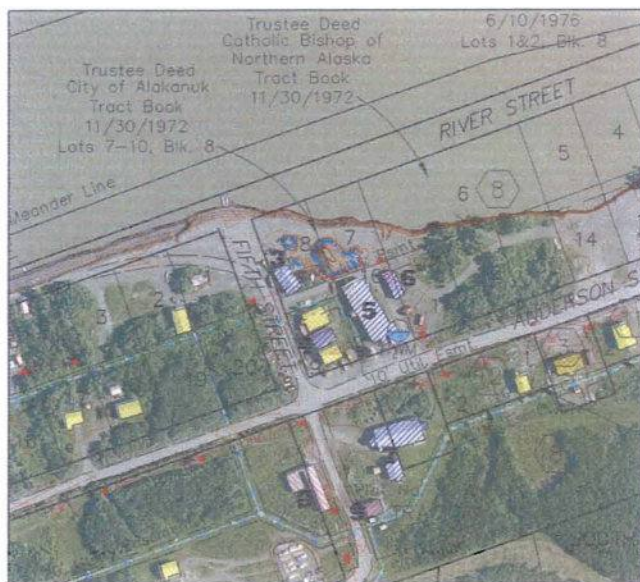


Making Land Available in Alaska Native Claims Settlement Act Villages

ANCSA 14(c) Training
Fairbanks, Alaska
May 4 & 5, 2010



Department of Commerce, Community, &
Economic Development
Division of Community & Regional Affairs
Land Management & Mapping Program



Department of the Interior
Bureau of Land Management
Cadastral Survey

Fairbanks ANCSA 14(c) Workshop
May 4 and 5, 2010
Pre-Workshop Survey
(to learn more about your interests in land management)

1 Your Name _____ Community _____

2 What do you hope to learn from this workshop?

3 Does your community have any specific issues or questions on the ANCSA 14(c) process that you would like the instructors to address at this workshop?.

4 Are there some general land topics or issues that you would like the instructors to cover if time permits?



Tentative Agenda
ANCSA 14(c) WORKSHOP
Co-hosted by Tanana Chiefs Conference
And Doyon Limited
May 4 & 5, 2010
Morris Thompson Center
101 Dunkel Street, Fairbanks, Alaska

Tuesday, May 4, 2010

9 00AM	Introductions
9 20AM	Overview of Federal Land Transfer Acts Prior to Passage Of the Alaska Native Claims Settlement Act (ANCSA)
9 45AM	Overview of Section 14(c) of ANCSA
10 15AM	ANCSA Sections 14(c)(1) and (2)
10 50AM	Review and discussion of court decisions and legal issues - ANCSA Sections 14(c)(1) and (2)
11 45AM	Lunch – not provided
1 15PM	ANCSA Section 14(c)(3) – Settlement Agreements and Map of Boundaries Preparation
2 45PM	Review and discussion of court decisions and legal issues – ANCSA Section 14(c)(3)
3 30PM	Community Planning
4 30PM	General Question and Answer Period
5 00PM	End of Day One

Wednesday, May 5, 2010

9 00AM	Review of Day One
10 00AM	ANCSA Corporation Directors' Responsibilities and Obligations (including discussion of conflict of interest issues)
11 00AM	ANCSA Section 14(c) Submission, Survey and Platting
12 00PM	Lunch – not provided
1 30PM	Breakout session – split participants between instructors – participants discuss ANCSA Section 14(c) status and goals of each village
4 30PM	Completion of Training

Instructors

- Keith Jost**, Program Manager for the Alaska Department of Commerce, Community and Economic Development's Land Management and Mapping Program
- Allan Breitzman**, ANCSA 14(c) Specialist, Division of Cadastral Survey, Bureau of Land Management
- Nicole Grewe, Ph D**, Development Specialist, Division of Community And Regional Affairs, Department of Commerce, Community and Economic Development
- Brennan P Cain**, Atty, Law Office of Brennan Cain, LLC
- Eric Stalhke, LS**, Cadastral Survey Manager, Tanana Chiefs Conference
- Erika Reed**, Survey Planner, Division of Cadastral Survey, Bureau of Land Management

Nicole Grewe Ph.D., Development Specialist II
State of Alaska, Department of Commerce, Community & Economic Development
Department of Community and Regional Affairs

nicole.grewe@alaska.gov, 907 465 8249

150 3rd Street, 3rd Floor, Juneau, Alaska 99801

Nicole has spent her professional career educating, researching, and facilitating rural community development in multiple professional capacities. She has a Master of Community and Regional Planning (MCRP) degree, Master of Science degree in Rural Sociology, and a Doctor of Philosophy degree in Rural Sociology. Nicole specializes in designing and implementing DCRA's socioeconomic research studies, developing community information resources, facilitating community planning, and advising rural policy makers through timely and relevant research.

Keith Jost, Natural Resource Specialist III
State of Alaska, Department of Commerce, Community & Economic Development
Department of Community and Regional Affairs

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As DCRA's Senior Natural Resource Specialist, Keith manages DCRA's Land Management and Mapping Program, which provides information, maps, and assistance that encourages good community planning and proper management of municipal lands including the acquisition of land for public development projects. Keith also oversees a partnership of agencies and rural groups that bring together resources to produce comprehensive maps of rural Alaska communities. In unincorporated communities, he carries out the State's responsibilities of acquiring and managing Municipal Trust Land on behalf of future cities in accordance with the Alaska Native Claims Settlement Act and AS 44 33 755. Keith has a Bachelor of Science degree in Geography, a secondary education teaching certificate, and is a Senior Member of the International Right of Way Association with an SR/WA designation.

Allan Breitzman, BLM ANCSA 14(c) Specialist & Townsite Trustee

BLM, Alaska State Office, AK-927

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Fax (907) 271-4193

E-mail abreitzm@ak.blm.gov

Allan has been with the Bureau of Land Management (BLM) for over 26 years. He oversees the BLM's Alaska Native Claims Settlement Act (ANCSA) Section 14(c) Program and acts as the Alaska Townsite Trustee. Allan has an undergraduate degree in Political Science with a focus on Public Administration and a graduate degree in Law.

Erika Reed, Survey Planner
BLM Alaska State Office, AK-927
Branch of Survey Planning & Preparation
Anchorage, Alaska 99513-7504

email Erika_Reed@blm.gov

phone 907-271-5681
fax 907-271-4193

Erika has 18 collective years with federal land and natural resource management agencies, the last 6 years with the Bureau of Land Management (BLM). She began her career with the BLM as an adjudicator working on Alaska Native Claims Settlement Act (ANCSA) village entitlements and native allotments under the Alaska Native Veterans Allotment Act. For the last 4 years she has been working in Cadastral Survey as a survey planner. She works closely with the Land Transfer Resolution Specialists in the Division of Alaska Lands and the special instruction writers and review staff in the Division of Cadastral Survey to write survey requests and coordinate multiple survey projects each year to achieve final entitlement for the ANCSA corporations. Erika was born and raised in Alaska and is an intermittent student at the various statewide campuses of the University of Alaska.

Brennan Cain, Attorney

Law Office of Brennan Cain, LLC

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Anchorage, AK 99501

Telephone (907) 276-3390

Facsimile (907) 276-8238

Email brennancain@gci.net

Brennan Cain is the owner of the Law Office of Brennan Cain, LLC. Formerly, he was with Middleton & Timme and then Timme & Cain. Brennan represents several ANCSA village corporations and their subsidiaries on a wide range of matters such as corporate governance, elections, employment, commercial transactions, natural resource use and protection, inheritance, and allotments. Brennan is currently assisting two village corporations in completing their ANCSA section 14(c) obligations.

Brennan is the Co-Chair of the Alaska Native Law Section of the Alaska Bar Association, and is a member of the Corporate Counsel Section of the Bar. He received his Juris Doctor degree from the University of California, Davis, and his Bachelor of Science degree (magna cum laude) in Forestry and Wildlife Management from Virginia Polytechnic Institute and State University.

Bureau of Land Management

ANCSA 14(c) Map of Boundary and Cadastral Survey Status
for Doyon Region Communities

5/04/10

Village Corporations for the following communities have submitted ANCSA 14(c) Maps of Boundaries and the BLM has completed its 14(c) survey obligation:

Evansville	Galena
McGrath	Ruby
Telida	Eagle - 14(c)(1) only
Kaltag	Takotna
Nulato	Koyukuk
Huslia	Holy Cross
Stevens Village	Circle
Alatna/Allakeket	Hughes
Dot Lake	Manley Hot Springs
Tanacross	Nikolai

Village Corporations for the following communities have submitted ANCSA 14(c) Maps of Boundaries and the BLM is in the process of completing its 14(c) survey obligation:

Ft Yukon - future survey
Nenana - survey in 2010

Village Corporations for the following communities have not submitted a Map of Boundaries to date:

