

Will Be Conducted by a Judge—

Native Claims Appeal Board Schedules Hearings

The Alaska Native Claims Appeal Board has scheduled hearings for appeals on 20 villages not listed in the Alaska Native Claims Settlement Act during the months of July and August.

By Order of the Board, hearings will be conducted by an Administrative Law Judge. The hearing Judge will make a recommended decision to the Board, which the Board may adopt or reject in making its recommended decision to the Secretary of the Interior.

Recently the Secretary signed eight decisions recommended by the Board on appealed villages listed in the Alaska Native Claims Settlement Act. Five of those decisions were recommendations for eligibility: Afognak, Kaguyak, Kassan, Manley Hot Springs, Chitina; three of the decisions were recommendations for ineligibility: Uyak, Salamattoff, Pauloff Harbor/Sanak. These eight communities were the only villages listed in the Act in which the administrative appeal process was completed. Appeals on the listed villages of Point Lay, Nooiksut, Atkasook, and Unga were settled prior to hearings. As of this date, action on villages listed in the Act is completed with certification of 198 villages.

The upcoming hearings are to determine appeals on villages not listed in the Settlement Act, but which have been approved or disapproved by the Bureau of Indian Affairs as eligible villages. The requirements for an unlisted village are more stringent than those for a listed village. Under the Settlement Act, an unlisted village must be an established village on the 1970 census date, and a majority of the residents must be Native.

Additional requirements that apply to both listed and unlisted villages are:

(1) There must be 25 or more Native residents of the village on April 1, 1970, as shown by the census or other evidence satisfactory to the secretary. A Native properly enrolled to the village shall be deemed a resident of the village.

(2) The village shall have 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 13 persons who enrolled thereto must have used the village during 1970 as a place where they actually lived for a period of time; Provided, That no village which is known as a traditional village shall be disqualified if it meets the other criteria specified in the subsection by reason of having been temporarily unoccupied in 1970 because of an act of God or government authority occurring within the preceding 10 years.

(3) The village must not be modern and urban in character. A village will be considered to be of modern and urban character if the secretary determines that it possesses all the following attributes as of April 1, 1970:

(i) Population over 600.
(ii) A centralized water system and sewage system that serves a majority of the residents.

(iii) Five or more business establishments which provide goods or services such as transient accommodations or eating establishments, specialty retail stores, plumbing and electrical services, etc.

(iv) Organized police and fire protection.

(v) Resient medical and dental services, other than those provided by Indian Health Service.

(vi) Improved streets and sidewalks maintained on a year-round basis.

Hearing Schedule for Unlisted Villages — Alaska Native Claims Appeal Board

Aiaktalik/Koniag, Inc. (Ineligible). Appellant, Aiaktalik, Koniag, Inc. Respondent, (BIA) BSF&W. Time/Place of Hearing: 1:30 p.m., July 22, Kodiak Island Borough, Hearing Room, Kodiak.

Alexander Creek/Cook Inlet (Eligible). Appellant, Matanuska-Susitna Borough, Sierra Club, State of Alaska. Respondent, (BIA), Cook Inlet Region, Alexander Creek. Time/Place of Hearing: 1:30 p.m., July 11, ANCAB Hearing Room, Anchorage.

Anton Larsen Bay/Koniag (Eligible). Appellant, BSF&W, Forest Service, USDA, Sierra Club, State of Alaska, Ethel & Ralph Beamer. Respondent, Koniag, Inc., Anton Larsen, Inc. Time/Place of Hearing: 9 a.m.,

Aug. 2, Kodiak Island Borough, Hearing Room, Kodiak.

Ayakulik/Koniag (Eligible) Appellant, Alaska Conservation Society, Alaska Professional Hunters Assn., Inc., BSF&W. Respondent, (BIA), Koniag, Inc., Ayakulik, Inc. Time/Place of Hearing: 1:30 p.m., July 23, Kodiak Island Borough, Hearing Room, Kodiak.

Bells Flats/Koniag (Eligible) Appellant, BSF&W, Sierra Club, State of Alaska, Ralph & Ethel Beamer. Respondent, (BIA), Koniag, Inc., Bells Flats Natives. Time/Place of Hearing: 1:30 p.m., July 31, Kodiak Island Borough, Hearing Room, Kodiak.

Caswell/Cook Inlet Region (Eligible). Appellant, Matanuska Borough, State of Alaska, Sierra Club, Respondent, (BIA), Cook Inlet Region, Caswell Natives. Time/Place of Hearing: 9 a.m., July 24, ANCAB Hearing Room, Anchorage.

Chenega/Chugach (Eligible) Appellant, Sierra Club, Forest Service, USDA. Respondent, (BIA), Chugach Natives, Chenega. Time/Place of Hearing: 9 a.m., July 18, Cordova City Library, Meeting Room, Cordova.

Chickaloon/Cook Inlet Region (Eligible). Appellant, Matanuska-Susitna Borough, Sierra Club, State of Alaska. Respondent, (BIA), Cook Inlet Region, Chickaloon-Moose Creek Natives. Time/Place of Hearing: 9 a.m., July 12, ANCAB Hearing Room, Anchorage.

