



Adapting for the Next Generation:
The Alaska Native Claims Settlement Act at 45
and
32nd Annual Alaska Native Law Conference
October 14, 2016

Panel III
Federal Legislative Update



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
ALASKA REGION
3601 C Street, Ste. 1100
Anchorage, Alaska 99503-5947
1-800-645-8465

IN REPLY REFER TO:
Regional Director
MC-100

OCT 7 2016

Notice of (Non-Gaming) Trust Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, §§ 151.10 and 151.11, notice is given of the application filed by the Craig Tribal Association to have real property accepted "into trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, U.S. Department of the Interior, or her authorized representative.

To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, jurisdictional problems and potential conflicts of land use which may arise, we also request that you provide the following information:

1. If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
2. Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
3. Any government services that are currently provided to the property by your organization; and
4. If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.

We provide the following information regarding this application:

Applicant:

Craig Tribal Association, formerly known as Craig Community Association

Legal Land Description/Site Location:

Lot Q-3, subdivision of the unsubdivided remainder of Tract Q, U.S. Survey 2327, according to the plat thereof filed December 7, 1988, as plat No. 88-39, Ketchikan Recording District, State of Alaska, containing 1.08 acres.

This lot is located within the City of Craig, Alaska.

Project Description/Proposed Land Use:

Currently the tribe holds no land in trust and requests Lot Q-3 for self-determination and economic development purposes. This lot currently contains the tribal administration building, which houses tribal offices, a tribal hall, the local head start program, commercial space

presently leased out to the Alaska Court System, and a parking area for employees and guests.

No change in land use is contemplated.

See Maps

Taxes and Zoning:

The subject lot is located within the City of Craig's taxing district, which is within the larger Prince of Wales Island Borough, an unorganized borough.

Lot Q-3 is zoned commercial.

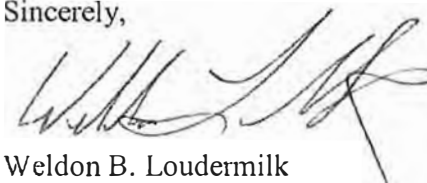
As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction. This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act (NEPA) of 1969.

Your written comments should be addressed to the Bureau of Indian Affairs at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted an extension of time to furnish comments, provided that you submit a written justification requesting such an extension within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will be provided to the applicant for a response. You will be notified of the decision to approve or deny the application.

If any party receiving the enclosed notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to all known interested governmental entities.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act (FOIA), is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Cyril J. Andrews, Jr., Regional Realty Officer, at (907) 271-4104.

Sincerely,

A handwritten signature in black ink, appearing to read 'Weldon B. Loudermilk', written over a light blue rectangular background.

