

THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971: AN OVERVIEW



Nicole Borromeo, President
ANCSA Regional Association



ABOUT US

- ✦ Established in 1998
- ✦ Trade Association for the 12 Alaska Native regional corporations created by ANCSA

Ahtna

ALEUT

arctic slope
regional corporation

Bristol Bay
NATIVE CORPORATION

CALISTA
CORPORATION

Chugach

CIRI

DOYON
Limited

NANA

Koniag

SEALASKA

Grounded by the wisdom of those who came before us, guided by our shared Alaska Native values, together we move into the future.



OUR BOARD OF DIRECTORS

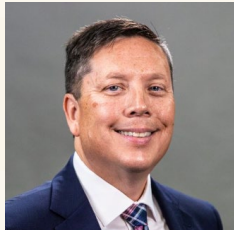


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President
Koniag

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Doyon, Ltd.



Treasurer, Skoey Vergen
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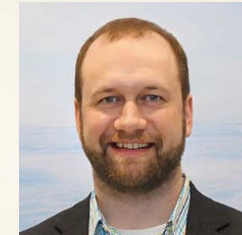
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Sarah Dybdahl
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Sealaska Corporation



The ANCSA Regional Association exists to promote and foster the continued growth and economic strength of the Alaska Native Regional Corporations on behalf of their shareholders, descendants and communities.

Treaty Era: 1778-1871 (

- Negotiated under the authority of the President; ratified by Congress
- Contact between the United States and American Indians was high; low for Alaska Natives (Russian territory)
- Practice generally resulted in the establishment of a reservation; Tribe would receive retained and gained assets
- Hundreds of treaties were negotiated; resulting in 334 reservations in the Lower 48s BUT only one in Alaska

Post Treaty Era: 1871-Present

- In 1871, Congress ended treaty making with American Indians and Alaska Natives as the primary means of extinguishing aboriginal title
- This dramatic shift was due to political resentment
- Consequently, Congress was unable to extinguish the aboriginal title of Alaska Natives through a treaty when oil was discovered in 1957

Abeyance Era: 1867-1971 (Just Alaska)

- Due to the: (1) remoteness and vastness of the state; and (2) relative lack of effort by non-Natives to drive Alaska Natives from our homelands, the U.S. was able to avoid the issue of Alaska Native aboriginal land claims for an entire century
- However, Alaska Native aboriginal land claims could no longer be ignored after oil was discovered in Prudhoe Bay in 1968

Alaska Native Claims Settlement Act of 1971

As relevant here, ANCSA:

1. conveyed the settlement funds owed to Alaska Natives, together with the lands retained, to 200-plus newly created for-profit regional and village for-profit Alaska Native corporations;
2. charged those corporations with bettering the social and economic position of Alaska Natives; and
3. clarified that this corporate system – as opposed to the reservation model – would not result in Alaska Natives receiving less benefits than American Indians.

