

HB

176

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Community & Reg. Affairs:

4/1/87

4/15/87

# HOUSE COMMITTEE REPORT

5/5

(5)  
Date referred: 3/11/87

FURTHER REFERRALS: Resources  
Finance

DATE: 05/04/87

The Community & Regional Affairs Committee has considered HB 176

"An Act authorizing the Department of Community and Regional Affairs to accept, in trust, land conveyed by the federal townsite trustee; and providing for an effective date."

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note
- zero with analysis  same as previous zero fiscal note published (2) 3/11/87

**SIGNING DO PASS:**

Springer Heinrich Springer

Cuto Butte Cuto

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

Zawacki Jim Zawacki No Rec

Herrmann William Herrmann No Rec

Collins Agnes Collins No Rec

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Springer Heinrich Springer  
Chairman's signature

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

HB 176

March 9, 1987

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill expressly authorizing acceptance by the Department of Community and Regional Affairs of federal townsite trust land conveyed by the townsite trustee of the U.S. Department of the Interior.

Under 43 U.S.C. secs. 732 and 733 -- 736, the federal townsite trustee administers land in villages with federal townsites. Under federal regulations, the trustee may convey the land to state or federal agencies or local governments for public uses. The Department of the Interior has been interested in ending its administration of the remaining townsite lots and has expressed interest in having the state assume some of the trustee duties.

The state already acts as trustee for some land in unincorporated communities, under sec. 14(c)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)(3)). That section requires each village corporation to convey certain acreage to municipalities or to the state in trust for future municipalities. In 25 of the unincorporated ANCSA villages there are federal townsites. In many of those federal townsites, vacant land could be used for community purposes, but without a municipality there may be no entity to which the federal trustee can deed land for community purposes. Under this bill, land could be deeded to the state to administer for community purposes.

Since the state would be accepting only vacant and unappropriated land or land that is already being used for public purposes, it would be administering the land together with sec. 14(c)(3) land received from village corporations. Therefore, there should be no additional costs or burdens on the Department of Community and Regional Affairs. Townsite land administration would be subject to the same accounting and administration requirements as now apply to sec. 14(c)(3) land under AS 44.47.150(b) -- (g).

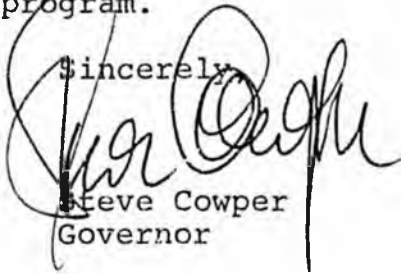
The bill also makes several stylistic and technical clean-up amendments.

Hon. Ben Grussendorf

Page 2

In short, this bill will enable the state to make available for community uses vacant federal townsite land that is now unused under the federal townsite program.

Sincerely,



Steve Cowper  
Governor

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: HB 176  
Publish Date: 3/11/87

**REQUEST**

Bill/Resolution No. : \_\_\_\_\_  
Title : An Act authorizing DCRA to accept  
in trust, land conveyed by the federal  
townsite trustee  
Sponsor: Rules/Governor  
Requestor: Governor  
Date of Request: 11/21/86

**FISCAL DETAIL**

Agency Affected: Community & Regional Affairs  
BRU: Rural Development

Components: Municipal Lands Trustee

**EXPENDITURES REVENUES : (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-		
CAPITAL						
REVENUE						

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		-0-	-0-	-0-		
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by: Doug Griffin, Deputy Director  
Division: Municipal & Regional Assistance

Phone: 465-4750  
Date: 11/21/86

Approved by Commissioner: Jess Smith  
Agency: Community & Regional Affairs

Date: 11/20/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: HB 176  
Publish Date: 3/11/87

REQUEST

Bill/Resolution No. : \_\_\_\_\_  
Title : Federal townsites  
\_\_\_\_\_  
Sponsor : \_\_\_\_\_  
Requestor : \_\_\_\_\_  
Date of Request : \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Natural Resources  
BRU: Land and Water  
\_\_\_\_\_  
Components : \_\_\_\_\_  
\_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact

Prepared by : Ned Farquhar Phone : 465-2400  
Division : Commissioner's Office Date : 11/24/86

Approved by Commissioner : Wm D. Jensen, Deputy Date : 11/24/86  
Agency : Natural Resources

- Distribution (by Agency preparing fiscal note) :
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

# HOUSE COMMITTEE REPORT

⑨ HB 176

(5)

Date referred: 3/11/87

FURTHER REFERRALS: Resources  
Finance

DATE: 05/04/87

The Community & Regional Affairs Committee has considered HB 176

"An Act authorizing the Department of Community and Regional Affairs to accept, in trust, land conveyed by the federal townsite trustee; and providing for an effective date."

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- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published (2) \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

Springer Heinrich Springer  
 Cate Butte Pat  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

Zawacki Jim Zawacki No Rec  
 Herrmann Bill Herrmann No Rec  
 Collins Ernie Collins No Rec  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Springer Heinrich Springer  
 Chairman's signature







# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

ⓔ HB 176

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4833

April 2, 1987

Mr. Rick Elliot  
949 E. 26th, Suite 407,  
Anchorage, Alaska 99508

Re: HB 176, Land from Federal Townsite Trustee  
Additional Testimony

Dear Mr. Elliot:

An additional teleconference has been scheduled to take testimony on HB 176. At 3:00 p.m. Wednesday, April 15, the House Committee on Community and Regional Affairs will continue hearing this bill. Your participation again, would be appreciated. If you can take part in this teleconference, please contact Committee Assistant Terry Hoefflerle at 465-4833.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. Springer".

