

ALASKA LEGISLATURE COMPILED FILES, 2000-2000 00/2

11691 HOUSE STATE AFFAIRS

SECTION 303. NATIVE ALLOTMENT RELOCATION ON LAND SELECTED BY OR CONVEYED TO A NATIVE CORPORATION

Section 303 of S. 1466 is amended by:

(1) in subsection (e) (2) after 'the allotment applicant and the' striking 'Native Corporation,' and inserting 'applicant's Tribe,' and after 'first refusal allowing the' striking 'Native Corporation' and inserting 'Tribe.'

(2) striking subsection (e)(3).

SECTION 304. COMPENSATORY ACRES

Section 304 of S. 1466 is amended by:

(1) striking subsection (b).

SECTION 305. NATIVE ALLOTMENT DEADLINES

Section 305 of S. 1466 is amended by:

(1) in the title of this section, striking "NATIVE ALLOTMENT DEADLINES" and inserting "NATIVE ALLOTMENT APPROVAL."

(2) striking Section 305 and inserting the following: "Section 905 of the Alaska National Interest Lands Conservation Act (43 U.S.C. § 1634) is amended by striking subsections (a) through (f) and inserting the following:

(a) **Legislative Approval.** Subject to valid existing rights, all Alaska Native allotment applications made pursuant to the Act of May 17, 1906 (34 Stat. 197, as amended) which were pending before the Department of the Interior on or before December 18, 1971 or are reinstated under this Act are hereby approved. Subsection (b) in this Act shall apply, if a Native Corporation, the State of Alaska, or other party has a major interest within a Native allotment. Where the land description of the allotment must be adjusted pursuant to subsection (b) of this section, or Sections 302 or 303 of this Act, these allotments are approved pursuant to this section effective at the time the adjustment becomes final. The Secretary shall cause allotments approved pursuant to this section to be surveyed and shall issue trust certificates therefore.'

(b) **Mediation.** A Native Corporation, the State or any party with a major interest in the land described in an allotment application may file a motion with the Secretary requesting alternative dispute resolution, for the purpose of achieving a mutually agreeable settlement in the approval of the allotment application. The Secretary shall select a neutral individual to

mediate the controversy and develop mediation procedures pursuant to the Administrative Dispute Resolution Act of November 15, 1990 (104 Stat. 273) as amended). A neutral individual who is acceptable to the parties and who serves at the will of the parties will conduct the mediation informally as a conference or series of conferences. If the neutral individual determines that mediation efforts are unsuccessful, the mediation will terminate and legislative approval of the allotment application shall proceed in the usual manner.

SECTION 307. AMENDMENTS TO SECTION 41 OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.

Section 307 of S. 1466 is amended by:

(1) striking Section 307 and inserting the following:

'Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

Paragraphs (1) and (2) of subsection (a) are amended to read as follows: '(1) The period for filing allotments under this Act shall end 3 years after the Secretary issues final regulations under section 3 of the Alaska Native Veterans Land Allotment Equity Act. A person described in paragraph (1) or (2) of subsection (b) shall be eligible for an allotment of not more than two parcels of Federal land totaling 160 acres or less.

'(2)(A) Allotments may be selected from the following:

(i) Vacant lands that are owned by the United States;

'(ii) Lands that have been selected or conveyed to the State of Alaska if the State voluntarily relinquishes or conveys to the United States the land for the allotment.

'(iii) Lands that have been selected or conveyed to a Native Corporation if the Native Corporation voluntarily relinquishes or conveys to the United States the land for the allotment.

'(B) A Native Corporation may select an equal amount of acres of appropriate Federal land within the State of Alaska to replace lands voluntarily relinquished or conveyed by that Native Corporation under subparagraph (A)(iii).

'(C) For security reasons, allotments may not be selected from--

(i) lands within the right-of-way granted for the TransAlaska Pipeline; or

'(ii) the inner or outer corridor of that right-of-way withdrawal.'

(2) Subsection (a)(3) is repealed.

(3) In subsection (b)(1), striking 'A person' and insert 'Except as provided in paragraph (3), a person'.

(4) Subsection (b)(1)(B) is amended to read as follows:

'(B) is a veteran who served during the period between August 5, 1964, and May 7, 1975, including such dates.'

(5) Subsection (b)(2) is amended to read as follows:

'(2) If an individual who would otherwise have been eligible for an allotment dies before applying for the allotment, an heir on behalf of the estate of the deceased veteran may apply for and receive the allotment.'

(6) In subsection (b)(3), insert before the period the following: ', except for an heir who applies and receives an allotment on behalf of the estate of a deceased veteran pursuant to paragraph (2)'

(7) Subsection (e) is amended to read as follows:

'(e) REGULATIONS- All regulations in effect immediately before the enactment of subsection (f) that were promulgated under the authority of this section shall be repealed in accordance with section 552(a)(1)(E) of the Administrative Procedure Act (5 U.S.C. 552(a)(1)(E)).'

(8) Add at the end the following new subsections.

'(f) APPROVAL OF ALLOTMENTS- (1) Subject to valid existing rights, and except as otherwise provided in this subsection, not later than January 31, 2007, the Secretary shall approve an application for allotments filed in accordance with subsection (a) and issue a certificate of allotment which shall be subject to the same terms, conditions, restrictions, and protections provided for such allotments.

'(2) Upon receipt of an allotment application, but in any event not later than October 31, 2005, the Secretary shall notify any person or entity having an interest in land potentially adverse to the applicant of their right to initiate a private contest or file a protest under existing Federal regulations.

'(3) Not later than January 31, 2007, the Secretary shall -

'(A) if no contest or protest is timely filed, approve the application pursuant to paragraph (1); or

'(B) if a contest or protest is timely filed, stay the issuance of the certificate of allotment until the contest or protest has been decided.

'(g) RESELECTION- A person who made an allotment selection under this section before the date of the enactment of Alaska Native Veterans Land Allotment Equity Act may withdraw that selection and reselect lands under this section if the lands originally selected were not conveyed to that person before the date of the enactment of Alaska Native Veterans Land Allotment Equity Act.'

SEC. 3. REGULATIONS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of the Interior shall issue final regulations to implement the amendments made by this Act.

SECTION 308. CLARIFICATION REGARDING OCCUPANCY OF NATIVE ALLOTMENTS IN NATIONAL FORESTS

S.1466 is amended by adding Sec. 308 as a new section as follows:

'Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) is amended by:

inserting after the period (.) at the end of paragraph (a) 'Allotment applications pending before the Department of Interior on December 18, 1971, which were closed by the Department of Interior pursuant to Shields v. United States, 698 F.2d 987 (9th Cir. 1983), cert. denied, 104 S. Ct. 73 (1983), shall be reopened and the Department of Interior shall interpret the word "occupancy" in Sec. 2 of the Alaska Native Allotment Act (70 Stat. 954, 48 U.S.C. 357a) to mean occupancy of the applicant or the applicant's "ancestors" as that term is defined in Section 1(a)(2) of this Act.'

SECTION 309. SELF-GOVERNANCE AND CONTRACTING FOR PARTICULAR DEPARTMENT OF INTERIOR PROGRAMS IN ALASKA

S.1466 is amended by adding Sec. 309 as a new section and by inserting the following:

'Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) (as amended by section 303) is amended by adding at the end the following:

(f) CONTRACTING AND COMPACTING FOR NATIVE ALLOTMENT AND INDIAN PROBATE PROGRAMS IN ALASKA -

(1) IN GENERAL- Upon request of an Indian Tribe or tribal organization, the Secretary shall negotiate and enter into contracts, compacts, or funding agreements under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the Indian Tribe or tribal organization to administer programs, services, functions, and activities, or portions thereof, currently administered by the Department, related to Native allotments and Indian probates. Such assumption of programs shall be made pursuant to section 102(a) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 25 U.S.C. §450f(a)(1)(E), or Section 403 of the Indian Self-Determination Act Amendments of 1994 (P.L. 103-413, 25 U.S.C. 458cc), as appropriate.

(2) ELIGIBILITY OF TRIBES- To be eligible to contract, compact, or enter into funding agreements to assume responsibilities for Native allotments and Indian probates, an Indian tribe or tribal organization, shall--

• request participation by resolution or other official action of the governing body of the Indian Tribe or tribal organization;

(b) demonstrate financial and management stability and capability, as evidenced by the Indian tribe or tribal organization having no unresolved significant and material audit exceptions for the previous 3 fiscal years; and

(c) pledge to administer programs, services, functions, and activities related to the adjudication of Native allotments and Indian probates at least at the same level of service as was previously provided by the Secretary or Secretary's representative and to practice utmost good faith in upholding its responsibility to provide such services.

(3) AVAILABLE PROGRAMS- The Secretary shall allow an Indian Tribe or tribal organization to contract, compact or enter into a funding agreement for any of the following programs --

(a) All programs currently administered by the Bureau of Indian Affairs related to assistance to Alaska Natives for Native allotments applications, adjudication and rights protection within the State; and

(b) All programs currently administered by the Bureau of Land Management related to Native allotments within the State; and

(c) All programs currently administered by the Department of Interior's Office of Hearing and Appeals related to hearings, appeals and other review functions of the Secretary for Native allotments and Indian probates within the State.

(4) PRIORITY- If, more than one eligible Indian tribe or tribal organization have overlapping requests to compact or contract for the same programs, services, functions, and activities, or portions thereof, the Secretary may require such Indian tribes or tribal organizations to agree regarding which Indian tribe or tribal organization shall have the ability to contract or to submit a joint request prior to entering into negotiations.

(5) CONTRACT ADMINISTRATION-

(a) INCLUSION OF CERTAIN TERMS- At the request of the contracting Indian tribe or tribal organization, the benefits, privileges, terms, and conditions of agreements entered into pursuant to titles I and IV of the Indian Self-Determination and Education Assistance Act may be included in a contract entered into under this Act. If any provisions of the Indian Self-Determination and Education Assistance Act are incorporated, they shall have the same force and effect as if set out in full in this Act and shall apply notwithstanding any other

provision of law. The parties may include such other terms and conditions as are mutually agreed to and not otherwise contrary to law.

(b) **AUDIT**- Contracts entered into under this Act shall provide for a single-agency audit report to be filed as required by chapter 75 of title 31, United States Code.

(c) **TRANSFER OF EMPLOYEES**- Any career Federal employee employed at the time of the transfer of an operation or program to an Indian tribe or tribal organization shall not be separated from Federal service by reason of such transfer. Intergovernmental personnel actions may be used to transfer supervision of such employees to the contracting Indian tribe or tribal organization. Such transferred employees shall be given priority placement for any available position within their respective agency, notwithstanding any priority reemployment lists, directives, rules, regulations, or other orders from the Department of the Interior, the Office of Management and Budget, or other Federal agencies.

(6) **AVAILABLE FUNDING; PAYMENT**- Under the terms of a contract negotiated pursuant to subsection (f), the Secretary shall provide each Indian tribe or tribal organization funds in an amount not less than the Secretary would have otherwise provided for the operation of the government programs, services, functions, and activities. Contracts entered into under this Act shall provide for advance payments to the tribal organizations in the form of annual or semiannual installments.

(7) **TIMING; CONTRACT AUTHORIZATION PERIOD**- Contracts entered into pursuant to this Act are authorized to remain in effect for 5 consecutive fiscal years, starting from the fiscal year the participating Indian tribe or tribal organization first entered into its contract under this Act with options for renewal.

(8) **REPORT ON NON-BIA PROGRAMS**- Programs listed under subsection (3)(b) and (3)(c) of this section shall be included in the Secretary's listing and targets publication as required under 25 U.S.C. §458ee(c).

SECTION 310. NATIVE ALLOTMENT DEADLINES

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) is amended by adding at the end the following:

- (1) **IN GENERAL** - An applicant for a Native allotment filed under the Act of May 17, 1906 (34 Stat. 197, chapter 2469) or filed under section 41 of this Act shall be entitled to have the Secretary accept a reinstatement of a

- (2) previously closed Native allotment application or to accept a reconstructed copy of an application claimed to have been timely filed with an agency of the Department of the Interior, only if the applicant filed a request for reinstatement or acceptance of a reconstructed application with the Alaska State Office, Bureau of Land Management within 3 years from the date of enactment of this subsection.

SECTION 501. ALASKA LAND CLAIMS HEARINGS AND APPEALS

Section 501 of S. 1466 is amended by:

- (1) striking the title of this section 'ALASKA LAND CLAIMS HEARINGS AND APPEALS' and inserting 'ALASKA OFFICE OF HEARINGS AND APPEALS'

- (2) in subsection (a) striking 'a hearings and appeals process to decide appeals from land transfer decision issued by the Secretary in the State' and inserting 'an Alaska Office of Hearings and Appeals to decide matters within the jurisdiction of the Department involving hearings, and appeals and other review functions of the Secretary regarding land transfer decisions and Indian probates in Alaska'.

- (3) in subsection (b)(1) striking 'may' and inserting 'shall,' and

- (4) in subsection (b)(1) striking 'or other officers,' and insert 'hold hearings and' in between 'to' and 'hear appeals,' and

- (5) in subsection (b)(1) striking 'for a specified term, as determined by the Secretary,' and

- (6) in subsection (b)(2) striking 'and other officers,' and inserting at the end 'as such powers relate to land transfer decisions and Indian probates within Alaska.'

- (7) in subsection (c) of Section 501,

- (a) striking subsection (1) and inserting, '(1) IN GENERAL- Existing regulations published at 43 C.F.R. Part 4 shall apply to the Alaska Office of Hearings and Appeals.'

SECTION 701. AUTHORIZATION OF APPROPRIATIONS

Section 701 of S. 1466 is amended by:

inserting after the period in subsection (a), 'Indian Tribes, and Tribal Organizations shall receive the same level of increase in funding to sums appropriated to the Department of Interior to carry out the purposes of this Act.'



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**A REPORT CONCERNING OPEN SEASON
FOR CERTAIN NATIVE ALASKA
VETERANS FOR ALLOTMENTS**

Prepared for Congress
by the Department of the Interior

In Response to
Section 106 of Public Law 104-42

JUNE 1997

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I. Statutory Basis for Report

On November 2, 1995, President Clinton signed Public Law 104-42, an Act Amending Various Provisions of the Alaska Native Claims Settlement Act (ANCSA). Section 106, entitled "REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKA VETERANS FOR ALLOTMENTS," requires

- (a) In General--No later than 9 months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of

Alaska and appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include, but not be limited to, the following:

- (1) The number of Vietnam Era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971.
- (2) An assessment of the potential impacts of additional allotments on conservation system units as that term is defined in section 102(4) of the Alaska National Interest Lands Act (94 Stat. 2375)
- (3) Recommendations for any additional legislation that the Secretary concludes is necessary.

Background information and a statement of the possible need for legislation was contained in House Report 104-73, a report of the House Committee on Resources which accompanied H.R. 402, the bill that eventually became P.L. 104-42. The Committee report specifically addressed the fact that many Alaska Natives were serving in the Armed Services during the period immediately prior to the repeal of the Alaska Native Allotment Act in 1971 and may have missed their opportunity to apply for Native allotments as a consequence of their military service. At the time P.L. 104-42 was passed, the Vietnam Era was defined in Section 101 of Title 38 U.S.C. as beginning August 5, 1964, and ending May 7, 1975.

II. Summary of Findings

Because of significant anomalies in computer records and other data available for this report, statistics reflect estimates and ranges rather than precise numbers. Where appropriate, we explain our rationale for using a given set of data.

Using the Bureau of Indian Affairs (BIA) list of all Alaska Natives enrolled in ANCSA Corporations, this report finds that there were approximately 2,290 eligible enrolled Alaska Native Vietnam Era veterans who did not apply for allotments. Based on unsolicited information from individuals during preparation of this report and other data, there may be several hundred additional individuals who were not enrolled but otherwise eligible for an allotment during the Vietnam Era.

The report also calculated that during the period of January 1, 1970 to December 18, 1971, when a major effort was undertaken to encourage Natives to perfect their allotment applications before the Alaska Native Allotment Act was repealed in 1971, over 600 Alaska Natives who had served in active military service for more than one year during the period did not apply for allotments.

Depending on final eligibility criteria, we estimate that the number of Alaska Native Vietnam Era veterans who did not apply for allotments could range from about 500 to about 2,800.

Using this range, the report finds that an open season could result in allotment applications on from 40,000 to 448,000 acres of Alaska lands.

Using this range, the costs to the Federal government of implementing an open season program could be from \$18 million to \$186 million. Costs are discussed throughout the report in the sections on potential impacts to each Department of the Interior bureau. See Table 8, page 39, for a consolidated estimate of minimum and maximum ranges of possible total costs

The Department understands that Congress may choose to develop a renewed allotment program for Alaska Native Vietnam veterans, or some portion of them according to criteria it may choose, because it determines that some such veterans were or may have been prevented from applying for an allotment by reason of service and that is the fairest way to deal with the issue. Congress may also consider that such a partial renewal of the allotment program could create new inequities both internal and external to the Native community, could result in high costs both in cash and in land that would be transferred from Federal ownership, and could potentially delay settlements in process or disrupt settled arrangements and uses of land.

III. A History of the Alaska Native Allotment Act

The Alaska Native Allotment Act, as amended, 43 U.S.C. Sections 270-1 through 270-3 (1970), gave the Secretary of the Interior authority to convey not more than 160 acres of "vacant, unappropriated, and unreserved nonmineral land in Alaska" to "any Indian, Aleut, or Eskimo of full or mixed blood who resided in and was a [N]ative of Alaska." Following the amendment of the Allotment Act in 1956, land valuable for coal, oil or gas could be conveyed as long as those valuable minerals were reserved to the United States. In addition, an applicant was required to provide satisfactory proof of substantially continuous use and occupancy of the land for a 5-year period. The implementing regulation, 43 C.F.R. section 2561.0-5(a), provided that:

The term "substantially continuous use and occupancy" contemplates the customary seasonality of use and occupancy by the applicant of any land used by him for his livelihood and well-being and that of his family. Such use and occupancy must be substantial actual possession and use of the land, at least potentially exclusive of others, and not merely intermittent use.

While the five-year requirement was initially interpreted to require that all five years of use and occupancy had to be completed while the land was available for entry, this interpretation was later changed to only require that qualifying use and occupancy began while the land was available for entry. To be eligible for a Native allotment, an applicant had to meet all of the statutory and regulatory requirements pertaining to the qualifications of an applicant, land status, and satisfactory proof of use and occupancy.

By 1970, only about 2,400 applications had been filed under the Act, and only about 245 allotments

had been approved. Beginning in June 1970 the Bureau of Indian Affairs (BIA), the Rural Alaska Community Action Program (Rural CAP), and the Alaska Legal Services Corporation (ALSC), anticipating that the Alaska Native Allotment Act would soon be repealed, initiated an effort to assist Alaska Natives in filing allotment applications.

The Alaska Native Allotment Act was repealed with the passage of the Alaska Native Claims Settlement Act (ANCSA) on December 18, 1971. By the time the Allotment Act was repealed, approximately 10,000 applications had been filed for more than 15,000 parcels of land, primarily through the efforts of BIA, Rural CAP, and ALSC to locate and assist applicants.

