

## **ANSCA Sec. 17 (d)(1) Withdrawals and Associated Public Land Orders**

When Congress passed the Alaska Native Claims Settlement Act in 1971 (“Act”), section 17(d)(1) of the Act set aside all unreserved public lands in Alaska for the Secretary of the Interior (“Secretary”) to review these lands to determine if longer-term set asides (or “withdrawals”) were necessary to protect the public interest. At the end of this review period, the Secretary, in 1972, issued a series of Public Land Orders, or PLOs, that withdrew most of the BLM-managed land in Alaska (158 million acres) from the operation of certain public land laws (including selection by the State) and from mineral leases and mining claims. These withdrawals, which are commonly called “17(d)(1)” or “d-1” withdrawals, allowed time for Alaska Native Corporations to make entitlement selections and for land management agencies to complete inventories of resources and assess values to ensure responsible land use and management for present and future public needs.

In 2019, Congress enacted the Dingell Act, which established the Alaska Native Vietnam-era Veteran Allotment Program that provided eligible individuals the opportunity to select 160-acre allotments from open and unencumbered BLM-managed lands in Alaska. Since the selection period under this Program began in 2020, Alaska Native Veterans have been able to apply for, and receive, allotments of land on approximately 1.6 million acres of federal lands managed by the BLM throughout Alaska – including lands near Goodnews Bay, Fortymile River, and Bering Glacier – where the Secretary has revoked d-1 withdrawals.

In 2020, the BLM prepared draft Public Land Orders to revoke the d-1 withdrawals for approximately 28 million acres within Kobuk Seward Peninsula, Bay, Ring of Fire, Bering Sea-Western Interior, and East Alaska planning areas<sup>1</sup>, which were signed by former Secretary David Bernhardt in January 2021. Those PLOs would have made lands available for selection by Alaska Native Veterans, allowed the State of Alaska to finalize land selections in those regions (including any areas the State has “top filed”), *and* opened all 28 million acres of lands to mineral leasing and mining claim location and entry.

However, the opening orders implementing these January 2021 PLOs never took effect. Soon after Secretary Haaland was confirmed, the Department put those PLOs on hold for up to two years while the Department completes a process to review the PLOs, correct legal deficiencies in the decision-making process that led to the PLOs, and to conduct proper consultation with Alaska Native tribes and Alaska Native Corporations.

While the January 2021 PLOs are on hold, Alaska Native Veterans can continue to apply for, and receive, allotments of up to 160 acres on available federal lands managed by the BLM (i.e., lands

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<sup>1</sup> The BLM has divided BLM-administered lands within the State of Alaska into planning areas, which are smaller units of land administered by a field office in order to provide better management of BLM lands across the state. The Kobuk Seward Peninsula planning area includes the Seward Peninsula and lands north along the coast of the Chukchi Sea. The Ring of Fire Planning Area includes the upper Alaska Peninsula along the coast eastward down to Haines, and the southeast part of the state, including the Kenai Peninsula and the Anchorage area. The Bay Planning Area includes the Bristol Bay region, including Iliamna Lake and Dillingham. The Bering Sea-Western Interior Planning Area includes the Yukon Kuskokwim Delta, the lands to north between the Seward Peninsula, and some lands within the Central Yukon. The East Alaska Planning Area includes the lands between the Canadian Border and the Susitna River and Copper Rivers.

that are not covered by the January 2021 PLOs or that are otherwise unavailable). Alaska Native Veterans can also submit applications for allotments within the 28 million acres of lands covered by the January 2021 PLOs, which will be held for processing in case the lands become available in the future. These lands are labeled as “potentially available after PLO review” on the map located in the top right corner of the [BLM Alaska Native Veteran Program of 2019](#)

Additionally, the BLM Central Yukon Field Office has been updating its resource management plan and, among other things, is considering whether the plan should make a recommendation to the Secretary to modify, revoke, or maintain d-1 withdrawals in that area. The Draft Central Yukon RMP/EIS was published on December 11, 2020 and the public comment period closes on June 9, 2021. More information is available on the [BLM ePlanning website](#).

The BLM and the Department are seeking your input on how to address the January 2021 PLOs that are currently on hold and what recommendation to make for the d-1 withdrawals within the Central Yukon planning area. The Secretary is considering at least two different possible courses of action.

- 1) She could open the lands covered by the January 2021 PLOs to only allow selections under the Alaska Native Vietnam-era Veterans Land Allotment Program and not to other laws, such as mineral leasing and mining claims; or
- 2) She could partially or fully revoke the d-1 withdrawals to allow for the operation of all public land laws, including mining and mineral leasing laws.

The Department will also be reviewing whether there are some lands covered by the January 2021 PLOs that need unique or site-specific protections due to the presence of historic properties or cultural resources, or to avoid certain environmental impacts. The consultation process allows tribes to provide their historical and traditional knowledge to inform the Department of areas needing this protection.