My name is Tom Hoseth. I am the Realty officer at the Bristol Bay Native Association. BBNA represents 32 federally recognized tribes. I have worked in the BBNA Realty department since 1986.

The Alaska Native Allotment Act of 1906 gave Alaska Natives the right to obtain legal title up to 160 acres of land that they used.

The Alaska Native Claims Settlement Act was passed in Dec of 1971. Sixteen months or so, before the Act passed, the word was out that ANCSA would repeal the allotment act. Approximately 13,000 Native Allotment applications were filed during this period. However, ANCSA did not repeal the pending applications.

Initially the BLM rejected the allotment applications if the land was located on land already selected by the State. This continued up until 1979 when in the case of Aquilar v.s. United States, the federal court ordered the BLM to process the applications. The court ruled that the Alaskan Native Settlement Act provides a preference right, defeating all subsequent claims to the same land. There are several Interior Board of Land Appeals decisions that support that this preference right begins on the date that land is first used and occupied by the applicant. No matter what date an allotment application is filed

Therefore, the current rule is, an allotment applicant is entitled to the land applied for if their use began before the State selected the land.

After decades of adjudication, there are over 300 "Aguilar" allotments where the land has not been re-conveyed to the BLM so that title can be conveyed to the allotment applicants. This is due to the position DNR has taken in regard to reconveyances. DNR refers to A.S. 38.05.035 (a) which states that the decision to reconvey or not reconvey state land is at the discretion of DNR. This discretion has been delegated to the Chief, Realty Services Section. The chief has declined to reconvey many Aguilar allotments. Because of these declines, the BLM admits that they have set aside these cases for many years. In the Aguilar case, the court ruled that it is the responsibility of the Department of Interior to recover title and bear the burden to do so.

In an attempt to resolve certain Aguilar allotments that have been set aside, in late Sept. 2013 the State and BLM announced a MOA which offers the optional relocation of certain Native allotment parcels from lands that were conveyed in error to the State, onto other State selected lands. In early Dec. 2013, the BLM provided maps of 8 million acres the State opened up for relocations. BBNA has prepared a more detailed map for the BB region.

I believe, along with other service providers, that the relocation option will not resolve the Aguilar allotment cases because:

1.) Only certain cases will be offered the option.
2.) The allotment applicants will not want to relocate, with the exception of a few.

Senate Bill 105 offers a solution to resolve all Aguilar allotments that were determined valid by the BLM. The bill will amend the A.S. 38. 05.035 (a) to require the State to reconvey the land back to BLM upon the BLM's determination that a Native allotment was used and occupied prior to the State selection.

In conclusion, once the reconveyances are completed, Alaska will be in compliance with the Statehood Act, Alaska's Constitution, the federal court order in Aguilar v.s. United States and the Alaska Native Allotment Act.

Furthermore, the Dept of Interior will not have to sue the state, which will save a large amount of time and resources.

Finally, I would like to go on record, supporting Senate Bill 105 and would also like to thank Senator Coghill for sponsoring the bill.

Thank you