Rep. Henry Springer



# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4833

April 2, 1987

Ms. Gail Ozmina  
Bureau of Land Management  
701 C St., Box 13  
Anchorage, Alaska 99515

Re: HB 176, Land from Federal Townsite Trustee  
Additional Testimony

Dear Ms. Ozmina:

An additional teleconference has been scheduled to take testimony on HB 176. At 3:00 p.m. Wednesday, April 15, the House Committee on Community and Regional Affairs will continue hearing this bill. Your participation again, would be appreciated. If you can take part in this teleconference, please contact Committee Assistant Terry Hoefflerle at 465-4833.

Sincerely,

A handwritten signature in cursive script that reads "H. Springer".

Rep. Henry Springer

© HB 176



# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4833

April 2, 1987

Mr. Andrew Gusty  
General Delivery  
Stoney River, Alaska 99577

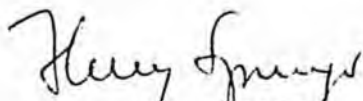
Re: HB 176, Land from Federal Townsite Trustee  
Additional Testimony

Dear Mr. Gusty:

We regret that time did not permit everyone who wished to testify on HB 176, Wednesday, April 1, 1987, to do so.

Another teleconference has been scheduled to take testimony on this bill. At 3:00 p.m. Wednesday, April 15, the House Committee on Community and Regional Affairs will hear this bill again. If you wish to participate in this teleconference, please contact Committee Assistant Terry Hoefflerle at 465-4833.

Sincerely,

  
Rep. Henry Springer

Mr. Andrew Gusty  
General Delivery  
Stoney River, Alaska 99577

Mr. Don Stevens  
General Delivery  
Stevens Village, Alaska 99774

Mr. Dave Lacy  
P.O. Box 1372  
Fairbanks, Alaska 99701

Mr. Pat Norman  
General Delivery  
Port Graham, Alaska 99603

Ms. Lorraine Felix  
General Delivery  
Northway, Alaska 99764

Ms. Val Dushkin  
General Delivery  
Nikolski, Alaska 99633

Mr. Oscar Frank  
320 2nd Street  
Fairbanks, Alaska 99701

Ms. Randy Briggs  
General Delivery  
Ugashik, Alaska 99625

Mr. Jim Bamberger  
General Delivery  
Port Graham, Alaska 99603

Mr. Steve Furman  
General Delivery  
Egegik, Alaska 99577

Mr. Vincent Kvasinkoff  
General Delivery  
English Bay VIA Homer, Alaska 99603

Ms. Clara Washington  
General Delivery  
Leclock, Alaska 99625

Mr. Boris Kosbuk  
General Delivery  
Perryville, Alaska 99649

Mr. Nick Holstrom  
General Delivery

S. Naknek, Alaska 99633

Mr. Robert Enoch  
General Delivery,  
Tuntutuliak, Alaska 99680

Mr. Johnny Lind  
General Delivery  
Chignik Lake, Alaska 99564

Mr. Rodney Anderson  
General Delivery  
Chignik Lagoon, Alaska 99565



# STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

March 23, 1987

## POSITION PAPER

RE: House Bill 176

SPONSOR: Rules Committee by Request of the Governor

### Program Effects of Bill

The proposed legislation would amend AS 44.47.150 to allow the Commissioner of the Department of Community and Regional Affairs to accept land in unincorporated villages from the federal townsite trustee. The Commissioner, under the existing statute, may now accept land from a Native village corporation under Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA). The bill would broaden that authority to allow acceptance of federal townsite trustee lands and would also provide that any land accepted from the trustee will be counted towards the appropriate village corporation's ANCSA 14(c)(3) obligations.

### Comments

The Department strongly supports this bill. The legislation provides greater flexibility to resolve some problems affecting federal townsite villages. The proposed legislation would merely provide an option to help resolve some of the problems with federal townsite villages. The bill would not require the deeding of any land to the State. However, it would give the State, through the Department of Community and Regional Affairs, the authority to accept land if it is determined to be a feasible option in any of the 25 ANCSA villages with federal townsites which are not incorporated as cities under Alaska State law.

The federal townsite trustee, under present laws and regulations, can deed land to incorporated municipalities. However, in unincorporated villages there is no local entity to which land can be deeded. The federal townsite trustee may deed land to a State agency for public purposes. The proposed legislation would merely give the Commissioner of the Department of Community and Regional Affairs the authority to accept and to administer such land in the same manner as land which is reconveyed under Section 14(c)(3) of ANCSA. It is important to note that transfers of this nature may be made only with the approval of the village council. Such approval is required by federal regulation (43 CFR 2565.5(b)(3)).

⑦ HE 176


STEVE COWPER, GOVERNOR

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

House Bill 176  
March 23, 1987  
Page Two

The federal townsite trustee is presently examining ways of ending its administration of the remaining townsite land in the unincorporated villages. The administration of the remaining townsite land could be readily consolidated with the existing State program having similar functions. The State already has the responsibility to accept and manage land which has or will be reconveyed for community use and expansion under Section 14(c)(3) of ANCSA. While the federal townsite problem is yet to be solved, this legislation would provide greater flexibility by allowing the transfer of federal townsite land to the State to hold for a future municipal corporation.

Village residents would benefit from the bill because it would provide a mechanism for the transfer of land for public purpose projects. In some cases, it may not be possible to obtain site control for projects in any other manner under existing federal law and regulations. Land for residential expansion could also be accepted if federal legislation were to permit such action. Native village corporations would benefit because any land deeded to the State under this provision would reduce their ANCSA Section 14(c)(3) obligations. Therefore, village corporations may not have to reconvey as much land as would have otherwise been necessary.