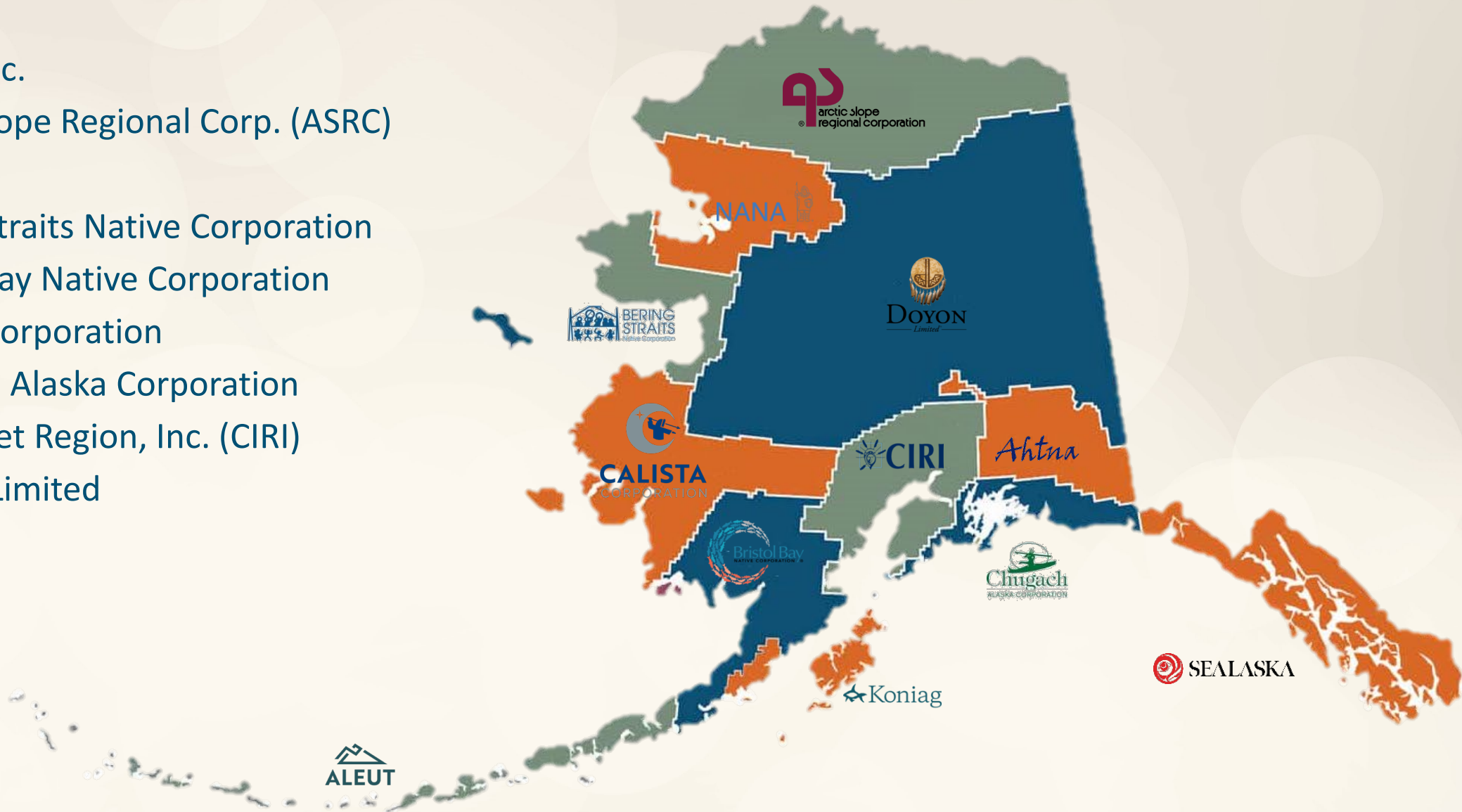
ANCSA (continued)

More specifically, Congress, through ANCSA:

- divided Alaska into 12 geographic regions;
- established one regional ANC for each region;
- nested upwards of 200 village ANCs under their respective geographical regional ANC;
- transferred the assets gained (nearly \$1 billion in funds) and retained (upwards of 45 million acres of lands) from/to our ANCS; and
- Invited Alaska Natives born before December 18, 1971 to enroll in one regional ANC and one village ANC (origin or residence)

ALASKA NATIVE REGIONAL CORPORATIONS

- ✦ Ahtna Inc.
- ✦ Arctic Slope Regional Corp. (ASRC)
- ✦ Aleut
- ✦ Bering Straits Native Corporation
- ✦ Bristol Bay Native Corporation
- ✦ Calista Corporation
- ✦ Chugach Alaska Corporation
- ✦ Cook Inlet Region, Inc. (CIRI)
- ✦ Doyon, Limited
- ✦ Koniag
- ✦ NANA
- ✦ Sealaska



THE SETTLEMENT AND ITS UNIQUE FEATURES

43.7 Million Acres of Land

- Land held in fee simple title

\$962.5 Million Dollars

- Moneys paid for lands that cannot be returned to Native ownership

12 Regional Corporations

- Private, for-profit corporations that operate for the benefit of their Alaska Native shareholders, descendants and communities

200+ Village Corporations

- Private, for-profit corporations that operate for the benefit of their Alaska Native shareholders, descendants and communities



ANCSA (continued)

- ANCSA marked the beginning of the self-determination era
- It was enacted one year after President Nixon boldly declared “[t]he time has come to . . . create . . . a new era in which the Indian future is determined by Indian acts and Indian decisions”
- Four years later, the new national Indian policy was fortified through the 1975 passage of the Indian Self Determination and Education Assistance Act

Indian Self-Determination and Education Assistance Act of 1975

- ISDA sought to recognize Native self-determination in different ways, including by empowering Alaska Natives and American Indians to contract (or compact) with federal agencies to administer education, health care, and other services formerly provided by the U.S.
- However, because Alaska Natives have a different organizational structure than American Indians – even though we have the same legal status – Congress promulgated and adopted a broader **legislative** definition of “Indian Tribe”

ISDA (continued)

ISDA's definition of Indian Tribe:

- (e) "Indian tribe" or "Indian Tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. 1601 *et seq.*], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians[.]. *See*, 25 U.S.C. § 5304(e) (emphasis added)