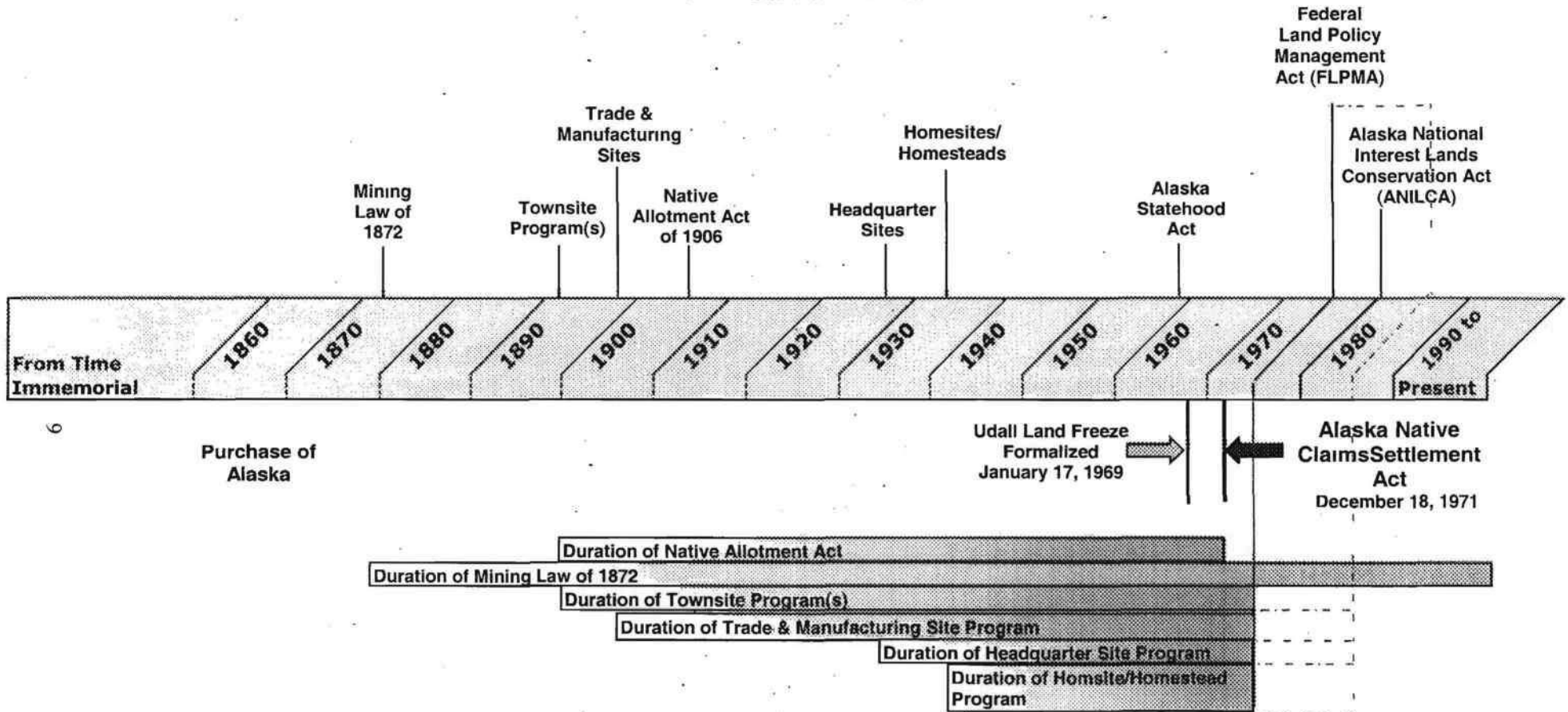
Anvik	Beaver	Birch Creek
Chalkyitsik	Grayling	Healy Lake
Minto	Northway	Rampart
Shageluk	Tanana	Eagle - 14(2), (3) & (4)

Allan J Breitzman, ANCSA 14(c) Specialist, AK-927
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222 W 7th Avenue, #13
Anchorage, Alaska 99513-7599

(907) 271-5606 work
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(907) 440-5788 cell

Major Land Laws Affecting Alaska

Our Patchwork Quilt



How did we end up with so many private in-holdings within corporation boundaries?

What else might we find out there that may affect 14c planning and survey?

How did we end up surrounded by a wildlife refuge?

ALASKA NATIVE CLAIMS SETTLEMENT ACT

(As amended by Alaska National Interest Lands Conservation Act)

SECTION 14(c)

14(c)(1)

Upon receipt of interim conveyance or patent, whichever comes earlier, "The village corporations shall first convey to any Native or non-Native occupant, without consideration, title to the surface estate in the tract occupied as of December 18, 1971, as a primary place of residence, or as a primary place of business, or as a subsistence campsite, or as a headquarters for reindeer husbandry "

14(c)(2)

Upon receipt of interim conveyance or patent, whichever comes earlier, "The village corporation shall then convey to the occupant, either without consideration or upon payment of an amount not in excess of fair market value, determined as of the date of initial occupancy and without regard to any improvements thereon, title to the surface estate in any tract occupied as of December 18, 1971 by a nonprofit organization "

14(c)(3)

Upon receipt of interim conveyance or patent, whichever comes earlier, "The village corporation shall then convey to any Municipal Corporation in the Native village or to the State in trust for any Municipal Corporation established in the Native village in the future, title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community expansion, and appropriate rights-of-way for public use, and other foreseeable community needs: Provided, that the amount of lands to be transferred to the Municipal Corporation or in trust shall be no less than 1,280 acres unless the Village Corporation and the Municipal Corporation or the state in trust can agree in writing on an amount which is less than one thousand two hundred and eighty acres. Provided further, that any net revenues derived from the sale of surface resources harvested or extracted from lands reconveyed pursuant to this subsection shall be paid to the Village Corporation by the Municipal Corporation or the State in trust: Provided, however, the word "sale," as used in the preceding sentence, shall not include the utilization of surface resources for governmental purposes by the Municipal Corporation or the State in trust, nor shall it include the issuance of free use permits or other authorization for such purposes,"

14(c)(4)

Upon receipt of interim conveyance or patent, whichever comes earlier, "The Village Corporation shall convey to the Federal Government, State, or to the appropriate Municipal Corporation title to the surface estate for airport sites, airway beacons, and other navigation aids as such existed on December 18, 1971, together with such additional acreage and/or easements as are necessary to provide related governmental services and to insure safe approaches to airport runways as such airport sites, runways, and other facilities existing as of December 18, 1971;"

Footnotes

1 The original ANCSA language included a section 14(c)(5) It said:

Section 14(c)(5) ' for a period of ten years after the date of enactment of the Act, the Regional Corporation shall be afforded the opportunity to review and render advice to the Village Corporations on all land sales leases or other transactions prior to any final commitment ' *

This section required village corporations to give their Regional Corporation the opportunity to review all land transactions until December 18, 1981. Since the ten year period has passed it is now up to village corporations to decide if and how they want to involve Regional Corporations in 14(c) land reconveyances. It is recommended that regional corporations, as owners of the subsurface estate continue to be advised of 14(c) activities in their respective regions

2 Originally, section 14(c) of ANCSA read upon receipt of patent or patents " This was amended by sections 1410 and 1437(d) of the Alaska National Interest Lands Conservation Act of 1980 to mean patent or interim conveyance whichever is earlier

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 by adopting a written 14(c) policy (ANF Handbook)

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)

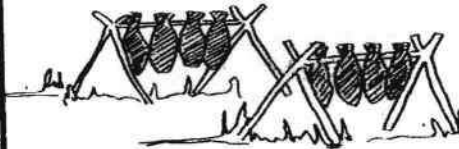
THE VILLAGE CORPORATION MUST CONVEY WHICH MEANS PASS LAND OWNERSHIP TO ANY INDIVIDUAL OCCUPYING LAND AS OF DECEMBER 18, 1971 FOR



- BUSINESSES



- HOMES

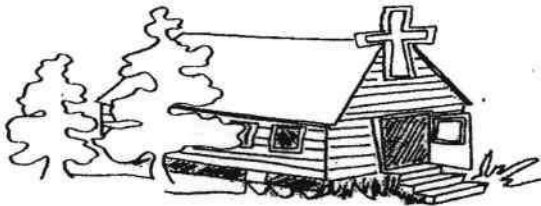


- CAMPSITES
OR HEADQUARTERS
FOR REINDEER HUSBANDRY

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

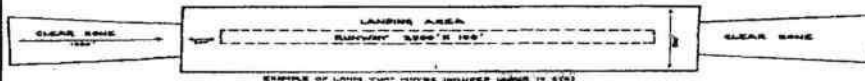


NON-PROFIT GROUPS
SUCH AS CHURCHES
OR OTHER COMMUNITY
SERVICE ORGANIZATIONS

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

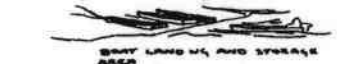


AS A RESULT OF AN AGREEMENT BETWEEN THE ALASKA FEDERATION OF NATIVES LAND MANAGERS ASSOCIATION AND THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES COMMUNITIES NOW HAVE THE OPTION TO RETAIN AIRPORT LAND UNDER SECTION 14-C(3) THE ONLY REQUIREMENT IS THAT THE COMMUNITY MUST AGREE TO LEASE THE AIRPORT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

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



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



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

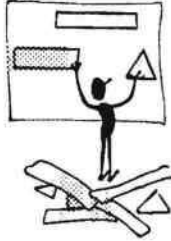
CURRENTLY THE VILLAGE CORPORATION AND COMMUNITIES HAVE THREE OPTIONS FOR SETTLING 14-C(3): (1) A CONVEYANCE OF 1500 ACRES (2) A CONVEYANCE OF MORE THAN 1500 ACRES (3) A CONVEYANCE OF LESS THAN 1500 ACRES. A CONVEYANCE OF LESS THAN 1500 ACRES MUST BE AGREED TO IN WRITING BY BOTH THE CORPORATION AND THE COMMUNITY

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

Identification of 14(c)(3) Land

"Remaining Improved Lands"
(surface estate)

And as much as necessary for:
Community Expansion
R/Ws for Public Use
& Other Foreseeable Needs
Best Interest of a City or
Future City



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

14(c)(1)

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

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

14(c)(3) Cities or Future Cities (no vesting date)

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

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)?