---

David G. Hoffman, Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: HB 176  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "An act authorizing DCRA accept in trust land"  
Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_

Agency Affected: Community & Regional Affairs  
BRU: Rural Development  
Components: Municipal Lands Trustee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This fiscal note assumes that the land transferred will be vacant, unappropriated land.

Prepared by: TL Tom Lane Planning Supervisor  
Division: Municipal & Regional Assistance

Phone: 465-4750  
Date: 3/23/87

Approved by Commissioner: [Signature]  
Agency: Community & Regional Affairs

Date: 3-23-87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 176

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act authorizing the Department of Community and  
Regional Affairs to accept, in trust, land conveyed  
by the federal townsite trustee; and providing for an  
effective date."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. AS 44.47.150 is amended to read:

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Sec. 44.47.150. VILLAGE LAND CONVEYED IN TRUST. (a) The commissioner is designated to accept, administer, and dispose of land conveyed to the state in trust (1) by village corporations under 43 U.S.C. 1613(c)(3) (sec. 14(c)(3) of the Alaska Native Claims Settlement Act) for the purposes specified in that section, and (2) by the townsite trustee of the United States Department of the Interior, which is located in patented federal townsites or which is the subject of an application for patent under the Acts of March 3, 1891 (former 43 U.S.C. 732) or May 25, 1926 (former 43 U.S.C. 733 -- 736). The commissioner may not accept land in a village that has a municipal corporation. The commissioner shall credit land accepted from the federal townsite trustee toward the conveyance requirement of the appropriate village corporation under 43 U.S.C. 1613(c)(3) (sec. 14(c)(3) of the Alaska Native Claims Settlement Act).

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(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



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Alaska State Office  
701 C Street, Box 13  
Anchorage, Alaska 99513

⑥ HB 176

IN REPLY REFER TO

2564 (960)

MAR 25 1987

March 20, 1987

Mr. Terry Hoefflerle  
Pouch V  
Juneau, Alaska 98111

Dear Terry:

I have enclosed a copy of our final recommendations for resolving townsite issues in unincorporated communities as we discussed yesterday on the phone. The document was forwarded to our Washington Office this morning.

The chronology of events in this document should answer most of your questions as to the need for H. B. No. 176. However, if I can be of further assistance, please contact me again.

Sincerely,

✓Gail Ozmina  
Townsite Trustee

Enclosure:

Final Recommendations for Unincorporated  
Townsite Initiative

UNINCORPORATED TOWNSITE INITIATIVE

FINAL RECOMMENDATIONS

## I. ISSUES: UNINCORPORATED TOWNSITES

1. As the need for community development and expansion has increased, many individuals have occupied townsite land without Trustee authorization because no authority exists to grant title to these lands.

2. The Trustee has no authority to convey title to the remaining vacant lands when there is no municipality incorporated under State law.

## II. LAW

The townsite laws, which provided a means for residents of a community to gain title to land they occupied, were extended to Alaska by the Act of March 3, 1891. The Act of May 25, 1926, known as the Alaska Native Townsite Act, amended the 1891 law to allow Alaskan native individuals to receive restricted deeds to the lots they occupied in townsites. An amendment was passed on February 26, 1948 to allow Alaskan natives to receive unrestricted deeds upon approval from the Bureau of Indian Affairs. The regulations which guide the townsite program are found in 43 CFR 2564-2565.

The townsite laws were repealed on October 21, 1976 by the Federal Land Policy and Management Act (FLPMA) and the program is currently operating under a savings clause in this same Act. To qualify for a deed, a claimant is required to improve and occupy a townsite lot prior to the date the subdivisional survey plat of the townsite is approved. As additional tracts within the townsite are settled upon and subdivided, the date of approval of that plat becomes the cut-off date for qualifying for a deed in that tract. When FLPMA repealed the townsite laws, it was determined that all further occupancy on townsite lands was precluded as of the date of FLPMA or the subdivisional survey date, whichever is earlier.

In uninporated townsites, public sale is the only method for disposing of the remaining lands. If unauthorized occupancy occurs in these unincorporated townsites, the Trustee lacks authority to transfer title to the individuals.

### III. CHRONOLOGY OF EVENTS

A. JUNE, 1986 - Meetings were conducted with various State and native organizations to obtain their views and concerns regarding townsite issues. The consensus was that a field examination be conducted in the affected communities to determine the status of undeeded lands prior to evaluating alternatives for a solution.

B. JULY - SEPTEMBER, 1986 - Field examinations were conducted in 24 villages with the following results:

Parcels with valid claims (able to convey).....	252
Parcels vacant (no authority to convey).....	783
Parcels occupied without Trustee authorization.....	229
Approved by village council.....	220
Unapproved by village council.....	9
TOTAL ACRES UNABLE TO CONVEY.....	1,737

C. OCTOBER 29, 1986 - An issue paper and questionnaire listing seven suggested proposals were distributed for comment to all affected villages and various State and native organizations. The proposals with some variations focused on three main alternatives:

- 1) Retain present authority for public sale of lots
- 2) Retain Trustee and provide authority to validate unauthorized occupancy.
- 3) Prepare closeout plan for each village providing for:
  - a) deeding to unauthorized occupants
  - b) deeding land needed for public purpose projects
  - c) deeding remaining lands to a local entity and/or
  - d) deeding vacant land to the State, Municipal Lands Trustee (MLT)

D. DECEMBER 1, 1986 - Responses were received from 16 villages, 3 ANCSA regional corporations, State of Alaska, Department of Community and Regional Affairs (DCRA) and the Tanana Chiefs Conference, Inc.