Weldon B. Loudermilk
Regional Director

Enclosure: Maps

cc: Craig Tribal Association; Distribution List

DISTRIBUTION LIST

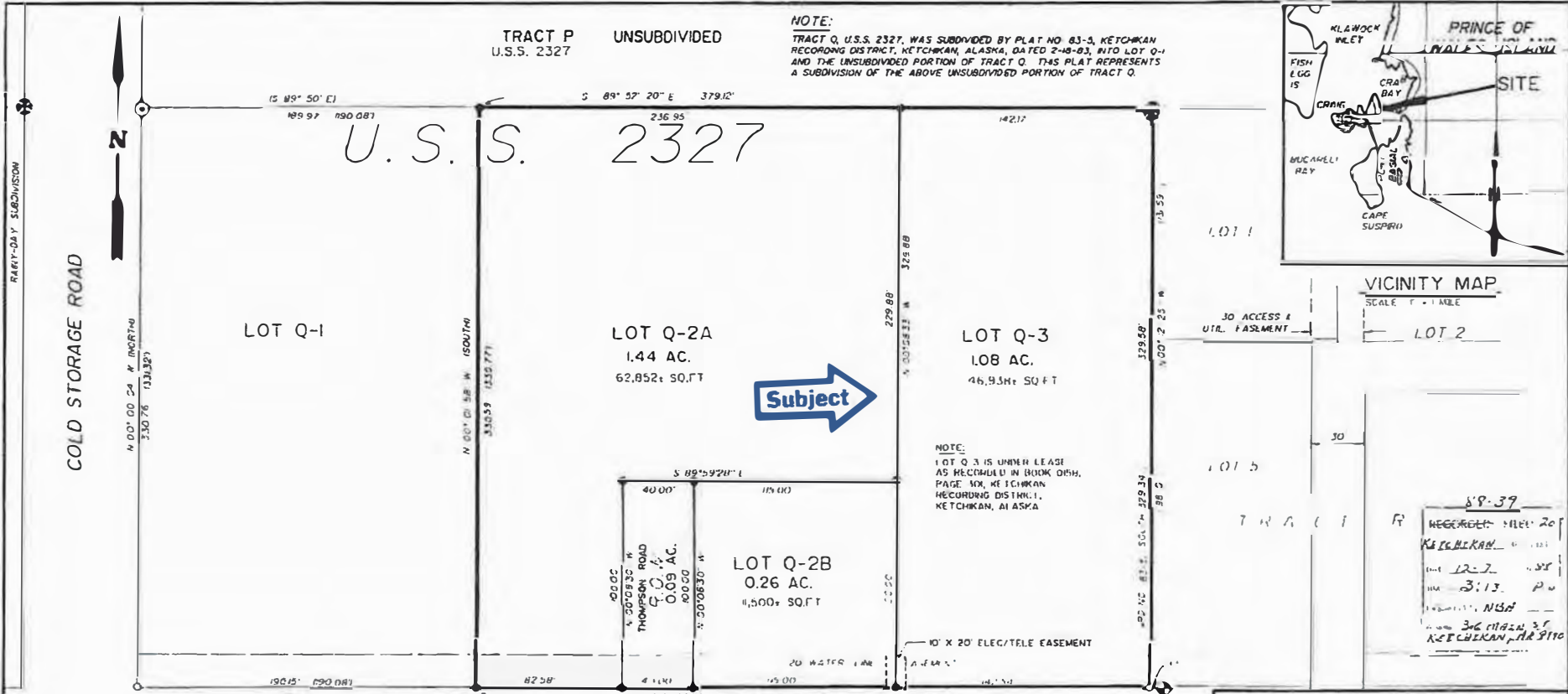
Office of the Attorney General – 7015-0640-0004-7216-4449
State of Alaska
P.O. Box 110300
Juneau, AK 99811-0300

Office of the Governor – 7015-0640-0004-7216-4425
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Sealaska Corporation – 7015-0640-0004-7216-4418
One Sealaska Plaza, Suite 400
Juneau, AK 99801

City of Craig – 7015-0640-0004-7216-4401
P.O. Box 725
Craig, AK 99921

Shaan-Seet Inc. -- 7015-0640-0004-7216-4432
P.O. Box 690
Craig, AK 99921



NOTES

1. THIS SUBDIVISION HAS BEEN APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR WASTEWATER DISCHARGES TO THE CITY OF CRAIG COLLECTOR SEWER SYSTEM ONLY OTHER MEANS OF WASTEWATER DISPOSAL ARE PROHIBITED

2. THE BASIS OF BEARING AND DIMENSIONS COORDINATES IS USLM 1429 TO AN ORIGINAL USLM MONUMENT AT 81M AND MAIN STREET, CRAIG AS SHOWN ON U.S.S. 1430.

CRAIG-KLAWOCK HIGHWAY R.O.W.

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18 AAC 72.065 AND IS APPROVED, SUBJECT TO ANY OTHER REGULATIONS.

FOR: *William Young* ENV. ENGINEER TITLE DATE 11/22/88

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DATA ARE CORRECT ACCORDING TO SAID FIELD NOTES.

