

LEGAL NOTICE

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

FINAL DECISION)
CONCERNING THE ELIGIBILITY)
OF ALEXANDER (ALEXANDER CREEK))
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, 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, Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801, and Matanuska-Susitna Borough, P.O. Box B, Palmer, Alaska 99645, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and 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 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.

The protest of the Matanuska-Susitna Borough was dated January 17, 1974, and 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 resident of these villages as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "The Bureau of Indian Affairs printout for Alexander Creek run November 8, 1973, shows 37 persons enrolled to the village with only one, Lawrence Roberts, actually residing there now. Alexander Creek is not listed as a village in the unincorporated places of 25 to 999 in the 1970 census (hereinafter called 1970 census). Accordingly, the Director should determine what other evidence exists to warrant certification of the eligibility of the remaining persons enrolled to Alexander Creek."

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 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."

Notice of Protest has been prepared in conformity with 43 CFR 2651.2 and is accompanied by evidence which shows that Alexander Creek is ineligible for certification and benefits pursuant to the Alaska Native Claims Settlement Act."

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 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 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, 31 Natives had been approved for enrollment in the Native Village of Alexander (Alexander Creek). On September 19, 1973, a field investigation was completed of Alexander (Alexander Creek) and at that time 16 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 31 Natives who have been approved for enrollment to Alexander (Alexander Creek), 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 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 their eligibility of the enrolled Natives of Alexander (Alexander Creek).

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 Alexander (Alexander Creek) 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 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 7, 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 BELLS FLATS 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 Alaska Chapter of the Sierra Club by Jack Hession, Alaska Representative, 2400 Barrow, Anchorage, Alaska 99501; by the Alaska Wildlife Federation and Sportsman Council Inc. and Mr. Philip Holdsworth by and through James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801; 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 17, 1974 and received January 17, 1974 by the Director, Juneau Area Office,

Bureau of Indian Affairs. The protest of the Sierra Club was dated January 18, 1974 and was received on January 18, 1974 by the Director, Bureau of Indian Affairs. The protest of the Bureau of Sports Fisheries and Wildlife was dated January 18, 1974 and received 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.

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 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 their legal residence."

Protestant Alaska Chapter, 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."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "The printout prepared by the Bureau of Indian Affairs on November 8, 1973, shows 37 persons enrolled to Bel's Flats. Of the persons listed in the November 7 printout (which includes information concerning their permanent residence on the filing date, where they resided for two years as of April 1, 1970, where they resided for 10 years prior to that, their birth place and ancestral birth place) none showed any connection whatsoever with Bel's Flats, other than listing it as their permanent residence. Accordingly, even under the improper standard of "some lives" as stated on the instructions to enrollment form these individuals do not qualify for enrollment for Bel's Flats. Moreover, Bel's Flats is not listed as a village in the 1970 census."

Protestant Area Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior states: "We contend that neither the identifiable physical locations of Bel's 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 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 January 21, 1974, 27 Natives had been approved for enrollment in the Native Village of Bel's Flats. On July 17, 1973, a field investigation was completed of Bel's Flats and at that time 15 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 27 Natives who have been approved for enrollment to Bel's Flats, 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 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 Bel's Flats.

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 Bel's Flats 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 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
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 WOODY)
ISLAND 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 by Alaska Wildlife Federation and Sportsman Council, Inc., and by Mr. 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 this village as of the date of the census."

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

"Woody Island - The Bureau of Indian Affairs printout dated November 8, 1973 shows only 2 of the persons enrolled to Woody Island as living there at the present time. 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 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 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, 279 Natives had been approved for enrollment in the Native Village of Woody Island. On July 18, 1973, a field investigation was completed of Woody Island and at that time 18 Natives who used the village for a period of time in 1970 were subsequently approved for enrollment on December 17, 1973. The 279 Natives who have been approved for enrollment to Woody Island, 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 more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time as required by Subpart 2651.2(b) of Title 43 of CFR.

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 Woody Island 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 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 brief 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 8, 1974
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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 KING)
ISLAND 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, state in part as follows:

"King Island - The Bureau of Indian Affairs printout run November 8, 1973 shows none of the enrollees to King Island as presently living there. Moreover, it is not listed as a village in the 1970 census."

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

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