

MUNICIPAL LANDS TRUSTEE PROGRAM ANNUAL REPORT

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



JUNE 30, 2019



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THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,
and Economic Development
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

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September 5, 2019

Dear Reader,

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

The MLT program holds approximately 11,500 acres in trust for future cities throughout Alaska. MLT holds the land in trust until a first or second-class city is established. If a city government is formed, the land and revenues from the land are transferred to the new city.

There is a process for communities to use the lands in trust before a city is formed. Ideally, there is a lease or other means to secure site control of lands owned by the MLT program. This process helps to complete projects for infrastructure or housing. MLT staff actively look to attain site control on all parcels held in trust. We strive to understand the local community needs and enter into leases that support land use with the approval of the Appropriate Village Entity (AVE).

Two staff members administer the program and are available to assist communities. We strive to be responsive to requests and really enjoy working with all of you. This report provides a status of the past year's activities that I hope you find useful.

We are happy to hear from you and the activities in your community, and look forward to working with you in the future.

Sincerely,

Sandra Moller, 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

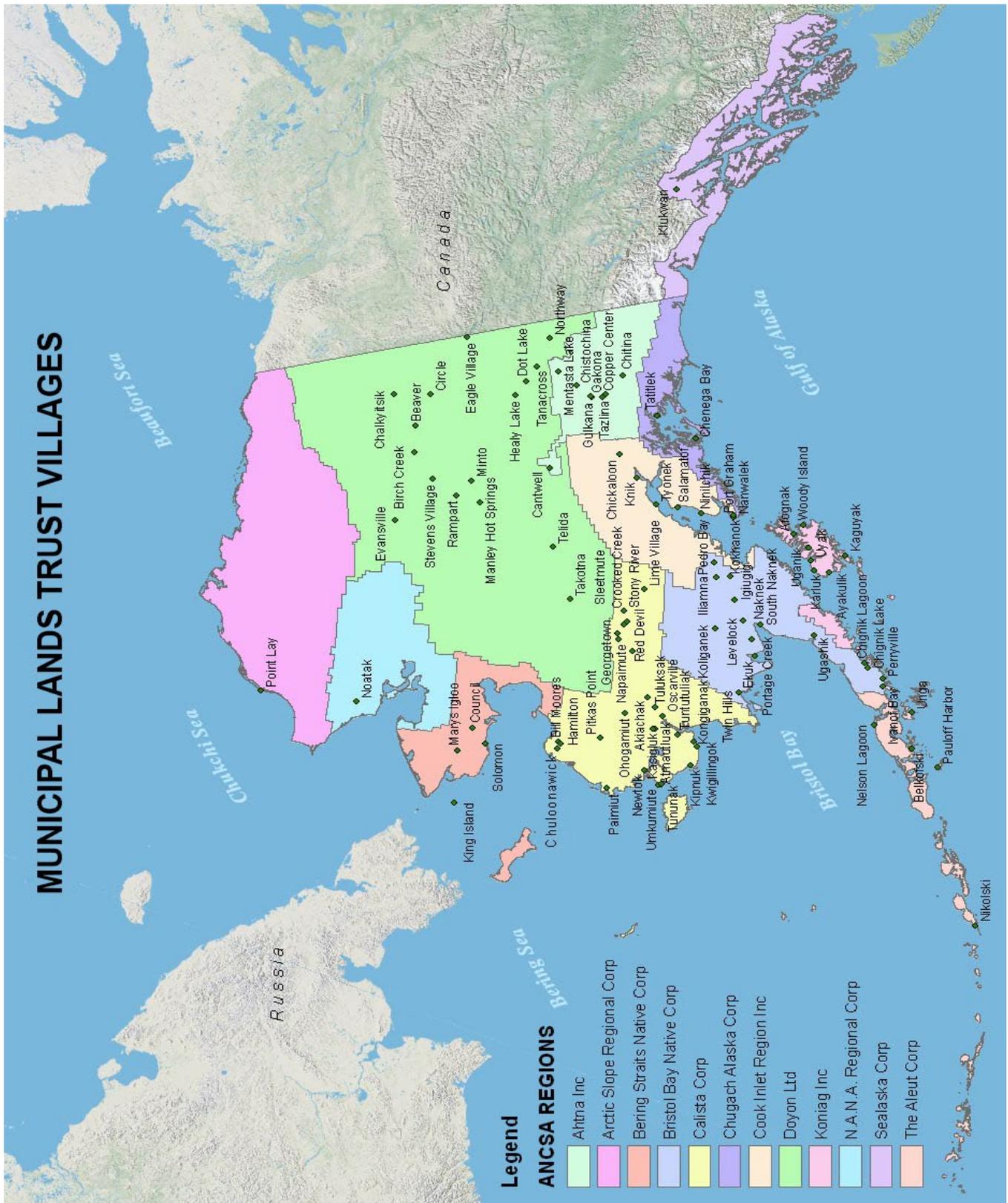
The responsibility for administering municipal trust land is assigned to the Commissioner of the Department of Commerce, Community, and Economic Development in A.S. 44.33.755. The Municipal Lands Trustee (MLT) Program is within the Department’s Division of Community and Regional Affairs.