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

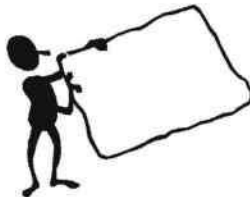


Implementing ANCSA 14(c)(3)

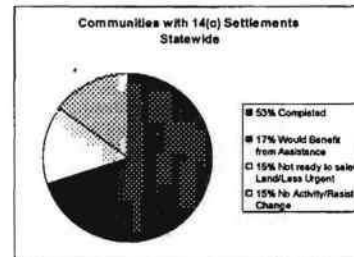
ANCSA 14(c)(1) & (2) claims first

14(c)(3) 1,280 acres unless parties agree to less in writing Most communities enter into agreements for less

Both groups should try to focus on what they want to accomplish with 14(c)(3)



What is the status Statewide?



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



Getting Started on 14(c)(3)

One way of 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

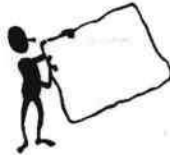


ANCSA 14(c)(3) in those Villages that are not Cities

ANCSA set out and the State accepted a Trust role for 14(c)(3) in those communities where cities do not exist

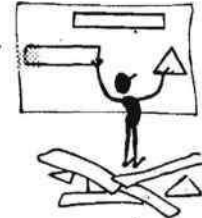
AS 44 33 755 Established DCCED as Trustee The law does not allow the Land to be transferred with out the approval of village residents

Community Land is managed for residents and a future city



Other Planning Considerations

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



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

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



Submitting a 14(c) Map of Boundaries



Map displays all of the 14(c)(1), (2),(3) & (4) lands
Must have an agreement in writing if less than 1,280 acres

BLM will publish notice of the filing of the map of boundaries

Potential claimants have one year to litigate the decisions that the Village Corp has made
BLM can do 638 contracting for the surveying of the map

DCCED encourages Communities to use DCCED community profile maps and sample documents to do 14(c)

For More Information;

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DCCED Land Management

For the status of 14(c) in your community
http://www.commerce.state.ak.us/dca/commdb/CF_comdb.htm

For a map of your community
<http://www.commerce.state.ak.us/dca/profiles/maps.htm>

For a copy of "Getting Started on ANCSA 14(c) - ANF ANCSA 14(c) Handbook" or the "Model Code Ordinance for Municipal Land Management Staff Guide":

<http://www.commerce.state.ak.us/dca/StaffDir/GetPubl.cfm>

For More Info:

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14 (C) AT A GLANCE

14 (C) (1): INDIVIDUALS



- HOMES



- BUSINESSES



- SUBSISTENCE CAMPSITES



- REINDEER HEADQUARTERS SITES AS OF 12/18/71
NATIVE AND NON-NATIVE WITHOUT CHARGE

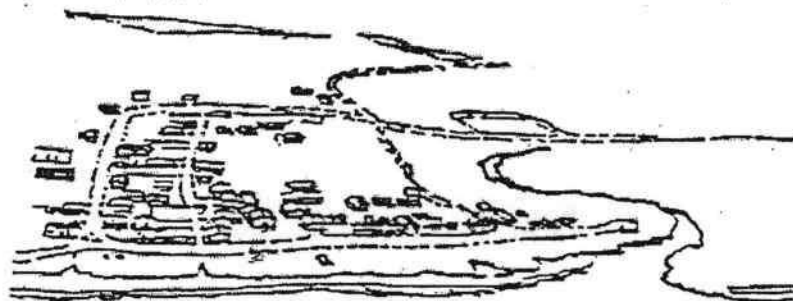
14 (C) (2) NON-PROFIT ORGANIZATIONS

- RELIGIOUS
- EDUCATIONAL
- CHARITABLE
- CULTURAL
- ATHLETIC
- FRATERNAL
- CIVIC
- TRADE UNION
- AGRICULTURAL
- COMMERCIAL ASSOCIATION
- PATRIOTIC
- ETC ETC ETC



AS OF 12/18/71
CHARGE OR NO CHARGE

14 (C)(3). CITIES OR FUTURE CITIES



PRESENT AND FUTURE NEEDS

- REMAINING IMPROVED LANDS
- COMMUNITY EXPANSION LANDS
- LAND FOR OTHER FORESEEABLE NEEDS
- PUBLIC RIGHTS-OF-WAY

14 (C)(4) FEDERAL STATE & MUNICIPAL GOVERNMENTS

- AIRPORTS
- NAVIGATIONAL AIDS



- AIRWAY BEACONS
- RELATED SERVICES
- EASEMENTS TO INSURE SAFE APPROACHES

14(c)(3): LAND TRANSFERS TO A CITY OR THE STATE-IN-TRUST FOR A FUTURE CITY

COMPLYING WITH ANCSA

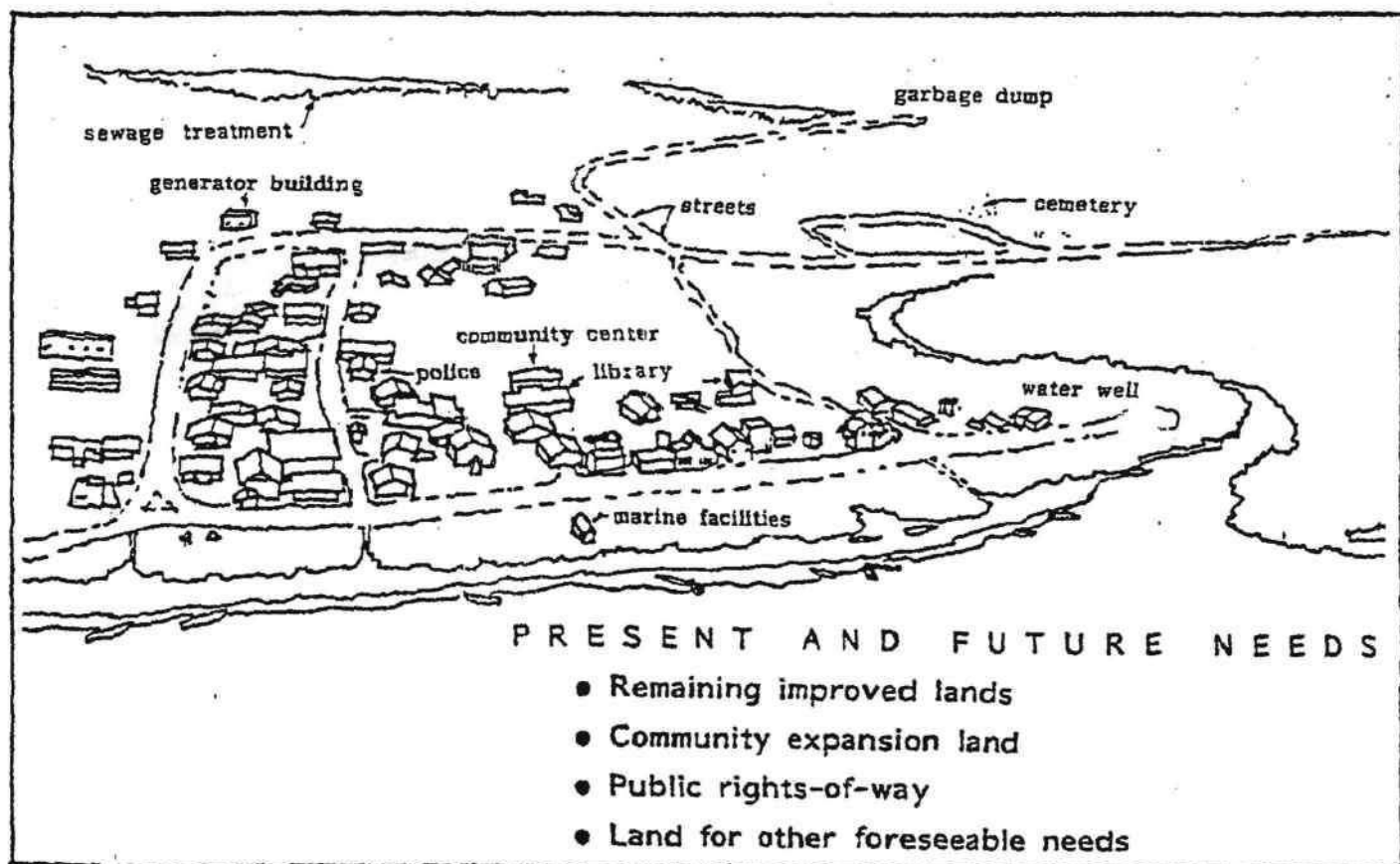
To comply with Section 14(c)(3) of the land claims act, village corporations must consider transferring land for public use to the city or to the State-in-trust for a future city. Typically such lands are the remaining improved lands in the village, additional community expansion lands, appropriate village rights-of-way, and lands for other foreseeable community needs.

Taking priority over the city's needs, however, are claims of individuals for their primary places of residence and primary places of business, subsistence campsites and reindeer headquarters

AMOUNT OPEN TO NEGOTIATION

sites under 14(c)(1), and the claims of non-profit organizations under § 14(c)(2). Consequently these claims must be resolved first, in sequence, before final commitments of land transfers can be made to cities or to the Municipal Lands Trustee in trust for future cities.