E. JANUARY 15, 1987 - The responses were analyzed and a Draft Report of Findings and Recommendations was distributed for public comment.

The consensus of the December responses was that authority be provided for the Trustee to issue deeds to all unauthorized occupants. Therefore, the proposals in the initial questionnaire were consolidated to address disposal of vacant land in unincorporated townsites. The following general positions and specific comments were expressed on the proposals:

## PUBLIC SALE

### General Position

Only the community of Hyder has responded favorably to the auction proposal. The universal reaction from the other communities was negative.

### Comments

" [O]nly a handful of people would own vacant lots and control who builds and who couldn't." Egegik Village Council

"This method is the one most likely to result in Natives losing control of the land within their villages. Most Natives have very low incomes, so even "fire-sale" auction prices could price Natives out of the market, yet these low prices could possibly attract outside speculators." Calista Regional Corporation

" (T)his would pose a social and physical stress on the village. Lack of control and due to lack of local funds by local residents would open up all land to outsiders." Port Graham Village Council

"This proposal would kill traditional native government. (And could) cause racism within villages and outbreak of violence." English Bay Village Council.

## RETAIN THE TRUSTEE

### General Position

The general feeling for retaining the Townsite Trustee was that if the unoccupied lands in the unincorporated townsites could not be transferred to a local entity, then new deeding authority for future occupation of lots with village council approval would be acceptable in order to establish some sort of local input into the system. The villages did not see much point in creating a land board in each village to approve future occupancy of lots. They felt that this function more properly belonged to the village councils, and that the creation of a separate land board would only create another unnecessary level of bureaucracy.

### Comments

"This we feel would give local traditional village councils the control that is rightfully theirs to exercise. Each council would set up certain requirements to follow to obtain title. Native inhabitants would be able to acquire title in restricted status." English Bay Village Council

"(This proposal) does not adequately address our village's desire to have the land deeded to the village government. (The proposal) does not address the whole problem with the townsite land program (i.e.,) land speculation, deeding of land to non-residents, interference in local government. The village council has to have direct control over the land. A land board sidesteps the council." Port Graham Village Council

"Once land policy is approved by our members the work can be done by our council or by the recommendation of the policy. If this is to be done by council there would not be (a need) to create a land board." Twin Hills Village Council

"(Post-survey deeding authority) seems to be more appropriate for the villages than holding an auction. (It would be) very difficult to get these local boards established and keep them functioning." Calista Corporation

"Villages with significant non-Native population may not be represented by the Village Council or IRA Council. (These) proposal(s) would seem to require the continuance of the Federal Townsite Program for an indefinite period. Implementation (of a land board) would seem to be difficult as well as costly." State of Alaska, DCRA

(The) creation of a local control board seems too cumbersome, especially in the smaller communities. Because of the past proliferation of boards, general policy advises against formation of new special purpose boards in favor of general purpose entities such as the councils." Tanana Chiefs Conference responding for 10 villages.

## CLOSEOUT PLAN

### General Position

The proposal to deed the unoccupied lands in unincorporated townsites to a local entity has been consolidated with the closeout plan proposal, as both proposals advocate deeding to a local entity. This proposal has had the most positive response from the groups participating in the questionnaire. The general feeling among the respondents is that the communities want local control of the disposition of townsite lands, not merely in an oversight capacity, but rather in a possessory transfer of title.

Bristol Bay Native Corporation proposed a variation of the closeout plan proposal in that 45% to 50% of the remaining vacant lands be deeded to the identified village entity and the DCRA (specifically the Municipal Lands Trustee (MLT)) jointly, and the balance be deeded to the village council.

Calista Corporation liked the concept of the closeout plan proposal but felt that the remaining vacant lands should be transferred to the village corporation rather than the village council.

All of the villages in the Tanana Chiefs Conference region indicated they were in favor of conveying the vacant land to the council, either directly or through the closeout plan.

Tanana Chiefs Conference favored the closeout plan proposal over the others listed in the questionnaire. They emphasized that under this proposal, any of the other proposals could be incorporated and implemented if the community so desired.

#### Comment

"(O)ne option that clearly represents what the native villages need and want, an opportunity to remain unincorporated and have a land base that belongs to the native government and not the ANCSA corporations." Port Graham Village Council

#### DEED TO STATE OF ALASKA. MUNICIPAL LANDS TRUSTEE

#### General Position

All the village respondents were opposed to deeding the vacant land to the MLT. The general feeling among the village respondents is that they do not want another bureaucracy controlling their right to the land in their villages. They feel that to deed the remaining lands to the MLT would tend to coerce villages to incorporate against their will in order to obtain local control.

The Calista Corporation does not approve of this alternative because they feel the MLT is hard pressed to take care of its 14(c) obligations at present so it is no time for it to be taking on additional responsibilities. Also they feel that in light of declining state revenues, the MLT couldn't afford the additional responsibilities.

DGPA feels that if the proposal were implemented, the MLT could effectively administer the land. They point out that under its present program, the MLT has procedures in place to make trust land available for local use and expansion. They also address the concern for local control by requiring all land disposals by the MLT to be approved by the "appropriate village entity".

In its analysis of the closeout plan proposal, the DCRA indicated that they would have no problems with its implementation as long as it provided options that would protect the public interest. Concern is expressed that BLM should determine whether land can be conveyed to IRA or traditional councils or to other public entities. If the determination is positive, the DCRA suggests that the villages be given the option of choosing whether the vacant lands go to the local village entity or to the State to hold in trust for the future municipality.

Through a combination of regulatory amendments and new legislation, the following recommendations were proposed with rationale for each to address all of the identified issues and to phase out the townsite program.

