

Section 14(c) of the Alaska Native Claims Settlement Act

- ⌘ Making Land Available for Community Use and Expansion in Alaska Native Claims Settlement Act Villages

Background



- ⌘ ANCSA establishes for-profit Village & Regional Native Corporations.
- ⌘ Land entitlement based upon village size.
- ⌘ Congress recognized that individuals, businesses, non-profits, and communities occupied land in Alaska Villages.
- ⌘ **Section 14(c) of ANCSA** provides that the Village Corporations would transfer ownership of the land occupied by these groups.
- ⌘ V. Corporations establish their own process & policy.

ANCSA Section 14(c), Land for;

⌘ 14(c)(1) Individuals

☑ Homes

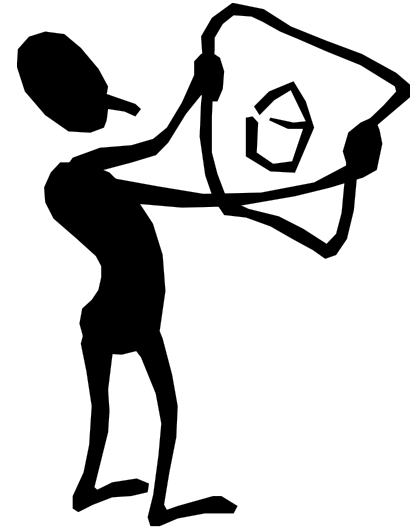
☑ Businesses

☑ Subsistence
Campsites

⌘ 14(c)(2) Non-Profits

⌘ **14(c)(3), Cities or Future Cities**

⌘ 14(c)(4) Airport Operators

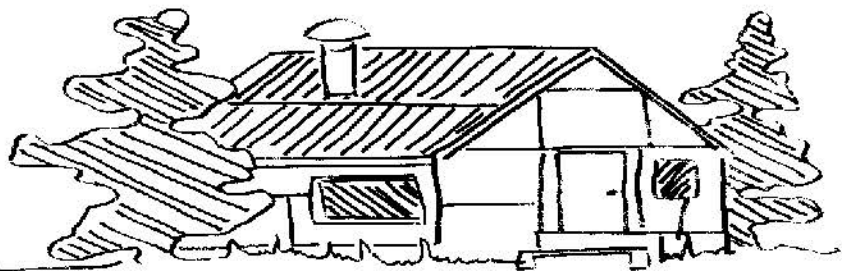


14-C(1)

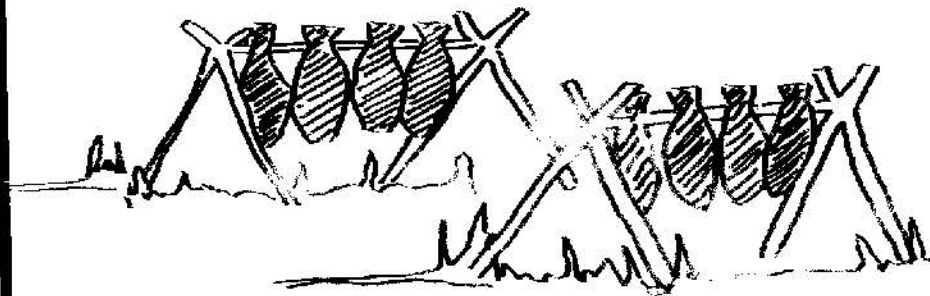
THE VILLAGE CORPORATION MUST CONVEY, WHICH
MEANS PASS LAND OWNERSHIP, TO ANY INDIVIDUAL
OWNING LAND AS OF DECEMBER 18, 1971 FOR:



- BUSINESSES



- HOMES

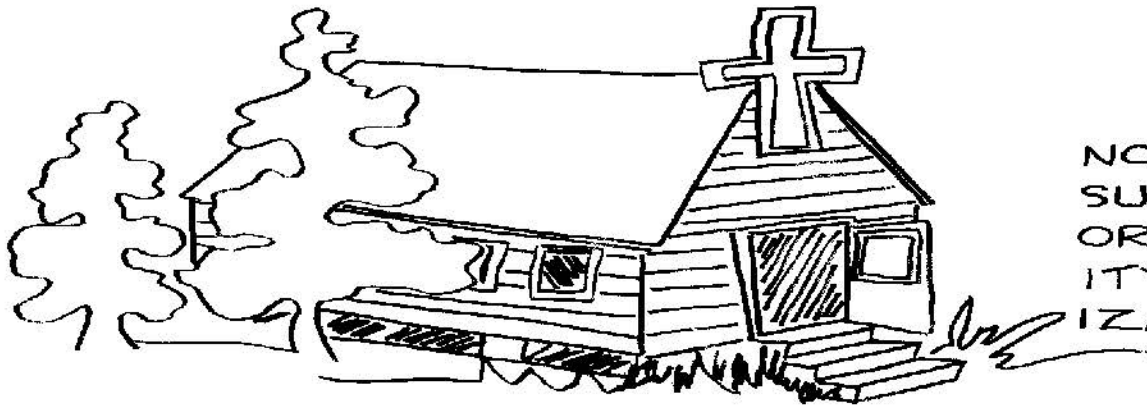


- CAMPSITES
OR HEADQUARTERS
FOR REINDEER HUS-
BANDRY

THIS LAND IS FREE FOR ELIGIBLE INDIVIDUALS

14-C(2)