28 November 1988
DATE
Armondo Hasser
SURVEYOR

CERTIFICATE OF IMPROVEMENTS

THE FINAL PLAT AND ALL IMPROVEMENTS HAVE BEEN EXAMINED AND APPROVED BY THE CITY OF CRAIG.

7th DAY OF December 1988
DATE
Mike McKinnis PUBLIC WORKS DIRECTOR DATE 12-7-88
Richard Johnson ACTING CHIEF OF ENGINEERS DATE 12-7-88

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE, THE UNDERSIGNED HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOTS Q-2A AND Q-3, U.S. SURVEY 2327 AS SHOWN HEREON. WE HEREBY APPROVE THIS SURVEY AND PLAT, AND DEDICATE FOR PUBLIC USE ALL EASEMENTS, PUBLIC UTILITY AREAS AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED HEREON.

11/30/88 DATE *Marjore V. Young* OWNER

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18 AAC 72.065 AND IS APPROVED, SUBJECT TO ANY OTHER REGULATIONS.

FOR: *William Young* ENV. ENGINEER TITLE DATE 11/22/88

NOTARY'S ACKNOWLEDGEMENT

NOTARY FOR _____

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 19 _____.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

TAX CERTIFICATE

I HEREBY CERTIFY THAT ALL AD VALOREM TAXES, SPECIAL ASSESSMENTS AND OTHER CHARGES REQUIRED BY LAW TO BE PLACED ON THIS TAXROLL, HAVE BEEN PAID.

Helen Gray CITY CLERK DATE 12-7-88

LEGEND

- ⊗ 1/4" BRASS CAP RECOVERED THIS SURVEY
- ⊙ DOT & P.F. R.O.W. BRASS CAP RECOVERED
- ⊕ 3/4" ALUMINUM CAP RECOVERED THIS SURVEY
- 2" ALUMINUM CAP SET THIS SURVEY
- 2" ALUMINUM CAP RECOVERED THIS SURVEY
- 1) INDICATES RECORD DATA

PEI Consultants, Inc.
1180 N.E. 8th 7th Floor
Burlington, WA 98224
206 456 9484

1229 Tonquin Avenue
Ketchikan, AK 99901
907 225 8628

DATE OCTOBER 11, 1988
SCALE 1" = 40'

NAME OF SURVEYOR
PEI CONSULTANTS
DRAWN BY CW

JOB NO. 1803550-04
SHEET 1 OF 1

KETCHIKAN RECORDING DISTRICT

DO NOT SCALE THIS DRAWING USE DIMENSIONS

SUBDIVISION

UNSUBDIVIDED REMAINDER OF TRACT Q,
(KRD NO. 83-5, U.S. SURVEY 2327)