#### RETAIN THE OPTION FOR PUBLIC SALE OF LOTS

Rationale: Although native townsites are currently opposed to public sales, this option should be available for these villages if circumstances should change. Concurrence from the village is required prior to holding a sale, therefore, native villages are not threatened by this regulation. The village of Hyder, which is the only non-native, unincorporated village with land available for disposal, has recently indicated an interest in holding a public sale.

#### PROPOSE LEGISLATION TO ALLOW THE TRUSTEE TO VALIDATE ALL OCCUPANCY ESTABLISHED ON OR BEFORE ENACTMENT OF THE LEGISLATION

Rationale: It was found that in almost all cases where individuals had occupied townsite land without authorization from the Trustee, the local village council had approved the settlement. This approval suggests that local village governments have been actively involved with the orderly development of their communities, absent legal authority.

In many cases, individuals relied on the advice of the Trustee between 1976 (FLPMA repealed the townsite laws) and 1979 (Solicitor's Opinion declared that all townsite settlement was curtailed with the repeal of the laws) when settling on unsubdivided tracts. Although the District Court upheld the Solicitor's opinion, in Royal Harris v. U.S., A80-174 CIV, the Court noted that "It is possible, however, that equity will require that lots be deeded to plaintiffs."

It is not feasible nor does the federal government desire to prosecute these individuals under either of the above situations. This legislation would resolve all of the unauthorized occupancy on both subdivided lots and unsubdivided tracts. It would provide restricted deeds for Natives who are in occupancy on the date of enactment of the law.

AMEND THE TOWNSITE REGULATIONS TO REQUIRE THE TRUSTEE TO HOLD A PUBLIC HEARING IN EACH VILLAGE TO PREPARE A CLOSEOUT PLAN

Each hearing should:

a) Identify what lands, if any, are needed within the next six months for construction of public purpose projects and determine the appropriate entity to receive title to those lands.

b) Determine what preference the village has for deeding the remaining vacant lands to either the "appropriate village entity" or the State, Municipal Lands Trustee.

Rationale: This combined proposal appears to be favored by the majority of the respondents because of it's flexibility in addressing the varied circumstances found in each village.

Many native villages are governed by traditional village councils which are not incorporated under state or federal law. While only four villages are incorporated under the Indian Reorganization Act (IRA) at the present time, several villages have applications pending before the Department of Interior. A non-profit corporation has been established in one village to handle grants for capital projects and other administrative obligations for the village because there is no other form of local government in the community.

Traditional and IRA councils and non-profit corporations have been in existence for many years and are recognized as "appropriate village entities" (AVE) in some ANCSA villages by the State of Alaska, to make land decisions on behalf of the village residents. A village organization must be acceptable to all of the village residents before it can be officially recognized by the State. A formal petitioning process with publication and comment period are used to establish the AVE in each village. Objection by one resident can veto the organization's application for recognition. Where no AVE exists, decisions are made by a majority vote in a village public meeting.

The regulations under which the State, Municipal Lands Trustee operates, allow for community use and expansion in unincorporated communities. The program also provides for land disposals only with the consent of the AVE or majority vote whichever is applicable. This program also provides valuable technical assistance to unincorporated communities. Therefore, although the general response was not favorable to conveying land to the State, we feel this option should be available to the villages.

AMEND REGULATIONS TO REQUIRE UNINCORPORATED VILLAGES WITH NO FORM OF LOCAL GOVERNMENT TO INITIATE A PUBLIC PURPOSE PROJECT WITHIN ONE YEAR OF THE DATE OF FINAL RULEMAKING OR THE FUNDS WILL BE RETURNED TO THE GENERAL TREASURY OF THE UNITED STATES

Rationale: Two non-native villages (Salchaker and Birch Lake) have held public sales in past years which have generated a significant amount of revenue for those villages. Currently, the money must be spent on a public purpose project because there is no municipality to which the funds can be transferred. All land in these two villages has been deeded by the Trustee. Neither village has any form of local government and there has been no interest in pursuing a public project for many years. This change would provide a means for closing these townsites.

AMEND REGULATIONS TO TRANSFER THE FUNCTION OF ISSUING UNRESTRICTED DEEDS TO THE BUREAU OF INDIAN AFFAIRS ONLY AFTER AN INITIAL RESTRICTED DEED HAS BEEN ISSUED

Rationale: After a restricted deed is issued, the Bureau of Indian Affairs administers the deed for the applicant. Current regulations require the Trustee to handle the flow of paperwork for a subsequent unrestricted deed application, but the determination of competency is made by BIA. This change would ease the confusion for the applicant who now must deal with two agencies. It is also logical from the standpoint that the trust relationship exists between BIA and the applicant after the restricted deed is issued and not between the Trustee and the applicant. The Trustee must continue to process applications for unrestricted deeds where no restricted deed has previously been issued.

F. FEBRUARY 15, 1987 - A total of eight responses were received from the public on the Draft Report of Findings and Recommendations. Six written responses were received from the villages of Port Graham, Egegik, Twin Hills and Ugashik, Tanana Chiefs Conference, representing 10 villages and the State of Alaska, DCRA. Two oral responses were received from Bristol Bay Native Corporation and Chugach Alaska Regional Corporation. The following comments were made:

PUBLIC SALE OF LOTS

The four villages did not comment on this option, as their earlier views were clearly opposed to public sales. The Tanana Chiefs Conference was generally opposed to public sales because of lack of local control, possible land rushes, no preference rights for current occupants, and cash payments which

would exclude many natives from the bidding process. They did not object to sales if village concurrence was a requirement and as the closeout plan option was also available to the villages.

The State of Alaska, DCRA and Chugach Alaska Regional Corporation approved of this recommendation.

