

ALASKA LEGISLATURE COMMITTEE FILES 1987-88 8672

4466 HCRA HB 163 - HB 176

38

The Honorable Peter Goll
RE: CSHB 15
April 2, 1985
Page 3

Another idea to improve the process would be to have the Local Boundary Commission make available summaries of the testimony at the public hearing, along with the other material currently provided.

If you would like to discuss this matter further, please contact me.

Sincerely,



Jeff Smith
Deputy Commissioner

cc: Marty Rutherford, Director
Municipal and Regional Assistance Division

Tom Lane, Planner
Municipal and Regional Assistance Division

Attachment: as stated

PUBLIC OPINION POLL REGARDING ANNEXATION
PAGE ONE OF TWO

1. Are you aware of the City's proposal to annex _____ square miles, including the territory in which you live? [Note: if not, see the attached map showing the boundaries of this territory]
() yes () no
2. In your opinion, does any part or all of the territory proposed for annexation have the following characteristics?
- URBAN (is the population density approximately equal to that of the City, is the development in this area the result of growth beyond the present City boundaries, is the property suitable for urban purposes);
() yes () no
 - NEED FOR SERVICES BY CITY (is the territory in need of municipal services which the City can provide more efficiently than another municipality);
() yes () no
 - GROWTH (is there a reasonable likelihood that future growth and development will occur in the territory in a manner that would benefit from City planning and control);
() yes () no
 - HEALTH (are there conditions developing or existing in the territory which could endanger the health, welfare or safety of residents which could be relieved through annexation);
() yes () no
 - TERRITORY NEEDED TO EXTEND SERVICES (is it necessary to annex this territory to enable the City to extend facilities or services to other individuals presently residing in the City);
() yes () no
 - RESIDENTS ALREADY RECEIVING SERVICES (are residents or property owners within the territory using City facilities and services without paying for them);
() yes () no
 - OTHER PUBLIC PURPOSE (are there other reasons why this territory should be annexed);
() yes () no
3. Are you in favor of annexation?
() yes () no

PUBLIC OPINION POLL REGARDING ANNEXATION
PAGE TWO OF TWO

4. State the principal reason(s) for your answer to question #3

-

-

-

-

-

-

5. How long have you been a resident of the territory proposed for annexation?

_____ years _____ months

6. Are you a head of household?

() yes () no

7. Are you a female or male?

() female () male

8. Do you own or rent your current residence?

() own () rent

9. Do you own other real property in the area proposed for annexation?

() yes () no

10. If your answer to question #9 is yes, is this property comprised of land or land and buildings?

() land () land and buildings

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

May 6, 1986

POSITION PAPER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

Gina Ragle
Ag's Office
3600

RE: SCSCS HB 15 (State Affairs)

SPONSORS: Representatives Goll and Marrou by request

Program Effects of Bill

If a municipality requests annexation under the legislative review process [AS 29.06.040(b)], the bill would require the municipality to conduct an advisory election on the proposed boundary change among the registered voters residing in the area proposed for annexation. If the annexation was not initiated by the municipality whose boundaries were to be changed, the Alaska Division of Elections would be responsible for conducting the election. In either case, the results of the advisory election must be made available to the Local Boundary Commission at a hearing to be conducted on the proposed annexation.

The effects of subsection (c) of the bill are unclear. Presumably, it is intended to permit municipalities to gain advisory opinions from individuals other than the registered voters of the territory proposed for annexation.

Additional confusion results from the reference in the bill to AS 29.06.040(a).

Comments

The Department opposes this bill for the following reasons:

- ° The special elections required under the bill would, we believe, be subject to the provisions of the Federal Voting Rights Act of 1965, as amended (FVRA). Thus, before such an election could be held, the concurrence of the U.S. Department of Justice to hold the election would have to be gained under the provisions of the FVRA. The preparation of the FVRA submission will, in most instances, represent a substantial effort for a municipality to comply with this requirement. Review of the submission by the Department of Justice would typically entail a minimum 60 day period of time.



① How does the election process affect time?

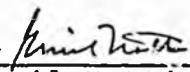
② How much administrative burden?

③ Does Elections have authority to help clearing out old elections? They were done...

21-PILH

- ° Conducting elections will be expensive for the municipalities involved. (NOTE: nearly all of the legislative review annexation petitions are initiated by municipalities. Thus, the burden of this bill would fall principally upon those entities) In addition to preparing the FVRA submission, municipalities would have to schedule and conduct the elections. Because the area proposed for annexation will, in virtually every instance, differ from any established voting precinct, conducting such elections will be particularly difficult.
- ° We believe that the bill would add three months or more to the time required to prepare and submit a petition for annexation under the legislative review process.
- ° Last, but certainly not least, we believe that the requirement that the Local Boundary Commission must consider the results of such advisory elections contravenes the intent of Article X, Section 12 of the State Constitution. It is the specific purpose of this Article that such boundary changes be considered by the Local Boundary Commission and the Legislature in the broad interests of the State, outside of the parochial interests of the area affected by the boundary change.

Therefore, we do not recommend that the bill become law.

APPROVED: 
Emil Notti, Commissioner

Offered: 5/1/86
Referred: Community & Regional Affairs
and Finance

Original sponsors: Goll and Marrou
by request

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 15 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to advisory elections on certain
7 annexation proposals."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 29.06 is amended by adding a new section to read:
10 Sec. 29.06.045. ADVISORY ELECTIONS ON ANNEXATIONS. (a) If a
11 municipality requests an annexation proposed to be effected under
12 AS 29.06.040(a) and (b), and if there are people residing in the area
13 proposed for annexation, the municipality shall present the results of
14 an advisory election on the proposal to the Local Boundary Commission
15 at the hearing conducted under AS 44.47.581. The advisory election
16 shall be conducted by the municipality in the area proposed for
17 annexation in accordance with procedures for a regular or special
18 election.
19 (b) If an annexation that is not requested by a municipality is
20 proposed to be effected under AS 29.06.040(a) and (b), and if there
21 are people residing in the area proposed for annexation, the director
22 of elections shall present the results of an advisory election on the
23 proposal to the Local Boundary Commission at the hearing conducted
24 under AS 44.47.581. The advisory election shall be conducted by the
25 director of elections in the area proposed for annexation in the
26 general manner prescribed by the Alaska Election Code (AS 15). The
27 state shall pay all election costs for elections under this
28 subsection.
29 (c) A municipality may conduct an advisory election on an



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

March 27, 1985

MEMORANDUM

TO: Representative Peter Goll

ATTN: Bob Berry

FROM: Rob Waldman *RW*
Legislative Analyst

RE: Historical Background of the Local Boundary Commission
Research Request 85-262

You asked that we provide historical background on the formation of the Local Boundary Commission. Historical information was obtained through interview with Senators Victor Fischer and Jack Coghill and through review of the minutes of the Alaska Constitutional Convention; the text of the State Constitution and Statehood Committee reports.¹

According to Senator Coghill, the concept of the Local Boundary Commission resulted from the constitutional convention's attempt to resolve jurisdictional conflicts between the different types of governmental entities that functioned under territorial law.² Its function was to review local government structure and adjudicate conflicts between jurisdictions. Prior to statehood, all jurisdictional disputes and boundary modifications were adjudicated by federal district courts. The members of the convention felt that the function of settling these issues should not be delegated to the court system; they felt that the executive branch should adjudicate boundary disputes and modifications.