On December 2, 1980, the Alaska National Interest Lands Conservation Act (ANILCA) was passed which had a significant impact on the Alaska Native allotment program. Section 905 of ANILCA was designed to eliminate many of the obstacles to processing and conveyance of Native allotments by allowing a legislative approval of those applications pending before the Department on or before December 18, 1971, when the Allotment Act was repealed. There were a number of significant exceptions to this legislative approval. Although some applications have been approved and conveyed under the provisions of Sec. 905 of ANILCA, a great many fall within the excepted categories and must be fully adjudicated under the criteria of the Alaska Native Allotment Act.

In an attempt to break loose this backlog of unapproved allotments, Secretary Babbitt has recently asked for public comments on a proposal to legislatively approve all allotments for which protests have been withdrawn. Although an allotment may not exceed 160 acres, many applications have been filed for multiple, noncontiguous parcels, including applications for two 80-acre tracts or four 40-acre tracts. However, 1.6 is the average number of parcels in an application. The current count of parcels claimed since 1906 is nearly 16,000, of which 6,000 have not yet been conveyed or rejected. Survey is required for 4,000 of the 6,000. (See page 22 for more on impacts on workload.) Public land entry statutes have been generally construed to authorize only one parcel per entry unless expressly provided otherwise. From 1906 to 1964, Alaska Native allotments were confined to one parcel. By regulation, multiple parcels were permitted from 1964 through 1971.

IV. Processes Used to Gather Data for This Report

A data file of all Alaska Natives enrolled in ANCSA corporations was obtained from the BIA. This file includes over 103,000 records. The Veterans Administration (VA) has a data file of all veterans who served in the Vietnam Era, August 5, 1964, to May 7, 1975. This file contains over 40,000,000 records. These two files were analyzed by the VA to develop a list of enrolled Alaska Natives who served in the Armed Services during that period. The resulting list was then compared to BIA and Bureau of Land Management (BLM) allotment application lists to determine which of these Vietnam Era veterans have already applied for an allotment.

ANCSA enrollment files were used as the primary source of reliable data to determine the scope of the issue. The ANCSA enrollment files, although representing a large majority of Alaska Natives, do not reflect the total number of Alaska Natives who might be eligible for an allotment. The enrollment process required by ANCSA enrolled only individuals with one-fourth or more of Native blood. The Alaska Native Allotment Act only required individuals to be Alaska Native. We did receive unsolicited phone calls or correspondence from over 200 individuals who may be Alaska Natives

who were not enrolled as shareholders of Alaska Native corporations.

Notably, of the approximately 10,000 applications for allotments received prior to repeal of the Act, 8,420 were enrolled. Roughly 16 percent of the total were unenrolled; or, put another way, unenrolled applicants numbered just under 20 percent of enrolled applicants. During the data gathering we also found that there are enrolled individuals who do not appear on the master enrollment list for a variety of reasons, so the computerized enrollment records are themselves incomplete.

Because of our lack of reliable data as to the number of unenrolled Native veterans or enrolled but unlisted veterans, precise numbers would be possible only after a formal allotment application procedure. For these and other reasons, the numbers of veterans reflected in this report are intended to be indicators, not absolutes.

See Appendix A for complete details of the data gathering process. See Appendices B and C for actual enrollment data by region and village.

V. Numbers of Native Veterans Who Did Not Apply for an Allotment

Because of statistically significant anomalies in computer records and other data available for this report, statistics reflect trends and ranges rather than precise numbers. Our primary data source for Alaska Natives was the BIA's computerized ANCSA enrollment record. We analyzed the basic data of enrolled Vietnam Era veterans who did not apply for an allotment to cover a variety of time periods as reflected below. The first period is the total designated time for the Vietnam Era. The second period is the Vietnam Era from August 5, 1964 through December 18, 1971, the passage of ANCSA which repealed the Alaska Native Allotment Act. The third period, January 1970 through December 1971, is when the major effort was undertaken by the BIA and others to accelerate application filings. The fourth through sixth periods are subsets of the third period to determine how many veterans may have had time to apply during the third period, because they were not in active military service over the entire period. Overall, 179 of 2,469 enrolled Alaska Native Vietnam Era veterans applied for allotments. The numbers of deceased (from the VA records) are shown for = 737. information (these numbers are included in the totals).

To account for the significant numbers of veterans not enrolled or not listed, adding 20 percent (see Section IV) to the number of *enrolled* veterans who did not apply (number 1 below) equals about 2,750. To account for possible additional unforeseen applicants, we have adapted a figure of 2,800 as the top estimate of possible applicants.

Total Alaska Native Enrolled Veterans Who Did Not Apply For An Allotment

Service Period

No. Who Did Not Apply

No. Deceased

1.	8/64-5/75 (total Era)	2290	264
2.	8/64-12/71	1601	225
3.	1/70-12/71	1036	121
4.	>1 year served (70/71)	632	68
5.	<1 year served (70/71)	404	53
6.	<6 months served (70/71)	203	23

VI. Outreach and Consultation

Section 106 requires consultation with the Secretary of Agriculture, the State of Alaska, and appropriate Native corporations and organizations. Our consultation efforts were directed towards gathering viewpoints and concerns of what should be included in the report.

In early December 1995, at a meeting of realty service providers, the legislation was discussed. The "realty service providers" are 25 tribal realty offices, operating under P.L. 93-638 contracts or compacts and BIA realty offices. A format was developed to use in documenting contacts made by individuals to record anecdotal and other information.

On January 12, 1996, a status report on the implementation of 1995 ANCSA amendments was sent to all ANCSA Corporations and Alaska tribes by the Office of the Secretary. As a result of this report, and subsequent outreach by ANCSA Corporations and realty service providers, individuals began to contact the BLM and realty service providers. These contacts were made by telephone, in person, and by letter. When contacted, basic information was obtained from the individual, such as name, address, date of birth, social security number, dates of service, probable location of land, etc.

Meetings were held with some ANCSA Corporations, the Alaska Federation of Natives (AFN), the Alaska Inter-Tribal Council (AITC), and realty service providers on July 9 and 10, 1996. Appendix D contains the notes from these meetings. Common concerns expressed were that:

- Legislation would be drafted in such a way that few veterans would be eligible.
- There would be insufficient funding to properly implement the program, especially for cadastral surveys.
- The high cost of the program would be used as a reason to *not* enact enabling legislation.
- People want to avoid the lengthy adjudication process of Native allotments. One suggestion was to include the same opportunity for legislative approval of the applications, absent legal defects and certain type of conflicts. It was also recommended that there be no opportunity given for blanket protests.
- The interests of deceased Native veterans should be protected.
- What Federal lands would be available? Much of the land surrounding Native villages is not owned by the Federal government. The possibility of voluntary reconveyances from ANCSA Corporations to the BLM was raised as a solution. The acreage would then be credited back to

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Department of Education & Early Development
State of Alaska

had been approved. Beginning in June 1970 the Bureau of Indian Affairs (BIA), the Rural Alaska Community Action Program (RurAL CAP), and the Alaska Legal Services Corporation (ALSC), anticipating that the Alaska Native Allotment Act would soon be repealed, initiated an effort to assist Alaska Natives in filing allotment applications.

The Alaska Native Allotment Act was repealed with the passage of the Alaska Native Claims Settlement Act (ANCSA) on December 18, 1971. By the time the Allotment Act was repealed, approximately 10,000 applications had been filed for more than 15,000 parcels of land, primarily through the efforts of BIA, RurAL CAP, and ALSC to locate and assist applicants.

On December 2, 1980, the Alaska National Interest Lands Conservation Act (ANILCA) was passed which had a significant impact on the Alaska Native allotment program. Section 905 of ANILCA was designed to eliminate many of the obstacles to processing and conveyance of Native allotments by allowing a legislative approval of those applications pending before the Department on or before December 18, 1971, when the Allotment Act was repealed. There were a number of significant exceptions to this legislative approval. Although some applications have been approved and conveyed under the provisions of Sec. 905 of ANILCA, a great many fall within the excepted categories and must be fully adjudicated under the criteria of the Alaska Native Allotment Act.

In an attempt to break loose this backlog of unapproved allotments, Secretary Babbitt has recently asked for public comments on a proposal to legislatively approve all allotments for which protests have been withdrawn. Although an allotment may not exceed 160 acres, many applications have been filed for multiple, noncontiguous parcels, including applications for two 80-acre tracts or four 40-acre tracts. However, 1.6 is the average number of parcels in an application. The current count of parcels claimed since 1906 is nearly 16,000, of which 6,000 have not yet been conveyed or rejected. Survey is required for 4,000 of the 6,000. (See page 22 for more on impacts on workload.) Public land entry statutes have been generally construed to authorize only one parcel per entry unless expressly provided otherwise. From 1906 to 1964, Alaska Native allotments were confined to one parcel. By regulation, multiple parcels were permitted from 1964 through 1971.

IV. Processes Used to Gather Data for This Report

A data file of all Alaska Natives enrolled in ANCSA corporations was obtained from the BIA. This file includes over 103,000 records. The Veterans Administration (VA) has a data file of all veterans who served in the Vietnam Era, August 5, 1964, to May 7, 1975. This file contains over 40,000,000 records. These two files were analyzed by the VA to develop a list of enrolled Alaska Natives who served in the Armed Services during that period. The resulting list was then compared to BIA and Bureau of Land Management (BLM) allotment application lists to determine which of these Vietnam Era veterans have already applied for an allotment.

ANCSA enrollment files were used as the primary source of reliable data to determine the scope of the issue. The ANCSA enrollment files, although representing a large majority of Alaska Natives, do not reflect the total number of Alaska Natives who might be eligible for an allotment. The enrollment process required by ANCSA enrolled only individuals with one-fourth or more of Native blood. The Alaska Native Allotment Act only required individuals to be Alaska Native. We did receive unsolicited phone calls or correspondence from over 200 individuals who may be Alaska Natives

160 acres
93,000 acres

Use and occupancy
Native log & village selection
including to pass

Vacant federal land on
Corp or State willing to give up

48% = ~~all~~ Transferred fed lands to
All private is as Native Allotments

743

What % of Vet
Non-Native
applied for allotment

1906 act
by 1955

1978 estimated 60,000
8,000 applicants

135

Legislative approval
State veto power - 6,000 applicants
reduces time 6 mo vs 20 years

who were not enrolled as shareholders of Alaska Native corporations.

Notably, of the approximately 10,000 applications for allotments received prior to repeal of the Act, 8,420 were enrolled. Roughly 16 percent of the total were unenrolled; or, put another way, unenrolled applicants numbered just under 20 percent of enrolled applicants. During the data gathering we also found that there are enrolled individuals who do not appear on the master enrollment list for a variety of reasons, so the computerized enrollment records are themselves incomplete.

Because of our lack of reliable data as to the number of unenrolled Native veterans or enrolled but unlisted veterans, precise numbers would be possible only after a formal allotment application procedure. For these and other reasons, the numbers of veterans reflected in this report are intended to be indicators, not absolutes.

See Appendix A for complete details of the data gathering process. See Appendices B and C for actual enrollment data by region and village.

V. Numbers of Native Veterans Who Did Not Apply for an Allotment

Because of statistically significant anomalies in computer records and other data available for this report, statistics reflect trends and ranges rather than precise numbers. Our primary data source for Alaska Natives was the BIA's computerized ANCSA enrollment record. We analyzed the basic data of enrolled Vietnam Era veterans who did not apply for an allotment to cover a variety of time periods as reflected below. The first period is the total designated time for the Vietnam Era. The second period is the Vietnam Era from August 5, 1964 through December 18, 1971, the passage of ANCSA which repealed the Alaska Native Allotment Act. The third period, January 1970 through December 1971, is when the major effort was undertaken by the BIA and others to accelerate application filings. The fourth through sixth periods are subsets of the third period to determine how many veterans may have had time to apply during the third period, because they were not in active military service over the entire period. Overall, 179 of 2,469 enrolled Alaska Native Vietnam Era veterans applied for allotments. The numbers of deceased (from the VA records) are shown for = 737. information (these numbers are included in the totals).

To account for the significant numbers of veterans not enrolled or not listed, adding 20 percent (see Section IV) to the number of *enrolled* veterans who did not apply (number 1 below) equals about 2,750. To account for possible additional unforeseen applicants, we have adapted a figure of 2,800 as the top estimate of possible applicants.

Total Alaska Native Enrolled Veterans Who Did Not Apply For An Allotment

<u>Service Period</u>	<u>No. Who Did Not Apply</u>	<u>No. Deceased</u>
-----------------------	------------------------------	---------------------

1.	8/64-5/75 (total Era)	2290	264
2.	8/64-12/71	1601	225
3.	1/70-12/71	1036	121
4.	>1 year served (70/71)	632	68
5.	<1 year served (70/71)	404	53
6.	<6 months served (70/71)	203	23

VI. Outreach and Consultation

Section 106 requires consultation with the Secretary of Agriculture, the State of Alaska, and appropriate Native corporations and organizations. Our consultation efforts were directed towards gathering viewpoints and concerns of what should be included in the report.

In early December 1995, at a meeting of realty service providers, the legislation was discussed. The "realty service providers" are 25 tribal realty offices, operating under P.L. 93-638 contracts or compacts and BIA realty offices. A format was developed to use in documenting contacts made by individuals to record anecdotal and other information.

On January 12, 1996, a status report on the implementation of 1995 ANCSA amendments was sent to all ANCSA Corporations and Alaska tribes by the Office of the Secretary. As a result of this report, and subsequent outreach by ANCSA Corporations and realty service providers, individuals began to contact the BLM and realty service providers. These contacts were made by telephone, in person, and by letter. When contacted, basic information was obtained from the individual, such as name, address, date of birth, social security number, dates of service, probable location of land, etc.

Meetings were held with some ANCSA Corporations, the Alaska Federation of Natives (AFN), the Alaska Inter-Tribal Council (AITC), and realty service providers on July 9 and 10, 1996. Appendix D contains the notes from these meetings. Common concerns expressed were that:

- Legislation would be drafted in such a way that few veterans would be eligible
- There would be insufficient funding to properly implement the program, especially for cadastral surveys.
- The high cost of the program would be used as a reason to *not* enact enabling legislation.
- People want to avoid the lengthy adjudication process of Native allotments. One suggestion was to include the same opportunity for legislative approval of the applications, absent legal defects and certain type of conflicts. It was also recommended that there be no opportunity given for blanket protests.
- The interests of deceased Native veterans should be protected.
- What Federal lands would be available? Much of the land surrounding Native villages is not owned by the Federal government. The possibility of voluntary reconveyances from ANCSA Corporations to the BLM was raised as a solution. The acreage would then be credited back to

the corporation.

Most groups wanted the opportunity to review this report. The AFN Land Managers Committee will want to discuss the potential impacts on Interim Conveyed lands. The realty service providers recommended a statewide meeting of realty service providers, AFN, AITC, and ANCSA Corporations to review and discuss the report.

Comments received from the Alaska Region of the U. S. Forest Service conclude that there would be no impacts to the National Forest System lands in Alaska attributable to Section 106. This is based on the assumption that the Native veterans would not be eligible to apply for allotments within the Chugach and Tongass National Forests because of the early withdrawal dates of the forests from land entry.

Our consultation with the State of Alaska was through the Governor's Office in Washington. The State wished to express no position at this time on this issue.

This report has not been circulated for comment prior to submitting it to Congress. However, affected interests will be provided a copy at the same time the report is delivered to Congress.

VII. Potential Impacts on Conservation System Units (CSUs) and on Bureau Operations

A. Introduction

In analyzing potential impacts, we determined the following to be reasonable assumptions to guide our preparation of the report:

1. Only Alaska Native Vietnam veterans enrolled to a *village* are used in the analysis to assess the potential impacts of new Native allotments on CSUs. We have no data on which to base estimates of where veterans enrolled to a *region* might apply for an allotment within the region. There are significant numbers of veterans enrolled only for a Region (see Appendix B). Also, there are significant numbers of veterans not enrolled. Therefore impacts on CSUs are underestimated and cannot reflect regional enrollees or unenrolled applicants for whom impacts are difficult to appraise.
2. For the purposes of this impact analysis we assume new allotment selections would be within a 25-mile radius of the enrollment village of eligible veterans. The decision to use a 25-mile radius was based on an analysis of existing Native allotment applications and certificates on the Yukon Delta, Kodiak, and Yukon Flats refuges which found that over 90 percent of allotments were within 25 miles of a village recognized by ANCSA. We are unable to do a geographic analysis of impacts of new applications by eligible veterans enrolled in the 13th Region or at large in the other Regions.
3. Applicants from villages located within or adjacent to a CSU with little other Federal land within 25 miles would select an allotment in that CSU.
4. The duty station(s) of the veteran during the Era could have impacted their ability to apply. Duty in Alaska, in the continental U.S., in the Vietnam theater, or elsewhere

overseas each provides different opportunities and limits. For the purpose of this report, however, we make no distinctions based on duty stations.

5. If Alaska Native Vietnam Era veterans are authorized to apply for land allotments, it will be because they were unable to apply for a Native Allotment prior to the repeal of the Native Allotment Act by ANCSA December 18, 1971 because of their period of service.

The report will focus on two time periods; August 5, 1964, to May 8, 1975, and January 1, 1970 to December 18, 1971. The first period reflects the statutory period of the Vietnam Era which is required by P.L. 104-42. The second period coincides with the period when a major effort was made by the BIA and others to publicize the allotment program and assist Natives in completing their applications. December 18, 1971, is the date of repeal of the 1906 Native Allotment Act by the passage of ANCSA. For purposes of the second time period, veterans on active duty prior to 1970 are presumed to have had the same opportunity as other Alaska Natives to apply prior to the deadline; and veterans entering service after December 18, 1971, are presumed not eligible for an allotment because they did not apply before the repeal of the Allotment Act, and their service had no bearing on their opportunity to apply.

6. At a minimum, land available for new applicants must currently be Federally owned and must have been otherwise unappropriated and unreserved Federal land available to the applicant before December 18, 1971 at the time of the beginning of their use and occupancy.

7. For the purpose of impact analysis we assumed that applicants may select up to a total of 160 acres, comprised of one parcel. (See Item 8 of Legislative Considerations, page 37.)

The assessment of the potential impacts of additional allotments on CSUs is discussed below by each Department of Interior bureau that could be impacted.

B. Bureau of Indian Affairs

The Bureau of Indian Affairs has the responsibility for assisting Native allotment applicants perfect title to their claims. This responsibility is handled directly through agency realty staff and through P.L. 93-638 contracts and compacts. There are a total of 25 realty service providers in Alaska. This responsibility has been funded through the tribal priority allocation and nonrecurring funds. Depending upon the application criteria, this portion of the program will cost a minimum of \$1,200,000 annually above available budgets for a limited duration of 2-3 years.

Once allotments are certificated, then the full range of real estate management activities begins in meeting the BIA's trust management responsibilities. Included are functions of writing wills, probates, processing rights-of-way, land sales, gift deeds, leases and permits, HUD leases, and so forth. We estimate BIA's responsibilities for managing additional allotments will cost a minimum of \$400,000 annually above current budgets, but could be from \$1-2 million. (See Table 8, page 39.) Additional realty services must be supported by field activities such as appraisals, archeological clearances, trespass abatement and so forth, for which we can not estimate costs at this time. BIA's current trust fund management accounting problems will be exacerbated by increasing the numbers of allotments and future fractionated ownership.

C. Fish and Wildlife Service

Currently, Native allotments occur on all 16 National Wildlife Refuges in Alaska with approximately 3,800 either conveyed or pending within refuge boundaries. The passage of legislation authorizing new allotments for Alaska Native veterans could add to this number by more from 15-30 percent, with the potential to affect from 64,000 to 110,000 acres of refuge lands.

