

United States Senate

April 18, 2022

The Honorable Deb Haaland
Secretary
Department of the Interior
1849 C Street, NW
Washington DC 20240

Dear Secretary Haaland:

The Alaska Native Vietnam-era Veterans Land Allotment Program enacted in section 1119 of the bipartisan John D. Dingell, Jr., Conservation, Management, and Recreation Act of 2019 (P.L. 116-9) was authored by the Alaska congressional delegation for the purpose of providing eligible Alaska Native Vietnam-era veterans an opportunity to select up to 160-acre parcels of land to fulfill their land allotment entitlements.

Prior to your confirmation, we spoke repeatedly about the critical importance of the Department of the Interior (DOI) faithfully executing section 1119 so Alaska Native Vietnam-era veterans could finally receive their allotments. Frustratingly, despite your commitment, DOI has passed up an opportunity to make millions of acres of land available in the most straightforward, publicly-supported, and legally defensible manner and effectively paused this program for much of the last year.

As required by the Dingell Act, DOI, through the Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA), developed the Alaska Native Vietnam-era Veterans Land Allotment Program in conjunction with the Department of Veterans Affairs (VA). This work across multiple agencies culminated in the development of the program and subsequent revocation of Public Land Orders (PLOs), providing an over 28-million-acre pool of land for eligible Alaska Native Vietnam-era veterans to choose from. Lifting the PLOs is critical to administering the program because it removes encumbrances on lands throughout Alaska and meets the terms of the Dingell Act, which restricts allotment selections to only unencumbered lands.

The BLM recently issued a draft Environmental Assessment (EA), which we understand may be finalized as soon as this week. Unfortunately, this draft EA allows for allotment selections on lands that are top-filed, selected, leased, permitted, in rights-of-way, or otherwise encumbered by other entities. We are concerned this may further cloud title on those lands, thereby obscuring an already complex set of land use and ownership structures, and could lead to greater conflict over them. This only further complicates and delays aging Alaska Native Vietnam-era veterans or their heirs from receiving their allotments.

The Alaska congressional delegation unanimously agreed with the former Secretary of the Interior's decision to revoke 28 million acres of PLOs to help resolve the remaining State of Alaska and Alaska Native land entitlements per the Alaska Native Claims Settlement Act of 1971

(ANCSA), the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), and the Alaska Land Transfer Acceleration Act of 2004 (ALTAA)—while also clearing the way for Alaska Native veterans to select lands and receive their rightful allotments.

As required by ALTAA, the BLM reported to Congress in 2006 recommending the revocation of 56 million acres of PLOs. In that same report, the BLM stated to Congress that the National Environmental Policy Act of 1976 (NEPA) analysis for the revocation of the PLOs would be completed through the Resource Management Planning (RMP) process. Since that time, every RMP has recommended revocation of PLOs with the accompanied RMP NEPA analysis. In 2020, the BLM, in conjunction with the DOI Solicitors office, conducted a Determination of NEPA Adequacy on the PLOs and found that the underlying NEPA analysis was adequate.

On January 20, 2021, the Biden administration through acting Secretary de la Vega, acting Assistant Secretary for Lands and Minerals Daniel-Davis, and others, halted any PLO revocation announcements in the Federal Register. This placed the decision by former-Secretary Bernhardt regarding the lifting of PLOs on hold, taking 28 million acres of available land off the table from selection and leaving eligible veterans and their heirs with a dramatically reduced pool of available land totaling roughly 480,000 acres or 1.7 percent of the available lands under the lifted PLOs. Despite your commitment to us to expedite the program, you have delayed progress, weaponized the lifting of the PLOs, and convoluted the process to the point that nobody clearly understands the intentions of the Department.

The BLM has already delayed this process for well over a year with no real stated purpose or need. The underlying NEPA analysis has already been completed and the PLO revocations are signed. The only needed exercise is to announce the revocation of the already signed PLOs in the Federal Register. We are aware of the existence of a Solicitor's analysis stating even this step—announcement in the Federal Register—is unnecessary. However, if the BLM believes this is necessary, we, once again, encourage the immediate announcement in the Federal Register.

In closing, we want to remind you that section 1119 includes a five-year sunset of the Alaska Native Vietnam-era Veterans Land Allotment Program, and every day of continued delay for additional reviews, consultations, and analysis further jeopardizes the ability for Alaska Native Vietnam-era veterans or their heirs to receive their promised allotments. We ask that you do the right thing and remedy the situation by immediately lifting the PLOs—in their entirety—because it is simple, takes no more time, and adds no additional costs. Your commitment to this result will accelerate the selection of lands by Alaska Native Vietnam-era veterans, and help fulfill the largest Native claims in American history after a more than 50-year wait.

Sincerely,



Lisa Murkowski
United States Senator



Dan Sullivan
United States Senator