

# Simplified Explanation of Claims Act-

## ASNA Counsel Stresses Regions Not Population

An easy-to-read explanation of the Alaska Native Land Claims Settlement has recently been published by the Arctic Slope Native Assn. for its villages.

The work, submitted by Lisle R. Guernsey, James F. Wickwire (of Davis, Wright, Todd, Riese and Jones) and Frederick Paul, reviews the new legislation with emphasis on points that particularly concern their region.

"The Arctic Slope Native Assn., composed of relatively few villages and only 5-7 percent of Alaska's Natives, but with one of the largest and most valuable land claims, fought long and

hard for the basic principle that there must be a direct relation between what is taken in the settlement and what is received in exchange," according to this report.

In other words, this is a land claims settlement and not anti-poverty or social legislation.

"ASNA's position was that the land and money should be distributed among the various Native regions on the basis of each region's proportionate size not on the basis of population. For example, the Arctic Slope region with its 56.5 million acres represents about 16 percent of

the total land mass of Alaska.

"Therefore, under the ASNA theory, the Arctic Slope Eskimos should have received about 16 percent of the settlement's land and money. Congress was unwilling to adopt ASNA's position with respect to the cash proceeds of the settlement, but did substantially adopt ASNA's position with respect to the land to be retained by Alaska's Natives."

After initial land selection around villages, the bill requires each regional corporation to give additional village acreage among

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villages "on an equitable basis after considering historic use, subsistence needs and population," according to the report.

The 522,960 acres initially selected by Arctic Slope villages plus additional selection of 519,450, will bring the region's share to 1,072,410 acres according to existing data on population.

In addition, there is provision for a "hardship land bank" for individuals or groups that don't qualify as villages.

"This could be very important for isolated groups of individuals who may reside beyond the eight townships withdrawn around Kaktovik. Unfortunately, a similar exception is not made for Petroleum Reserve No. 4 and it would not be possible to get title to isolated tracts of land within the Petroleum Reserve that are outside the village withdrawal areas."

To qualify for hardship land bank land, Natives must apply within two years of the bill's passage. Their claim must not be over 160 acres and they must have lived on the land since August 31, 1971.

Natives who have already applied for a land allotment will

gain title to the surface of their land but no mineral rights will go to the regional corporation. In the case of hardship land bank claims, however, the regional will title to subsurface estate.

The report writers are uneasy about the part of the claims bill which allows the Secretary of Interior to reserve public easements to village and regional corporation land.

"These provisions are very undesirable from the Natives standpoint because they would permit the federal government, the State of Alaska and other third parties to have easements across lands that will be conveyed to Natives without the necessity of paying the Natives," the report warns.

There is also a chance the Secretary of Interior might withdraw lands "in the national interest" that Slope Natives wish to reserve as a substitute for land around their villages which is not available for them to select.

The report goes into considerable detail on qualification of Natives to participate in the settlement and on the rules and regulations for villages which will participate.