¹Minutes to the Proceeding of the Alaska Constitutional Convention, 1955-56, pages 2665-2666, 2745-2753, and 2759-2760.

A Citizens's Guide to the Constitution of the State of Alaska, Gordon Harrison, 1982; Alaska's Constitutional Convention, Victor Fischer 1975.

Proposed Organization of the Executive Branch, State of Alaska, A Survey Report, 1958; Local Government Under the Alaska Constitution, A Survey Report, 1959, Public Administration Service.

²Under Territorial law, jurisdiction conflicts could arise between school districts, utility districts, cities, road districts, etc.

In Alaska prior to 1959, all annexation was conducted by local governments.³ At times, annexation issues became very controversial. Senator Fischer states that the commission was seen as a mechanism that circumvented local turmoil, brought the issues beyond "vested local interests" and prejudices, and permitted implementation of the "broad public intent". He believes that there was a need to ensure that municipal boundaries could be altered to adjust for changes in population and in the demand for local services. If the municipalities retained control over boundaries and annexation, there could be difficulty in altering boundaries once local interests became vested. Article X, Section 12 of the State Constitution which established the Local Boundary Commission was designed to overcome those type of roadblocks.

The convention committee on local government recommended that the boundary commission be modeled after the "Canadian system" (provincial governments exercise considerable control over local governments). It was felt that boundary and annexation issues affect all incorporated and unincorporated areas and not just the specific communities involved. Therefore, it was recommended that adjudication be at the State level.

In addition, the intent of the convention was for the commission to have the authority to regulate boundary changes without prior requests from the communities involved. Communities could request that referenda, polls, and surveys be considered by the commission when developing its recommendations. However, according to Senator Fischer, the convention was very specific in its position that these types of community input are not a requirement.

During the committee sessions, there was considerable discussion of the relation between the commission and the legislature. Some members wanted total control in the hands of the legislature, and recommended that all boundary changes and rules related to boundary changes be addressed by statute because the commission was within the executive branch and requiring legislative approval would violate the "seperation of powers" concept. The amendment supporting this concept was defeated.

The majority of the members felt that legislative involvement in the process was useful and necessary at times but not required for all boundary changes. Their intent was to allow legislative participation as long as it did not become prohibitive for all proposed boundary

³For annexation, local elections had to be held concurrently in the city and area to be annexed, and majority votes were necessary.

Representative Goll
March 26, 1985
Page Three

changes.⁴ A compromise was adopted which permitted legislative intrusion into the administrative function of the executive branch only by resolution concurred in by a majority of the members of both houses. In addition, it was recommended that proposed changes become effective if the legislature is "inactive" in its function. As was described within the minutes, the legislature opted for the "negative approach to enactment of legislation," which means that the legislature must act only to reject the proposal and may grant "approval without any action at all by the body that should act on it."⁵

In 1958, the Alaska Statehood Commission was given the following recommendations for implementation of the commission:

The Local Boundary Commission should operate so far as possible in the manner of a quasi-judicial body. Its determinations should be based upon a careful assembling and weighing of relevant geographic, demographic, fiscal, and governmental facts, not disregarding expressions of judgement and sentiment by the public officials and citizens most directly concerned. So far as possible, decisions should be made in the light of a realistic projection of probable future demographic and economic trends."⁶

I hope that this information is useful to you. If you have any questions, please contact us.

RW

⁴It was felt that "in the press of business" the legislature may not get around to considering minor boundary changes, and major boundary changes could require considerable legislative time.

⁵Minutes to the Proceeding of the Alaska Constitutional Convention, page 2752.

⁶Proposed Organization of the Executive Branch State of Alaska: A Survey Report, 1958, page 147.

(4) HB 103

§ 29.06.040

ALASKA STATUTES SUPPLEMENT

§ 29.06.040

Article 2. Annexation and Detachment.

Section

40. Local boundary commission

50. Annexation of military reservations

Section

60. Application

Effective date of article. — Section 90, ch. 74, SLA 1985 provides: "This Act takes effect January 1, 1986."

Sec. 29.06.040. Local boundary commission. (a) The Local Boundary Commission may consider any proposed municipal boundary change. It may reject the proposed change, accept the proposed change, or alter the boundaries and accept the proposal as altered. A Local Boundary Commission decision under this subsection may be appealed under the Administrative Procedure Act (AS 44.62).

(b) The Local Boundary Commission may present a proposed municipal boundary change to the legislature during the first 10 days of a regular session. The change becomes effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

(c) In addition to the regulations governing annexation by local action adopted under AS 44.47.567, the Local Boundary Commission shall establish procedures for annexation and detachment of territory by municipalities by local action. The procedures established under this subsection include a provision that

(1) a proposed annexation and detachment must be approved by a majority of votes on the question cast by voters residing in the area proposed to be annexed or detached;

(2) municipally owned property adjoining the municipality may be annexed by ordinance without voter approval; and

(3) an area adjoining the municipality may be annexed by ordinance without an election if all property owners and voters in the area petition the governing body.

(d) A boundary change effected under (a) and (b) of this section prevails over a boundary change initiated by local action, without regard to priority in time. (§ 5 ch 74 SLA 1985)

2 HB 163

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HB 163

Publish Date: _____

Revision Date: _____
Title: "An Act relating to advisory elections on certain annexation..."

Agency Affected: Community & Regional Affairs
BRU: Local Government Assistance

Sponsor: Representative Goll
Requestor: House C & RA Committee

Components: Local Boundary Commission

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						
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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)

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

Phone: 465-4750

Date: 3/17/87

Approved by Commissioner: Wendell Bell
Agency: Community & Regional Affairs

Date: 3-18-87

Distribution (by preparer):

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

(26) HB163

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

REQUEST: _____

Bill Version : HR #163
Publish Date : 3/4/87

Revision Date: _____
Title : Advisory Elections on Certain Annexation Proposals

Agency Affected: Office of the Governor
BRU : Division of Elections

Sponsor : Goll
Requestor : House C&BA Committee

Components : Component 1

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	*	*	*	*	*	*
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)

* SEE ATTACHED

Prepared by : Linda Edgeworth (52) Phone : 465-4611
Division : Division of Elections Date : 3/18/87

Approved by Commissioner : Carol P. Kestelin CPK Date : 3/19/87
Agency : Office of the Governor

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB #163

Annexations proposed by an entity other than a municipality, for which the Division of Elections would be responsible for conducting an advisory vote election, are rare, according to input provided by the Department of Community and Regional Affairs. It is difficult, therefore, to make any assumptions as to anticipated fiscal impact on the Division in any given year.

