

# State Supreme Court Upholds Borough ...

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required findings of fact in its hearing for the borough; that the Superior Court should not have deferred to the commission's interpretation of the statutory criteria for incorporation, that acceptance of the borough petition was not supported by substantial evidence and that inclusion of the plaintiff's (oil interests) property within the borough denied them substantive due process.

The suit had charged that the accepted incorporation petition should have been submitted to the legislature and that attorneys' fees should not have been awarded to the prevailing parties in the case.

The challenge to formation of the borough came from Mobil Oil Corp., Amerada Hess Corp., Amoco Production Co., BP Oil Corp., Exxon Corp., Phillips Petroleum Co., Union Oil Company of California; Frontier Rock and Sand, Inc.; Mukluk Freight Lines Inc., Clifford C. Burglin; Locke Jacobs and Frank J. Novosel.

There remains some question

of whether the matter will go to the U.S. Supreme Court, on a constitutional issue, but meanwhile, things are looking up for the people of Barrow, Point Hope, Wainwright, Kaktovik and Anaktuvuk Pass.

The long flight for a borough above the Arctic Circle was initiated with two major thoughts in mind: improved educational facilities for the children on the Slope and bringing the government home to the people through more local control.

The high court decision will make it a lot easier for the borough to pursue revenue sharing, noted Hopson.

The borough was forced to enter into a private contract for community planning after the U.S. Department of Housing and Urban Development discovered the borough case was before the courts and decided not to go through with a \$25,000 planning grant for the borough.

At that point "we entered into a contract with our consultants to do a planning study which would eventually give us

a comprehensive planning program for the whole North Slope Borough," said Hopson. "It will be a lot easier now to pursue these (federal) funds," he said.

The Supreme Court, in its opinion written by Associate Justice Robert Erwin, made several important points in its decision, based on the present lifestyle of the predominantly Eskimo population of the Slope.

Oil interests had noted that the borough included Naval Petroleum Reserve No. 4 and argued that its inclusion cannot be justified as "necessary or desirable for integrated local government" because the reserve was within the exclusive jurisdiction of the federal government, leaving the borough powerless to regulate its use.

The court noted that the state had been granted concurrent jurisdiction over the reserve area until Congress enacts legislation to the contrary.

And the court said, "This question of jurisdiction aside, the Superior Court properly concluded that the record evidence of the reserve's importance to the subsistence lifestyle of area residents showed inclusion of the tract to be desirable for integrated local government so that it might fall within the new borough's planning and zoning power.

"This reasonably satisfies the geography standard," the court said.

The court also found that the borough had met the transportation standard disputed by the oil interests.

State statutes say that transportation facilities in the area proposed for incorporation "shall be of such a unified nature as to facilitate the communication and exchange necessary for the development of integrated local government and a community of interests."

The court noted that "regular travel among borough communities is available only by charter aircraft. Surface transportation is limited to dog teams and snow machines.

"Even at this stage of development, we agree with the Superior Court that the commission could reasonably have found travel facilities adequate to support borough government when present and future capacity is considered in the context of transportation in Alaska generally and compared to the present cost and availability of trav-

el to centers of government which affect the lives of North Slope residents."

Meanwhile, the temporary injunction of Fairbanks Superior Court Judge Warren Taylor remains in effect, so that the borough cannot tax lease holding interests on the slope. That injunction has delayed payment of some \$14 million, Hopson said.

The special legislative session last fall specifically exempted oil and gas leases from local taxation. However, it reserved for the state power to impose a 20-mil property tax on the oil industry.

Hit by the court and legislative action, the borough raised its own mil levy rate from 6.6 mils to 24.9 mils in order to have the same amount of revenue to meet its budget. Hopson said there were no plans at this time to lower that mil levy rate.

## John-O'Malley . .

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contract from the Bureau of Indian Affairs.

It is not known at this time what level of funding will go to the Johnson-O'Malley program but it is anticipated that it will remain the same as last year's \$4,625,000.

