

MUNICIPAL LANDS TRUSTEE PROGRAM ANNUAL REPORT

As communities grow and develop, so does their need for land.



State in trust...

- Alaska Native Claims Settlement Act - Section 14(c)(3)

JUNE 30, 2018



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THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**
OFFICE OF THE COMMISSIONER

550 West Seventh Avenue, Suite 1535
Anchorage, Alaska 99501
Main: 907.269.8110
FAX: 907.269.8125

June 30, 2018

Dear Reader,

Thank you for your interest in the Municipal Lands Trustee (MLT) Program. I am pleased to share this report with you of our activity during the past year.

In addition to providing leases for current uses of MLT land, we are continuing to work with village corporations and village councils to complete ANCSA 14(c)(3) settlements. Lands held in trust by the State are available for community projects, so completion of a settlement may aid the process of securing site control for new construction or improvements to existing infrastructure. MLT holds the land in trust until a first or second class city is established. Once a city government is formed the land and revenues from the land are transferred to the new city. In July 2017, the Municipal Lands Trust accepted a Tender from Ahtna, Inc. for a settlement in Cantwell.

It is important to note that the State of Alaska continues to struggle with its budget due to significantly declining revenues. With reduced state dollars there remains a potential for closure of schools. Presently there are four closed schools on MLT land. The site of one of those schools, in Pitka's Point, is undergoing clean-up in order to make the site usable for other purposes. These are serious issues and MLT continues to support keeping schools open in communities.

The closure of schools is a genuine risk to communities and a continued cut to the State budget increases that threat. MLT will address school closures on MLT land to the best of its ability. However, in the event of a school closure, MLT invites the community to proactively seek alternative uses which can support the continued use of facilities. By finding viable alternative uses in the event of a school closure we hope to at least keep the buildings in working order while supporting local efforts to stabilize the community and increase the student population.

A new area of focus is preference rights claims – parcels on which local residents had homes before the land was transferred to the Municipal Lands Trust. During the past year, a deed was issued to a resident of Pitka's Point and work is taking place for claims in Kokhanok. As you review this year's MLT Annual Report you will discover further information regarding MLT activities this past year. I invite you to contact me or my staff with your questions, concerns, and ideas for the future. We look forward to working with you to build strong communities.

Sincerely,

A handwritten signature in cursive script that reads "Katherine Eldemar".

Katherine Eldemar, Director
Municipal Lands Trust Officer

INTRODUCTION

Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA) requires all Native village corporations that receive land under the provisions of Sections 14(a) and (b) of ANCSA to convey certain lands to the existing municipality in the village or, if no municipality exists, to the State in trust for any municipality that may be established in the future. The lands conveyed to the State in trust are called “municipal trust lands.”

Municipal trust lands include:

- improved land used for community purposes
- land necessary for community expansion
- public rights of way
- land for other foreseeable community needs

