

Don Wright Reports On Claims Status

ALASKA FEDERATION OF NATIVES, INC.

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REPORT ON

ALASKA NATIVE LAND CLAIMS STATUS

By DONALD R. WRIGHT

AFN President

RESPONSIBILITY—SELF-DETERMINATION—JUSTICE—and endless hard work are required to guarantee that the legislative process is responsive to the need of American people.

President Nixon has proven to Alaska Native people that his administration can deliver and fulfill the commitments of his decade, consistent with human and environmental requirements.

President Nixon, Vice President Spiro Agnew, former Secretary of the Department of Interior Walter J. Hickel, Secretary Rogers C.B. Morton, Senator Ted Stevens and the administrative staff members of these leaders must be given due respect for setting the stage to a fair and just Alaska Native Land Claims Bill by offering:

- 40 million acres of land in Fee Title.**
- one billion dollars plus other considerations**

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toward a compromise negotiation being deliberated by the Congress of the United States.

The powerful House committee on Interior and Insular Affairs under the leadership of Chairman Wayne Aspinall of Colorado and sub-committee Chairman James A. Haley of Florida, labored longer and harder on this issue than have they on any other pending legislation. At times there seemed to be no choice of compromise and movement was not noticable for this year.

National Tribal Chairmen from across the Nation were summoned to the Nation's Capitol to meet with members of the Indian sub-committees. Agreement was reached that the Alaska Native Land Claims Bill was the priority issue pending before the U.S. Congress.

The National Tribal Chairmen's Association agreed that other Indian legislation should be held in obedience pending action on the Alaska Native Land Claims Bill. At this time a decision was made by Chairman Aspinall and Haley that Congressman Begich of Alaska and Native leaders must agree to a 40 million acre, and \$925 million bill and work out details or no bill would be passed this year.

Agreement was reached, Native leaders committed to no attempt to amend the "Aspinall-Haley Bill", H.B. 10367, in the House of Representatives.

A bill has been reported out of committee and is now awaiting House floor action. No attempt will be made by the Alaska Federation of Natives for amendment. The Native people are proud to respect a commitment to the full committee on Interior and Insular Affairs of the United States of America who have guaranteed unanimous support to lead the fight on the floor of the United States House of Representatives to guarantee 40-50 million acres and \$1 billion. I commend Senator Jackson for his outstanding leadership on this issue and feel that most of the variances listed below will be corrected before the Senate floor action.

- 1) Under Option I of the Land Grant Provisions the Native Commission, not the Native themselves, select approximately 30 million acres of land.
- 2) Under Option I the land must be selected in blocks contiguous to Native villages, rather than allowing flexibility and some free-floating selection rights.
- 3) Under Land Option II, the Natives would receive only 20 million acres of land in fee. An additional 30 million acres not in fee would be allocated. The bill must provide a minimum of 40 million acres all in fee.
- 4) Under Option II the 10 million acres of economic potential land is not in fee. Apparently the recreational land would be granted in surface title only. Unless full fee is given the economic potential of recreation land could be destroyed by development of the sub-surface estate which would not be owned by the Natives. Similarly failure to convey sub-surface estate on land selected for timber potential could prove unfeasible. Moreover, according to BLM, there is not timberland of present commercial value in Alaska outside the National Forests, and under the bill Natives cannot select the National Forest lands.
- 5) The 10 million acre economic selection is not a priority selection, but on an alternating basis. Natives should also own surface title to lands selected for mineral potential to avoid any conflict between surface and sub-surface users.
- 6) The 20 million acres of subsistence permits is a completely inadequate substitute for fee title lands.
- 7) Sub-surface title under both options would apparently rest with the services corporation rather than the regional corporations. The Native Commission would under Option I play a greatly increased role in land selections. Natives must be given the right to select their own land.
- 8) The Native Commission under S.35 is not comprised of a majority of Natives.
- 9) Seven regional corporations, rather than twelve regional corporations, are established.
- 10) There is no assurance that pending allotment applications in BIA as well as BLM can be processed through completion. Natives cannot be required to give up pending allotment applications.
- 11) The bill gives certain options to certain Native reservations. All reservations should be treated alike and should be given the options of retaining the reservations, taking the reservation in fee, or participating as a Native village under the land provisions of the bill. In any event, individual Natives should share in the money provisions of the Act.
- 12) Nookisut is eliminated from the list of villages. There is no justification for this action. That village has been on all village lists and should remain on the list subject to meeting the qualification terms of the Senate bill.
- 13) Twenty million dollars of Federal appropriated funds may be set aside for the establishment of municipal governments in Alaska. This should be an additional \$20 million available only for establishment of municipal governments, rather than a permissive allocation of part of the existing \$500 million.
- 14) The bill provides for a referendum option by the Natives on land selections. In order to achieve the best bill from the conference, the Senate must go in with a single proposal of not less than 40 million acres in fee selected in part on a free-floating basis ahead of State selections. The option approach seriously diminishes chances of a good conference bill.
- 15) The forced allocation of funds between the Investment Corporation and the services-regional corporations is inconsistent with Native self-determination.
- 16) The land is exempted from tax for only a 12 year period. This must be increased to at least the year 2000.
- 17) The restraints against alienation are only 12 years, rather than the 20 year period required by the Natives.
- 18) The Urban and National Corporations are inconsistent with Native heritage and self-determination which favors enrollment back to Alaska villages.

The Alaska Federation of Natives have been informed that a Senate minority report will contain the recommended changes listed below:

I A. VILLAGE LAND SELECTIONS

Sixteen to eighteen million acres in and around Native villages with a minimum of three townships per village and a maximum of seven depending on population. All selections to be made from lands within the 25 townships surrounding each village. This land would be granted in full fee title regardless of whether or not the village may fall in a National Forest, Wildlife Refuge, Pet. Reserve No. 4 or in a tentatively approved State selection. Villages in the Southeast would receive only one township per village. Fee title land located within a Wildlife Refuge would always be subject to all Federal rules and regulations governing that refuge.

B. REGIONAL LAND SELECTIONS

The balance of 40 million acres of land to be selected on a land-loss basis by each respective Native Regional Corporation. These land selections may be made without restrictions as to location, except that they must not take any land from National Parks or Forests nor from Wildlife Refuges. Full fee title would be granted. Selection of these lands would take precedence over any additional State selection until completed. All land selections will be made by the village and regional corporations. Villages will hold title to the surface estate of village selections, while regional corporations hold title to all sub-surface and regional surface estates.

II
A majority of the members of the Commission should be Natives.

III
All one-quarter blood Alaska Natives, including those now living on reservations, should share in the monetary proceeds of the Act. Natives living on existing reservations should have the following option concerning their land:

1. Retain the existing reservation as it is.
2. Obtain fee title to the existing reservation.
3. Terminate the reservation and participate like other Native villages under the land selection provisions of the Act.

Senator Ted Stevens and Senator Mike Gravel will be asked to support this report and floor amendments will be offered to correct the defects of S. 35 as reported from committee.

If these changes are made on the Senate floor—then all parties concerned, the Administration, the Senate, the U.S. House, the Alaska Federation of Natives are in agreement near enough for the free conference committee to reach agreement and settle once and for all this very human and vital issue for the mutual benefit of the United States, Alaska, and Alaska Native people.

MY HUMBLE REQUEST IS FOR TOTAL COOPERATION OF ALL PARTIES CONCERNED