

**ALASKA NATIVE CLAIMS SETTLEMENT ACT
(PL 92-203)**

The attached information is intended to be a short overview of the history and requirements of the Alaska Native Claims Settlement Act. There are many other sources of information, including the actual text of the legislation, which should be reviewed for a more thorough understanding of the subject matter.

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INTRODUCTION

When Europeans settled in what is now the continental United States, they established their own land laws. As a result, Native people were removed from their traditional lands and confined to reservations. By contrast, Russia did not settle Alaska. They already had a large land base and were mainly interested in harvesting natural resources. When Russia sold her claim to occupy Alaska to the United States in 1867, the two governments agreed that the resident population was subject to the laws and regulations of the United States which were adopted for aboriginal tribes.

The first Alaska land law, the 1884 Organic Act, states in part:

"..the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress..."

The Act established the difference between Native land policy in Alaska and the policy in the lower 48 states. The United States did not move Alaska Natives to reservations; Congress recognized Native claims to the land. These claims remained unsettled until ANCSA.¹

Up until the early 1960's, traditional lands of Alaska Natives were still being transferred into private ownership. Miners, homesteaders and others were still acquiring patent to traditional Native land, the State of Alaska was still selecting land as entitlement under the Statehood Act, the Rampart Dam withdrawal had been proposed, and oil exploration was taking place, all without regard to what rights Native people might have to the land. Fearing further intrusion, Native leaders protested on behalf of all Native occupants in Alaska to put a stop to any more transfers of land.²

THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

The Alaska Native Claims Settlement Act (ANCSA) became Public Law 92-203 (85 Stat. 688) and was enacted December 18, 1971. The act was formulated to settle disputes between four major political groups: the State of Alaska, Alaska Natives, Environmental Activists, and the Oil Industry. The discovery of the Prudhoe Bay oil fields in 1969 provided a strong impetus for the settlement of aboriginal title and claims so that oil development could proceed.

In this legislation, all past and future claims of native right, title use or occupancy were extinguished except as provided for under ANCSA. The Native peoples of Alaska gave up their rights to approximately 320 million acres of land in Alaska, and in return were paid \$962.4 million dollars (payable through regional and village corporations). 44 million acres of land were retained by the corporations for distribution in fee simple title as provided by ANCSA.

Under ANCSA, The U.S. Department of the Interior, Bureau of Land Management was ordered to survey the areas selected or designated for conveyance to Village and Regional Corporations. The exterior

¹Getting Started on 14(c)(3) - A Basic Guide for City and Village Councils, Publication of State of Alaska, Department of Community and Regional Affairs, June 1989

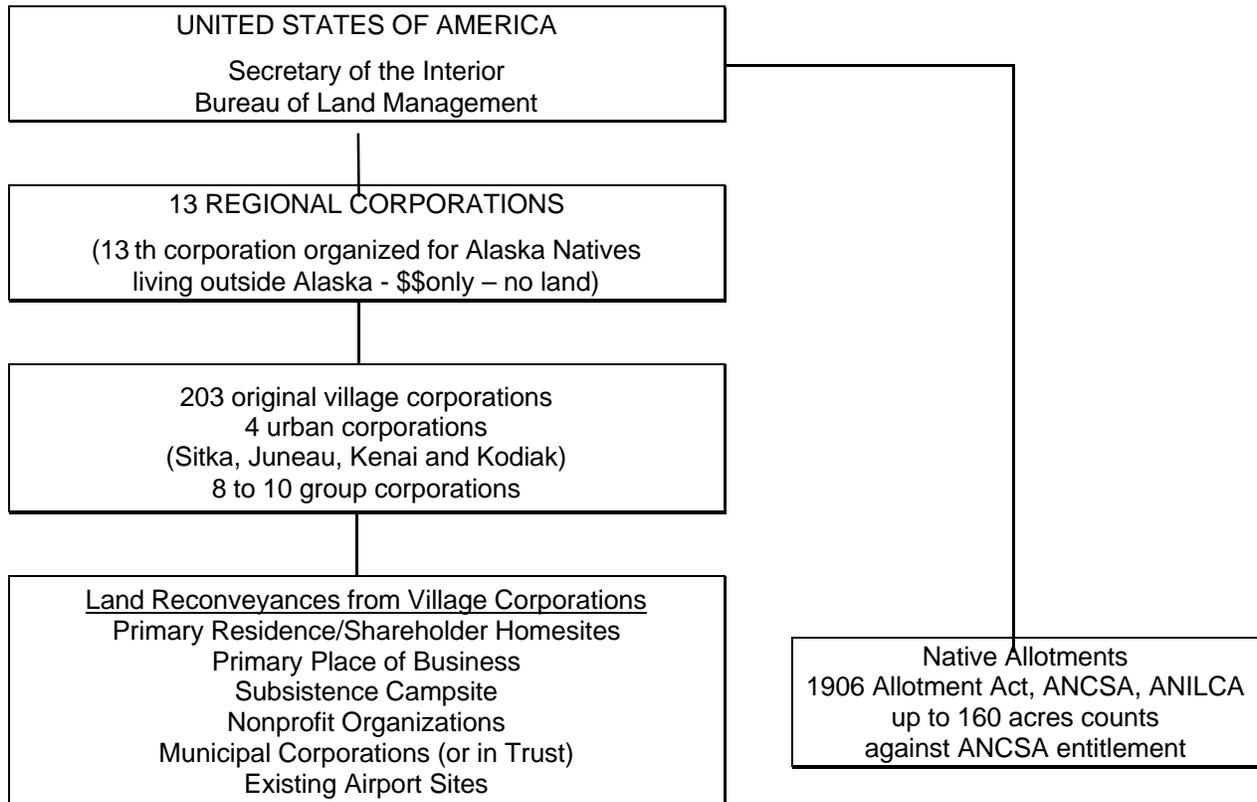
²Village Land Reconveyance Planning - A Handbook on ANCSA Section 14(c), The Alaska Native Foundation, 1988

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boundaries of the selected areas must be monumented at angle points and at intervals of approximately two miles on straight lines. No ground survey or monumentation is required along meanderable water

boundaries. Within the areas selected, all parcels designated as primary place of residence, primary place of business, cemeteries, historical sites and any other lands to be conveyed under ANCSA, as addressed in Section 14, are to be surveyed as well.