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 48.79 acres in Karluk, deeded to the State in trust in 1980. 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 <i>AVE Status</i>	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) SETTLEMENT IN TAZLINA

In 2013, Ahtna, Inc. and the State in trust signed an ANCSA 14(c)(3) settlement agreement for Tazlina. The agreement includes several parcels that were identified for present and future land needs during a series of community planning meetings. A survey of the parcels is close to completion. Once the survey plat is finalized and recorded, Ahtna, Inc. will be able to deed the lands agreed upon to the State in trust for a future city government in Tazlina. The lands to be conveyed include a parcel along the Richardson Highway that contains the fire hall.



Fire hall in Tazlina.

ALEUT REGION

Community <i>AVE Status</i>	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	242.17	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



St. Nicholas Russian Orthodox Church in Nikolski, 1985

HISTORIC NIKOLSKI

Nikolski, in the western Aleutians, may be the site of the earliest documented evidence of human habitation in the Aleutian Islands, with evidence of occupation dating back 8,500 years. Residents were evacuated to the Ketchikan area during the Japanese attacks in 1942 and returned in 1944. The lack of a harbor and dock limit economic activities, and the population has

declined. The historic St. Nicholas Russian Orthodox Church was built in 1930. A land settlement has not been completed in Nikolski.

ARCTIC SLOPE REGION

Community <i>AVE Status</i>	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 <i>AVE Status</i>	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>	C	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

HISTORIC SOLOMON

The village of Solomon, thirty miles east of Nome, settled in its present location along the Nome-Council Highway in 1939. The beautifully renovated BIA school now serves as Solomon Bed & Breakfast. In 2005, improvements were made to the roads on Municipal Trust land.



Improved roads in Solomon.

BRISTOL BAY REGION

Community <i>AVE Status</i>	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	245.47	7	\$310.00
Ekuk <i>Ekuk Village Council</i>	C	31.54	2	\$0.00
Igiugig <i>Igiugig Village Council</i>	C	109.14	3	\$0.00
Iliamna <i>No AVE</i>	P	74.03	4	\$10,000.00
Ivanof Bay <i>Ivanof Bay Tribal Council</i>	C	161.05	3	\$560.00
Kokhanok <i>Kokhanok Village Council</i>	C	1,202.12	16	\$49,310.00
Koliganek <i>New Koliganek Village Council</i>	C	93.67	2	\$0.00
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	371.81	6	\$2,650.00
Perryville <i>Perryville Village Council</i>	C	904.36	5	\$89,666.67
Portage Creek <i>Portage Creek Village Council</i>	C	244.89	2	\$300.00

BRISTOL BAY REGION *CONT'D.*

Community <i>AVE Status</i>	Status	Acres	Leases in Effect	Revenues to Date
South Naknek South Naknek Village Council	C	974.68	2	\$4,200.00
Twin Hills Twin Hills Village Council	C	89.99	0	\$0.00
Ugashik Ugashik Traditional Village Council	C	1,149.93	2	\$300.00

MLT STAFF VISITS SOUTH NAKNEK

MLT staff conducted a site visit to South Naknek in June 2019. South Naknek is within the Bristol Bay Borough, across the Naknek River from Naknek. The State holds 974.68 acres in trust for a future city government. The process is underway to transfer a 32-acre parcel to the Borough for a community cemetery. Staff also inspected an area where residents would like to obtain land for homes.



