

Attachment 5. Alaska Native Organizations & Lands

Alaska Regional & Village Native Corporations (ANCSA Corporations)

Alaska Native Corporations were established in 1971 when the United States Congress passed the *Alaska Native Claims Settlement Act (ANCSA)*. ANCSA was designed to settle land and financial claims made by Alaska Natives and provided for the establishment of 13 Regional Corporations and over 200 Village Corporations to administer those claims. Many of the Village Corporations have merged with other Village Corporations or into their parent Regional Corporation since that time. ANCSA Corporations are ‘for profit’ entities. Both Regional (with the exception of The 13th Regional Corporation) and Village Corporations have selected land in and around native villages throughout the state in proportion to their enrolled populations. Most of these lands have been conveyed to the ANCSA Corporations; however, some selected lands remain under federal ownership. In most cases, only surface rights have been conveyed to Village Corporations. Regional Corporations own the subsurface rights of both their own conveyances and of those of the Village Corporations.

Fire Management Considerations for ANCSA Corporation Lands

The *1971 Alaska Native Claims Settlement Act (43 U.S.C. 1620(e))* as amended by the *1980 Alaska National Interest Lands Conservation Act (16 U.S.C. 1409)* states:

*Public lands status of real property interests exempt from real estate taxes for purposes of Federal highway and education laws; Federal fire protection services for real property interests without cost. Real property interests conveyed pursuant to this chapter to a Native individual, Native group, corporation organized under section 1613(h)(3) of this title, or Village or Regional Corporation shall, so long as the fee therein remains not subject to State or local taxes on real estate, continue to be regarded as public lands for the purpose of computing the Federal share of any highway project pursuant to Title 23, as amended and supplemented, for the purpose of the Johnson-O'Malley Act of April 16, 1934, as amended (25 U.S.C.A. section 452), and for the purpose of Public Laws 815 and 874, 81st Congress (64 Stat. 967, 1100). **So long as there are no substantial revenues from such lands they shall continue to receive wildland fire protection services from the United States at no cost.***

Department of the Interior Manual 620 Chapter 5.3 delegates BLM the responsibility to provide cost-effective wildland fire suppression services on Alaska Native lands:

5.3 Program Requirements. *Nothing in this chapter relieves heads of bureaus/offices of management responsibility and accountability for activities occurring on their respective lands.*

A. *The Bureau of Land Management (BLM) maintains and operates the DOI wildland fire suppression organization in Alaska with the primary intention of providing cost-effective suppression services and minimizing unnecessary duplication of suppression systems for DOI bureaus/offices. The BLM provides statewide mobility of wildland fire resources.*

B. *The BLM Alaska Fire Service (BLM-AFS) is authorized to provide safe, cost-effective wildland fire response consistent with approved land, natural and cultural resource management plans on DOI administered land and on lands that require protection under the Alaska Native Claims Settlement Act (ANCSA), as amended (43 U.S.C.1620(e)), hereinafter referred to as Native lands.*

C. *The BLM-AFS executes these services within the framework of approved fire management plans or within the mutually agreed upon standards established by the respective land managers or owners.*

D. *Wildland fire response services and other fire management activities provided on Native lands under the authority of ANCSA will consider Native lands managers on an equal basis with Federal land managers.*

E. Each bureau/office will conduct non-response wildland fire management activities such as planning, education, and prevention, fuels management, establishing wildfire response strategies, and setting priorities for the wildfire response organization on respective bureau lands.

Based on this direction:

- ANCSA Corporations are considered the Jurisdictional Agency for surface lands that have been conveyed to them, and are annually given the opportunity to validate or change the AIWFMP Fire Management Options for those lands.
- ANCSA Corporation lands are treated as DOI lands for the purpose of cost-apportionment (**AOP Clause 38, Table 6**).
- BLM- Alaska Fire Service (AFS) provides liaisons to the ANCSA Corporations to facilitate fire notifications and the WFDSS decision support process. FMOs and AFS liaisons will coordinate to ensure ANCSA Corporations are informed about fires occurring on or threatening their lands, and are represented in fire management decisions.
 - AFS Zone FMOs serve as the liaisons for all incidents involving ANCSA Corporation lands in their AFS Protection Zone. AFS Zone FMOs are the WFDSS fiscal/jurisdictional signatory for incidents costing less than \$5 million in DOI funds. The AFS Manager is the WFDSS signatory for incidents in the zones costing \$5 million or more in DOI funds.
 - The AFS Military Zone FMO serves as the liaison for all incidents involving ANCSA Corporation lands in DOF Protection within the Tok, Delta and Fairbanks Areas. The AFS Military Zone FMO serves as the liaison and WFDSS fiscal/jurisdictional signatory for incidents costing less than \$5 million in DOI funds. The AFS Manager is the WFDSS signatory for incidents in these areas costing \$5 million or more in DOI funds.
 - The AFS South Zone Fire Management Specialist serves as the liaison for all incidents involving ANCSA Corporation lands in USFS protection or in DOF Protection within the Copper River, Mat-Su, Kenai-Kodiak, and Southwest Areas. The AFS South Zone Fire Management Specialist serves as the liaison and WFDSS fiscal/jurisdictional signatory for incidents in these areas costing less than \$5 million in DOI funds. The AFS Manager is the WFDSS signatory for incidents in these areas costing \$5 million or more in DOI funds.

