

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
PUBLIC NOTICE

LANDS REQUESTED BY THE CHENEGA IRA COUNCIL, WHICH ARE HELD IN TRUST
UNDER SECTION 14(C)(3) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT
(ANCSA), REQUEST FOR DISPOSAL REJECTED.

On June 6, 2018, Chenega IRA Council Resolution #18-04 was received by the Municipal Land Trustee, which requests that the “. . . Municipal Land Trust convey all Chenega Village 14(c)(3) lands either to the Chenega Corporation or the Chenega IRA Council . . .”

The lands held by the State of Alaska, Department of Commerce, Community, and Economic Development in trust for any future first or second class city that might be established at Chenega, Alaska, are as follows:

The surface estate of land in Township 1 South, Range 8 East, Seward Meridian, Valdez Recording District, being situated in the Native village of Chenega, Alaska, more particularly described as follows:

<u>Parcel</u>	<u>Description</u>	<u>Acreage</u>
Tract A	Dump Site & Watershed Area	245.34
Tract B	Airport	103.83
Tract C	Airport Access Road	16.92
Tract E	Generator and Fuel Storage	0.33
Tract F	School Site	8.33
Tract G	Community Hall	0.31
Tract H	Greenbelt	0.39
Tract I	Sliver	0.09
Tract N	Cul-de-sac (portion)	0.06
Tract O	Cemetery Site	3.03
Tract P	Landfill Addition	1.8
Lot 4, US Survey 1728	Road	0.87
Lot 6, US Survey 1728	Sewage Outfall Area	0.07
Lot 8, US Survey 1728	Landing area	0.06
Additional road rights of way		5.50
Lot 8, Plat 90-9		0.22
Aggregating		387.15 acres

The above-described lands were conveyed to the State in trust by the Chenega Corporation on September 22, 1997, through a Quitclaim Deed recorded at Book 133, Pages 397-400, Valdez Recording District, along with an earlier Confirmatory Deed recorded at Book 112, Pages 157-159, and a later Quitclaim Deed recorded at Book 140, Pages 910-912. The 14(c)(3) lands were

recorded as plat 96-17 on December 26, 1996, in the Valdez Recording District, along with Lot 8 from plat 90-9 recorded on May 2, 1990, also in the Valdez Recording District.

Regulation 3 AAC 190.440 states that “The commissioner will not dispose of specific municipal trust land or interests in it if he or she finds that the disposal would be inconsistent with the good faith execution of the commissioner’s trust responsibility . . .” This trust responsibility is to a future first or second class city that might be incorporated in the Native village. Regulation 3 AAC 190.440 states that a resolution of a recognized village entity or village residents requesting and approving the disposal of specific municipal trust land does not unilaterally impose a duty on the commissioner to make such a disposal. The Municipal Lands Trustee is charged with carrying out municipal land trust program activities under AS 44.33.755.

Notwithstanding the views of the recognized village entity, Chenega IRA Council, it has been determined that the requested disposal would be inconsistent with the good faith execution of the commissioner’s trust responsibility to a first or second class city that might be incorporated in Chenega.

As required by ANCSA 14(c)(3), the lands conveyed to the State in trust include “. . . the remaining surface estate of the improved land . . . and as much additional land as is necessary for community expansion, and appropriate rights-of-way for public use, and other foreseeable community needs. . .”

The good faith execution of the commissioner’s trust responsibility includes preservation of the trust corpus for the sole benefit of a future first or second class city that may form in a village. The commissioner, as trustee of municipal trust land, has a duty to manage the trust lands in the public interest just as a municipality would do for the community, and to ensure that the lands in the trust are adequate for community expansion, rights-of-way for public use, and other foreseeable community needs, as required in ANCSA 14(c)(3) and AS 44.33.755.

The purpose behind ANCSA 14(c)(3) is to provide a land base for local governments. Conveying “all Chenega Village 14(c)(3) lands” out of the trust would deprive the intended beneficiary—a future city government that may form in Chenega—of the benefits of the trust and would be contrary to the terms of ANCSA 14(c)(3). The requested conveyance would leave a future city government with no land base to provide essential local government services, community facilities, public rights-of-way, or development of city facilities or land for community expansion. This is not in the best interests of the future city, and therefore is not consistent with the commissioner’s trust responsibilities.

The trust responsibility to a future city government only terminates upon the formation of a first or second class city and the conveyance of the lands held in trust to that city government. Until such incorporation, the lands held in trust for a future first or second class city are for the ultimate general welfare of all present and future inhabitants of the village.

Accordingly, the Municipal Lands Trustee has decided to reject the resolution requesting the disposal of all ANCSA 14(c)(3) lands in Chenega.

Notice of this decision shall be mailed to the Chenega IRA Council for posting in Chenega in accordance with 3 AAC 190.910(b)(2).

Further inquiry may be directed to:

Municipal Lands Trust Officer
Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1640
Anchorage, Alaska 99501

Phone: (907) 269-4548 or MLT@alaska.gov

Date: November 20, 2018



Katherine Eldemar
Municipal Land Trust Officer