

**Statement for the Record
Bureau of Land Management**

**U.S. Department of the Interior
House Committee on Natural Resources
Subcommittee Indian and Insular Affairs**

H.R. 6489, Alaska Native Village Municipal Lands Restoration Act

July 24, 2024

Thank you for the opportunity to provide this Statement for the Record on H.R. 6489, Alaska Native Village Municipal Lands Restoration Act.

Alaska Native Claims Settlement Act

In 1971, Congress passed Alaska Native Claims Settlement Act (ANCSA, P.L. 92-203), which settled aboriginal land claims in Alaska and entitled Alaska Native communities to select and receive title to 46 million acres of Federal land. ANCSA also established a corporate structure for Native land ownership in Alaska under which Alaska Natives would become shareholders in one of more than 200 private, land-owning Alaska Native village, group, urban, and reserve corporations and/or one of 12 private, for-profit, landowning regional corporations. For Alaska Natives who were non-residents of the State at the time the law was enacted, ANCSA authorized a non-landowning 13th regional corporation.

Today, most Alaska Natives are enrolled in two corporations: the corporation representing the community where they lived in 1970 and a regional corporation. Each regional corporation encompasses a specific geographic area and is associated with Alaska Natives who had traditionally lived in the area. For each corporation, whether village or regional, ANCSA provided at least two potential acreage entitlements through which it could select and receive ownership of Federal lands.

As the Secretary of the Interior's designated survey and land transfer agent, the BLM is the Federal agency responsible for adjudicating land claims, conducting and finalizing cadastral land surveys, and transferring legal title of Federal lands. These Federal lands may be managed by any Federal agency. The BLM's Alaska Land Transfer Program administers the implementation of the approximately 46-million-acre transfer of land to Alaska Native Corporations under ANCSA. When the survey and conveyance work under ANCSA and similar laws directing the transfer of Federal land (i.e., the Alaska Native Allotment Act and the Alaska Statehood Act) is completed, over 150 million acres will have been transferred from Federal to State and private ownership. This is equivalent to approximately 42 percent of the land area in Alaska.

H.R. 6489, Alaska Native Village Municipal Lands Restoration Act

H.R. 6489 would amend ANCSA to retire the requirement for village corporations of unincorporated communities to reconvey lands to the State in trust for a future city, for municipal purposes. In addition, H.R. 6489 would allow village corporations to take title to the lands held in trust with the State by dissolving the trust through formal resolution by the village corporation and the residents of the Native village.

Analysis

ANCSA provided the framework to settle aboriginal land claims in Alaska and entitled Alaska Native Corporations through payment of approximately \$970 million and conveyance of about 46 million acres of land. The lands were conveyed to state-chartered Native corporations and are not held in trust. ANCSA further established the village corporations' right to lands in and around their villages through sections 14(a) and (b) of that Act. Section 14(c) of ANCSA requires village corporations to reconvey lands to individuals and certain entities as specifically outlined in subsections (1) through (4). Section 14(c)(3) addresses the lands needed by cities for present and future public land uses and requires all Native village corporations receiving land under sections 14(a) and (b) to convey lands to the existing municipality. If no municipality exists, then the lands are conveyed to the State in trust for a future municipality. The lands conveyed to the State in trust are called municipal trust lands.

There are currently 96 village corporations that have not yet completed their ANCSA section 14(c) reconveyance obligations. The BLM understands that many of the remaining communities under the State Municipal Land Trust program do not intend to incorporate. Many of these communities have not completed their reconveyance obligations under section 14(c) due to concerns related to their section 14(c)(3) lands being held in trust by the State. Failure to complete the entire section 14(c) process, not just section 14(c)(3), clouds the title of those village corporation lands and leaves community members, both shareholder and non-shareholder, Native and non-Native, without a process that addresses the potential rights to lands recognized by Congress in section 14(c). The BLM is also left with the lingering obligation to survey lands eventually selected for reconveyance under 14(c).

H.R. 6489 sunsets the requirement for village corporations to convey lands to the State in trust for a future municipality. The bill also provides village corporations with the ability to regain title to lands conveyed to the State in trust for a future municipality that has not been established as of the date of enactment. The BLM recognizes that the State currently holds approximately 11,500 acres in trust for 83 communities, which could be returned to the village corporations under this bill. The BLM emphasizes that section 14(c)(3) of ANCSA is only one step towards completing section 14(c) obligations. Sections 14(c)(1) and 14(c)(2) establish additional reconveyance requirements that must be completed prior to section 14(c)(3) considerations. Further, there is no legally established timeline for the corporations to either initiate or complete these obligations, and the claims become more difficult to adjudicate over time as the population ages. The BLM would welcome the opportunity to work with the Subcommittee and the Sponsor to address additional barriers to completing section 14(c) obligations, such as an established timeframe for a village corporation to complete its entire section 14(c) obligation, lack of training in the ANCSA section 14(c) process, and lack of mapping expertise within many village corporations.

On October 25, 2023, the BLM testified in support of the goals of the Senate version of this bill (S. 2615). Since that hearing, however, the BLM has heard concerns from Tribal Councils, which often are the only local government in a village that could take title to lands, as originally intended by ANCSA, to fulfill traditional government purposes. Whether a Tribal government or a village corporation takes title to these lands is an issue outside of the BLM's specific role in this process. It is clear that additional technical modifications to the bill are required to meet the

needs of both the local Tribal governments and the village corporations. We welcome the opportunity to work with the Sponsor on these modifications.

Conclusion

Thank you again for the opportunity to provide this Statement for the Record.