

STATEMENT FOR THE RECORD
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SUBCOMMITTEE ON INDIAN AND ALASKA NATIVE AFFAIRS
HOUSE NATURAL RESOURCES COMMITTEE
U.S. HOUSE OF REPRESENTATIVES
ON
H.R. 1103, ALEXANDER CREEK VILLAGE RECOGNITION ACT

July 23, 2013

Mr. Chairman and Members of the Committee, thank you for inviting me to express the views of the Department of the Interior (Department) on H.R. 1103, the Alexander Creek Village Recognition Act.

The Department of the Interior understands the continuing desire of Alexander Creek to be recognized as a Native village. However, this legislation would, in amending the Alaska Native Claims Settlement Act (ANCSA) to identify the Alexander Creek Native Group Corporation as a Native Village Corporation, effectively overturn the long-standing settlement, codified in statute, which resolved the status of Alexander Creek, and would undermine the finalization of entitlement claims in southcentral Alaska. For these reasons, the Department opposes H.R. 1103.

Background

The Alaska Native Claims Settlement Act (ANCSA) established the framework to resolve aboriginal land claims in Alaska. Through Section 4 of the ANCSA, Native claims in Alaska were extinguished in exchange for 44 million acres of land and \$962.5 million in compensation. ANCSA established specific entitlements for allocating this settlement among Native-owned regional corporations, Native villages, and Native groups. Native villages (required to have a Native population of 25 individuals or more, as determined by a 1970 census) received greater entitlements than Native groups. Native villages were entitled to a minimum of 69,120 acres from the public domain. In contrast, communities determined to have fewer than 25 Natives could be certified as Native groups and were entitled to a maximum of 7,680 acres.

ANCSA listed nearly 200 Native villages and directed the Secretary of the Interior to determine if additional Native communities qualified as villages. Alexander Creek was not listed as a village in ANCSA. It applied for eligibility as an unlisted village, but its application was contested by the State of Alaska, the Matanuska-Susitna Borough, and other parties. Thus began a long period of litigation.

Alexander Creek's eligibility as a Native village was ultimately resolved in a Stipulated Agreement in 1979 and codified in Section 1432 of the Alaska National Interest Lands Conservation Act (ANILCA). The 1979 Agreement, among Alexander Creek, the ANCSA regional corporation, Cook Inlet Region, Inc. (CIRI), and the Department, settled three issues: Alexander Creek's eligibility; its entitlement to surface estate; and, CIRI's entitlement to associated subsurface estate. In signing this Stipulated Agreement, Alexander Creek withdrew

its application to be recognized as a village, accepted certification as a Native group, and agreed that the lands conveyed under the 1979 Agreement "*constitute a full and final settlement*" of its land entitlement under ANCSA. The Department has fulfilled nearly all its responsibilities to Alexander Creek under the Agreement.

H.R. 1103

H.R. 1103 would amend the Alaska Native Claims Settlement Act (ANCSA) to legislatively designate the Alexander Creek Native group as a Native village. The bill does not assign an acreage entitlement, include selection deadlines, or provide withdrawal authority.

Declaration of Alexander Creek as an eligible village could have serious repercussions in the overall framework of land conveyances established by ANCSA. The resolution of Alexander Creek's status as a Native group and subsequent codification in ANILCA allowed the land entitlement process throughout southcentral Alaska's Cook Inlet region to proceed. The BLM's Alaska Land Conveyance program is now in a late stage of implementation. Changing the status of Alexander Creek at this stage in the process could undercut the basis on which village and regional entitlements were addressed. H.R. 1103 has the potential to require recalculation and reapportionment of the ANCSA figures, which would fundamentally disrupt this lengthy and complex land entitlement and conveyance process. Finally, if enacted, H.R. 1103 would establish a troubling precedent by which other dissatisfied corporations might seek redress.

Conclusion

Thank you for the opportunity to testify on H.R. 1103. I will be pleased to answer any questions.