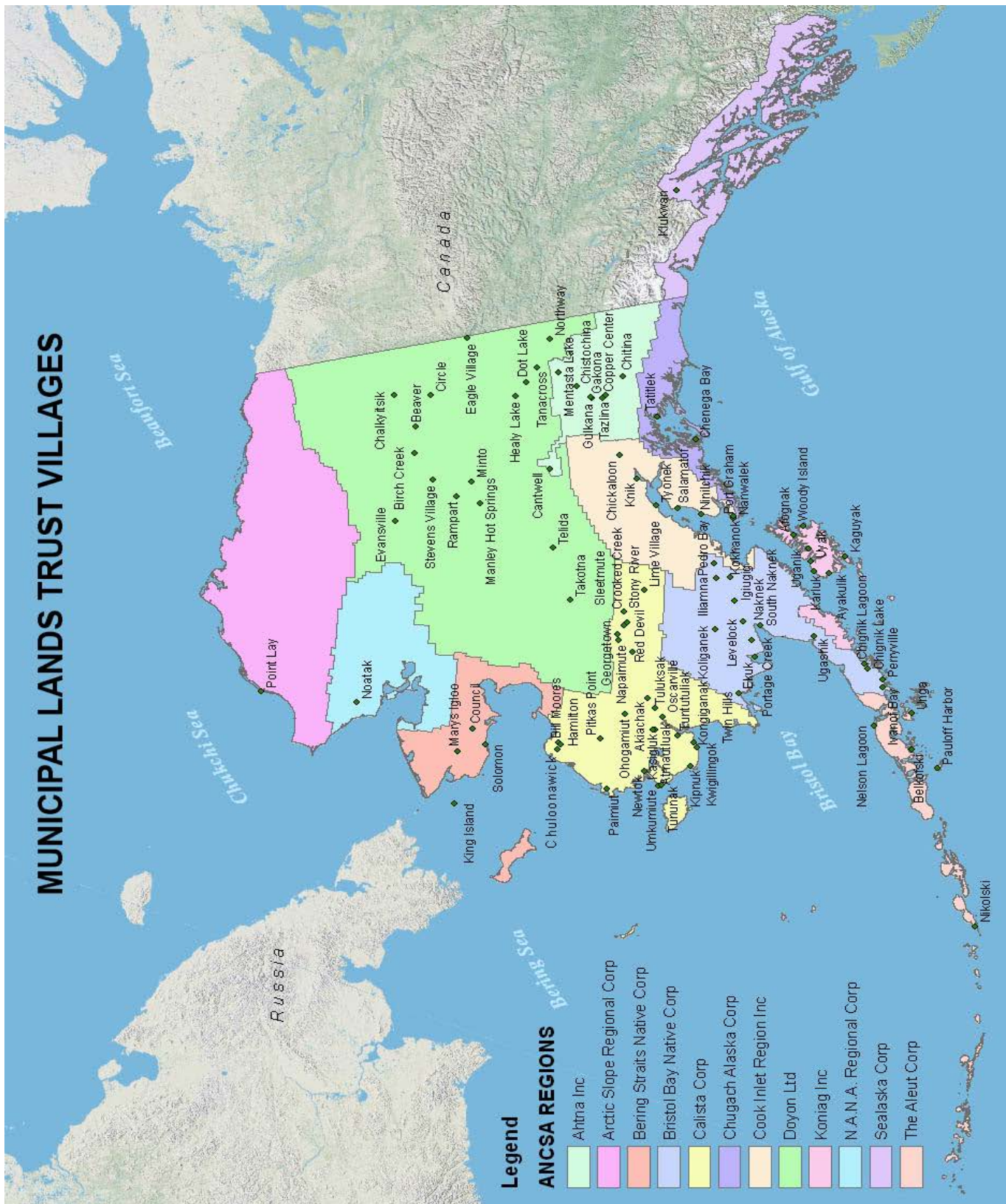
The responsibility for administering municipal trust land is assigned to the Commissioner of the Department of Commerce, Community, and Economic Development in A.S. 44.33.755. The Municipal Lands Trustee (MLT) Program is within the Department’s Division of Community and Regional Affairs.

The MLT Program is guided by a Statement of Trust Philosophy, originally prepared in 1977 and revised several times, most recently in 2010. The Statement of Trust Philosophy provides:

- The State cannot acquire title to, nor administer municipal trust lands for its own sovereign use and benefit.
- Municipal trust lands are held for a future city and are for the ultimate general welfare of all residents, now and in the future.
- Great weight will be given by the Trustee to the views of the residents of the village.
- The Trustee has the duty to be responsive both to present needs of the village and to foreseeable needs of any future city.

The first land taken into trust was a five acre parcel in Kokhanok, deeded to the State in trust in 1982. Since then, the MLT Program has completed settlement agreements in 45 of the 93 communities currently in the program, with approximately 11,500 acres currently held in trust.

WHICH VILLAGES ARE PART OF THE MLT PROGRAM?



APPROPRIATE VILLAGE ENTITY (AVE)

In most villages there is a village organization that represents local residents in decisions about trust lands. This may be a village council, a community association, or some other group established in the community. The recognized group is called the "appropriate village entity" (AVE). The role of the AVE is to speak for village residents.

The AVE is a partner with the MLT Program in identifying land for conveyance under ANCSA 14(c)(3).

Once land is conveyed into trust, it is only available for use with the approval of the AVE.

