October 2, 2019

Subject: Consultation on Alaska Native Vietnam Era Veterans Land Allotment – Draft Rules

Dear Native Corporation Leader:

As a follow-up to our September 6, 2019 letter, BLM is scheduling a presentation on October 16, 2019 prior to the opening of the 2019 Alaska Federation of Natives Conference in Fairbanks. The presentation will provide an update on the implementation of Section 1119 of Public Law 116-9 and allow for consultation in person. Attached to this notice is a copy of the current draft rules for your review. We hope to discuss these draft rules and hear your comments on Wednesday, October 16, 2019.

We look forward to hearing from you in this discussion. Your input and guidance are important and we are committed to creating a meaningful and respectful consultation between ANCSA corporation leadership and BLM officials.

Please consider setting aside time to attend.

WHERE: Wedgewood Resort, 212 Wedgewood Dr., Fairbanks, AK 99701

WHEN: 7:00 – 9:00 p.m., October 16, 2019

If you cannot attend, please submit any comments to the following by December 1, 2019:

Bureau of Land Management
Alaska Native Vietnam Era Veterans Land Allotment – Draft Rules Comments
222 W. 7th Ave #13
Anchorage, Alaska 99513

If you would like to consult further on this matter, please contact Ralph Eluska at 907-271-3325 (email reluska@blm.gov). Thank you.

Sincerely,

[Signature]

Erika Reed
Deputy State Director, Lands, Cadastral & Pipeline Monitoring
Subpart XXXX - Alaska Native Vietnam Era Veterans Land Allotments

PURPOSE

§XXX.00 What is the purpose of this subpart?

The purpose of this subpart is to implement Section 1119 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, of March 12, 2019, Pub. L. 116-9, codified at 43 U.S.C. 1629g-1, which allows eligible individuals to receive an allotment of a single parcel of available Federal land in Alaska totaling not less than 2.5 acres and not more than 160 acres.

REGULATORY AUTHORITY

§XXX.01 What is the legal authority for these regulations?

43 U.S.C. 1629g-1(b)(2).

DEFINITIONS

§XXX.02 What terms do I need to know to understand these regulations?

(a) **Native** means a person who meets the qualifications listed in section 3(b) of the Alaska Native Claims Settlement Act; (43 U.S.C. 1602(b));

(b) **Veteran** means a person who meets the qualifications listed in 38 U.S.C. 101(2) and served in the Army, Navy, Air Force, Marine Corps, or Coast Guard, including the reserve components thereof;

(c) **Eligible Individual** means a Native Veteran who meets the qualification listed in 43 U.S.C. 1629g-1(a)(2), and does not have a pending application pursuant to the Act of May 17, 1996 (34 Stat. 197, chapter 2469) (as in effect on December 17, 1971); or section 14(h)(5) of the Alaska Native Claims Settlement Act (43 U.S.C. § 1613(h)(5)); or section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. § 1629g);

(d) **Allotment** is an allocation of land to a Native that shall be deemed the homestead of the allottee and his/her heirs in perpetuity;

(e) **Vacant, unappropriated, and unreserved** lands means public domain lands that have never left Federal ownership and are not currently reserved, withdrawn, dedicated, or set aside for a specific purpose;

(f) **Available Federal Lands** means land in Alaska that meets the requirements of 43 USC 1629g-1(a)(1) and the Bureau of Land Management has certified it free of contamination.

(g) **State or Native Corporation selected land** is land that was selected by the State of Alaska under the Statehood Act, of July 7, 1958, Pub. L. 85-508, 72 Stat. 339, as amended, or by a Native corporation under the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1610 as of March 12, 2019, that has not been
§XXX.XX.06 If I am an Eligible Individual, when can I apply for an allotment under this subpart?

If you are an Eligible Individual, you can apply between Month Day, Year and Month Day, Year.

§XXX.XX.06-1 Do I need to fill out a special application form?

Yes. You must complete form no. AK-XXX-XX, “Alaska Native Vietnam Era Veterans Land Allotment Application.”

§XXX.XX.06-2 How do I obtain a copy of the application form?

The BLM will mail you an application form if you were previously determined as an Eligible Individual under XXXX.04-2. If you do not receive an application in the mail, you can obtain the form at the BIA, a BIA Realty Service Provider’s office, the BLM Public Room, or WEBSITE.

§XXX.XX.06-3 What else must I file with my application?

(a) A map showing your selection, which may consist of one of the following:
   (1) A United States Geological Survey topographic map at a scale 1:63,360 or larger, with your selection drawn with sufficient detail to locate on-the-ground the land which you are selecting; or
   (2) A printout of a map from the BLM website [specific name].
      a. The map must include a drawing of the lands for which you apply
      b. The printout must show the section lines

(b) A general written description of the location of the lands for which you apply that is sufficient to ensure your drawing is placed into the correct section, range, township, and meridian.