OWNER: ALVIN C. OR MARJORE V. YOUNG
DBA: THOMPSON HOUSE REAL EST. PROPERTIES

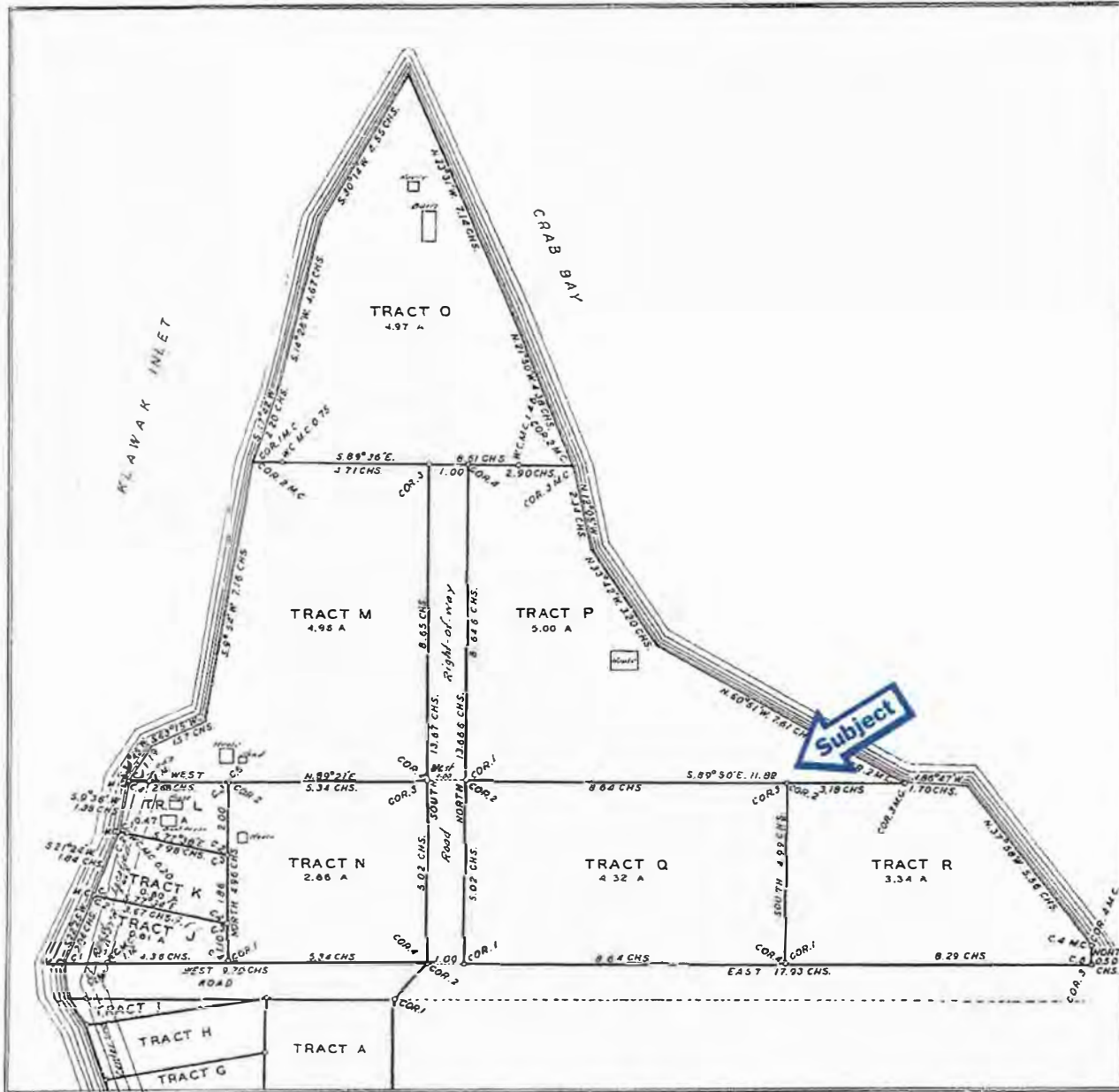
PEI Consultants, Inc.
Consulting Engineers and Surveyors

DATE OCTOBER 11, 1988
SCALE 1" = 40'

NAME OF SURVEYOR
PEI CONSULTANTS
DRAWN BY CW

JOB NO. 1803550-04
SHEET 1 OF 1

KETCHIKAN 88-39



PLAT
of
U.S. SURVEY NO. 2327
of the
EAST CRAIG GROUP OF HOMESITES

Executed under the Act of Congress,
Approved MAY 26, 1934

situated

ON SHELTER COVE AND KLAWAK INLET, OPPOSITE
CRAIG,

TERRITORY OF ALASKA

Area, 47.92 acres
Declination: 31°00' E
Scale: 2 chains to the inch

Latitude 55°26'30" N. Longitude 133°08' W

Survey executed by

CHARLES R. SEELYE, SURVEYOR, G.L.O.

JULY 23 TO AUGUST 8, 1936

CERTIFICATE OF APPROVAL
PUBLIC SURVEY OFFICE

Juneau, Alaska,
AUGUST 17, 1937

The original field notes of Survey No. 2327, of the

EAST CRAIG GROUP OF HOMESITES

from which this plat has been made, have been examined and approved, and are on file in this office, and I hereby certify that they furnish such an accurate description of said claim as will, if incorporated into a patent, serve fully to identify the premises, and that such reference is made therein to natural objects and permanent monuments, as will perpetuate and fix the locus thereof.