The MLT Program invites each AVE to make long term plans for trust land. These plans help both the community and MLT consider what land uses are in the best interest of residents now and in the future. The goal of the MLT Program is to work closely with the AVE to ensure a good faith partnership.

In communities that do not have an AVE, land uses are voted on by local residents in a village meeting conducted by MLT staff.

ACCEPTING MUNICIPAL TRUST LAND

Reaching a 14(c)(3) agreement is best done by interaction between the AVE, the village corporation, and the MLT Program. Sharing of information, cooperation, and the involvement of local residents are vital to a successful 14(c)(3) settlement.

MLT asks five questions in deciding to accept a 14(c)(3) proposal:

1. Is acceptance of the 14(c)(3) land in the best interest of a future city?
2. Does the proposal include all improved land in the village?
3. Is there enough land included which is clearly essential to meet all present or foreseeable community needs?
4. Would future land use patterns created by the conveyance impair the economic viability of the village corporation?
5. Is the acceptance of the land consistent with the views of the village residents?

The end product is a 14(c)(3) agreement that works for all parties. The 14(c)(3) land will reflect the community's view of the future.

MANAGING MUNICIPAL TRUST LAND

MLT staff work closely with the appropriate village entities or local residents to help meet the village's present and future needs for land. Leases are generally used to provide site control for community projects. By using leases instead of deeds, MLT and the village can keep options open for different types of land uses in the future. In some cases, the MLT Program does issue deeds to land for residential purposes if that is the recommendation of the AVE or the local residents.

The following regulatory requirements give the village a great deal of control over the 14(c)(3) land:

1. The AVE or village residents must approve of the disposal of trust land.
2. Public notice of the disposal must be given.
3. Use of the land should be consistent with any plans or policies developed by the village, and any planning or zoning regulations that apply to the village.
4. The disposal must be for at least fair market value.
5. The fair market value requirement may be waived only for public or charitable purposes, village relocation, equitable interest, or for residential expansion.

INCORPORATION OF A MUNICIPALITY

A.S. 44.33.755(c) and (e) provide that, upon incorporation of a municipality in a village, land held in trust by the State is conveyed to the municipal government, along with any revenue from the land (see page 20). The following communities are former MLT villages that have incorporated as second class cities:

| Village | Year of Incorporation |
|-------------|-----------------------|
| Akutan | 1979 |
| Atqasuk | 1982 |
| Chignik | 1983 |
| St. George | 1983 |
| Atka | 1988 |
| False Pass | 1990 |
| Pilot Point | 1992 |
| Egegik | 1995 |

CURRENT STATUS

The pages that follow provide the following information for each of the communities in the MLT program:

- **AVE:** The local organization recognized by the Municipal Lands Trustee as the “appropriate village entity.” See page 3 for more information about AVEs.
- **Status:** For a community without a municipality, ANCSA Section 14(c)(3) requires a village corporation to convey land to the State in trust (see page 20). The status of this obligation is designated as follows:
 - **C – Complete:** The village corporation has fully discharged its obligation under Section 14(c)(3).
 - **P – Partial:** Land has been deeded to the State in trust in partial satisfaction of 14(c)(3), under 3 AAC 190.035.
 - **IP – In Process:** A settlement agreement for the 14(c)(3) obligation is in negotiation or has been executed but the lands have not yet been fully conveyed to the State in trust.
 - **N – Not complete:** There is no activity on a 14(c)(3) settlement.
- **Acres:** The number of acres of land currently held by the State in trust for a future city government.
- **Leases in Effect:** The number of current leases for uses of MLT land, such as airports, schools, and landfills.
- **Revenues to Date:** The total amount received to date for disposals of interest in MLT land, such as the sale of a residential lot or a lease for a post office site. The requirement to charge fair market value for MLT land may be waived when the land is used for a public purpose.