Originally the law said that no less than 1280 acres was to be transferred to cities or for future cities. However a change in the law in 1980 -- Section 1405 of ANILCA -- gave village corporations the right to negotiate for less than 1,280 acres, as long as any agreement was in writing.



POSSIBLE PUBLIC USES OF LAND

The following list of possible public uses of city land is intended to help village planners identify all of the areas used from time to time by most people in the community. Not all of these uses will occur in every village.



- school
- public health clinic or hospital
- dental clinic
- city offices
- community hall
- police station/jail
- municipal shop and maintenance building
- community shops
- community freezer
- washeteria
- community warehouse
- sewage lagoon/treatment facilities
- solid waste disposal (dump)
- water or fuel storage tanks
- public dock
- recreation areas, parks
- boat storage area
- boat launching area
- playgrounds and parks
- swimming area
- greenbelts/open space, including
 - wetlands and flood plains
- shooting range
- public housing project
- library
- cemetery
- museum
- historic sites, buildings, monuments
- sewer lines
- electrical generator building
- TV satellite earth station
- public watershed or reservoir
- wind generator site
- hydroelectric power site
- wetlands
- flood plain
- common berry picking areas
- community fish camp
- common garden sites
- common wood lots
- common fish racks
- common dog staking area
- other common use areas



Choosing a new garbage dump site

Certain projects have specific site requirements. These include garbage dumps, airports, docks, sewer systems, water systems, hydroelectric plants, and wind generators. There may be only one or two sites near a village for such projects, so if one of these projects is planned for the future the best site should be identified now and reconveyed to the city under section 14(c)(3).

A new garbage dump is a good example of these projects. There are several factors which must be considered when considering where to locate a new dump.

- 1 For a small community, the new site should probably be five acres or more, depending upon the depth that the hole can be dug.
- 2 It should be far enough away from the village in the prevailing downwind direction so odors do not reach the community.
- 3 The dump should be at least one mile from the airport to minimize the danger of seagulls and other birds interfering with airplanes.
- 4 It should be located where it cannot pollute the village drinking water, especially during break-up when there is a lot of surface run-off.
- 5 The dump must not pollute the ground water. State regulations require that the bottom of the dump be at least four feet from the highest level of the water table.
- 6 There must be good access to the dump all year.
- 7 Dirt at the dump needs to be good enough so equipment can operate on it most of the year. If possible, gravel should be close to the surface. Avoid permafrost.

The Alaska Department of Environmental Conservation is responsible for regulating dumps and may provide assistance with finding a good dump location.

Alaska Statute 44.33.755. Land Conveyed In Trust.

- (a) The commissioner
- (1) shall accept, administer, and dispose of land conveyed to the state in trust by village corporations under 43 U S C 1613(c)(3) (Sec 14(c)(3) of the Alaska Native Claims Settlement Act) for the purposes specified in that section,
 - (2) may, with the concurrence of an appropriate village entity recognized by the commissioner under (b) of this section or, in the absence of an appropriate village entity, under procedures prescribed by regulations of the commissioner, accept, administer, and dispose of land conveyed in trust by a state or federal agency and by the dissolution of a municipality under AS 29 06 450 - 29 06 530
- (b) Transfer of land by sale, lease, right-of-way, easement, or permit, including transfer of surface resources, may be made by the commissioner only after approval of an appropriate village entity such as the traditional council, a village meeting, or a village referendum. This approval shall be by resolution filed with the department
- (c) Within one complete state fiscal year after the incorporation of a municipality in the village or of a municipality that includes all or part of the village, land acquired under this section shall be conveyed without cost to the municipality, and the municipality shall succeed to all the entrusted interest in the land
- (d) Separate accounts shall be maintained in the name of each village for the land, including the revenue from the land, acquired from each village corporation under this section
- (e) Upon the conveyance of land to a municipality under this section, the commissioner shall account to the municipality for all profits including interest generated from the land. The municipality may then request the governor to submit a request to the legislature for an appropriation for the amount due the municipality
- (f) Title to or an interest in land acquired by the department under this section may not be acquired by adverse possession or prescription Notwithstanding (a) - (e) of this section, on the dissolution of a municipality under AS 29.06 450 - 29 06 530, unimproved land that was owned by the municipality on the date of its dissolution and received by the municipality from the state under a municipal land grant entitlement program is transferred to the commissioner of natural resources
- (g) For the purposes of this section, "municipality" includes only first and second class cities incorporated under the laws of the state

MINIMUM RIGHT-OF-WAY REQUIREMENTS

SAMPLE RIGHTS-OF-WAY

NOTE: Depending on what the right-of-way is to be used for, widths may range from a couple of feet to 200 feet. The drawings shown here provide three examples.

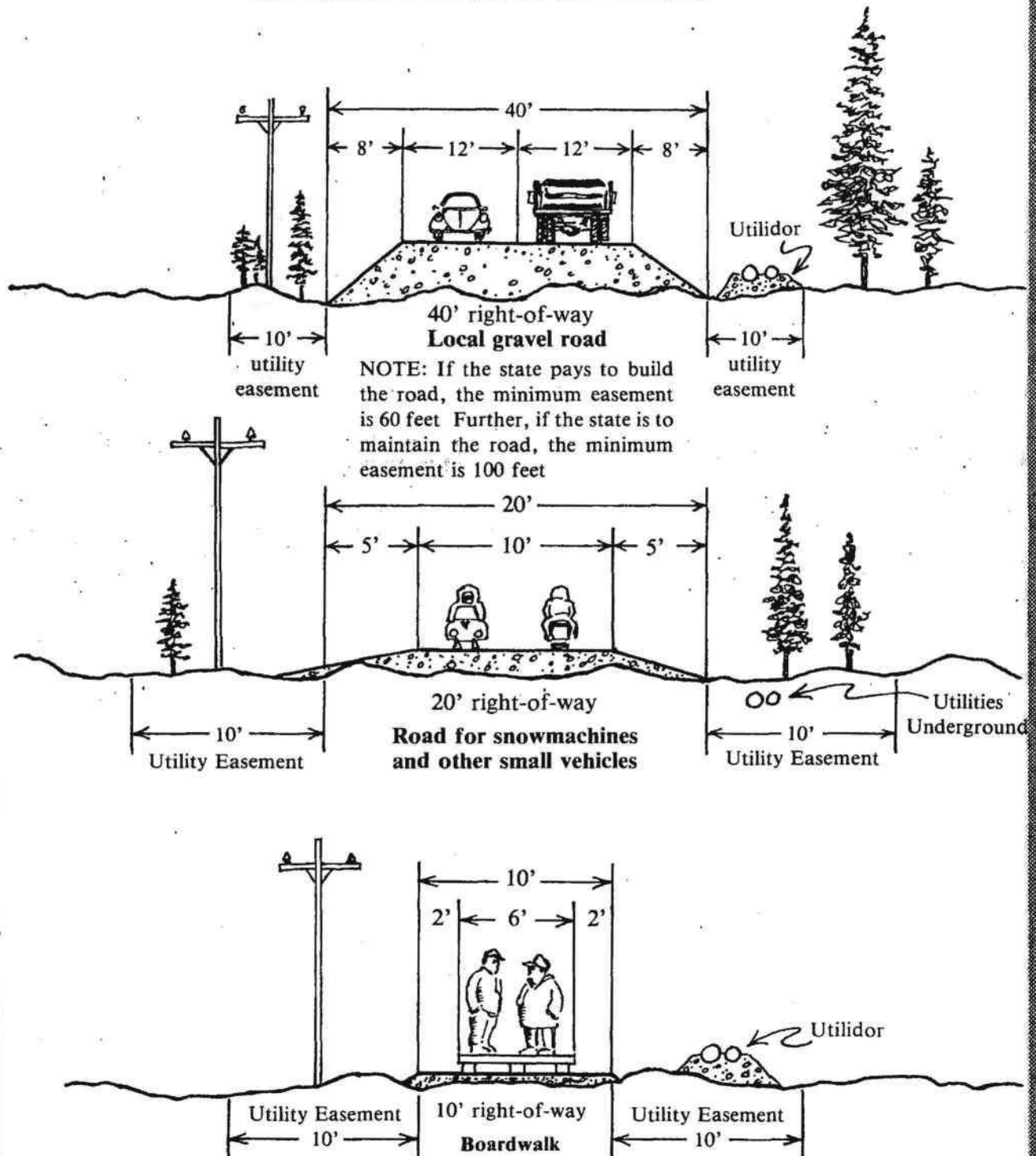


FIGURE 16

How do you make a 14(c)(3) planning map?

