

**Merger Land Use Program Policies and Procedures**  
**April 28, 2007**

**1. INTRODUCTION**

The Merger Land Use Program allows for permits of up to five acres to eligible merged village shareholders. These policies and procedures are presented to outline the rules for the Merger Land Use Program to govern by and the steps to be taken in issuing such a permit. This program is intended to allow merged village shareholders to apply up to five acres of land to live on, free of charge for this use.

The Merger Land Use Program is a result from the Ahtna, Inc. Merger Agreement dated September 30, 1980, when seven of the eight Ahtna Villages chose to merge with Ahtna, Inc. the Regional Corporation. The Village Corporations identified and elected representatives mentioned in the Merger Agreement as the "Successor Village Organizations". The S.V.O.'s have been known as the Village Shareholder Committee and Ahtna, Inc. has been meeting with this group to conduct the business and address issues with each Village since the Merger.

**2. LANDS AVAILABLE**

The Merger Land Use Program applies only on lands that were managed by the former Village Corporation. Merged Village Shareholders may only select lands from within the boundaries of the former Village Corporation that they are enrolled in and only were so designated by the Successor Village Organization.

The following areas are restricted from selection by eligible merged village shareholders:

1. Gravel Pits and Material sites, existing or identified for future use. These are subsurface rights owned by the Regional Corporation.
2. Subsistence Sites, existing or identified for future use, these are designated for the benefit of all shareholders for subsistence gathering activities and usage.
3. Commercial Development sites, existing or identified for future use, this is land identified for commercial value or use.
4. Historical or Cultural Sites, lands identified for its historical or cultural value.
5. Ahtna, Incorporated Regional Lands, unless so approved or designated by the Ahtna, Inc. Board of Directors at an official Ahtna, Inc. meeting.
6. Lands subject to an existing or proposed lease agreement.
7. Lands within a highway right of way or existing easement.
8. Any lands subject to unresolved individual<sup>14(c)</sup> claim.

No Shareholder is allowed to lease land within a Right of Way or easement; parcels must be 100 feet from all Rights of Way and Easements for telephone and power lines. Access to permit parcel must be gained through any existing easements or rights of way prior to the construction of new easements or rights of way being granted by Ahtna, Inc. Construction of new access will

only be allowed if no other access exists prior to permit request.

Ahtna, Inc. Land Department will GPS corners of lot for purpose of record to prevent dispute on neighboring parcel and marked with lathe or other markers.

When two Shareholders apply for lands that are located next to each other, they cannot overlap and there can be no available land located between the two permits.

The five-acre parcel permitted by the shareholder cannot be sub-divided smaller than one (1) acre lots. The original permit must be for one (1) parcel; all five acres must be joining.

The Successor Village Organization shall ensure that all land permit requests do not have any of the above restrictions prior to signing the land permit agreement. The Ahtna, Inc. Land and Resource Department will also ensure that all the listed restrictions do not apply to land being requested for permit under this program.

The intent of the merger agreement was to allow original shareholders to receive up to five acres per 100 shares. Any shareholder that has original village shares over 100 original shares will be added at 20 shares per acre as long as those shares haven't been used towards the program. Shareholders are eligible for the program if they have at least 20 shares. (Reference JSVO meeting in May 1, 1999)

Shareholders must use the original village shares within the boundaries of that village. (ex. You have Y shares, but you inherited X shares. You can't use your X shares in the Y village and vice versa.)

### **3. ELIGIBILITY FOR PROGRAM**

The Merger Land Use Program is only available to those Ahtna, Inc. Shareholders that have shares of a merged former village corporation. The following are guidelines for the Successor Village Organization to use in determining eligibility for participation in the Merger Land Use Program:

1. Shareholder has at least 20 original former village shares.
2. Shareholder is at least 18 years of age.
3. Shareholder has filed a last will and testament or a Testamentary Disposition with the Shareholders Records Department at Ahtna, Inc.

### **4. PROGRAM GUIDELINES FOR PARTICIPATION (RULES)**

The Merger Land Use Program is intended to allow shareholders to utilize up to five acres of land. It is not the intent of Ahtna, Inc. or the Successor Village Organization's to place any restrictions on utilization of land. Some limitations will be enforced due to the actions the Shareholder may take that affect the value of land surrounding his/her parcel.

The Successor Village Organization shall have the authority to enforce and vote on all concerns and violations of these established guidelines. The corrective actions shall be determined by the Successor Village Organization and must be approved by a majority vote of that committee before any actions are taken.

The Shareholder in violation of the guidelines shall be able to address the Successor Village Organization prior to any votetaking place to defend his/her actions at the meeting when voting and discussion of the violation is placed on the agenda.

The Permit Holder cannot use the permit as collateral for obtaining loans. The title is held by Ahtna, Inc. and the land is permitted to the shareholder.

The Permit Holder cannot transfer the permit to anyone other than a descendant or guardian of descendants of Ahtna, Inc. shareholders. This transfer must be done in compliance with the Ahtna, Inc. by-laws and policies for legal transfer of stock and eligibility for the program and must be verified through the Ahtna, Inc. Land and Resource Department and Shareholder Records Department. If any transfer occurs that makes the permit holder ineligible for the program, the permit must be reviewed by the appropriate Successor Village Organization immediately at their next regularly scheduled meeting to determine the next course of action for the permit.

The parcel must be kept clean; all trash removal is at the expense of the Shareholder.

The Guidelines are standards set to assist the Successor Village Organization to make sound decisions during discussions of difficult issues and debate.

Permittees may use site for subsistence purposes.

Permittees are encouraged to carry premises liability with Ahtna Inc listed as a named insured.

Permittees are able to sell structures (ex. house, cache) on their parcel; once sold the structure must be removed in 60 (sixty) days. Land is not subject to sale.

Permittees shall abide by all local, state, tribal, and federal laws and regulations.

## **5. BUSINESSES**

The Permittee is allowed to have a business on the parcel. It is the sole responsibility of the Permittee in all aspects. Ahtna, Inc. and the Successor Village Organizations are not responsible for any financial portion of the permittee business that is started or operated on the permitted land.

The Permittee must gain the approval of the Successor Village Organization for the operation of any business that will create an increased flow of traffic of customers using the Permittee's business.

The Permittee will provide copies of all licenses and insurance documents that any business may need to provide which will be placed in the file of the Permittee.

All taxes shall be the sole responsibility of the Permittee for all business operations that occur on the permitted parcel.

## **6. DOCUMENTS**

The Ahtna, Inc. Land and Resource Department will maintain all records for the administration of the Merger Land Use Program for the Villages.

The Successor Village Organization, Land Committee, and Ahtna, Inc. Board is the approving authority for all permits.

It is the responsibility of the Chairperson of the Successor Village Organization to sign all permits on behalf of the Successor Village Organization.

The permittee shall be the person who signs the permit.

The application to participate, the permit agreement, a map with legal description and markings of land permit location and any correspondence and copies of minutes that reference the permit will be the minimum documents maintained in the permittee file.