ALASKA NATIVE CLAIMS SETTLEMENT ACT Action of the 92nd Congress December 18, 1971



Prior to the enactment of the Alaska Native Land Claims Settlement Act, Native Allotments were provided for by laws passed in 1887, 1906 and 1910. Alaska Native leaders, aware that these laws were to be repealed by ANCSA, organized and enrolled eligible applicants in the 1906 Native Allotment Act prior to the passage of ANCSA. As provided for in Section 18 of the Alaska Native Claims Settlement Act, any applications that were pending as of the date of ANCSA could still be approved and a patent issued in accordance with the prior law. BLM estimates that 85%-95% of the allotments currently being surveyed were claimed under the 1906 Act. An applicant receiving an allotment under any prior law became ineligible for a claim of "primary place of residence" under ANCSA.

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Native Allotment surveys are classified as "Special Surveys" by the Bureau of Land Management. Unlike Village Corporation land selections, which are required to conform to the principles of the Public Land

System, the allotments are exceptions to the rectangular survey system. They are irregular in relationship to the rectangular survey system and are excluded from the area returned on township plats. Recognizing that the Native peoples of Alaska regularly and routinely used specific parcels of land on a seasonal basis, the BLM allows the claimant to select the 160 acre entitlement in several parcels. However, each parcel was investigated separately for proof of occupation and use.

THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

In the past, surveys of Native Allotments and Village corporation entitlement lands were contracted in a competitive process by the Bureau of Land Management. Over half of the ANCSA lands have now been surveyed and platted.

The Indian Self-Determination and Education Assistance Act, originally adopted by Congress in 1975, requires Native preference hiring for federal programs that are designed to benefit Native people. The Act is commonly referred to as "Public Law 638" or "PL 638". The federal agencies that comply with PL 638 are primarily the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS), and recently, the Bureau of Land Management.

Public Law 638 requires that federal contracts and grants to Indian organizations or for the benefit of Indians, give preference and opportunities for training and employment in connection to Indians, to the greatest extent feasible. Also, preference in the award of subcontracts and subgrants shall be given to Indian organizations and to Indian-owned economic enterprises. The non-profit Native corporations across Alaska are contractors for BIA and Indian Health Services under PL 638 and can therefore give hiring preference to Natives.³

A report released in December of 1991 and prepared for the Senate Select Committee on Indian Affairs of the United States Senate included a comprehensive listing of the government programs which are at least in part for the benefit of Native people. The report, entitled "Federal Programs of Assistance to Native Americans", lists the Survey of Indian Lands under the Bureau of Land Management as an opportunity to qualify under PL 638. Tribal organization contractors are now availing themselves of this opportunity to provide training and employment in the completion of the field surveying, monumentation and platting of the remaining Indian lands in Alaska.

IN SUMMARY

A thorough understanding of the Alaska Native Claims Settlement Act can only be acquired by reviewing the actual text of the law and its revisions. A listing of sources and references is attached to this document for your use in increasing your knowledge of this important legislation.

³Tribal Government Handbook for Alaska Tribes by Lisa Jaeger, Chapter 7.

ALASKA NATIVE CLAIMS SETTLEMENT ACT READING LIST

Public Land Laws of Alaska,

published by
Bureau of Land Management,
Division of Conveyance Management
Branch of Conveyance Coordination
222 West 7th Avenue, #13
Anchorage, AK 99513
(issued February 20, 1992)

Alaska Native Lands: Aboriginal Title, to ANCSA and Beyond,

(for use with seminar)
published by
David S. Case, Attorney-at-Law
Copeland, Landye, Bennett and Wolf
550 W. 7th Avenue, suite 1350
Anchorage, AK 99501

A.N.C.S.A. 14 (c) Survey Handbook

published by
U.S. Department of the Interior
Bureau of Land Management
Alaska State Office
222 West 7th, #13
Anchorage, AK 99513
(issued March 1, 1991/Rev. March 17, 1992)

ANCSA 14 (c) Village Land Reconveyance Planning

published by
Alaska Native Foundation and
State of Alaska, Department of Community & Regional Affairs
Contact: State of Alaska, Department of Community & Regional Affairs
Municipal & Regional Assistance Program
333 West 4th Avenue, Suite 220
Anchorage, AK 99501-2341

Tribal Government Handbook for Alaska Tribes

by Lisa Jaeger
available in draft form from
Tanana Chiefs Conference, Inc.
122 First Avenue, Suite 600
Fairbanks AK 99701

Alaska Natives and American Laws

by David S. Case, Attorney-at-Law
published by
University of Alaska Press
P.O. Box 756240
Fairbanks, AK 99775-6240
(published 1984)

Alaska Native Land Claims

by Robert D. Arnold
published by the
Alaska Native Foundation
(copyright 1976)