

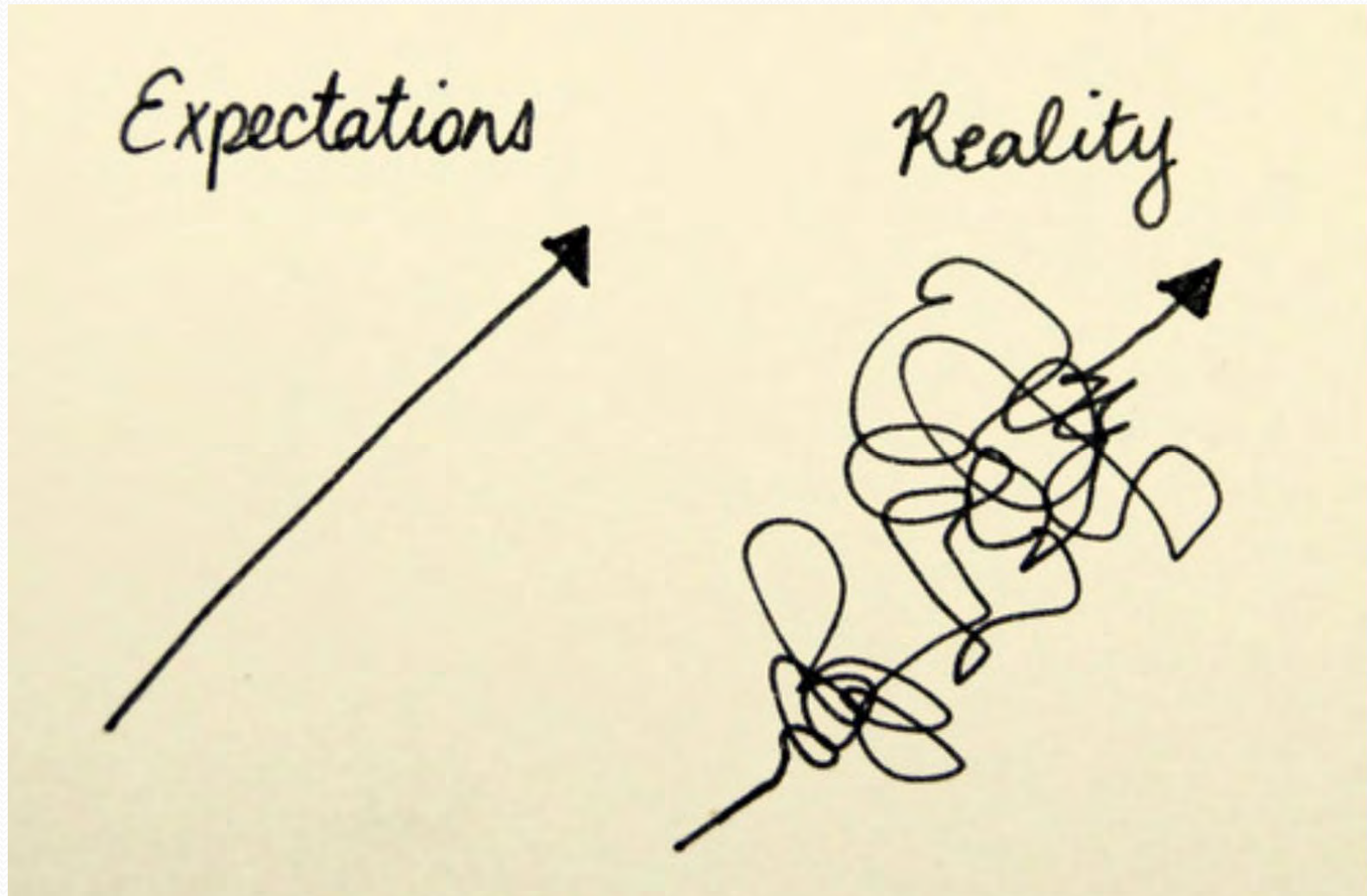


Trust
Land Office

Do we have our entitlement?

