LEGAL NOTICE

(Continued from Page 11)

mined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Chickaloon is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in Section 2651.2(a)(5) of Title 43 CFR, within thirty days of its publication in the Federal Register. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

Clarence Antioquia
Acting Director

February 13, 1974

Published in the Federal Register on February 22, 1974

Pub.: Feb. 27, 1974

LEGAL NOTICE

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
JUNEAU AREA OFFICE
JUNEAU, ALASKA

FINAL DECISION)
CONCERNING THE ELIGIBILITY)
OF ANTON LARSEN BAY AS A)
NATIVE VILLAGE FOR)
PURPOSES OF ANCSA 1971)
ACTION UPON PROTEST)

ADMINISTRATIVE
DETERMINATION

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the State of Alaska, by Charles F. Herbert, Commissioner, Department of Natural Resources, Pouch M, Juneau, Alaska 99801; by the Forest Service, U. S. Department of Agriculture by and through the Alaska Regional Forester, C. A. Yates, P. O. Box 1628, Juneau, Alaska 99801; by the Alaska Wildlife Federation and Sportsman Council, Inc. and Mr. Philip Holdsworth by and through James F. Clark of Robertson, Monagle, Eastaugh and Bradley, Attorneys at Law, P.O. Box 1211, Juneau, Alaska 99801; by the Alaska Chapter of the Sierra Club by Jack Hession, Alaska Representative, 2400 Barrow, Anchorage, Alaska 99501; and by Bureau of Sport Fisheries and Wildlife, Department of the Interior by and through Area Director Gordon W. Watson, 813 D. Street, Anchorage Alaska 99501, hereinafter referred to as protestants. The protest of the State of Alaska was dated January 18, 1974 and received on January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the U. S. Forest Service was dated January 18, 1974 and received on January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974 and received on January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Alaska Chapter of the Sierra Club was dated January 18, 1974 and received on January 18, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs The protest of the Bureau of Sport Fisheries and Wildlife was dated January 18, 1974 and received on January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by Sec. 5(b) of the Alaska Native Claims Settlement Act, 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the date on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different plact of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine their legal residence."

Protestant Regional Forester, Forest Service, U. S. Department of Agriculture states in part as follows: "Enrollment to Anton Larsen Bay or Point Possession does not meet the requirements of Sec. 5(b) and Sec. 3(c) of the ANCSA. The Interior Department has, through its regulations and procedures, distorted and ignored the actual language of the Act. The enrollment of the Natives as set out in the ANCSA, Sec. 5(b), is quite specific: "The roll prepared by the Secretary shall show for each Native . . . the region and the village or other place in which he resided on the date of the 1970 census enumeration, and he shall be enrolled according to such residence." The Area Director, in his Anton Larsen and Point Possession decisions would ignore these pertinent requirements of the Act on enrollment by quoting village requirements Sec. 11(b) (2) (A). "More than twenty-five Natives were residents of the village on the 1970 census enumeration date AS SHOWN BY THE CENSUS OR OTHER EVIDENCE SATISFACTORY TO THE SECRETARY . . ."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "The printout run by the Bureau of Indian Affairs for November 8, 1973, shows none of those certified as living at Anton Larsen Bay. Nor is it listed as a village in the 1970 census."

Protestant Alaska Chapter of the Sierra Club states in part: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestant Area Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior states: "We contend that neither the identifiable physical locations of Bell Flats or Anton Larsen Bay, nor the minimum residence requirement in relation to identifiable physical village location has been established."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows: "Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives."

The 1970 Census is not therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2 Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 38 Natives had been approved for enrollment in the Native Village of Anton Larsen Bay. On July 19, 1973, a field investigation was completed of Anton Larsen Bay and at that time 14 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment to Anton Larsen Bay, represents a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of the eligibility of the enrolled Natives of Anton Larsen Bay.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Anton Larsen Bay is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in Section 2651.2(a)(5) of Title 43 CFR, within thirty days of its publication in the Federal Register. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall not have more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with the appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska.

