



U.S. Department of the Interior
Bureau of Land Management

Fundamentals of the Alaska Native Claims Settlement Act



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Alaska Native Claims Settlement Act Beginnings

- First legislation of its kind in the US
- Settled aboriginal land claims
- Provided for conveyance of about 46 million acres and
- Transfer of about \$1,000,000,000
- No reservations, no lands held in trust, no wardship, no kidding [confirmed by the Court of Claims in *Cape Fox Corp. v. United States*, 4 Cl. Ct. 223]
- Annette Island Reserve at Metlakatla remains because the people were Canadian Natives, rather than Alaskan.





Who Receives Lands?

- ▶ Lands are conveyed to State-chartered for-profit Native corporations:
 - Region
 - Village
 - Native group
 - 4 City Corporations
 - Reserves
- ▶ Individuals



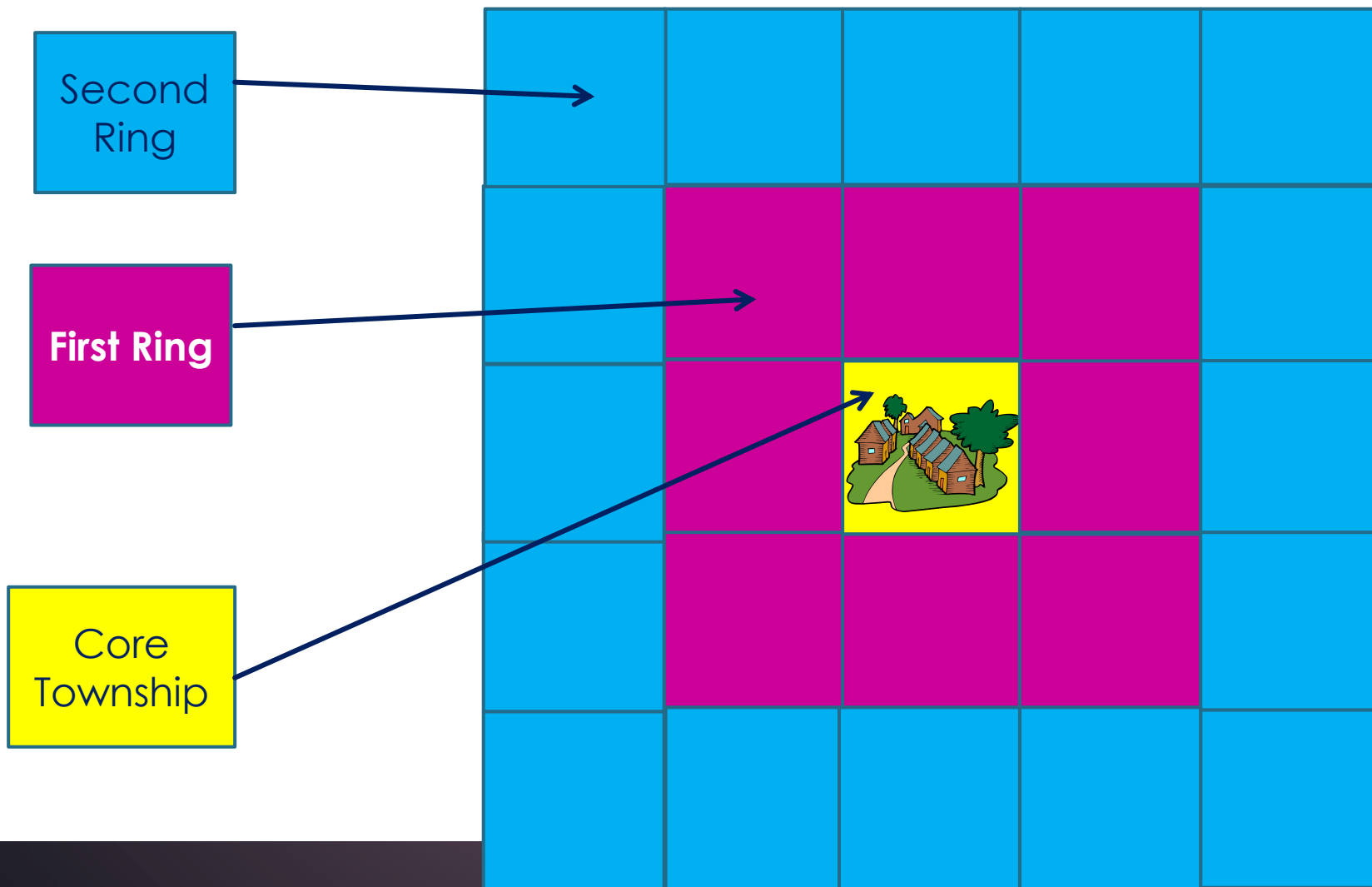
Chugach Alaska Corporation Vice President for Cultural Resources John Johnson accepts final patents for from BLM Resolution Specialist Dina Torres. BLM Photo.



