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For Immediate Release: March 6, 1978
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Secretary of the Interior Cecil D. Andrus today announced completion of an eight month process aimed at speeding the conveyance of land to Alaska Native Corporations and smoothing implementation of other parts of the Alaska Native Claims Settlement Act.

“This Department has dedicated itself to improved administration of the Settlement Act," Andrus said, “beginning with conveyance of land to Native Corporations on an accelerated basis. We promised Congress we would review and untangle the ANCSA issues and get the Act moving again. The Settlement Act is not only vital to Alaska Natives, but its success is crucial to the social, cultural and economic future of the State and the Nation. The issues we covered ranged from those which affect single villages to those affecting virtually every Native Corporation in the State, but all had to be resolved to make the Act work. We made our decisions based primarily on the principle that this was Native legislation designed to settle claims for their benefit, although we believe the State and others will gain by many of the decisions."

"This review process could not have succeeded without the cooperation of Alaska's Native citizens, the government of the State of Alaska and the Federal-State Land Use Planning Commission. All these parties participated in numerous meetings and offered us good counsel throughout the entire process Secretary Andrus said.

The intensive policy review was forced by the increasingly complicated and contradictory fashion in which the Claims Act was being administered. Although the Act was passed in 1971 no Native Corporation, except in the Arctic Slope region, had received all its land, and most had received little if any, when the review began eight months ago. Alaska Natives are entitled to more than million acres of land under terms of the Act.

The process was further snarled by differing interpretations of language in the Act permitting easements across Native land.

Last July Federal District Judge James van der Heydt ruled that the Alaska Native Claims Settlement Act is Native legislation which permits easements to be reserved across Native land only at certain points to allow access to nearby public land. Access to Native land is solely up to Native discretion, van der Heydt ruled. The overall effect of this decision was to declare invalid many of the then existing Interior Department easement guidelines.

Under the new Department policies announced today, no continuous coastal easements will be reserved and easements will be placed only on "major" inland rivers, streams or lakes. A “major” waterbody will be determined by a three part test involving significant use of the water for travel, significant commercial use and its overall resource value including recreation fishery and other values. To meet the test at least two of the three criteria must be satisfied for each waterbody or segment thereof.

On any major waterbody, coastal or interior, a limited, non-duplicative system of easements will be established only for the purpose of permitting normal travel on the waterway or to gain access to or

from public land nearby.

Uses on such easements will be reasonable, but limited and defined. Secretarial orders to carry out the new guidelines will be issued within 60 days.

Secretary Andrus said the Interior Department would recommend that the Justice Department drop its Federal Court appeal of the van der Heydt decision if the Natives drop their appeal and accept the new easement policies. Andrus reiterated his hope that the State will also accept these new policies.

Acceptance of the new Interior Department policies by the Natives will automatically trigger a process leading to relinquishment by the Department of previously reserved easements that are in conflict with the new policies.

Other major decisions._ announced as a result of the review include:

-- Reorganization of the SLM Alaska Office to create a new and separate office, reporting directly to the State Director, and having responsibility solely to carry out the Settlement Act, with emphasis on prompt land conveyance

--Designation of the Alaska Native Claims Appeals Board as the sole administrative appeals board for the Settlement Act. Rules governing who may appear and who has the burden of proof have been redefined to provide for faster decisions. Court appeals, where necessary, will also be speeded up. There will be an increased use of Administrative Law Judges as well.

-- Native selections from Federal installation land as provided in Sec.

3(e) of the Act will be aided by a more active Department program to encourage Federal owners to identify surplus land. Formal Secretarial decisions will be made on the land available.

-- Native selection of cemetery and historical sites will continue under present guidelines, but areas open to selection will include some land previously withdrawn by the Secretary outside of Native withdrawals, including some land the present Administration Alaska National Interest Lands proposal. Covenants I be placed on this land to limit its future use to the intended purpose.

-- Conveyance of submerged lands will proceed on a case-by-case basis as each selected area is studied to determine whether it meets the criteria for Federal or State land. Federal land, if selected by Natives, is subject to conveyance, State land is not.

-- The Department will ask Native Corporations to rank their land selections in the order they want them conveyed. This will speed up conveyance of the most important lands, and increase the pace of the overall process. The Department will establish a system for reducing over selections based on the proportion of conveyances made and the remaining selection entitlement of each corporation.

-- Land exchange policy will strongly favor exchanges for equal value and be limited to exchanges of land rather than selection rights. Exceptions to the equal value standard may be made by the Secretary.

-- Allocations of selection entitlements among the regional corporations, according to the complex rules of the Settlement Act, will be carried out under a new set of policies and procedures designed to speed conveyance and reach the highest entitlements in each area as soon as possible. Legal uncertainties in some case, such as litigation over village eligibility, will be taken into account.

--The standards for establishment of Native “Groups” will be received and revised in an effort to make them more consistent with the standards for establishing "Villages” The Native Claims Act a11ows Native communities too small to qualify for the Village requirement of 25 people to establish themselves as Groups instead, with a land base pro-rated to the number of people in the community.