Existing allotments and conveyed Native corporation lands limit the amount of available lands around many Native villages. In addition, lands within several Alaska Refuges, which were created by Executive Order prior to 1971, were not available for selection as Native allotments depending on the withdrawal date and the initial time of use by the applicant.

The following discussion centers on the availability of lands within refuges for selection and the potential impacts to fish and wildlife resources.

Number and distribution of potential applicants: A total of 76 villages with potential Vietnam Era, veteran Native allotment applicants are found within the boundaries of the 16 Alaska Refuges. There are an additional 83 villages within 25 miles of refuge boundaries with potential applicants.

For purposes of this report we discuss two likely scenarios for the volume of new applications. Scenario 1 assumes a new application opening that encompasses all Vietnam Era veterans (1964-1975). Such an opening could allow about 1,111 applications distributed throughout the sixteen Wildlife Refuges with the potential to affect from 64,064 to 110,784 acres of refuge lands.

Scenario 2 assumes an opening restricted to veterans on active duty for at least a year during the period from January 1, 1970, to December 18, 1971. This time period coincides with a major effort by RuralCap and others to publicize the repeal of the Allotment Act by the passage of ANCSA and to help Natives perfect their claims for an allotment. Under Scenario 2, an estimated 463 new allotment applications could be filed with the potential to affect from 26,720 to 46,720 acres of refuge lands. Tables 1 and 2 list the maximum number of potential applicants in and within 25 miles of a refuge, and total acres affected in each refuge, using Scenarios 1 and 2, respectively.

The selection of multiple parcel allotments would extend the impacts on refuges because applicants could select small parcels in several areas. From 1964 to 1971, regulations allowed the selection of several noncontiguous parcels and this option was chosen by a number of applicants. In one case on Kodiak Refuge an applicant obtained three coastal parcels of land. Two of these parcels are 30 miles apart. Smaller parcels are easier to sell or develop on the open real estate market and would probably be preferred by applicants today.

Table 1 Potential Number of Village-Enrolled Vietnam Veteran Native Allotment Applicants Who Served between 1964 and 1975 and the Estimated Amount of Refuge Land Affected if Legislation Allowing New Applications for These Alaska Native Veterans were Enacted.

	Villages within Refuge with potential applicants	Max. No. of Native Vietnam veterans from these villages	Affected acres: 160 acres X Max. No. of Vietnam veterans	Additional villages within 25 miles of refuge with potential applicants	Max. No. of Native Vietnam Veterans from these villages	Range of additional affected acres: 160 acres X 10 and 60 percent ¹
REFUGE						
Alaska Maritime ²	12	32	2,720 ³	26	303	4,848-29,088
Alaska Peninsula/	5	22	3,520	9	33	528-3,168
Becharof						
Arctic	2	4	640	1	2	32-192
Innoko	0	0	0	6	26	416-2,496
Izenhek	0	0	0	1	8	128-768
Kanuti	0	0	0	3	5	80-480
Kenai	1	4	0 ³	11	156	0 ³
Kodiak	5	15	2,400	5	65	1,040-6,240
Koyukuk/	1	3	480	3	21	336-2,016
Nowitna						
Selawik	3	23	3,680	3	57	912-5,472
Tetlin	1	7	1,120	1	1	16-96
Togiak	5	19	3,040	4	30	480-2,880
Yukon Delta	37	220	33,600 ³	8	26	416-2,496
Yukon Flats	4	22	3,520	2	7	112-672
TOTAL	76	371	54,720	83	740	9,344-56,064

¹ Estimates of 10 and 60 percent were used for the minimum and maximum affected area calculations, respectively, when the enrollment village was located outside of the refuge.

² All offshore rocks, spires, and islets may not be accounted for in the total affected area for Alaska Maritime Refuge.

³ The affected acreage from potential allotments within old refuges is not included in these figures.

Table 2 Potential Number of Village-Enrolled Vietnam Veteran Native Allotment Applicants Who Served for One Year or More between January 1, 1970, and December 18, 1971, and the Estimated Amount of Refuge Land Affected if Legislation Allowing New Applications for These Alaska Native Veterans were Enacted.

REFUGE	Villages within Refuge with potential applicants	Max. No. of Native Vietnam veterans from these villages	Affected acres: 160 acres X Max. No. of Vietnam veterans	Additional villages within 25 miles of refuge with potential applicants	Max. No. of Native Vietnam veterans from these villages	Range of additional affected acres: 160 acres X 10 and 60 percent ¹
Alaska Maritime ²	7	13	960 ³	20	106	1,696-10,176
Alaska Peninsula/Becharof	4	9	1,440	8	15	240-1,440
Arctic	1	1	160	1	1	16-96
Innoko	0	0	0	6	16	256-1,536
Izembek	0	0	0	1	3	48-288
Kanutu	0	0	0	3	4	64-384
Kenai	1	1	0 ³	8	60	0 ³
Kodiak	4	8	1,280	4	35	560-3,360
Koyukuk/	1	3	480	3	16	256-1,536
Nowitna						
Selawik	3	11	1,760	1	26	416-2,496
Tetlin	1	4	640	0	0	0
Togiak	3	3	480	3	14	224-1,344
Yukon Delta	28	83	12,800 ³	7	13	208-1,248
Yukon Flats	3	17	2,720	1	1	16-96
TOTAL	56	153	22,720	66	310	4,000-24,000

¹ Estimates of 10 and 60 percent were used for the minimum and maximum affected area calculations, respectively, when the enrollment village was located outside of the refuge.

² All offshore rocks, spires, and islets may not be accounted for in the total affected area for Alaska Maritime Refuge.

³ The affected acreage from potential allotments within old refuges is not included in these figures

Impacts on natural values: Allotments are traditionally located at sites on coastlines and inland waterways which offer the best subsistence resources with easy access from rural villages. New applications would presumably follow this same pattern. However, conflicts with conveyed land may lead to the selection of alternative sites. These sites may be a further distance from villages than is normally traveled for subsistence purposes. Private land could be created in largely untouched wildlands. Future activities that occur on these remote sites could adversely affect existing natural values.

Subdivision and Commercial Activities: The majority of existing Native allotments on Alaska Refuges are used by the original allottees or their heirs for subsistence or recreational purposes. At this time these uses are largely compatible with the purposes of each refuge and conflicts are few. However, the passage of time and a changing lifestyle has brought new demands to a few of Alaska's remotest places. Private lands, such as Native allotments, surrounded by public land and near prime

fishing and hunting locations are being sought out for sale and development. Exclusive use of the best resource locations is very attractive to potential buyers. Many original allottees are elderly and no longer use the allotments. The heirs to allotments often live away from the region. New allotments would be highly susceptible to development pressure. It is also well known that the Federal government is actively acquiring inholdings on a willing seller basis on some refuges.

Case Studies: Yukon Delta and Kodiak National Wildlife Refuges

To gain a better understanding of potential impacts to individual refuges, we analyzed the effect of a new application opening on two of Alaska's refuges. In the following case studies, the total acreage affected under the two scenarios is identified, and the potential impacts on natural resources are discussed.

Yukon Delta Refuge

The Yukon Delta National Wildlife Refuge is the largest refuge in Alaska and has the most Native villages within its boundary, consequently, additional allotments could have a significant impact on refuge resources and management. Under Scenario 1 (1964-1975), about 246 potential applicants could each select a 160 acre allotment within the boundaries of the refuge (Table 3, page 16). An estimated 34,016 to 36,096 acres of refuge lands could be selected. The potential impact of selections by the 15 veterans that enrolled to Calista Regional Corporation could not be assessed because the veterans did not identify a home village. However, if we assume that all 15 potential applicants selected allotments within the Refuge, an additional 2,400 acres of refuge lands could be affected.

Under Scenario 2, veterans who served for at least 1 year during the time period from January 1, 1970, to December 18, 1971, a maximum of 96 applicants could select allotments within the Refuge (Table 3). This is approximately 39 percent of the total number of Native Vietnam Era veterans that could select an allotment within the Refuge. Approximately 13,008 to 14,048 acres of refuge lands could be affected (Table 3). The potential effect of selections by the 4 veterans that enrolled to Calista Regional Corporation could not be assessed because the veterans did not identify a home village. However, if we assume that all 4 applicants selected allotments within the Refuge, an additional 640 acres of refuge lands would be impacted.

Table 3 Effect of Proposed Vietnam Veterans Native Allotment Act on Alaska Refuges Using the Number of Village-Enrolled Native Vietnam Veterans on Active Duty during 1964-1975 and the Number that Served for at Least One Year between January 1, 1970 and December 18, 1971.

REFUGE	Number of villages with potential applicants		Maximum number of potential applicants		Estimated affected acreage		Date of withdrawal of refuge from availability	Resour manage may be native
	1964-1975	1970-1971	1964-1975	1970-1971	1964-1975	1970-1971		
Alaska	38	27	335	119	7,568- 31,808	2,656-	1942-- portion	None. The

Maritime

11,136 of refuge³

available allotments

							1971-- remainder of refuge	Seabird or mammal t
Alaska Peninsula/	14	12	55	24	4,048- 6,688	1,680- 2,880	1971-- entire refuge	Caribou, t anadromo
Becharof Arctic	3	2	6	2	672-832	176-256	1971-- entire refuge ⁴	Caribou c: Wildernes
Innoko	6	6	26	16	416- 2,496	256- 1,536	1971-- entire refuge	Waterfow anadromo
Izembek	1	1	8	3	128-768	48-288	1960-- entire refuge	Waterfow nesting ha
Kanuti	3	3	5	4	80-480	64-384	1971-- entire refuge	Waterfow
Kenai	12	9	160	61	0	0	1941-- entire refuge	Fire mana None. The available I allotments
Kodiak	10	8	80	43	3,440- 8,640	1,840- 4,640	1958-- One mile shoreline buffer area ⁵	Anadromo and browr
Koyukuk/	4	4	24	19	816- 2,496	736- 2,016	1971-- entire refuge	Current ac - reacquis: parcels in Moose hal managemt
Nowitna Selawik	6	4	80	37	4,592- 9,152	2,176- 4,256	1971-- entire refuge	Caribou a: habitat
Tetlin	2	1	8	4	1,136- 1,216	640	1971-- entire refuge	Fire mana
Togiak	9	6	49	17	3,520- 5,920	704- 1,824	1969-- Cape Newenham Refuge	Anadromo brown bea marine ma
							1971-- remainder of refuge	Sport fish: commerci
Yukon	45	35	246	96	34,016-36,096	13,008-	1971--	Arctic nes

Delta

14,048 remainder of
refuge
1960--
Clarence
Rhode Unit
other water
mammals,
fish resour
listed thre
eider habi

1929--
Nunivak Island
and

1937-- Hazen
Bay

								None. The available l allotments
Yukon Flat	6	4	29	18	3,632- 4,192	2,736- 2,816	1971-- entire refuge	Waterfow
								Fire mana
TOTAL	159	122	1,111	463	64,064- 110,784	26,720- 46,720		

¹ This is a limited review of management and resource issues that could potentially be effected.

² The affected acreage includes duplicate counts because two refuges fell within the same 25-mile buffer area around a village. Extent and location of duplicate counts are shown in Tables 1 and 2.

³ This includes the Bering Sea Unit, Pribilof Unit, St. Lazaria Island, Tuxedni, and Bogoslof all reserved in 1906; Forrester Island, Hazy Islands, Chamisso Island reserved in 1912; the Aleutian Islands reserved in 1913; Unalaska Island reserved in 1941 and the Semidi Islands reserved in 1942.

⁴ Lands within Arctic Refuge previously owned by the U.S. Navy were reserved in 1960.

⁵ All Refuge lands interior of the 1-mile shoreline buffer zone were reserved in 1941. The Ban Island Unit of the Refuge, previously the Afognak Island Forest and Fish Culture Reserve was reserved in 1894.

We calculated the average land status within the 25-mile radius area around each village with potential applicants in and within 25 miles of the refuge boundary (Table 4). Of the approximately 14,430,600 acres of lands within the buffer area, approximately 9,694,500 (67 percent) acres are either Federal lands or selected lands and would be available for selection by potential

applicants. The 25-mile radius area around the villages would appear to be sufficient to meet the needs of the potential applicants with the possible exception of Bethel and adjacent villages. However, there are also areas of Federal lands not open to selection (Table 4). Nunivak Island and Hazen Bay were reserved in 1929 and 1937, respectively. The potential applicants who enrolled in the village of Mekoryuk on Nunivak Island would not be able to select an allotment on the island.

The villages with potential applicants that served during 1964-1975 and 1970-1971 are located along the Refuge's coastline and the Yukon and Kuskokwim rivers. These areas contain high value fish and wildlife habitats. The numerous drainages of the Refuge provide spawning and rearing habitat and serve as migration corridors for all five species of Pacific salmon. The coastal plain provides high value nesting, molting and staging habitat for waterfowl and nesting habitat for shorebirds. The coastal areas of the Refuge are considered important nesting areas for tundra swans, spectacled eiders, Pacific brant, emperor geese, and cackling Canada geese. Increased development and human activity in these coastal areas could threaten the critical waterfowl habitat of the Yukon-Kuskokwim Delta.

Selection of allotments away from villages (beyond the 25-mile radius) and deep within the Refuge could also affect refuge resources and management. A new allotment in an undeveloped part of the refuge could have a greater impact on resources and management than an additional allotment in an area with existing developments.

Table 4 Land Status within 25-Mile Radius Buffer Areas around Home Villages of Enrolled Native Vietnam Era Veterans on the Yukon Delta National Wildlife Refuge (Active Duty, 1964-1975).

	Acres within 25-mile buffer around home villages	Percent of total buffered area	Notes
Native Conveyed	4,201,900		Includes certificated allotments
State Conveyed	59,000		
Other Private Conveyed	4,700		
Total Conveyed	4,265,600	30	
Non-FWS Federal Withdrawal	4,900		Mostly military lands, some small FAA
Refuge lands in buffer, but not available because of withdrawal date, i.e., Hazen Bay and Nunivak Island	6,900		Hazen Bay Refuge was withdrawn in 1937.
	458,700		Nunivak Island Refuge was withdrawn in 1929.
Federal lands not available	470,500	3	
Native Selected	2,727,700		Includes allotment applications.
State Selected	10,000		
Other Selected	100		
Total Selected	2,737,800	19	
Refuge lands within buffer	6,956,700	48	Includes the Clarence Rhode

Refuge which was withdrawn
in 1960.

Kodiak Refuge

There are approximately 80 conveyed or selected Native allotments currently within Kodiak Refuge. These parcels are generally located along coastline and inland waterways and contain prime fish and wildlife habitats. Spawning streams for five species of Pacific salmon, important feeding grounds for bald eagles, and high concentrations of coastal brown bears are found on or near many allotments. Salmon stocks produced in part on these properties are the mainstay of one of the largest commercial fisheries in the world.

Several Native allotments within the Refuge have been offered on the real estate market in recent years. The parcels have been subdivided or offered in their entirety for hunting and/or fishing lodges and other developments which threaten the long-term health of this unique ecosystem. Brown bear-human conflicts are on the rise with new cabins appearing every summer. Cabin and lodge construction directly on an archaeological site is common.

Because of this threat to the integrity of the Kodiak Refuge, Congress has appropriated \$4.5 million from the Land and Water Conservation Fund to buy small parcels from willing sellers. The Fish and Wildlife Service has also received \$3 million from the *Exxon Valdez* Oil Spill settlement accounts for this purpose. The bulk of this money has been spent to acquire Native allotments. If Scenario 1 is implemented, about 80 Vietnam Era veteran applicants could select allotments on the Refuge (Table 3). All potential applicants enrolled in villages on the Kodiak Archipelago would be able to select lands within the Refuge because of the overlap of the 25-mile radius areas with Refuge lands. An estimated range of 3,440 to 8,640 acres of refuge lands could be affected. The potential effect of selections by the 21 veterans that enrolled to Koniag Incorporated could not be assessed because the veterans did not identify a home village. However, if we assume that all 21 applicants selected allotments within the Refuge, an additional 3,360 acres of Refuge lands could be impacted.

Under Scenario 2, veterans who served for at least a year during the time period from January 1, 1970, to December 18, 1971, 43 potential applicants could select allotments within the Refuge. This is approximately 54 percent of the total number of Native Vietnam Era veterans that could potentially select an allotment within the Refuge. Approximately 1,840 to 4,640 acres of refuge lands could be affected (Table 3). The potential effect of selections by the 5 veterans that enrolled to Koniag Incorporated could not be assessed because the veterans did not identify a home village. However, if we assume that all 5 applicants selected allotments within the Refuge, an additional 800 acres of Refuge lands could be impacted.

If use and occupancy requirements are not applied in some manner in new legislation, the Federal government may find itself bidding for land that it just recently bought from another allottee.

Not all new applicants would be interested in immediately selling their land holdings. However, the active real estate market on Kodiak Island, including private and government sales, assures that some applicants would select lands in areas with the highest economic value. At current land values, up to \$14 million would be required to buy back 80 full allotments under Scenario 1.

The 25-mile radius area around the villages would appear to be sufficient to meet the needs of the

potential applicants under the two scenarios; however, there are areas of Federal lands not open to selection within the Refuge. The Ban Island Unit of the Refuge, previously the Afognak Island Forest and Fish Culture Reserve, was reserved in 1892 and all Refuge lands on Kodiak Island with the exception of a one-mile shoreline buffer were reserved in 1941. In addition, lands recently acquired with *Exxon Valdez* Oil Spill funds from Kodiak Island Native Corporations would not be available for new selections because of the terms of the purchase contracts.

Potential Impacts Outside of Refuge Boundaries:

The Service is responsible for managing populations of migratory birds, marine mammals and endangered species. This regulatory trust extends throughout the range of these animals on public

and private lands. New Native allotments patented within sensitive fish and wildlife habitats throughout the State may have a significant impact on these trust species.

Potential Cost to the Fish and Wildlife Service

Under Scenario 2 (the 1970-1971 limited period), the addition of 463 new Native Allotments within the refuge boundaries would lead to increased land management costs. The potential impacts to adjoining refuge lands and the increase in trespass and access issues could cost up to \$250,000. The cost of wild fire suppression would increase on many interior refuges where fire is an important component of the ecology. Fires are generally allowed to burn naturally if life or private property is not endangered. Under Scenario 2, there is the potential for 63 new allotments in fire-prone areas. The potential cost of increased fire suppression could exceed \$1.5 million. The total cost of updating the Service's computerized land status database is projected to be approximately \$40,000.

In some cases it might be necessary for the Service to acquire new Native Allotments in order to protect the integrity of surrounding refuge lands. Allotments located near fish and wildlife concentration areas would be the most susceptible to development pressure. Acquisitions would be evaluated on an individual basis and limited to willing sellers. However, if the Service were to acquire 50 percent of the new allotments possible under Scenario 2, the estimated fair market value could exceed \$26 million. This does not include transfer costs or other buy-out costs.

Under Scenario 1, with 1,100 possible applications as opposed to 463, costs would be commensurately greater.

Impacts on Refuges Would Be Reduced by Offering Lands outside CSUs or a Cash Settlement:

Impacts on refuges would be reduced by offering either an allotment on other available lands or a cash settlement as an alternative to an allotment that would have been inside the boundary of an existing Refuge. Because of the location of other lands in relation to applicant residences (Table 9 in Appendix E, page 67), it is anticipated that many potential allottees would select the cash settlement.