THE VILLAGE CORPORATION MUST CONVEY, WHICH MEANS PASS LAND OWNERSHIP, TO NON-PROFIT GROUPS OCCUPYING LAND AS OF DECEMBER 18, 1971.

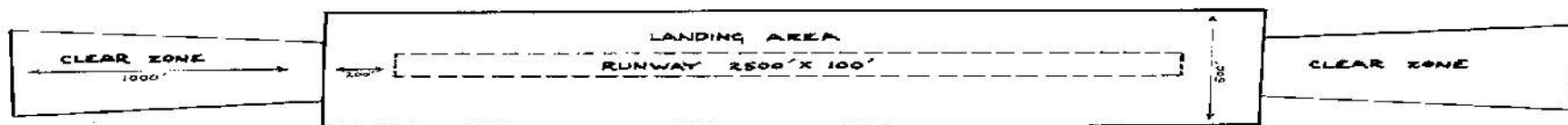


NON-PROFIT GROUPS SUCH AS CHURCHES OR OTHER COMMUNITY SERVICE ORGANIZATIONS.

THE VILLAGE CORPORATION MAY CHARGE NON-PROFIT GROUPS THE VALUE OF THE LAND WHEN IT WAS FIRST OCCUPIED, OR CHARGE LESS THAN THIS VALUE, OR GIVE THE LAND FREE.

14-C(4)

THE VILLAGE CORPORATION MUST CONVEY, WHICH MEANS PASS OWNERSHIP TO THE LAND OCCUPIED AS OF DECEMBER 18, 1971 FOR AIRPORTS, AIRWAY BEACONS, AND OTHER NAVIGATION AIDS. SECTION 14-C(4) REQUIRES THIS CONVEYANCE GO TO THE GOVERNMENTAL AGENCY RESPONSIBLE FOR THE AIRPORT. IN MOST CASES THE GOVERNMENTAL AGENCY INVOLVED WILL BE THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.



EXAMPLE OF LANDS THAT MAY BE INCLUDED UNDER 14-C(4)

AS A RESULT OF AN AGREEMENT BETWEEN THE ALASKA FEDERATION OF NATIVES LAND MANAGERS ASSOCIATION AND THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, COMMUNITIES NOW HAVE THE OPTION TO RETAIN AIRPORT LAND UNDER SECTION 14-C(3). THE ONLY REQUIREMENT IS THAT THE COMMUNITY MUST AGREE TO LEASE THE AIRPORT LANDS TO THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.

12/18/71, Vesting Date for 14(c)(1), (2) & (4) Claims

⌘ 14(c)(1)

- ⊞ Homes (Primary Place of Residency, w/o charge \$, acreage)**
- ⊞ Businesses (Primary Place of Business, w/o charge \$, acreage)**
- ⊞ Subsistence Campsites & HQ for Reindeer Husbandry (w/o charge \$, acreage)**

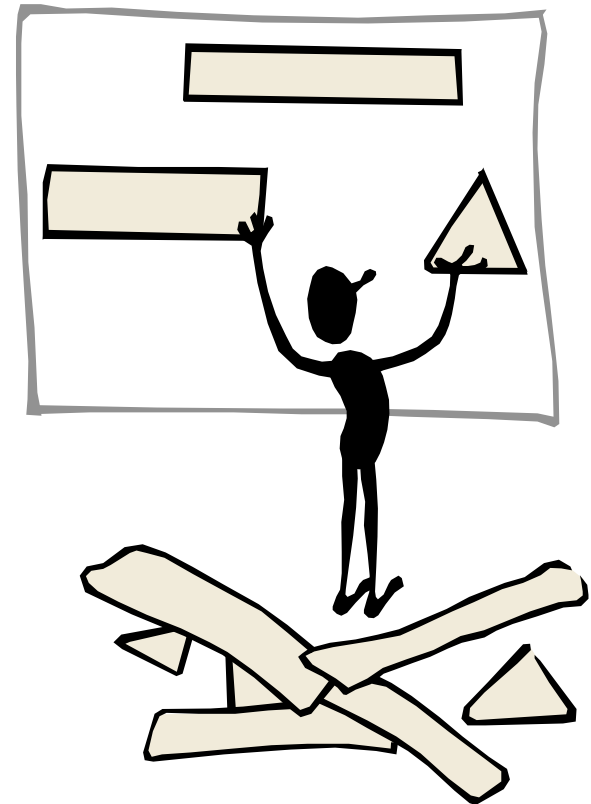
⌘ 14(c)(2) Non-Profits, (Land Occupied, Churches, etc. with or w/o \$, acreage)