At such time an advisory election were to be conducted by the State under this legislation, costs would be based on the type of precinct in which the annexation issue was being voted upon. They are as follows:

Hand Mark Precinct	2.8
Punch Card Precinct	5.8

Computer counted punch card precincts are generally higher in cost due to the need for programming and a Data Processing Review Board to oversee the computer counting of ballots.

HB 163

BASIS
BILL: HB 163
NAME:

Bill/Resolution History

04:09 PM 03/13/87

TITLE: "An Act relating to advisory elections on certain
annexation proposals."

PRIME SPONSOR: GOLL

CURRENT STATUS: (H) CRA

STATUS DATE: 03/04/87

PRESS <ENTER> TO VIEW ACTION

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP	ACTION	EXIT	MENU	TEXT	PRINT						QUIT
HB 163											
Bill/Resolution Action											
Page 1 of 1											
Current Status: (H) CRA											
	Date		Page		Action						
	03/04/87	(H)	391		READ THE FIRST TIME - REFERRAL(S)						
	03/04/87	(H)	391		COMMUNITY & REGIONAL AFFAIRS, FINANCE						

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU	TEXT	PRINT	END	FWD		FIRST	LAST	QUIT

HB

176

HB 176

fw

Tony

CRA fc

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE SPRINGER

NAME: DAVE LACEY
TITLE: GENERAL MANAGER, DINYEE
ADDRESS: BOX 1372
CITY: FAIRBANKS
PHONE: 456-2871
ZIP: 99707

BILL NO: HB 176
SUBJECT: LAND FROM FEDERAL TOWNSITE TRUSTEE

MESSAGE: WE OPPOSE THIS BILL. THE TOWNSITE LAND SHOULD BE TURNED OVER TO THE TRADITIONAL AND IRA COUNCILS. THE PROBLEM HAS BEEN BUREAUCRATIC INTERFERENCE IN THE VILLAGER'S LIVES. PUTTING THE STATE IN THERE WILL ONLY CREATE MORE OF THIS PLUS THE STATE IN TIMES OF FISCAL CRISIS DOESN'T NEED NEW EXPENSES.

*****ZOM/MW*****

PO#ID: 07105755
DATE: 04/06/87
TIME: 10:57:55
LIQ#AME: FAIRBANKS LIO

COPIES: REPRESENTATIVES SENATORS

- | | |
|----------|--------------|
| CATO | BENNETT |
| COLLINS | COGHILL |
| HERRMANN | FAHRENKAMP |
| ZAWACKI | HALFORD |
| BOYER | KELLY |
| DAVIS | STURGULEWSKI |
| FRANK | SZYMANSKI |
| KOPONEN | ZHAROFF |
| MILLER | HENSLEY |
| ADAMS | |
| WALLIS | |

FILE CONTENTS

FILE NAME HB 176

ref 3/11/87

#	Date In	Doc. Type	Date	Subject	DESCRIPTION	From	Distrib.
①	3-11-7	LTR TRANSMIT	3-9-87	To: Grusendorf	Fr: Gov Ltr. Transmitt.	Ch. CLK	Y
②	3-11-7	F.N. #1	3-11-7	F.N. DCRA		"	Y
③	3-11-7	F.N. #2	3-11-7	F.N. Res.		"	Y
④	3-12-7	bill	3-12-7	Bill HB 176		"	Y
⑤	3-19-7	LTR	3-13-7	To HS Fr Edward Thomas	w/attach 4 pgs	Th	Y
⑥	3-31-7	LTR + PKT	3-20-7	unicorp. Townsite	LTR TH FR Guil Ozmina	Th	Y
⑦	4-1-7	Pos. P. #1	3-23-7	DCRA - Position Paper	& Fiscal Note	Th	Y
⑧	4-1-7	W.S.	4-1-7	Bill wisht.		Th	Y
A	4-1-7	W.R.	4-1-7	Wit. Reg	4-1-7	3	Y
B	4-1-7	MEMO Tele	3-24-7	Telecon. Names	To Doug Griffin Fr James Morrison	Th	n
C	4-6-7	LTRS	4-2-7	To: 17 Tele	re 4/15 (P) from HS.	3	n
D	4-6-7	Min	4-1-7	Minutes	4/1	3	n
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F	5-6-7	Min	5-4-7	Minutes		3	n
J	5-17-7	LTR.	5-6-7	To: Spr	Fr: Demestreff - Tamara Chiefs	Th	n
K	5-17-7	Ltr/Read.	5-6-7	To Spr.	Fr: Enock, Tuntobialab opp. HB 176	Th	n

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

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	C+RA	4-1-87	3:00p.m.
"	"	4-15-87	3:00p.m.
"	"	5-4-87	3:00p.m.

TUNTUTULIAK TRADITIONAL COUNCIL

GENERAL DELIVERY
TUNTUTULIAK, ALASKA 99680

(907) 256-2112

(K) HB 176

SV
CRA file

MAY 11 1987

May 6, 1986 - 87 *z*

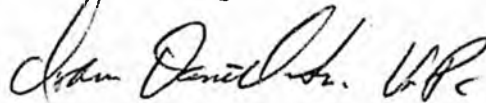
Rep. Henry Springer
House of Representatives
Office CT. 601
P.O. Box V
Juneau, Alaska 99811

Dear Honorable Springer:

Enclosed please find Resolution 87-06 from the Native Village of Tuntutuliak which opposes the House Bill 176. The position taken by the Tuntutuliak Traditional Council and the Native Village of Tuntutuliak is that no other entity, other than the Native residents, should be able to receive land, whether it be for private or public projects.

Therefore, let it be known to the House of Representatives the opposition of House Bill 176 by the Native Village of Tuntutuliak.

Sincerely,



Robert Enoch
Tribal President

For Robert Enoch

cc;
Gail Ozmina, Federal Townsite Trustee
Representative Lyman Hoffman
Yupit Nation, Akiachak
Department of Community & Regional Affairs
file

TUNTUTULIAK TRADITIONAL COUNCIL

GENERAL DELIVERY
TUNTUTULIAK, ALASKA 99680

(907) 256-2112

RESOLUTION 87-06

Opposition to H.B.176 by the Native Village of Tuntutuliak

WHEREAS, The Tuntutuliak Traditional Council is the recognized governing body for the Native Village of Tuntutuliak and;

WHEREAS, The Tuntutuliak Traditional Council is authorized, under appropriate federal legislative actions, to serve the social, political, economical, and other needs of the residents of the Native Village of Tuntutuliak and;

WHEREAS, The Alaska Natives have the possessary rights to the land they occupied and one which the Congress repeatedly protected under the Treaty of Cessions and the 1884 Alaska Organic Act and;

WHEREAS, The 1906 Alaska Native Allotment Act and the Alaska Native Townsite Act of 1926 incorporated concepts of restricted title and federal oversight of Alaska Native land rights common to the administration of Native lands in lower 48 States and;

WHEREAS, The federal government's practice of "trust" responsibility to the Alaska Natives is relevant in Alaska Native Townsite Act of 1926 and other federal legislations affecting Alaska Natives and;

WHEREAS, There still exists issues in the implementation of provisions in the federal townsite lands and ones that need to be resolved or alleviated before any other actions are taken or attempted within the federal townsites in Alaska and;

WHEREAS, The proposed House Bill No. 176 would create another bureaucratic component to deal with in the Alaska Native Village's effort to properly implement the Alaska Native Townsites and;

WHEREAS, The proposed House Bill No. 176 is not to the best interest of the Native Village of Tuntutuliak and other unincorporated communities and;

WHEREAS, The Tuntutuliak Traditional Council opposes House Bill No. 176 because it would create another bureaucratic component to deal with, specifically the State of Alaska and the Department of Community and Regional Affairs and;

NOW, THEREFORE, BE IT RESOLVED THAT The legislators in the House of Representatives and Senate oppose and prevent the passage of House Bill No. 176 because of its technical issues and possible creation of yet another bureaucratic component which the Native Village of Tuntutuliak and other unincorporated communities would have to deal with and;

BE IT FURTHER RESOLVED THAT THE Tuntutuliak Traditional Council opposes the passage of House Bill No. 176.