The cost of a cash settlement could be substantial. For example, under Scenario 2, the cost could range from 8 to 12 million dollars (Table 11 in Appendix E, page 70), if all veterans who are enrolled in villages located more than 25 miles from available BLM lands decided to choose a cash settlement equivalent to \$400 per acre. If the cash settlement was based on fair market value rather than a predetermined sum, the cost could range from 9 to more than 26 million dollars (Table 12 in Appendix E, page 72).

Summary of Refuge impacts

An opening restricted to veterans on active duty for at least one year between January 1, 1970, and December 18, 1971, could account for 463 new allotment applications with the potential to affect 26,720 to 46,720 acres of refuge lands (Table 5, page 23).

This time period was critical in the accelerated effort to inform Natives of the pending repeal of the Alaska Native Allotment Act. Allotments selected by veterans enrolled to a Region could also affect refuge lands; however, potential impacts could not be assessed because veterans did not identify a home village. However, if we assume that a percentage of those enrollees similar to the percentage of Federal lands in Alaska Refuges (35 percent) selected allotments in refuges, an additional 32,872 and 9,016 acres of refuge lands could potentially be affected by potential applicants on active duty during 1964-1975 and 1970-1971.

Allotments are traditionally located at sites on coastlines and inland waterways with easy access from rural villages and which offer the best subsistence resources. The majority of existing Native allotments on Alaska Refuges are used by the original allottees or their heirs for subsistence or recreational purposes. At this time these uses are largely compatible with the purposes of each refuge and conflicts are few. However, the passage of time and a changing lifestyle have brought new demands to a few of Alaska's remotest places. Private lands, such as Native allotments, surrounded by public land and near prime fishing and hunting locations are being sought out for sale and development. New allotments would be highly susceptible to development pressure and could potentially affect refuge management and resources.

Table 5 Effects of Proposed Vietnam Veterans Native Allotment Act on Alaska Refuges
Using the Number of Enrolled (Village and Region) Native Vietnam Veterans on Active Duty during 1964-1975 and the Number That Served at Least One Year between January 1, 1970 and December 18, 1971.

16 National Wildlife Refuges	Number of villages in or within 25 miles of a refuge with potential applicants		Maximum number of potential applicants enrolled to a Village		Number of potential applicants enrolled to a Region ¹		Estimated affected acreage of new Native allotments on refuges (Village enrollees only)	
	1964- 1975	1970- 1971	1964- 1975	1970- 1971	1964- 1975	1970- 1971	1964- 1975	1970- 1971
TOTAL	159	122	1,111	463	587 ²	161 ²	64,064- 110,784 ³	26,720- 46,720 ³

¹ The effect of allotment selections by veterans enrolled to a Region was not determined because we could not identify an area of potential impact.

² These totals include 217 and 53 veterans enrolled to the 13th Landless Region during 1964-1975 and 1970-1971, respectively.

³ An additional 32,872 and 9,016 acres of refuge lands could potentially be effected by potential applicants on active duty during 1964-1975 and 1970-1971 if veterans enrolled to Regions are included.

D. National Park Service

Number of Potential Veteran Native Allotments

There are currently Native allotments within all 16 CSUs managed as national park system units in Alaska except Sitka National Historical Park. In four of these units there are no pending allotment applications; all the allotments have either been approved (awaiting survey) or have been conveyed. There are pending allotment applications in the remaining 11 units as well as approved and conveyed allotments.

Enactment of legislation to allow certain Vietnam Era veterans a second opportunity to file Native allotment applications would result in varying levels of impact on these conservation system units depending on the criteria established by Congress.

While the assumptions listed earlier in this report were used in arriving at a projected number of allotment applications within National Park Service (NPS) units, it will be discussed later that other important factors need to be taken into account that could alter the number considerably. As shown in the following Table 6, using the stated assumptions, 115 new applications are projected to be filed within national park system units if considering the entire Vietnam Era, between August 5, 1964 and May 7, 1975. Using one or more years of active service between January 1, 1970 and December 18, 1971 as the eligibility period, 26 new applications are projected.

As mentioned earlier, other factors could alter the number of applications dramatically. It is assumed that the applicants would apply for allotments within the twenty-five mile radius of the applicant's enrollment village. For most units of the national park system, this would probably be 85-90 percent accurate. However, Lake Clark National Park and Preserve could very well be an exception. Currently, there are 112 allotment parcels within this unit. Of these, only 70 applicants are from Nondalton and Iliamna, the two villages in the vicinity of the park; this is only 62 percent of the total number. The rest are from the Anchorage area, Kenai Peninsula and other more remote villages. Therefore, it is highly likely that some of the Cook Inlet regional enrollees (47), the at-large veterans (217) and the Anchorage and Kenai area enrollees (148) would file applications for allotments in Lake Clark NP&P, especially since the Anchorage and Kenai Peninsula areas are generally lacking in available lands. Based on these figures, it is estimated that approximately 11 veterans could be expected to apply in the first column above rather than only 3. In the second column, approximately eight veterans could be expected to apply.

While not as significant, other units would also be impacted by the at-large and regional enrollment numbers.

Potential Impacts of Additional Allotments on National Park System Units

The Alaska National Interest Lands Conservation Act (ANILCA) established or expanded 14 of the 16 national park units in Alaska to maintain and protect lands and waters that contain nationally significant natural, scenic, archaeological, geological, scientific, wilderness, cultural, recreational and wildlife values.

Table 6 The Number of Projected Applications in Each National Park System Unit.

<u>National Park Unit</u>	<u>Service Period</u>	<u>Service Period</u>
	8/5/64-5/7/75	1/1/70-12/18/71
	Number of Potential	(w/1 yr. of Service)
	<u>Applicants/Acreage</u>	Number of Potential
		<u>Applicants/Acreage</u>

Alagnak WR	0	0	0	0
Aniakchak NM&P	1	160	0	0
Bering Land Bridge NP	6	960	3	480
Cape Krusenstern NM	24	3,840	5	800
Denali NP&P	1	160	0	0
Gates of the Arctic NP&P	3	480	1	160
Glacier Bay NP&P	12	0*	3	0*
Katmai NP&P	5	800	2	320
Kenai Fjords NP	4	640	1	160
Klondike Gold Rush NHP	4	640	1	160
Kobuk Valley NP	2	320	0	0
Lake Clark NP&P	3	480	0	0
Noatak NP	22	3,520	4	640
Sitka NHP	7	0*	1	0*
Wrangell-St. Elias NP&P	20	3,200	5	800
Yukon-Charley Rivers NP	1	160	0	0
Totals:	115	15,360	26	3,520

* While potential applicants are listed for these two park units, because of their early withdrawal dates, it is not anticipated that these allotments would be approved.

Currently, there are 717 Native allotment parcels within the boundaries of national park system units in Alaska. Using the figures in column one of the table above, there would be approximately a 16 percent increase in the total. Using the 1970-1971 time frame, there would be an 4 percent increase. There will be certain units more affected than others. For instance, in Kenai Fjords and Klondike Gold Rush, the number of allotments could double. Although the numbers are small, so are the sizes of both of these units and the impact would be just as great as a large increase in larger units. Wrangell-St. Elias, the largest park unit, currently has 41 allotments, as does Noatak. Both of these units would see an increase by approximately 50 percent using column one figures of the above table or 10-12 percent using column two. Cape Krusenstern has one of the highest projected numbers of applications with 24, a 24 percent increase.

Personal use of Native allotments for residence and subsistence has been largely compatible with park, preserve and monument purposes and management objectives. At this time, most of the allotments within the boundaries of parks are still held by the original owners. However, as the allotments are passed on to subsequent generations or sold to other individuals, it is anticipated that more will be developed for commercial use. Abrupt changes in type and intensity of land use can diminish or significantly impair park resources and public use of parks.

Additional Native allotment claims within park system units would increase the acreage subject to development that could diminish or impair park resources and public use and enjoyment. This generally occurs as a result of intensified use through residential subdivision and commercial activity.

Residential Subdivision

The possibility of subdivision of tracts into multiple ownerships for residential purposes is of particular concern. Forty to one hundred sixty-acre tracts may be divided into smaller acre lots with individual residences on each. Subdivisions are a particular threat in areas with high resource or recreation values. They can impair the scenic quality and wilderness character of surrounding Federal lands. Construction of access roads, airstrips and other surface disturbance can accelerate erosion, and increase runoff and sediment loads in adjacent water bodies. Development of small tracts threatens the long-term protection and possible interpretation of significant cultural sites. Waste generated by residents can contaminate groundwater and create a need for landfills to accommodate refuse. Concentrated human habitation can result in increased hunting, changes in wildlife distribution and changes in migration patterns. Human presence may attract and habituate bears to humans and human refuse, thus increasing the possibility of human-bear confrontations.

Commercial Activity

Isolated parcels in remote areas may be developed for camps and lodges. Some developments may have primary emphasis on fishing and hunting, resulting in increased harvests of fish and wildlife and direct impacts on subsistence activities. Commercial activity can concentrate client use, causing impacts to vegetation and soils, cultural resources, opportunities for solitude and the enjoyment of scenic vistas. Additionally, timber may be harvested and gravel may be extracted from conveyed allotments.

Native allotments are generally located in the more usable, accessible and resource rich lands in any given area. New allotments would displace existing public use from many of these locations. Additionally, it can be expected that some new applicants would apply for locations in park system units with the greatest potential for commercial development.

Impacts on Selected National Park System Units

Cape Krusenstern National Monument

Cape Krusenstern National Monument has one of the highest projected numbers of new applications (24 additional allotments using the entire Vietnam Era or 5 using the 1970-71 time frame). It can be expected that any new applications in this unit will occur along the resource rich coastline, where internationally recognized cultural sites are located. Approximately 85 percent of the 102 applications

already filed are along the coast. Any further conveyances along the shoreline will severely diminish the Park Service's ability to manage the monument for the purposes for which it was established, which include protection and interpretation of a series of archeological sites depicting every known cultural period in arctic Alaska, providing scientific study of the process of human population of the area from the Asian Continent, and preserving and interpreting evidence of prehistoric and historic Native cultures.

Klondike Gold Rush National Historical Park

The two units not established or expanded by ANILCA are Klondike Gold Rush National Historical Park and Sitka National Historical Park. Klondike Gold Rush encompasses the Chilkoot Trail. Currently there are four allotments conveyed along this trail corridor. One allotment has been sold to a helicopter company. The owners of another have indicated their desire to harvest the timber. The NPS actively sought to acquire three of the allotments but negotiations were unsuccessful. Private ownership along the trail can threaten the historic and cultural resources and destroy the scenic value and recreational use. The projected number of allotment applications would double the allotments along the trail to eight. This impact is significant given the narrow width of the trail corridor and the fact that a significant amount of the State land within the corridor will soon be conveyed to the City of Skagway. The NPS expends approximately \$100,000 per year maintaining the trail and improving various sites along the trail. The impact would be less if the 1970-1971 period is used.

Lake Clark National Park and Preserve

While the above table shows few new applications in Lake Clark National Park and Preserve, the numbers could be high based on the number of Cook Inlet Region, Inc. (CIRI) regional, at-large and other veterans from south central Alaska, and past trends. If 11 new allotments are filed in this unit, the current number would be increased by 10 percent. The majority of the current allotments are concentrated around Lake Clark itself and other high public use areas. It is anticipated that these same areas would be impacted with new applications.

Potential Costs to the National Park Service

The major costs to the NPS and the public of additional allotments, would be for acquisition of allotment parcels to assure park protection and public use. Should all 96 potential allotments be acquired (the 115 total less the Glacier Bay and Sitka allotments), the total cost in 1996 dollars is, using a variety of regionally based fair market values, projected to be in excess of \$18,000,000. The total cost of \$4,000,000 would be needed for the 22 allotments (the 26 total less the Glacier Bay and Sitka allotments) in the more restrictive category. These estimates include the purchase price, the costs to obtain appraisals, preliminary title reports, and employees' time to process the acquisitions.

E. Bureau of Land Management

The BLM administers eight Conservation System Units (CSUs) in Alaska designated by ANILCA; the Steese National Conservation Area, the White Mountain National Recreation Area, and six components of the Wild and Scenic Rivers System. Other significant congressionally designated management units include the Utility Corridor, the National Petroleum Reserve-Alaska (NPR-A), and the Iditarod National Historic Trail.

The following are some of the potential impacts of additional Native allotment applications.

1. Resource Issues

- a. Inholdings that are later developed for commercial purposes could impact access and areas set aside for recreation, preservation of cultural resources, hunting, fishing, and other public uses.
- b. There is a potential for private land ownership within sensitive areas that are being managed to preserve their resource values.

2. Management Issues

- a. Potential impacts on administrative sites where BLM has expended funds for development and maintenance, including a wide range of sites that are maintained for recreational, cultural, educational, administrative, and other purposes. These sites include, but are not limited to, BLM campgrounds such as Paxson Lake and Scourdough, the Tangle Lakes Archaeological District and the Mesa archaeological site, BLM facilities located along the Dalton Highway, and many others. Potential issues include access, costs of relocating sites if necessary, protection of recreational and cultural resources, etc.
- b. Increased BLM workload in adjudication, survey, and field examination of Native allotment parcels. The current pending workload of 6,000 parcels, 4,000 of which still require field survey or platting, could be increased by 500 to 2,800 applications if applicants are restricted to single 160-acre parcels. New cases would have to be merged with existing workload, which is addressed geographically. Geographic distribution of workload may necessitate processing new veteran applications ahead of existing applications filed many years ago, which raises questions about equitable treatment of existing applications.
- c. If future legislation requires compliance with use and occupancy criteria similar to those of the Alaska Native Allotment Act, the logic follows that lands no longer in Federal ownership could be applied for by individuals showing prior rights to the land. If recovery of title from private landowners becomes necessary, the administrative burden increases dramatically with the introduction of fact finding hearings to ensure the due process rights of the parties involved, complicated negotiations of title recovery agreements, and the many steps involved in the normal acquisition of title by the United States, including additional field examination requirements and title clearances. It appears reasonable to assume that many veterans would claim land in the vicinity of villages that has already been conveyed to ANCSA corporations. Although it is possible that these corporations might be willing to reconvey title to the United States so that a conveyance could be made to a Native veteran applicant, it is unclear at this time whether the ANCSA corporations favor this approach or not. State ownership may be similarly impacted.
- d. It will be necessary to freeze conveyance actions during the veteran filing period so

that we can retain lands in Federal ownership until we know what lands will be applied for by individual Native veteran applicants. The application process and selection of alternate lands could also impact the processing of applications for withdrawal of lands for the particular uses of other Federal agencies, the issuance of leases and permits, and other land management actions.

3. Client Issues and Potential Impacts on Other Land Transfer Clients if Additional Allotments were Allowed for Native Veterans:

a. If veterans were allowed to claim lands already selected by the State of Alaska or by an ANCSA corporation, it might become necessary to suspend new land title transfers to those entities until the period established for filing of veteran applications ends. New inholdings hinder resolution of land patterns and finalizing of land entitlements to ANCSA and State clients.

b. If use and occupancy criteria are incorporated into enabling legislation, and veterans are allowed to claim conveyed lands, land ownership statewide could become increasingly complicated until the lengthy and uncertain process of proving prior rights is concluded. Title recovery opportunities appear to be limited to willingness of land owners to return title. Substantial acreage has been conveyed in the vicinity of Native villages where veterans are likely to apply for lands.

c. There are 28 currently identified villages that do not have enough validly selected acreage to satisfy their ANCSA entitlements. If additional Native allotments were to be claimed by Vietnam Era veterans within areas already selected by these 28 villages, the selected acreage available for conveyance under ANCSA would decrease accordingly and the underselection problem would become more acute. In addition, some villages which currently have adequate validly selected acreage could become underselected if allotment parcels are claimed nearby. This will, in some cases, further impact existing CSUs.

4. Potential Costs to the Government if Eligible Veterans Were to be Allowed to Apply for Allotments:

The three major categories of costs associated with BLM's processing of Native allotment applications are in the areas of survey adjudication and field examination.

Very few Native allotment applications describe lands previously surveyed under the rectangular net survey system. Special surveys are normally required to delineate boundaries for conveyance of allotments and to meet the legal requirements for survey of adjoining lands to be conveyed to the State and to ANCSA corporations. These special surveys are usually performed under contract and reviewed and approved by BLM, at no cost to the applicant. Costs of individual surveys vary according to such factors as remoteness of a site, terrain, concentration of parcels in one area, etc.

For more than a decade BLM has processed allotment applications according to the Patent Plan Process, a methodology for prioritizing the adjudication, examination, and survey of parcels in logical geographic groups to allow for maximum efficiency and optimum use of resources. Many of the remaining 6,000 Native allotment parcels are within established geographic *windows* and many are already scheduled for survey in the next few years.

Adjudicative costs of processing Native allotment applications are difficult to estimate because there are numerous variables to be considered. The majority of the routine applications have long been completed. An application on complex land status requires more time to process than a singular client's application. Land status may be extremely complex, involving conflicting claims to the same land; additional evidence may need to be gathered to support an applicant's claim in cases where the applicant is deceased and witnesses are scarce; and land descriptions may change or locations may be redescribed following survey.

Costs associated with field examination and survey of Native allotment applications are tied to factors such as remoteness, terrain, and proximity to other parcels. If parcels can be addressed in groups, the cost per parcel is less than it would be if a single isolated parcel required field work. Most of the pending allotment parcels have already been field examined, so it is not likely that additional parcels would fit easily into future field schedules, particularly not as logical geographic groupings. As is the case with survey, the cost of examining isolated parcels could be expected to be higher than the average. Given that any future legislation to allow Native veterans to apply for allotments would necessarily be based on commonality of military service rather than on any geographic commonality, it is reasonable to assume that most claimed parcels would not occur in groups. As a result, the cost of field examination and survey would likely be higher than the average. Although the timing might be right for some veterans' parcels to be added to prioritized work groups, it is likely that a majority of the parcels would be in geographic areas where adjudication, land examination, and survey have already occurred.

It is also important to reiterate that any new program to allow applications for any category of individuals would invariably impact the processing of current workload for individuals and State and ANCSA entities, most of which have already been pending for many years. Additional Native allotments would necessarily slow a process that has been increasingly subject in recent years to declining budgets, decreased staffing, and aging individual applicants.

Estimated Costs:

(See Table 8, page 39.) The average cost to process a single routine Native allotment parcel to conveyance is nearly \$17,500, including adjudication, survey, and field examination costs. As noted above, for geographic and other reasons, costs related to this group would likely be higher than the average. If conflicts between allotment applicants occur, the added effort to resolve these conflicts will cause the average parcel cost to exceed \$20,000. If legislation is passed which allows application on lands no longer in Federal ownership, and title recovery from a landowner is required because the applicant shows proof of a prior right, the average parcel cost for uncontested recovery could rise to at least \$27,000.