⌘ 14(c)(3) Cities or Future Cities (no vesting date, acreage)

⌘ 14(c)(4) Airport Operators (w/o charge \$)

Identification of 14(c)(3) Land

- ⌘ “Remaining Improved Lands”
(surface estate)
- ⌘ And as much as necessary for:
 - ☑ Community Expansion
 - ☑ R/W’s for Public Use
 - ☑ & Other Foreseeable Needs
- ⌘ Land is transferred to City or State in Trust for a Future City



14-C(3)

THE VILLAGE CORPORATION MUST CONVEY LAND TO COMMUNITIES FOR PUBLIC USE AND EXPANSION PURPOSES. LANDS TO BE INCLUDED ARE:

IMPROVED COMMUNITY LANDS



LAND AROUND THE COMMUNITY HALL



THE EXISTING DUMP



THE EXISTING CEMETARY



BOAT LANDING AND STORAGE AREA



EXISTING ROADS AND TRAILS

LANDS NOT IMPROVED BUT USED BY RESIDENTS MAY ALSO BE INCLUDED AS PART OF THE CONVEYANCE SUCH AS BERRY PICKING AREAS, COMMUNITY SUMMER CAMPS, AND DOG STAKING AREAS.

LAND FOR FUTURE EXPANSION



LAND FOR PUBLIC HOUSING PROJECTS



LAND FOR BALL FIELDS AND OTHER RECREATION ACTIVITIES



LAND FOR ROADS AND TRAILS



LAND FOR A NEW CLINIC

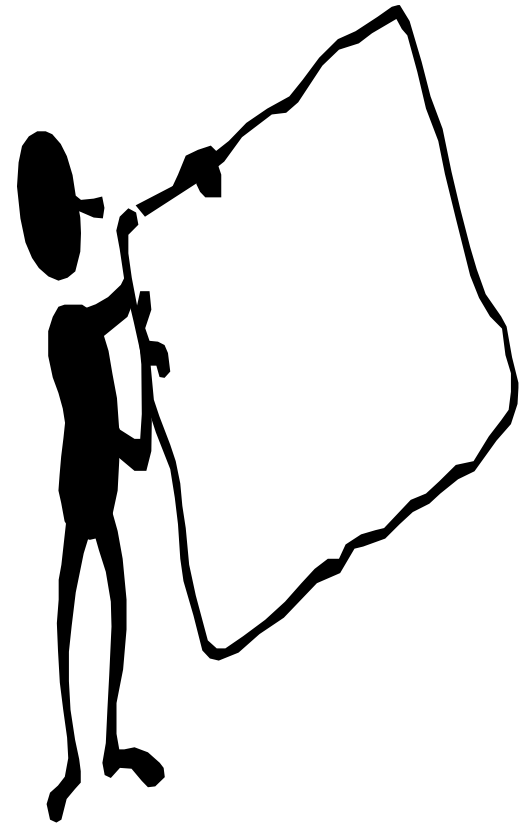
AMOUNT OF LAND COMMUNITIES MAY RECEIVE UNDER 14-C(3):

CURRENTLY THE VILLAGE CORPORATION AND COMMUNITIES HAVE THREE OPTIONS FOR SETTLING 14-C(3); (1) A CONVEYANCE OF 1280 ACRES, (2) A CONVEYANCE OF MORE THAN 1280 ACRES, (3) A CONVEYANCE OF LESS THAN 1280 ACRES. A CONVEYANCE OF LESS THAN 1280 ACRES MUST BE AGREED TO IN WRITING BY BOTH THE CORPORATION AND THE COMMUNITY.

NOTE: THIS DRAWING ONLY SHOWS A FEW EXAMPLES. IT IS UP TO EACH COMMUNITY TO FIGURE OUT THEIR OWN NEEDS.

Implementing ANCSA 14(c)(3)

- ⌘ ANCSA 14(c)(1) & (2) claims first.
- ⌘ 14(c)(3) 1,280 acres unless parties agree to less in writing.
- ⌘ Net revenues from the sale of surface resources to go to the V. Corp., except for governmental uses
- ⌘ Groups should try to focus on what they want to accomplish with 14(c)(3).
- ⌘ ANCSA did not set a deadline for completion.



