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Research Brief

TO: Representative Mike Chenault
FROM: Chuck Burnham, Legislative Analyst
DATE: February 19, 2015
RE: Federal Lands in Alaska and Land Transfers under the Statehood Act
LRS Report 15.257

You asked how much federal land exists within Alaska that is not part of a national park, monument, or historic site, military installation, or municipality. You also wished to know how much land the State was granted for selection under the Alaska Statehood Act, how much of that land has been transferred by the federal government, and how the land claims of Alaska Natives impact State land selections.¹

According to the Alaska Department of Natural Resources (DNR), Division of Mining, Land, and Water, there are currently approximately 222 million acres of land within Alaska under federal ownership as follows:

Bureau of Land Management	74.7 million acres
Wildlife Refuges	69.4 million acres
National Parks	53.8 million acres
National Forest	21.9 million acres
Department of Defense	2.2 million acres

To answer the first part of your question directly, based on the above categories of land, there appear to be roughly **96.6 million acres of federal land** in Alaska outside of national wildlife refuges, parks, historic sites, and military facilities.² These acres represent the land currently under the control of the Bureau of Land Management (BLM) and within national forests.

Under the Alaska Statehood Act (P.L. 85-508), the federal government granted to Alaska 28 percent of total land area within its borders, with additional land grants for schools, universities, and the Mental Health Trust. All land grants combined provided the new state the authority to select approximately 105 million acres. According to DNR, the state has received patent to about 99.5 million acres of that total amount and awaits transfer of the remaining 5.5 million acres.³

Should the BLM and national forest land referenced above become available, the question of how Native land claims would impact land conveyance to the state is a complicated one. Presumably, the federal legislation that would convey the land would include provisions to clarify that question.⁴ According to DNR and our reading of existing federal law, valid Native claims are generally given priority over those of the state. For a legal opinion on this issue, and the various other legal intricacies that are likely to be posed by further federal land transfers, we recommend you contact Legislative Legal Services.

We hope this is helpful. If you have questions or need additional information, please let us know.

¹ In the interest of brevity, we answer your questions with little background or detail on the complexities of land ownership in Alaska. Historical information on the Alaska Statehood Act, the Native Claims Settlement Act, and associated legislation is available by searching our public archives at <http://w3.legis.state.ak.us/laa/research/public.cgi>.

² Personal communication from Courtney Sanborn, Special Assistant to the Commissioner II, DNR, 907-269-8431.

³ "Land Ownership in Alaska," DNR Fact Sheet (http://dnr.alaska.gov/mlw/factsht/land_fs/land_own.pdf), as partially updated in personal communication with Ms. Sanborn. To put all of these figures into the broader context, the Fact Sheet indicates Alaska is comprised of approximately 375 million acres in total.

⁴ For example, 43 USC § 1635(e) appears to indicate that future state selections of federal lands that were not available at the time of implementation of the Statehood Act are subject to "Native selection rights under the Alaska Native Claims Settlement Act."