Under Scenario 2, possible costs for processing 632 applicants, the number of applicants estimated for the 1970-1971 period:

Approximate estimated cost of processing 632 parcels at \$17,500 per parcel:	\$11.0 million
Approximate <u>additional</u> cost of processing 632 parcels if one-half (50 percent) require conflict resolution:	\$0.8 million

Approximate additional cost of processing 632 parcels
if one-half (50 percent) require title recovery \$3.2 million

Total estimated cost of processing 632 parcels with both additions: \$15 million

5. Assessment of Potential Impacts by Individual CSUs

Table 7 on this page summarizes the potential impacts on CSUs managed by BLM. Although the 25-mile buffers used for this impact study did not reveal any potential Native veteran applicants in the vicinity of White Mountain National Recreation Area, Steese National Conservation Area, or Beaver Creek Wild and Scenic River, it should be noted that impacts to those units could still occur if Native veterans were to apply for lands outside the 25-mile zone or if any of the individuals enrolled to a regional corporation but not to a particular village were to apply in these areas. Many of the lands in these units were not withdrawn until 1970 or later, and it would have been possible for a Native Vietnam Era veteran to begin use and occupancy before that time.

The potential for the greatest impacts of additional Native allotments appears to be along the Unalakleet Wild and Scenic River corridor. Most of the land immediately surrounding the village of Unalakleet, within the 25-mile radius circle used for this study, has been conveyed to the ANCSA village corporation. The lands on both sides of the river for a distance of approximately 20 miles from the village are in private ownership, and many private parcels are conveyed to individual Natives. Based on the land ownership patterns in the Unalakleet area and on traditional concentrations of allotments along the river, it is not unreasonable to anticipate that additional veterans' allotments could impact the Wild and Scenic River portions of the Unalakleet within the 25-mile radius of the village.

Table 7 Potential Impacts of CSUs Managed by BLM

[WSR=Wild and Scenic River; NRA=National Recreation Area; NCA=National Conservation Area]

Unit Designation	Number of Potential Applicants 1964-1975	Number of Applicants 1970-1971
Delta WSR	5 (800 acres)	3 (480 acres)
Gulkana WSR	5 (800 acres)	3 (480 acres)
Fortymile WSR	4 (640 acres)	2 (320 acres)
Unalakleet WSR	35 (5,600 acres)	7 (1,120 acres)
Birch Creek WSR	1 (160 acres)	None
Beaver Creek WSR	None	None
White Mountain NRA	None	None
Steese NCA	None	None

Iditarod National Historic Trail

Currently, when an allotment is adjudicated under the criteria of the Alaska Native Allotment Act, the

conveyance of the allotment is made subject to the Trail if use and occupancy does not predate its establishment. The United States Army began brushing the Iditarod Trail in 1908, and it would not be possible for an eligible Native Vietnam Era veteran to predate this activity. As long as future allotment conveyances are made subject to the Iditarod Trail, the management issues that BLM currently faces would not be significantly impacted.

National Petroleum Reserve-Alaska (NPR-A)

The Naval Petroleum Reserves Production Act of 1976 authorized the Secretary of the Interior to assume control of the former Naval Petroleum Reserve No. 4, which was established February 27, 1923, and to regulate these lands in a manner consistent with the total energy needs of the Nation and for other purposes. These other purposes include protection of the environmental, fish and wildlife, subsistence, historical, and scenic values of the lands.

There are 48 Alaska Native Vietnam Era veterans enrolled to the four ANCSA villages within the exterior boundaries of NPR-A (Wainright: 4; Atkasuk: 1; Barrow: 41; Nuiqsut: 2). Of these, 9 served in the Armed Forces for at least one year during the period January 1, 1970 through December 18, 1971, the crucial period prior to the repeal of the 1906 Allotment Act (Barrow: 8; Nuiqsut: 1).

Utility Corridor

The Trans-Alaska Pipeline Utility Corridor was withdrawn by Public Land Order (PLO) 5150 on December 30, 1971, to protect the route of the Trans-Alaska Pipeline. The primary function of the Corridor is the transportation of energy resources; therefore, actions or activities potentially adverse to existing and future energy transportation systems are avoided. The PLO withdrew the corridor from mineral leasing and location, settlement, and State and Native selections.

Although there are a number of Native villages along the Utility Corridor route, the numbers of Native Vietnam Era veterans enrolled to those villages do not appear to be substantial, either for the period January 1, 1970 through December 18, 1971, or for the entire Vietnam Era between 1964 and 1975. Nonetheless, it is BLM's position that land disposals should only be considered when found to be in the national interest. If this is not done, new landowners would be in a position to charge or collect rents for use of the land for pipeline or other related purposes.

F. Forest Service

The number of Vietnam Era veterans identified in each of the regional corporations from the BIA ANCSA Enrollment, with apparent addresses within the Chugach and Tongass National Forests, totals 578. There are 498 veterans within the Tongass NF that are members of the Sealaska Corporation; 60 veterans within the Chugach NF are members of the Chugach Alaska Corporation; and 20 are members of Koniag, Inc.

Section 106(a)(1) of P.L. 104-42 requires we identify the veterans who were eligible but did not apply for allotments under the Native Allotment Act of May 17, 1906, as the Act was in effect before December 18, 1971. Of the total 578 veterans identified as eligible under Section 191 of Title 38, U.S.C., within Chugach, Sealaska, or Koniag regional boundaries, we do not anticipate any will be eligible for allotments on National Forest land. One hundred fifty-four of the 632 enrolled veterans who served more than one year during the period January 1, 1970-December 18, 1971 were enrolled from southeast Alaska.

The Alaska Native Allotment Act restricts allotments to vacant, unappropriated, and unreserved lands. Occupancy of allotments on national forest lands must have commenced prior to establishment of the particular forest. Since the impacted forests were withdrawn for the most part in 1902 and 1907, the five years of continuous use and occupancy required by the Native Allotment Act would have had to begin prior to those dates. At a minimum to then qualify, the Vietnam Veteran would have to be over 60 years of age at the time of service. We do not believe that any of the veterans identified would have been that old or could have met the pre-forest occupancy requirements. It is possible that some of the veterans identified within the three corporations may have had some occupancy on lands that are public domain land within the national forest boundaries which might qualify them as an applicant. However, the probability for this is very low.

For the above reasons, there would be no impact to the National Forest System lands in Alaska if the requirements of the Alaska Native Allotment Act were applied today.

VIII. Legislative Considerations

We offer the following considerations which should be specifically addressed by the Congress in determining whether or what form of legislation should be provided to renew opportunity for Alaska Native Vietnam Era veterans to apply for a land allotment.

1. Congress may choose to develop a renewed allotment program for Alaska Native Vietnam veterans or some portion of them according to criteria it may choose, because it determines that some such veterans were or may have been prevented from applying for an allotment by reason of service, and that is the fairest way to deal with the issue. Or Congress may choose not to develop such a partial renewal of the allotment program because of inequities it may create both internal and external to the Native community, because of its potentially high cost in cash and in land that would be transferred from Federal ownership, or because of potential delay of settlements in process or disruption of already settled arrangements and uses of land.

2. Should Congress decide to renew this program, costs are difficult to project at this point because of a wide variety of variables including the unknown number of potentially eligible individuals. Note Table 8 on page 39 for examples of possible scenarios and ranges of costs. Use of alternative compensation could reduce the acreage of land transferred, and could significantly reduce cash costs.

Any program which the Congress may adopt could have Paygo consequences requiring offsets in other existing discretionary appropriations of the Department and its land managing agencies, possibly leading to curtailment or displacement of other land programs. This concern is significant given the recently completed Balanced Budget Agreement.

3. Eligibility could be reserved to those Alaska Native veterans who served more than one year of active duty during the period of January 1, 1970 to December 18, 1971.

This period could be chosen to meet the purpose of section 106 (as explained in the Committee reports underlying section 106 of P.L. 104-42) as a restoration of an opportunity missed due to active military service.

By existing statute, the Vietnam Era period is defined as August 5, 1964-May 8, 1975. The Alaska Native Allotment Act was repealed by ANCSA on December 18, 1971, which means that *anyone* applying for an allotment after that date would have been rejected for failure to file a timely application. Veterans applying between August 5, 1964, and December 18, 1971, would have been eligible if they met all the other criteria for an allotment. Because of their military service, some veterans may have missed an opportunity to apply for an allotment during the period of January 1, 1970-December 18, 1971, when the BIA and other entities were making a major effort to assist Alaska Natives with the filing of applications for Native allotments. Those who returned from service prior to that time would not have missed the opportunity because of service.

We are aware that P.L. 104-275 recently revised the definition for the Vietnam Era for certain purposes. However, the changes are not applicable to this process.

4. Heirs of those veterans who died on active duty during the 1970-1971 period and those eligible veterans who died after 1971 could be eligible to apply for an allotment in the veteran's name.

Under the Alaska Native Allotment Act, applications had to be based on the personal use of the applicant; heirs could not file applications for ancestors and could not get an allotment of their own based on ancestral use. However, if a timely allotment application was filed by an individual, heirs of the applicant could provide evidence in support of the application and receive title to the approved allotment. Since it is not an existing right, should Congress choose this option, legislation specifically allowing heirs to apply would be necessary.

Heirs could be allowed to apply where deceased veterans would have been eligible under new legislation. In the intervening 25 years, heirs of veteran allottees could have received title to an allotment (or a portion thereof) through the probate process. Heirs should be required to file one joint application in order to be sure that multiple applications are not filed for a common ancestor. There has been a great deal of difficulty in the contiguous 48 states in dealing with fractionated heirships in the management of trust funds and fractionated interests. A joint application requirement would reduce this potential burden. Of course, selecting a time frame larger than the 1970-1971 time band suggested above would complicate dealing with heirs. Also, since an Alaska Native allotment is restricted property, a Department of the Interior probate would be necessary. Therefore, if a position in support of heirs is chosen, any legislation should direct the Department to conduct such probates prior to conveyance of an allotment to heirs in order to insure that the allotment is conveyed to the proper heir(s). It is understood that any such legislation would have to be consistent with any amendments to the Indian Land Consolidation Act, 25 U.S.C. 2201 *et. seq.*

5. Lands available for allotment applications could be restricted to vacant and unappropriated Federal lands outside the boundaries of lands reserved for special purposes or uses, such as CSUs, NPR-A, National Forests, Department of Defense installations, administrative sites, sites with federal improvements and lands described in pending Native allotment applications. In addition, to be consistent with the Allotment Act, the applied-for land would have to have been available for entry and application prior to repeal of the Allotment Act and at the time use and

occupancy began. Valid existing third party rights, including rights-of-way granted after the applicant began use and occupancy, would be protected by conveying the allotments subject to such rights.

This option would prohibit any new allotment application on land that was within the boundaries of currently existing federal reserves, such as CSUs, NPR-A and National Forests and would maintain the requirement that the land be otherwise vacant and unappropriated. Applicants under legislation allowing veterans to file allotment applications currently hold no vested rights in land. Therefore, if the reservation or appropriation exists before the date of application, the land would be considered legally unavailable. The passage of ANILCA after repeal of the Allotment Act defined the public interest in the conservation system units in Alaska and established the intent and legal framework to avoid any additional private lands within their boundaries.

Also, like prior Native allotment applications, if it is known or believed that the land applied for is valuable for oil, gas or coal, those minerals will be reserved to the United States in the conveyance of the Native allotment.

Lands subject to valid existing third party rights, that are less than full fee interests, should be protected. These rights were created at a time when there was no right to file new allotment applications. Making the conveyance of allotments subject to such rights, allows an allotment applicant to obtain title to the land while protecting valid third party rights. Since these third party rights were validly created, protection may be necessary to avoid claims for just compensation for a taking, as well as to avoid unnecessary litigation over conflicting claims to the land.

6. The applicant could select alternative compensation in the form of other available land or a cash payment, if an allotment would be inside the boundary of an existing CSU or NPR-A or for land otherwise unavailable at the time of application. The Secretary of the Interior could be vested with broad discretion that is not reviewable by any court to decide that land is unavailable for an allotment or alternative allotment application because the land is needed for a current or reasonably foreseeable future public purpose or contains essential habitat or resources that the Secretary determines in his should be retained in federal ownership.

Alternative compensation could be in the form of an allotment up to 160 acres from land available elsewhere in the state, or a \$50,000 tax-free cash payment. Legislation could provide that an applicant receiving cash would be allowed to reinvest that money in other lands and that, at the option of the allotment applicant, the land so purchased would receive the same restricted status as a Native allotment. The \$50,000 figure (about \$312 an acre) is proposed as a reasonable and manageable figure. (Potentially costly nonetheless. See costs, page 40.) Another alternative would be to establish cash values based on fair market values of lands in each area. This would provide a dollar equivalent to lands that otherwise might have been selected. While this might seem fair, it would also be far more costly to administer in many places, it would provide an incentive to establish claims on the most valuable lands, it would result in the need to resolve valuation disputes, and it would provide great disparities as to the value of a cash buy-out alternative among Natives in different areas.

In selecting areas outside CSUs and NPR-A to be available for alternative allotment applications, the Secretary could be directed to exclude areas that contain exceptional natural or cultural resources, or areas of significant public use, as well as administrative sites such as existing Federal campgrounds,

office sites or other withdrawals. The purpose of non-reviewability is to avoid costly and time-consuming litigation delays in allotment decisions and in settling land use arrangements.

See Appendix E for further discussion of alternative compensation, including Tables 11, 12, and 13 as to costs.

7. Native or state selected lands could be closed for allotments unless selections are voluntarily relinquished for the benefit of the applicant. Conveyed lands would not be available for new allotment applications.

Even though ANCSA Corporations are significantly overselected (about 18 million acres) and the state is overselected to a lesser degree, until their entitlement is conveyed, none of their selections can legally be supplanted by a more recent application without concurrence. Consequently, a written relinquishment by the selecting entity would be required prior to conveyance of a Native allotment. It would be best to require that a sufficient relinquishment be obtained by the applicant at the time of filing of the original application.

Under existing DOI policy, no underslected Native Corporation is allowed to become further underslected by voluntary action, as would be the case if an underslected village agreed to give selected lands to an allotment applicant.

If a Native Corporation or the State disapprove an otherwise eligible allotment on Native or State-selected lands, the applicant would be eligible for the alternate compensation described above.

8. The applicant could be required to demonstrate use and occupancy by providing a personal affidavit of use for this application process.

As discussed earlier, the Alaska Native Allotment Act required use and occupancy. Under this option, for cost and administrative reasons, occupancy and use would generally not be verified by a Federal field examination. The applicant would only have to provide a personal affidavit of use and occupancy, and evidence of ANCSA enrollment or a Certificate of Alaska Native Blood. The application form could indicate an appropriate level of criminal penalties for fraudulent claims.

9. Eligible veterans could have eighteen (18) months from the date of passage of legislation to submit applications for allotments.

Eighteen months would provide adequate time to develop an application process and allow time for submission of the applications without unnecessarily impacting other pending land conveyances. If legislation allowing Vietnam veterans to file applications for Alaska Native allotments is enacted, other land transfer activities may need to be suspended until the veteran's applications are noted to the Federal land records. In addition, veteran applications conflicting with pending claims, title restrictions on Federal lands or interests, or other ownership issues would necessitate resolution of the conflicts before the land involved could be conveyed.

10. Applicants could be limited to one 160-acre parcel.

For most of the history of the Allotment Act, from 1906 to 1964, Alaska Native allotments were confined to one parcel of 160 acres. From 1964 to 1971, four parcels were permitted by regulation within the 160-acre limit. Many applications for multiple parcels were received. Multiple parcels

offer much more flexibility, but costs will certainly increase substantially if more than one parcel is permitted now, both as to administrative costs and land transfer and purchase costs, particularly considering the extensive settlements and the great changes in land ownership that have occurred since 1971.

IX. In Conclusion

As directed by Public Law 104-42, this report sets forth the estimated number of eligible Alaska Native Vietnam Era veterans who did not apply for allotments under the Act of May 17, 1906 before that Act was repealed by ANCSA on December 18, 1971; it presents specific potential impacts on CSUs; describes results of our consultations with the Forest Service, the State of Alaska, and Native organizations; and describes matters that Congress should consider in determining whether and what legislation is deemed desirable. The Department is confident that this important issue will generate considerable discussion and debate, and is prepared to work further with Congress on this matter as appropriate.

While responding to statutory requirements of Public Law 104-42, we would point out that any legislation addressing this issue could, as noted in this report, have high costs and impacts on the ongoing programs of the land managing agencies of this Department which the Department has not planned or budgeted for and which are not assumed in the recently completed Balanced Budget Agreement.

Table 8 Scenarios and Costs of Program Implementation

**ESTIMATES OF POSSIBLE RANGES OF MAXIMUM AND MINIMUM COSTS
OF NEW ALASKA NATIVE VIETNAM ERA
NATIVE ALLOTMENT PROGRAM**

(Totals are Rounded)

<u>ITEM</u> (500 Applicants; min. est. no. to apply)	<u>SCENARIO 1</u>	<u>SCENARIO 2</u> (2,800 Applicants; max. est. no. to apply)
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A. Any Location ¹		
1. Transfer Cost ²	56,200,000	10,000,000
2. Buy Backs in CSU's ³	128,000,000 ⁴	38,000,000 ⁵
3. Ongoing Cost ⁶	2,000,000	1,000,000
Total Estimated Cost	\$ 186,000,000	\$ 49,000,000
Acres Transferred	448,000 acres	80,000 acres
B. Outside CSU Only ⁷		
1. ½ take land (transfer cost)	28,000,000	5,000,000
2. ½ take cash	70,000,000	12,500,000
3. Ongoing Cost	1,000,000	400,000
Total Estimated Cost	\$ 99,000,000	\$ 18,000,000
Acres Transferred	224,000 acres	40,000 acres

1. Selection from available lands, including CSUs.
2. Cost of adjudication and survey estimating about \$20,000 average per allotment. Totals assume transfers for 2,800 and 500 applicants respectively, the maximum and minimum number of applicants estimated to apply.
3. Cost to purchase inholding from allottee in CSU assuming a Fair Market Value (FMV) of \$800 per acre x 160 acres = \$128,000 per allotment. Fair Market Value varies considerably for different regions and CSUs: as low as \$150 per acre or as high as \$2,900 per acre. (See Tables 11, 12, and 13.) \$800 per acre is the lowest regional cost per acre found for the Park Service (see Table 13). The Park Service and the Fish & Wildlife Service have also made certain estimates on a base estimate of \$400 per acre, applied across the board. Obviously, if costs averaged \$400 per acre these buy-back costs would be halved. However, if actual market values are used in each transaction, costs would be far more.
4. Assumes 1,000 allotments to be bought.
5. Assumes 300 allotments to be bought.
6. Ongoing BIA administrative costs for restricted lands.
7. Assumes no new allotment applications allowed for lands inside CSUs or NPR-A.

Because of the great uncertainty as to the actual number of applicants and the actual cost per transaction, these estimates are necessarily only roughly estimated cost ranges.

Potential Cost of the Cash Buy-Out for All Applicants

We computed the potential cost to the government to buy out all eligible applicants at a flat rate of \$50,000 each. For 632 eligible applicants who served for one year between 1970 and 1971, to receive

\$50,000 each for one parcel, the potential cost would be approximately \$32 million. For applicants for the entire Vietnam Era, 1964 to 1975, based on an estimate of 2,290 eligible *enrolled* applicants, at \$50,000 each for one parcel, the potential cost would be approximately \$115 million. Taking the top estimate of 2,800 possible applicants at \$50,000 each, the cost would be about \$141 million.

