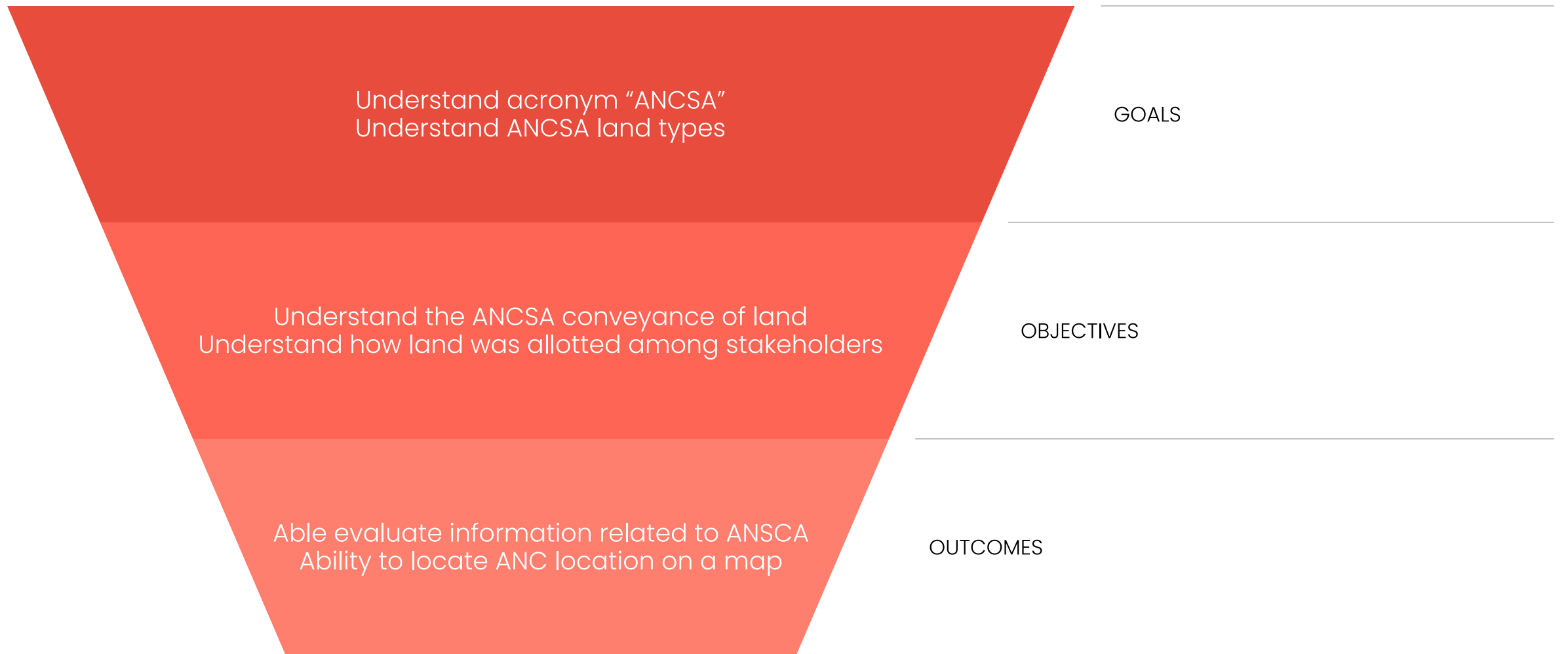




ANCSA & NATIVE ENTITY ORGANIZATION



MODULE EXPECTATIONS



BRIEF HISTORICAL TIMELINE

16,500 years BP
Bering Land Bridge

1912
Alaska became
a U.S. territory

1867
Alaska purchase April
\$7.2 million dollars
in gold

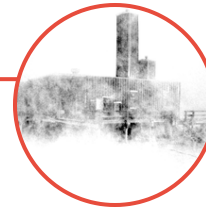
1959 Statehood
January 3, 1959



1966
The Alaska Federation of
Natives (AFN) Formed



1968
Oil discovered
at Prudhoe Bay



1971 ANCSA
12 Native regional economic
development corporations
formed





“For thousands of years Alaska Natives have lived throughout the vast land that became the 49th state. A traditional subsistence lifestyle of hunting, fishing and gathering food has enabled Alaska Natives to thrive in some of the world’s harshest and most challenging environments.”

