

14(c) Surveys

Understanding the Law: Alaska Native Claims Settlement Act (ANCSA)

Alaska Native Claims Settlement Act (ANCSA) became Public Law 92 203, (85 Stat. 688), by action of the 92nd Congress on December 18, 1971. The Act primarily describes procedures to finalize lands and water resource claims based upon aboriginal rights and titles. ANCSA Section 2(b), 85 Stat. 688, provides:

"...the settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives, without litigation, with maximum participation by Natives in decisions affecting their rights and property, without establishing any permanent racially defined institutions, rights, privileges, or obligations, without creating a reservation system or lengthy wardship or trusteeship, and without adding to the categories of property and institutions enjoying special tax privileges or to the legislation establishing special relationships between the United States Government and the State of Alaska."

ANCSA called for the division of the State into Regional Corporations representing geographical regions of Alaska. Existing Native villages were identified within the Regional jurisdictions and listed in ANCSA Section 11. These Native villages formed Village Corporations to receive land entitlements and resource benefits as proclaimed by the Act.

Village Corporation ANCSA 14(c) Obligations

Regional Corporations do not have an ANCSA 14(c) obligation (unless merged with certain village corporations, and then only to the extent those village corporations would have had an obligation). Only Village Corporations which receive title to the surface estate from the United States Government pursuant to selections made under ANCSA Sections 12(a)&(b) have an ANCSA 14(c) reconveyance obligation.

All of the ANCSA Village Corporations receive their land entitlements by a patent (or interim conveyance until the boundaries are surveyed) from the United States Government subject to the following ANCSA 14(c) clause:

"Requirements of Section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 [85 Stat. 688, 703; 43 U.S.C. § 1601, § 1613(c)], that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section."

Alaska National Interest Lands Conservation Act (ANILCA) became Public Law 96-487 (94 Stat. 2371), on December 2, 1980. ANILCA recognized an Interim Conveyance as having the same effect as a patent, subject to valid existing rights, titles and interests [ANILCA Sections 1410(j)(1) & 1437(d)].

There are no time limitations for completing the ANCSA 14(c) reconveyances.

Types of 14(c) land reconveyances

Under ANCSA Section 14(c), as amended by ANILCA, four specific types of land reconveyances are recognized. 14(c)(1) and (2) pertain to certain individual claims and nonprofit groups who can substantiate use prior to December 18, 1971. 14(c)(3) allows for past or present existing community uses and/or future land needs for municipalities. 14(c)(4) covers the surface estate of lands occupied as of December 18, 1971 for airport activities.

Each Village Corporation must decide what is best for its own situation. However, the actual leverage to reconvey lands, prepare a plan and hasten final agreements will probably come from the municipal needs and/or individuals who wish to obtain title to their homes. Lack of title may be cause for potential forfeiture of funding for a local project improvement or hinder rightful claims to an inheritance.

For a more in-depth analysis of the ANCSA 14(c) selection process concerning the requirements of the Village Corporations and the options available to individuals and/or municipal recipients, reference the handbook titled, "*ANCSA 14(c) Village Land Reconveyance Planning*," prepared by the Alaska Native Foundation (ANF) and the State of Alaska, Dept. of Community, Commerce and Economic Development [DCCED].

The BLM's role in 14(c) surveys

Although each village corporation is charged under ANCSA with adjudicating 14(c) claims, Congress mandated the survey responsibility to the United States Government, under the direction of the Bureau of Land Management.

The authority to execute a "federally mandated" survey on private lands is pursuant to Section 13 of ANCSA. More specifically, Section 13 requires "survey within the areas selected" and reflects those purposes expounded upon in Section 14(c) such as a "primary place of residence", and a "primary place of business", and authorizes surveys "for other purposes" [43 U.S.C. § 1612(a)].

The Code of Federal Regulations (C.F.R.) further directs BLM to execute and approve ANCSA 14(c) surveys in regulations contained under "Village Surveys" [43 C.F.R. § 2650.5 4]. § 2650.5 4(b)

states: "Surveys will be made within the village corporation selections to delineate those tracts required by law to be conveyed by the village corporations pursuant to Section 14(c) of the Act."

The language of ANCSA allows BLM to execute ANCSA 14(c) Surveys within its standard procedures while providing the flexibility needed to accommodate the unique circumstances that arise in implementing ANCSA. Even though the village corporation lands have been transferred from public domain to private ownership, the initial ANCSA 14(c) reconveyance requirements were mandated by federal law and are therefore federal surveys. However, all ANCSA 14(c) adjudication decisions are the responsibility of the village corporation. BLM does not have any oversight authority regarding ANCSA 14(c) transfer decisions. Any disputes over ANCSA 14(c) reconveyances must be resolved between the Village Corporation and the claimants, subject to judicial review.