

Statement for the Record
Bureau of Land Management
U.S. Department of the Interior
before the
House Committee on Natural Resources
Subcommittee on Indian and Insular Affairs
on
H.R. 4748, Unrecognized Southeast Alaska Native
Communities Recognition and Compensation Act

December 5, 2023

H.R. 4748, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act, would amend the Alaska Native Claims Settlement Act (ANCSA) (P.L. 92-203) to authorize the Southeast Alaska Native communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell to organize as Urban Corporations under Sealaska Corporation, the regional corporation for Southeast Alaska. The bill also directs the Secretary to convey approximately 23,040 acres of surface estate in the Tongass National Forest to each urban corporation, and to convey the subsurface estate underlying the same lands to Sealaska Corporation. H.R. 4748 further notes that Congress intends such conveyances to be made within two years from the date the corporations are formed.

Analysis

In 1971, Congress passed ANCSA, which settled aboriginal land claims in Alaska by entitling Alaska Native communities to select and receive title to 46 million acres of Federal land. The Act established a corporate structure for Native land ownership in Alaska under which Alaska Natives would become shareholders in one of over 200 private, land-owning Alaska Native village, group, urban, and reserve corporations and/or one of 12 private, for-profit, land-owning regional corporations. Most Alaska Natives are enrolled in two corporations; the corporation representing the community where they lived in 1970 and a regional corporation.

Each regional corporation encompasses a specific geographic area and is associated with Alaska Natives who had traditionally lived in the area. For each corporation, whether village or regional, ANCSA provided at least two potential acreage entitlements through which it could select and receive ownership of Federal lands. For Alaska Natives who were non-residents of the state at the time the Act was signed into law, ANCSA authorized a non-landowning 13th Regional Corporation.

Due to a monetary settlement prior to ANCSA (*Tlingit and Haida Indians of Alaska and Harry Douglas, et al. v. United States*, 182 Ct. Cl., 130, 389 F.2d 778, 1968), land entitlements in Southeast Alaska differ from those in the rest of the state. Section 16(a) of ANCSA withdrew lands for 10 specific Native villages located in Southeast Alaska, which did not include the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell.

The communities of Haines, Ketchikan, and Tenakee have previously applied for eligibility for lands and benefits under ANCSA. The Bureau of Indian Affairs (BIA) originally determined

Haines as eligible to receive land and benefits under ANCSA but reversed its decision in February of 1974. The BIA also determined Tenakee and Ketchikan to be ineligible.

All three appealed the BIA's decisions to the Alaska Native Claims Appeal Board (ANCAB), an ad hoc Interior appellate board established specifically to hear appeals on ANCSA matters. The ANCAB found that Congress intended to grant benefits only to the 10 villages listed in Sec. 16(a) of ANCSA and affirmed BIA's decisions. Petersburg and Wrangell did not apply for eligibility, and none of the five villages filed land selection applications.

As the Secretary of the Interior's designated survey and land conveyance agent, the BLM is the Federal agency tasked with transferring to Alaska Native corporations title to the 46 million acres as required by ANCSA. The BLM's Alaska Land Transfer program administers the transfer of lands to individual Alaska Natives under the Alaska Native Allotment and Alaska Native Veterans Allotment Acts, the transfer of 46 million acres to Alaska Native communities under ANCSA, and the conveyance of 104.5 million acres to the State of Alaska under the Alaska Statehood Act.

The BLM appreciates the Sponsor's efforts to resolve this long-standing dispute regarding ANCSA eligibility for the Alaska Native communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell. The BLM would like to work with the Sponsor on several technical modifications to address potential issues, including conveyance of land with valid existing rights, and potentially contaminants, to the new Alaska Native Corporations. Additionally, the BLM would like to ensure all parcels identified are available to be transferred; and that previous and future allocations to regional corporations are unaffected by the bill. The BLM defers to the U.S. Forest Service on issues related to the land designated by the bill to be transferred, as the designated lands are all within the Tongass National Forest.