

Mentasta Lake Struggles to Retain Lands as State Selects

While most Alaskan native villages try to obtain a 60 million acre land claims settlement, the villagers of Mentasta Lake are fighting to maintain their ancestral village lands—their homes and surroundings.

Mentasta Lake, as well as several other villages in the Interior of Alaska, is located on land which has been selected by the State of Alaska under the provisions of the Statehood Act. The Bureau of Land Management

has already tentatively approved these site selections pending the end of the present land freeze.

Under two of the land claims bills presently in Congress, the villagers of Mentasta Lake and other villages on state lands will not retain title to their homes, their village site, and its surrounding area.

According to the provisions of the Senate land claims bill introduced by Senator Henry Jackson, the villagers involved

may select lands elsewhere—in areas which have not been selected by the State. The Aspinall bill, presently the only land bill in the House of Representatives, has no provision for villages on State selected lands.

Faced with this dilemma, the villagers of Mentasta Lake passed a resolution last week. They will not support any land claims bill which does not guarantee them title to their lands.

(Continued on page 6)

Mentasta Struggles...

(Continued from page 1)

"Technically, the State can go in and raze the village and sell the land to someone else, even though people live there," according to an Alaska Legal Services attorney.

At the present time, the village of Mentasta Lake is also challenging the State of Alaska in the courts—in a separate suit. The village is one of those affected by the Tok area Open to Entry classification.

The open to entry program, according to G.E. Stein of ALS in Anchorage, allows the leasing of five acre recreational tracts on specifically classified State lands. An 130,000 acre tract in the Tok area in northeastern Alaska has been classified for this use.

The Mentasta Lake suit, which challenged the land classification order in Superior Court in Anchorage last month, charges that the land order was illegal and unconstitutional because it was made without giving public notice of the classification or holding hearings in the Tok area.

Some form of notice and hearing was given in Anchorage and Fairbanks, but the villagers of Mentasta Lake, which was affected by the order, say they only found out when third parties began to stake claims near their village.

The Mentasta Lake residents, three of whom are plaintiffs in the suit, contend they should have been consulted about the classification of one particular tract of land, located in the immediate neighborhood of their village—and which they use. Thirteen lease applications have now been filed in the 9,000 acre open to entry tract near their village.

The village is located on valuable land to the State. Situated on the Glenn Highway, about 50 miles southeast of Tok, it is in one of the areas valuable to the State due to its proximity to the road and to developing areas.

However, unless some provision is made in a land claims settlement, the villages on State selected lands may have no title to any of the lands their people have lived on from time immemorial.

Under the provisions of the Harris-Kennedy bill, which follows the AFN position of 60 million acres of land, \$500 million and a 2 per cent royalty on

minerals, previous State selections would be nullified.

However, these provisions would also nullify State selections on the North Slope, a provision Congress is very unlikely to pass.

Such villages as Minto, Tanacross and Dot Lake, also along the highway route, are also within the State's selection area. Minto and Tanacross have received special permission from the State to move their villages onto these lands.

Following is a reprint of the resolution passed by Mentasta Lake:

RESOLUTION

The village of Mentasta Lake, through its Village Council and traditional chief, make the following resolution based on the following facts:

WHEREAS, the Alaska Native Land Claims Settlement Bill has for one of its purposes the granting of lands surrounding established Native Villages, and

WHEREAS, the Village of Mentasta Lake is an established native community using and dependent upon the lands surrounding the community, and

WHEREAS, without our awareness and over our protest, the State of Alaska has selected and been given tentative approval to the selection of the lands surrounding the village of Mentasta Lake, and

WHEREAS, the most current versions of the settlement proposal do not specifically provide for a priority of village selection over State tentatively approved selections, and

WHEREAS, we will never relinquish our village site and the surrounding and supporting lands,

THEREFORE, BE IT RESOLVED that the Village of Mentasta Lake opposes any land claims settlement which does not specifically provide for the selection of lands surrounding the village even though these lands have been tentatively approved for selection under the Statehood Act.

DATED this 5 day of 3, 1971.
MENTASTA VILLAGE COUNCIL:

/S/ Huston Sanford, President
/S/ Ben F. John, Vice President
/S/ Lee Nicolai, Secretary
/S/ Fred John, Traditional Chief of Mentasta Lake