

11 villages still seek ANSCA benefits

KODIAK—Eleven villages which were determined not to be eligible for benefits under the Land Claims Act by the Secretary of the Interior will have another chance to prove they qualify. The decision of the U.S. Court of Appeals for the D.C. Circuit was reported by the Kadiak Times on May 11.

The Kodiak Island villages of Anton Larsen Bay, Ayakulik, Bell's Flats, Litnik, Port Williams, Uganik, and Uyak are

the subjects of this case, as well as the Cook Inlet Region villages of Alexander Creek and Salamatof, the Bering Straits village of Solomon, and the Aleut village of Pauloff Harbor.

These villages were all determined to be eligible for ANSCA benefits by the Bureau of Indian Affairs and then denied eligibility by the Interior Secretary in a review process which the Court of Appeals found to be unlawful.

A D.C. District Court judge had already found the determi-

nation of ineligibility to be in error, and had reinstated the original BIA decisions. On appeal by the Department of the Interior, the Appeals Court agreed that the decisions to deny benefits to the villages were wrong, but for different reasons. Also, instead of reinstating the BIA determination, the court sent the cases back to the Secretary of the Interior for reconsideration.

It remains to be seen what the Secretary will decide upon reviewing the cases.

The new decision rested upon the secrecy of the Secretary's decision-making process, which was undertaken without any notice to the villages. Under the department's procedure, first the Alaska Native Claims Appeal Board, and then the Secretary of the Interior secretly reviewed the record of a hearing before an Administrative Law Judge at

which all parties had been allowed to be present. The Kadiak Times says the decision held "that the Interior Secretary's secret review process was inconsistent with both Constitutional constraints and the mandate of the Alaska Native Claims Settlement Act that Natives participate as fully as possible in the decision-making process."