

MUNICIPAL LANDS TRUSTEE PROGRAM ANNUAL REPORT

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



JUNE 30, 2015



Table of Contents

Introduction	2
Which Villages Are Part Of The MLT Program?	3
Appropriate Village Entity (AVE)	4
Accepting Municipal Trust Land	4
Managing Municipal Trust Land	5
Current Status	6
Ahtna Region	7
Aleut Region	8
Arctic Slope Region	8
Bering Strait Region	9
Bristol Bay Region	10
Calista Region	12
Chugach Region	14
Cook Inlet Region	15
Doyon Region	16
Koniag Region	17
NANA Region	18
Sealaska Region	18
The Future	19
Section 14(c)(3) of the Alaska Native Claims Settlement Act, as amended:.....	20
Alaska Statute 44.33.755, as amended:.....	21

(Cover photo: Pedro Bay)

(Back cover photo: Silkstocking Rd., Tatitlek)



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

OFFICE OF THE COMMISSIONER

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June 30, 2015

Dear Reader,

Thank you for your interest in the Municipal Lands Trust Program. I am honored to serve as the Municipal Lands Trust Officer, and look forward to working with you on the management of lands held in trust for your community.

The Municipal Lands Trust program was established 40 years ago to fulfill the responsibility to accept, administer, and dispose of land conveyed under the Alaska Native Claims Settlement Act (ANCSA) Section 14(c)(3) for villages without municipal governments. Municipal trust lands are community lands for the benefit of the village, not for the use of state government.

Serving as the Trust Officer gives me an opportunity to be involved in the future of your community and the future of Alaska. Land held in trust is land available for the growth and development of your community. The land may be used for schools, playgrounds, public facilities, roads, and houses. My staff is available to work closely with you to ensure that the land is protected and used for the benefit of future generations of local residents.

I hope to hear from you about ways we can work together for the future of your community. Our contact information is on page 19, and I encourage you to call or write to my staff with your comments, questions, and requests.

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 land includes:

- 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 settlements in 44 of the 93 communities currently in the program, with approximately 11,500 acres currently held in trust.

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 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.

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 4 for more information about AVEs.
- **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 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.



The school in Takotna is on MLT land.

AHTNA REGION

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

RESIDENTS OF CANTWELL BEGIN DISCUSSION FOR A LAND SETTLEMENT

Community meetings were held in Cantwell on September 30, 2014 and April 20, 2015 to work on land selections for an ANCSA 14(c)(3) settlement. Cantwell is a community of about 200 residents, located on the Parks Highway just south of Denali National Park. Ahtna, Inc., Native Village of Cantwell, Community of Cantwell, Inc., and the Municipal Land Trust program are working together to identify potential lands to be conveyed to the State in trust for a future city.



Local residents at the April 20 meeting in Cantwell.

* Settlement completed for zero acres

ALEUT REGION

Community AVE	Acres	Leases in Effect	Revenues to Date
Belkofski <i>No AVE</i>	0	0	\$0.00
Nelson Lagoon <i>Nelson Lagoon Village Council</i>	245.27	5	\$1,400.00
Nikolski <i>No AVE</i>	0	0	\$0.00
Pauloff Harbor <i>No AVE</i>	0	0	\$0.00
Unga <i>No AVE</i>	0	0	\$0.00



The school in Nelson Lagoon is on MLT land.