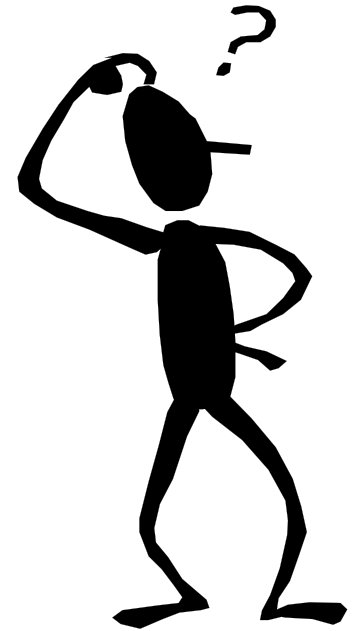
14(c) Does not apply to all Village Lands



- ⌘ 14(c) applies only to land conveyed to the Village Corporation by BLM.
- ⌘ Federal Townsite lands, Native Allotments & other private lands are not subject to 14(c).
- ⌘ How do Federal Townsites affect 14(c)(3)?

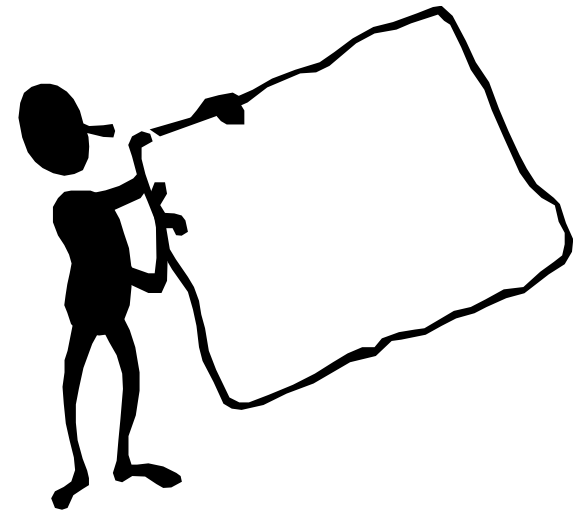
What about land for Village Council Governments?

- ⌘ Title 29 and most City's Ordinances allow for land transfers to Tribal Council's where the land use meets a public purpose.
- ⌘ In unincorporated communities the State in Trust typically recognizes Tribal Council's as "Appropriate Village Entities" and can make long term leases to Council's for Public or Charitable projects.
- ⌘ Village Corporations sometimes make certain transfers to Council's. Does not count towards 14(c)(3) obligation.



ANCSA 14(c)(3) in those Villages that are not Cities

- ⌘ ANCSA set out and the State accepted a Trust role for 14(c)(3) in those communities where cities do not exist.
- ⌘ AS 44.33.755 Established DCCED as Trustee. The law does not allow the Land to be transferred with out the approval of village residents.
- ⌘ **Community Land** is managed for residents and a future city.



Local Initiative



- ⌘ Most villages have a recognized “Appropriate Village Entity” (AVE), that advises the Trustee on the acceptance and management of Trust Land.
- ⌘ MLT staff look to the AVE and Village Corporation to propose the layout and acreage of 14(c)(3) land settlement.
- ⌘ Land is made available only if lease or deed is approved by the AVE.

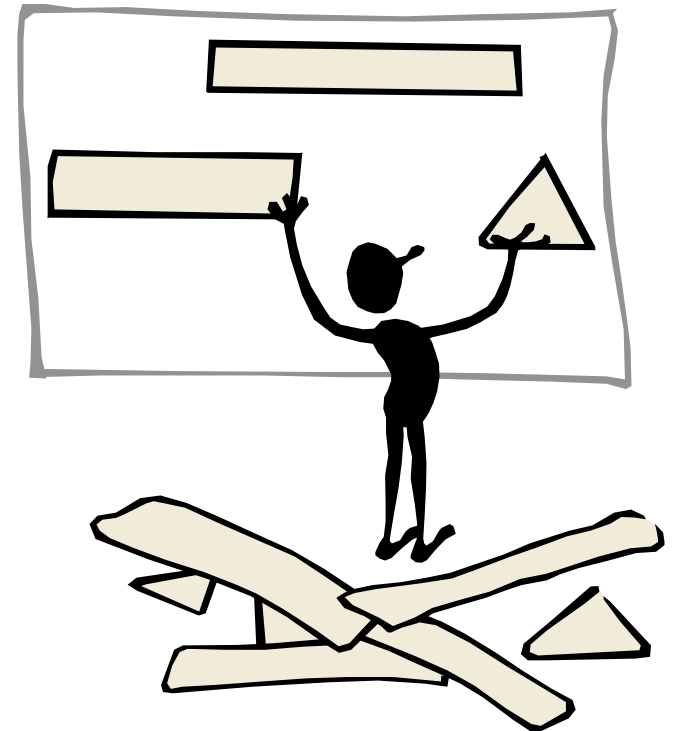
Appropriate Village Entity Recognition 3 AAC 190.120



- ⌘ 1) Active organization which represents, in a traditional or democratic manner, the collective views of the bona fide residents of the village; and
- ⌘ Must be no substantial & particularized objection (by a resident) to the entity's overall suitability to represent accurately & effectively the collective views of the residents of the village; however, such an objection will only constitute a bar to eligibility if it is substantial and if it addresses itself to the entity's overall suitability rather than an entity's position on a specific issue.

