

# Attorney blasts 'un-decision' on allotments

by Sara Townsend

for the Tundra Times

Thousands of Alaska Natives waiting for titles to their traditional fish camps and hunting grounds may be able to bypass a lengthy "cultural survey" of the lands, according to a recent memorandum from the U.S. Department of Interior.

But that decision is being called an "un-decision" by David Fleurent, an attorney coordinating Native allotment claims for Alaska Legal Services.

Referring to what he sees as vagueness in the memo wording, Fleurent said, "This will only slow up the system. Now it's a wide open shooting match."

A 1985 decision by the Interior Board of Land Appeals had ruled an allotment claim by Charlie Blatchford Jr. was subject to an extensive survey of the land's archeological value.

That decision calling for a review under section 106 of the National Historic Preservation Act had the effect of putting all allotments on hold.

The internal Oct. 2 memo was issued to clarify Bureau of Land Management policy on the processing

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# AFN's Kimball: Interior memo good news for allottees

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of Native allotment requests with regard to the historical resources review.

Guy Baier, Interior acting assistant director of lands and renewable resources, has directed state BLM officials to require the review only in cases where "significant" cultural resources are known to exist.

Allotments subject to the review include parcels already listed as a national historic places, those lands already nominated for such listing and properties "known to contain significant historic resources that would qualify it" for such recognition.

In cases subject to this review, historic preservation officials termed "cultural resources specialists" by BLM will make recommendations that the site be photographed or archeological studies be conducted before the title transfer, according to

Baier.

In some cases the BLM may decide to deny the conveyance because of historic preservation concerns.

Alaska Federation of Natives land manager Larry Kimball said recently he believes the memo should be good news for most Native allotment applicants.

"There isn't a parcel I know of where you couldn't find an arrowhead if you tried," he said. "But this seems to say that one arrowhead isn't enough to warrant a 106 review."

Kimball said he knew of only one case that he believes will be subject to the review.

But even with the processing of claims in motion again, Kimball said many allottees must wait many years before BLM hands over title to the lands because the parcels must first be surveyed. With Alaska's short surveying season and the current funding levels, Kimball estimates BLM will

not finish surveying the estimated 500,000 acres of Native allotment claims for another 40 to 50 years.

Alaska Legal Services' Fleurent fears it will be too easy to delay an allotment. He said the criteria for listing in the National Register is general and will be open to interpretation.

"What annoys me to no end is why only Native allotments? How come they aren't forcing this review on the state and Native corporation conveyances?" he asked.

Calling the allottee the "proverbial little guy," Fleurent said, "It's discriminatory. It makes a farce out of what they're calling public policy."

Fleurent said BLM figures show about 12,000 parcels are still pending approval out of nearly 16,000 claims filed by about 10,000 applicants before the 1971 cut-off date. Of the approximately 4,000 that have been processed, about half have been approved and

about half rejected.

Fleurent said that in 1971 the average age of the applicant was 47. Many allottees and their witnesses to occupancy and use are dying off, he said.

Blatchford, whose allotment was designated as a national historic landmark and entered on the National Register, said he has spent 17 years fighting for his land on Yukon Island in Katchemak Bay.

"They've made it harder for us than the homesteaders had it," he said. "All non-Natives had to do was clear a certain number of acres and live on it for five years and it was theirs."

"Now we've got to prove that our ancestors aren't valuable to some white man's museum half way across the world from here," Blatchford said.

A BLM spokesman in Anchorage said officials are still in the process of deciding how to carry out the policy directive from Washington, D.C.