Eligible applicants for Johnson-O'Malley funds are Alaska school districts, educational organizations, Native organizations and organizations within Alaska which provide various benefits to Native students not otherwise available from existing educational systems.

The proposals are to be evaluated in terms of need, direct benefits to Native students at the elementary and secondary levels, and reaching the most Native students possible.

The Johnson-O'Malley review committee, chaired by Mrs. Nettie Peratrovich of Anchorage, has been quite active and was recently involved in a decision to fund the state's boarding school and limited cultural enrichment programs for 1,500 rural school children.

The review committee pledged to cut-off federal JOM funding this next fiscal year for the state's boarding home program because of their belief that it be paid out of the state's general fund.

## BLM Land Issues

### CLAIMS QUESTIONS

Q: A BLM firefighter told me that I cannot receive title to the land I claim as an allotment until a survey has been made of the land. What is a survey and how can I do it?

A. Every change of ownership from the federal government to another party requires a survey of the land. By survey BLM means to determine the size, shape, and location of a tract of land by marking and showing the boundaries of the claim on the ground. This must be done by a trained BLM surveyor. When your land is going to be surveyed either you or the village council will be notified. And after the survey is complete you will probably be notified again.

Because so much Alaska land has never been surveyed, it will take many, many years before all of the surveys are completed and ownership can be transferred to the individual, the village, or the regional corporation. Native allotments have priority, but it may still be a while before your land is surveyed.

(Questions may be sent to Bureau of Land Management (912) 555 Cordova Street, Anchorage, Alaska 99501).

## Letters

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electricity. You know what I told them. I send them money order for \$23, \$25. I don't want you AVEC to tell me nothing. I want people to listen to me. Listen to the old people and don't answer them back. That's what my Dad told me years ago. And they were right.

Just because I had the highest grade here at Nulato 4th grade, I thought I was smart, but now I think about it. I was dumb and goofy.

I used to be interpreter for the Chief, also in court when I was 14 years old. Pretty soon, I was getting smarter than my teacher and the Sisters here and the priest that was giving me all the education. Sometimes when I was in class or Catechism, my mind would be trapping, driving dogs, or maybe a girl, or go to the fishtrap, haul wood. My mind was getting too smart and the hell with the school. Pray, pray, go to communion 6:00 o'clock in the morning, to serve Mass and receive Holy Communion. This is how I flunked in school.

Well Buddy, I hope to see you soon. Drink good or any kind of liquor and you'll be alright like me. Sometimes I try to overdo it, but when you get to be my old age, you have to stop. Your stomach and body can't take it like they used to.

Fred Stickman, Sr.

## Grateful For Help

Jan. 6, 1973

Dear Howard Rock:

We would like to thank all those wonderful people from Bettles, Allakaket, Hughes, Huslia, Tanana, Manley Hot Springs and Fairbanks who helped us so generously after our home burned.

People have been so wonderful with their donations of bidding, food, clothes and money.

Thank you, you thoughtful people who came to our help.

Sincerely,

Sandy and Stella Hamilton

## Enjoys Tundra Times

Marshall Public Schools  
Carl H. Moore, Supt.  
Marshall, Oklahoma  
73056

Jan. 17, 1974

Dear Mr. Rock:

We enjoyed reading a recent issue of Tundra Times, in which we saw your picture. Dr. Angie Debo, a local historian, shared her paper with us. Your people may remember her, because of the many efforts she has put forth in helping your people get titles to their land.

We have 23 third and fourth grade children in our room. Upon completing the study of Alaska recently, we invited Miss Angie to come and show us slides, that she had taken on her trip to Alaska.

We are very anxious to learn more about Alaska and more about the children who live there. If any school would like to exchange letters with us, we would be happy to answer them.

Our temperature here has been so low the past two weeks — 0° to 15°, so we feel like we have had a taste of your cold weather.

