

**Subdivisions In The Unorganized Borough**  
Common Oversights & Issues

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## **IX. RESTRICTED NATIVE ALLOTMENTS**

- Although subdivisions of Native Allotments in restrictive status fall under the jurisdiction of the federal government and are not subject to DNR requirements, BIA has chosen to submit them to DNR for approval in order that the plats can be filed in the state recording office.
- Restricted means that the title is held in trust by BIA and the land is protected against taxation and alienation, and cannot be conveyed or encumbered without approval by the Secretary of Interior acting through BIA.
- Subdivisions of restricted allotments are approved by the Regional Director of BIA in Juneau. It can take several months to obtain this approval.
- Since these allotments enjoy protected status they are not subject to beneficiary interests.
- Dedication of rights of way on Native Allotments is a problem because BIA doesn't recognize the signing of the Certificate of Ownership and Dedication as dedicating legal public access under federal law because of the "Inalienable" clause in the Alaska Native Allotment Act of 1906. BIA is working with various platting authorities to find a solution.
- In order to dedicate legal access, under federal law, BIA must first go through a process whereby they advise the allottee of what rights he is conveying away and also what the value of the grant is. The current proposal is for BIA to prepare either a Grant of Right of Way Easement (for easements) or a Quit Claim Deed (for surveyed row's), conveying fee title, to be signed by the allottee and the Regional Director of BIA. The grant or conveyance must also be accepted by some entity on behalf of the public. This is a new issue and the details are still being worked on.
- After the grant or deed has been accepted and recorded the allottee can subdivide under state law. However, there is no reason that these activities cannot occur simultaneously.