AHTNA REGION

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|--|--------|-------|------------------|------------------|
| Cantwell <i>No AVE</i> | IP | 0 | 0 | \$0.00 |
| Chistochina <i>Cheesh'na Tribal Council</i> | N | 0 | 0 | \$0.00 |
| Chitina <i>Chitina Traditional Village Council</i> | N | 0 | 0 | \$0.00 |
| Copper Center <i>Native Village of Kluti-Kaah</i> | C | 40.61 | 0 | \$20.00 |
| Gakona <i>Gakona Village Council</i> | P | 0.935 | 0 | \$10.00 |
| Gulkana <i>Gulkana Village Council</i> | C | 0 | 0 | \$0.00 |
| Mentasta Lake <i>Mentasta Traditional Council</i> | IP | 0 | 0 | \$10.00 |
| Tazlina <i>No AVE</i> | IP | 0 | 0 | \$0.00 |

ANCSA 14(c)(3) SETTLEMENTS DISCUSSED IN GAKONA AND CHISTOCHINA

MLT staff met with local residents in the communities of Gakona and Chistochina in June 2018 to discuss land settlements under ANCSA 14(c)(3) and the MLT program. Settlement agreements have not yet been reached with the two communities, both of which are located on the Tok Cutoff of the Glenn Highway in the Copper Valley. MLT staff outlined the process for the State in trust to evaluate, and accept or reject, a settlement proposal. Local residents provided information on current and potential land uses.



Parcel proposed for an ANCSA 14(c)(3) settlement in Chistochina.

ALEUT REGION

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|--|--------|--------|------------------|------------------|
| Belkofski <i>No AVE</i> | N | 0 | 0 | \$0.00 |
| Nelson Lagoon <i>Nelson Lagoon Village Council</i> | C | 242.89 | 4 | \$1,400.00 |
| Nikolski <i>No AVE</i> | N | 0 | 0 | \$0.00 |
| Pauloff Harbor <i>No AVE</i> | N | 0 | 0 | \$0.00 |
| Unga <i>No AVE</i> | N | 0 | 0 | \$0.00 |

SCHOOL PARCEL DEEDED TO NATIVE VILLAGE OF NELSON LAGOON

In Nelson Lagoon, a parcel of MLT land that is the site of the Charles J. Franz School building has been deeded to the Native Village of Nelson Lagoon. The school closed in 2013 and the land is no longer needed for operation of a public school. Local residents determined that the school building could provide valuable space for offices and community functions. The Municipal Lands Trustee determined that adequate land for community needs would still be available after transfer of the parcel. With the transfer of ownership, the Native Village of Nelson Lagoon can use the land and building for a public or charitable purpose.

ARCTIC SLOPE REGION

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|--|--------|-------|------------------|------------------|
| Point Lay <i>Native Village of Point Lay</i> | N | 0 | 0 | \$0.00 |

BERING STRAIT REGION

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|--|--------|--------|------------------|------------------|
| Council <i>Native Village of Council</i> | C | 249.10 | 0 | \$0.00 |
| King Island <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Mary's Igloo <i>Native Village of Mary's Igloo</i> | N | 0.00 | 0 | \$0.00 |
| Solomon <i>Village of Solomon</i> | C | 23.22 | 0 | \$0.00 |

ZERO ACRE SETTLEMENT PROPOSAL ACCEPTED FOR KING ISLAND

King Island Native Corporation submitted a proposal that the requirements of ANCSA 14(c)(3) be satisfied with the transfer of no land to the State in trust. King Island has not had a year-round population since 1970. The village site is on a steep, rocky slope that is not feasible for development, and there is no public infrastructure to support a community. The Municipal Lands Trustee concurs that no land is needed for a future city government at the site.



King Island, circa 1909.

BRISTOL BAY REGION

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|--|--------|----------|------------------|------------------|
| Chignik Lagoon <i>Chignik Lagoon Village Council</i> | C | 115.28 | 1 | \$0.00 |
| Chignik Lake <i>Chignik Lake Village Council</i> | C | 250.20 | 7 | \$310.00 |
| Ekuk <i>Ekuk Village Council</i> | C | 31.54 | 2 | \$0.00 |
| Igiugig <i>Igiugig Village Council</i> | C | 109.85 | 3 | \$0.00 |
| Iliamna <i>No AVE</i> | IP | 74.03 | 4 | \$10,000 |
| Ivanof Bay <i>Ivanof Bay Tribal Council</i> | C | 161.16 | 3 | \$560.00 |
| Kokhanok <i>Kokhanok Village Council</i> | C | 1,208.34 | 15 | \$ 39,710.00 |
| Koliganek <i>New Koliganek Village Council</i> | C | 93.71 | 1 | \$0.00 |



Municipal Lands Trust Officer Katherine Eldemar (shown left) signs a lease of Municipal Trust land to GCI Communication Corp. for a telecommunication facility in Kokhanok, (shown right), with DCRA staff Robin Park serving as notary.