DRIVING FORCES STRUCTURING VILLAGES



Statehood 1959

Implementation of Cities

Subdivisions of state government



Tribal Recognition & ANCSA

Federal recognition of Tribes

Alaska Native Corporation as primary landowner
and economic engine

OIL & PRUDHOE BAY

- 1 Geologist directed to oil seepage by an Iñupiat whaler
- 2 1968 Humble, ARCO & BP form Alyeska Pipeline Service Company to develop Prudhoe oil
- 3 Alyeska began preparing to build an 800-mile pipeline in 1969, applying for Department of the Interior permits
- 4 Secretary of the Interior Udall enacted a freeze on development permits for Alaska in 1966 to push for Native Land Claims settlement



NOT SO FAST

- ① In fall of 1969, Secretary of the Interior Wally Hickel bypassed the freeze
- ② Allowed Trans-Alaska Pipeline System (TAPS) to negotiate with only the directly impacted villages “one by one”
- ③ This was actually completed, and we would not have ANCSA if TAPS had met its legal obligations in hiring natives
- ④ Injunctive relief was sought and granted by a D.C judge



ALYESKA AS AN ALLY

- 1 Alyeska then incorporated
- 2 The new head of Alyeska pressed for settlement of claims to allow project to move forward
- 3 Opposition included Alaska Natives and conservation groups concerned about violations of the newly passed National Environmental Policy Act (NEPA)
- 4 Conservation groups successful in requiring intensive environmental impact studies in 1970





ALASKA NATIVE LAND CLAIMS

- NATIVE LAND CLAIMS PRE-DATE STATEHOOD
- BATTLE BEGAN IN 1902 WHEN USDA NAMED THE TONGASS A NATIONAL FOREST OVER THE OBJECTIONS OF THE TLINGIT PEOPLE
 - 1 TLINGIT PEOPLE SUED IN 1935
 - 2 WON A COURT SETTLEMENT IN 1968
- ALYESKA DID NOT WANT TO WAIT 33 YEARS - JOINED THE LEGAL EFFORT MAKING A SIGNIFICANT IMPACT

ALASKA NATIVE CLAIMS SETTLEMENT ACT (ANCSA)

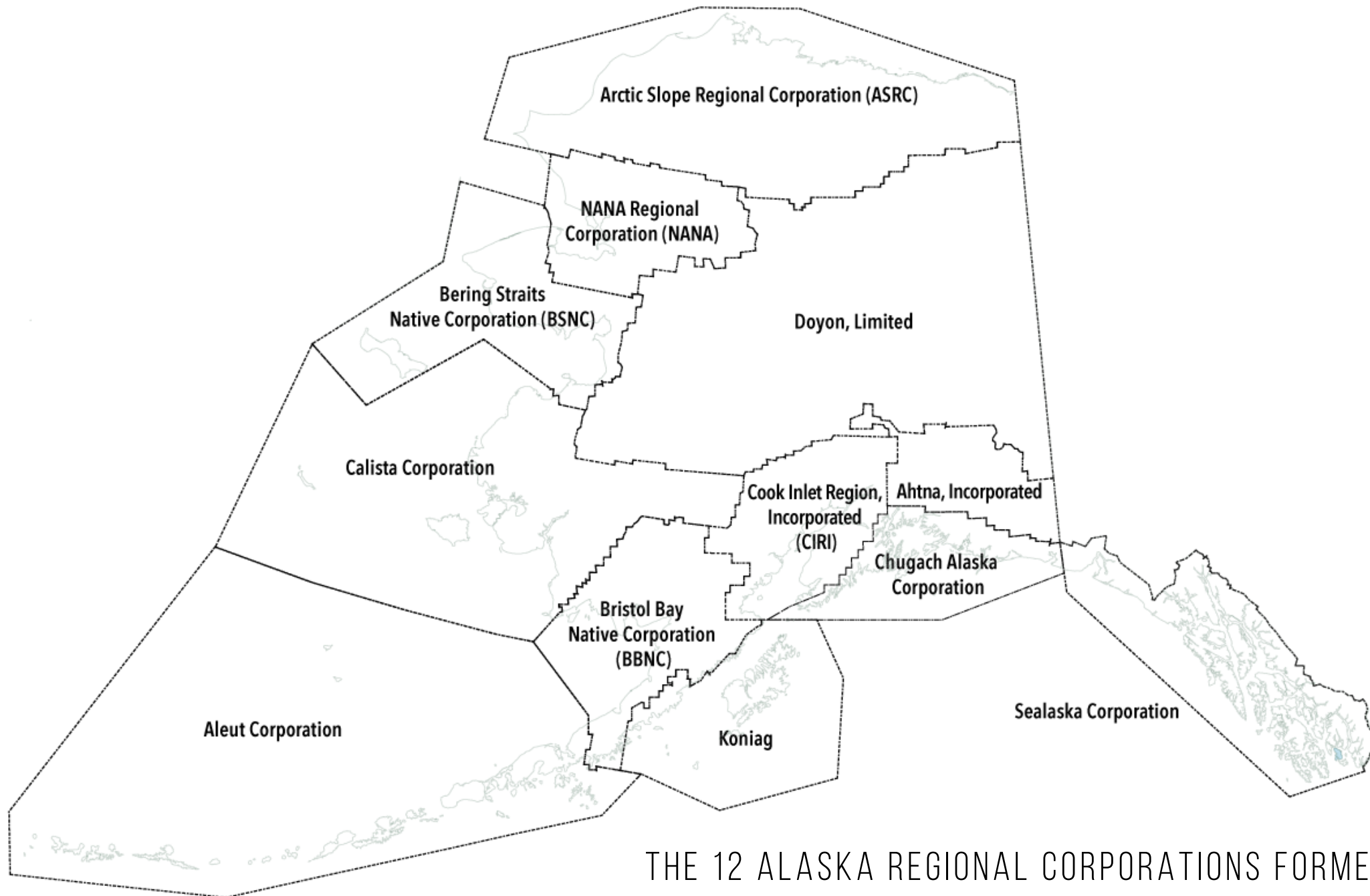
- FORMED 12 REGIONS IN THE STATE
- 13TH REGION FOR ALASKA NATIVES NO LONGER LIVING IN STATE
 - ① The 13th Regional Corporation was involuntarily dissolved by the Division of Corporations, Business and Professional Licensing of the Alaska Department of Commerce, Community and Economic Development on December 31, 2013
- REGIONS SET BY CULTURAL AND LINGUISTIC LINES
- POLITICAL CONSIDERATIONS USED TO FINALIZE BOUNDARIES
 - ① TANANA CHIEFS CONFERENCE – AHTNA
 - ② YUPIK VILLAGES IN BERING STRAITS REGION