Adopted this 5th day of ^{may} ~~April~~ 1987, by the Tuntutuliak Traditional Council, tribal governing body and Appropriate Village Entity for the Native Village of Tuntutuliak, in a duly constituted meeting of the Tribal Council at which a quorum was presented and the vote taken was 5 yes and 0 no. 2 absent

Certification:

S/ Dean Daniels U.P.
President

Date 05/05/87

Attest:

S/ Wanslie Pleasant
Secretary

Tanana Chiefs Conference, Inc.

201 First Ave.
Fairbanks, Alaska 99701
(907) 452-8251

Jpv
CRA file
① HB 176

May 6, 1987

MAY
8 1987

Rep. Heinrich Springer
Chairman
House Committee on Community
and Regional Affairs
Pouch V
Juneau, Alaska 99811

Re: H.B. 176

Dear Rep. Springer:

This letter is in response to your request that TCC submit written comments containing our concerns expressed in oral testimony on H.B. 176. The bill authorizes the State Municipal Lands Trustee to accept land conveyed by the federal townsite trustee to be administered under the terms of the State program. TCC opposes this bill as currently drafted.

Fiscal Impact

The Department is suggesting a \$0 fiscal note to this legislation which is simple unrealistic. The current federal townsite program includes 26 townsites which includes 1,737 lots and 1,264 acres of land. A small number of these lots are subject to various claims, of which 99 lots have pending applications, and 153 have outstanding claims with no application. About 13% of these lots (224) are subject to undeeded occupancy, with six of such occupancies in conflict with its local governing body.

To administer this program, the BLM has a staff of 3 FTE program positions plus support. We estimate that the actual costs to BLM to administer the program exceeds \$225,000 a year. We do not understand how it is possible for the State to assume land management costs for even a portion of such a program without some increase in program costs to the existing MLT program.

As a matter of general policy, TCC believes that it is bad policy for the State to assume the costs of federal programs at a time of severe budgetary constraints. These lands are currently administered without cost to the State, and we do not believe that the State should assume these costs.

Questionable State MLT Policies

TCC's greatest concern over MLT administration of federal townsite lands, focus upon questionable policies being pursued by

the MLT. These policies, are contrary to the interests of our member villages. For example, under the MLT program, lands are administered in cooperation with an "appropriate village entity." (AVE) We believe that the majority of the residents of the Native village should be able to determine what entity is recognized as the AVE. Under the Departments interpretation of MLT regulations, however, an AVE must represent all the residents of a community. In the extreme case, this means that if only one resident of a Native village objects to a particular entity serving as an AVE, the MLT may not recognize that entity. As extreme as that sounds, that rule has been applied in Circle where after three village referendums in which 2/3 of the adult residents voted to have the village council serve as the AVE, the MLT has refused to recognize the council.

Simple democracy requires that the will of the majority in the selection of the AVE be given affect. All the residents of the Native villages should be allowed to participate in the selection of an AVE, however, once the decision is made, the majority should be recognized.

We are sensitive to minority rights, and believe that the trustee should retain some discretion to protect against abuse of minority interests. However, where no abuse is alleged or is speculative in nature, we believe that majority rule is the only practical method to resolve AVE recognition problems. Principles of majority rule apply throughout urban Alaska where Natives are a minority. It seems only fair that principles of majority rule also apply to rural Alaska where Natives are more often its majority.

Additional concerns relate to management policies of the MLT in relation to overall state government interests. By law, the MLT program is a trust program. While legal title to the lands are owned by the State, equitable title lies with the Native villages until such time that they elect to incorporate under State law. Land management, therefore, should seek to promote the interest of the communities rather than the State. Recent events in Dot Lake, however, reflect a shift in favor of advancement of ill defined state interests at the expense of the local community. Specifically, the State has demanded conveyance of lands improved by the village council after 1971 to the MLT prior to release of State grant funds to the village. Essentially, the State is blackmailing the village into conveying the village community hall to the MLT and insisting on management by State officials rather than local control. The exact reason for such efforts is totally unclear, however, it is clear that MLT management is not intended to reflect village self-determination.

Similarly, the MLT refuses to deed lands to local nonprofit entities, rather it will only consent to long term leases. Again the preference is for continued management by State officials in opposition to local control.

Finally, despite a strong desire to retain State bureaucratic control over land use within the Native villages, the MLT has never assumed the consequent obligations to maintain improved lands. At the same time that the MLT insists on retained ownership of MLT lands, the State expects village councils to assume the costs and liability of operating dumps, roads, buildings and other improvements located on these lands. This amounts to a total breach of its trust function and a reflection of thoughtless and inconsistent land management policies.

For these reasons, TCC and the majority of its member villages oppose expansion of the MLT program over federal townsite lands without the consent of the affected villages. We realize that under current federal regulation, village consent is required before conveyance of federal townsite lands to the State, however, the same could be said respecting the transfer of BIA schools for State operation prior to 1985. As we learned with the transfer of schools, however, federal regulations can be easily changed, and we believe that the State legislation should not rely upon federal regulations to assume village consent. Rather, the State legislation should specifically mandate such consent.

Pending Federal Action

TCC has registered a complaint with the BLM central office respecting the conduct of federal employee's in the consideration of this legislation. In discussions with Mr. Bob Faithful, Director, Alaska Programs, Washington, D.C., it was clarified that the BLM has no position on this legislation. The State Director, Mr. Penfold, was only aware that BLM officials were participating in the State Legislature's hearings to answer technical questions, and not to advocate in favor of this legislation. To date, the BLM has not decided on any policy directives for close out of the federal townsites, and is working closely with TCC and the other regional nonprofits to develop a mutually acceptable way to resolve the Native townsite program issues.

Suggested Changes

TCC continues to oppose transfer of federal townsite lands to the State of Alaska. We do acknowledge, however, that some villages may want this option at some future time, and would request the following changes in the legislation, if this option is to be allowed:

- 1) on p. 1, line 22, after the word "corporation" add the following:

"or where such acceptance has been approved by the appropriate village entity or village referendum."

