

LEGAL NOTICE

(continued from page 14)

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 43b 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, 186 Natives had been approved for enrollment in the Native Village of King Island. On August 17, 1973 and on September 6, 1973, field reports of King Island show that at time 13 Natives who used the village for a period of time in 1970 were subsequently approved for enrollment on December 17, 1973.

The 186 Natives who have been approved for enrollment to King 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 Native own cultural patterns and life style and thirteen Natives enrolled thereto have used the village as a place where they actually lived for a period of time as required by Subpart 2651.2 (b) of the 43 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 King 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 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 upon the date of receipt 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 21, 1974.
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LEGAL NOTICE

NOTICE FOR PUBLICATION
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF
LAND MANAGEMENT
Fairbanks District Office
P.O. Box 1150
Fairbanks, Alaska 99707

Hereby gives Notice that Sam Parent of Kalskau, Alaska, together with his witnesses George Morgan and Fredie C. Holmberg, both of Kalskau, Alaska has submitted Application to Purchase on his Homestead Settlement Claim, Serial Number (S) F-029197 for a tract of land described as:

Tract "E" of U.S. Survey No. 4413, Alaska, situated at the Village of Upper Kalskau, Alaska.
Containing 4.50 acres.

During the period of publication of this notice, any person, corporation, or association having or asserting any adverse interest in or claim to the tract of land or any part hereof may file in the proper Land Office, under oath, an adverse claim setting forth the nature and extent thereof; and such adverse claimant shall within 60 days after the filing of such adverse claim, begin action to quiet title in a court of competent jurisdiction in Alaska, and thereafter patent shall be issued in conformity with the final decree of the court.

Harold E. Waldo
Chief, Division of Land Office
Pub.: Feb. 13, 20, 27; March 6, 13, 20, 27; April 10, 1974

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

CHARTER COMMISSION OF THE NORTH SLOPE BOROUGH
File No: GA-03-74

DATE OF HEARING

March 11, 1974 (Re-scheduled)
March 13, 1974 (Re-scheduled)

PLACE OF HEARING

Anaktuvuk Pass, Alaska
Nooklut, Alaska

TIME & PLACE: Time and place will be announced upon arrival of the Charter Commission of the North Slope Borough.

SUBJECT:

The purpose of these public hearings is to discuss the Home Rule Charter for the North Slope Borough. Copy of the new Charter has been sent to the Fairbanks Daily News Miner and to the Tundra Times for information purposes and copies of this Notice have been sent to each community to be posted at three public places within the North Slope Borough for at least five (5) days.

DATED This 13th day of February, 1974.

ELEN HOPSON, MAYOR
NORTH SLOPE BOROUGH

Publish February 27, 1974.

LEGAL NOTICE

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

FINAL DECISION
CONCERNING THE INELIGIBILITY OF AIAKALIK, AYAKULIK, LITNIK, LITTLE AFOGNAK, PORT WILLIAM, AND UGANIK AS NATIVE VILLAGES FOR PURPOSES OF ANCSA 1971 ACTION UPON PROTEST

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Konag, Inc., a Regional Corporation, by Aiaikalik, Inc., Ayakulik, Inc., Litnik, Inc., Kotol, Inc., Shuyak, Inc., and Uganik, Inc., each being a village incorporated under the laws of Alaska, by and through their Counsel, Edward Weinberg of the law firm of Wyman, Bautzer, Rothman and Kuchel at Suite 1000, 600 New Hampshire Avenue, N.W., Washington, D.C. 20037, hereinafter referred to as protestants. The protest of Konag, Inc., was dated January 10, 1974 and received on January 14, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Aiaikalik, Inc., et al, which joins in the protests by Konag, Inc., was dated January 11, 1974 and was received on January 15, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protestants object to the unlisted Native villages of Aiaikalik, Ayakulik, Litnik, Little Afofnak, Port William and Uganik being determined to be ineligible; the protestants state because: "There were timely filed with the Enrollment Coordinator applications for changes in enrollment by qualified Alaska Natives in sufficient numbers to establish the enrollment of at least twenty-five eligible Alaska Natives in each of such villages."

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."

Part 43b of Title 25 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.