ANCSA Regions Map



ANCSA 11 (a)(1) Withdrawals





Surface vs Subsurface Ownership

Regional Corporations

own surface
and subsurface
of regional
lands

and subsurface
of village
corporation
land

Village Corporations

own the
surface of
their lands



Entitlement exceptions:

Regional corporation entitlements:

- ▶ Surface and subsurface
- ▶ odd-odd/even-even townships & deficiency areas
- ▶ cemetery & historical sites, unless in old refuge, then surface only
- ▶ 14(h)(8))

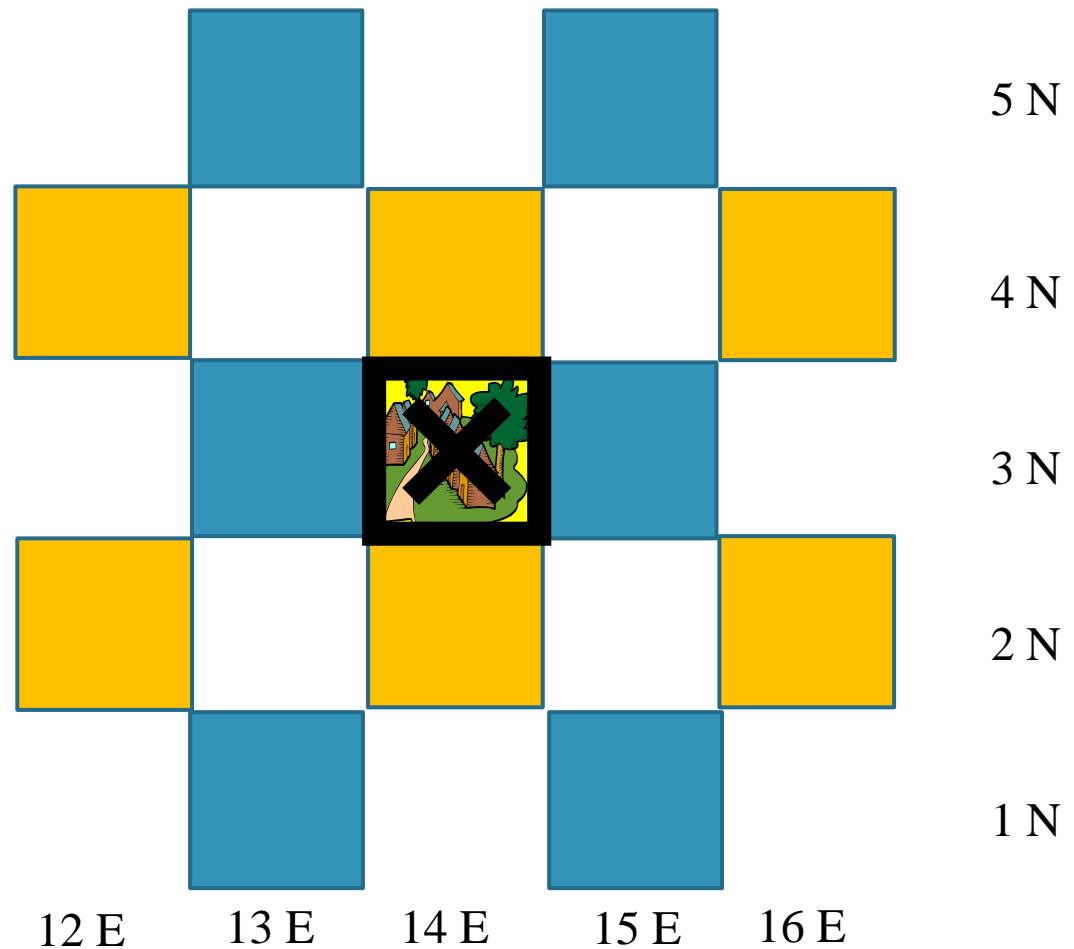
Subsurface only:

- ▶ In-lieu of the subsurface they didn't receive in old National wildlife reserves or National Petroleum Reserve-Alaska (NPR-A)
- ▶ Reserved minerals



Regional lands: Odd-odd/even-even

- Checkerboard pattern – odd numbered townships in odd numbered ranges
- Even-numbered townships in even-numbered ranges
- Core township not available to regions.