(c) If you were not notified you are an Eligible Individual by the BLM per SECTION XX, then you will need to provide proof that you are an Eligible Individual. You must include:
   (1) A Certificate of Degree of Indian Blood verifying you are an Alaska Native or other documentation from the BIA to verify you meet the definition of Native.
   (2) A Certificate of Release or Discharge from Active Duty (Form DD-214) or other documentation from DoD to verify military service.

(d) If an application is filed on behalf of a deceased Eligible Individual, then the application must include the Alaska State court appointment of the personal representative of the estate and an affidavit stating the appointment has not expired.

(e) If an application is filed on behalf of an Eligible Individual by a guardian or conservator, then the application must include proof of the court appointment and an affidavit stating the appointment has not expired.

(f) If an application is filed on behalf of an Eligible Individual by an attorney-in-fact, then the application must include a legally valid and current power of attorney that
(2) The adjusted land description plotted onto [USGS Quad map/Topographic Map/MTP];
(3) An aerial photograph of the parcel in your application with the adjusted land description projected onto it;
(d) The Notice will provide you an opportunity to challenge, in writing, the adjusted land description within 60 days.
(1) To challenge the adjusted land description, you must include the adjustments that you would make to meet the requirements of paragraph (b) in this section.
(2) A dispute of the adjusted land description which attempts to amend the description to wholly new lands without clear and convincing evidence of the original intent to select the lands in the adjusted description will be rejected.
(3) For purposes of the conflict provisions at XXXX6-10, an adjustment to the description provided in this dispute provision will be considered received on the date the adjustment was received.

(c) The BLM will survey the parcel using the aerial photograph of the parcel with the adjusted land description from the Notice of Survey.
(f) After survey, the BLM will mail you a document titled Conformance of Plat to Survey. That document will:
(1) Show the parcel as actually surveyed
(2) Plot the survey onto an aerial photograph
(3) Provide you an opportunity to dispute the survey if you find an error in the way the BLM surveyed the parcel based on the adjusted land description provided to you in the Notice of Survey

§XXX.06-7 Are there any rules about the number and size of the parcel in the allotment?

Yes. You may apply for only one parcel. The acreage cannot be less than 2.5 acres or more than 160 acres.

§XXX.06-8 What if more than one person applies for the same lands?

If two or more Eligible Individuals select the same lands, in whole or part:
(a) The BLM will give preference to the application based upon:
(1) Received on the earliest date.
(2) The earliest postmark date, if the date of receipt is the same.
(3) Use a random system to select between applications which are still tied after the first two tie breakers.
(b) If the lands in your application are in conflict with another application and your application does not receive preference, the BLM will issue you a notice informing you of the conflict and will give you the following options:
(1) Provide the BLM a substitute selection within 60 days, which may either consist of an adjustment to your original selection that avoids the conflict, or a new selection located somewhere else. Your substitute selection will be considered a new application for purposes of priority, as set forth in in this section, but you will not need to resubmit any portions of your application other than the land description. Or,
§XXX.06-13 Do I need to pay any fees when I file my application?

No. You do not need to pay a fee to file an application.

§XXX.06-14 Where do I file my application?

You must file your application with the BLM Alaska State Office in Anchorage, Alaska, by one of the following methods:

(a) Mail: Bureau of Land Management, ATTN: Alaska Native Vietnam Era Veterans Land Allotment Section, 222 West 7th Avenue, Mail Stop 13, Anchorage, Alaska 99513-7504

(b) In Person: Bureau of Land Management, Public Information Center, 222 West 7th Avenue, Anchorage, Alaska 99513-7504

AVAILABLE LANDS - GENERAL

§XXX.07 If I qualify for an allotment, then what land may the BLM convey to me?

You may receive title only to lands identified as available Federal land. You can review the available Federal lands at (WEBSITE).

§XXX.07-1 What happens if new lands become available?

(a) As additional lands become available, the BLM will review the lands to determine if the land is free of known contaminants.

(b) After review, the BLM will update the maps of available Federal lands to include these additional lands.

§XXX.07-2 How will the BLM certify that the land is free of known contaminants?

The BLM managed public lands will be reviewed for contamination using current contaminated site database information in the Alaska Department of Environmental Conservation (ADEC) database, the U.S. Army Corp of Engineers Formerly Used Defense Sites (FUDS) database, U.S. Air Force (AF) database, and Federal Aviation Administration (FAA) database. Any land found to have possible contamination based on these searches will be excluded from Available Federal Lands.

§XXX.07-3 Is there a limit to how much water frontage my allotment can include?

Generally, yes. You will normally be limited to a half-mile along the shore of a navigable water body, referred to as 160 rods in the regulations at 43 CFR subpart 2094. If you apply for land that extends more than a half-mile, the BLM will treat your application as a request to waive this limitation. As explained in 43 CFR subpart 2094.2, the BLM can waive the half-mile limitation if it determines the land is not needed for a harborage, wharf, or boat landing area, and that a waiver would not harm the public interest.