
LAND GRANT HISTORY

Several federal laws were enacted to dedic

Statehood, “all lands therein reserved” were to “be granted to said State for the purposes for which they were reserved.” It was the interpretation of the phrase “all lands therein reserved” to mean something less than all lands therein reserved that led to the main component of UA’s land grant gap.

The 1929 Sutherland Act was left intact by the Statehood Act. There was a subsequent partial repeal of some of its provisions in 1966, which the State of Alaska later argued removed any responsibility on the part of the State to dedicate the lands to UA, but the Alaska Supreme Court rejected that argument in 1981. Thus, the Sutherland Act component of UA’s land grant is the only one that was fulfilled post-Statehood.

1958-1959 initiation of efforts to get State of Alaska and federal government to remedy the missing lands. The University immediately initiated efforts to try to get the state and federal governments to supply those lands jeopardized by the repeal of section 1 of the Wickersham Act and lost through the non-extension of the Morrill Act.

Since the repeal of the Wickersham Act did not take effect until admission, which occurred by Presidential proclamation January 3, 1959, UA tried to implement its in-lieu rights prior to that repeal. In the week preceding that admission date, UA filed with the BLM for

- s. Throughout the 1960's and 1970's, the University's land entitlement took a back seat while the State of Alaska and its Congressional delegation wrestled with the larger issues that accompanied state selections. Governor Egan remained opposed to a State land grant to UA, and remained in office until 1967, by which point the Department of Interior had imposed its "land freeze" on State selections pending resolution of Alaska Native land claims. By the time of passage of the Alaska Native Claims Settlement Act (ANCSA) in 1971, Governor Egan was back in office. While it was obviously crucial to achieve a just resolution of all the issues presented by ANCSA, and the Trans-Alaska Pipeline Authorization Act of 1973, and the Alaska National Interest Lands Conservation Act (ANILCA) of 1980, the subject of UA's land entitlement remained unresolved, and many of the most valuable lands UA might otherwise have been able to choose were selected by the State, the ANCSA corporations, or other parties, or subjected to new federal encumbrances intended to block or slow the type of development UA's land grant had been intended to facilitate in support of the University. With each passing year, the remaining lands that might eventually be made available to UA became narrower and narrower. President Wood kept importuning both state and federal authorities, who always agreed that UA should receive additional land and further agreed that the other should provide it.

- _____ Disputes emerged about DNR's administration of UA's lands under the 1960 MOA. DNR also engendered disagreements with respect to two other sets of trust lands under pre-Statehood Congressional enactments: the public school lands under the 1915 Wickersham Act, and the Mental Health lands under the 1956 Mental Health Enabling Act. State government tended to lose sight of the distinctions between those federal trust lands and the larger general State selections, with the result that trust lands could get diverted into state parks, or offered up for municipal land selections. Many of UA's most valuable land selections (and those of the public schools and the Mental Health Trust) were

lands under the 1929 Sutherland Act were now in UA's hands (in fact, since UA eventually agreed to let the municipalities keep those high-value UA lands the DNR had already conveyed to those municipalities, and the State agreed to provide UA with replacement lands located elsewhere in the state on a dollar-for-dollar basis, UA wound up getting larger acreages of lower-valued lands). Similarly, the campus lands grant under section 2 of the 1915 Wickersham Act was now in UA's ownership. Less satisfactory was the State transfer of the reservation-into-grant lands under section 1 of the Wickersham Act; of the 336,000 acres estimated in this category in 1939, only 11,211 acres wound up in UA's ownership. And left completely unaddressed was any State effort under the Statehood Act to fulfill the 90,000-acre Morrill Act gap in UA's land grant.

An increasing realization on the part of legislators that UA's anemic land grant was seriously hampering its vitality and financial health led to proposals for legislative remedies, which gathered momentum as the decade progressed. Starting around 1992, the Alaska Legislature kept introducing bills to provide a state land grant and resolutions to urge the U.S. Congress to provide an additional federal land grant. Such bills came closer to passage over time, sometimes passing each House but with different acreage amounts not reconciled prior to adjournment, sometimes passing both Houses but vetoed, sometimes with unsuccessful attempts to override those vetoes. On the federal level, in April 1997, U.S. Senator Frank Murkowski introduced legislation (S.660) to rectify UA's unfulfilled and disproportionately small land grant entitlement. The 1997 legislation would have granted the University the right to select 250,000 acres of unreserved federal lands in Alaska. The bill also provided for an additional matching grant of up to 250,000 acres of federal land, if the University received a state land grant of that size, thus providing up to 500,000 acres of federal land plus 250,000 acres of state land to UA. Senator Frank Murkowski's 1997 legislation, and legislation introduced by Senator Frank Murkowski and Representative Don Young in 1999 (S.744, H.R.2958), by Senator Frank Murkowski in 2001 (S.1816), and by Senator Lisa Murkowski in 2005 (S.293), all failed to pass (although S.1816 did pass the Senate in November 2002, it failed to pass the House).

2000 and 2005 State Land Grants. UA finally got a land grant remedy in 2000, when the Alaska Legislature enacted Senate Bill 7 ("SB 7") authorizing UA to select up to 250,000 acres of state land. While Governor Knowles vetoed the bill, the legislature overrode that veto, 41-19. Governor Knowles rejected the override vote, asserting that it only reached a 2/3 majority and not the 3/4 needed to override a veto of appropriation legislation. The legislature brought suit to force the Governor to implement the bill, asserting that it was not an appropriations bill. That litigation was resolved by a 2004 Alaska Supreme Court decision finding that the bill w

University Lands Status. Currently, the University owns approximately 150,000 acres of land.

ATTACHMENT 1

o y o) @ " ' O ' U h ' O ' o ' u ' " QJ ' that particular table in 1985.) Not reflected herein is Hawaii, which received a monetary permanent endowment (~\$6 million) for its University in 1961-62 in place of Morrill Act land acreages. Similarly not reflected are the District of Columbia (1967 in-lieu appropriation of \$7.24 million); American Samoa, Guam, Micronesia, Northern Marianas, and the Virgin Islands (1972 in-lieu appropriation of \$3 million each); and 29 Tribal colleges (1994 designation as land-grant institutions with provision for in-lieu ap @ - 7