ANCSA Conveyance Process



Selection



Adjudication



Approval



Conveyance

Survey
Confirmatory
Patent



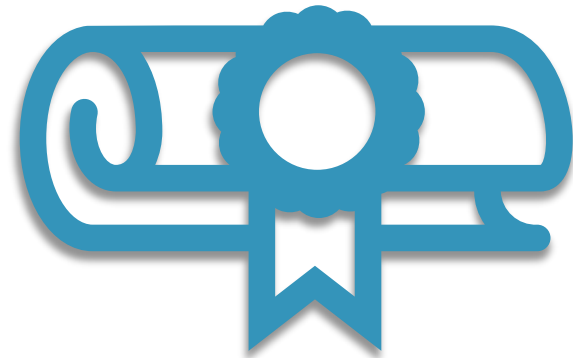
ANCSA Conveyance Process - Adjudication

- ▶ Application filed timely?
- ▶ Map and application match?
- ▶ Are the lands available?
- ▶ Valid, competing selections?
- ▶ How's the conveyance pattern look?
- ▶ Any third-party interests?
 - ▶ BLM-created
 - ▶ Created by others (State, FWS, USFS, BIA, USGS, etc.)
- ▶ Any federal interests?
- ▶ Any 44 LD 513s?
- ▶ Omnibus Act roads?
- ▶ 17(b) easements?
- ▶ Navigable water bodies?
- ▶ Emerged islands?
- ▶ Any oil and gas lease offers?
- ▶ Anything cosmic: Agreements, exchanges, special legislation?



ANCSA Conveyance Process - Approval

- Approval – made by legal document called a decision; notice of the decision is published in the Federal Register & newspaper
- Decision is appealable
 - If appealed, the decision and case file go to the Interior Board of Land Appeals
 - If no appeals, we issue the conveyance document.