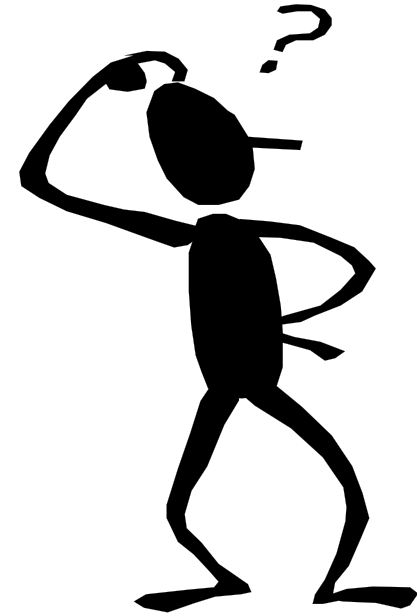
Other Planning Considerations

- ⌘ Who is the lead?
 - ☑ V. Corporation
 - ☑ City/Village
- ⌘ Existing Plans
 - ☑ Comp Plan
 - ☑ Sanitation Plan
 - ☑ Transportation Plan
- ⌘ Community Profile Maps



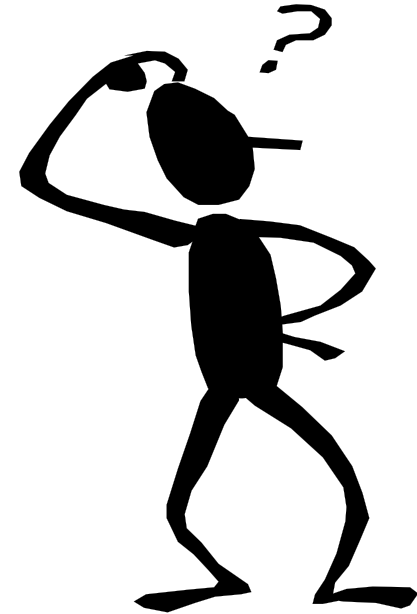
ANCSA 14(c)(3) Agreements

- ⌘ Who draws the Map?
- ⌘ Partial or Complete?
- ⌘ Future Parcels
- ⌘ Alternatives to out right ownership
- ⌘ Procedures for City Settlement
- ⌘ Procedures for Corporation Settlement
- ⌘ Sample documents & assistance



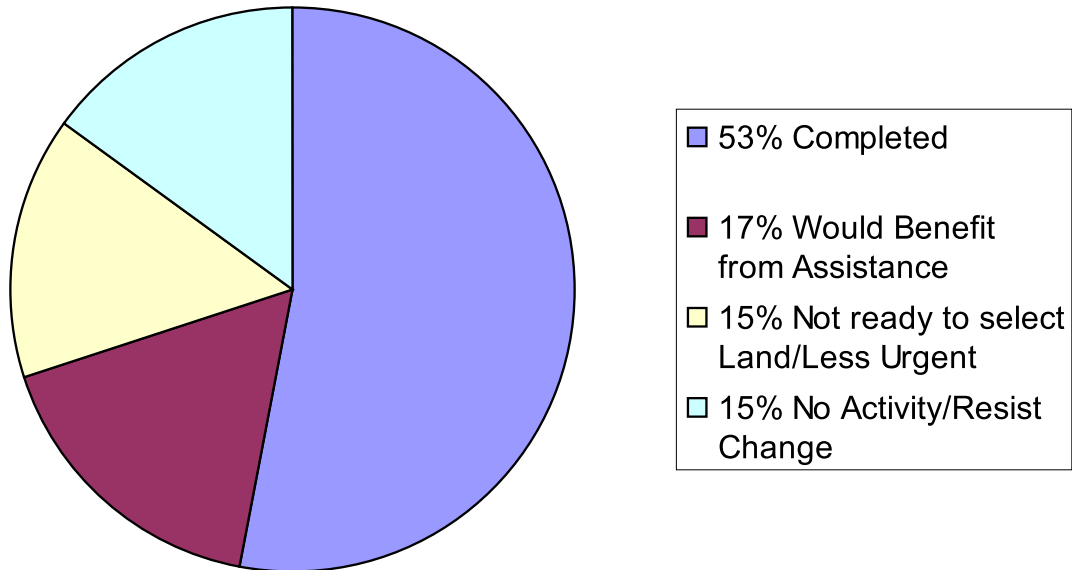
What about encumbrances created by the Village Corporation?