Council/Bering Straits Native Corp. (Eligible). Appellant, Sierra Club, State of Alaska. Respondent, (BIA), Bering Straits Native Corp., Council. Time/Place of Hearing: 1:30 p.m., July 8, Nome.

Eyak/Chugach Natives, Inc. (Eligible). Appellant, Forest Service, USDA, Sierra Club. Respondent, (BIA), Chugach Natives, Eyak. Time/Place of Hearing: 1:30 p.m., July 16, Cordova City Library, Meeting Room, Cordova.

Kasilof/Cook Inlet Region (Eligible). Appellant, State of Alaska, BSF&W, Sierra Club, Kenai Peninsula Conservation Society. Respondent, (BIA), Cook Inlet Region, Kasilof-Cohoe, Inc. Time/Place of Hearing: 1:30 p.m., July 17, Assembly Room of Borough Building, Soldotna.

Knik/Cook Inlet Region (Eligible). Appellant, Matanuska-Susitna Borough, Eklutna, Inc., State of Alaska, Sierra Club. Respondent, (BIA), Cook Inlet Region, Knikatnu, Inc., Time/Place of Hearing: 1:30 p.m., July 22, ANCAB Hearing Room, Anchorage.

Little Afognak/Koniag, Inc. (Ineligible). Appellant, Kitoi, Inc., Koniag, Inc. Respondent, (BIA), Forest Service, USDA. Time/Place of Hearing: 9 a.m., July 19, Kodiak Island Borough, Hearing Room, Kodiak.

Montana Creek/Cook Inlet Region (Eligible). Appellant, Matanuska-Susitna Borough, Sierra Club, State of Alaska. Respondent, (BIA), Cook Inlet Region, Montana Creek. Time/Place of Hearing: 9 a.m., July 26, ANCAB Hearing Room, Anchorage.

Point Possession/Cook Inlet (Eligible). Appellant, State of Alaska, BSF&W, Sierra Club, Forest Service, USDA, Kenai Peninsula Conservation Society. Respondent, (BIA) Cook Inlet Region, Point Possession, Inc. Time/Place of Hearing: 1:30 p.m., July 19, ANCAB Hearing Room, Anchorage.

Port William/Koniag (Eligible). Appellant, State of Alaska, Alaska Conservation Society, Alaska Professional Hunters Association, Inc., Forest Service, USDA, Ralph & Ethel Beamer. Respondent, (BIA) Koniag, Inc., Shuyak, Inc., Time/Place of Hearing: 9 a.m., Aug. 6, Kodiak Island Borough, Hearing Room, Kodiak.

Solomon/Bering Straits Native Corp. (Eligible). Appellant, Sierra Club, State of Alaska. Respondent, (BIA), Bering Straits, Solomon. Time/Place of Hearing: 9 a.m., July 10, Nome.

Uganik/Koniag, Inc. (Eligible). Appellant, Alaska Conservation Society, Alaska Professional Hunters Association, Inc. BSF&W. Respondent, (BIA), Koniag, Inc., Uganik. Time/Place of Hearing: 9 a.m., July 25,

Kodiak Island Borough, Hearing Room, Kodiak.

Woody Island/Koniag, Inc. (Eligible). Appellant, Sierra Club. Respondent: (BIA), Koniag, Inc., Leisnoi, Inc. Time/Place of Hearing: 1:30 p.m., July 29, Kodiak Island Borough Hearing Room, Kodiak.

Unnecessary Restrictions

WASHINGTON, D. C. — In response to a letter of protest from Senator Mike Gravel (Democrat-Alaska), the Department of Commerce's National Marine Fisheries Service has agreed to public hearings on proposed limitations of "Authentic Native Articles of Handicraft and Clothing."

Senator Gravel, who favors Alaska as the site for the hearings, explained today that the Department's proposals "represent unnecessary restrictions on creativity and interfere with the livelihood of many of our State's residents."

"We're not going to stand by while a group of government bureaucrats decide our fate," the Senator exclaimed.

He said that the response from Robert Schoning, Director of the Marine Fisheries Service indicated that the hearings will be held next month, probably in Anchorage.

Under the current law, Alaska Natives are exempt from the moratorium on the taking of marine mammals, providing it is for subsistence living or for creating and selling authentic Native handicrafts or clothing.

The new proposals will very narrowly define and restrict exactly which items can be produced and sold as "authentic" handicrafts.

Senator Gravel recently cosponsored legislation authorizing \$5.3 million over the next three years to set up and maintain crafts workshops in Alaska and other eligible states.

"That bill aims at encouraging Native crafts; the restrictions proposed by the Marine Fisheries Service would have just the opposite effect," he stated.

In the original letter from Senator Gravel protesting the Department's actions, the Alaska Democrat charged that the new regulations "would make still worse the unnecessary restrictions that are being imposed under the Marine Mammal Protection Act, some of which are becoming intolerable to Alaska."

"Alaskans are greatly affected by this action," he declared, "and justice demands that they be given an adequate opportunity to be heard."

CORRECTION

In our July 3 issue Dr. Gene Evans was mistakenly named director of TCC's Land Claims College. He is presently employed by the Tanana Chiefs Conference as business instructor and working for the TCC Health Authority. He has also been assigned to act as interim director for the Tanana Chiefs Land Claims College.

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