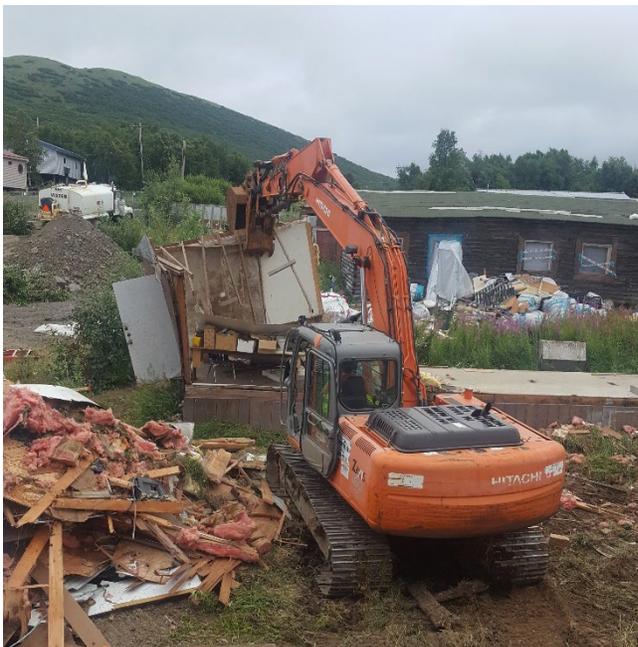
Naknek Electric Association equipment storage building in South Naknek.

CALISTA REGION

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

CALISTA REGION *CONT'D.*

Community <i>AVE Status</i>	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	44.01	7	\$550.00
Red Devil <i>No AVE</i>	N	0.00	0	\$0.00
Sleetmute <i>Sleetmute Traditional Council</i>	P	95.56	0	\$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



Clean-up in progress at Pitka's Point School.

CLEAN-UP UNDERWAY FOR PITKA'S POINT SCHOOL SITE

The school in Pitka's Point closed in 2012, and students attend school in St. Mary's. The school campus in Pitka's Point, which is on MLT land, was contaminated by historic fuel spills. The Municipal Lands Trust, Alaska Department of Education & Early Development, Alaska Department of Environmental Conservation, and Pitka's Point Traditional Council have been working together to clean up the site. Once the clean-up is complete, the site will be available for new development.

CHUGACH REGION

Community <i>AVE Status</i>	Status	Acres	Leases in Effect	Revenues to Date
Chenega <i>Chenega IRA Council</i>	C	387.14	4	\$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	470.98	9	\$810.00

MLT STAFF VISITS CHENEGA

In June 2019, MLT staff made a site visit to Chenega in Prince William Sound, where the State holds 387 acres in trust for a future city government. Notable uses of the MLT land include the school, airport, community hall, landfill, and cemetery. A site visit is an opportunity for MLT staff to meet local residents and learn about current and future land uses, as well as to inspect the lands already in use for community infrastructure.



Chenega Bay School on Municipal Trust land.