Regional and Village ANCs

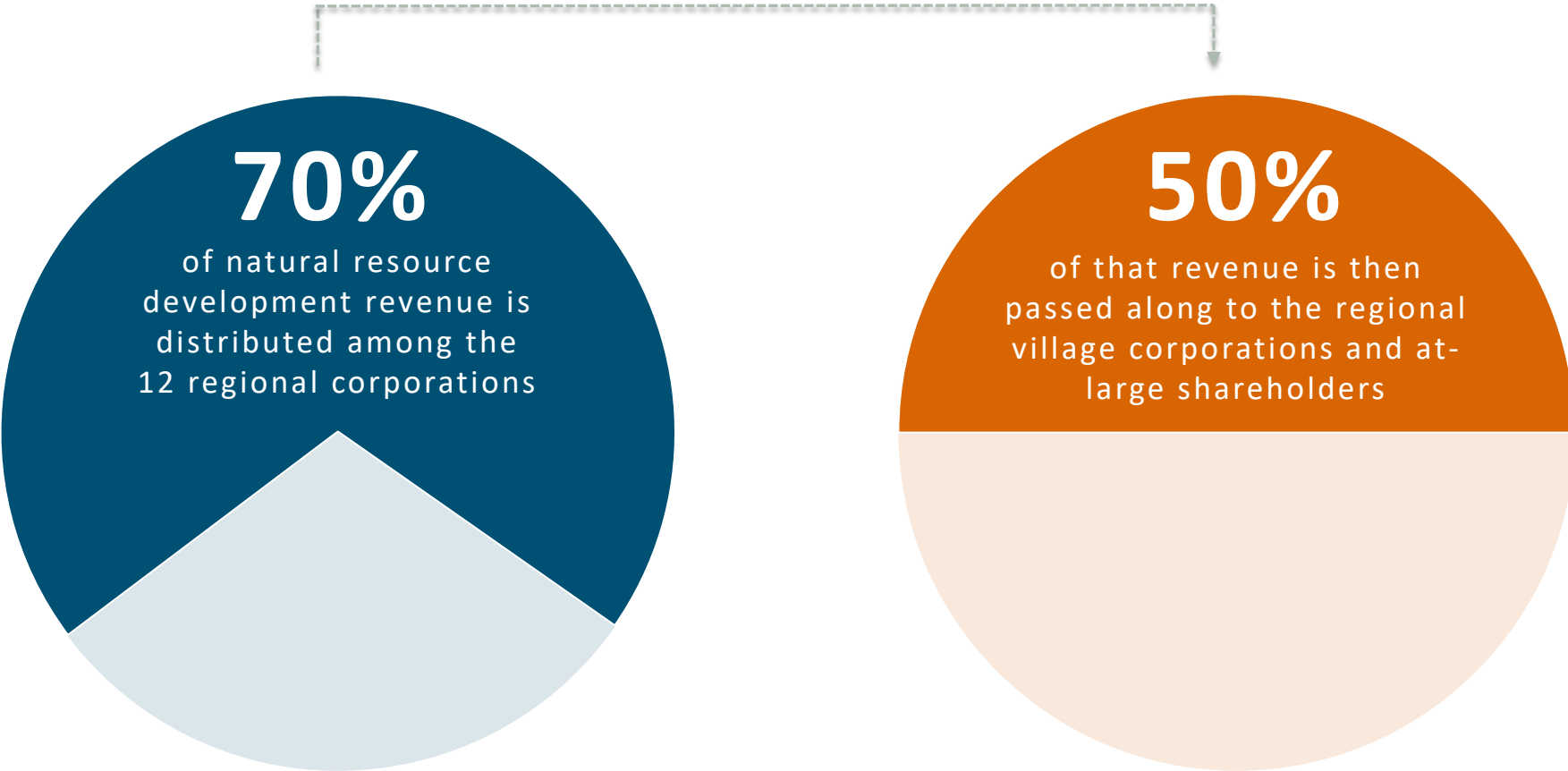
- ANCs are for-profit corporations
- 100% owned and operated by over 160,000 Alaska Native shareholders
- ANCs are charged with providing economic returns for Alaska Native shareholders in a **socially responsible manner** and, therefore, are frequently included in federal Indian legislation that is economically purposed through the ISDA definition of “Indian tribe”

BENEFITS FOR OUR PEOPLE AND COMMUNITIES

Alaska Native corporations work to create economic opportunities that benefit our Alaska Native shareholders and descendants, while supporting important social and cultural programs that enrich the Alaska Native way of life.