- ⌘ Interim Documents can be used.
 - ☒ Language that terminates temporary interest in the land upon transfer under 14(c)(3)
- ⌘ Map of Boundaries should strive to accommodate encumbrance
 - ☒ 14(c)(3) transfer in fee
 - ☒ Make 14(c) parcel subject to encumbrance by including clause in deed to 14(c) recipient.
- ⌘ Recover title, reissue documents to resolve conflict.



What is the status Statewide?

**Communities with 14(c) Settlements,
Statewide**



After your Map of Boundaries is submitted



- ⌘ BLM will publish notice of the filing of the map of boundaries.
- ⌘ Potential claimants have one year to resolve or litigate the decisions that the Village Corp. has made (902(b) of ANILCA).
- ⌘ BLM can do 638 contracting for the surveying of the map.
- ⌘ Communities can use DCCED maps and sample documents to do 14(c).

DCCED Land Management

- ⌘ For the status of 14(c) in your community-
http://www.dced.state.ak.us/dca/commdb/CF_BLOCK.cfm .
- ⌘ For a map of your community-
http://www.dced.state.ak.us/dca/commdb/CF_BLOCK.cfm .
- ⌘ For a copy of "Getting Started on ANCSA 14(c)"-
<http://www.dced.state.ak.us/dca/StaffDir/GetPubl.cfm>-
- ⌘ For More Info;
- ⌘ Keith Jost
- ⌘ Land Management and Mapping
- ⌘ Dept. of Commerce, Community &
- ⌘ Economic Development
- ⌘ 550 W. 7th Ave. Suite 1770
- ⌘ Anchorage, AK 99501
- ⌘ (907) 269-4548 Fax (907) 269-4525
- ⌘ Keith.Jost@alaska.gov

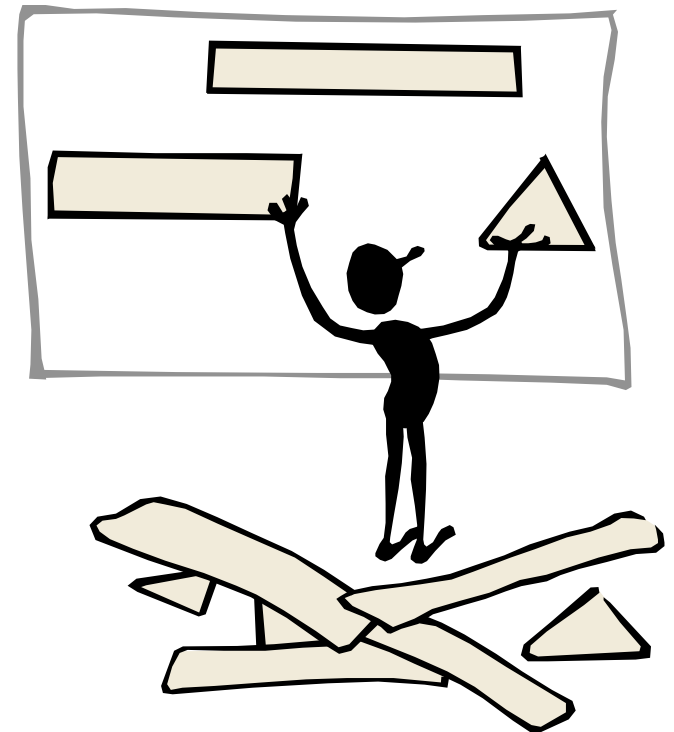


Submitting a 14(c) Map of Boundaries (check list)

- ⌘ Aerial photo based map, USGS & sketch map for remote sites.
- ⌘ Map displays all of the 14(c)(1), (2),(3) & (4) lands.
- ⌘ Must have an agreement in writing if less than 1,280 acres.
- ⌘ Indicate acreage if required and boundary that should be adjusted to obtain agreed upon acreage.
- ⌘ Include any supporting documents, plats, photos or sketches that help indicate intent.
- ⌘ Use BLM standard signature block.
- ⌘ Include a cover letter with;
 - ⌘ Contact names, numbers etc.
 - ⌘ Indicate partial or complete map of boundaries
 - ⌘ Address staking of claims & precedence over description, map or agreed upon acreage

Options for Surveying the ANCSA 14(c) Claims

- ⌘ Special Instructions under Federal Authority
- ⌘ Assignment Instructions for Local Contracts
- ⌘ Surveying and Platting with State and Local requirements



Assignment Instructions for a Partial MOB's Submission

- ⌘ Purpose- to accommodate an immediate survey w/o a full MOB submission.
 - ☑ Public Projects
 - ☑ Individual Claimants
- ⌘ BLM does not pay for survey or recordation.
- ⌘ BLM does;
 - ☑ Issue assignment instructions to designated surveyor,
 - ☑ Provide monumentation,
 - ☑ Review plat and
 - ☑ Issue compliance letter so plat can be recorded as a federal plat with the State recording system.