ARCTIC SLOPE REGION

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

BERING STRAIT REGION

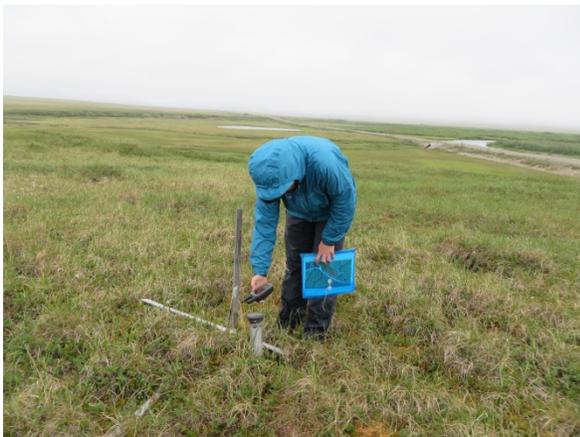
Community AVE	Acres	Leases in Effect	Revenues to Date
Council <i>Native Village of Council</i>	249.10	0	\$0.00
King Island <i>No AVE</i>	0.00	0	\$0.00
Mary's Igloo <i>Native Village of Mary's Igloo</i>	0.00	0	\$0.00
Solomon <i>Village of Solomon</i>	23.22	0	\$0.00

SITE VISITS TO SOLOMON AND COUNCIL

In June 2015, MLT staff made site visits to the Bering Strait communities of Solomon and Council.

A land settlement was completed in Solomon in 1993 with the transfer of 23 acres to the State in trust for a future city. The MLT land surrounds the Solomon B&B, a restored BIA school built in 1940 and now used by the Village of Solomon as a community hall and lodging.

Council's land settlement was completed in 2000. Although Council has no year-round residents, in summer the community grows to 30-40 people. The land held in trust by the State includes the landfill, remnants of the community's Gold Rush-era past, several public buildings, and rights-of-way, as well as community expansion land.



Jane Boer verifying the location of a survey monument in Solomon...



...and searching for a survey monument in Council.

BRISTOL BAY REGION

Community AVE	Acres	Leases in Effect	Revenues to Date
Chignik Lagoon <i>Chignik Lagoon Village Council</i>	115.28	1	\$0.00
Chignik Lake <i>Chignik Lake Village Council</i>	250.20	6	\$310.00
Ekuk <i>Ekuk Village Council</i>	31.54	2	\$0.00
Igiugig <i>Igiugig Village Council</i>	109.85	3	\$0.00
Iliamna <i>No AVE</i>	74.03	4	\$0.00
Ivanof Bay <i>Ivanof Bay Tribal Council</i>	161.16	6	\$560.00
Kokhanok <i>Kokhanok Village Council</i>	1,208.34	14	\$24,010.00
Koliganek <i>New Koliganek Village Council</i>	93.71	0	\$0.00



Kokhanok clinic, May 2014

Bristol Bay Region cont'd.

Community AVE	Acres	Leases in Effect	Revenues to Date
Levelock <i>Levelock Village Council</i>	27.77	0	\$0.00
Naknek <i>No AVE</i>	0.00	0	\$1,100.00
Pedro Bay <i>Pedro Bay Village Council</i>	373.64	6	\$1,150.00
Perryville <i>Perryville Village Council</i>	904.36	5	\$77,666.67
Portage Creek <i>Portage Creek Village Council</i>	248.80	3	\$300.00
South Naknek <i>South Naknek Village Council</i>	974.68	2	\$4,200.00
Twin Hills <i>Twin Hills Village Council</i>	0.00	0	\$0.00
Ugashik <i>Ugashik Traditional Village Council</i>	1,149.93	1	\$300.00



Pedro Bay's bulk fuel facility is located on MLT land.

CALISTA REGION

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

COMMUNITY MEETINGS IN ATMAUTLUAK

At the invitation of Atmautluak, Ltd., MLT staff has made two trips to Atmautluak to provide information on ANCSA 14(c). The community meetings were well-attended. With the aid of a local interpreter, MLT staff gave an introduction to ANCSA Section 14(c). An elder discussed how private land ownership is not consistent with traditional values, and that everyone cooperates and takes care of the land.

Calista Region cont'd.

