

***Alaska Native Regional and Village Corporation Lands
and
Wildland Fire Protection Services***

BLM-AFS was delegated the responsibility to provide wildland fire protection services to Alaska Native regional and village corporation lands conveyed under the ***Alaska Native Claims Settlement Act 1971(ANCSA)*** in Department of Interior Manual 620 Chapter 2 Section 2.4:

"...BLM is authorized to provide safe, cost-effective emergency wildland fire suppression services in support of land, natural and cultural resource management plans on Department of the Interior administered land ***and on those lands that require protection under the Alaska Native Claims Settlement Act, as amended*** (43 U.S.C.1620(e)), herein after referred to as Native land..."

Sec 21(e) of ANCSA is the original citation that provides for wildland fire protection services on those lands. ***Alaska National Interest Lands Conservation Act 1980 (ANILCA)*** references and supports this section. The original ANCSA language used the term 'forest fire'; ANILCA amended that to 'wildland fire.'

ANCSA Section 21(e) as amended:

"Real Property interests conveyed pursuant to this Act to a Native individual, Native group, corporations organized under section 14(h)(3) 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 of the United State Code as amended and supplemented for the purpose of the Johnson-O'Malley Act of April 16, 1934, as amended (25 USC 452) and for the purpose of Public Law 815 and 874. 81st Congress (64 Stat 967.110), and ***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.***"

Codified in 43CFR2650.1(c):

"As provided in section 21(e) of the Act, so long as there are no substantial revenues from real property interests conveyed pursuant to this Act and the lands are not subject to State and local real property taxes, ***such lands shall continue to receive forest fire protection services from the United States at no cost.*** The Secretary will promulgate criteria, after consultation with the concerned Native corporations and the State of Alaska, for determining when substantial revenues are accruing as to lands for which forest fire protection services are furnished by the Department of the Interior and no discontinuance of such service will be ordered by the Secretary unless he finds, after notice and opportunity for submission of views, that such discontinuance is in conformity with the criteria."

Section 22(f) of ANCSA is quoted as the land exchange authority that s has been interpreted to afford the provisions of ANCSA to exchanged land if the exchange consolidates holdings., i.e. fire wildland fire protection services at no cost applies on those lands.