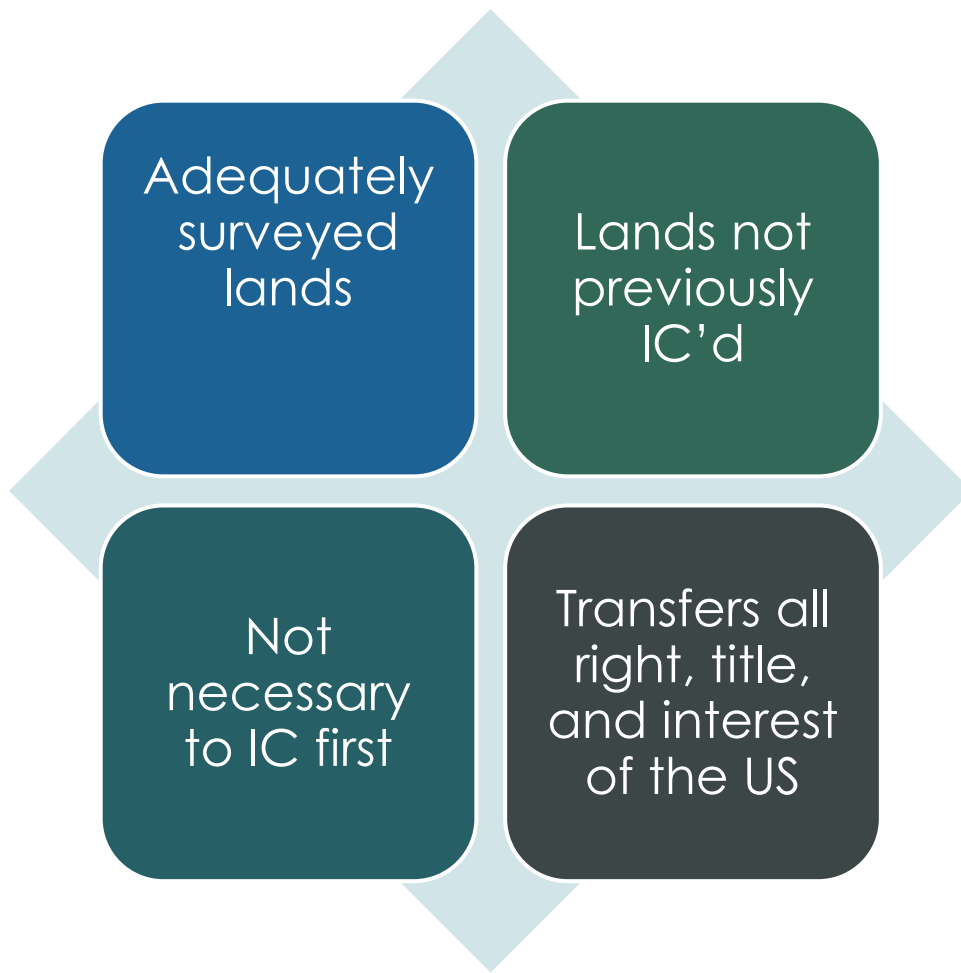


Interim Conveyance

- Used for un-surveyed or inadequately surveyed lands
- Has the same force and effect as a patent
- Transfers all right, title, and interest of the united states in the particular estate(s) to the corporation or individual. See sec. 1410 of ANILCA
- Subject to future survey or supplemental survey
- Subsequently replaced by confirmatory patent

EXCEPTION: IC LANDS RECONVEYED TO US





Adequately surveyed lands

Lands not previously IC'd

Not necessary to IC first

Transfers all right, title, and interest of the US

Patent



Confirmatory Patent



Looks like an original patent, except that it:

- ▶ Refers to interim conveyance(s)
- ▶ Can include combination of previously IC'd lands and lands approved for conveyance
- ▶ Have to read first paragraph of patent to determine whether a patent is confirmatory, original, or a combination thereof



Form 1860-9
(January 1988)

The United States of America

To all to whom these presents shall come, Greeting:

AA-6661-A
AA-6661-B
AA-6661-C
AA-6661-D

WHEREAS

Eklutna, Inc.

is entitled to a patent pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), of the surface estate in the following-described lands, which are described in Interim Conveyance Nos:

002, June 13, 1974;	1388, July 7, 1988;
071, December 7, 1977;	1411, September 28, 1988;
073, December 28, 1977;	1425, March 31, 1989;
163, March 1, 1979;	1426, March 31, 1989;
622, February 28, 1983;	1427, April 3, 1989;
949, September 28, 1984;	1428, April 4, 1989; and
1263, September 30, 1986;	1512, August 23, 1991;
1287, October 31, 1986;	

Confirmatory Patent Example



Alaska Land Transfer Remaining Workload Summary



current to November 2020

ANCSA Entitlement (as amended)	45,759,764
Conveyed To Date	44,149,593
Title Passed by Patent	38,537,229
Title Passed by Interim Conveyance	5,612,364
ANCSA Remaining Entitlement	1,610,171

State Entitlement	104,617,984
Conveyed To Date	99,345,930
Title Passed by Patent	68,706,915
Title Passed by Tentative Approval	30,639,015
State Remaining Entitlement	5,272,054

	ANCSA	State
Remaining Adjudication Workload	7,222,535	35,911,069
Remaining Survey Workload	<300,000	~8,000,000

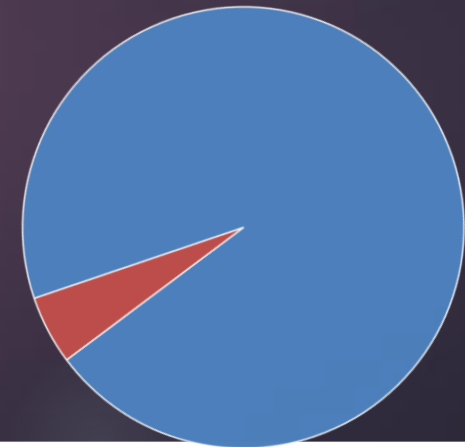
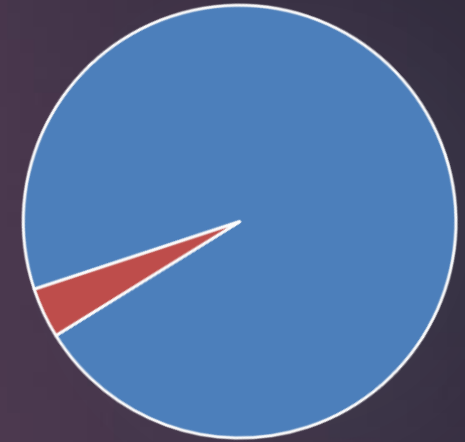


