

# AHTNA SUES INTERIOR DEPT.

## Failure to Consider Bid By Native Firm Causes Rift on Survey of Lands

By DONN LISTON

Alaska Native Foundation

ANCHORAGE — The Ahtna, Inc. Native corporation has filed suit against the Department of Interior for what it believes to be unfair treatment with respect to contract bid considerations for surveying land to be granted to Alaska Natives pursuant to the Alaska Native Claims Settlement Act of Dec. 18, 1971.

The Bureau of Land Management, which is charged with the responsibility of surveying Native village lands selected last December in accordance with the claims act, refused an Ahtna subsidiary, Ahtna Construction and Primary Products, the opportunity to bid on cadastral survey contracts for the communities of Cantwell, Chistochina and Copper Center.

No explanation was given in a form letter to Ahtna Construction and Primary Products as to why the opportunity to bid was denied to the only Native contractors to submit a bid proposal.

All of the lands to be granted under the act must be surveyed before they may change hands, according to Irving Zirple, Jr. Chief of Cadastral Surveying for BLM, who added:

"We are the only ones who have

authority to survey lands for the federal government, and we've been beefing up our personnel and procedures in preparation for these surveys, but we won't be able to survey all of them ourselves because there is so much to do — and we really couldn't start the work until after the Native selections are made."

As a technical director for the surveying process, Zirple could not comment on the choice of contractors for the jobs outside of the agency. However, he did explain that the contract negotiations are presently under way for some of the contractors and that this is the first time since 1910 that the U.S. government has contracted for cadastral survey work.

The Ahtna suit is based on section 7(b) of the Indian Self

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Determination Act, which requires Indian (Native) preference in the award of subcontracts of any contract performed for the benefit of Indians; and section 2(b) of the claims settlement act, which provides for Native participation in decisions affecting their rights and property.

Some 211 qualified village municipalities will be surveyed in accordance with the act, according to Zirple, with about 104 of those to include township surveys to determine lots within the municipality. However, the statewide cadastral surveys to be done under Zirple's direction will not include easements or right-of ways in any case.

At the peak of activity this summer, BLM will have a maximum of 14 crews surveying village selections and about seven contractors. Zirple explained that the present "pipeline economy" has drained many of the agency's younger surveyors "who stay long enough to get some experience and then go to work for oil companies".

"We've had some problems but luckily we have some pretty dedicated employees too," Zirple added. "We have had some Alaskan Natives working for us in surveying — we've tried to get them into some the the cooperative programs with the University of Alaska — but most aren't interested in long-term careers in government surveying."

The cost of surveying Native lands will depend upon the nature of the land to be surveyed, according to Zirple, who says it is more expensive in the north slope area than in southeast. But the

cost per acre of surveying the lands in Alaska could not easily be determined.

"I can see the total jobs for ANCSA totalling over \$100 million Zirple added. "That's very conservative and that's only for the village selections. With the price doubling like they are now, who knows?"

The Ahtna suit against the Secretary of Interior is due to come up for a preliminary injunction in early May.

The Motion for Preliminary Injunction and a Motion for Order Shortening Time would restrain BLM from awarding contracts to other contractors for the three Ahtna community surveys until the Ahtna suit was settled and the Secretary implemented the affirmative action contracting programs he is due to establish soon.

In addition to challenging Interior on the grounds of discrimination against the Ahtna bidder, the suit also contends that the so-called "co-ventures" which are to be awarded the contracts for the three communities are really nothing more than non-Alaska companies subcontracting with Alaska firms for their licenses.

Companies named in the suit as being in line for the surveying contracts include the Alaska firm of ABC Surveys, Ltd., together with the Outside firm of Murry McCormick Environmental Group; and Alaska firm, Kelly, Pittelko, Fritz and Forssen, in conjunction with another unnamed Outside company.

Ahtna has been refused even an opportunity to participate in technical discussions of the cadastral survey.