

RESTRICTED NATIVE LAND

Generally, Native allotments are acquired under the 1906 Native Allotment Act and townsite lots under the 1926 Townsite Act. These are the Acts that specifically include Alaska Natives who were not included in earlier legislation.

The Alaska Native Claims Settlement Act (ANCSA) repealed the 1906 Native Allotment Act. Only those who had applied for their Native allotment before December 18, 1971, would be considered for receiving allotment land.

Many people with Native allotments and/or townsite lots are uncertain what their ownership really means and what limitations and restrictions come as part of that ownership. Natives who acquire allotment land or restricted townsite lots from the government have “restricted” land. Owners of restricted land cannot sell, lease, or otherwise convey their land, or inherited interest in restricted land, without the approval of the Bureau of Indian Affairs. Restricted land is non-taxable, inalienable, and generally, not subject to State and/or local laws. Unlike regional and village corporation lands, allotments and restricted townsite lots will remain tax-exempt until changed by Congress, or restrictions are removed, with the approval of the Bureau of Indian Affairs.

Because we have a “management role” in restricted land, we advise, counsel, and offer technical assistance on all matters related to restricted land. Our primary concern is that the Native landowner receives the highest and best benefit from his or her land. Real estate services are provided at no cost to the landowner. Landowners should be aware that it is not necessary to hire a private attorney to provide the services that are already available at BIA or your Tribal Realty Provider Office.

On the following page is a list of the real estate services that are available to you. That list includes some of the requirements involved in each transaction type. More detailed informational sheets describing the various land transaction procedures are available at the address below:

**Kawerak LMS
P.O. Box 948
Nome, AK 99762
1-800-443-4316**

	CERTIFICATE REQUIRED	SURVEY REQUIRED	APPLICATION FROM OWNER(S)	OWNER(S) CONSENT	TITLE STATUS REPORT	APPRAISAL	BIA ARCHEOLOGICAL	ENVIRONMENTAL COMPLIANCE	MORE DETAILED INFORMATIONAL SHEET AVAILABLE	COMMENTS
GIFT DEEDS	X	X	X		X	X	X	X	X	Owner states reasons in writing, specifies whether land will remain restricted.
GRAVEL SALES			X	X	X	X	X	X	X	Mining Plan and Cross Section Survey required. Needs approval by BIA and BLM. BLM and Tribal Realty Provider monitors operations.
LEASES		X	X	X	X	X	X	X	X	Options to purchase not possible. Income may be non-taxable for landowner.
MORTGAGES	X	X	X		X	X	X	X	X	Land subject to loss if default on loan.
PARTITIONS	X	X	X	X	X	X	X	X	X	Heirs of deceased allottee may subdivide inherited land.
PERMITS			X	X	X		X	X		Short-term permits not to exceed one year for access, seasonal recreational use, fish weir sites, etc.
REMOVAL OF RESTRICTIONS	X	X	X		X	X	X	X	X	Competency must be determined. Eliminates BIA, land becomes taxable, and alienable.
RIGHTS-OF-WAY				X	X	X	X	X	X	Application required from person or entity who is requesting a right-of-way.
SALES	X	X	X		X	X	X	X	X	Advertised: To general public, by bids. Negotiated: To U.S., State, borough, city, or other Native.
SUBDIVISION SURVEYS	X	X	X		X		X	X	X	Subject to State of Alaska approval and local Borough or City platting, if applicable.
TIMBER SALES			X	X	X	X	X	X		Contact Realty Service Provider, for referral to appropriate forestry contact.
TRESPASS										If a trespass has occurred on your land, notify your Realty Service Provider immediately. The longer you wait to notify your Realty Service Provider, the more difficult it will be to process your case.
PROBATES										For probate purposes, it is important that a member of your family is aware that they should contact your Realty Service Provider upon your passing.
WILLS										Owners of restricted land should have a Will. Having a Will reduces multiple ownership. If no Will exists, State laws determine distribution. Kawerak can assist landowners with Wills. Owners may also consult with a private attorney of your choosing, or a nearby Alaska Legal Services Office.

Archeological Inventories are done by the BIA during the summer season when the ground is visible and free from snow. This service can also be procured privately at the allottee's expense. Reports for such services must be submitted to the BIA for review. The Bureau of Indian Affairs NO LONGER provides appraisals for any of the above transactions. This is now provided by the Office of Special Trustee which is another branch of the Department of the Interior. Landowners have the option of paying for their own private appraisal, however, the report must be reviewed by the OST staff. The OST has a list of certified appraisers that is available upon request. The OST Appraisal staff can be reached at (907) 271-4050. Most routine environmental compliance is provided by the Alaska Regional Office staff. The lessee/grantee may be required to provide environmental compliance for certain leases and rights-of-way. If the land is valuable for timber, a timber report may be required. The timber report would be provided by BIA staff.