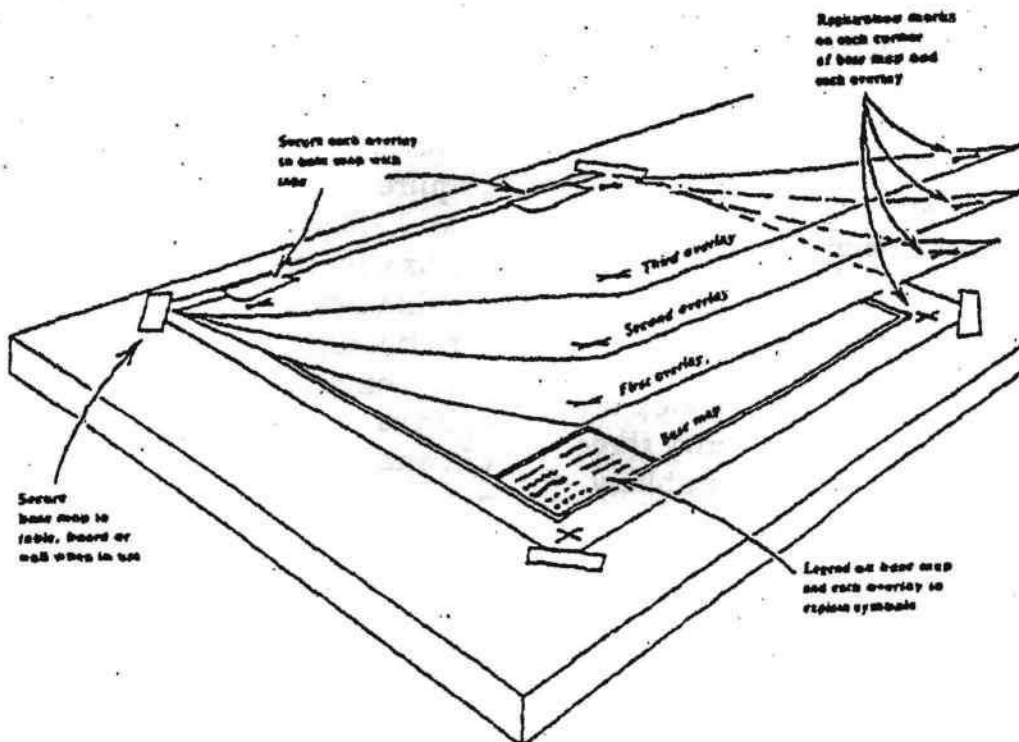
- > **Base map:** You need a base map to plot information on. An aerial photo is the best. It shows existing structures, terrain features, and, more importantly, is the only map available at a usable scale. The Department of Community and Regional Affairs can assist you in getting a map.

Draw information on the map or on clear plastic sheets that fit over the base map (overlays). This allows you to compare several types of information. Plot information on

land ownership, current land use, land suitability, and future land use

- > **Land ownership:** Only land received by the village corporation under ANCSA is available for selection by the city under 14(c)(3). Within these boundaries, there may be private land holdings such as Native allotments, patented mining claims, Federal townsite land, and other land ownerships. These parcels are not available for selection.

- > **Current land use:** Identify current land uses including public buildings, residences, businesses, public use areas, roads and trails, and utilities.



Map Overlay Technique

➤ **Land suitability:** Identify land suitable for development. Consider such things as:

- ✓ type of soil,
- ✓ steepness,
- ✓ accessibility (how you get to it),
- ✓ whether it is in the flood plain or subject to erosion,
- ✓ sites suitable for projects with special requirements, such as landfills.

These are areas where future development should be located to avoid problems.

➤ **Future land use:** Determine future land needs of the community and identify areas to meet those needs. Show all planned development — private and public. If future land needs have not been identified, now is the time to do so. Consider such development as:

- ✓ new housing areas,
- ✓ businesses,
- ✓ commercial activities,
- ✓ community projects, and
- ✓ roads and trails.

Using these maps, you can develop a 14(c)(3) proposal. It will identify three types of land: rights-of-way, publicly used land, and expansion land.

- **Rights-of-way:** Include existing roads and trails as well as roads to serve future development. Identify proposed and existing utility lines.
- **Public land:** Include land used for public buildings and public uses.
- **Expansion land:** Include land for future public buildings, facilities,

and services. Include land for future housing if this has been identified as a need that the city will meet.

Make sure the 14(c)(3) proposal does not include 14(c)(1) or (2) claims or other private land.

14(c)(3) requires mutual agreement.

Ideally, the corporation and the city agree to a jointly planned 14(c)(3) conveyance. When the city, or State in trust, and the corporation work together on the reconveyance, each benefits from shared information on plans and capabilities.

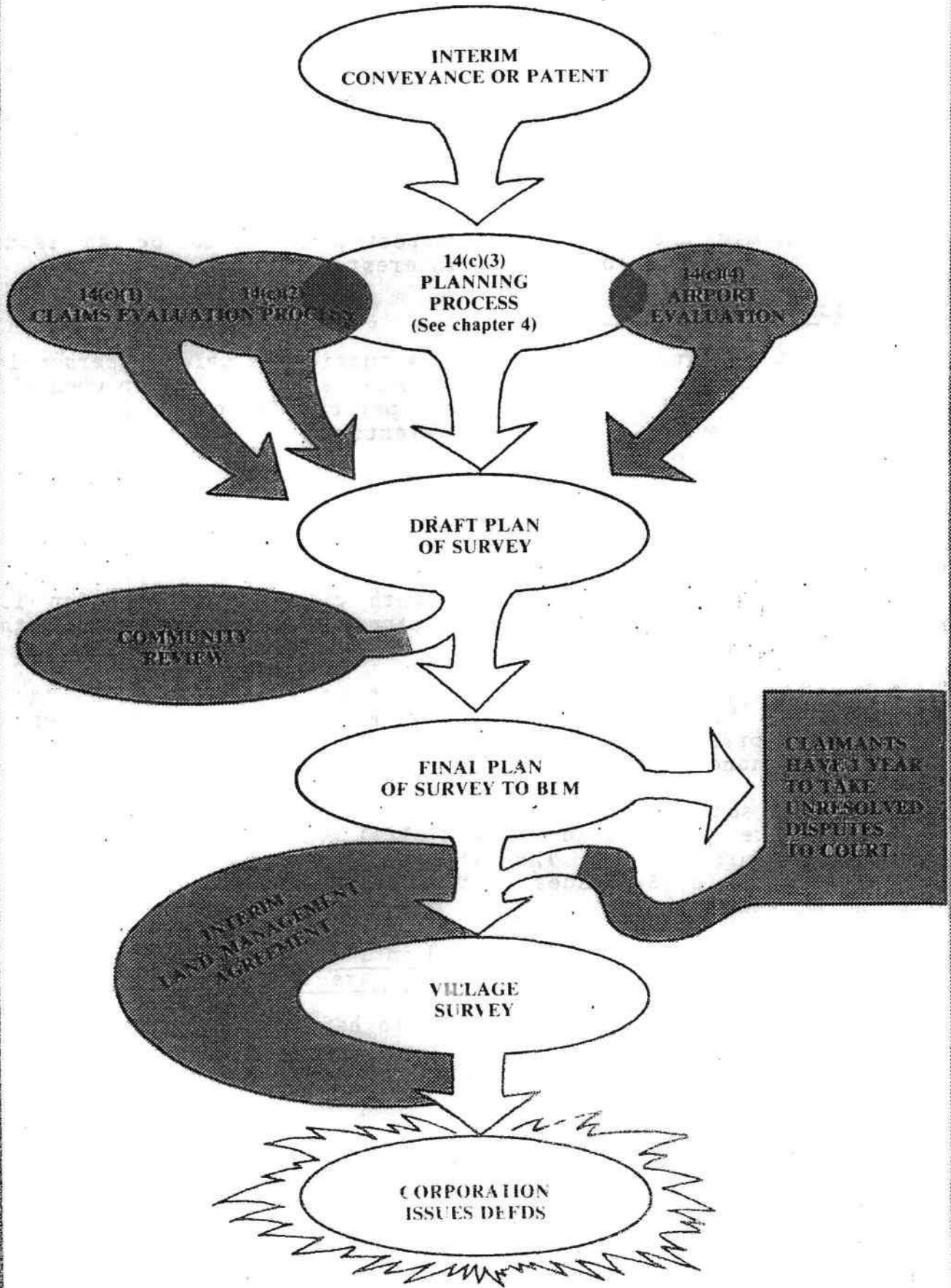
Each party in the process can influence the final decision. The village corporation deeds the land over. They will not proceed until they are satisfied with the 14(c)(3) proposal. The city can influence the agreement because the law requires that any conveyance of less than 1,280 acres to be agreed to in writing by the city, or State in trust. Furthermore, any claimant, including the city, not satisfied with the proposed 14(c) conveyance can file suit within one year from the date that the Bureau of Land Management (BLM) accepts the map of boundaries. Obviously, the 14(c)(3) process works best if the city and corporation agree. This avoids delay in transfer of land to individuals and to the city.

A written agreement is best.

A 14(c)(3) agreement should be in writing. The agreement describes the land and the terms of the contract. The law requires any agreement for less

(FIGURE 1)

THE 14(c) PROCESS



CONFLICT OF INTEREST POSES PROBLEM IN 14(c) DECISIONS

In many Alaskan communities having small populations, a few key people are often relied upon to make decisions which affect the community. Often, the same people will serve on the village corporation board of directors and the city council at the same time.

In matters of general community well-being this "wearing of two hats" may not be a problem. However, in matters which involve both economic and community interests, it could be an issue because a potential conflict of interest situation could arise.

What is a Conflict of Interest?

A conflict of interest refers to a situation in which a person is involved in a decision made in the interest of one group when the outcome benefits himself or herself personally, or if it affects another group which s/he also represents.

How does it apply in 14(c) decisions?

A conflict of interest could apply in several ways to 14(c) reconveyance decisions or negotiations.

1) If the village leadership in both city and corporation is identical. The village corporation cannot properly represent both Grantor and Grantee.

2) If a corporation board member must make a decision on land that he has filed for as a 14(c) claim. The board member cannot properly represent the corporation and look out after his/her own personal financial interests at the same time.

