

**Statement of
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**Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests and Mining**

S.785 Alaska Native Veterans Land Allotment Equity Act

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Thank you for the opportunity to present the views of the Department of the Interior (Department) on S.785, the Alaska Native Veterans Land Allotment Equity Act. S.785 amends the 1971 Alaska Native Claims Settlement Act (ANCSA) to allow any Alaska Native veteran (or heir) who served during the period of August 5, 1964, through May 7, 1975, who has not yet received a Native allotment under the 1906 Allotment Act, to apply for an allotment of up to 160 acres of Federal land.

The Department supports equitable treatment of Alaska Natives and Alaska Native Veterans in the Alaska Land Conveyance program. We appreciate the sponsor's continuing interest in extending to Vietnam-era Alaska Native Veterans opportunities to apply for an individual allotment in recognition of their service to our country. The Department supports the goals of S. 785 and looks forward to working with the sponsor and the Committee to provide technical edits to further enhance this legislation and offer timely and efficient resolution of longstanding Native allotment processes.

Background

Several laws govern disposition of lands in Alaska. The Alaska Statehood Act and ANCSA provide for conveyance of broad swaths of land to the State and to Native Corporations. Land transfers to individual Alaska Natives were first authorized by the Alaska Native Allotment Act of 1906. The Allotment Act, as amended, authorized the Secretary of the Interior to convey up to 160 acres of "vacant, unappropriated, and unreserved non-mineral" land to individual Alaska Natives who could prove as head of household "substantially continuous use and occupancy of that land for a period of five years." Over 10,000 Alaska Natives filed allotment applications before 1971.

ANCSA, enacted in 1971, included a provision repealing the 1906 Allotment Act but with a savings provision allowing the Department to finalize the approximately 15,000 individual allotment claims then pending before the Department. In 1981, Section 905 of the Alaska National Interest Lands Conservation Act (ANILCA) legislatively approved the vast majority of the pending Allotment Act applications.

As of this date, there remain pending approximately 272 applications under the 1906 Act, most of which will require the State of Alaska to voluntarily re-convey title to the United States

government before a conveyance can be made to the individual allotment claimant. The BLM has prioritized the completion of individual allotments, and to date has completed final patent to approximately 98 percent (over 13,100 parcels) of individual Native allotments.

Another act authorizing land transfers to individual Alaska Natives is the Alaska Native Vietnam Veterans Allotment Act of 1998 (P.L. 105-276). This Act authorized the Department to provide a new 18-month filing period, ending in January 2002, to qualifying Alaska Native Vietnam-era veterans who were unable to file a claim under the 1906 Allotment Act before its repeal in 1971 because they were on active military duty during the three years (1968 -1971) prior to repeal of the 1906 Act. Certificates for 255 allotments have been issued, and seven parcels remain pending.

Members of Congress concerned about the low number of Alaska Native Vietnam-era veterans obtaining allotments under the 1998 Act identified three obstacles to that goal: 1) Alaska Native Vietnam veterans were able to apply only for land that had been vacant, unappropriated, and unreserved; 2) the eligible service dates did not encompass the full term of Vietnam war (1964–1975); and 3) veterans were required to prove they had been using the allotment for which they applied in a substantially continuous and independent manner for five or more years.

In addition, concerns have been raised that the lack of available land nullifies the very purpose of granting Native Vietnam-era veterans an allotment benefit. A recurring congressional concern has been that there is virtually no land available for selection and allotment in southeast Alaska because such land is located within the Tongass National Forest or conservation units, or has been conveyed to the State of Alaska or ANCSA Native Corporations.

S. 785

S. 785 is intended to address the obstacles in the 1998 Act and the lack of land available for selection and allotments. The bill authorizes allotment of Federal lands to individual Alaska Native veterans of the Vietnam era. It amends ANCSA to allow any Alaska Native veteran (or heir) who served during the period of August 5, 1964, through May 7, 1975, who has not yet received a Native allotment for a full 160 acres under the 1906 Allotment Act, to apply for an allotment of up to 160 acres of Federal land. Lands available for selection under S. 785 are any vacant Federal land in the state of Alaska that is located outside of the Trans-Alaska Pipeline right-of-way, a unit of the National Park System, a National Preserve, or a National Monument. Available lands in S. 785 include wildlife refuges, national forests, wilderness areas, acquired lands, national defense withdrawn lands, and lands selected by, or already conveyed to, the State of Alaska or an Alaska Native Corporation. The Department would like to work with the sponsor to develop criteria for adjudication and for the determination of superior rights to lands in these categories.

S. 785 also authorizes compensatory acreage only for Native Corporations that voluntarily relinquish land selected in order to make such land available for Alaska Native Veteran allotments. There is no similar provision for State selections. The bill does not mention compensatory acreage for land re-conveyed by the State of Alaska. We would like to work with

the sponsor to develop options to address the goals of this legislation while reducing the impact to established land patterns and minimizing delays in fulfilling entitlements in progress.

The bill requires the Secretary of the Interior to publish implementing regulations, after consultation with Alaska Native organizations, within one year of the enactment of S. 785. Within five years after the date of enactment, S. 785 requires the Secretary to approve and certify allotment applications filed under this Act. The legislation further requires the Secretary to contact, in coordination with Alaska Native organizations, each individual potentially affected by S. 785 to explain the process by which the person may apply for an allotment. The Secretary is also required to contact each person or entity that has an interest in land that is potentially adverse to the interest of an applicant with notice of how to contest the allotment. We would like to work with the sponsor to develop a timetable and outreach strategy that supports the entire process for Alaska Native Veterans to select and receive allotments.

Conclusion

The highest priority of the BLM's Alaska Land Transfer program is to fulfill existing statutory mandates by completing title transfer to individual Alaska Natives that includes equitable opportunities for Alaska Native Veterans, as well as to fulfill remaining entitlements under ANCSA and the Statehood Act. We welcome the opportunity to work with the sponsor and the Committee to address the technical issues raised in this testimony in order to enhance the legislation.

Thank you for the opportunity to testify. I would be glad to address any questions.