Community AVE	Acres	Leases in Effect	Revenues to Date
Newtok <i>No AVE</i>	0.00	0	\$0.00
Ohogamiut <i>Ohogamiut Traditional Council</i>	0.00	0	\$0.00
Oscarville <i>Oscarville Village Council</i>	0.07	0	\$0.00
Paimut <i>No AVE</i>	0.00	0	\$0.00
Pitka's Point <i>Pitka's Point Village Council</i>	42.40	7	\$550.00
Red Devil <i>No AVE</i>	0.00	0	\$0.00
Sleetmute <i>No AVE</i>	64.37	1	\$300.00
Stony River <i>No AVE</i>	0.00	0	\$0.00
Tuluksak <i>No AVE</i>	0.00	0	\$0.00
Tuntutuliak <i>Tuntutuliak Traditional Council</i>	10.40	0	\$0.00
Tununak <i>No AVE</i>	0.00	0	\$0.00
Umkumiute <i>No AVE</i>	0.00	0	\$0.00



AVCPRHA House, Pitka's Point, June 2014

CHUGACH REGION

Community AVE	Acres	Leases in Effect	Revenues to Date
Chenega <i>Chenega IRA Council</i>	386.93	5	\$810.00
Nanwalek <i>Native Village of Nanwalek</i>	0	0	\$0.00
Port Graham <i>Port Graham Village Council</i>	0	0	\$0.00
Tatitlek <i>Native Village of Tatitlek</i>	471.13	9	\$810.00

SITE VISIT TO TATITLEK

At the invitation of the Tatitlek IRA Council president, MLT staff completed a site visit to the village of Tatitlek. Staff took an inventory of MLT landholdings, and met with the Council president and IGAP coordinator. Staff began work with the IGAP coordinator to get the community landfill under site control. An executed lease for the landfill will pave the way for a class III landfill permit from the Department of Environmental Conservation. Staff also discussed community projects and priorities with the Council president.



Tatitlek Council President, David Totemoff, June 2015

COOK INLET REGION

Community AVE	Acres	Leases in Effect	Revenues to Date
Chickaloon <i>No AVE</i>	0	0	\$0.00
Knik <i>No AVE</i>	0*	0	\$0.00
Ninilchik <i>Ninilchik Traditional Council</i>	206.37	0	\$0.00
Salamatof <i>No AVE</i>	0*	0	\$0.00
Tyonek <i>No AVE</i>	0	0	\$0.00



Castle Mountain in Chickaloon, Alaska taken from Fish Lake Road, courtesy city-data.com.

* Settlement completed for zero acres

DOYON REGION

Community AVE	Acres	Leases in Effect	Revenues to Date
Beaver <i>Beaver Village Council</i>	0.00	0	\$0.00
Birch Creek <i>Birch Creek Tribal Council</i>	0.00	0	\$0.00
Chalkyitsik <i>Chalkyitsik Village Council</i>	0.00	0	\$0.00
Circle <i>No AVE</i>	5.69	0	\$0.00
Dot Lake <i>Dot Lake Village Council</i>	162.64	1	\$0.00
Eagle <i>Eagle Village Council</i>	0.00	0	\$0.00
Evansville <i>Evansville Village Council</i>	43.42	4	\$0.00
Healy Lake <i>Healy Lake Village Council</i>	0.00	0	\$0.00
Manley Hot Springs <i>Manley Hot Springs Community Association</i>	589.61	4	\$45,939.20
Minto <i>Minto Village Council</i>	110.46	5	\$5,335.00
Northway <i>Northway Village Council</i>	0.00	0	\$0.00
Rampart <i>Rampart Village Council</i>	0.00	0	\$0.00
Stevens Village <i>Stevens Village Council</i>	0.00	0	\$0.00
Takotna <i>Takotna Community Association</i>	1059.72	6	\$13,150.00
Tanacross <i>Tanacross Village Council</i>	39.59	1	\$0.00
Telida <i>Telida Village Council</i>	166.37	1	\$0.00

KONIAG REGION

Community AVE	Acres	Leases in Effect	Revenues to Date
Afognak <i>No AVE</i>	0.00	0	\$0.00
Ayakulik <i>No AVE</i>	0.00	0	\$0.00
Kaguyak <i>Kaguyak Village Council</i>	0.00*	0	\$0.00
Karluk <i>Karluk IRA Council</i>	1274.35	4	\$300.00
Uganik <i>No AVE</i>	0.00	0	\$0.00
Uyak <i>No AVE</i>	0.00*	0	\$0.00
Woody Island <i>No AVE</i>	0.00*	0	\$0.00