BRISTOL BAY REGION *CONT'D.*

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|--|--------|----------|------------------|------------------|
| Levelock <i>Levelock Village Council</i> | C | 27.77 | 0 | \$0.00 |
| Naknek <i>No AVE</i> | C | 0.00 | 0 | \$1,100.00 |
| Pedro Bay <i>Pedro Bay Village Council</i> | C | 373.64 | 6 | \$2,650.00 |
| Perryville <i>Perryville Village Council</i> | C | 904.36 | 5 | \$86,666.67 |
| Portage Creek <i>Portage Creek Village Council</i> | C | 248.80 | 2 | \$300.00 |
| South Naknek <i>South Naknek Village Council</i> | C | 974.68 | 2 | \$4,200.00 |
| Twin Hills <i>Twin Hills Village Council</i> | C | 89.99 | 0 | \$0.00 |
| Ugashik <i>Ugashik Traditional Village Council</i> | C | 1,149.93 | 2 | \$300.00 |

PREFERENCE RIGHTS CLAIMS IN KOKHANOK

The Municipal Lands Trust Officer's priority is to complete the transfer of lots to community residents who had homes on land that was then reconveyed to the State in trust. These homesites are called preference rights under MLT regulations. The top priority for this effort is Kokhanok, where thirteen preference rights claims have been identified. MLT staff visited Kokhanok in May 2018 to assist with applications for the preference rights claims. Many of the sites are not yet surveyed and will require surveys before deeds are issued.



View of homesites in Kokhanok.

CALISTA REGION

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|---|---------------|--------------|-------------------------|-------------------------|
| Akiachak <i>Akiachak Native Community</i> | N | 0.00 | 0 | \$0.00 |
| Atmautluak <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Bill Moore's Slough <i>Bill Moore's Slough Elders Council</i> | N | 0.00 | 0 | \$0.00 |
| Chuloonawick <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Crooked Creek <i>Crooked Creek Village Council</i> | P | 10.00 | 1 | \$550.00 |
| Georgetown <i>Georgetown Tribal Council</i> | IP | 451.43 | 0 | \$0.00 |
| Hamilton <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Kasigluk <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Kipnuk <i>Native Village of Kipnuk</i> | P | 0.92 | 0 | \$0.00 |
| Kongiganak <i>Native Village of Kongiganak</i> | P | 0.23 | 1 | \$0.00 |
| Kwigillingok <i>Native Village of Kwigillingok</i> | P | 6.00 | 1 | \$0.00 |
| Lime Village <i>Lime Village Traditional Council</i> | P | 1.21 | 1 | \$0.00 |
| Napaimute <i>Native Village of Napaimute</i> | C | 106.74 | 0 | \$0.00 |
| Newtok <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Ohogamuit <i>Ohogamiut Traditional Council</i> | N | 0.00 | 0 | \$0.00 |
| Oscarville <i>Oscarville Village Council</i> | P | 0.07 | 0 | \$0.00 |

CALISTA REGION *CONT'D.*

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|--|--------|-------|------------------|------------------|
| Paimut <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Pitka's Point <i>Pitka's Point Village Council</i> | C | 42.21 | 7 | \$550.00 |
| Red Devil <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Sleetmute <i>Sleetmute Traditional Council</i> | P | 64.37 | 1 | \$300.00 |
| Stony River <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Tuluksak <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Tuntutuliak <i>Tuntutuliak Traditional Council</i> | P | 10.40 | 2 | \$0.00 |
| Tununak <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |
| Umkumiute <i>No AVE</i> | N | 0.00 | 0 | \$0.00 |

GEORGETOWN COMMUNITY CENTER

The MLT program issued a lease to the Georgetown Tribal Council for construction of a Community Center at the new village site on the south bank of the Kuskokwim River. When completed, the new Community Center will serve as a hub for gatherings and as a shelter for community members working to establish new homes. The Community Center site was selected through community planning efforts dating back to the early 2000's.



