

CORRES. to

V.C.'s +

Municipalities



JUNEAU, ALASKA

to VC. & munis &
reg. corps who responded
to questionnaire

Alaska State Legislature

Senate

May 5, 1977

Dear

Thank you for your response to our questionnaire regarding lands under Sec. 14(c)(3) of the ANCSA. Because of the good number of returns, the following trends could be determined from those responses:

1. As to be expected, the village corporations have been somewhat more active in addressing the issue than have the municipalities.
2. There is a wide disparity of opinion with regard to specifically what criteria is to be used in the selection of the 1280 acres and specifically who is to make the selection.
3. While there generally has been some dialogue between the municipality and the village corporation, there has as yet been little agreement reached on either the selection process or the specific lands selected.
4. Confrontation is anticipated in half of the cases by both village corporations and municipalities.
5. The vast majority of both village corporations and municipalities would like some aid from the state in the form of funding grants or technical assistance, as well as defining guidelines for the selection process.

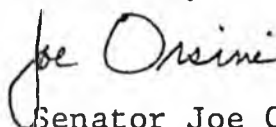
The Legislature has tentatively approved the formation of an interim committee to look at this issue in some detail, both to more specifically define the type and magnitude of state assistance needed and to hopefully avert the many confrontations that seem to be building. As with many aspects of the Land Claims Act, there are unanticipated complexities that are enough to put a strain on even the best of working relationships between village corporation and municipality.

May 7, 1977

2.

I expect to be chairman of this interim committee, and as such would be interested in some of your specific concerns. Of particular importance would be your perception of an estimate of the amount of financial assistance you might need, so that an appropriation could be put into next year's state budget. I would be interested in hearing from you on this.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini". The signature is written in dark ink and is positioned above the typed name.

Senator Joe Orsini
Chairman, Community
and Regional Affairs
Committee

JO/js



JUNEAU, ALASKA

to VC & municipalities &
reg. corps who did not
respond to questionnaire

Alaska State Legislature

Senate

May 7, 1977

Dear

As you will recall, we sent questionnaires out to all municipalities and Village Corporations affected by Sec. 14(c)(3) of the Alaska Native Claims Settlement Act. Because of the good number of returns, the following trends could be determined from those responses:

1. As to be expected, the village corporations have been somewhat more active in addressing the issue than have the municipalities.
2. There is a wide disparity of opinion with regard to specifically what criteria is to be used in the selection of the 1280 acres and specifically who is to make the selection.
3. While there generally has been some dialogue between the municipality and the village corporation, there has as yet been little agreement reached on either the selection process or the specific lands selected.
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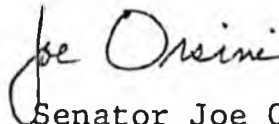
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Senator Joe Orsini
Chairman, Community
and Regional Affairs
Committee

JO/js

sent copies of ^{minutes} copies dated
March 30, 1977 to Director
Lackitt's office per request
4/11/77.

VB

Sent to all regional corp.

March 30, 1977

Re: ANCSA

Regional Corporation

Dear :

For you information, the Senate Community and Regional Affairs Committee is sending you a copy of the letter and enclosures which were sent to all the Village Corporations and corresponding municipalities. As the letter states, this Committee hopes to create beneficial interaction between them and receive input (see questionnaire) in order to ascertain what actions have been taken in regards to the Alaska Native Claims Settlement Act.

If you have any comments or suggestions, or if we can be any assistance to you, please do not hesitate to contact this office.

Sincerely,

Joe Orsini
Chairman
Senate Community and
Regional Affairs
Committee

JO/js

Enclosures: As stated

Alaska State Legislature

SENATOR
JOE ORSINI
2912 ALDER DRIVE
ANCHORAGE, ALASKA 99504

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA
99811



COMMITTEES
RESOURCES
COMMERCE
COMMUNITY & REGIONAL AFFAIRS

Senate

March 28, 1977

One of the less recognized aspects of the Alaska Native Land Claims Settlement Act (ANCSA) has been those provisions of Section 14(c)(3) and (4), relating to the reconveyance of Village land to governmental agencies (see enclosed copy of the Section and the pertinent Alaska Statute, AS 44.47.150). However, as the land conveyance process approaches completion, this reconveyance portion of the ANCSA will undoubtedly become more of an issue.

Because of the numerous questions that will inevitably be raised regarding the implementation of these sections, it is the feeling of the Senate Community and Regional Affairs Committee that we should begin to address the issue now, before the occurrence of possible confrontation, so as to see if some mutually acceptable procedures can be reached. It would seem to be in the best interests of all concerned that some sort of planning process be undertaken regarding the selection of the land to be reconveyed, which could involve the use of state funds.

It will help our consideration of the subject if we could get some information with respect to your current disposition on the issue. In that regard, we would appreciate your response to the questions on the following page. Please feel free to elaborate on any of your answers, and make whatever other comments you desire.

Sincerely,

Joe Orsini

Joe Orsini, Chairman
Senate Community and
Regional Affairs
Committee

JO/js

Enclosures: As stated

Has your Village been aware of the provisions of Section 14(c)(3) and (4) of the ANCSA?

Have you given consideration to taking some formal action in that regard?

Have you conferred with any State Officials on this issue?