Appendix A

Process Used To Gather Data:

The list of Alaska Native Veterans was compiled in the following manner:

1. The BIA, Alaska Title Services Center converted certain fields, i.e., last name, first name, middle initial, date of birth, and social security number (SSN) of the Alaska Native Enrollment (ANE) into text format. This text format file, containing about 103,000 records, was provided to the Veterans Data Processing Center (DPC) in Austin, Texas, on February 14, 1996.

The copy of the ANE data provided to the ATSC is not a purified list. It contains duplicate enrollees, ineligible, and typographical errors in dates of birth, social security numbers, etc.

2. The Veterans DPC ran the ANE data through their Beneficiary Information and Records Locator system (BIRLS), which contains approximately 42 million records.
 - a. The first run looked for SSN matches.
 - b. The second run looked for exact name matches in the BIRLS and also was run through the alternate name data base. The results from this run were run a second time for matches on dates of birth.
 - c. The matching records from *a* and *b* were then run again to identify those who had Vietnam Era service.

The results of these runs included 2,857 matches on social security numbers and 79 matches on dates of birth.

3. The Veterans DPC provided BIA with a text file of the matched data that included the following:
 - a. Those whose social security numbers and names match in BIA and VA records and:
 1. Whose Release from Active Duty (RAD) is on or before 12/18/71 and VA has no date of death.
 2. Whose RAD is after 12/18/71 and VA has no date of death.
 3. Whose RAD is on or before 12/18/71 and VA has a date of death.

4. Whose RAD is after 12/18/71 and VA has a date of death.
- b. Those whose names and DOB match in BIA and VA records and:
 1. Whose RAD is on or before 12/18/71 and VA has no date of death.
 2. Whose RAD is after 12/18/71 and VA has no date of death.
 3. Whose RAD is on or before 12/18/71 and VA has a date of death.
 4. Whose RAD is after 12/18/71 and VA has a date of death.

In addition to the data the ATSC initially provided VA, all the match records received back from VA included VA claim number, date of death, VA folder location, and type of discharge.

Subsequent to receiving the data back from VA, we asked for and were supplied the actual Entered on Duty (EOD) and RAD for each matching record.

4. The total number of match records received from VA is 2,936.
 - a. Because the ANE data contained duplicates, 380 of the 2,936 VA matches were eliminated as duplicates. Match total now equals 2,556.
 - b. These records were then run against the ATSC's Native allotment data base to search for individuals who had actually applied for an allotment. One hundred seventy-nine (179) of the VA match records were individuals who applied for Native allotments. Match total now equals 2,377.
 - c. The 2,377 records were then reviewed for discharge type. Of these, 87 were deleted because the individual was dishonorably discharged or discharged under other than honorable conditions. Match total now equals 2,290.
5. These matching Veterans names were then rematched with the BIA Alaska Native Enrollment. Each enrollment number is comprised of a series of four fields. The first two digits are a region identifier (which corresponds with an ANCSA region); the second three digits represent a village, which may or may not correspond with an ANCSA village; the third is a family number and consists of five digits; and the fourth is a two digit number which identifies the individual's place in the family (i.e., 01 is normally the head of household).
6. Using the region and village fields, each Veteran was connected to the village (or region, if at large) to which he was enrolled. A number of Veterans were enrolled *at large*. This means that the Veteran is not enrolled to a village. There were also 217 Veterans enrolled to the 13th Region. Both the at-large and 13th Region enrollees are identified as such in the data. There isn't sufficient information to speculate where they would apply for land.
7. FWS has data to support the theory that Native allotments are normally concentrated within 25 miles of the allottee's village.

8. Using the 25-mile radius, the number of potential applicants were identified to villages and regions. With this information, maps were created by BIA which identified the concentration of the allotments graphically. (See appendices, both tables and maps.)
9. The maps and data were provided to BLM, NPS, and FWS and used in their analysis.

Summary of Data

2,936	Records matched with VA
- 380	Duplicates
= 2,566	Subtotal
- 179	Who had applied for allotments
= 2,377	Subtotal
- 87	Dishonorable (other than honorable) discharges
= 2,290	Subtotal
+ 287	BIA/Tribal Direct Contacts (as of 7/96)
= 2,577	TOTAL

Appendix B

Two thousand two hundred ninety (2,290) NATIVE VETERANS TOTAL WITH VIETNAM ERA SERVICE (the 179 veterans who applied for allotments are not included).

Two thousand seventy-three (2,073) veterans are enrolled to a village or region within Alaska. Of the 2,073 veterans, 236 are deceased. (Deceased veterans are included in enrolled numbers but shown for information only.)

Two hundred seventeen (217) veterans are enrolled to 13th Landless Region (at large). Of the 217 veterans, 28 are deceased.

AHTNA HAS 35 ENROLLED NATIVE VETERANS TOTAL.

AHTNA HAS 4 NATIVE VETERANS ENROLLED IN REGION.

AHTNA HAS 31 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Ahtna	4	0
Chitina	8	1
Copper Center	9	1
Gakona	2	0
Glennallen	2	0
Gulkana	3	0
Mentasta Lake	3	0
Slana	1	0
Tazlina	3	1

ALEUT HAS 76 ENROLLED NATIVE VETERANS TOTAL.

ALEUT HAS 36 NATIVE VETERANS ENROLLED IN REGION.

ALEUT HAS 40 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Adak Station	1	0
Aleut Corp	36	6
Atka	5	1
False Pass	1	0
King Cove	8	0
Nikolski	1	0
Saint George	2	0
Saint Paul	9	2
Sand Point	3	1
Unalaska	8	1
Unga	2	0

ARCTIC SLOPE HAS 72 ENROLLED NATIVE VETERANS TOTAL.

ARCTIC SLOPE HAS 5 NATIVE VETERANS ENROLLED IN REGION.

ARCTIC SLOPE HAS 67 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Anaktuvuk Pass	2	0
Arctic Slope N.A.	5	0
Atqasuk	1	0
Barrow	41	3
Kaktovik	3	0
Nuiqsut	2	0
Point Hope	13	0
Point Lay	1	0
Wainwright	4	0

BERING STRAITS HAS 236 ENROLLED NATIVE VETERANS TOTAL.

BERING STRAITS HAS 30 NATIVE VETERANS ENROLLED IN REGION.

BERING STRAITS HAS 206 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
BSNA	30	5
Brevig Mission	8	1
Council	2	0
Diomedes	3	3
Elim	6	0
Gambel	17	1
Golovin	8	1
Koyuk	7	1
Nome	68	16
Saint Michael	2	0
Savoonga	7	0
Shaktolik	9	3
Shishmaref	5	0
Solomon	2	0
Stebbins	4	0
Teller	5	1
Unalakleet	33	4
Ungalik	1	0

Wales	9	0
White Mountain	10	1

BRISTOL BAY HAS 111 ENROLLED NATIVE VETERANS TOTAL.

BRISTOL BAY HAS 20 NATIVE VETERANS ENROLLED IN REGION.

BRISTOL BAY HAS 91 NATIVE VETERANS ENROLLED IN VILLAGES.

Village	Enrolled	Deceased
Aleknagik	4	1
Bristol Bay N.A.	20	4
Chignik	6	1
Chignik Lagoon	1	0
Chignik Lake	4	0
Clarks Point	5	1
Dillingham	19	5
Egegik	7	1
Ekwok	1	1
Iliamna	2	1
Kokhanok	2	1
Levelock	2	0
Manokotak	1	0
Naknek	6	0
New Stuyahok	1	0
Nondalton	3	0
Olsonville	1	0
Perryville	3	0
Pilot Point	3	0
Port Heiden	2	0
South Naknek	7	0
Togiak	8	0
Twin Hills	1	0
Ugashik	2	0

CALISTA HAS 257 ENROLLED NATIVE VETERANS TOTAL.

CALISTA HAS 15 NATIVE VETERANS ENROLLED IN REGION.

CALISTA HAS 242 NATIVE VETERANS ENROLLED IN VILLAGES.

Village	Enrolled	Deceased
AVCP Calista	15	2
Akiachak	4	0
Akiak	7	0
Alakanuk	9	0
Andreafsky	2	0
Aniak	7	0
Bethel	31	6
Bill Moores Slough	1	0
Cheformak	4	0
Chevak	5	0
Chuathbaluk	1	0
Crooked Creek	1	0
Eek	5	0
Emmonak	8	0
Fish Village	1	0
Goodnews Bay	2	0
Hooper Bay	21	2
Kasigluk	3	0
Kipnuk	5	0
Kongiganak	4	0
Kotlik	3	0
Kwethluk	10	1
Kwigillingok	5	0
Marshall	5	1
Mekoryuk	10	0
Mountain Village	16	1
Napakiak	9	0
Napamiute	3	0
Napaskiak	1	0
Nightmute	5	0
Nunapitchuk	4	0
Nyac	1	0
Oscarville	1	0
Paimiut	1	0
Pilot Station	6	0
Pitkas Point	1	0

Quinhagak	8	0
Russian Mission	1	0
Saint Marys	5	1
Scammon Bay	6	0
Sheldons Point	2	1
Toksook Bay	2	0
Tuluksak	4	0
Tuntutuliak	4	0
Tununak	5	1
Upper Kalskag	3	0

CHUGACH HAS 78 ENROLLED NATIVE VETERANS TOTAL.

CHUGACH HAS 13 NATIVE VETERANS ENROLLED IN REGION.

CHUGACH HAS 65 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Chenega Bay	4	1
Chugach N.A.	13	0
Cordova	16	5
English Bay	1	0
Eyak	9	2
Grouse Creek	3	0
Port Graham	7	0
Seward	16	1
Tatitlek	5	1
Valdez	3	0
Whittier	1	0

CIRI HAS 210 ENROLLED NATIVE VETERANS TOTAL.

CIRI HAS 47 NATIVE VETERANS ENROLLED IN REGION.

CIRI HAS 163 NATIVE VETERANS ENROLLED IN VILLAGES.

Village	Enrolled	Deceased
Anchor Point	3	1
Anchorage	94	12
Caswell	1	0
Chickaloon	2	0
Chugiak	2	0
Cohoe	1	0
Cook Inlet	47	3
Eklutna	4	0
Fort Richardson	1	0
Homer	3	1
Kasilof	1	0
Kenia	20	3
Ninilchik	6	1
Palmer	6	0
Point Possession	4	0
Salamatof	2	2
Seldovia	6	2
Spenard	1	0
Talkeetna	1	0
Tyonek	4	2
Wasilla	1	1

DOYON HAS 217 ENROLLED NATIVE VETERANS TOTAL.

DOYON HAS 40 NATIVE VETERANS ENROLLED IN REGION.

DOYON HAS 177 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Alatna	1	0
Allakaket	2	0
Anvik	5	0
Arctic Village	2	0
Beaver	2	1
Bettles	2	1
Canyon Village	1	0
Chalkyitsik	1	0
Chicken	1	0
Circle	1	0

Delta Junction	1	1
Dot Lake	1	0
Doyon Ltd.	40	3
Eagle	3	0
Fairbanks	28	4
Fort Yukon	16	3
Galena	7	0
Grayling	1	0
Holy Cross	9	0
Hughes	2	0
Huslia	3	1
Kaltag	2	0
Lake Minchumina	1	0
Manley Hot Springs	1	0
McGrath	9	1
Medfra	1	0
Minto	2	1
Nenana	16	3
North Pole	1	0
Northway	7	0
Nulato	6	1
Rampart	3	0
Ruby	9	3
Shageluk	5	1
Stevens Village	3	0
Takotna	1	0
Tanacross	2	1
Tanana	10	1
Tetlin	1	0
Venetie	6	1
Wiseman	2	0

KONIAG HAS 106 ENROLLED NATIVE VETERANS TOTAL.

KONIAG HAS 21 NATIVE VETERANS ENROLLED IN REGION.

KONIAG HAS 85 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Ambler	8	2
Aiaktalik	1	0
Akhiok	5	1
Kaguyak	1	0
Karluk	5	0
Kodiak	25	3
Larsen Bay	3	0
NANA Koniag	21	3
Old Harbor	3	0
Ouzinkie	12	0
Port Lions	2	0
Port Williams	1	0
Uyak	1	1
Woody Island	18	1

NANA HAS 116 ENROLLED NATIVE VETERANS TOTAL.

NANA HAS 10 NATIVE VETERANS ENROLLED IN REGION.

NANA HAS 106 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Ambler	2	0
Buckland	8	0
Candle	1	0
Deering	3	2
Kiana	2	0
Kivalina	6	0
Knik	2	0
Kobuk	1	0
Kotzebue	51	8
NANA	10	1
Noatak	5	1
Noorvik	14	1
Selawik	7	0
Shungnak	4	0

SEALASKA HAS 559 ENROLLED NATIVE VETERANS TOTAL.

SEALASKA HAS 133 NATIVE VETERANS ENROLLED IN REGION.

SEALASKA HAS 426 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Angoon	24	3
Auke Bay	1	0
Cannery/Tenakee	5	0
Craig	7	0
Douglas	2	0
Dyea	1	0
Haines	8	1
Hoonah	39	2
Hydaburg	12	0
Juneau	87	9
Kake	16	4
Kasaan	2	1
Ketchikan	64	10
Klawock	15	1
Klukwan	8	0
Metlakatla	21	3
Pelican	1	0
Petersburg	10	2
Saxman	2	1
Sitka	68	8
Skagway	1	0
T&H Sealaska	133	12
Thorne Bay	1	0
Wrangell	18	3
Yakutat	13	1

Appendix C

Six hundred thirty-two (632) Enrolled Native Veterans served more than one year of active duty from January 1, 1970 through December 1, 1971.

Five hundred seventy-nine (579) veterans are enrolled to a village or region within Alaska.

Of the 579 veterans, 68 are deceased. (Deceased veterans are included in enrolled numbers but shown for information only.)

Fifty-three (53) veterans are enrolled to 13th Landless Region. (At large)

AHTNA HAS 11 ENROLLED NATIVE VETERANS TOTAL.

AHTNA HAS 1 NATIVE VETERANS ENROLLED IN REGION.

AHTNA HAS 10 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Ahtna	1	0
Copper Center	4	0
Gakona	1	0
Glennallen	1	0
Gulkana	2	0
Mentasta Lake	1	0
Tazlina	1	0

ALEUT HAS 24 ENROLLED NATIVE VETERANS TOTAL.

ALEUT HAS 12 NATIVE VETERANS ENROLLED IN REGION.

ALEUT HAS 12 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Aleut Corp	12	2
Atka	1	0
False Pass	1	0
King Cove	1	0
Nikolski	1	0
Saint George	1	0

Saint Paul	1	1
Unalaska	4	0
Unga	2	0

ARCTIC SLOPE HAS 12 ENROLLED NATIVE VETERANS TOTAL.

ARCTIC SLOPE HAS 2 NATIVE VETERANS ENROLLED IN REGION.

ARCTIC SLOPE HAS 10 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Arctic Slope N.A.	2	0
Barrow	8	1
Nuiqsut	1	0
Point Hope	1	0

BERING STRAITS HAS 61 ENROLLED NATIVE VETERANS TOTAL.

BERING STRAITS HAS 10 NATIVE VETERANS ENROLLED IN REGION.

BERING STRAITS HAS 51 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Bering Straits N.A.	10	1
Brevig Mission	1	0
Council	1	0
Diomedede	2	2
Elim	3	0
Gambell	2	0
Golovin	2	0
Koyuk	1	0
Nome	7	5
Saint Michael	1	0
Savoonga	2	0
Shaktolik	3	1
Shishmaref	2	0
Stebbins	2	0
Teller	1	1

Unalakleet	6	1
Ungalik	1	0
Wales	1	0
White Mountain	3	0

BRISTOL BAY HAS 32 ENROLLED NATIVE VETERANS TOTAL.

BRISTOL BAY HAS 7 NATIVE VETERANS ENROLLED IN REGION.

BRISTOL BAY HAS 25 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Aleknagik	1	1
Bristol Bay N.A.	7	0
Chignik Lake	2	0
Clarks Point	2	1
Dillingham	8	3
Egegik	2	0
Kokhanok	1	1
Manokotak	1	0
Naknek	2	0
Perryville	1	0
Pilot Point	1	0
Port Heiden	1	0
South Naknek	1	0
Ugashik	2	0

CALISTA HAS 60 ENROLLED NATIVE VETERANS TOTAL.

CALISTA HAS 4 NATIVE VETERANS ENROLLED IN REGION.

CALISTA HAS 56 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
AVCP Calista	4	0
Akiak	1	0
Alakanuk	1	0
Aniak	3	0
Bethel	11	2
Chevak	3	0
Emmonak	2	0
Hooper Bay	2	0
Kipnuk	2	0
Kongiganak	1	0
Kotlik	1	0
Kwethluk	1	1
Kwigillingok	1	0
Marshall	3	0
Mekoryuk	3	0
Mountain Village	7	1
Napamiute	2	0
Nightmute	1	0
Pilot Station	3	0
Saint Marys	1	1
Scammon Bay	2	0
Tuntutuliak	2	0
Tununak	2	1
Upper Kalskag	1	0

CHUGACH HAS 23 ENROLLED NATIVE VETERANS TOTAL.

CHUGACH HAS 8 NATIVE VETERANS ENROLLED IN REGION.

CHUGACH HAS 18 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Chenega Bay	1	0
Chugach N.A.	5	0
Cordova	6	2
Eyak	3	1
Grouse Creek	1	0
Port Graham	2	0

Seward	1	0
Tatitlek	2	1
Valdez	2	0

CIRI HAS 58 ENROLLED NATIVE VETERANS TOTAL.

CIRI HAS 10 NATIVE VETERAN'S ENROLLED IN REGION.

CIRI HAS 48 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Anchorage	33	3
Chickaloon	1	0
Chugiak	1	0
Cohoe	1	0
Cook Inlet	10	1
Fort Richardson	1	0
Kasilof	1	0
Kenai	4	0
Ninilchik	3	0
Palmer	1	0
Spenard	1	0
Talkeetna	1	0

DOYON HAS 80 ENROLLED NATIVE VETERANS TOTAL.

DOYON HAS 15 NATIVE VETERANS ENROLLED IN REGION.

DOYON HAS 65 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Alatna	1	0
Allakaket	2	0
Anvik	2	0
Beaver	1	1
Bettles	1	0
Chicken	1	0

Doyon Ltd.	15	1
Eagle	1	0
Fairbanks	10	3
Fort Yukon	12	3
Galena	1	0
Grayling	1	0
Holy Cross	2	0
Hughes	1	0
Huslia	1	0
Kaltag	1	0
McGrath	3	0
Medfra	1	0
Minto	1	1
Nenana	6	0
Nulato	1	0
Rampart	1	0
Ruby	5	3
Stevens Village	1	0
Takotna	1	0
Tanana	5	0
Venetie	1	0
Wiseman	1	0

KONIAG HAS 37 ENROLLED NATIVE VETERANS TOTAL.

KONIAG HAS 5 NATIVE VETERANS ENROLLED IN REGION.

KONIAG HAS 32 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Afognak	4	1
Akhiok	2	0
Karluk	3	0
Kodiak	6	2
Larsen Bay	1	0
Ouzinke	6	0
Woody Island	10	0

NANA HAS 27 ENROLLED NATIVE VETERANS TOTAL.

NANA HAS 3 NATIVE VETERANS ENROLLED IN REGION.

NANA HAS 24 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Buckland	1	0
Deering	2	1
Kiana	1	0
Kivalina	1	0
Knik	1	0
Kotzebue	13	1
NANA	3	0
Noorvik	4	0
Selawik	1	0

SEALASKA HAS 154 ENROLLED NATIVE VETERANS TOTAL.