Future community center site in Georgetown. (Photo courtesy of Georgetown Tribal Council Vice Chair Rebecca Wilmarth.)

CHUGACH REGION

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|--|----------|--------|------------------|------------------|
| Chenega <i>Chenega IRA Council</i> | C | 386.93 | 6 | \$810.00 |
| Nanwalek <i>Native Village of Nanwalek</i> | N | 0 | 0 | \$0.00 |
| Port Graham <i>Port Graham Village Council</i> | N | 0 | 0 | \$0.00 |
| Tatitlek <i>Native Village of Tatitlek</i> | C | 471.13 | 9 | \$810.00 |

COOK INLET REGION

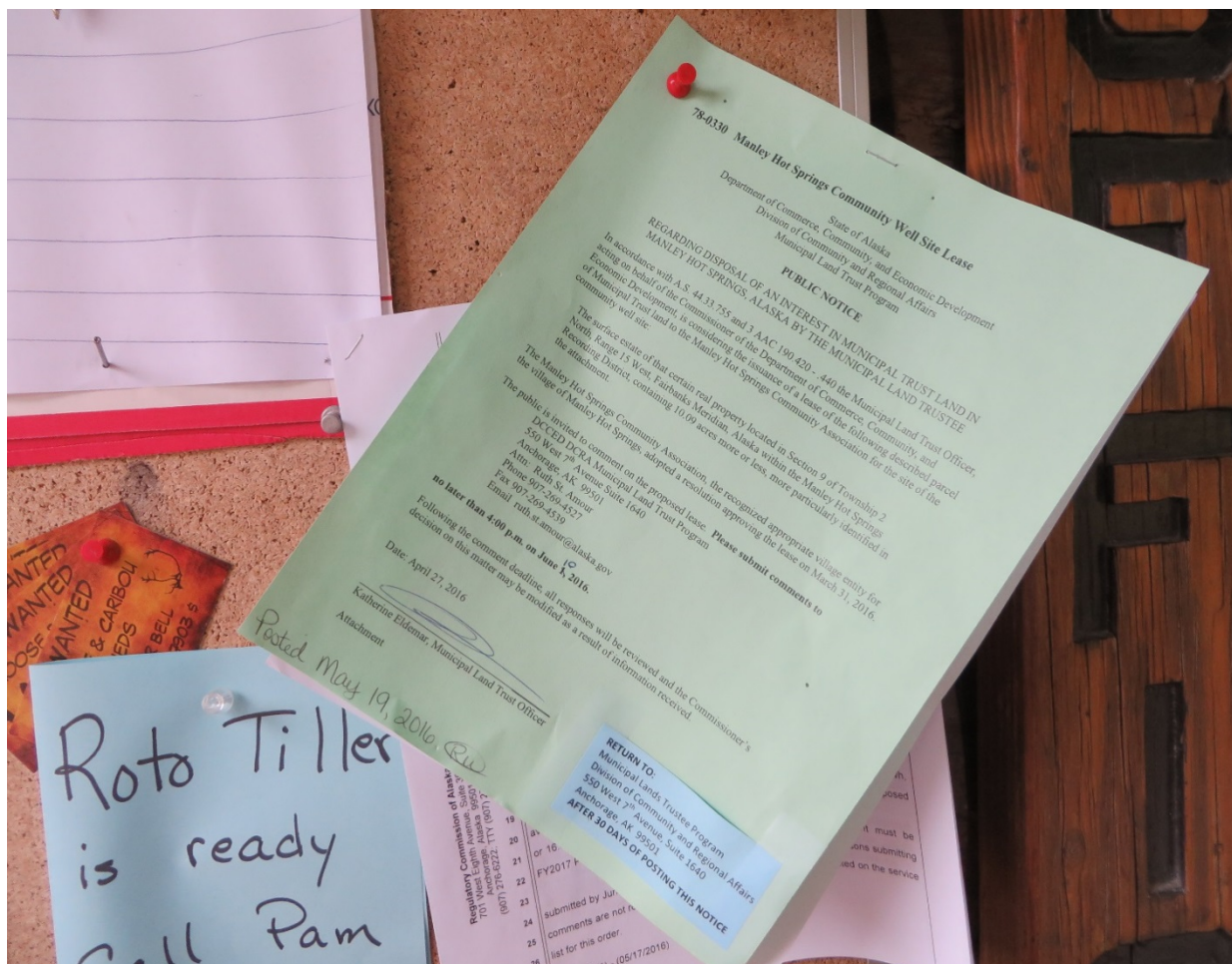
| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|--|-----------|--------|------------------|------------------|
| Chickaloon <i>No AVE</i> | N | 0 | 0 | \$0.00 |
| Knik <i>No AVE</i> | C | 0 | 0 | \$0.00 |
| Ninilchik <i>Ninilchik Traditional Council</i> | C | 206.37 | 0 | \$0.00 |
| Salamatof <i>No AVE</i> | C | 0 | 0 | \$0.00 |
| Tyonek <i>No AVE</i> | IP | 0 | 0 | \$0.00 |