ALASKA AS COMPARED TO THE UNITED STATES

12 REGIONAL ALASKA NATIVE CORPORATIONS

- 1 Ahtna, Inc.
- 2 The Aleut Corporation
- 3 Arctic Slope Regional Corporation
- 4 Bering Straits Native Corporation
- 5 Bristol Bay Native Corporation
- 6 Calista Corporation
- 7 Chugach Alaska Corporation
- 8 Cook Inlet Region, Inc.
- 9 Doyon Limited
- 10 Koniag Incorporated
- 11 NANA Regional Corporation
- 12 Sealaska Corporation



THE 12 ALASKA REGIONAL CORPORATIONS FORMED IN 1971

ANCSA & CONGRESSIONAL MANDATES

GOVERNMENT OVERSIGHT OF THE
CORPORATIONS

ELIGIBILITY REQUIREMENTS TO ENROLL
SHAREHOLDERS

LAND SELECTION PROCESS

REDISTRIBUTION OF MONETIZED NATURAL
RESOURCE WEALTH AMONG REGIONAL &
VILLAGE CORPORATIONS



HISTORIC AMERICAN BUILDINGS SURVEY, VILLAGE OF AKUTAN,
AKUTAN, ALEUTIANS EAST BOROUGH, AK

ANCSA 1991/1992 ADDITIONS

PROHIBITION OF THE SALE OF STOCK

EXEMPTION FROM SOME FEDERAL SECURITIES LAWS

EXPANSION OF SHAREHOLDER ELIGIBILITY



HISTORIC AMERICAN BUILDINGS SURVEY, UTKEAGVIK
PRESBYTERIAN CHURCH, MANSE, BUILDING,
MOMEGANA STREET, BARROW, NORTH SLOPE BOROUGH, AK

THE NUMBERS PICTURE

Communities 160

Boroughs 18

Native Village Corporations 174

Federally Recognized Tribes 229

Federal Indian Reservations 1

Alaska Native Cultures 11

Eyak, Tlingit, Haida, Tsimshian peoples live in the Southeast; the Inupiaq and St. Lawrence Island Yupik live in the north and northwest parts of Alaska; Yup'ik and Cup'ik Alaska Natives live in southwest Alaska; the Athabascan peoples live in Alaska's interior; and south-central Alaska and the Aleutian Islands are the home of the Alutiiq (Sugpiaq) and Unangax peoples