The enrollment print-out of December 10, 1973 did not show anyone enrolled to Aiaikalik, Ayakulik, Litnik, Little Afofnak, or Port William who had used the villages in 1970 but did show 12 Natives enrolled to Uganik. The enrollment print-out of January 10, 1974 does not reflect the required 25 Natives enrolled to each of subject villages. The Natives who used the villages for a period of time in 1970 have not been certified for enrollment to these villages. 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 Villages of Aiaikalik, Ayakulik, Litnik, Little Afofnak, Port William and Uganik are ineligible for land benefits under said 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 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 12, 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 INELIGIBILITY OF TENAKEE AS A NATIVE VILLAGE FOR PURPOSES OF ANCSA 1971 ACTION UPON PROTEST

This is a written decision on protest filed pursuant to 43 CFR, Part 2650 by John Borbridge, Jr., president, Alaska Corporation, 127 South Front Street, Juneau, Alaska 99801, on behalf of the Native Village of Tenakee Springs, also known as Tenakee, hereinafter referred to as protestant. The protest was dated January 15, 1974, and received on the same date by the Director, Juneau Area Office, Bureau of Indian Affairs. Protestants object to the Native Village of Tenakee being determined to be ineligible on the ground that "Affidavits attesting to the fact that the Native population of Tenakee Springs, as reported in the 1970 U.S. Census was in error and that as a result of this census error, the village had a majority of Native residents. Many individuals, during the enrollment process, made application to correct their original enrollment which did not show Tenakee Springs under Column 16 due to a mistake of fact or error of law. These same people appealed the denial of their request and our records indicate that many of those appeals are still pending. The impact of the final determination of appeals with regard to the Alaska Native Enrollment cannot be overstated. The December 18, 1973, enrollment printout shows 38 individuals enrolled to Tenakee (Tenakee Springs). Our records show many additional Natives have requested a correction in Column 16 and these requests are presently under appeal."

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 now 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."

Part 43 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 32 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 Tenakee. On December 13, 1973, an investigation was completed of Tenakee and it was determined that in the 1970 U.S. Census character but it was determined not eligible as an unlisted Native village under the Act and the regulations. The non-Native population of Tenakee was 76 in 1970 according to the U.S. Census.

The 1979 census shows that the non-Natives were in the majority when compared to the approved Native enrollment on January 21, 1974. There is no way to tell from the census whether errors were made in the 1970 U.S. Census, i.e., whether some Natives were listed as non-Natives. Tenakee meets all requirements of Subpart 2651.2(b) of Title 43 CFR except it did not have a majority of Natives in 1970, nor does it have a majority at this time. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, must be based on the actual number of Natives on the approved enrollment and any additional Natives not enrolled who resided in Tenakee in 1970. The record does not show that any unenrolled Natives resided in Tenakee in 1970. Since only 38 Natives were included in the approved enrollment in Tenakee as of January 21, 1974, which is the most recent enrollment printout, the Director must use these figures in making his decision within the thirty day period for answering protests. The fact that appeals have been filed for Column 16 changes and such appeals are still pending in the enrollment at Tenakee, the decision of the Director cannot be based on these pending enrollment changes.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest together with his record of findings of fact and decision and does hereby render a final decision determining that the Native Village of Tenakee is ineligible 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 32 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
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LEGAL NOTICE

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

FINAL DECISION
CONCERNING THE INELIGIBILITY OF ATTU AS A NATIVE VILLAGE FOR PURPOSES OF ANCSA 1971 ACTION UPON PROTEST

This is a written decision on a protest filed pursuant to 43 CFR, Part 2650 by The Aleut Corporation by and through its attorneys, Kay, Miller, Libbey, Christie & Fuld, hereinafter referred to as protestant, First National Building, Suite 500, Anchorage, Alaska 99501. The protest of the Aleut Corporation was dated January 18, 1974, and it was received on January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant objects to the Native Village of Attu being determined to be ineligible because protestant states as follows:

"While the village of Attu is no longer inhabited, it has long been recognized as a traditional Native village. It is only due to the acts of the government, after World War II which prevented the Attu Aleuts from returning to their village. The subsequent actions of the government since World War II have continued to prohibit the Aleuts from residing at Attu. As it is the government's action, beginning in 1945 and continuing thereafter which caused Attu to be unoccupied in 1970 it should be certified as an eligible village pursuant to the special provision of Section 2651.2 (b) (2) of 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."

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.

Section 2651.2(b)(2) is quoted in part as follows: " * * * Provided, that no village which is known as a traditional village shall be disqualified if it meets all the other criteria specified in this subsection by reason of having been unoccupied in 1970 because of an Act of God or government authority occurring within the preceding 10 years."

As of December 17, 1973, only 11 Natives had been approved for enrollment in the Native Village of Attu. To our knowledge no Natives have resided on or used the Native village site of Attu since September, 1942 when they were captured by the Japanese and sent to Japan as prisoners for the duration of World War II.

We realize that the Natives of Attu have always expressed a desire to return to Attu but were prevented from doing so due to financial circumstances. It has been over thirty years since Attu was last occupied as a Native village and therefore fails to meet the requirements of Section 2651.2(b) of 43 CFR by not being occupied within the 10 year period preceding 1970.

It appears to us that special Congressional legislation under the Act and a waiver of the regulations would be required in order for Attu to be eligible as a Native village.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Attu is ineligible for land benefits under said 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 circulations 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 listed 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 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 5, 1974
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