PROPOSE LEGISLATION TO VALIDATE ESTABLISHED OCCUPANCY ON OR BEFORE ENACTMENT OF THE LAW

Ugashik, Twin Hills, Chugach Alaska Regional Corporation and the DCRA approved of this recommendation. Egegik and Port Graham did not comment but approved of the option in their earlier comments.

Tanana Chiefs Conference approved the recommendation but felt the vesting date should be the date of a field investigation rather than date of legislation to avoid possible land rushes. They also suggested a private bill for the relief all individuals identified in the field investigation. This method would "effect a quick and final settlement by eliminating the adjudication process and possible litigation."

AMEND THE REGULATIONS TO REQUIRE THE TRUSTEE TO HOLD A PUBLIC HEARING IN EACH VILLAGE TO PREPARE A CLOSEOUT PLAN

The villages were generally in favor of this recommendation. Twin Hills, however, felt that no lands within their townsite should be conveyed to other entities for public projects because the State and village corporations already had enough land.

The DCRA again stated that the federal government must make a determination on the eligibility of a traditional village council to hold title to and dispose of land prior to implementation of this recommendation. To provide for public purpose protections, it was suggested that land not deeded for residential purposes, be deeded with the restriction that it be used only for public purposes.

The Tanana Chiefs Conference suggested a three-part process to implement the closeout plan.

1. Conduct an informational hearing and field investigation for the purpose of determining preference for disposal of vacant lands, identification of current occupants of undeeded, improved lands and to identify existing and proposed public purpose projects.

2. Develop a closeout plan with the village.

3. Conduct a final hearing to adopt the closeout plan.

The Tanana Chiefs Conference opposed conveyance of land to the MLT because it involved more bureaucratic control in the villages and declining State revenues would limit the effectiveness of the program.

AMEND REGULATIONS TO REQUIRE VILLAGES TO INITIATE A PUBLIC PURPOSE PROJECT WITHIN ONE YEAR OF FINAL RULEMAKING OR TOWNSITE FUNDS WOULD BE RETURNED TO THE GENERAL TREASURY OF THE UNITED STATES

Tanana Chiefs Conference approved of this recommendation but felt that a public purpose project could also be an application for funds by the village. No other comments were received.

AMEND REGULATIONS TO TRANSFER FUNCTION OF ISSUING UNRESTRICTED DEEDS TO THE BUREAU OF INDIAN AFFAIRS ONLY AFTER AN INITIAL RESTRICTED DEED HAS BEEN ISSUED

Tanana Chiefs supported this recommendation which streamlines the application and deeding process. No other comments were received.

IV. FINAL RECOMMENDATIONS

Although few responses were received on this report, many of the participants have expressed their views on our earlier questionnaire. As our draft recommendations took most of their concerns into account, we feel that their comments are not likely to change at this point.

1. RETAIN OPTION FOR PUBLIC SALE OF LOTS

Discussion: Although general opposition was expressed toward public sales, this regulation is not detrimental to the villages as concurrence from the village is required prior to conducting a sale. As previously mentioned the non-native village of Hyder has expressed an interest in holding another public sale. Therefore, this regulation should be retained.

2. PREPARE CLOSEOUT PLANS IN EACH VILLAGE

Discussion: Plans should include:

a) Identification of current occupants of undeeded, improved lands (Legislation would be required to validate these entries.)

b) Identification of existing and proposed public purpose projects and entities to which deeds would issue.

c) Determination of village preference for deeding remaining vacant lands to a local entity or the State, MLI. (Regulatory amendments would be needed to implement this recommendation)

### 3. RE-ENACT TOWNSITE LAWS

Discussion: If local entities cannot hold title to and dispose of vacant townsite land, another alternative would be to re-enact the townsite laws to continue administration of these townsites. While this is not the preferred alternative of the villages or from the standpoint of phasing out the townsite program, it does provide a method for resolving the townsite issues of unauthorized occupancy and continued residential and community development.

If this alternative were to be implemented, the legislation should validate the existing unauthorized occupancy and provide authority for future entries upon approval from the recognized "appropriate village entity" or where none exists, through approval by a majority vote of the residents at a village meeting. This would allow maximum participation by the villages in the planning and development of their communities.

The trust responsibility could be accomplished several ways for the 29 villages.

- 1) Retain one Federal trustee for all villages
- 2) Appoint two contractor trustees (Tanana Chiefs Conference for Northern Alaska and Bristol Bay Native Association for Southern Alaska)
- 3) Appoint two contractor trustees (Tanana Chiefs Conference for the Doyon Region (10 villages) and Bristol Bay Native Association for the Bristol Bay Region (8 villages) and retain one federal trustee for the remaining 11 villages.

### 4. AMEND REGULATIONS TO REQUIRE VILLAGES WHICH HAVE NO FORM OF LOCAL GOVERNMENT TO INITIATE A PUBLIC PURPOSE PROJECT WITHIN ONE YEAR OF THE FINAL RULEMAKING OR FUNDS WILL BE RETURNED TO THE GENERAL TREASURY OF THE UNITED STATES

Discussion: This amendment is needed to closeout townsites where all land has been deeded and no public project has been pursued in many years. This amendment should apply only to villages which have no land held in trust. In all other villages projects could possibly be initiated up to the date of the last land transfer by the Trustee. If local entities were determined eligible to receive title to the vacant land, the townsite funds, if any, would be transferred to that entity.

5. AMEND REGULATIONS TO TRANSFER THE FUNCTION OF ISSUING UNRESTRICTED DEEDS TO THE BUREAU OF INDIAN AFFAIRS ONLY AFTER AN INITIAL RESTRICTED DEED HAS BEEN ISSUED

Discussion: This amendment is needed to streamline the deeding process and ease the confusion for the applicant who must deal with two agencies at present. The Trustee must continue to process applications for unrestricted deeds where no restricted deed has been previously issued.