This would ensure under State law that a village consents to the transfer independently of any federal regulatory protection which may or may not exist at the time of the proposed transfer.

- 2) on p. 1, line 28, after the word entity add the following:


"representing a majority of the Native village."

This would ensure that the selection of the AVE would be done in a democratic manner.

We hope that you find these suggestions helpful.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.


Mitch Demientieff
President

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."

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 same as previous zero fiscal note published (2) _____
- zero with analysis

SIGNING DO PASS:

Springer Heinrich Springer

Cato Bette Cato

SIGNING OTHER RECOMMENDATIONS:

Zawacki Jim Zawacki No Rec

Herrmann Adelbert Herrmann No Rec

Collins Angie Collins No Rec

Springer Heinrich Springer
Chairman's signature

* DELIVER TO: LIOCADR
* ORIGINAL
* SENT: 04/15/87 TIME: 16:20
* FROM: LIOCDLG
* SUBJECT: HCRA, HB176 T\C 4-15-87
* PRINT DATE: 04/15/87 TIME: 16:20

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FINAL STATS

APRIL 15, 1987 - WEDNESDAY

HOUSE C AND RA
HB 176: LAND FROM FEDERAL TOWNSITE TRUSTEE T\C STARTED 3:00 -
4:00 P.M.

DILLINGHAM LIO --0--

NO ONE ARRIVED-DID NOT DIAL-IN

NEWHALEN LTC

OBSERVE

- 1. HENRY ANELON, NEWHALEN, AK. 99606
- 2. JOANNE WASSILLIE, CITY ADMIN. NEWHALEN, AK. 99606

--2--OBSERVERS
--2--TOTAL

TOTAL _____ 5 _____

* DELIVER TO: LTCC
 *
 * ORIGINAL
 * SENT: 04/15/87 TIME: 16:06
 * FROM: LTCC/FBX
 * SUBJECT: 4/15 H. C & RA T/C
 * PRINT DATE: 04/15/87 TIME: 16:06
 *

***** FINAL STATS *****

DATE: _____ 4/15/87 _____
 SITE: _____ FAIRBANKS _____
 SPONSOR: _____ HOUSE COMMUNITY AND REGIONAL AFFAIRS _____
 SUBJECT: _____ HB 176 LANDS FED TOWNSITE TRUSTEE _____
 MODERATOR: _____ ANNIE _____

TESTIFY:

NAME\REPRESENTING	ADDRESS	PHONE #
1.) MINDY GALLAGHER,	201 FIRST AVE., FAIRBANKS 99701	452-8251
2.) MIKE WALLERI,	201 FIRST AVE., FAIRBANKS 99701	452-8251
3.) ISAAC JUNEBY,	1666 MARIKA, FAIRBANKS 99701	451-8055

OBSERVE:

NAME\REPRESENTING	ADDRESS	PHONE #
1.) MARY BISHOP,	1555 GUSS' GRIND, FAIRBANKS 99709	455-6151
2.) FRED PRATT,	BOX 72981, FAIRBANKS 99707	452-3061

TESTIFY _____ 3 _____	TIME STARTED _____ 3:00 PM _____
OBSERVED _____ 2 _____	TIME ENDED _____ 3:59 PM _____
TOTAL _____ 5 _____	

 * DELIVER TO: LTCCGTG *
 * * * * *
 * ORIGINAL *
 * SENT: 04/15/87 TIME: 16:16 *
 * FROM: LTCCFBX *
 * SUBJECT: 4/15 HCRA HB 176 FT YUKON *
 * PRINT DATE: 04/15/87 TIME: 16:17 *
 * * * * *

FINAL STATS

DATE: _____ APRIL 15, 1987 _____
 SITE: _____ FORT YUKON _____
 SPONSOR: _____ HOUSE STATE AFFAIRS COMMITTEE _____
 SUBJECT: _____ HB 176: LAND FROM FEDERAL TOWNSITE TRUSTEE _____
 MODERATOR: _____ PAT STANLEY _____

 TESTIFY:
 NAME\REPRESENTING ADDRESS PHONE #
 1.) PAT STANLEY P.O. BOX 215, FT. YUKON, 99740
 2.) STANLEY JONAS GEN. DEL., FT YUKON, 99740

 OBSERVE:
 NAME\REPRESENTING ADDRESS PHONE #

 TESTIFIED 2 TIME START 3:00 P.M.
 OBSERVED 0 TIME END 3:59 P.M.
 TOTAL 2

1	0	2	3				
KAWOCK - KLA							
KENNY LAKE - EN							
KAKOVIK - J							

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*****
*
* DELIVER TO: LTCCGTG
*
* ORIGINAL
* SENT: 04/15/87 TIME: 16:12
* FROM: LTCCGLN
* SUBJECT: FINAL STATS HB 176 T-C
* PRINT DATE: 04/15/87 TIME: 16:12
*
*****

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DATE: 4-14-87
SPONSOR: HCRA
SUBJECT: HB 176 LAND
SITE: GLENNALLEN
MODERATOR: REBA SPRECKER
START TIME: 3:00 PM
END TIME: 4:00 PM

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FINAL STATS



NAME\REPRESENTING	ADDRESS	TEST.\OBS.
MENTASTA - DUNCAN MACLEAN		
1. TOM CRAIG	MENTASTA 99586	TESTIFIED
2. TERRY MACLEAN	MENTASTA 99586	OBSERVED
3. AVERY MOORE	MENTASTA 99586	OBSERVED

EOM

SPEL
EOM

9624



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. Robert Enoch
General Delivery,
Tuntutuliak, Alaska 99680

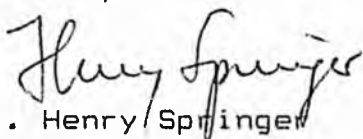
Re: HB 176, Land from Federal Townsite Trustee
Additional Testimony

Dear Mr. Enoch:

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



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

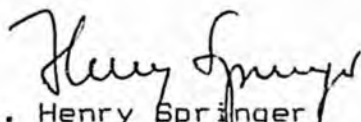
Re: HB 176, Land from Federal Townsite Trustee
Additional Testimony

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 99638

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

Ms. Randy Briggs
General Delivery
Ugashik, Alaska 99638

Mr. Jim Bamberger
General Delivery
Port Graham, Alaska 99603

Mr. Steve Furman
General Delivery
Egegik, Alaska 99579

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

Ms. Clara Washington
General Delivery
Levelock, Alaska 99625

Mr. Boris Kosbuk
General Delivery
Ferryville, Alaska 99648

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



Alaska State Legislature

House of Representatives

Committee on Community & Regional Affairs

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

April 2, 1987

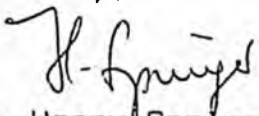
Ms. Gail Ozmina
Bureau of Land Management
701 C St., Box 13
Anchorage, Alaska 99515

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,


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

Mr. Rick Elliot
949 E. 26th, Suite 404
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