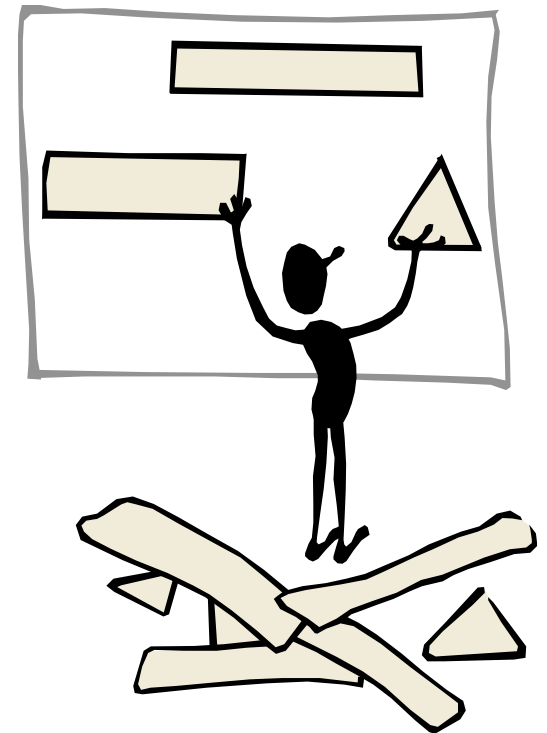
Requirements for Assignment Instructions



- ⌘ Partial MOB's has been submitted to BLM by the Village Corporation,
- ⌘ Written agreement if ANCSA 14(c)(3) land,
- ⌘ Letter requesting instructions and designating a surveyor,
- ⌘ Acknowledgement that BLM doesn't pay for this type of survey.
- ⌘ BLM will provide ANCSA 14(c) monuments, a review of the plat for compliance with federal requirements, and the letter of compliance to record with the State recording system.

Platting the ANCSA 14(c) Claims

- ⌘ Initial survey of 14(c) claims set out by ANCSA, does not need to conform to State & Local platting requirements.
- ⌘ Letter of Conformance used to record.
- ⌘ 14(c)(3) Roads and Trails identified when not in a larger parcel of 14(c)(3) land.
- ⌘ RS 2477, 17(b) easements & water bodies sometimes serve as access.



For More Information;

⌘ Keith Jost

- ⌘ Dept. of Commerce, Community & Econ. Development
- ⌘ 550 W. 7th Ave. Suite 1770
- ⌘ Anchorage, AK 99501 (907) 269-4548
- ⌘ Fax (907) 269-4525
- ⌘ Keith_Jost@Commerce.State.AK.US

⌘ Al Brietzman,

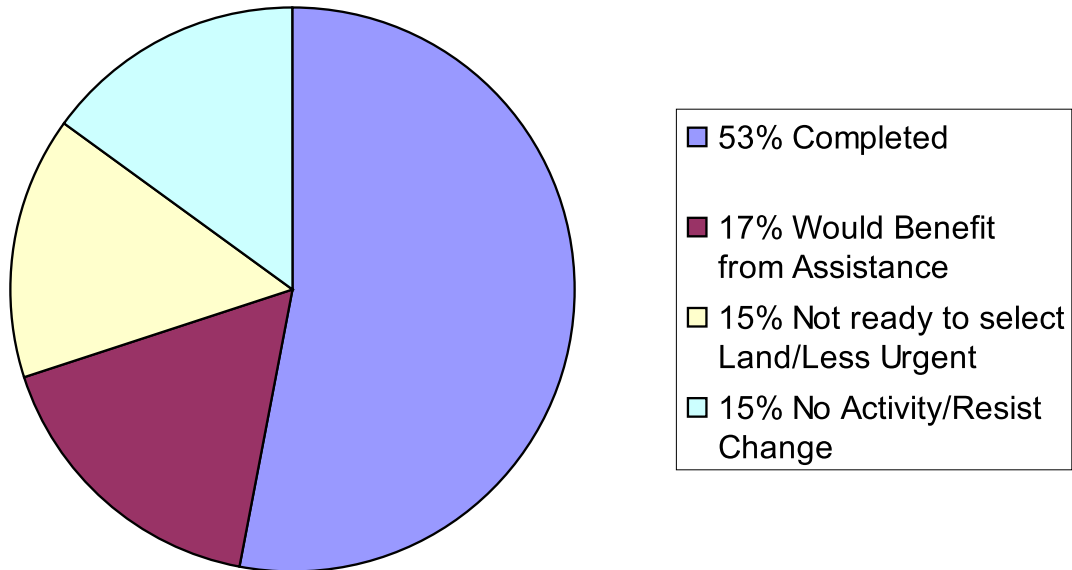
- ⌘ Bureau of Land Management, Cadastral Survey
- ⌘ 222 W 7th Ave. #13,
- ⌘ Anchorage, AK 99513 (907) 271-5606
- ⌘ Fax (907) 271-4193
- ⌘ Al_Brietzman@ak.blm.gov