SEALASKA HAS 34 NATIVE VETERANS ENROLLED IN REGION.

SEALASKA HAS 120 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Argoon	3	0
Auke Bay	1	0
Cannery/Tenakee	1	0
Craig	3	0
Dyea	1	0
Haines	2	1
Hoonah	7	0
Hydaburg	3	0
Juneau	29	2
Kake	3	0
Ketchikan	18	0
Klawock	1	0
Klukwan	2	0
Metlakatla	10	0
Pelican	1	0

Petersburg	3	1
Saxman	1	0
Sitka	24	5
T&H Sealaska	34	4
Wrangell	7	1

Appendix D

Report on Consultation

With ANCSA Regional Corporations,

Alaska Federation of Natives,

And the Alaska Inter-Tribal Council

Held July 9, 1996, in Anchorage, Alaska

Regarding Section 06 of P.L. 104-42, Nov. 2, 1995

The meeting began at 1:15 p.m. with the following in attendance:

Department of the Interior staff:

Glenda Miller, BIA Area Realty Officer	[phone: 586-7403]
Danielle Jerry, USFWS Wildlife Biologist	[phone: 786-3335]
Ramona Chinn, BLM Conveyance Coordinator	[phone: 271-3806]
Connie Van Horn, BLM Native Allotment Coordinator	[phone: 271-3767]
Jan Sosnowski, NPS Realty Specialist	[phone: 257-2586]

ANCSA Regional Corporation Representatives:

Bristol Bay Native Corporation:	Tom Hawkins	[phone: 278-3602]
	Chester Murphy	[phone: 278-3602]
Calista Corporation:	Felix P. Hess	[phone: 279-5516]
Cook Inlet Region, Inc.	Candace Beery	[phone: 274-8638]
Koniag, Inc.	John Merrick	[phone: 561-2668]

AFN Representative: Nelson N. Angapak [phone: 274-3611]

AITC Representative: Bill Viera [phone: 563-9334]

After introductions, Glenda Miller began the meeting with an overview of the 1906 Native Allotment Act to explain what some assumptions in the study may be:

1. Compliance with use and occupancy requirements
2. Not to exceed four parcels
3. Lands must be in Federal ownership

The current BIA Realty Office directory was handed out. Also distributed and discussed were the BIA Statewide Summary of Native Allotment Numbers (1956-1993) and the current Native allotment statistics by realty service provider.

A copy of Section 106 was handed out and Glenda Miller began discussion of the methods used to gather the data required in subsection (a)(1): "The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971."

Data from the BIA Enrollment Roll was provided to the Department of Veterans' Affairs (VA). This consisted of 103,000 records. The roll used is not the "purified" version. Because of this, there were duplicate names and other inaccuracies.

This data was run against the VA system which consists of approximately 42 million records. The matches were made by (1) social security numbers, (2) exact names and dates of birth. These matches were then narrowed to those who served during the Vietnam Era.

The total number of matches was 2,936. This number further refined by eliminating 380 duplicate names. Also eliminated were the 179 who had applied for Native Allotments. Finally, the 87 who had dishonorable or other than honorable discharges were subtracted. The resulting number of matches is 2,290.

A handout was provided which shows the VA match list broken down by region and by village. This was provided in three sorts: The grand total of 2,290; The number of veterans with one year or less service between 1/1/70 and 12/18/71; The number of veterans with six months or less service between 1/1/70 and 12/18/71. {Note: A missing piece of the data is being worked up now, that is the number of veterans who served between 1/1/70 and 12/18/71, by region and village.}

There were also a number of direct client contacts made to the BIA or realty service providers. Of the 683 contacts (approximately), 346 names matched the VA list. Fifty had applied for Native Allotments. This results in 287 individual contacts made by individuals who don't appear to be on the VA match list and who don't appear to have previously applied for a Native Allotment.

When added to the VA match list, the working grand total is 2,577.

The group reviewed maps and overlays which showed: the overall concentration of number of veterans statewide; the concentration of veterans who served six months or less between 1/1/70 and 12/18/71; the concentration of veterans who served one year or less between 1/1/70 and 12/18/71; and the number of direct client contacts made with the BIA or realty service provider. These maps graphically depict the narrative explained above.

Glenda Miller advised that after the report completed the Office of Management and Budget review, it would be available and distributed to the ANCSA Regional Corporations, AFN, AITC, ANB, etc.

Nelson Angapak provided some insight into the history of the legislation. The need for the legislation was first identified in the 1970's, the idea faded and came up again in the 1980's. The first draft of the enabling legislation was made several years ago. So, this need has been persistently pursued since passage of ANCSA.

Nelson Angapak asked about the Native veterans who, for whatever reason, didn't enroll under ANCSA. Glenda Miller explained that if and when there is enabling legislation, there will be much more publicity and outreach efforts to contact such individuals.

Nelson Angapak expressed the fear of the AFN Land Managers Committee that the legislation would be written in such a way as to narrow eligibility criteria far enough so as to disqualify large number of veterans.

Felix Hess expressed the concern that a one year time period for taking applications is too short. {Note: This is the time period provided in the original proposed enabling legislation}

Glenda Miller advised that other issues which had been brought up by the realty offices included: the rights of deceased veterans' heirs, dependent spouses who were also unavailable to apply, and other categories of individuals who may not have been able to apply by 12/18/71.

Felix Hess stated that he had been approached by students who were out of state in 1971, wondering if there's any way they can be included.

Nelson Angapak asked what kind of input Native entities have in the development of report recommendations. Glenda Miller responded that the same opportunity would exist as normally does in this type of legislation.

Candace Beery expressed that there is a need to put a deadline on the process, to avoid unintentional foot dragging (e.g., CSU managers wouldn't be too thrilled with new allotments and BIA/BLM are already swamped with work, etc.)

Glenda Miller briefly addressed the BLM Reinvention Laboratory efforts and positive statements made by some Lab Members about this legislation and the potential opportunity to "do it right."

When asked whether any participants had concerns about how the veterans' legislation might impact ANCSA conveyances, John Merrick said that some corporations won't be happy about certain provisions of the enabling legislation.

Nelson Angapak said that the AFN Land Managers group needs to meet to discuss the impacts

further. He was also concerned about the possibility of open-ended authority.

When the possibility of a possible suspension of ANCSA/State conveyances during the application period was brought up, Nelson Angapak said that the veterans' legislation shouldn't be used as a vehicle for slowing down the ANCSA conveyances.

Felix Huss said there would be some possible resistance from surface owners, particularly as it may impact C'd lands.

Nelson Angapak brought up an idea to allow Veterans allotments the same opportunity for legislative approval as section 905 of ANILCA, absent legal defects, and certain types of conflicts. {Note: ANILCA couldn't be used to do it, because these veterans allotments weren't pending on or before 12/18/71, as required by ANILCA}.

As the meeting ended, Glenda Miller said that a copy of these notes and all handouts would be mailed to the ANCSA Regional Corporations, AFN, AITC, and ANB Grand Camp.

Report on Consultation with Realty Service Providers

Held July 10, 1996, in Anchorage, Alaska

Regarding Section 106 of P.L. 104-42, Nov. 2, 1995

The meeting began at 1:15 p.m. with the following in attendance:

Department of the Interior staff:

Glenda Miller, BIA Area Realty Officer

[phone: 586-7403]

Lesley DeWilde, BIA Fairbanks Realty Specialist

[phone: 456-0223]

Connie Van Horn, BLM Native Allotment Coordinator

[phone: 271-3767]

Brenda Takes Horse, BLM Native Programs Coordinator

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ALASKA

REVIEW OF SOCIAL AND ECONOMIC CONDITIONS

University of Alaska Anchorage • Institute of Social and Economic Research November 2000 • Volume XXXII, No. 1

DIVIDING ALASKA, 1867-2000: CHANGING LAND OWNERSHIP AND MANAGEMENT

By Teresa Hull and Linda Leask

When the U.S. bought Alaska in 1867, it acquired an area twice the size of the 13 original American colonies and three quarters as big as the Louisiana Purchase. This paper looks broadly at changing land ownership and management in Alaska from 1867 through today.

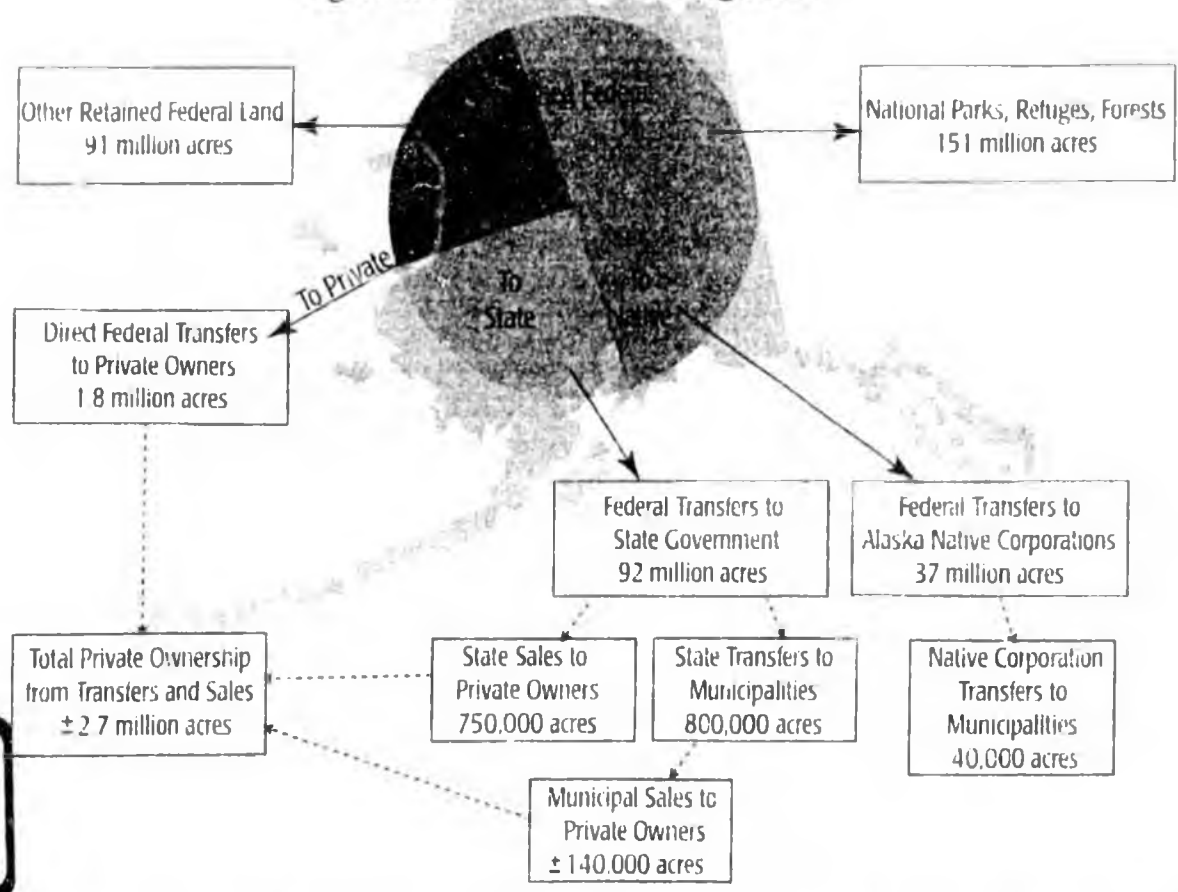
For almost a century, the federal government gave up only a sliver of Alaska's 375 million acres, mostly through homesteading and other land programs.

But when Alaska became a state in 1959, Congress gave the new state rights to about 104 million acres. Then, in 1971, Congress settled Alaska Native land claims with a land grant of 44 million acres and payment of \$1 billion.

The last major division of Alaska lands came in 1980, when Congress added 104 million acres to national parks, wildlife refuges, and other conservation units.

Figure 1 shows land transfers to date resulting directly and indirectly from federal programs and laws. The picture will change in the future, as land transfers and sales continue. The federal government kept land for national conservation systems and other purposes, and transferred land directly to private owners, the state, and Alaska Native corporations. The state and the corporations have subsequently transferred land to municipalities. The state and the municipalities have in turn sold land to private owners.

Figure 1. Lands Transfers Through 2000



2

SCOPE AND ORGANIZATION

This paper is an overview, to give readers the big picture of how Alaska's current land ownership and management developed. Because of limited space, it doesn't cover all the details of this complex topic.

- **Background, pages 2 and 3.** We begin by briefly discussing the evolution of Alaska land ownership, including the three major federal laws shaping recent ownership and management in Alaska: the 1958 Alaska Statehood Act, the 1971 Alaska Native Claims Settlement Act (ANCSA), and the 1980 Alaska National Interest Lands Conservation Act (ANILCA).
- **Chronology, 1867-2000, pages 4 and 5.** From a variety of sources, we compiled this chronology of significant events, laws, and court decisions affecting land ownership and management since Alaska became a U.S. territory.
- **Land Ownership, 1960 and 2000, pages 6 and 7.** Here we compare current Alaska land ownership with ownership in 1960, including notes describing special circumstances.
- **Estimated Private Ownership, pages 8 and 9.** Lands awarded Alaska Natives under ANCSA make up most private lands in Alaska, and their extent is well-documented. This is an estimate of other private ownership—acreage private owners have acquired in other ways.
- **Major Federal Land Withdrawals, pages 10 and 11.** This map shows national conservation units (including wilderness areas) and other federal withdrawals as of 2000. The small size of the map limits our ability to show inholdings.
- **State and Native Corporation Lands, pages 12 and 13.** This map illustrates the broad picture of current state and Native corporation lands—again, its small size limits our ability to depict precise boundaries and other details.
- **Ownership and Management Issues, pages 14 and 15.** Here we briefly describe some of the major issues that have grown out of the recent land transfers.

BACKGROUND

The U.S. bought Alaska from Russia in 1867. The vast new territory lay far to the north, its climate and terrain were often forbidding, and it was largely unmapped. Almost all the 50,000 or so residents were Alaska Natives, whose ancestors had been in Alaska for thousands of years.

For nearly 20 years after the U.S. acquired Alaska, Congress excluded it from the public land laws—meaning no one could get title to land. In 1884, Congress opened the territory to mining laws. Near the turn of the century, it began opening Alaska to homesteading and other programs that allowed individuals and businesses to apply for land.

Congress also acknowledged, beginning in 1884, that Alaska's Native peoples had rights to land. But it would take nearly 100 years for Congress to link land claims to

land title. In 1906 Congress did create a program under which individual Alaska Natives could claim up to 160 acres, and in 1926 it provided a way for Alaska Natives to acquire lots within Native townsites.

Various federal programs over the years offered individuals, schools, missionaries, and others the chance to acquire land. But on the eve of statehood, all but about half a percent of land still belonged to the federal government.

Historians cite various reasons (including, especially at first, federal indifference) for the slow pace of land transfers. But one significant reason was that lands had to be surveyed before they could be transferred. Surveying was difficult and expensive in a huge territory with short summers, vast roadless areas, and unknown terrain. Only an estimated one percent of Alaska lands had been surveyed by 1960. (And surveys continue today; see page 14.)

Also, federal programs like homesteading—which required settlers to clear and cultivate land—were poorly suited to most of Alaska. It was chiefly fishing and mining rather than agriculture that drew immigrants to Alaska.

Still, even though the amount of land patented under federal programs is relatively small compared with Alaska's vast expanses, such private lands are more significant than they might seem based on size. That's because many now fall within national conservation units or Alaska Native corporation lands—and they can affect land management in various ways, as we discuss on page 15.

Alaska Statehood Act

Big changes in land status began when Alaska became a state and got rights to select about 104 million acres of federal land. Unlike in other states, where the federal government specified tracts for land grants, Alaska could choose from lands that weren't reserved for national parks, military bases, or other purposes. The land grant was to help Alaska develop an economic base.

With statehood also came ownership of submerged lands under most navigable waterways and submerged lands up to three miles offshore. But which rivers and lakes are navigable, and where the offshore boundaries fall, remain points of contention between the state and federal governments (see pages 14 and 15).

The statehood act also gave Alaska the authority to manage fish and wildlife. Gaming, that authority had in fact been one of the main forces behind the statehood drive. Now, in 2000, a clash with federal law has cost Alaska authority to regulate subsistence hunting and fishing on federal lands, as we discuss on page 15.

Land Freeze and Oil Discovery

Alaska Native land claims had been building for years, particularly in southeast Alaska. But in the 1960s, when the state began selecting lands, Native groups saw increasing threats to lands they had traditionally used—and they organized statewide to press their land claims.

By the end of the 1960s, Native land claims blanketed Alaska. The Secretary of the Interior responded by halting land transfers until those claims were settled.

At about the same time, in 1968 the Prudhoe Bay oil field was discovered on the North Slope. This was to prove the largest oil field in North America, and it was on state-owned land.

The oil companies planned to transport the oil south by building a pipeline across Alaska.

The state government and the oil companies now had compelling reasons to support a claims settlement—because only then would the federal government resume state land transfers and issue right-of-way permits for a trans-Alaska oil pipeline.

Alaska Native Land Claims Settlement

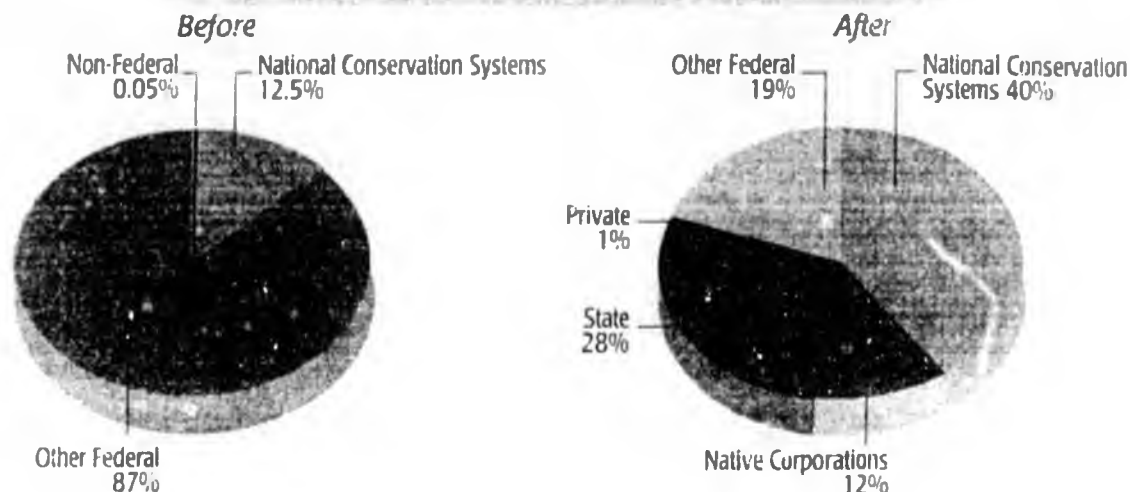
In 1971, Congress passed the Alaska Native Claims Settlement Act (ANCSA). The act settled Alaska Native land claims with a grant of 44 million acres and payment of \$1 billion. It also provided for village and regional corporations to manage that land and money. Part of the reason for this land grant was—like the state land grant—to help provide a long-term economic base for the corporations. Corporations were to select mainly from tracts the federal government withdrew near villages, but when there wasn't enough available land near villages, they could also choose from other unreserved federal land.