3) If a person serving on either the corporation board or city council makes a decision on 14(c)(3) land that s/he has a financial interest in. The official cannot properly make a decision on 14(c)(3) issues if s/he is influenced by his/her own financial gain.

How is conflict of interest handled in 14(c)(3) negotiations when the corporation board and city members are the same?

In such a case, it may be advisable to have the 14(c)(3) written agreement ratified by the voters who are residents of the city. This action will prevent any subsequent challenges based upon an alleged conflict of interest.

What other action can be taken?

If ratification is necessary, the corporation is advised to consult legal counsel for assistance to prepare appropriate language in a 14(c)(3) agreement that requires a ratification election. The agreement should be written to automatically terminate if the vote fails. This provision should only be prepared after the local ordinances for elections have been reviewed.

How should potential conflict of interest problems be handled for village corporation board members?

If a corporation board is voting to take action on 14(c)(1) or (2) claims, and a board member is a potential 14(c)(1) or (2) claimant, then the board member should disqualify himself or herself from voting on determining the validity of his/her own claim. The board member may be present to constitute a quorum but must disqualify himself or herself at the time of voting.

How is conflict of interest handled for city council members?

The Alaska Statutes in Section 29.23.555 requires each home rule and general law municipality to adopt a conflict of interest ordinance which includes a provision that an officer or employee shall disqualify himself from participating in any official action in which he has a substantial financial interest. If a conflict of interest might exist, the council member must inform the council and ask to be disqualified from voting. After the conflict of interest is identified the council will decide whether to allow the member to vote or not.

Duties of directors and council members in 14(c)(3) decisions

The duty of corporate directors is to make the best possible decision for the corporation when engaging in transactions on its behalf. The duty of council members is to represent the public interest.

Post-71 Occupancy Options

The first and foremost obligation of the Board of Directors is to protect the assets of the corporation until it has determined what the best use for them will be. In addition to asserting its claims of ownership, the corporation has four options:

1. Bring Ejectment Action. (Trespass)

This is a legal proceeding whereby the corporation seeks the removal of the trespasser from the property. The end result is termination of occupancy and compensation to the corporation for any damage done to the property.

2. Negotiate Lease/Permit for Use.

This option is conditioned on the corporation's agreement to allow the occupant to remain on the property. This action protects the corporation's title and fixes the occupant's rights. Terms and amount of rent is subject to the corporation's wishes.

3. Direct Conveyance to Occupant.

If it is consistent with the policies of the corporation, the corporation may sell the land to the occupant at fair market value.

4. Conveyance to Municipality

If it wishes, the corporation may transfer some of its lands occupied in the village after 1971. It would then be up to the municipality or state in trust to determine the manner in which it will deal with the occupants.

Development of a Residential Land Disposal Program

- I. Is there a Public Interest to be accomplished with the disposal?
- II. Is the land no longer needed for Public purposes?
- III. Is there a reason for residents to have a preference to the land and that the land be made available for less than market value?
- III. Does the Village's land use map or plan identify this area for residential development?
- IV. Is the proposed land desirable, suitable and developable based on the Village's situation and resources?
- V. Is it in the best interest of the Village over time?

Guidelines for Encouraging Long Term Residency

- I. Applicants can be required to be residents of the village for up to 6 months prior to an offering of land if it can be demonstrated that there is a shortage of available land
- II. In order to make the offering fair to all who wish to participate a lottery can be held to assign lots to qualified applicants. Permits to build can be issued based upon lottery drawing.
- III. Permit holders can be required to build and reside in a habitable dwelling for a period of time before a deed to the land is issued
- IV. Permit holders can be required to build and begin living in the house within a period of time or lose the lottery award
- V. Lots not "proved up" on can be made available for later land offerings.
- VI. Restrictions can be placed in the deed or lease that require that the home be used for residential purposes only for a period of time. Other restrictions can be included to preserve certain community objectives

Adverse possession - Obtaining of title by physical use and occupancy to the exclusion of the owner for a statutory period of time. The amending of Alaska Statute 09 45.052 on July 17, 2003 now limits assertion of adverse possession and prescriptive rights to, 1) public utilities for utility purposes, 2) the public, the State, or a political subdivision of the state for highways, streets, roads or trails and 3) some limited application where an adjacent property owner mistakenly thought that the property was his. It is likely that for the immediate future adverse possession and prescriptive rights claims that existed prior to July 17, 2003 may still be asserted by all valid claimants. The statutory period is 10 years with out "color of title" or 7 years if there is "color of title" (A S. 09 45 052). "Color of title" is something, such as a defective deed, which gives the appearance of good title. (Note. Land conveyed under ANCSA is not subject to adverse possession as long as the land is not developed, leased or sold to third parties. Such land is also exempt from real property taxes and judgments. Sec 907 of ANILCA as amended. Native allotments and restricted federal townsite deeds are also not subject to adverse possession.)

Prescriptive easement - Creation of an easement by open use of a property for a specific purpose such as a trail or roadway for a statutory period of time. The requirements are generally the same as adverse possession (see description above for new limits under AS 09.45 052 on those that may assert adverse possession and prescriptive rights claims)

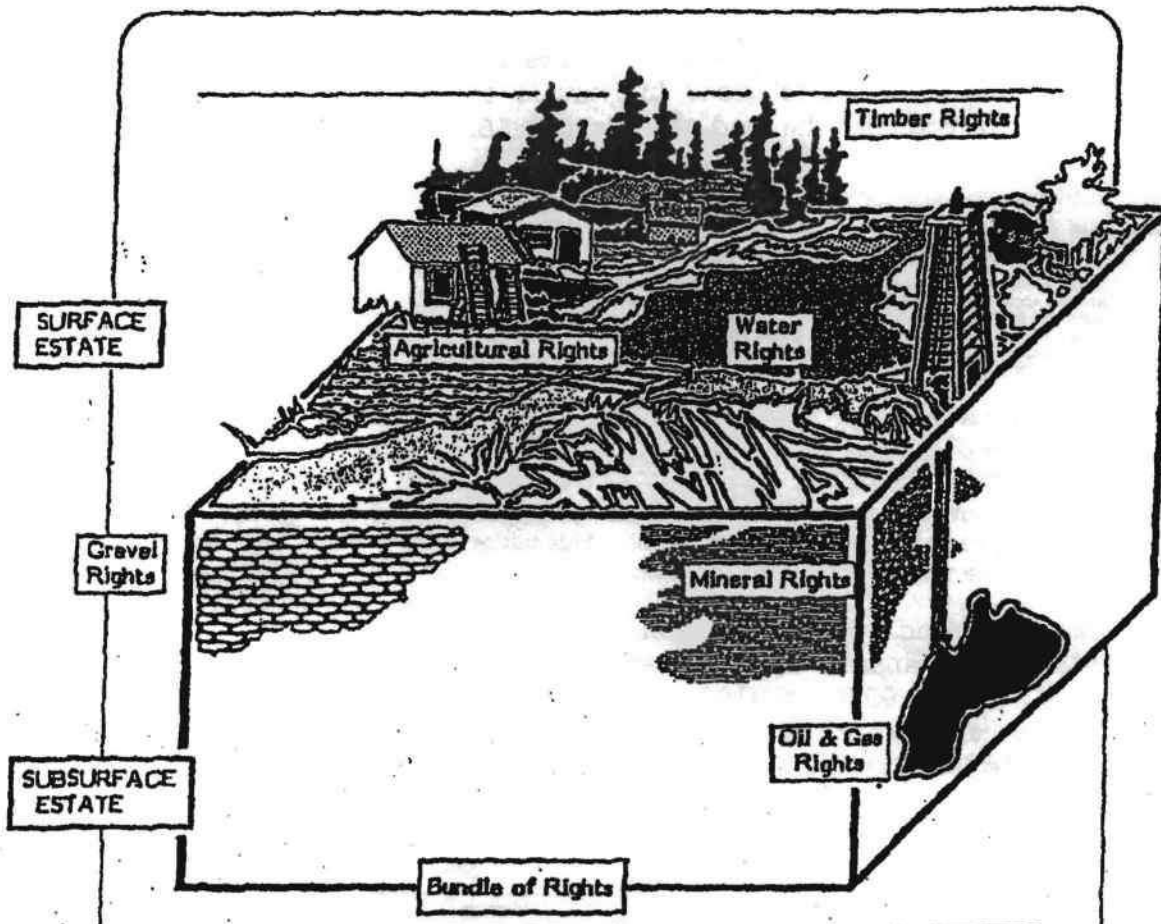


Figure 1

Surface and Subsurface Rights on ANCSA Lands-

Congress set out that Village Corporations would be conveyed the surface estate of land in and around their villages and that Regional Corporations would be conveyed the subsurface rights. In *Tyonek Native Corporation vs. Cook Inlet Region, Inc.*, the court held that rock, sand and gravel are part of the subsurface estate in dually owned ANCSA lands.

In *Koniag, Inc. vs. Koncor Forest Resources* (39 F.3d 991), the 9th Circuit Court of Appeals ruled that the surface owner may not be unreasonably denied access to subsurface resources needed for development and that the surface owner is entitled to limited "cut and fill" movement of material for development so long as the material is relatively low value or the use is incidental to the surface operation. The decision used an example of a cut and fill that moved material 500 feet. For valuable subsurface materials the subsurface owner is entitled compensation.

