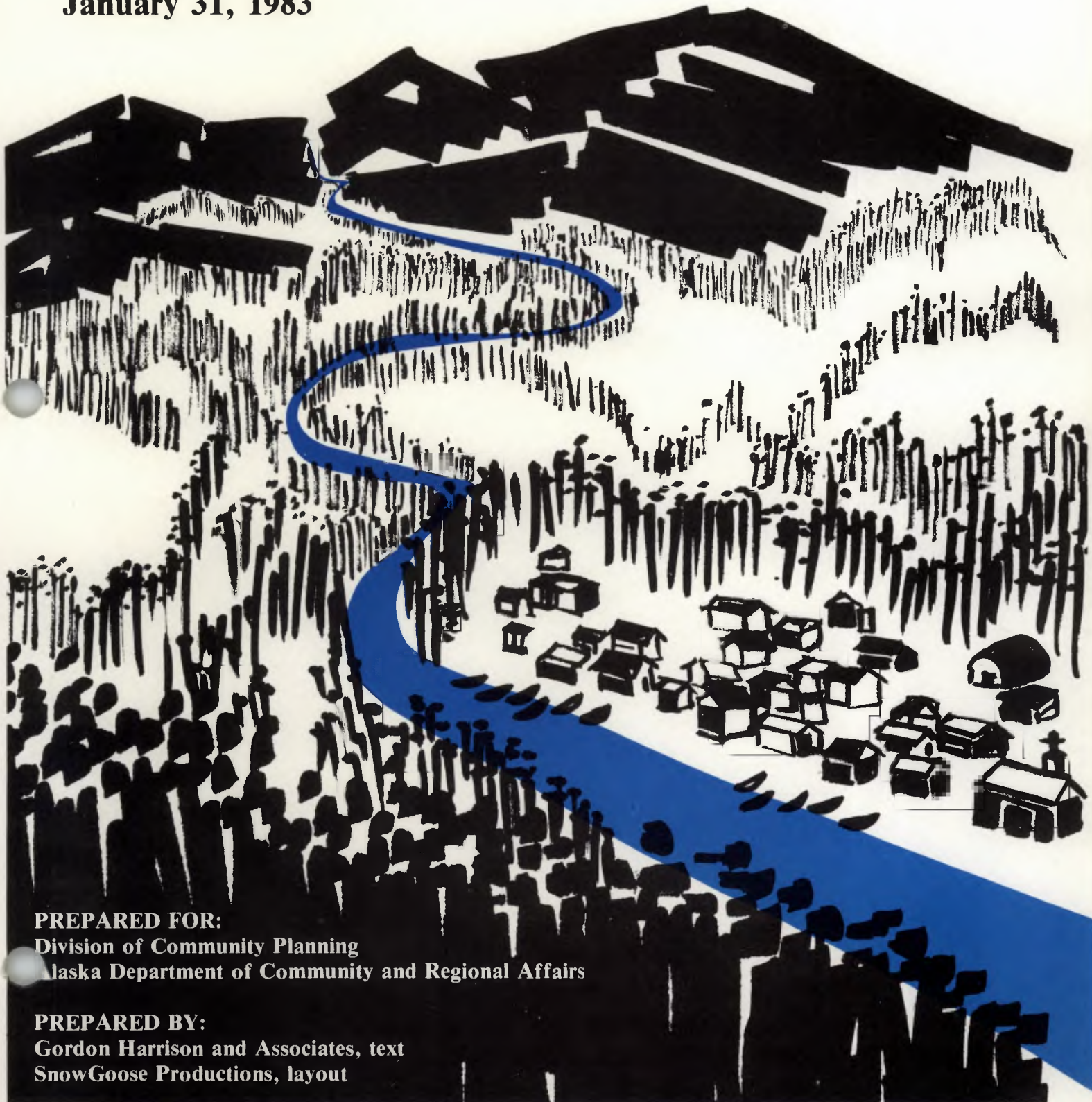


COMMUNITY PLANNING FOR ANCSA 14(c) LAND RECONVEYANCES

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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.

INTRODUCTION

Section 14(c) of the Alaska Native Claims Settlement Act (ANCSA) requires village corporations to reconvey certain lands they receive under ANCSA. “Reconvey” means to pass title (ownership) on to others after the village corporation receives interim conveyance or patent from the federal government. Thus, reconveyance means to transfer land ownership. Section 14(c)(1) requires village corporations to reconvey to individuals title to land they occupied as of December 18, 1971 (the date ANCSA became law). Section 14(c)(2) requires the corporations to reconvey to non-profit organizations (such as churches) title to land they occupied as of December 18, 1971. Section 14(c)(3) requires the corporations to reconvey to city governments (or to the State in trust if an incorporated city does not exist) title to land used by the entire community now and land to be used in the future. Section 14(c)(4) requires the corporation to reconvey to the airport operator title to land used for airports as of December 18, 1971.