Sincerely,

Mrs. Bonnie Roberts—teacher  
Marshall School  
Marshall, Okla. 73056

## Hensley Eyes Congress

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flect a consideration for Alaska's own growth. Not only are mineral and timber development at stake but even the tourist industry will be affected," he said.

"Our fisheries are in crisis," he said. "The fishermen are facing fuel shortages and foreign depletion of our fish. It will be important to rally the Democratically controlled House to defend vigorously Alaska's interests and to promote effective solutions to our problems."

The national scene is an area Hensley is already familiar with. He studied at George Washington University in the nation's capital from 1963-66, earning a degree in political science.

Since then he's returned to Washington, D.C. about 70 times on legislative business concerning

the Native people and the state. His lobbying efforts ranged from passage of pipeline legislation and sea mammal legislation to appropriations for the Arctic Winter Games.

On the state level, Hensley has held positions on the Resources, Health, Education and Welfare and Finance Committees in the legislature.

He is a former state chairman of the Alaska Democratic Party. He was an organizer and first chairman of the Alaska Village Electric Cooperative, which provides electricity for many rural villages.

Back in 1966, Hensley helped organize the Alaska Federation of Natives and the Northwest Alaska Federation of Natives and the Northwest Alaska Native Association, the latter of which he now serves as a board member at-large. And he wrote a paper as a student at the University of Alaska entitled "Alaska Native Land Claims: the primary issue."

In that year he was also elected to the Alaska House of Representatives. In 1968 he served as chairman of the land claims task force and was appointed to the state Rural Affairs Commission.

In 1970, Hensley's constituents sent him on to the State Senate for a four-year term.

In the interim period, his interests and knowledge of the state and its people have expanded far beyond the basic issues of the land claims movement.

On trips to his Senate district during the past few months alone Hensley has delved particularly into the lack of sufficient educational facilities and centers for the elderly in rural Alaska.

For more than an hour at Kotzebue one day late last fall he stood over the drawing board with other Kotzebue residents studying plans for a retirement home for the area, then was off to a lengthy evening session with other legislators meeting with the local school board.

In preparation for his press conference at Fairbanks Friday, the senator boned up on local issues — ready to state just how he felt about each of them when the press was asked.

Later, the new candidate sat down for coffee with friends and mentioned his preparatory work on local issues.

He held up several pages of notes in one hand and grinned ruefully, "but nobody asked."

## Assn. Project . .

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with rare exceptions been passed on to younger generations, and the art of oral literature is literally dying as those people who once knew the old tales grow so old that they can no longer remember well, or themselves die.

The traditions of the Native peoples of this state are non-literate and transferable in their entirety only in verbal form. The Alaska Native Oral Literature Project sees itself as both preserving a rich and disappearing cultural heritage, as well as reinforcing that heritage and providing material to aid in its retention and continuation.

Each month, more of the old people who possess the knowledge of the folklore pass away and with them is lost much of the information that would be of value to and a source of pride for younger Native Alaskans.

The Alaska Native Oral Literature Project feels it is of the utmost importance that the stories collected be returned to the people who told them to encourage the continuation of a disappearing art form.

The project's completion date is scheduled for June of this year.

## Townships . . .

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ognized, Sackett said.

Thirty-two other similar core township applications will be filed with the BLM between now and March 31, he said.

It is not known how long it will take the BLM to process these papers, "but we anticipate in all probability that most of the core townships for all 33 villages will have been issued preliminary title before Christmas," he said.

This means the village corporations will own their core township areas outright, for surface estate, with subsurface title going to Doyon, Limited under provisions of the land claims act.

Land selection for all village corporations within Doyon, Limited is being conducted by land selection committees within the villages, with the assistance of Doyon's lands department.

Initial training for land selection began last May and has been in progress ever since.

Documents filed for core township selection include the BLM selection application form, certificate of incorporation from the State of Alaska, the Doyon board of directors resolution approving the village corporation articles of incorporation and a legal description of lands selected and acreage calculation.

Also a special topographic map and a board resolution designating the approving of the selection and designating the selection officer authorized to sign the application.