The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

Clarence Antioquia
Acting Director

February 8, 1974

Published in the Federal Register on February 21, 1974

Pub.: Feb. 27, 1974

LEGAL NOTICE

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
JUNEAU AREA OFFICE
JUNEAU, ALASKA

FINAL DECISION CONCERNING)
THE ELIGIBILITY OF)
SOLOMON AS A NATIVE)
VILLAGE FOR PURPOSES OF)
ANCSA 1971 ACTION UPON)
PROTEST)

ADMINISTRATIVE
DETERMINATION

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P. O. Box 2025, Anchorage, Alaska 99510, by Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P. O. Box 1211, Juneau, Alaska 99801, and by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Commissioner, Department of Natural Resources, State of Alaska, was dated January 16, 1974, and was received on January 17, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "* * * we disagree with the provisions 1) that Natives enrolled to a village but not actually residing therein, are deemed residents of the village; and 2), that a village is considered eligible if "at least thirteen persons who enrolled thereto . . . have used the village during 1970 as a place where they actually lived for a period of time." Both provisions seem logically and perhaps legally inconsistent with the wording of the Alaska Native Claims Settlement Act itself. We think that Congress intended that eligible villages be those actually occupied by 25 or more qualified Natives."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows:

"Solomon — The Bureau of Indian Affairs printout run November 8, 1973 shows only 1 enrollee to Solomon as presently living there. Moreover, the 1970 census does not include it as a village."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by Sec. 5(b) of the Alaska Native Claims Settlement Act. 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b) (3) of the Act is quoted as follows: "Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that —

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives."

The 1970 census is not, therefore, the exclusive source of information for the determination of residency, Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority of the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 39 Natives had been approved for enrollment in the Native Village of Solomon. On August 7, 1973, a field investigation was completed of Solomon and at that time 13 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 39 Natives who have been approved for enrollment to Solomon, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and thirteen Natives enrolled thereof have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of their eligibility of the enrolled Natives of Solomon.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with a record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Solomon is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in Section 2651.2 (a) (5) of Title 43 CFR, within thirty days of its publication in the Federal Register. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

Clarence Antioquia
Acting Director

February 11, 1974

Published in the Federal Register on February 22, 1974.

Publish February 27, 1974.

LEGAL NOTICE

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
JUNEAU AREA OFFICE
JUNEAU, ALASKA

FINAL DECISION)
CONCERNING THE ELIGIBILITY)
OF HEALY LAKE AS A)
NATIVE VILLAGE FOR)
PURPOSES OF ANCSA 1971)
ACTION UPON PROTEST)

ADMINISTRATIVE
DETERMINATION

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by William H. Timme, General Counsel for Doyon, Limited, a Native regional corporation, 527 Third Avenue, Fairbanks, Alaska 99701, hereinafter referred to as protestant. The protest was dated January 16, 1974, and was timely received on January 18, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Timme objects to the Native Village of Healy Lake being determined to be ineligible because protestant states that the Native Village of Healy Lake does meet the requirements of 43 CFR 2651.2 (b) because: "* * * the field report of the B.I.A. and the certified roll, clearly establish the fact that the village is eligible. The majority of the residents are Native. Healy has none of the attributes of a modern and urban community, much less all of them. The village does have an identifiable physical location and has had one since the early part of this century. There is no question that it was in existence on April 1, 1970. As the B.I.A.'s field report indicates, there were also 13 persons who are enrolled to the village who actually lived in the village in 1970."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716) and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11 (b) (3) of the Act is quoted as follows: "Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of Act, determines that

(A) twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives."

Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of December 1, 1973, 22 Natives had been certified for enrollment in the Native Village of Healy Lake. On August 8, 1973 a field investigation was completed of Healy Lake and at that time 22 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have now been approved for enrollment to Healy Lake as is shown on the January 21, 1974 enrollment printout represent a majority of the residents of the village in 1970. It had on April 1, 1970 an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby reverse the decision made on December 10, 1973 and published on page 35028 in the Federal Register on December 21, 1973 determining that the Native village of Healy Lake is ineligible for land benefits under said Act.

The Director, Juneau Area Office, Bureau of Indian Affairs, therefore hereby determines the Native village of Healy Lake to now be ELIGIBLE for land benefits under the Alaska Native Claims Settlement Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in Section 2651.2 (a) (5) of Title 43 CFR, within thirty days of its publication in the Federal Register. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P. O. Box 2433, Anchorage, Alaska 99510.

Clarence Antioquia
Acting Director

February 12, 1974

Published in the Federal Register on February 22, 1974

Publish February 27, 1974.

LEGAL NOTICE

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
JUNEAU AREA OFFICE
JUNEAU, ALASKA

FINAL DECISION)
CONCERNING THE)
ELIGIBILITY OF)
CHULOONAWICK)
(CHULOONAVIK) AS A)
NATIVE VILLAGE FOR)
PURPOSES OF ANCSA 1971)
ACTION UPON PROTEST)

ADMINISTRATIVE
DETERMINATION

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, and Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and it was received on January 18, 1974; by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not residents of these villages as of the date of the census."

Protestant Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part

(continued on page 13)