ANCSA: LAND, CASH & CORPORATIONS

ANC's as the economic engine for the shareholders

Preserve the culture

ANC's receive surface & subsurface rights

Provided written title to 44 million acres of land

220 Village corporations created (currently operating 174)

Provided \$962.5 million in exchange for the release of all other land claims in Alaska (\approx \$3/acre)

Provide economic benefits for shareholders allowing them to stay in the villages

13th ANC and "at-large" received cash only

ANCSA was supported by Native leaders
A vote was never taken to determine support

NATIVE VILLAGE CORPORATIONS: SAMPLE

Alakanuk Corporation

Askinuk Corporation

Brevig Mission Native Corporation

Chenega Corporation

Eyak Corporation

Ganawas Corporation

Hee-yea Lingde Corporation

K'oyitl'ots'ina Limited

Kake Tribal Corporation

Minchumina Natives Inc.

Napakiak Corporation

Ninilchik Natives Assoc.

Nunapiglluraq Corporation

Ouzinkie Native Corporation

Port Graham Corporation

Qanirtuuq Inc.

Seldovia Native Assoc. Inc.

Shee Atiká

Stebbins Native Corporation

Ukpeaġvik Iñupiat Corporation

Wales Native Corporation

Yak-tat Kwaan Inc.

ANCSA: MAKING THINGS EQUAL

“THE POLICY OF THE LANDS DEPARTMENT WAS THAT THE VILLAGE CORPORATIONS MUST BE ADVISED TO SELECT THE LAND WITH THE MOST RESOURCE POTENTIAL IN TERMS OF SUBSISTENCE RESOURCES, MINERAL POTENTIAL, AND OIL AND GAS POTENTIAL, OR ANY COMBINATION OF THE THREE.”
– NELSON ANGAPAK

7(i) – 70% of these revenues are shared among the regions

Sharing the income from oil, natural gas, timber, gold, copper and other minerals

BUT, IT'S NOT A PERFECT WORLD

SECTION 4(B) OF ANCSA STATES THAT: ALL ABORIGINAL TITLES, IF ANY, AND CLAIMS OF ABORIGINAL TITLE IN ALASKA BASED ON USE AND OCCUPANCY, INCLUDING SUBMERGED LAND UNDERNEATH ALL WATER AREAS, BOTH INLAND AND OFFSHORE, AND INCLUDING ANY ABORIGINAL HUNTING OR FISHING RIGHTS THAT MAY EXIST, ARE HEREBY EXTINGUISHED.

Some hold that Section 4 of ANCSA extinguished tribal rights

Alaska Attorney General

Alaska Legislature

Past Governors

We hold that it extinguished future land claims, not tribal rights as people and governments

Federal Government agrees with us and treats us as tribal people, State still on the fence

SIMPLE, OR FEE SIMPLE?

The United States Supreme Court upheld that the nature of the agreement did extinguish reservation status for these lands

1998: Venetie Tax Case (U.S. Supreme Court) Lands that have gone through the Alaska Native Claims Settlement Act are not Indian country. Indian country is the territorial area over which a tribe has jurisdiction, and this ruling removed any land that went through ANCSA from being counted as Indian country. This decision significantly restricts the scope of tribal civil and criminal jurisdiction over territory. The status of Alaska Native allotments and restricted townsite lots was left an open question, and still may be Indian country. [Alaska v. Native Village of Venetie Tribal Government et al., 522 U.S. 520 1998]

ANCSA lands are **fee simple** – ABSOLUTE ownership

Makes working with some agencies easier (NRCS)

Makes other issues more complicated – tribal courts, Indian gaming

Alaska is not “Indian Country”

NOTHING IS REALLY “SIMPLE”

A prevailing guide to land selections was that they were supposed to be contiguous wherever possible

Only in remote villages was this possible due to competing state/federal/private interests