Presented by Jusdi Doucet
January 3, 2019

Expectations





Take Away

- Remaining Federal Entitlement
- Replacement Lands
- Missed Settlement Lands
- Why this matters



History

- 7/28/1956 – under the Enabling Act Congress granted the territory the right to select up to 1 million acres of federal land, including mineral rights, to serve as a source of funds to support the territory's mental health program.
- MH land selections were made with known resource lands containing large deposits of coal, sand and gravel, heavily timbered areas, and significant O&G potential.
- 1978 Session Law removed from trust status all original mental health land obtained by the state under the Enabling Act and re-designated it as general grant land, but the trust was not compensated.
- 1985 State v. Weiss – Alaska Supreme Court held that the 1978 redesignation was a breach.



Fast Forward to the 90's

- Approximately 500,000 acres of Original Trust Land had been purchased, conveyed to, or leased to third parties...
- HB 201 enacted with an effect of:
 - Reconstitute 570,930 acres of Original Trust Land
 - Designate approx. 423,320 acres of other State land as Trust Land.
 - Ensure the Trust Land would be managed consistent with the trust principles imposed by the Enabling Act.



Still in the 90's

- For the purpose of reconstituting the mental health trust established under the Alaska Mental Health enabling Act, as required by the Alaska Supreme Court's decision in Weiss v. State the following mental health trust land.
 - Original Mental Health Land To Be Designated as Mental Health Trust Land, April 28, 1994 (September 23, 1994 addendum)
 - Other State Land To Be Designated as Mental Health Trust Land, April 28, 1994 (September 23, 1994 addendum)
 - All land designated as mental health trust land remains subject to all encumbrances or interests of record, noted on records maintained by DNR, or otherwise existing on the effective date of this section.



Settlement Agreement

- Laid out the land that was to be conveyed to the Trust.
- Set the basis for corrections to the original land list.
- Established procedures for the return of land affected by hazardous materials.
- Recognized valid existing encumbrances.
- Provided direction on how to resolve competing native allotments and outstanding selections under the Enabling Act
- Any errors, omissions, over inclusions, or inconsistencies were to be corrected when discovered.
- Any additions, deletions, or substitutions to the list of original or substitute lands transferred to the trust shall be obtained by legislative amendment or by transfer, exchange, or conveyance.