Tribal Governments

There are 229 federally recognized tribes in Alaska. Most have tribal councils as their governing bodies. There is a variety of names for these councils including ‘Native council,’ ‘tribal council,’ ‘IRA council,’ ‘village council,’ and ‘traditional council.’ All of these refer to the governing body of a tribe. Tribes and Tribal Governments are distinct from ANCSA Regional and Village Corporations.

Even though ANCSA places its land entitlement with the ANCSA Corporations, most tribes in Alaska own some land. Tribes have acquired land through various means including purchases, gifts, and through land transfers from ANCSA Corporations and cities. Tribally owned parcels range from small lots to large tracts transferred from ANCSA Corporations. Tribally owned lands are in fee simple status and in Alaska are not considered held in Trust for jurisdictional purposes.

Under fee-to-trust regulations (25 CFR 151) Alaska Native individuals and tribal landowners have the option of asking the federal government to place their lands into federal trust status. Land transferred by an ANCSA corporation to a tribe, land transferred to a tribe by a municipality, townsite lots that were deeded to a tribe, Native Allotments, lands donated or gifted to a tribe or individual, and lands purchased by a tribe may be eligible for trust status. As of March 1, 2018, the only approved fee-to-trust land in the State is a 1-acre parcel placed into trust by the Craig Tribal Association.

Fire Management Considerations for Tribal Governments

Tribal governments in Alaska have all the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes.

Although tribally owned lands are in fee simple status, and fire management responsibilities are not identified in ANCSA, ANILCA, or 620 DM 5.3, tribal lands are currently treated similarly to ANCSA Corporation lands for fire management purposes. See *Fire Management Considerations for ANCSA Corporation Lands* above.

Federally Administered Indian Trust Lands (including Native Allotments)

Federally administered Indian trust lands in Alaska include the Annette Island Indian Reservation, some Town Site lots created under the *1891 Townsite Act*, and lands placed into trust under the fee-into-trust regulation that was broadened to include Alaska tribes in 2013.

In addition, restricted-title Alaska Native Allotments are treated as trust lands for the purpose of fire protection. A Native Allotment is a parcel or parcels of land, totaling up to 160 acres, conveyed by restricted deed to an Alaska Native under the terms and conditions of the *Alaska Native Allotment Act of 1906* and 1956 amendment; and the *Alaska Native Veteran Allotment Act of 1998*. 43 U.S.C. §§ 357, 357a, 357b.

Under fee-to-trust regulations (25 CFR 151), Alaska Native individuals and tribal landowners have the option of asking the federal government to place their lands into federal trust status. Land transferred by an ANCSA corporation to a tribe, land transferred to a tribe by a municipality, townsite lots that were deeded to a tribe, Native Allotments, lands donated or gifted to a tribe or individual, and lands purchased

by a tribe may be eligible for trust status. As of March 1, 2018, the only approved fee-to-trust land in the State is a 1-acre parcel placed into trust by the Craig Tribal Association.

The Department of the Interior, Bureau of Indian Affairs (BIA) has been tasked with the protection of Alaska native trust lands. This protection is intended to protect the natural and cultural resources of the land for current and future generations of Alaska Natives.

Fire Management Considerations for Federally Administered Indian Trust Lands

Department of the Interior Manual 620 Chapter 5.3 delegates wildland fire suppression services for DOI administered lands (including trust lands) to BLM. These services are provided by BLM- Alaska Fire Service (AFS), and by the State of Alaska and US Forest Service through the *Alaska Master Cooperative Wildland Fire Management and Stafford Act Response Agreement (2015 Alaska Master Agreement)*.

The BIA serves as the Jurisdictional Agency for all Indian Trust lands in Alaska.

The BIA Regional Fire Management Officer is the primary notification point-of-contact for all trust lands that are impacted or threatened by wildland fire.

Some of the 229 federally recognized tribes in Alaska have compacted with the BIA through their tribal governments to become a service provider for some allotment owners that are members of the tribe. Compacted tribal governments provide a point of contact, and valuable and pertinent local information for suppression agencies. Some tribal governments have joined into non-profit consortiums in order to pool resources and provide a better service to the tribal members they represent. Examples of such consortiums include:

- Tanana Chiefs Conference (TCC)
- Chugachmuit
- Association of Village Council Presidents (AVCP)

The level of service provided will vary from one Service Provider to the next. BIA serves as the Service Provider for trust lands where no Tribal or Consortium service provider has compacted services.

Notwithstanding the compacting process, the BIA never relinquishes its trust responsibility as the jurisdictional agency for Trust and restricted-title lands, as long as they remain in trust or in restricted status.

Service Providers are responsible for:

- Serving as an additional point of contact for Protecting Agencies for fire management concerns regarding allotments identified in their service area.
- Maintaining site-specific information for allotments identified in their service area.
- Assisting the Protecting Agency in the protection of trust lands during an ongoing incident.
- Serving as Resource Advisors for the suppression efforts affecting allotments identified in their area.