Alaska Local Government Handbook, 3rd Edition, August 1987, State of Alaska, Dept. of Community and Regional Affairs

The Kuskokwim Corporation is now accepting applications for reconveyances of land under the provisions of sections 14(c) (1) and (2) of the Alaska Claims Settlement Act (AN-

CSA). These sections provide that the village corporation reconvey land it receives under ANCSA to those individuals or organizations who used or occupied the land on December 18, 1971 as:

- * Primary Place of Residence
- * Subsistence Campsite

- * Primary Place of Business
- * Reindeer Herding Headquarters

* Site of a Non-Profit Organization

TKC is receiving interim conveyance to approximately 750,000 acres in the mid-Kuskokwim area. These lands include the villages of Lower Kalkag, Upper Kalkag, Aniak, Chuathbaluk, Napantuse, Crooked Creek, Georgetown, Red Devil, Smeemut and Stony River. The lands lie on either side of the Kuskokwim River and include parts of the drainage of Imsthorst Creek, Mud Creek, Crooked Creek, Aniak Slough, Aniak River, Domesock Creek, Owhat River, Holokuk River, Kalmakof River, Dezagwalk River, George River, Barge Slough, Johnny Slough, Inowak Creek, Stony River, Swath River, Tala-wikuk River, Moose Creek, and the lands around Whittish Lake. Complete legal descriptions can be obtained from the TKC office listed below. Lands conveyed are in the following townships:

T14N R's 00, 01, 02, 04W, 33M	T20W R's 39, 40, 41, 42, 44, 45, 46, 48, 49W, 51M
T09N R's 01, 02, 03, 04, 07, 08, 09, 00, 01, 02, 03, 04W, 33M	T21N R's 38, 40, 44, 46, 47, 48, 49, 50W, 53M
T10W R's 01, 02, 03, 04, 07, 08, 09, 00, 01, 02, 03, 04W, 33M	T22N R's 38, 44, 46, 48, 49, 50W, 53M
T17N R's 43, 44, 45, 01, 02, 03, 04, 05, 06, 07, 08, 09, 00, 01, 02, 03W, 33M	T23N R's 44, 45, 46, 48, 49W, 53M
T18W R's 40, 42, 43, 44, 45, 00, 01, 02, 03, 04, 05, 06, 07, 08, 09, 00, 01, 02W, 53M	
T19W R's 39, 40, 41, 42, 43, 44, 49, 01, 02, 03, 04, 05, 06, 08, 09, 01W, 53M	

Please note - those persons or organizations who previously applied for 14(c) (1) or (2) lands with TKC need not contact the Corporation. This notice provides an opportunity for those who believe they have a claim, and have not yet applied.

For more information, and/or an application, contact Ed McNamara, TKC Resources Manager, 429 D Street, Suite 307, Anchorage, AK 99501, phone (907) 276-2101, or Debbie Lee, TKC Land Operations Office, Aniak, AK 99557, phone 875-4475. The deadline for applications is April 30, 1983.



THE KUSKOKWIM CORPORATION

NOTICE

WERE YOU LIVING ON OR USING LAND IN THE AREA OF AKHIOK OR KAGUYAK, ALASKA IN 1971?

AKHIOK/KAGUYAK, INC IS NOW TAKING APPLICATIONS FOR LAND UNDER 14(c)(1) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT WHICH IS OWNED BY AKHIOK/KAGUYAK, INC

SECTION 14(c)(1) and (2) REQUIRES AKHIOK/KAGUYAK INC TO GIVE TITLE TO LAND TO PEOPLE OR ORGANIZATIONS WHO LIVED ON OR USED LAND IN 1971 FOR:

HOMES (PRIMARY OR MAIN PLACE OR RESIDENCE) — You must show that you lived on a piece of land as of December 18, 1971, that you have no other main home and that there was a house on the land.

2 BUSINESS (PRIMARY OR MAIN PLACE OF BUSINESS) — You must show that you ran a business for profit as of December 18, 1971 on the piece of land and that the land was used for your most important place of business.

3. SUBSISTENCE CAMPSITES — You must show that you used a campsite as of December 18, 1971 for subsistence activities that only you or your family used the land, that there were improvements such as fish racks, tent frames etc. on the land and that you needed subsistence activities for a large portion of your food and other livelihood (THIS IS NOT A NATIVE ALLOTMENT.)

4 LANDS FOR NON-PROFIT ORGANIZATIONS — Organizations must show that they are nonprofit organizations, that they used the lands as of December 18, 1971 and that there were improvements or buildings on the land.

LANDS GIVEN TO APPLICANTS FOR USES DESCRIBED IN NUMBER 1, 2 & 4 WILL BE THE SIZE OF AN AVERAGE VILLAGE LOT, OR 80 X 100 FEET WHICHEVER IS SMALLER IN SIZE. SUBSISTENCE CAMPSITES WILL BE NO LARGER THAN 208 X 208

FOR 14(c) APPLICATIONS AND INFORMATION ON THIS PROGRAM PLEASE CONTACT:

Ralph Eluska, Manager
AKHIOK/KAGUYAK, INC
5028 Mills Drive
Anchorage Alaska 99508

DEADLINE OF APPLICATIONS IS DECEMBER 31, 1982

Publish: 7/21, 28 8/4 11/88 (10150)

PUBLIC NOTICE

NOTICE

WERE YOU OCCUPYING LAND ON DECEMBER 18 1971 WHICH WAS LATER SELECTED BY THE VILLAGE CORPORATION?

THE ALASKA NATIVE CLAIMS SETTLEMENT ACT (SECTION 14(c)) REQUIRES THE VILLAGE CORPORATION TO GIVE LEGAL TITLE TO PEOPLE WHO OCCUPIED LANDS ON DECEMBER 18 1971 FOR:

- 1) HOMES (PRIMARY PLACE OF RESIDENCE)
- 2) BUSINESSES (PRIMARY PLACE OF BUSINESS)
- 3) SUBSISTENCE CAMPSITES
- 4) REINDEER FACILITIES
- 5) NONPROFIT ORGANIZATIONS

PLEASE LOOK OVER THE MAP LOCATED IN THE CORPORATION OFFICES IN NUIQSUT IF YOU USED LAND NOW OWNED BY THE CORPORATION AND YOU OCCUPIED THE LAND ON DECEMBER 18 1971 THEN YOU MAY HAVE A VALID 14(c) CLAIM

FOR 14(c) APPLICATIONS AND INFORMATION ON THE RECONVEYANCE PROCESS PLEASE CONTACT:

ROXY OYAGAK JR.
KUUKPIK CORPORATION
GENERAL DELIVERY
NUIQSUT ALASKA 99273

(907) 480-6220

APPLICATIONS WILL BE ACCEPTED UNTIL:
5:00 P.M. ADT October 1 1985

Publish: 8/10 17 24 7/1/85 (10013)

14(c) NOTICE

QUINHAGAK NATIVE CORPORATION, QANIRTUUD, INC. INCORPORATED IS PREPARING ITS RECONVEYANCE PROGRAMS AS REQUIRED UNDER 14(c) (1) and (2) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT (ANCSA). RECONVEYANCE WILL BE FOR THE LAND WITHIN THE QUINHAGAK NATIVE CORPORATION, QANIRTUUD, INC. LAND HOLDING IN THE VICINITY OF VILLAGE OF QUINHAGAK, ALASKA TO INDIVIDUALS AND/OR ORGANIZATIONS WHICH USED OR OCCUPIED LAND AS:

1. Primary place of residence
2. Primary place of business
3. Subsistence campsite
4. Reindeer Husbandry
5. Site of Non-profit Organization

TO BE ELIGIBLE THE LAND HAS TO HAVE BEEN USED AND OCCUPIED BEFORE OR ON DECEMBER 18 1971

QANIRTUUD INC. HAS ESTABLISHED A PERIOD OF 90 DAYS NOTICE EFFECTIVE JULY 20, 1982 YOU MAY APPLY FOR ANY OF THE ABOVE WITHIN THIS TIME APPLICATIONS MAY BE FILE BY MIDNIGHT OCTOBER 20, 1982 IN QANIRTUUD INC OFFICE

APPLICATIONS FORMS AND ADDITIONAL INFORMATION ARE AVAILABLE AT THE:

QANIRTUUD, INCORPORATED
LAND DEPT
P.O. BOX 69
QUINHAGAK, ALASKA 99655
PH NO (907) 554-8211

PUB: August 27, 28, 29, 30, 31;
September 1, 2, 3, 4, 5, 6, 7,
8, 9, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24,
25, 26, 27, 28, 29, 30; Octo-
ber 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
11, 12, 13, 14, 15, 16, 17, 18,
19, 20 1982

Bering Straits AGLUKTUK, November 1983:

LEGAL NOTICE

SOLOMON NATIVE CORPORATION has begun its reconveyance program under section 14(c) of the Alaska Native Claims Settlement Act. The reconveyances will be for land around Solomon which was occupied by individuals/organizations on December 18, 1971 as either (1) a primary place of residence (2) primary place of business, (3) subsistence campsite, (4) headquarters for reindeer husbandry or (5) site of a nonprofit organization

Application forms and further information are available from:

Joe Curran
P.O. Box 243
Nome, Alaska 99762

Applications will be accepted until December 31, 1983

Rose Ann Timbers, President
Solomon Native Corporation

LEGAL NOTICE

COUNCIL NATIVE CORPORATION has begun its reconveyance program under section 14(c) of the Alaska Native Claims Settlement Act. The reconveyances will be for land around Council which was occupied by individuals/organizations on December 18, 1971 as either (1) primary place of business, (3) subsistence campsite, (4) headquarters for reindeer husbandry or (5) site of a non-profit organization

Application forms and further information are available from:

Barb Gray
P O Box 665
Nome, Alaska 99762
Telephone: 443-2370

Applications will be accepted until December 31, 1983.

