

Summary of Settlement Act--

Withdrawal of Lands, Township Blocks, Etc.

(Part Six: The sixth installment of the "Summary and Analysis of the Alaska Native Claims Settlement Act", a booklet prepared by the Rural Alaska Community Action Program, describes the method by which withdrawals of land were made for selection by the State of Alaska under the Statehood Act, by the Federal government for inclusion in its land systems, and for selection by the Village and Regional Native Corporations under the Alaska Native Land Claims Act.)

WITHDRAWALS OF PUBLIC LANDS

Upon passage of the Alaska Native Land Claims Settlement Act on December 18, 1971, the Secretary of the Interior was authorized to make certain specific "withdrawals" of public lands in Alaska, to classify them, them, and to "protect the public interest" for a period of 90 days.

Public land is defined in the Act as "all federal lands and interests therein located in Alaska, except the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of Federal installations, and land selections of the State of Alaska which have been patented or tentatively approved under the Statehood Act."

Within nine months from the date of the Act, the Secretary was to withdraw up to 80 million acres of unreserved public lands suitable for inclusion in the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers systems.

TOWNSHIP BLOCKS

Around each of the Eligible

Native villages, he was to withdraw five townships square, or a 25 township block. From these withdrawn lands the villages, the regional corporations, and the State are authorized to make specified selections and obtain patents.

There were approximately 220 villages listed as having 25 or more Native residents at the time of the 1970 census. Within two and a half years of the Act, the Secretary was to review the list to determine the eligibility of individual villages.

The basic 25 township block may be increased if the village lies in two or more townships. It may be decreased if, within the block, there is a large military reservation, a portion of a National Park, a Wildlife Refuge, lands which have been patented to the State, or a body of navigable water.

DEFICIENCY WITHDRAWALS

In such cases, the Secretary is directed to withdraw additional "deficiency withdrawals" in the amount of three times the deficiency, from "unreserved vacant, and unappropriated public lands." These are referred to as "in lieu selections."

If the village is located partly within a Wildlife Refuge and selects land within the Refuge, the wording of the Act appears to indicate that the Secretary may not draw additional lands after the initial selection to fill the village quota within the Refuge. Whereas, he is normally instructed to make deficiency withdrawals as close to the center of the village as possible, he must add the required land back to the Refuge first, then set aside additional land for the

village.

ASSUMING FEDERAL RIGHTS

On other federal interest land in Alaska, mining claims, homesteads, or trade and manufacturing sites which have been entered under Federal law but not patented, the Federal land may be subject to eventual Native selection.

If Natives acquire land subject to a federal or mineral or surface lease, they have a right to the rents and royalties, and a right to full ownership of the land if and when the lease terminates.

In general, it may be said that with a few exceptions, Natives may step into the shoes of the Federal government as to any lands they may acquire.

OVERLAPPING INTERESTS

On January 21, 1972, the State of Alaska filed selection applications for some 76 million acres of land, bringing into focus the provisions for reconciling selections made by the state with those made by the village and regional corporations.

The Act called for the creation of a joint Federal-State Land Use Planning Commission to help identify areas suitable for permanent inclusion in parks, refuges, forests, wild and scenic rivers, and to make recommendations regarding the best distributions of State, Village, and Regional selections.

Any of the land not permanently included in one of the four federal systems may be released from withdrawal within two years. The state and regional corporations may make "initial identification" of lands in these areas, but they will not be processed as long as the original withdrawal remains in effect.

THE SPECIAL PURPOSE GRANT

A special section of the Act provides for an additional 2 million acres with withdrawal for six purposes. First, for cemetery sites and historical places. Secondly, for conveyance of 23,040 acres to special Native groups not incorporated at the time of the Settlement who may subsequently choose to do so.

Natives residing in Sitka, Kenai, Juneau, and Kodiak could incorporate and receive up to 23,040 acres located in reasonable proximity to the municipalities, and surface estates up to 160 acres of land occupied by a Native individual as a primary place of residence on August 31, 1971.

An individual Native living outside of lands withdrawn by Section 11 and 16 may acquire up to 160 acres as his homestead if he applies within two years from the date of the Act.

No new allotment applications may be filed under the 1906 Indian Allotment Act and that Act is repealed. However, any allotments still pending will be processed, but a Native acquiring land under the old 1906 Act will not be eligible for the 160 acres grants provided for in the new Special Purpose Grant within the Land Claims Settlement Act.

In those grants to individuals the subsurface rights go to the regional corporation. Finally, any portion of the 2 million acres not used for above purposes will be allocated to the regional corporations on the basis of population.

NEXT WEEK: Village and Regional Corporation Selections and the Concept of Checkerboarding