REVENUE SHARING (7i & 7j)



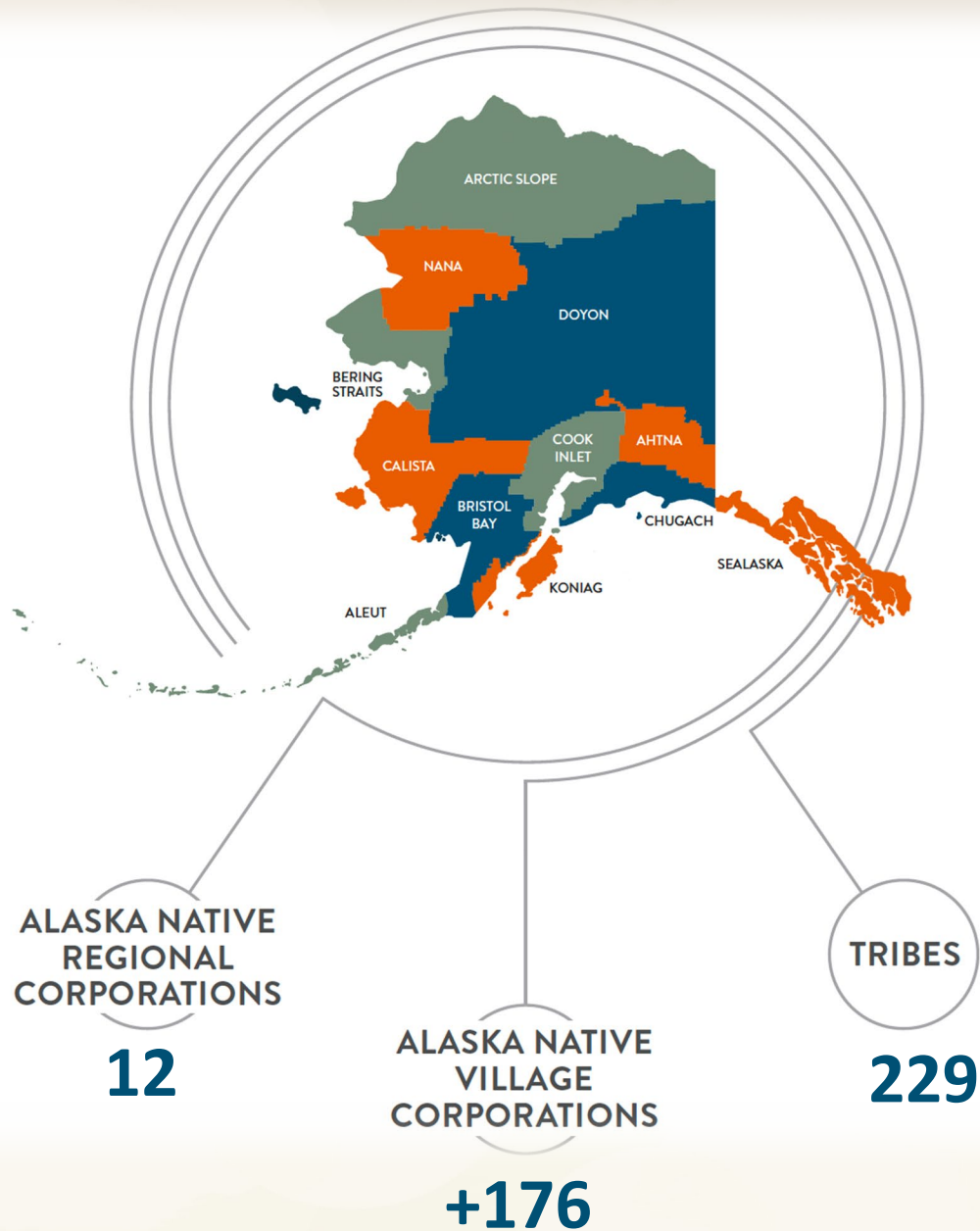
Regional Native Non-Profit Organizations

- Regional Non-Profits are tribal organizations that administer public safety, education, natural resource, employment, transportation, children and family programs, and other tribal self-governance services on behalf of the Alaska Native villages in their respective regions
- Each village is home to a federally recognized Alaska Native Tribe, and that Tribe, through resolution from its governing body, authorizes the Regional Non-Profit to provide tribal self-governance services on behalf of the Bureau of Indian Affairs, the State of Alaska, or private foundations (NOTE: State and private grants make up a small piece of the pie)
- Regional Non-Profits operate under delegated tribal authority; 100% Alaska Native owned and operated

Alaska Native Tribes

- Federally recognized Alaska Native Tribes possess certain inherent rights of self-government – and sovereignty – including authority over their members
- Unlike American Indian Tribes, however, which exercise authority over their lands in addition to their members, Alaska Native Tribes generally have no territorial jurisdiction
- Nonetheless, Alaska Native Tribes are eligible to receive federal benefits, services, and protections, such as funding and services from the Bureau of Indian Affairs, on par with American Indian tribes

ALASKA'S MODEL OF TRIBAL SELF- GOVERNANCE AND NATIVE SELF- DETERMINATION





Quyana!



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