* DELIVER TO: LUCYTG *
 * * * * *
 * ORIGINAL *
 * SENT: 04/01/87 TIME: 17:54 *
 * SUBJECT: HCRA 4/1 TELE *
 * PRINT DATE: 04/01/87 TIME: 17:56 *
 * * * * *

DATE: 4/1/87
 SPONSOR: HOUSE COMMUNITY AND REGIONAL AFFAIRS
 SUBJECT: HOUSE BILL 176
 MODERATOR: GLENN GRAY

PARTICIPANT LIST
 FINAL STATS

SITES WHERE ALL PARTICIPANTS TESTIFIED

NAME/REPRESENTING	ADDRESS	PHONE #	T	O
JUNEAU				
1. MR. BERT GRIST	DEP. COMM. C&RA			
ANCHORAGE OFFNET #1				
1. RICK ELLIOT	949 EAST 36TH SUITE 404			
ANCHORAGE OFFNET #2				
1. GAIL OZMINA	701 C STREET BOX 13			
CHIGNIK LAKE				
1. ANGELA LIND	BOX 24			
BEAVER				
1. PAUL WILLIAMS	GEN DEL			
EAGLE VILLAGE				
1. HOWARD DAVID	POBOX 26			
MENTASTA LAKE				
1. DWANE CRAIG	GEN DEL			
RAMPART				
1. LINDA EVANS	GEN DEL			
TANACROSS				
1. JERRY ISAAK	GEN DEL			

SITES WHERE ONE PERSON TESTIFIED BUT OTHERS WERE UNABLE TO

FAIRBANKS OFFNET				
1. MIKE WALLERI	(TESTIFIED)			
2. DAVE LACY	BOX 137 2 FAIRBANKS			(DIDN'T GET TO TESTIFY).
PORT GRAHAM				
1. WALTER MEGANAK	GEN DEL			99603 (TESTIFIED)
2. NORMAN MEGANAK	GEN DEL			99603 (DIDN'T GET TO TESTIFY)

SITES ONLINE BUT DIDN'T GET A CHANCE TO TESTIFY:

NIKOLSKI

1. MR. VAL DUSHKEN NIKOLSKI IRA COUNCIL 99638

NIKOLSKI #2

1. NAME UNKNOWN.

FAIRBANKS LIO

1. OSCAR FRANK 320 2CD STREET FBX 99701 (JUST OBSERVING)

UKASHIK

1. MS. RANDY BRIGGS UGASHIK VILLAGE COUNCIL 99683

ANCHORAGE

1. JIM BAMBERGER PORTGRAHAM/ENGLISH BAY

FT. YUKON NAME UNKNOWN

SITES NOT ONLINE:

1. EGEKIK
2. ENGLISH BAY
3. LEVELOK
4. PERRYVILLE
5. SOUTH NAKNEK
6. TUNTUTULIAK
7. TWIN HILLS
8. CIRCLE
9. CIRCLE
10. NORTHWAY
11. STEVEN S VILLAGE

BILL WORKSHEET

Bill #: HB 176
Date Sched.: HCRA Committee, Wednesday, April 1, 1987
Title: "An Act authorizing the Department of Community and Regional Affairs to accept, in trust, land conveyed by the federal townsite trustee"
Sponsor: Rules by request of the Governor

Info Attached: 1. Letter of Transmittal from Governor
2. Fiscal Note DCRA
3. Fiscal Note Natural Resources
4. Copy of Bill
5. Letter to Chairman from Edward Thomas
6. Unincorporated Townsite Initiative Recommendations - from Federal Townsite Trustee
7. Position Paper - DCRA

Sponsor's Briefing, Intent/purpose:

The governor's transmittal letter defines the role of both federal townsite and municipal lands trustee. He notes that the Department of Interior is interested in ending its administration of remaining townsite lots and has expressed interest in having the state assume some of its trustee duties.

Since the state's municipal lands trust officer has already established a working trust relationship in the effected communities, it could administer federal trust lands together with municipal trust lands with no additional costs. The bill is administrative in nature and authorizes the state's municipal lands trustee to accept said lands and administer them.

Effect of Bill:

The state's municipal lands trustee, located in the Dept. of Community and Regional Affairs, was created in response to the Alaska Native Lands Claims Act. The Act provided that when village corporations recieved their land under the act they were require to reconvey up to 1280 acres of "core township" lands to their respective cities for future growth and development. Where village corporations were located at unincorporated communities they were required to reconvey up to 1280 acres of land to the State to be held in trust for a future city should one develop. Statutes stipulate that transactions involving municipal land trust property may be made only with the approval of the village council.

The federal townsite laws provided a means for residents of a community to gain title to land they occupied. The act, extended to Alaska in 1891 was amended in 1926 by the Alaska Native Townsite Act which permitted Alaska Natives to recieve restricted deeds to lots they occupied. Federal townsite laws were repealed in 1976 by the Federal Land Policy and Management Act. Futher occupancy on townsite land was precluded, and the crogram currently operates under a savings clause in the Act. 25 communities are affected by this bill they are those which are both unincorporated and federal townsites.

For about a year the Federal Townsite Trustee has been publicly exploring means of terminating her administration of trust lands in these communities. 1,264 parcels totaling 1,737 acres are involved.

The bill would not require the deeding of any land to the State. The townsite trustee might have various options in divesting herself of these lands. The lands could be disposed of at public auction, released for public purpose, conveyed to traditional council or other community entities, or to the State in trust. This last is a viable option particularly in communities where a substantial proportion of non-native residents might object to a traditional council receiving the land. A cursory glance shows perhaps 3 - 5 communities which might fit this category. The municipal land trust option might prevent bloodshed in these communities.

Fiscal Impact:
0 (Zero)

Proponents:

Opponents:

Analysis of Bill's effect, by staff:
As Above

Committee Report:

MEMORANDUM

State of Alaska
Community and Regional Affairs

TO: Doug Griffin
Deputy Director

THRU: Robert S. Means
Natural Resource Manager

FROM: Jennie B. Morrison
Clerk Typist III
Municipal Lands Trustee Program
Municipal and Regional Assistance
Division

DATE: March 24, 1987

HB 176

FILE NO.: 23101/RME/jbm

TELEPHONE NO.: (907) 561-8182

SUBJECT: House Bill 176

I received a phone call from Terry Hoefflerle today requesting names, addresses and phone numbers for the entities we contact in the 25 MLT villages that have townsites. Attached is that list. Please give to Terry as soon as possible so he can contact these people.

Thanks.