PUBLIC NOTICE PROCESS

Many Municipal Trust land management activities require public notice. After an AVE has approved a use of MLT land, public notice must take place. Do you know how to successfully complete a posting of public notice in your community? Some helpful points to remember:

- MLT public notices are posted for 30 days in the village, in a place where people tend to gather.
- The date the notices are posted should be written on the first page of the notice.
- Once 30 days have passed, take down the notices and fill out the last page (affidavit of posting) in the presence of the postmaster or notary.
- If there is no postmaster or notary in your village, public notice can be signed in front of three witnesses.
- Mail the complete notice back to the MLT program.

Once the completed notices are received, MLT can move forward with the proposed land activity. MLT staff are available to answer any questions you have about completing the public notice process.



MLT public notice.

DOYON REGION

| Community AVE Status | Status | Acres | Leases in Effect | Revenues to Date |
|--|---------------|--------------|-------------------------|-------------------------|
| Beaver <i>Beaver Village Council</i> | N | 0.00 | 0 | \$0.00 |
| Birch Creek <i>Birch Creek Tribal Council</i> | N | 0.00 | 0 | \$0.00 |
| Chalkyitsik <i>Chalkyitsik Village Council</i> | N | 0.00 | 0 | \$0.00 |
| Circle <i>No AVE</i> | C | 5.69 | 0 | \$0.00 |
| Dot Lake <i>Dot Lake Village Council</i> | C | 162.64 | 1 | \$0.00 |
| Eagle <i>Eagle Village Council</i> | N | 0.00 | 0 | \$0.00 |
| Evansville <i>Evansville Village Council</i> | C | 43.42 | 3 | \$0.00 |
| Healy Lake <i>Healy Lake Village Council</i> | N | 0.00 | 0 | \$0.00 |
| Manley Hot Springs <i>Manley Hot Springs Community Association</i> | C | 589.61 | 4 | \$45,939.20 |

TAKOTNA RESIDENTIAL EXPANSION

The MLT program completed the conveyance of 8 residential lots to approved applicants in Takotna. Providing land for residential expansion is an essential function of the MLT program, and contributes to the stability and continued growth of rural communities. Without the ability to address new housing needs, communities are unlikely to grow the population base necessary to sustain a future city government.

Land committees and collaborative planning activities help to identify areas of Trust land best suited for future housing. For a residential deed to be issued to a village resident, the parcel of Municipal Trust Land must be surveyed, the Appropriate Village Entity must approve the deed, and public notice must be successfully completed. MLT regulations at 3 AAC 190.410 – 3 AAC 190.490 cover the process of providing deeds for Municipal Trust land.

DOYON REGION *CONT'D*

| Community <i>AVE Status</i> | Status | Acres | Leases in Effect | Revenues to Date |
|--|--------|---------|------------------|------------------|
| Minto <i>Minto Village Council</i> | IP | 109.46 | 5 | \$5,335.00 |
| Northway <i>Northway Village Council</i> | N | 0.00 | 0 | \$0.00 |
| Rampart <i>Rampart Village Council</i> | N | 0.00 | 0 | \$0.00 |
| Stevens Village <i>Stevens Village Council</i> | IP | 0.00 | 0 | \$0.00 |
| Takotna <i>Takotna Community Association</i> | C | 1051.72 | 6 | \$18,491.00 |
| Tanacross <i>Tanacross Village Council</i> | IP | 39.59 | 1 | \$0.00 |
| Telida <i>Telida Village Council</i> | C | 166.37 | 1 | \$0.00 |



Boat landing on the Takotna River at dusk.