What do you feel the State Legislature or Administration can do to help in this land selection and conveyance?

Prepared By: _____

Title: _____

Village Of: _____

Has your municipality been aware of the provisions of Section 14(c)(3) and (4) of the ANCSA?

Have you given consideration to taking some formal action in that regard?

Have you conferred with the Village on this issue?

Has any agreement been reached between you and the Village on how to proceed in this regard?

Have you reached any agreement with the Village on the lands to be conveyed under Section 14(c)(3) and (4)?

Does it appear as though there may be a confrontation on the issue?

What do you feel the State Legislature or Administration can do to help in this land selection and conveyance?

Prepared By: _____

Title: _____

Municipality Of: _____

Has your Village been aware of the provisions of Section 14(c)(3) and (4) of the ANCSA?

Have you given consideration to taking some formal action in that regard?

Have you conferred with the Municipality on this issue?

Has any agreement been reached between you and the Municipality on how to proceed in this regard?

Have you reached any agreement with the Municipality on the lands to be conveyed under Section 14(c)(3) and (4)?

Does it appear as though there may be a confrontation on the issue?

What do you feel the State Legislature or Administration can do to help in this land selection and conveyance?

Prepared By: _____

Title: _____

Village Of: _____

finds is qualified for land benefits under this Act, the Secretary shall issue to the Village Corporation a patent to the surface estate in the number of acres shown in the following table:

If the village had on the 1970 census enumeration date a Native population between—	It shall be entitled to a patent to an area of public lands equal to—
25 and 99.....	69,120 acres.
100 and 199.....	92,160 acres.
200 and 399.....	115,200 acres.
400 and 599.....	138,240 acres.
600 or more.....	161,280 acres.

The lands patented shall be those selected by the Village Corporation pursuant to subsection 12(a). In addition, the Secretary shall issue to the Village Corporation a patent to the surface estate in the lands selected pursuant to subsection 12(b).

(b) Immediately after selection by any Village Corporation for a Native village listed in section 16 which the Secretary finds is qualified for land benefits under this Act, the Secretary shall issue to the Village Corporation a patent to the surface estate to 23,040 acres. The lands patented shall be the lands within the township or townships that enclose the Native village, and any additional lands selected by the Village Corporation from the surrounding townships withdrawn for the Native village by subsection 16(a).

Patent requirements.

(c) Each patent issued pursuant to subsections (a) and (b) shall be subject to the requirements of this subsection. Upon receipt of a patent or patents:

(1) the Village Corporation shall first convey to any Native or non-Native occupant, without consideration, title to the surface estate in the tract occupied as a primary place of residence, or as a primary place of business, or as a subsistence campsite, or as headquarters for reindeer husbandry;

(2) the Village Corporation shall then convey to the occupant, either without consideration or upon payment of an amount not in excess of fair market value, determined as of the date of initial occupancy and without regard to any improvements thereon, title to the surface estate in any tract occupied by a nonprofit organization;

(3) the Village Corporation shall then convey to any Municipal Corporation in the Native village or to the State in trust for any Municipal Corporation established in the Native village in the future, title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community expansion, and appropriate rights-of-way for public use, and other foreseeable community needs: *Provided*, That the amount of lands to be transferred to the Municipal Corporation or in trust shall be no less than 1,280 acres;

(4) the Village Corporation shall convey to the Federal Government, State or to the appropriate Municipal Corporation, title to the surface estate for existing airport sites, airway beacons, and other navigation aids, together with such additional acreage and/or easements as are necessary to provide related services and to insure safe approaches to airport runways; and

(5) for a period of ten years after the date of enactment of this Act, the Regional Corporation shall be afforded the opportunity to review and render advice to the Village Corporations on all land sales, leases or other transactions prior to any final commitment.

Sec. 44.47.150. Village land conveyed in trust. (a) The commissioner of the Department of Community and Regional Affairs is designated to accept, administer, and dispose of land conveyed to the state in trust by village corporations under § 14(c)(3) of the Alaska Native Claims Settlement Act (P.L. 92-203, 85 Stat. 703) for the purposes specified in that section.

(b) Transfer of land by sale, lease, right-of-way, easement, or permit, including transfer of surface resources, may be made by the commissioner only after approval of an appropriate village entity such as the traditional council, a village meeting, or a village referendum. Such approval shall be by resolution filed with the department.

(c) Within one complete state fiscal year after the incorporation of a municipality in the village or of a municipality which includes all or part of the village, land acquired under this section shall be conveyed without cost to the municipality, and the municipality shall succeed to all the entrusted interest in the land.

(d) Separate accounts shall be maintained in the name of each village for the land, including the revenues from the land, acquired from each village corporation under this section, and within 90 days of the close of each state fiscal year a statement of the account for each municipality shall be prepared by the commissioner and be made available to the village and to the public upon request.

(e) Upon the conveyance of land to a municipality under this section, the commissioner shall account to the municipality for all profits including interest from the land, and the municipality may then request that the governor submit a request to the legislature for an appropriation for the amount due it.

(f) No title or interest to lands acquired by the department under this section may be acquired by adverse possession or prescription.

(g) For the purposes of this chapter, the term municipality includes only first and second class cities incorporated under the laws of the state. (§ 1 ch 119 S.L.A. 1975)