

U.S. HOUSE COMMITTEE ON NATURAL RESOURCES INDIAN AND INSULAR AFFAIRS SUBCOMMITTEE

JULY 24, 2024

HEARING ON H.R. 6489, A BILL TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT TO PROVIDE THAT VILLAGE CORPORATIONS SHALL NOT BE REQUIRED TO CONVEY LAND IN TRUST TO THE STATE OF ALASKA FOR THE ESTABLISHMENT OF MUNICIPAL CORPORATIONS, AND FOR OTHER PURPOSES.

Testimony of Brian Ridley, Chief and Chairman, Tanana Chiefs Conference

My name is Brian Ridley and I am the Chief and Chairman of the Board of Tanana Chiefs Conference (TCC), a sovereign intertribal consortium of 37 federally-recognized Indian tribes and 4 additional Alaska Native communities located across the Interior region of Alaska. Our region stretches from the Brooks Range on the north, to the Alaska Range on the south, from the Canadian border on the east almost to Norton Sound on the west. Our area covers 235,000 square miles—150,400,000 acres—half again as large as California and almost as large as Texas. In addition to our 37 federally recognized Tribes, our region is also home to Alaska Native village corporations (ANVCs) organized under the 1971 Alaska Native Claims Settlement Act (ANCSA).

Each of our villages is governed by a tribal government recognized as such by the United States, both by Act of Congress (including by the Federally Recognized Indian Tribe List Act of 1994) and by actions of the Department of the Interior (including the annual publication of all federally recognized Tribes in the United States). Many of our villages also have a state-chartered municipal government. But, a significant number of our villages do not have a state-chartered municipal government—16 Villages—so that the only local government in these Villages is the local Tribe governed by a Tribal Council.

As part of the land claims settlement, each ANVC received title to certain lands in and around its Village, with the amount of land dictated by a population-based formula. Then, section 14(c)(3) (among other things) required each ANVC to reconvey a portion of those lands to the local municipal government. The lands that had to be conveyed were described as all “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.” The minimum amount of land that had to be conveyed was 1,280 acres, unless the ANVC and the local municipal government agreed to a lesser amount.

As I mentioned, 16 of our Villages do not have a municipal government. In that circumstance, section 14(c)(3) requires that the ANVC transfer the lands intended for a municipal government instead to the State of Alaska, to be held in trust for any future municipal government that might be organized in the future. The state office that holds title to such lands is known as the Municipal Land Trustee (MLT). According to the MLT 2019 Report, a total of 6 ANVCs in our region have transferred lands to the MLT under section 14(c)(3), and another 3 are in the process of completing such transfers. The remaining 7 Villages in our region that do not have municipal governments have not commenced the MLT process.

It has been 52 years since ANCSA’s passage, and it is clear that many Villages will never organize a municipal government. Life is complicated enough with tribal governments, village

corporations, and school boards (among others), without adding yet another local entity.

Although ANCSA was written with the expectation that every Village would eventually have a municipal government in place, after more than a half-century it is clear this expectation was mistaken. (According to the MLT 2019 Report, it has been 28 years since any Alaska Native village incorporated a municipal government.) TCC therefore agrees that the time has come to reform section 14(c)(3) of ANCSA.

While section 14(c)(3) needs to be reformed to fit today's reality, we agree with Congress's original concept about local governance needs: "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" should be placed in the hands of the local government. Where that government is the local Tribe, and particularly where no municipal government exists, section 14(c)(3) should be amended to require that the MLT transfer the land to the Tribe. In this way, the land can be used precisely as Congress intended—for local governmental purposes.

The Transfer of MLT land to the local Tribe is not a new concept. It is the standing policy of the Alaska Federation of Natives (AFN) as reflected in Resolution 19-42. That Resolution points out that the MLT possesses "the authority to convey or dispose of 14(c)(3) lands it is managing in Villages when the Tribal authority (referred to in the regulations as the Appropriate Village Entity) concurs with the action." The Resolution calls on the MLT "to work with the Tribal Council and the Alaska Native Corporation to ensure a smooth and effective return of the 14(c)(3) lands to the appropriate Native entity." This was the standing AFN policy when TCC and virtually all other tribal and corporate entities were members of AFN.