KONIAG REGION

| Community AVE Status | Status | Acres | Leases in Effect | Revenues to Date |
|------------------------------------|--------|---------|------------------|------------------|
| Afognak No AVE | N | 0.00 | 0 | \$0.00 |
| Ayakulik No AVE | N | 0.00 | 0 | \$0.00 |
| Kaguyak Kaguyak Village Council | C | 0.00 | 0 | \$0.00 |
| Karluk Karluk IRA Council | C | 1274.35 | 4 | \$300.00 |
| Uganik No AVE | N | 0.00 | 0 | \$0.00 |
| Uyak No AVE | C | 0.00 | 0 | \$0.00 |
| Woody Island No AVE | C | 0.00 | 0 | \$0.00 |

NANA REGION

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|------------------------------------|--------|-------|------------------|------------------|
| Noatak Native Village of Noatak | N | 0 | 0 | \$0.00 |

DISCLAIMER OF INTEREST FOR NOATAK SUPPORTS LAND SWAP

In October 2017, the Municipal Lands Trustee program issued a Disclaimer of Interest to NANA Regional Corporation. The disclaimer cleared the way for a land swap in which the Native Village of Noatak will receive title to residential lots in exchange for lots threatened by erosion along the Noatak River. DCRA community profile maps show the extent of erosion since 1970 that has eliminated approximately 18 lots of tribal land. This is the first time that 3 AAC 190.055 is known to have been used to facilitate a land transfer.

SEALASKA REGION

| Community AVE | Status | Acres | Leases in Effect | Revenues to Date |
|-------------------|--------|-------|------------------|------------------|
| Klukwan No AVE | N | 0 | 0 | \$0.00 |

THE FUTURE

Villages and village corporations benefit from settling the 14(c)(3) obligation. A well thought-out 14(c)(3) settlement will guide future development in a way that supports both private and public investment in the community.

As land is conveyed, MLT staff work with local residents to provide site control for existing land uses and for upcoming projects.

The Municipal Lands Trustee Program works closely with the appropriate village entities in the unincorporated communities to help meet the community's present and future needs for land. If you would like more information, please contact MLT staff:

Ruth St. Amour
907-269-4527

or

Travis Neff
907-269-4548

DCCED-DCRA
550 W. 7th Avenue, Suite 1650
Anchorage, AK 99501
Fax: 907-269-4539
Email: MLT@alaska.gov

MLT Webpage:

www.commerce.alaska.gov/web/dcra/PlanningLandManagement/MunicipalLandTrusteeProgram



From left to right: Ruth St. Amour; Travis Neff; Mike Navarre, Department Commissioner and Municipal Lands Trustee; Katherine Eldemar, DCRA Director and Municipal Lands Trust Officer.

SECTION 14(C)(3) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, AS AMENDED:

(c) Each patent issued pursuant to subsections (a) and (b) of this section shall be subject to the requirements of this subsection. Upon receipt of a patent or patents:

(3) 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*, That 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;

ALASKA STATUTE 44.33.755, AS AMENDED:**Sec. 44.33.755. Village land conveyed in trust.**

- (a) The commissioner of Commerce, Community and Economic Development
- (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. Such 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 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.

(§ 1 ch 119 SLA 1975; am § 47 ch 94 SLA 1980; am §§ 1 – 5 ch 84 SLA 1989; am § 12 ch 134 SLA 1990)

DCCED Division of Community and Regional Affairs
Municipal Lands Trustee Program
550 West 7th Ave., Suite 1650
Anchorage, AK 99501-3510



MUNICIPAL LANDS TRUSTEE PROGRAM

2018 ANNUAL REPORT

Mike Navarre, Trustee,

DEPARTMENT OF COMMERCE, COMMUNITY,

AND ECONOMIC DEVELOPMENT

Katherine Eldemar, Trust Officer,

DIVISION OF COMMUNITY AND

REGIONAL AFFAIRS

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