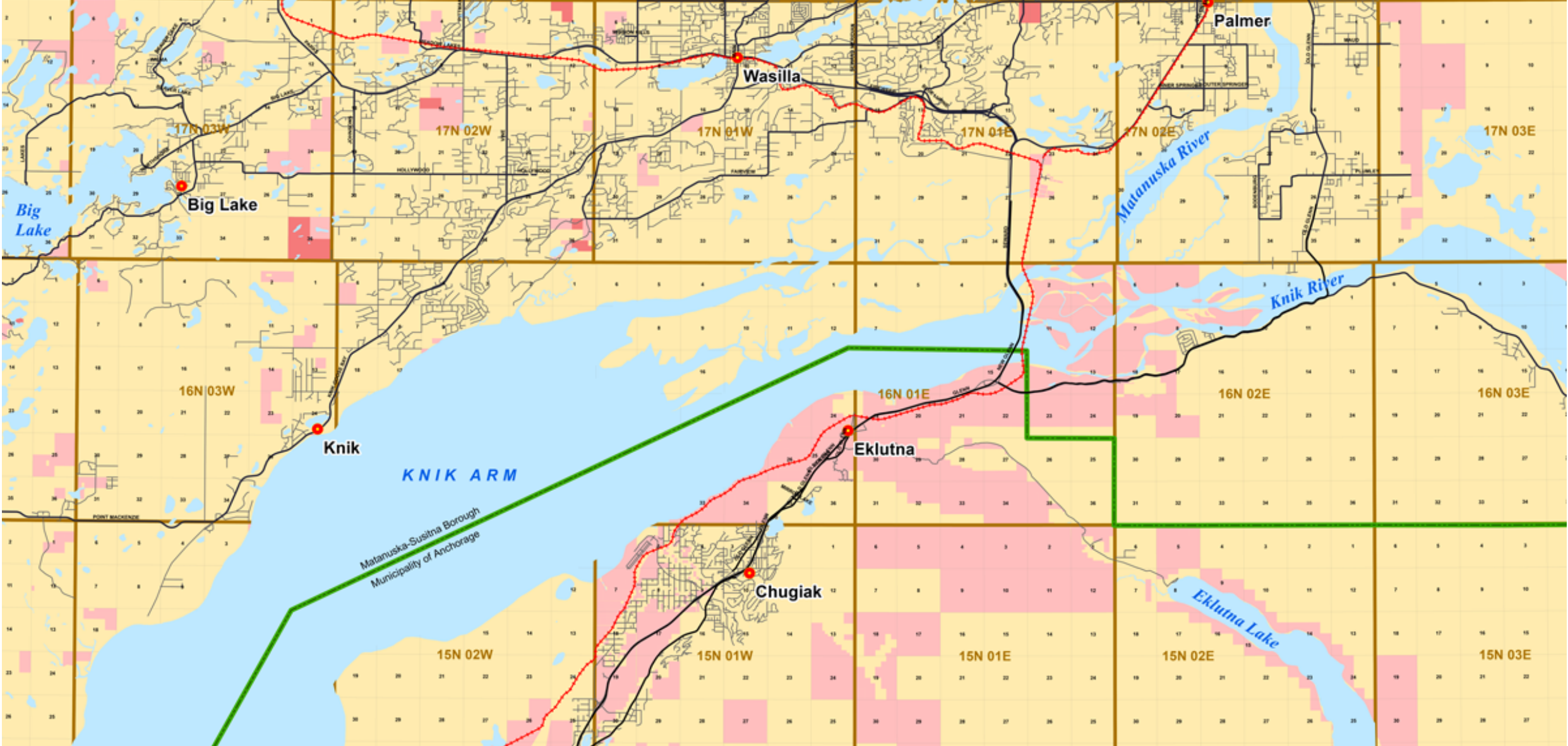
Eklutna – Anchorage

Chickaloon – Colony settlement in Palmer

Land is often scattered among other ownership (checkerboard)