Similarly, it was the standing policy of the Alaska Native Village Corporation Association (AVCA) that the MLT "return 14(c)(3) lands to Appropriate Village Entities" (<https://anvca.biz/advocacy>).

Further, Tribes are the prioritized village entities in the MLT regulations [3 AAC 190.130(a)(1)-(2)].

These calls to action did not happen in a vacuum. For many years the MLT has failed to meet local needs. In 2018, the Chenega IRA Tribe requested reconveyance of 387.15 acres transferred two decades earlier to the MLT by the Chenega Corporation. Although existing regulations permit such a transfer, by decision issued November 20, 2018, the MLT refused to transfer the lands. The MLT insisted that, despite the passage of 50 years, including 20 years since the land conveyance from Chenega Corporation, it was the MLT's duty to hold the lands indefinitely—"until such incorporation" of a municipal government—which is to say, forever.

The needs of local tribal governments for land is real. In the Village of Minto, the MLT holds over 106 acres. Several homeowners live on land that is held by the MLT, and others wish to build on MLT-held land. Yet the MLT has only deeded three lots to Minto residents. In 2019 the MLT gave notice that it was considering deeding one-half acre to the U.S. Postal Service for a post office, and in 2014 the MLT gave notice that it was considering issuing a lease—not a deed, but a lease—for 0.48 acres to the Tribal Council for a playground. That is the sum total of the MLT's activity in Minto.

Congress was correct that lands within and around a village should be reserved for governmental purposes. Since the only government in each of 16 of our Villages is the tribal

government, we respectfully urge the Committee to revise H.R. 6489 to facilitate the transfer of MLT lands to the local tribal government wherever transfers have already occurred. Where transfers have not yet occurred, we respectfully urge the Committee to revise H.R. 6489 so that future village corporation reconveyances are made to the local tribal government for the Village. This will ensure that the local government has the land necessary to provide for community members' needs, both today and for future generations. Such an amendment will also match Congress's original vision with today's realities on the ground, while assuring that lands originally intended for governmental purposes remain for governmental purposes.

To carry out these recommended changes to the bill, TCC respectfully suggests the following amendments to proposed section 14(c)(3)(1)(C)(iv) (using redline):

(iv) Cases in Which Conveyance Shall Not Be Required.—

(I) In General.—Notwithstanding any other provision of this subparagraph, if a Village Corporation, prior to the date of enactment of the Alaska Native Village Municipal Lands Restoration Act of 2023, conveyed to the State in trust all or a portion of the acreage of land required to be conveyed under this subparagraph for the establishment of a Municipal Corporation in the future, and a Municipal Corporation has not been established as of that date of enactment, on formal resolution by the federally recognized Tribe for the Native Village requesting dissolution of the trust, the trust shall be dissolved and title to the land shall be transferred to the federally recognized Tribe for the Native Village, subject to subclause (III).

(II) Additional Land.—Notwithstanding any other provision of this subparagraph, as of the date of enactment of the Alaska Native Village Municipal Lands Restoration Act of 2023, a Village Corporation shall not be required to convey any additional land in trust under this subparagraph for the establishment of a Municipal Corporation in the future, *provided that* in any Native Village where, prior to the date of enactment of the Alaska Native Village Municipal Lands Restoration Act of 2023—

(aa) no lands were previously conveyed to a Municipal Corporation, and

(bb) no lands were previously conveyed for the establishment of a Municipal Corporation in the future,

the lands which would otherwise have been so conveyed shall instead be conveyed to the federally recognized Tribe of the Native Village.

(III) Requirements.—In accordance with subsection (g)—

(aa) the reversion of land to a federally recognized Tribe pursuant to subclause (I) shall be subject to—

(AA) valid existing rights created by the applicable trust; and

(BB) any existing easements, rights-of-way necessary for public roadway access, or rights-of way necessary for public roadway access, or rights-of-way access of holders of valid existing rights; and

(bb) the federally recognized Tribe shall assume the obligations of the applicable trust

with respect to any lease or other use agreement applicable to the land on reversion of the land to the Tribe pursuant to subclause (I).