

Kodiak Village Group Wants a Share of Native Claims Act Land and Money

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"That there shall be no landless Natives . . ."

This is the goal of the Association of Small Konaig Tribes. The group was formed earlier this year to make sure that Kodiak Natives who claim eight villages as their traditional homes will get a share of the land and money under the land claims act.

The villages have been entangled in a long struggle for legal survival that began in the summer of 1974 when they were certified as eligible for land claims benefits by the Bureau of Indian Affairs. A host of government agencies, the State of Alaska, sport hunters and

individuals insisted the villages did not exist and that Kodiak Natives could not enroll back to deserted village sites.

The Alaska Native Claims Appeal Board agreed that Ayakulik, Anton Larson, Shuyak, Uganik, Kitoi, Uyak, Aiaktalik and Litnik should be certified. The villages' parent corporation Konaig, Inc., appealed the ANCAB decision to federal court. Although they received a favorable decision in federal district court, the protestors appealed that decision to the U.S. Court of Appeals in Washington, D.C., where the case now rests, awaiting another decision.

According to Frank Peterson, president of the Association of Small Konaig Tribes,

the organization is a "group of little people from the certified villages and their primary purpose is to pursue certification."

For the most part, the U.S. Fish and Wildlife Service and Forest Service, as well as the conservationists and hunters fear that Native land ownership will interfere with resource development and recreational use of the land.

Peterson, also executive director of the Kodiak Area Native Association, is enrolled to Ayakulik, a village site on the west side of Kodiak Island. Now abandoned, at least physically Ayakulik was a conspicuous village as recently as fifty years ago, Peterson said.

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"My dad and mom and family lived there and they did their fishing and their gold mining and their subsistence hunting right out of Ayakulik. Essentially, this is my heritage that I do. I recognize Ayakulik as my village," he said.

The problem of certification presents difficult questions of legal interpretation and philosophy. The land claims act and regulations required that in order to be certified, a village had to show that it was an established, Native village as of April, 1970, with a population of 25 or more people. The

village had to have an identifiable physical location "consistent with the Natives' own cultural patterns and lifestyle."

One of the main purposes of the association is to press forward on the philosophical front. Peterson said the group is preparing a position paper on the theoretical and philosophical aspects of certification under the land claims act.

Although ANCAB found that the Kodiak villages did not meet the legal requirements of the act and although the villages are standing by the original findings of the BIA as far as village size, location and history, one aim

of the association is to broaden the interpretation of the land claims act to include villages that have been abandoned in fairly recent times as a result of the non-Native influence.

Although the act and regulations generally took into account the seasonal or nomadic subsistence lifestyles of Native people which traditionally accounted for some village sites being empty for part of the year, they did not take into account the disruptions caused by the growing need of Native people for education, health care and jobs to supplement hunting and fishing. This growing

dependence on services that could only, in the earlier years of the century, be found in larger population centers, was not recognized by Congress except through payment of small sums of money to Native people for the lands they gave up or had taken from the Congress essentially forgot a part of the Alaska Native population that only recently was forced to give up its land.

Although the problem of uncertified villages has been greatest in Kodiak the villages of Solomon (Bering Straits) and Salamatoff and Alexander Creek (Cook Inlet) are still seeking certification through the courts.

According to Peterson, the land claims act was intended to reinforce and clarify the relationship of Native people to the land based on use and occupancy:

"As far as I understand the language of the laws before the claims act, this is right. The land ownership standards as set forth in those laws should

prevail. The interpretation of the act is lost to bureaucrats."

When hearings were held in Kodiak on the eligibility of the eight Kodiak villages in the summer of 1974, the Administrative Law Judge who conducted the hearing and recommended to ANCAB that

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Ayakulik not be certified attacked the Bureau of Indian Affairs for conducting a shoddy investigation of the village and cast doubt on the honesty of Syakulik people for trying to enroll there.

The judge found that the village did not exist, and gave no indication that he felt it ever existed.

Still, this cannot change the boyhood recollections of Frank Peterson, who remembers extensive travel between Akhiok, Ayakulik and Karluk when he was young. He remembers at least 30 people living in Ayakulik just between the Peterson and Agnot families.

"I remember stopping by Aiaktalik when I was about eight years old or so. The church was still standing, the graveyard was quite visible." Another of the uncertified villages, Aiaktalik had a population of 100 people not more than 30 years ago. It has been used seasonally within the last

eight years.

The legal action surrounding the uncertified villages, including a federal indictment and charges of fraud in one case, are being closely watched by many people. Not only may the final decision alter the whole interpretation of the land claims act, but other Natives stand to gain if the villages lose in court. The land entitlement currently being reserved for possible village section will be divided among the other villages in the state.

Convinced that their interpretation of the land claims act is right, in spite of furious opposition including that of two other regional Native Corporations, Kodiak Natives have organized to press their claims to the land they feel is theirs. The struggle has created doubt in Peterson's mind that the act is what it should be.

"I'm not quite convinced that this is a settlement act. As far as my village is concerned, there is no settlement yet."