Attachment

cc: Marty Rutherford, Director
Rick Elliott, Program Manager
Municipal and Regional Assistance Division

258-1808
~~23101~~
call collect
15 min til
3:00

3 English Bay

Yes →

Vincent Kvasinkoff, President
English Bay Village Council
English Bay VIA Homer, AK 99603
Phone: (village phone) ~~433-8001~~
~~281-2225~~

4 Gulkana

Mr. Charles David, President
Gulkana Village Council
P.O. Box 124
Gakona, AK 99586
PHONE: 822-3869

5 Levelock

Yes →

Clara Washington, President
Levelock Village Council
Levelock, AK 99625
Phone: 246-~~3320~~ 3032

*Deane Orange
Gen. Del. Mentasta
Tommy CRAIG - 1
291-2319
not in
school*

6 Mentasta Lake

Yes →

Houston, President
Mentasta Village Council
Mentasta Lake VIA Tok, AK 99780
PHONE: (clinic) 883-2101

7 Nikolski

Yes →

Val Dushkin, President
Nikolski IRA Council
Nikolski, AK 99638
PHONE: (village corp) 576-~~2221~~ 2221

8 Noatak

Walter Cornue →

Bill BAILEY
James Adams, President
Noatak Traditional Council
P.O. Box 81
Noatak, AK 99761
PHONE: 485-2175

not as dealer

9 Northway

Yes →

Jonnie Felix
Gary Thomas, President
Northway Village Council
P.O. Box 455
Northway, AK 99764
PHONE: (village corp.) 778-~~2288~~ 2288

changed

*School
tbl.*

10 Perryville

Yes →

Boris Kosbuk, President
Perryville Village Council
Perryville, AK 99648
PHONE: 853-2211

*left
message*

11 Port Graham

Yes →

Walter R. Meganack, Sr., President
Port Graham Village Council
Port Graham VIA Homer, AK 99603
PHONE: (village phone) ~~433-8001~~
~~281-2227~~
OR PAT NORMAN

6 Rampart
Yes →

~~Linda Evans, President~~
Rampart Village Council
Rampart, AK 99767
PHONE: 358-3113

*No answer
Gen. Ad.
99707*

1 South Naknek
Yes →

President NICK HOLSTROM 246-6544 (4)
South Naknek Village Council
South Naknek, AK 99670
CONTACT: STANLEY BEAN
PHONE: 246-6544

2 Stevens Village
Yes →

Don Stevens, Chief
Village Council of Stevens Village
Stevens Village, AK 99774
PHONE: (village phone) 478-8001

James

3 Stony River

Iyna Gusty, President
Stony River Village Council
Stony River, AK 99673
Phone: (village phone) 439-8001

don account

4 Tanacross
Yes →

*Jimmy
Isa.
Gen. Ad.
49770*

~~Ray Denny~~ Rose Isaac
~~Jerry Isaac~~, President
Tanacross Village Council
Tanacross, AK 99776
PHONE: 882-2733 or ~~883-4131~~

*Ted Charles
883-5181
FA answer*

883-5182

5 Tuntutuliak
Yes →

Robert Enoch, President
Tuntutuliak Traditional Council
Tuntutuliak, AK 99680
Phone: 256-2112

6 Twin Hills
Yes →

~~Arthur Sharp, President~~
Twin Hills Village Council
Twin Hills, AK 99576
PHONE: ~~(village phone) 972-8001~~

*LUCY SHARP
524-4114*

7 Ugashik
Yes →

✓ Randy Briggs, President
Ugashik Village Council
Ugashik, AK 99683
PHONE: ~~345-1160 WGG-74~~ *797-2237*
(TRIDENT COMMUNICATIONS [MESSAGE])

FAI '60 net

*Walleri
Mike Walker
Tanana Chiefs Conf. 201 1st Ave AK
Dave Lacey Box 1372 FAI 99707
Stevens Vill.*

*ANC
ANC*

*Reik Elliot 449 East 36th Ave Suite 409
Gael Ogmina 701 C St Box 13 ANC 99513*

MLT TOWNSITE VILLAGES

Paul Williams & council
~~Randy Vandyke~~, Chief

Not in service

Beaver Native Village Council
General Delivery
Beaver, AK 99724
PHONE: (village phone) 628-~~8001~~
6126

tele. at school

not in service

2 Birch Creek

from FBKS

Randal Baalam, President
Birch Creek Native Village Council
Birch Creek VIA Fort Yukon, AK 99740
PHONE: 221-2115

** Susan James*

3 Chalkyitsik

Peter Druck, First Chief
Chalkyitsik Village Council
General Delivery
Chalkyitsik, AK 99788
PHONE: 848-~~9219~~ 8227

not in service

Miss out of order

4 Chignik Lagoon

Rodney Anderson, President
Chignik Lagoon Village Council
Chignik Lake, AK 99565
PHONE: (village phone) 947-8001

can't be located

5 Chignik Lake

Yes

~~James Odemin~~, President
Chignik Lake Village Council
Box 24
Chignik Lake, AK 99613
CONTACT: ANGELA LIND
PHONE: 845-~~2212~~ 2228

~~Louie John~~, Chief

busy

Circle Village Council
Circle, AK 99733
PHONE: 773-12~~50~~ 50 (*tele. at school*)

1 Eagle Village

Yes

Howard David, First Chief
Eagle Village Council
P.O. Box 19
Eagle, AK 99738
PHONE: 547-22~~38~~ 38

no answer

2 Egegik

Yes

~~Richard E. Deigh~~, President
Egegik Improvement Corporation
P.O. Box 29
Egegik, AK 99769
CONTACT: SHIRLEY KELLY
Phone: 233-2231 or 233-2264

*STEVE FURMAN
233-2226*

✓ K. Wallace / J. Binkley

Don
Savage

- tee Beaver
- tee Birch Creek
- tee Chalkyituk
- tee Rampart
- tee Stevens Village
- Stoney River

tee
Mindy Gallagher
452-8251

Lyman

OK Tuntutulik ✓
Robt Enoch
256-2112

3732

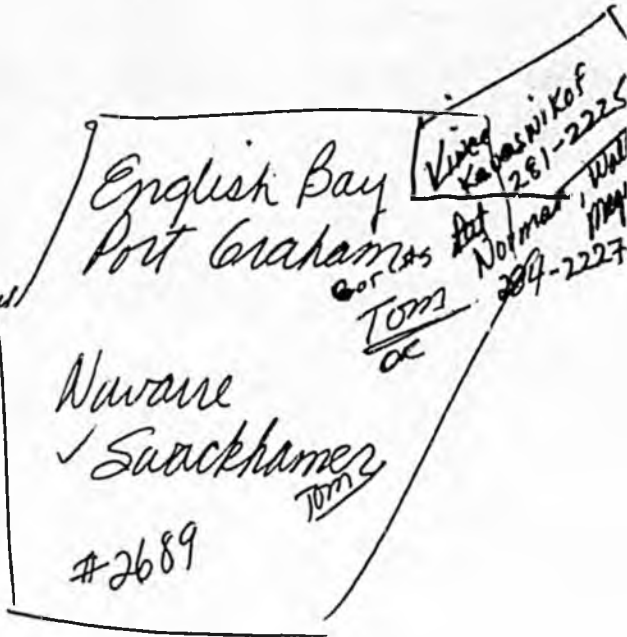
✓ A. Hermann / F. Zarkoff

Rema
OK

4942

- Egigik STEVE FURMAN 283-2226 will call
- Levelock Clara Washington 287-3032
- Nikolski Val Dushkin 576-2221
- S. Naknek NICK HOLSTROM 246-6544-0141
- Twin Hills Lucy Sharp 525-4114
- Ugashik Randy Bugge 797-2237