Categories

- Remaining Federal Entitlement
- Replacement Lands
- Missed Settlement Lands

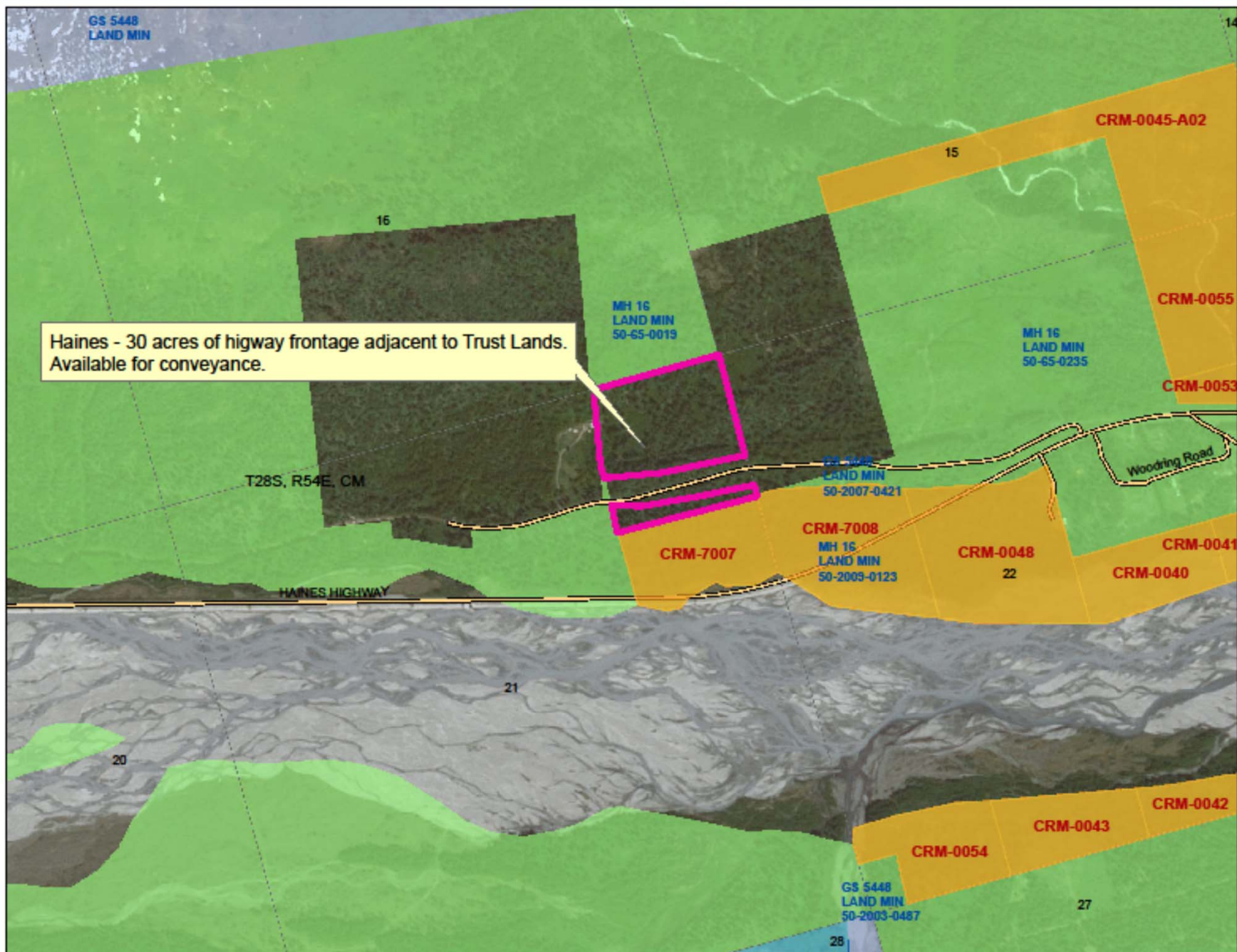
Remaining Federal Entitlement

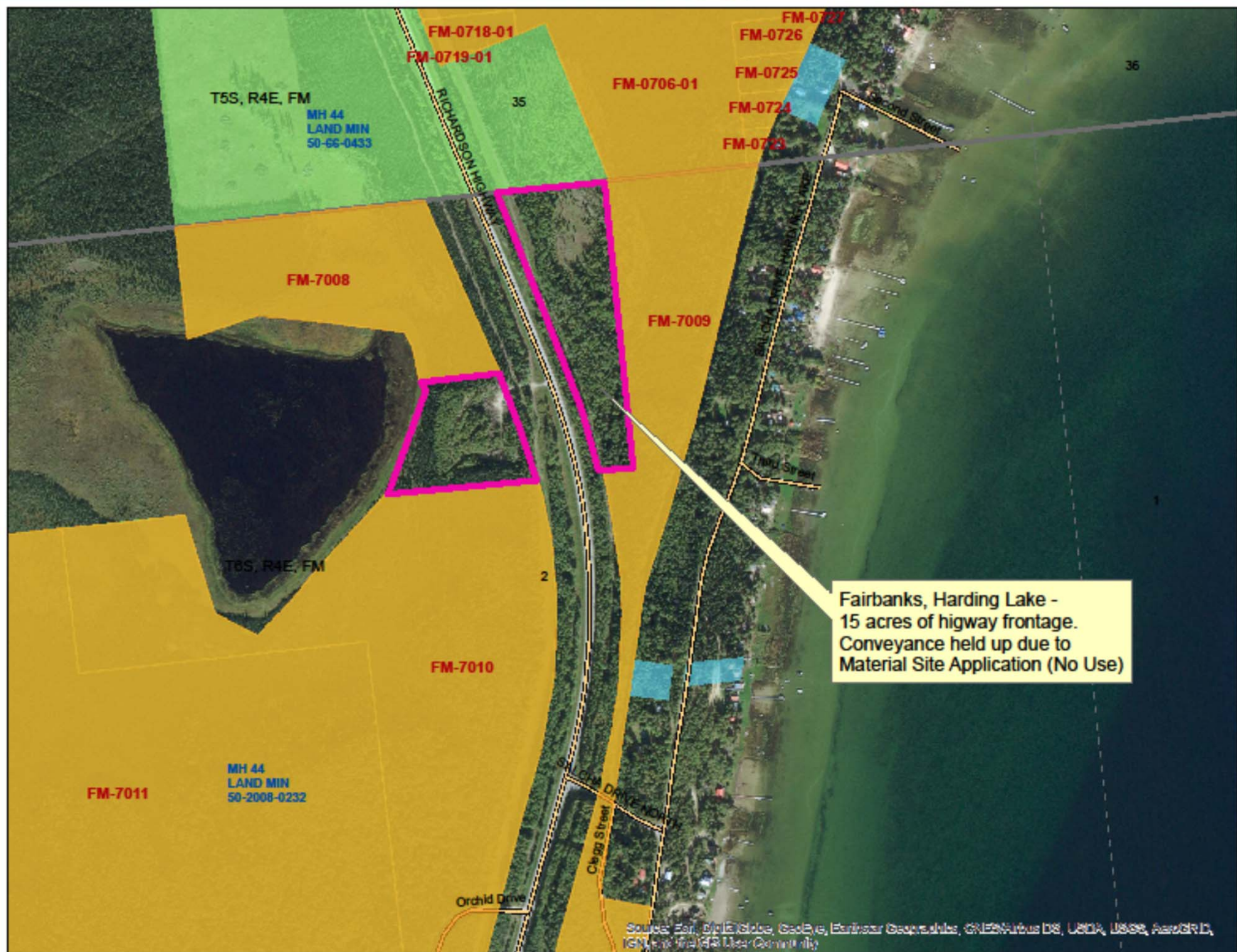


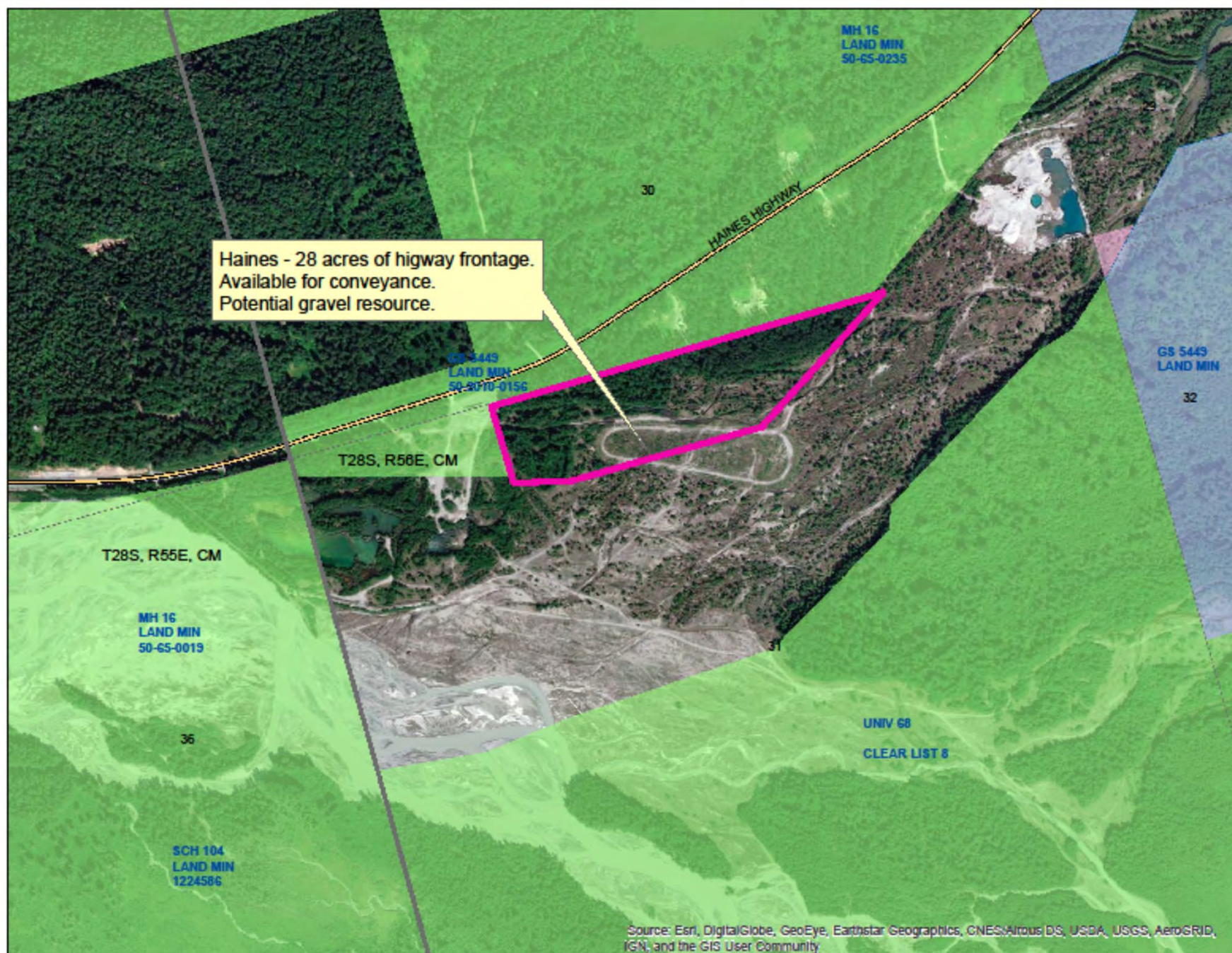


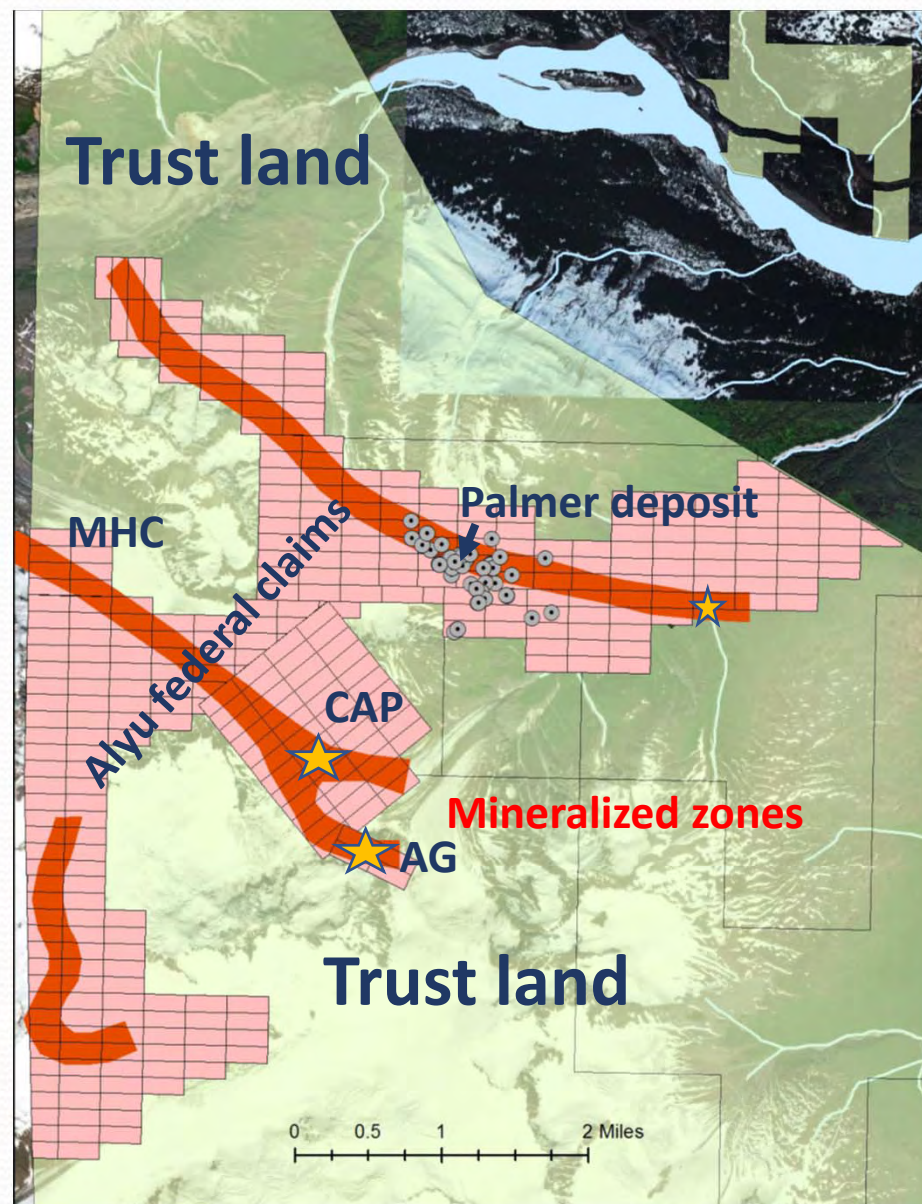
Remaining Federal Entitlement

- Approximately 1,339 acres
- Priorities – 2009 Closeout Agreement
 1. Upper Kenai Peninsula
 2. Sitka
 3. Windham Bay
 4. Minchumina











Department Order 142

- Title: Management of mental health trust land and management of state land to be conveyed to the mental health trust