UNINCORPORATED TOWNSITES

REGION	VILLAGE	UNDEEDED VALID CLAIMS	ACRES	UNAUTH OCCUPANTS	ACRES	YACANT PARCELS	ACRES	AYE DESIGNATED
AHTNA	GULKANA	0	0	3	2.07	38	26.3	NO
	MENTASTA	6	5.83	4	1.68	19	24.9	YES
ALEUT	NIKOLSKI	32	9.05	0	0	8	7.01	NO
BRISTOL	CHIGNIK LAGOON	5	2.03	7	6.73	44	91.1	YES
BAY	CHIGNIK LAKE	10	2.73	21	6.05	48	10.8	YES
	EGEGIK	8	4.02	4	2.08	4	91.8	YES
		11	2.4	14	5.41	28	23.3	
	LEVELOK	0	0	3	3.13	28	61.2	YES
	PERRYVILLE	5	1.91	1	0.4	1	0.26	YES
		37	11	10	8.51	50	39.5	
	SOUTH NAKN'K	34	32.9	23	17.8	30	61	YES
	TWIN HILLS	5	0.99	11	3.45	62	115	YES
	UGASHIK	2	4.22	1	1	23	74.1	YES
CALISTA	STONE RIVER	5	2.11	11	4.76	34	28.5	NO
CHUGACH	ENGLISH BAY	1	0.27	10	4.07	27	77.9	YES
	PORT GRAHAM	0	0	16	7.73	22	292	YES
DOYON	BEAYER	6	1.95	16	5.9	18	13.2	YES
	BIRCH CREEK	2	0.59	1	0.29	20	9.82	YES
	CANYON VILLAGE	3	2.98	0	0	29	17	NO
	CHALKITSIK	12	3.58	8	2.59	17	4.17	YES
	CIRCLE	0	0	2	2.5	2	5.58	NO
	EAGLE VILLAGE	6	2.12	1	0.29	23	9.81	YES
	NORTHWAY	5	2.02	12	8.81	12	11.9	YES
	RAMPART	8	1.6	9	3.83	41	56.8	YES
	STEVENS VILLAGE	17	5.63	13	14	32	353	YES
	TANACROSS	8	2.08	0	0	25	5.93	YES
NANA	NOATAK	24	5.35	20	4.55	31	11.6	NO
SEALASKA	HYDER	0	0	8	2.8	67	92.6	NON NATIVE NO
TOTALS		252	107	229	120	783	1617	



CENTRAL COUNCIL  
 Tlingit and Haida Indian Tribes of Alaska  
EXECUTIVE COMMITTEE, 1986 - 1988

17 1987

March 13, 1987

Honorable Heinrich Springer  
 Chairman, House Community & Regional  
 Affairs Committee  
 House of Representatives  
 State of Alaska  
 Pouch V  
 Juneau, AK 99811

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 Admin. Offices  
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 Res: (907) 789-2929

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 Work: (907) 788-3553

**Executive Director**  
 Ms. Evelyn E. Myers  
 Admin. Offices  
 Work: (907) 586-1432  
 Res: (907) 780-6836

Dear Representative Springer:

House Bill No. 176 has come to our attention. The bill authorizes the Department of Community and Regional Affairs to accept, in trust, land conveyed by the federal townsite trustee. The bill is an amendment to existing legislation which authorizes village corporations to convey land to be held in trust by the State.

On the surface, the bill would seem to improve existing conditions with the Alaska Native Townsites. A memorandum dated December 31, 1986 to Doug Griffin from R.M. Elliott describes and analyzes the potential benefits of the proposed bill. But it does not address the potential removal of the Alaska Native Townsite legislation.

The Alaska Native Townsite Act of 1927 was an attempt by the Congress to assist Alaska Native villages in getting economic development assistance. The Bureau of Land Management in the Department of Interior was charged with the responsibility of surveying the townsites. Those communities that were eventually surveyed became eligible to receive federal funds as recognized Indian communities. In the early and mid 1970's, several Alaskan communities received grants for community buildings from the Economic Development Administration solely because they were recognized under the Alaska Native Townsite Act. In this context, the Act has been good for Alaska.

On the other hand, there have been accusations of abuse and even misrepresentation of authority by the federal townsite trustee. Grievances have been levied by several communities

Honorable Henrich Springer - 2 -

March 13, 1987

throughout Alaska regarding the practices of the federal townsite trustee. Whether or not the grievances have merit, a climate of distrust exists regarding the management of federal townsites.

Therefore, it is our hope and request that hearings can be held regarding this legislation. Additionally, we ask that village representatives have ample opportunity to examine and modify, if necessary, the proposed bill. This may delay early passage, but we feel it is important to thoroughly examine the consequences.

Sincerely,



Edward K. Thomas  
President

EKT:ld

Attachment

# MEMORANDUM

State of Alaska  
Community and Regional Affairs

TO: Doug Griffin  
Deputy Director

DATE: December 31, 1986

FILE NO.: 2097E/RME/jbm

THRU: TELEPHONE NO.: (907) 561-8182

FROM: R. M. Elliott  
Program Manager  
Municipal Lands Trustee Program  
Municipal and Regional Assistance  
Division

SUBJECT: Townsite Legislation  
Amendment to  
AS 44.47.150

## What the Proposed Legislation Does

The proposed legislation merely amends AS 44.47.150 to provide the Commissioner of the Department of Community and Regional Affairs the authority to accept land from the federal townsite trustee. The Commissioner, under the existing statute, may only accept land from a Native village corporation under Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA). The legislation also provides that any land accepted from the federal townsite trustee will be counted towards the appropriate village corporation's ANCSA 14(c)(3) obligation.