What is the status Statewide?

**Communities with 14(c) Settlements,
Statewide**



Management of Municipal Trust Land

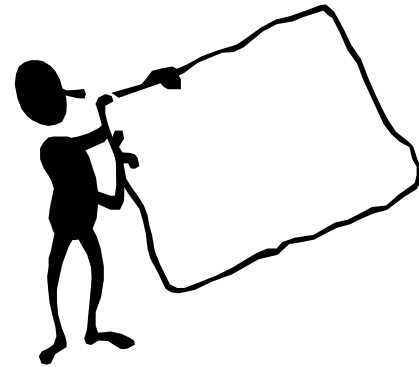


Legal Requirements for conveyances of 14(c)(3) land

- ⌘ Public Notice
- ⌘ Local Approval (AVE)
- ⌘ Commissioner Approval
- ⌘ Fair Market Value Requirement
 - ⌘ Fair Market Value May be waived for Public and Charitable Purposes
- ⌘ Land Survey

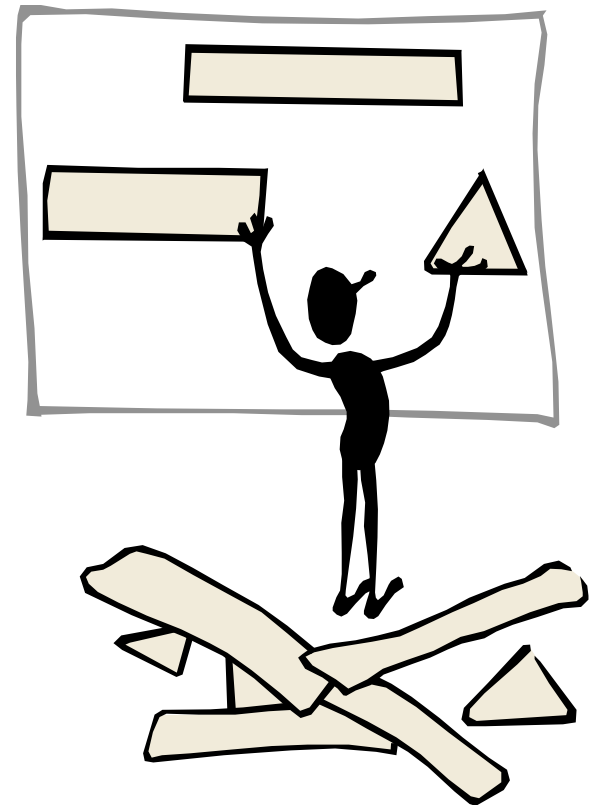
Municipal Lands Trustee Program

- ⌘ ANCSA established the State as a Trustee for 14(c)(3) in those communities where cities do not exist.
- ⌘ AS 44.33.755 Accepts the Trust responsibility and establishes it with DCCED.
- ⌘ **Community Land** is managed for residents and a future city.



What does “necessary” and “foreseeable” mean?

- ⌘ Essential vs. Useful from Seldovia court case
- ⌘ Broad meaning for Necessary & Foreseeable
- ⌘ Unreasonable to require a city to establish that a parcel is essential to an immediately predictable need
- ⌘ For municipal purposes, not for speculation or to compete with the Corporation in income production



Why do 14(c)?

- ⌘ Clears the “cloud” on the Village Corporation’s land title.
- ⌘ Determines land ownership so development can be done easier.
- ⌘ Provides for needs of shareholders and residents.
- ⌘ Results in more surveyed boundaries in the community.



Getting Started on 14(c)(3)

Preparing a 14(c)(3) Planning Map

- ⌘ Aerial Photo Base Map
- ⌘ Land Ownership
- ⌘ Current Land Use
- ⌘ Land Suitability
- ⌘ Future Land Use
- ⌘ 14(c)(3) Proposal
 - ⌘ Improved Land
 - ⌘ Expansion Land
 - ⌘ Rights of Way