 - Management of Mining Claims within the Boundaries of Trust Land
 - Determination whether a federal mining claim is to be conveyed to the Trust.



Replacement Lands

To the extent that such authorization is subject to a pending conveyance or patent from the federal government, and such conveyance or patent is different from that set for in HB 201 the State shall compensate the trust for the difference with other land (or interests in land) of similar type or character and equal value and similar revenue producing potential, unless otherwise agreed to by the Authority and DNR.



Replacement Lands

- 1998
 - Non-conveyable parcels were identified which required compensation.
 - Selection pool developed (fee estate, mineral estate, hydrocarbon parcels).
- 2002
 - New pool needed – 1998 version proved to be inadequate.
 - Value estimating and the use of the 1994 Settlement values for fee and land estate parcels



Replacement Lands

- 2006
 - Final Finding Decision with revised list of Replacement Lands.
 - Lands valued at approx. \$5.2 million and consist of 13,381 acres of fee, mineral, or hydrocarbon portion of the mineral estate.
 - Closed to Mineral Entry
- 2013
 - Decision has expired and lands have reverted back to general state lands.



Missed Settlement Lands

- A parcel of land due to be conveyed to the Trust via the Settlement that was inadvertently not conveyed.
- Title Research and requesting the land from DNR.



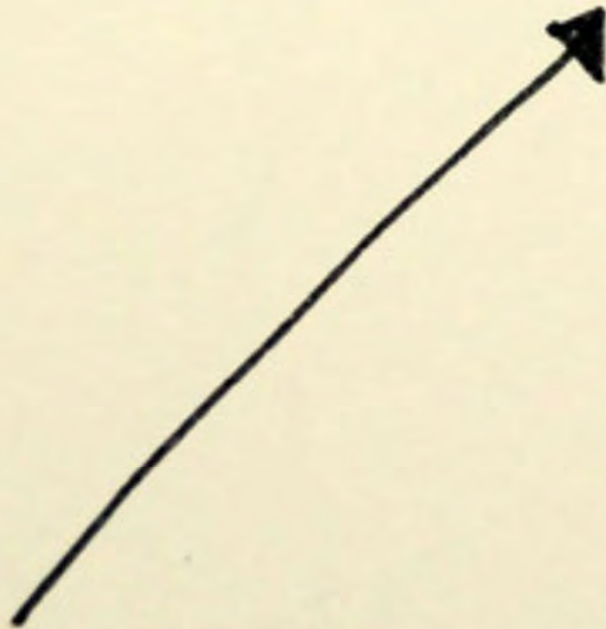
Today

- Approximately 1,339 acres remaining to complete the Trust entitlement.
- Renewal of Replacement Lands forthcoming with a new strategic plan.
- Missed Settlement Lands and opportunities ongoing.
- Attending the 2019 Land Summit to effect a resolution.



Do we have our 1 million acres?

Expectations



Reality





Questions