## Why the Legislation is Needed

There are 25 ANCSA villages with federal townsites which are not incorporated under Alaska State law.

The townsite trustee, under present laws and regulations, can deed land to incorporated municipalities. However, in the unincorporated villages there is no local entity to which land can be deeded. The federal townsite trustee may deed land to a State agency for public purposes. The proposed legislation would merely give the Commissioner of the Department of Community and Regional Affairs the authority to accept and to administer such land in the same manner as land which is reconveyed under Section 14(c)(3) of ANCSA. It is important to note that transfers of this nature may be made only with the approval of the village council. Such approval is required by federal regulation.

Secondly, the federal townsite trustee is presently examining ways of ending its administration of the remaining townsite land in the unincorporated villages. It is certainly possible that the administration of the remaining townsite land could be folded

Doug Griffin  
RE: FEDERAL TOWNSITE LEGISLATION  
December 31, 1986  
Page Two

in to the existing State program. The State already has the responsibility to accept and manage land which has or will be reconveyed for community use and expansion under Section 14(c)(3) of ANCSA. The final resolution of the federal townsite problem remains to be seen, but this legislation would allow the transfer of federal townsite land to the State to hold for a future municipal corporation to be considered as a viable option.

#### Who benefits from the Legislation

The village residents benefit because it will provide a mechanism for the transfer of land for public purpose projects. In some cases, it may not be possible to obtain site control for projects in any other manner under existing federal law and regulations. Land for residential expansion could also be accepted if federal legislation were to permit such action.

Native village corporations would benefit in that any land deeded to the State under this provision would count towards the Section 14(c)(3) obligation. Therefore, village corporations may not have to reconvey as much land as would have otherwise been necessary.

#### Summary

The proposed legislation merely provides an option to help resolve some of the problems with federal townsite villages. The legislation does not require the deeding of any land to the State. However, it does give the State, through the Department of Community and Regional Affairs, the authority to accept land if it is determined to be a feasible option in any of the effected villages.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

② HB 176 No.1

Bill Version: HB 176  
Publish Date: 3/11/87

**REQUEST**

Bill/Resolution No. : \_\_\_\_\_  
 Title : An Act authorizing DCRA to accept  
in trust, land conveyed by the federal  
townsite trustee  
 Sponsor : Rules/Governor  
 Requestor : Governor  
 Date of Request : 11/21/86

**FISCAL DETAIL**

Agency Affected : Community & Regional Affairs  
 BRU : Rural Development  
 \_\_\_\_\_  
 Components : Municipal Lands Trustee  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-		

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		-0-	-0-	-0-		
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Doug Griffin, Deputy Director  
 Division : Municipal & Regional Assistance

Phone : 465-4750  
 Date : 11/21/86

Approved by Commissioner : Jell Smith  
 Agency : Community & Regional Affairs

Date : 11/20/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION

FISCAL NOTE

Bill Version: HB 176

Publish Date: 3/11/87

REQUEST

Bill/Resolution No. : \_\_\_\_\_

Title : Federal townsites

Sponsor : \_\_\_\_\_

Requestor : \_\_\_\_\_

Date of Request : \_\_\_\_\_

FISCAL DETAIL

Agency Affected : Natural Resources

BRU : Land and Water

Components : \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact

Prepared by: Ned Farguhar

Phone : 465-2400

Division : Commissioner's Office

Date : 11/24/86

Approved by Commissioner : Armi D. Arnold, Deputy

Date : 11/24/86

Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 9, 1987

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill expressly authorizing acceptance by the Department of Community and Regional Affairs of federal townsite trust land conveyed by the townsite trustee of the U.S. Department of the Interior.

Under 43 U.S.C. secs. 732 and 733 -- 736, the federal townsite trustee administers land in villages with federal townsites. Under federal regulations, the trustee may convey the land to state or federal agencies or local governments for public uses. The Department of the Interior has been interested in ending its administration of the remaining townsite lots and has expressed interest in having the state assume some of the trustee duties.

The state already acts as trustee for some land in unincorporated communities, under sec. 14(c)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)(3)). That section requires each village corporation to convey certain acreage to municipalities or to the state in trust for future municipalities. In 25 of the unincorporated ANCSA villages there are federal townsites. In many of those federal townsites, vacant land could be used for community purposes, but without a municipality there may be no entity to which the federal trustee can deed land for community purposes. Under this bill, land could be deeded to the state to administer for community purposes.

Since the state would be accepting only vacant and unappropriated land or land that is already being used for public purposes, it would be administering the land together with sec. 14(c)(3) land received from village corporations. Therefore, there should be no additional costs or burdens on the Department of Community and Regional Affairs. Townsite land administration would be subject to the same accounting and administration requirements as now apply to sec. 14(c)(3) land under AS 44.47.150(b) -- (g).

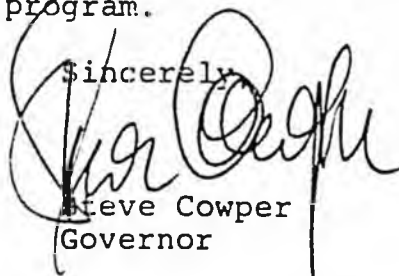
The bill also makes several stylistic and technical clean-up amendments.

Hon. Ben Grussendorf

Page 2

In short, this bill will enable the state to make available for community uses vacant federal townsite land that is now unused under the federal townsite program.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name below.

Steve Cowper  
Governor