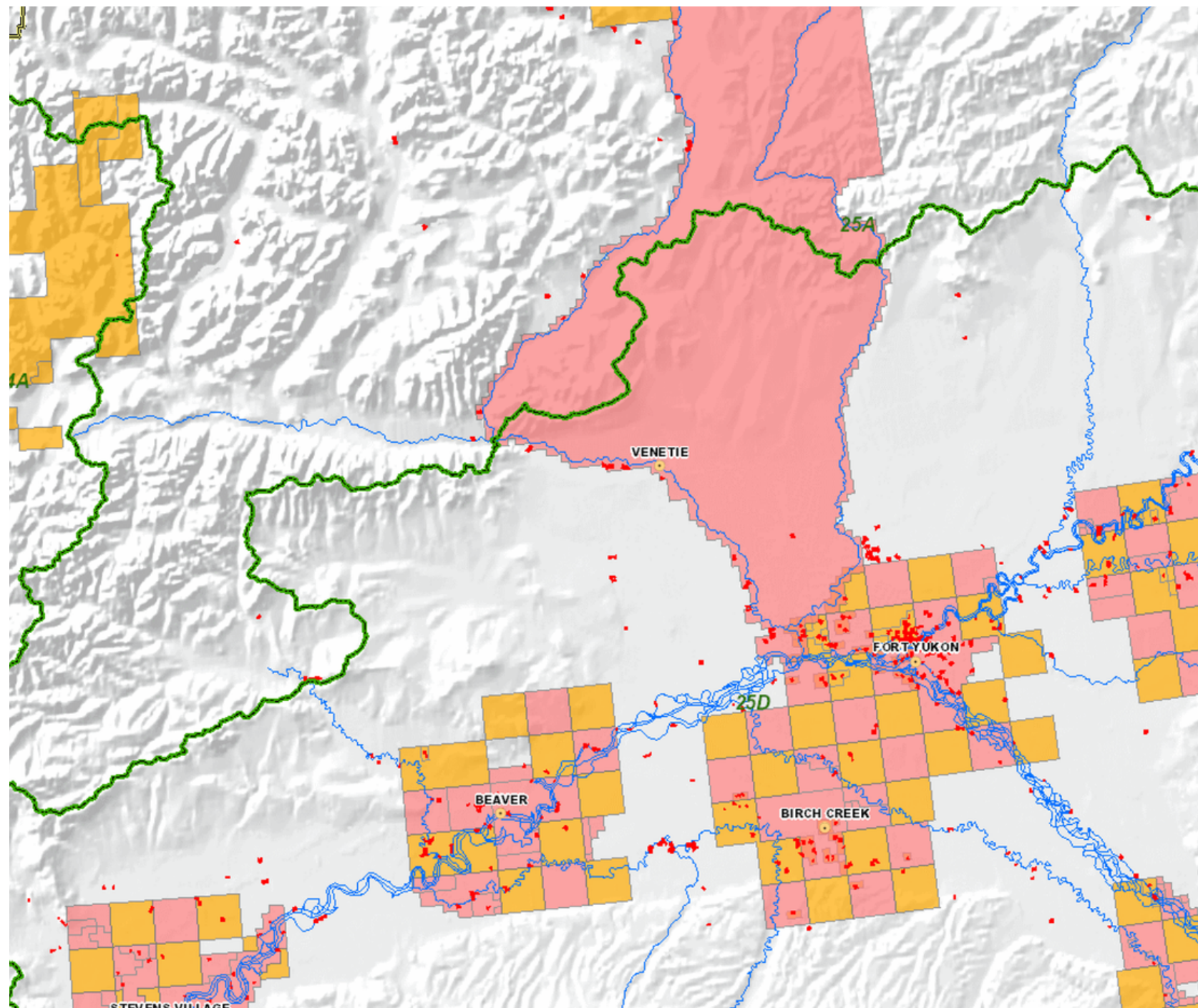
In-holdings in National and State Parks

CHECKERBOARD ALLOTMENTS: CIRI



CHECKERBOARD ALLOTMENTS: DOYON

-  Doyon Regional Lands
-  Village Corporation Lands
-  Native Allotments



RESERVATION MODEL



Tribal Council

Tribes possess the right to form their own governments; to make and enforce laws, both civil and criminal; to tax; to establish and determine membership (i.e., tribal citizenship); to license and regulate activities within their jurisdiction; to zone; and to exclude persons from tribal lands.

Free the tribal council from micro-managing tribal businesses and allow the council to focus on long-term development strategies and goals



Business Council

Assign responsibility to operate and manage tribal businesses to those who have business skill and knowledge

Provide a buffer between managers and tribal politics

Provide continuity and stability to business management

ALASKA'S EXPERIMENT: DIVERGENT MEMBERSHIPS

Village
Corporations

Own and manage lands surrounding the villages

Federally Recognized Tribe by Tribe List Act of 1994

Only own surface rights

Alaska Native
Corporation's

Regional corporations own surface and subsurface rights

Own the subsurface estate, such as mineral rights, of the village corporation lands

ANC completely separate entity
Tribal enrollment estimated 90 to 99% overlap with shareholders
December 18, 1971

ANCSA & NATIVE ENTITY ORGANIZATION