OK Perryville ✓

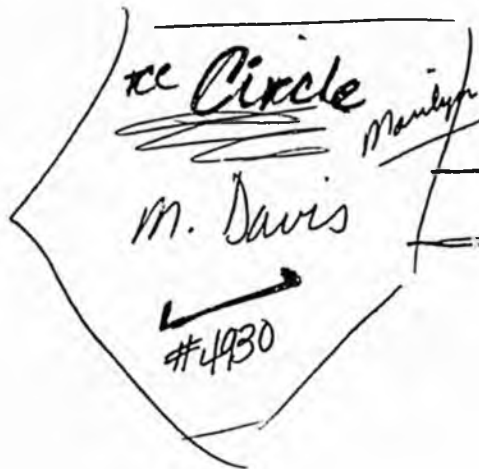


✓ D. Shultz

STANCLIFF
OK

4940

- Tanacross tee
- Northway tee
- Mentasta Lake
- Gulkana
- Eagle Village tee



✓ C. Davidson

- Chignik Lagoon - (Rodney Anderson 840-2228) need to contact.
- Chignik Lake - (Alvin Peterson 840-2229)
- Johnny Lind - 845-2228

✓ P. Adams

Noatak (NLD. Arctic Borough)

~~XXXXXXXXXX~~ Arlene
4648

Maria
OK
3706

 * DELIVER TO: LTCCJNU *
 * ORIGINAL *
 * SENT: 03/26/87 TIME: 09:23 *
 * SUBJECT: 4/4 REF. SPRINGER HB176 *
 * PRINT DATE: 03/26/87 TIME: 09:36 *

LANA AND DAVID

PER OUR PHONE CONVERSATION REGARDING NEXT WEEK'S TC FOR REF. SPRINGER ON HB 176 WITH THE POSSIBLE 25 OFFNETS.

I AM REQUESTING ALL OF ELLIOTT 258-1808/26 PORTS FOR THIS TC

I WILL BE GIVEN A LIST TODAY OR TOMORROW FROM MY CONTACT OF THE PEOPLE WHO HAVE CONFIRMED PARTICIPATION AND I WILL FORWARD THAT TO YOU.

WE WILL BE TAKING TESTIMONY IN THE ORDER THE SITES ARE CONNECTED TO THE BRIDGE ACCORDING TO THE LIST THE BRIDGE OPERATOR WILL EMAIL US AT THE START OF THE CONFERENCE.

DEPENDING ON THE NUMBER OF SITES ONLINE THE TESTIMONY WILL BE LIMITED AND THAT TIME LIMIT WILL BE ANNOUNCED BY THE CHAIR.

SINCE THE OFFNETS WILL BE ON TELEPHONES THIS MEANS MORE POSSIBILITY OF BACKGROUND NOISE AND THE NEED FOR MORE CONTROL EXERCISED BY THE BRIDGE OPERATOR TO KEEP THE QUALITY OF THE TELECONFERENCE AT AN ACCEPTABLE LEVEL.

THE OFFNETS WILL BE GIVEN THE BRIDGE NUMBER TO DIAL IN THEMSELVES AND WILL BE ASKED TO PLACE THEIR CALLS 10-15 MINUTES BEFORE THE START OF THE MEETING.

IF THERE ARE ANY QUESTIONS, PLEASE CALL ME.

ARLENE

L10 - 4648

⑦ HL 176

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

March 23, 1987

- 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

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

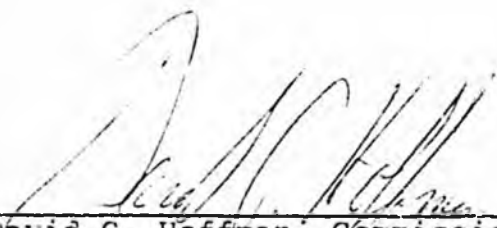
The Department strongly supports this bill. The legislation provides greater flexibility to resolve some problems affecting federal townsite villages. The proposed legislation would merely provide an option to help resolve some of the problems with federal townsite villages. The bill would not require 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)).

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

Bill Version: HB 176
Publish Date: _____

REQUEST: _____

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						
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 Phone: 465-4750
Division: Municipal & Regional Assistance Date: 3/23/87
Approved by Commissioner: [Signature] Date: 3-23-87
Agency: Community & Regional Affairs

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
7 Regional Affairs to accept, in trust, land conveyed
8 by the federal townsite trustee; and providing for an
9 effective date."

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 com-
missioner 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 Set-
tlement 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

BASIS
BILL: HB 176
NAME:

Bill/Resolution History

11:10 AM 03/11/87

TITLE: "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."

PRIME SPONSOR: RULES COMMITTEE

BY REQ OF THE GOVERNOR

CURRENT STATUS: (H) CRA

STATUS DATE: 03/11/87

PRESS <ENTER> TO VIEW ACTION

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP	ACTION	EXIT	MENU	TEXT	PRINT						QUIT

HB 176

Bill/Resolution Action
Current Status: (H) CRA

Page 1 of 1

Date	Page	Action
03/11/87 (H)		READ THE FIRST TIME - REFERRAL(S)
03/11/87 (H)		C&RA, RESOURCES, FINANCE
03/11/87 (H)		2 ZERO FISCAL NOTES PUBLISHED 3/11/87
03/11/87 (H)		GOVERNOR'S TRANSMITTAL LETTER

**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						
TOTAL OPERATING		-0-	-0-	-0-		

CA						
----	--	--	--	--	--	--

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: [Signature]
 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 Farquhar

Division: Commissioner's Office

Phone: 465-2400

Date: 11/24/86

Approved by Commissioner: Wm D. Arnold, Deputy

Agency: Natural Resources

Date: 11/24/86

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)



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

MAR 17 1987

March 13, 1987

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

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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.



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 uninorated 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." Galista 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.

DCRA 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 (Salchaket 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, MLT. (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	UNPAT	8	4.02	4	2.08	4	91.8	YES
		PAT	11	2.4	14	5.41	28	23.3	
	LEVELOK		0	0	3	3.13	28	61.2	YES
	PERRYVILLE	UNPAT	5	1.91	1	0.4	1	0.26	YES
		PAT	37	11	10	8.51	50	39.5	
	SOUTH NAKNEK	UNPAT	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	STONEY 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
	STEYENS 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	NON NATIVE	0	0	8	2.8	67	92.6	NO
TOTALS			252	107	229	120	783	1617	

① HB 176

STEVE COWPER
GOVERNOR



HB 176

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).

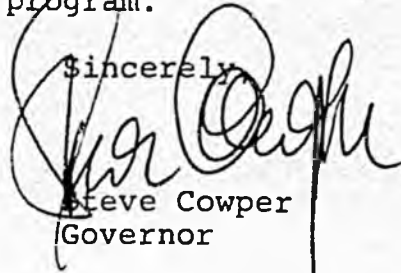
The bill also makes several stylistic and technical clean-up amendments.

Hon. Ben Grussendorf

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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 and title.

Steve Cowper
Governor