Karen Dickson, President
Council Native Corporation
P O Box 665
Nome, Alaska 99762

"CABIN SITES"

Golovin Native Corporation, Village Corporation of Golovin Bay, Alaska 99762.

Established pursuant to Alaska Native Claims Settlement Act, is now accepting 14(C), (1), and/or (2) Applications.

If you have used a Parcel of Land on or before December 18, 1971 for any of the following purposes, you may be eligible.

1. Primary place of Residence.
2. Primary place of Business.
3. Subsistence campsite, Fishing camp, Fall or Winter Camp, Berry Camp, Trapping Camp, etc.
4. Reindeer Headquarters.
5. Non-Profit organizations, (Church, or Social organizations).

Names of Persons, interested should leave their names and locations and purpose at the office of the Golovin Bay Corporation

All applications must be received, or if mailed Postmarked no later than December 31, 1983.

Additional information can be obtained from Golovin Native Corporation, Land Manager, Albert Jackson at 907-779-3251.

Kathy Fagerstrom
Secretary

PUBLIC NOTICE 14 (c) NOTICE

The Azzam Corporation of Adia, Alaska is now accepting applications for reconveyance of land under provision of Section 14 (c) (1) and (2) of Alaska Native Claims Settlement Act (ANCSA). Three sections provided that the Village Corporation reconvey land it receives under ANCSA to those individuals or organizations who used or occupied land on December 18, 1971 in Adia, Alaska as:

- (1) PRIMARY PLACE OF RESIDENCE
- (2) PRIMARY PLACE OF BUSINESS
- (3) SUBSISTENCE CAMPSITE
- (4) SITE OF A NON-PROFIT ORGANIZATION

Application forms and further information are available from Azzam Corporation, Adia Rural Branch, Adia, Alaska 99502. (907) 838-2237 Application must be received by the Corporation no later than November 29, 1985

Publin: 10/7,14,21 11/4,11/85

Tundra Times

September 23,

KLAWOCK HEENYA CORPORATION

NOTICE

All persons, corporations, villages and organizations with a valid claim in accordance with the Alaska Native Claims Settlement Act (ANCSA) Public Law 92-203 85 Statute 688 December 18 1971 as amended to the surface estate of land within the boundaries of those lands selected pursuant to ANCSA by the Klawock Heenya Corporation of Klawock, Alaska, within Township 73 South Ranges 80 81, and 82, E C.R.M. are hereby given notice that the Klawock Heenya Corporation has established October 25, 1985 as the FINAL DEADLINE for filing an application for ANCSA sections 14 (c) (1) and (2) claims. These lands are located along the Klawock River Klawock Lake Klawock Island Klawock Inlet and five miles from the City of Klawock Alaska. This notice does not include Native Allotments Townsite lots or other privately owned lands.

If you were using a parcel of land as of December 18 1971 for any of the following purposes, you may be entitled to the surface estate of that land parcel:

- (1) Primary Place of Residence;
- (2) Primary Place of Business;
- (3) Subsistence Campsite;
- (4) Headquarters for Reindeer Husbandry; or
- (5) Site of a Nonprofit Organization

For additional information and a claim application contact

The 14 (c) Committee
Klawock Heenya Corporation
P O Box 25
Klawock, Alaska 99925
Phone: (907) 755-2270

All applications must be received or postmarked no later than midnight October 25 1985

Please note - those persons or organizations who previously applied for 14(c) (1) and (2) claims need not respond to this notice. This notice provides one final opportunity for those who believe they have a claim and have not yet applied

Thursday, November 4, 1982, The Anchorage Times H-11

NOTICE

Anyone wishing to file a Section 14(c)(1) claim under P.L. 92-203 (ANCSA) for parcels within portions of Township 6 South, Range 12 West, and Range 14 West, Seward Meridian; or Township 7 South, Range 12 West S.A., or Township 8 South, Ranges 12, 13, and 14 W. 3M., or Township 9 South, Ranges 13, 14, or 15 W.S.A., or Township 10 South, Range 14 West, Seward Meridian should notify Seldovia Native Association, Inc. at P.O. Drawer L, Seldovia, Alaska 99653 within seven months from date of first publication, in no case later than June 13, 1983.

Pub: Nov. 4, 11, 18, 25, 1982

ANCSA 14(c)(1) and (2) Policies and Procedures Outline

A Handbook on ANCSA 14(c) 1991

Prepared by The Alaska native Foundation

Policies

- Provide the Corporation with a set of rules to follow
- Language of law provides few legal requirements

Procedures

- steps in the reconveyance process after the policies have been created by the Corp

Policies examined

- acreage (p 12) based on valid uses as of Dec 18, 1971, spacing of buildings, guidelines set by Corp, the law (curtilage) tradition and community views
- access (p 17) must exist in some form, 14(c)(3) road, trail, permit or easement, 17(b) easement, RS 2477 or some other claim by state, natural access such as a river or beach
- dates of occupancy and abandonment spelled out (p 20)
- rights of successors (p 21), inheritance, sale or gift
- joint claims (p 22), more than one person may receive the same parcel, husband and wife, divorce, many people using same property
- tenants by the entirety
- tenants in common
- joint ownership vs split ownership
- vesting date (p 32)
- definitions of various types of claims (p 33), make sure they are in compliance with existing court cases
- sizes of parcels (p 38)
- 14(c)(2) policies (p 42), vesting date, valid organizations, when payment is required, size of parcel
- BOARD POLICY CHECKLIST (p 48)

Procedures examined

- Steps in the reconveyance process
- assign staff (p 49) to create application form, keep records, publicize the program, help people to fill out applications, gather information, conduct field exams, handle correspondence and make initial decisions
- notice (p 50)
- applications (p 51), assistance, tracking, filing
- gathering information (p 52), land status (Corporate lands ?), aerial photo assistance if available
- conduct field examinations (p 54) with applicant present if possible and prepare a report (interviews with adjacent landowners) about what was found
- who makes the preliminary decision ? (p 55) staff, land committee or 14(c) committee, full board or committee of board and general shareholders

- different group to hear appeals of initial decision but full board should either make the final decision or adopt decision of appeals entity
- notify applicant of initial decision (p 56) by certified mail, return receipt (to be kept in the applicants file to prove receipt of decision) and if denied, give reasons why and appeal procedures with reasonable amount of time to respond (at least 30 days)
- Hearing appeals (p 57) – burden of proof on applicant (separate committee from original decision making entity)
- Final Decision (p 57) – by Board or adopted by Board, applicant can still appeal to courts

TKC Policies and Procedures (p 192)

- defines occupancy (not casual or intermittent)
- Subsistence (p 195) – only land used for campsite
- Reindeer (p 196) – must have valid grazing lease
- Non-profit org (p 197) – must have had certificate of incorporation as non-profit as of Dec 18, 1971
- Guidelines for tract size (p 197)
- Allowable circumstances for non-use (p 197)
- Payment for 14(c)(2) (p 198)
- Non-qualifying uses defined (p 198) mining claims protected under another section of ANCSA
- Burden on claimant to show unbroken chain of ownership (p 200)
- How to handle competing applications (p 200)
- Shared use tracts (p 201)
- Processing claims (p 203)
- Committee established (p 205) – 5 members of board of directors
- Appeal decisions to full board (p 207)
- Deeds (p 208)
- Non-discrimination clause (p 208)
- Corp can waive P&P in the interest of resolving unforeseen circumstances

Akiachak Policies and Procedures (p 210)

- non-discrimination clause (p 210) - differently stated from above cite
- Notice requirements for advertising 14(c) (p 211)
- Process (p 212)
- Claimants need to stake their claims (p 212) – may not define extent of final claim but shows area claimant was using as of 12/18/71
- Processed by land staff and preliminary decision for or against approval is forwarded to Board for final decision or 30 days given to applicant to submit additional information
- Appeal period (p 213) of 45 days
- Applicant has burden of proof (p 214)
- Deeds in form of Statutory QCD (corrective deed after survey to conform to new legal description) (p 214)

- Rights of successors in interest (p 215) – inheritance, purchase, assignment (burden of applicant to prove initial occupancy and each chain of ownership)
- Joint claims (p 216) – husband and wife receive a deed with rights of survivorship (tenants by the entirety), divorced – tenants in common with no rights of survivorship and if married after '71 only occupant gets a deed
- Abandonment (p 216) – if before '71 applicant has burden of proof to prove it did not occur and if after '71 Corp has burden of proof to show it occurred
- Conflicting claims (p 216) – factors used to evaluate who gets title include who used first, manner and frequency of use, extent of use after '71, whether permission from someone else was sought and the perception of the community
- Native Allotments (p 217) – if pending wait for BLM to adjudicate, if rejected may be eligible for claim but need to file during open window
- Adjustment of Boundaries (p 217) adjoining tracts where claimants agree on division of claims – Corp can use or reject
- Non-discrimination clause (p 217) - cannot discriminate based on race, sex, religion or shareholder status
- Primary place of residence defined and criteria established to evaluate claims (p 218) – limit 1.5A
- Primary place of business defined and criteria established to evaluate claims (p 219) – limit 1.5 A
- Subsistence campsite and Reindeer husbandry site defined and criteria established to evaluate claims (p 220) – limit 10,000 square feet
- Non-profit organizations (p 221) – limit 1A