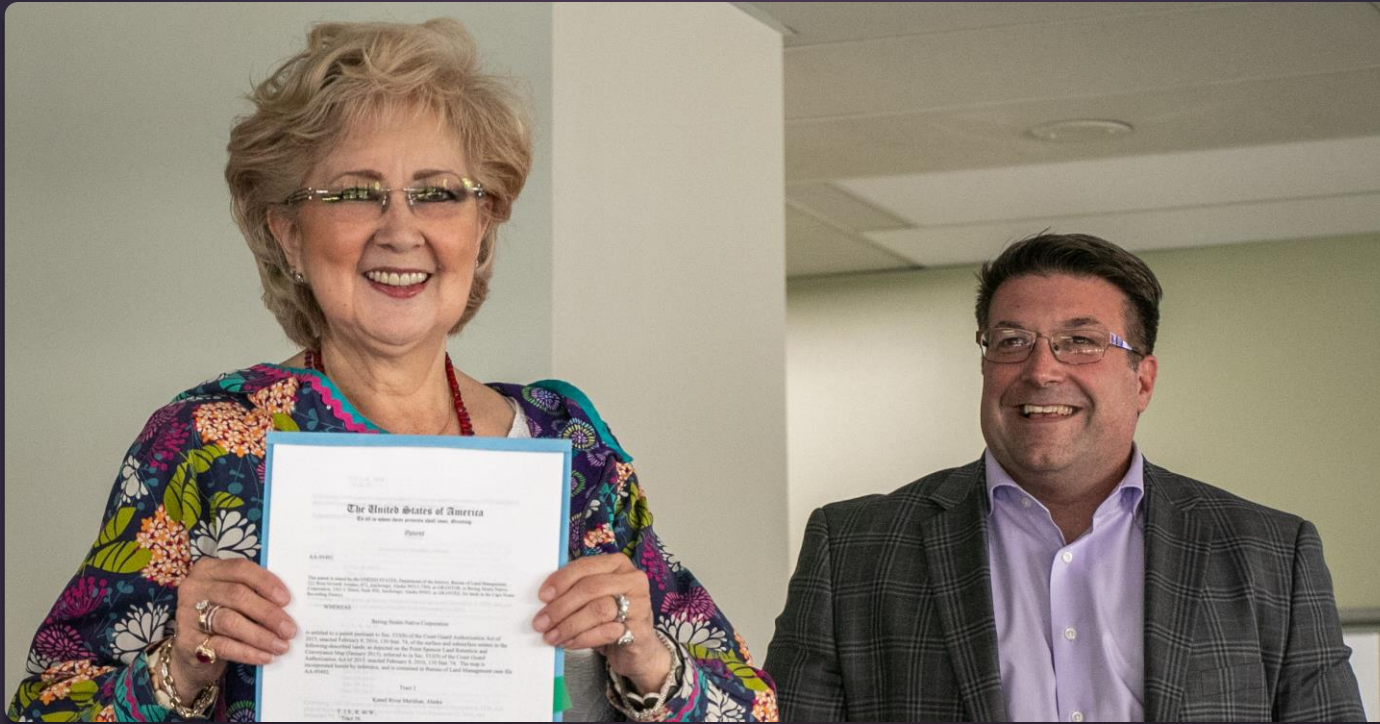
Remaining Statutory Land Entitlement Summary

(current to November 2020)



ANCSA Entitlement (as amended)	45,759,764
Conveyed To Date	44,149,593
ANCSA Remaining Entitlement	1,610,171
State Entitlement	104,617,984
Conveyed To Date	99,345,930
State Remaining Entitlement	5,272,054





Questions?

Bering Straits Native Corporation
President & CEO Gail Schubert holds up
final patent to lands near Point Spencer
on the Seward Peninsula, as BLM Alaska
State Director Chad Padgett looks on.
BLM Photo.