COOK INLET REGION

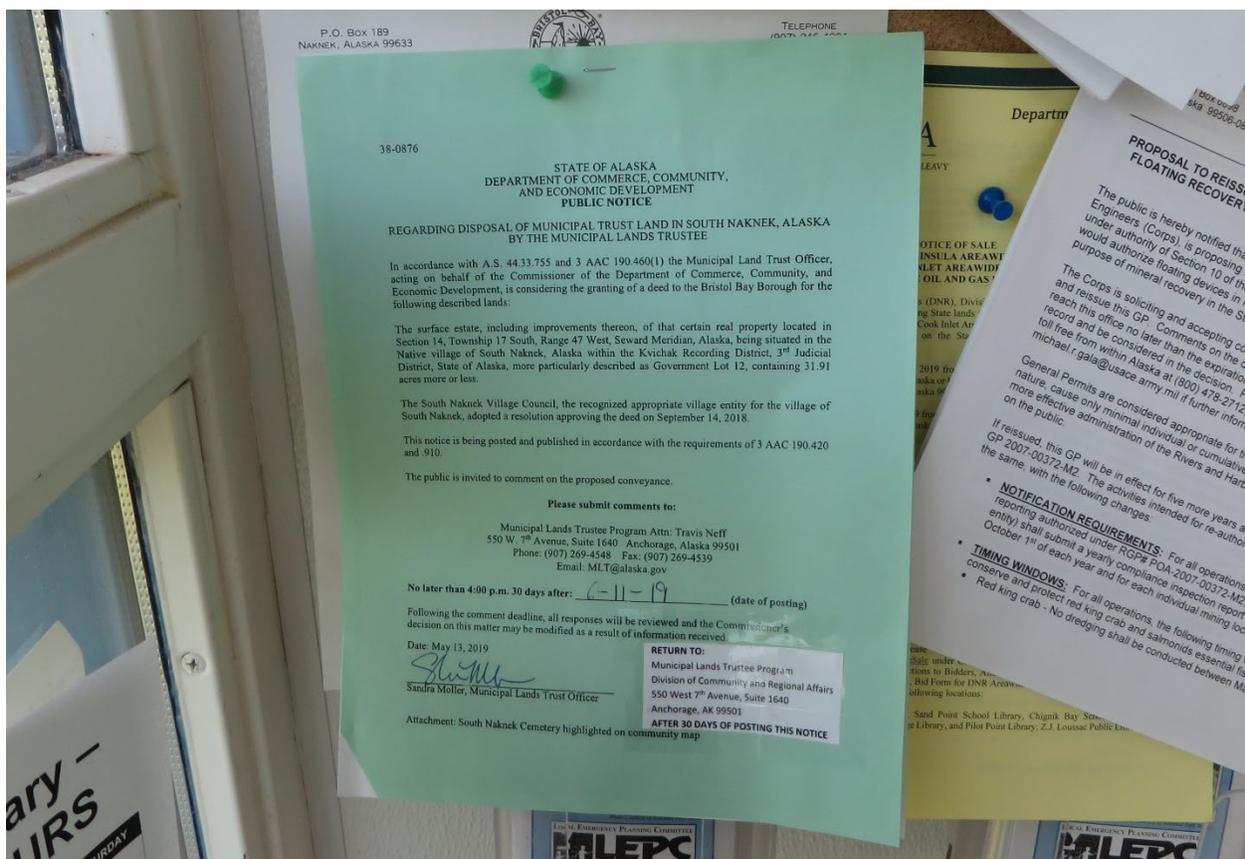
Community <i>AVE Status</i>	Status	Acres	Leases in Effect	Revenues to Date
Chickaloon <i>No AVE</i>	N	0	0	\$0.00
Knik <i>No AVE</i>	C	0	0	\$0.00
Ninilchik <i>Ninilchik Traditional Council</i>	C	206.37	0	\$0.00
Salamatof <i>No AVE</i>	C	0	0	\$0.00
Tyonek <i>No AVE</i>	IP	0	0	\$0.00

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	0.00	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	4	\$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	582.51	4	\$45,939.20

LAND FOR RESIDENTIAL DEVELOPMENT IN MINTO

Three residential lots were deeded to Minto residents during the past year, to support the development of new housing. The lots were surveyed in 2007. Survey monuments mark the corners of the lots. Knowing where the property boundaries are can help avoid conflicts between neighbors.



Land in Minto being cleared for a new home.

DOYON REGION *CONT'D*

Community <i>AVE Status</i>	Status	Acres	Leases in Effect	Revenues to Date
Minto <i>Minto Village Council</i>	IP	106.27	5	\$7,255.00
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	1022.86	6	\$21,541.00
Tanacross <i>Tanacross Village Council</i>	IP	39.59	1	\$0.00
Telida <i>Telida Village Council</i>	C	166.37	1	\$0.00



Survey monument in Minto. Damaging or removing survey monuments is against the law.

KONIAG REGION

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



View of Karluk from landfill.

NANA REGION

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

SEALASKA REGION

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

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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
COMMERCE
COMMUNITY
AND ECONOMIC
DEVELOPMENT

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Julie Anderson, Trustee
DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

MUNICIPAL LANDS TRUSTEE PROGRAM

2019 ANNUAL REPORT