And I further certify that this is a correct plat of said claim, made in conformity with said original field notes of the survey thereof, and the same is hereby approved.

Geo. A. Parkes
District Cadastral Engineer

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

Washington, D.C., JULY 12, 1936

The survey represented by this plat having been correctly executed in accordance with the requirements of law and the regulations of this office, is hereby accepted.

Antoinette Frank
Assistant Commissioner.

REC
rw

Questions and Answers on Certification of Alaska Native Corporations (ANC)

September 2016

Must Unified Certification Program (UCP) recipients that are certifying agencies accept for DBE certification firms owned by an Alaska Native Corporation's (ANC) that have self-certified as a small disadvantaged business (SDB)?

- Yes, self-certification by ANC owned firms that are reviewed and accepted by the Small Business Administration (SBA) complies fully with and meets the statutory mandate of the US Department of Transportation Disadvantaged Business Enterprise (DBE) program for ANCs.
- Pursuant 43 U.S.C. 1626(e)(4)(C), DOT regulations require that an ANC meeting all of the following requirements must be certified as a DBE:
 - (i) The Settlement Common Stock of the underlying ANC and other stock of the ANC held by holders of the Settlement Common Stock and by Natives and descendants of Natives represent a majority of both the total equity of the ANC and the total voting power of the corporation for purposes of electing directors;
 - (ii) The shares of stock or other units of common ownership interest in the subsidiary, joint venture, or partnership entity held by the ANC and by holders of its Settlement Common Stock represent a majority of both the total equity of the entity and the total voting power of the entity for the purpose of electing directors, the general partner, or principal officers; and
 - (iii) The subsidiary, joint venture, or partnership entity has been certified by the Small Business Administration under the 8(a) or small disadvantaged business program.

How do UCP recipients that are certifying agencies determine that an ANC firm is certified by the SBA?

- An ANC firm is considered certified by the SBA if the certifying agency finds that the ANC firm meets the requirements of (i) and (ii) above, and the certifying agency finds that it satisfies any one of the following factors:
 1. The ANC firm provides documentation that it is a current participant in the SBA's 8(a) Business Development program;
 2. The ANC firm provides documentation that it has been certified by SBA as a SDB within three years of the date it self-certifies as an SDB;
 3. The ANC firm provides documentation that it has received certification from another Federal procuring agency that it qualifies as an SDB;

4. The ANC firm provides documentation that it has submitted an application for SDB certification to a Federal procuring agency and has not received a negative determination regarding that application;
5. The certifying agency has received correspondence from the SBA, pursuant to 13 CFR 121.1001(b)(6), that the ANC firm meets the SBA's applicable size standard for participation in the SBA SDB program; **or**
6. The ANC firm provides correspondence from the SBA, pursuant to 13 CFR 121.1001(b)(7), that the ANC firm meets the SBA's applicable size standard for participation in the SBA SDB program.

What should certifying agencies advise potential ANC DBE program applicants who intend to apply for certification based on a SDB self-certification?

- For ANC firms that self-certify under the SBA's SDB program, certifying agencies should advise ANC firms to first obtain a determination from the SBA, pursuant to 13 CFR 121.1001(b)(7), that the firm meets the applicable size standard from the SDB program before applying for DBE certification.
- ANC firms may also request that the certifying agency seek a size determination from the SBA pursuant to 13 CFR 121.1001(b)(6) as part of its DBE application.

How does a certifying agency's request to SBA to review an ANC's SDB self-certification affect the period of time to review the ANC's DBE application?

- Under DOT regulations, a certifying agency must make a determination on the application within 90-days of receiving all information necessary to make a determination. As such, in cases where the ANC firm requests that the certifying agency obtain a size determination from the SBA, the certifying agency's 90-day period of time will not begin until it receives such determination from the SBA.

The Acting General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 CFR part 26.