This manual discusses section 14(c)(3) — the reconveyance of municipal (city) land. The purpose of the manual is to help city governments and village corporations understand section 14(c)(3) and to assist them in planning for the reconveyance of community land. The manual describes a step-by-step planning process that will help corporation boards and city governments to consider all of the issues and options presented by the requirement for 14(c)(3) reconveyances. *Planning for 14(c)(3) reconveyances must be coordinated with other 14(c) activity. This manual explains how the 14(c)(3) planning process relates to the 14(c)(1), (2) and (4) process, and why coordination is necessary.*

Information in this manual provides a general introduction to the complex subject of 14(c)(3) reconveyances (Chapter 1 and 2). It also describes the steps to prepare a 14(c)(3) proposal (Chapters 3 and 4), and to complete the reconveyance process (Chapter 5). If needed by village planners, more information and assistance are available from the Alaska Department of Community and Regional Affairs, Division of Community Planning, and from the Alaska Native Foundation. Both have 14(c) technical assistance programs.* Staff members of these programs will answer questions about 14(c) reconveyances and help with the details of the planning process described in this manual. These people can also help arrange assistance on special planning problems from other state agencies. Consulting firms and regional corporations are also a possible source of information and assistance.

**Discussed in more detail on page 6.*

Technical Assistance Programs

Department of Community and Regional Affairs

The Division of Community Planning ANCSA 14(c) Assistance program concentrates on providing information, training, and technical assistance to identify community land needs and to assist in the development of plans of survey for ANCSA 14(c) land reconveyances. Information and assistance available includes:

1. Oral presentations and a printed introduction covering the roles, responsibilities, requirements and options under ANCSA 14(c).
2. Training and technical assistance to prepare and evaluate ANCSA 14(c)(3) land reconveyance proposals. This assistance will cover identification of existing and foreseeable community expansion needs, rights-of-way and other community development requiring land. Consideration for the village corporation's need for land within the community is supported and encouraged. 14(c) workbooks are available from the Division of Community Planning. The workbooks

will provide information and a step-by-step process for preparing plans of survey.

3. Training and technical assistance to prepare a Plan of Survey includes:
 - a. Techniques for using maps, aerial photographs and drafting tools;
 - b. On the ground location of lot boundaries;
 - c. Plan of Survey design considerations including rights-of-way for major roads and paths, access to land parcels and lot lines that are easy to locate and which maximize the usable area of the lots.

Written requests for 14(c) assistance and/or copies of available 14(c) materials should be sent to:

Director

Department of Community & Regional Affairs
Division of Community Planning
225 Cordova, Building B
Anchorage, Alaska 99501

Phone: 264-2265

Alaska Native Foundation

The Alaska Native Foundation has a technical assistance program to help village corporations meet the reconveyance obligation of Section 14(c). A guide for 14(c)(1) and (2) planning, titled "Village Land Reconveyance Planning; a Handbook on ANCSA Section 14(c)," has been prepared by ANF as the first phase of the technical assistance program. The handbook provides an overview of the reconveyance process, legal requirements, general guidelines and board policy considerations for 14(c)(1) and (2). (Materials on 14(c)(3) and (4) will be available soon.) Sample forms are included to help reduce the time it takes to implement a reconveyance process. They include notices, an application form, an affidavit, letters, a field examination report and several record keeping forms. Corporations can adapt these materials to suit their own 14(c) process.

ANF will also provide workshops about 14(c) to boards and staff of village corporations. These can be open to the public at the corporation's request. To increase the availability of ANF assistance, priority will be given to groups

or village corporations requesting assistance. Limited follow-up assistance to village corporations will be available as time permits. ANF will not represent village corporations in negotiations, give legal opinions, or act in any similar capacity.

ANF cannot provide direct financial assistance to village corporations for 14(c) planning. There is no charge for ANF staff time for workshops or technical assistance. Staff travel expenses will be paid by the Foundation unless the corporations are willing to pay for transportation.

To arrange for a workshop, contact ANF as early as possible but at least two weeks before you would like to have it scheduled. For more information, or to schedule a 14(c) workshop, please contact:

ANCSA Land Specialist
Alaska Native Foundation
411 West 4th Avenue
Anchorage, Alaska 99501

Phone: 274-2541