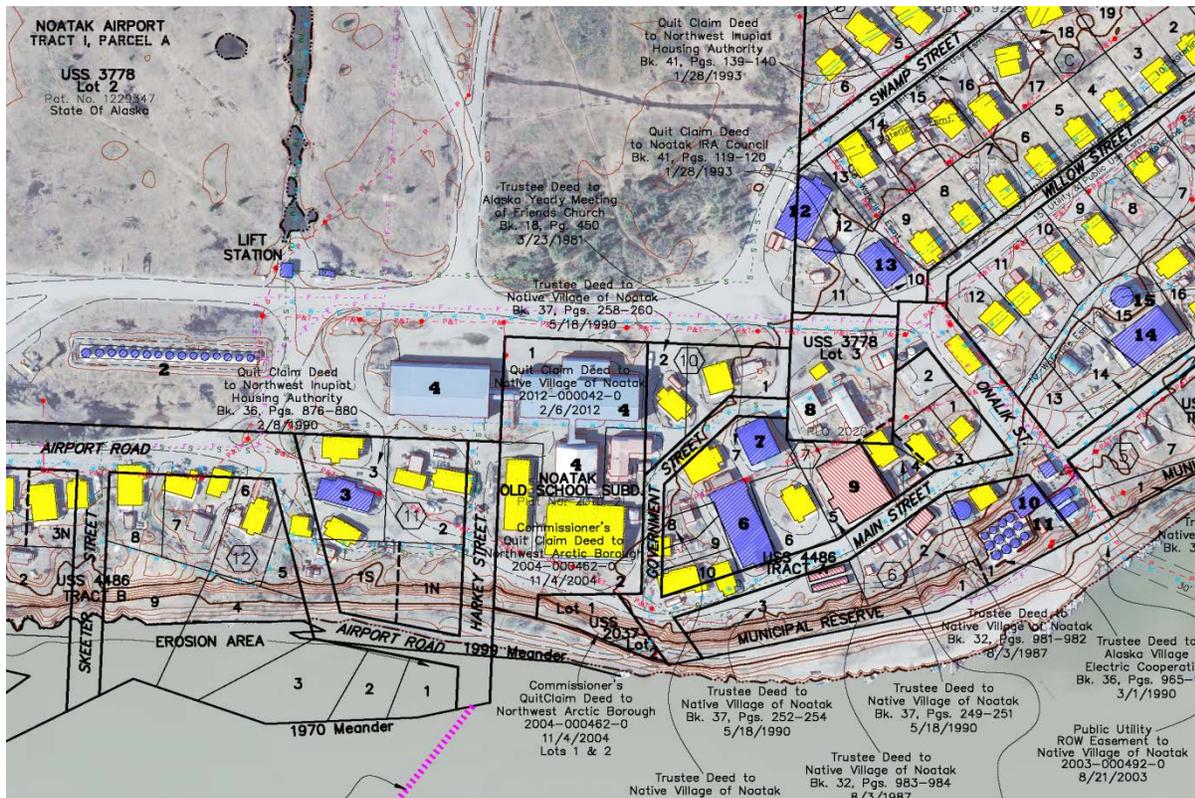


The playground in Karluk is on MLT land

* Settlement completed for zero acres

NANA REGION

Community AVE	Acres	Leases in Effect	Revenues to Date
Noatak <i>Native Village of Noatak</i>	0	0	\$0.00



A portion of the newly completed map for Noatak.

SEALASKA REGION

Community AVE	Acres	Leases in Effect	Revenues to Date
Klukwan <i>No AVE</i>	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:

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



From left to right: Jane Boer, Jimmy Smith, Ruth St. Amour; Municipal Lands Trust Officer and DCRA Director, Katherine Eldemar.

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)

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ALASKA
DEPARTMENT OF
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COMMUNITY,
AND ECONOMIC
DEVELOPMENT

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Chris Hadick, Trustee,
DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

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