ANCSA also authorized the secretary of the Interior to withdraw 80 million acres in Alaska for possible inclusion in national parks and other conservation units. That provision grew partly out of the national environmental movement of the 1960s, which saw the passage of federal environmental protection legislation and the rise of environmental groups calling for protection of undeveloped lands.

LANDS ACT

The years from 1971 to 1980 saw bitter controversy over how much land would be added to national parks, wildlife refuges, and other conservation units in Alaska. Opponents argued that taking large areas out of the public

Figure 2. Land Status Before 1958 and After 1980
(When Transfers are Complete)*



*Major Transfers from Unreserved Federal Lands in Alaska

Alaska Statehood Act (1958): 104 million acres

Alaska Native Claims Settlement Act (1971): 44 million acres

Alaska National Interest Lands Conservation Act (1980): 104 million acres

domain—and out of the selection pool for the state and Native corporations—would hinder economic development. Supporters argued that protecting some of the nation's largest and most scenic undeveloped lands should take priority.

In the end, the 1980 Alaska National Interest Lands Conservation Act (ANILCA) added nearly 104 million acres to conservation systems in Alaska, with 56 million acres designated as "wilderness," the most protected classification. These withdrawals, together with existing reservations, make up about 40 percent of Alaska lands.

ANILCA generated management issues and conflicts that remain unresolved today, as described on page 15. One of the most prominent is a clash between federal and state law over subsistence hunting and fishing on federal lands. Another is a debate over the future of the coastal plain of the Arctic National Wildlife Refuge.

Figure 2 shows land ownership before and after the major federal legislation we just described. When transfers are complete, the federal government will own nearly 60 percent of Alaska, largely in national conservation units. The state will own about 28 percent, the Alaska Native corporations 12 percent, and other private owners about 1 percent.

Changes, 1867-2000

The chronology on pages 4 and 5 cites major events affecting land ownership and management in Alaska from 1867 through 2000. The federal laws we just discussed strongly influenced the current patterns, but many other events over the years also contributed.

LAND OWNERSHIP AND MANAGEMENT CHRONOLOGY

- 1867:** U.S. buys Alaska from Russia for \$7.2 million; Department of the Interior says no one can acquire land in Alaska until Congress enacts legislation.
- 1870:** Congress declares Pribilof Islands the first national wildlife refuge; it was to be managed for seal harvests.
- 1884:** Congress passes Organic Act of 1884, extending public mining laws to Alaska. It allows only U.S. citizens to stake claims—thereby excluding Alaska Natives, who were not recognized as citizens until the 1920s. The act also grants missionaries rights to sites they occupy and declares that Alaska Natives "shall not be disturbed in the possession of any lands they occupy or use."
- 1891:** Congress approves establishment of townships, allows individual Alaskans to apply for lots within those townships, allows businesses to acquire up to 160 acres for "trade and manufacturing sites", and designates Annette Island (87,000 acres) as a reservation for Tsimshian Indians.
- 1903:** Congress extends U.S. homesteading program to Alaska. Executive order declares St. Lawrence Island (1.2 million acres) a reindeer reserve for benefit of Alaska Natives.
- 1906:** Congress passes Native Allotment Act, allowing individual Alaska Natives to apply for up to 160 acres.
- 1907:** President Theodore Roosevelt establishes Tongass National Forest (16 million acres) and Chugach National Forest (4.8 million acres).
- 1912:** Congress approves territorial government for Alaska, but retains control of land, minerals, and fish and wildlife.
- 1914-17:** Executive orders establish 10 Native reserves totaling nearly 500,000 acres, with the largest at Norton Bay (316,000 acres) and Kobuk (144,000 acres).
- 1915:** Federal government begins building Alaska Railroad. Construction creates town of Anchorage.
- 1915:** Athabaskan chiefs in the Interior meet with territorial delegate to protest taking of land for railroad—possibly the first formal Alaska Native protest.
- 1915:** Congress "reserves" an estimated 250,000 acres for the future University of Alaska and 20 million acres for schools, with transfers contingent on surveys. But very little acreage had been transferred by 1958, when the act was revoked.
- 1917:** Congress establishes 1.9-million-acre Mt. McKinley (now Denali) National Park.
- 1918:** President Woodrow Wilson establishes Katmai National Monument (2.7 million acres).
- 1923:** President Warren Harding establishes Naval Petroleum Reserve No. 4 (23 million acres). It is now known as National Petroleum Reserve-Alaska (NPR-A).
- 1925-1933:** Executive orders establish Tetlin "public purpose" reserve (768,000 acres) and four small reserves to "promote the interests of the Natives."
- 1925:** President Calvin Coolidge establishes Glacier Bay National Monument, originally 1.1 million acres but enlarged to 2.3 million acres in 1937.
- 1926:** Congress passes Native Townsite Act, allowing Alaska Natives to apply for lots in Native townships.
- 1929:** Congress grants University of Alaska 100,000 acres. The same year it declares Nunivak Island (1.1 million acres) a national wildlife refuge.
- 1935:** Congress authorizes the Tlingit and Haida Indians of Southeast Alaska to bring a land claims suit against the federal government in the U.S. Court of Claims.
- 1936:** Congress extends Indian Reorganization Act (IRA) to Alaska, providing means for Native villages to form federally-chartered governments and to petition the Department of the Interior for establishment of reservations.
- 1941:** Congress establishes Kenai National Moose Range (1.7 million acres).
- 1941-1946:** Secretary of the Interior Harold Ickes withdraws 1.5 million acres for the Venetie Native reservation and several smaller reservations.
- 1956:** Congress enacts Alaska Mental Health Enabling Act with a grant of one million acres to be managed for benefit of mental health programs.
- 1958:** Congress passes Alaska Statehood Act, granting Alaska the broad governmental powers of all states and rights to select about 104 million acres.
- 1959:** U.S. Court of Claims rules (in the 1935 case cited above) that Tlingit and Haida Indians are entitled to compensation for southeast Alaska lands taken from them. Compensation of \$7.5 million paid in 1968.
- 1960:** Secretary of the Interior Frederick Seaton withdraws 9 million acres for Arctic National Wildlife Range (now Arctic National Wildlife Refuge).
- 1966:** Native groups establish Alaska Federation of Natives as statewide organization to press for land claims settlement.
- 1966-1971:** Most land transactions in Alaska halted, pending settlement of Alaska Native land claims. Secretary of the Interior Morris Udall informally began the "land freeze" in late 1966 and formalized it in 1969 with a public law order that remained in effect until 1971.
- 1968:** Oil companies discover Prudhoe Bay oil field on state-owned lands. The land freeze cited above initially blocked issuance of right-of-way permits the oil industry needed for construction of a pipeline south across Alaska.

1971: Congress passes Alaska Native Claims Settlement Act (ANCSA), awarding Alaska Natives 44 million acres and \$1 billion in settlement of their land claims. ANCSA eliminated all Native reserves in Alaska, except Annette Island. It also authorized the Secretary of the Interior to withdraw up to 80 million acres for possible inclusion in national conservation units in Alaska.

1976: Congress passes Federal Land Policy and Management Act, establishing the policy of retaining rather than disposing of public lands and ending most federal land disposal programs.

1978: Alaska Legislature passes law giving subsistence uses priority over other uses of fish and game.

1980: Congress passes Alaska National Interest Lands Conservation Act (ANILCA), adding 104 million acres to national conservation units in Alaska and including a provision giving priority to subsistence uses on federal land with subsistence users defined as rural residents.

1986: Alaska Legislature revises state law to specify that subsistence users are those "domiciled in a rural area."

1986: End of federal homesteading program in Alaska. Homesteading in other states ended 10 years earlier.

1989: Alaska Supreme Court rules that Alaska's constitution prohibits allocating fish and game on the basis of residence. Eliminating "rural" from the state definition of subsistence users puts state law at odds with federal law.

1990: Federal government takes over regulation of subsistence hunting on federal lands.

1995: A panel of the U.S. Ninth Circuit Court of Appeals rules (*Katie John v. United States*) that "public lands" as defined in ANILCA include navigable waters in and near national parks and other conservation areas. That ruling gave the federal government authority to regulate subsistence fishing on many navigable waterways that the state had previously regulated. Alaska's Congressional delegation was able to delay implementation of the ruling until 1999.

1995: Alaska Supreme Court rules (*Totemoff v. Alaska*) that "public lands" as defined in ANILCA exclude navigable waters—and that federal law pre-dating ANILCA gives the state control of navigable waters.

1998: U.S. Supreme Court rules (*Alaska v. Native Village of Venetie Tribal Government*) that lands Native villages received under terms of ANCSA are not "Indian country," a term used to designate areas where federal Indian laws apply. The ruling means that on ANCSA lands, Alaska Native governments do not have tax and other authority granted to tribal governments in Indian country.

1997: The state government loses an 18-year dispute with the federal government over setting the boundary between state and federal submerged lands offshore from the North Slope. If the state had prevailed, it would have controlled more lands with potential for oil and gas development. But the U.S. Supreme Court ruled in favor of the federal government (*United States v. Alaska*; commonly known as Dinkum Sands).

1999: Federal government takes over regulation of subsistence fishing on navigable waters in and near conservation units—an estimated 60 percent of Alaska's inland waters.

2000: U.S. Supreme Court appoints a special master to make recommendations about the state's claim to submerged lands off southeast Alaska, including waters in Glacier Bay National Monument. The state's appeal was prompted by the National Park Service's decision to phase out commercial fishing in Glacier Bay.

2000: The state government appeals the 1995 *Katie John* ruling. The full Ninth Circuit Court of Appeals (11 judges) agrees to hear the state's appeal.

2000: State of Alaska intervenes in cases that could raise the issue of whether Native allotments and townsite lots are "Indian country." In 1998, U.S. Supreme Court said (*Alaska v. Native Village of Venetie Tribal Government*) such lands might be Indian country.

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Table 1. Alaska Land Ownership, 1960 and 2000
(In Millions Of Acres¹)

	1960	2000
Total Federal Lands	374.00	242.00
Public Domain ²	290.30	61.40
National Parks, Refuges, and Forests	46.90	150.50
National Wildlife Refuges	18.70	76.50
National Parks, Preserves, Monuments	7.50	52.00
National Forests and Monuments	20.70	22.00
National Conservation and Recreation Areas	-	2.20
National Petroleum Reserve-Alaska ³	23.00	23.00
Military Reserves	2.60	1.80
Native Reserves ⁴	4.10	0.08
Other Withdrawals ⁵	7.50	2.60
Total State Lands⁶	-	89.50
General State Lands ⁷	-	77.90
Legislatively-Designated Areas	-	11.30
Parks	-	3.30
Game Refuges, Sanctuaries, CHAs ⁸	-	3.20
Forests	-	2.20
Other Special Categories	-	2.60
Mental Health Trust (MHT) Land ⁹	1.00	1.00
University of Alaska Lands ¹⁰	0.15	0.17
Municipal Lands ¹¹	-	0.66
Total Private Lands	0.50	40.09
Alaska Native Corporation Lands ¹²	-	37.40
Other Private	0.50	2.69
Federal Land Programs ¹³	0.50	1.30
State Land Programs ¹⁴	-	0.75
Municipal Land Sales ¹⁵	-	0.14

OWNERSHIP, 1960 AND 2000

The events chronicled on pages 4 and 5 shaped ownership in 1960, when Alaska was a new state, and today, 40 years later. The table notes below provide more information about specific categories.

Ownership Notes

1. We relied on many sources that produce a good picture of changing land ownership. But the acreage figures are not entirely consistent. One of the differences is that some agencies count submerged lands and some don't. For that

and other reasons, the amounts we cite in individual categories don't total to exactly 575 million acres, the size most commonly cited for Alaska.

2. Federal lands managed by the Bureau of Land Management and not withdrawn for specific federal uses. The year 2000 figure includes acreage the state government and Native corporations have selected but the federal government hasn't approved for transfer. About 20 million more acres from the public domain will be transferred to the state and Native corporations.

3. Formerly known as Naval Petroleum Reserve No. 4

4. All Native reserves except for the Annette Island Reserve in Southeast Alaska were revoked by the 1971 Alaska Native Claims Settlement Act.

5. Withdrawals by various federal agencies.

6. State land received under the Alaska Statehood Act. This includes both acreage that has been patented to the state and acreage that has been tentatively approved for patent. The 2000 figure is reduced by acreage the state has transferred to municipalities and sold to private owners. The state has so far received title to about 91 million acres under the statehood act and will ultimately receive about 104 million. It has transferred 800,000 acres to municipalities and plans to transfer another 550,000. It has sold 750,000 acres to private owners so far.

7. Lands the state legislature has not designated for specific purposes. The Alaska Department of Natural Resources classifies these lands by multiple-use management categories, designating the most suitable uses but not necessarily excluding others.

8. Critical habitat areas.

9. The federal government granted Alaska one million acres under the 1956 Alaska Mental Health Enabling Act, to be used for the benefit of mental health programs. The Mental Health Trust has sold a small amount of land.

10. The Alaska Legislature approved a bill awarding the university rights to an additional 250,000 acres. The status of that bill is not clear as of late 2000. But if it does go into effect, the new grant combined with the university's current 170,000 acres would bring total university lands to 420,000 acres. The university has sold a few thousand acres.

11. This figure includes lands the state and the Native corporations have transferred to municipalities. As of 2000, the state has transferred close to 800,000 acres to municipalities under the Municipal Entitlement Act and will transfer about 550,000 more, for a total of 1.35 million acres. Municipalities have in turn sold about 140,000 acres to private owners. Alaska Native corporations have transferred about 40,000 acres to municipalities for community needs, as required by the Alaska Native Claims Settlement Act. The corporations will transfer more land to municipalities, but how much is not clear. Individual municipalities and Native corporations can negotiate amounts to be transferred.

12. Lands awarded Alaska Natives so far under the 1971 Alaska Native Claims Settlement Act (ANCSA) including both patented land and interim conveyances.

13. This includes lands deeded to private owners under various federal land programs and federal mining laws, described on pages 8 and 9. The land programs have all

ended, but some additional land will be transferred to individual Native applicants under the Native Allotment Act. When that program closed in 1971, more than 15,000 applications were pending. The BLM estimates that in 2000 about 3,800 of those applications are still pending. Congress has also approved a new opening for Native veterans who served in the military between 1969 and 1971 and did not previously apply for allotments. In late 2000, Congress was considering adding another opening for descendants of Native veterans who died in the Vietnam War between 1964 and 1971.

14. Includes various programs as described on page 9.

15. This estimate is based on information from municipalities with the largest land sales.

What About the Future?

The federal public domain will decline by about 20 million acres, as the federal government transfers another 13 million acres to the state government and 7 million more to the Alaska Native corporations.

Municipal ownership will increase, as municipalities receive more state and Native corporation lands.

Private ownership will increase for several reasons. The state and municipal governments will continue to sell some land. The University of Alaska and the Alaska Mental Health Trust also sell land; those sales amount to only a few thousand acres as of 2000, but may be larger in the future. Also, individual Alaska Natives will receive more acreage under the Native allotment program.

Sources

U.S. Department of the Interior

Bureau of Land Management, Division of Conveyance Management

U.S. Fish and Wildlife Service

National Park Service

U.S. Forest Service

Alaska Department of Natural Resources

Division of Mining, Land, and Water

Alaska Mental Health Trust Office

University of Alaska, Statewide Office of Land Management

Municipalities: Municipality of Anchorage, Kenai Peninsula Borough, Mat-Su Borough, Fairbanks North Star Borough, City and Borough of Juneau, Kodiak Island Borough, Ketchikan Gateway Borough, City and Borough of Sitka.

See also the source documents cited for the land ownership chronology, page 5.

PRIVATE LAND OWNERSHIP IN ALASKA

About 40 million acres are in private ownership in Alaska today. But most of that was awarded Alaska Natives in a single large grant, in settlement of their land claims. Its extent is well-documented. How much land has become private through many smaller, individual transactions?

Excluding ANCSA lands, private land in Alaska totals about 2.7 million acres today. We developed that estimate with the help of federal, state, and local governments.

Figure 3 shows that about two thirds of this private land was originally transferred under federal land programs and mining law. Until fairly recent times, the only way private owners could get title to land was through federal programs (or through someone who had already acquired title from the federal government). Many of these private parcels are now inholdings in national conservation units or on Native corporation lands.

Figure 3. How Has Land in Alaska Become Private^a?



Federal land programs	1.66 million acres
Federal mining law	140,000 acres
State land programs	750,000 acres
Municipal land sales	±140,000 ^b acres
Total, excluding ANCSA land	2.7 million acres

^a Excluding lands awarded under ANCSA.
^b Estimate based on largest municipal land sales.

Federal Land Programs

Federal land programs all closed at least by the 1980s (although in some instances the federal government continues to process applications). Figure 4 breaks down acreage patented under various federal land programs from 1867 to 2000. The largest amounts were patented under the Native allotment and homesteading programs.

For most of the 1900s, individuals and businesses could apply for lands under various programs—although getting title could take years. One of the big problems was that less than 1 percent of Alaska was surveyed before 1960, and lands had to be surveyed before applicants could get title.

Under some programs applicants didn't pay for the land but instead proved they used and occupied it. In other cases, they paid fees or modest charges per acre. Those who acquired lands under most federal programs gained *unrestricted* title—meaning they could sell or otherwise dispose of the lands as they chose, once they had met program requirements and gained title.

But lands conveyed to Alaska Natives under the Native allotment and the Native townsite programs have *restricted* title. To sell or lease these lands, owners have to work with the Bureau of Indian Affairs (or with BIA-approved Native contractors). But the lands aren't taxed, they can't be seized for debts, and they're protected from foreclosure. Owners can also apply for unrestricted title.

Homestead program: Individual citizens could stake a claim on up to 160 acres of unreserved federal land. After five years claimants could get unrestricted title to this land if they had built a house on it, lived there for a specified period, and cultivated part of it.

Homesite program: Individuals could acquire up to 3 acres if they built a house on the land and lived there for a specified period.

Native allotments: Alaska Natives could apply for up to 160 acres if they could show past use. The program formally ended in 1971, when the Alaska Native Claims Settlement Act passed, but the BLM continues to process existing claims, and Congress recently approved a special opening for Native veterans; see note 13 on page 7.

Native townsite lots: Alaska Natives could apply for lots in federally recognized Native townsites. This program closed in 1971, but the BLM is still processing a few applications.

Townsite programs: Non-Natives could apply for lots within the townsites where they lived, once the federal government had approved establishment of the townsite.

Small-tract sales: Allowed individuals to buy tracts of up to 3 acres, mainly for recreational uses, in designated areas.

Trade and manufacturing site and headquarters site programs: Individuals could apply for up to 160 acres for sites where they operated businesses, or for 5 acres for headquarters sites, which were for businesses (like guiding services) whose operations covered a wider area.

Other programs: Various other federal land disposal programs allowed individuals or organizations to apply for land—for instance, there were programs that allowed religious organizations and military veterans to acquire land.

Federal Mining Law

Federal mining law still allows individuals to file mining claims on certain federal lands—and to receive patent to those lands if they show mineral discoveries, make improvements, and pay fees. Most but not all federal land in Alaska is now closed to new mining claims. People holding unpatented claims that existed before areas were closed to entry may still be able to patent them.