). Pre-existing RS-2477 claims were not affected by the FLPMA repeal.