

IHS land transfer protested by Sitka

By Bill Hess

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The federal government has illegally terminated control over Indian Health Service land at Mount Edgecumbe by turning most of the land on Japoniski Island to the state without consulting Indian peoples, a tribal representative has charged.

"Termination by appropria-

tion," is how Sitka Community Association manager Andy Hope described the recent transfer of lands at the BIA boarding school from the IHS and the BIA to the State of Alaska.

The transfer is part of a federal appropriations bill which contains \$22 million to upgrade and repair Mount

Edgecumbe High School on Sitka's Japoniski Island. Under the bill, just over 60 acres of land which has been being used by the Indian Health Service hospital at Mount Edgecumbe, and the former BIA boarding school, will be conveyed to the state.

Hope, manager of SCA, a tribal government organized

under provisions of the Indian Reorganization Act of 1934, decried the transfer portion of the bill.

"The land was transferred to the state without consultation of the land owner, which was the IHS," said Hope. Hope also argued that in transferring the land and the school to the state, the government

violated its trust responsibility to Alaska Natives.

Although the land was being administered by the IHS and the BIA, Hope said that some of the Native Corporations held "valid existing rights" on Japoniski Island. Any transfer should have taken

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Land traded without consultation

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this into consideration, said Hope.

"There are a number of things the corporations could have done with the land," said Hope. "There could be community development, housing development."

Art Willman, the Service Unit Director at the Mount Edgecumbe Hospital agreed that the transfer took place without consulting IHS. According to Willman, approximately 78 acres of land on the island had been under the administration of IHS and the BIA. "IHS more or less owned, or controlled it all," said Willman.

The hospital has been using about 30 acres of the land, according to Willman, but the land transfer leaves the facility with 15.25 acres. "We were surprised by this," he said. "I don't think it was anyone's intent to reduce the hospital, but that's what happened."

Willman says services at the 78-bed facility will not be harmed, but the hospital was hoping to expand in the future, and will now apparently have no room to do so. Just where the 15.25 acres are that are left is yet to be determined, Willman said.

One of his fears is that the hospital may lose the 30 sets of quarters it uses as housing for nurses, technicians, doctors and other medical personnel.

"We use these as an effective recruiting tool," said Willman. "If we know we have a place for someone to live, it is easy to talk to them about a job. Our salaries are not always competitive with the private world . . . we try to add as many pluses as possible, and housing is a definite plus."

Hope also noted the \$9.35 million included in the same

bill to repair and upgrade the 20 BIA day schools which remain in Alaskan communities, but which are mandated to be transferred to the state by June of 1985.

It all adds up to a continued weakening of the federal trust responsibility to Alaska Natives, argued Hope. He was especially critical of U.S. Senator Ted Stevens, who requested the funds. Stevens, said Hope, was practicing "termination by appropriation."

"I hope that some of the other people in Congress would disavow this type of legislation," said Hope.

Hope argued that education of Natives is a federal responsibility, and wondered what will happen to Native education turned over to the state when the oil revenues decline.

"The federal government is a much more stable funding source," said Hope. "There is a lot more money behind it."

Stevens contended that everything done at Edgecumbe was in the best interest not only of the state of Alaska, but also Alaska Natives. He disagreed there was no consultation. "There has been consultation on this for years!" he said.

The closure of Mount Edgecumbe has been prevented by the appropriations bill, said Stevens, arguing that this is what the Native people of Alaska have been fighting for for years. "My God! The reason we did this was that the Native people as a whole wanted the school to be transferred and kept open! We had to take action!"

As to the land, Stevens argued that no trust responsibility ever existed there. IHS was not the landowner, Stevens said, but the United States government was and could transfer the land as it saw fit. "The Native people can still

use it," said Stevens. "They can work with the state."

"I don't think you have a consultation requirement at all," he said, referring to IHS. "One thing the bureaucrats don't like is change. Anyway, they knew about this. There's no question they understood the implication!"

"The land was not part of the trust responsibility," Stevens argued further. "The title was always with the federal government. It was never Indian title . . . there was no termination of trust responsibility. There is no trust responsibility in any school!"

Pete Spivey, press secretary to Alaska Gov. Bill Sheffield, said that the land transfer process was worked out by the state with the U.S. Bureau of Land Management and the with the BIA providing most of the guidelines and "exact wording" on some of the passages.

That wording, said Spivey, called for the IHS and the federal government to keep the "smallest practicable tract presently occupied."

Frank Raynolds, the new Alaska Commissioner of Education, said that if there is ever any need for expansion of health services at Mount Edgecumbe, the state would not stand in the way.

"If there are services to be rendered, the state will be willing to make whatever arrangements are necessary." The details of how such arrangements would be handled would have to be worked out through legal council, said Raynolds.

"Anything I say is guesswork. Let us assume that since the land is state land, it will remain state land. Perhaps it would be on a long-term lease."

Under the state, Mount Edgecumbe will no longer be a Native school, but will be open to all groups of Alaskans. A concern of Hope and many Natives is that the school should be used to benefit Natives.

Raynolds said that plans, policies and entrance guidelines for the school are still being drawn up. He expected that as an alternative school, there would be more rural stu-

dents accepted as students than urban.

Raynolds also said he expected the school to be of top quality, to produce superb bands and choirs, have high academics, and offer vocational and extracurricular skills. He expected courses dealing with the Alaska Native Claims Settlement and other concerns of Alaska Natives.

But, he admitted, there are no firm plans as of yet on the operation of the new Mount

"We have no funds to operate yet," he said, "only to improve the facilities. If the legislature decides this is something they wish to do . . . then we have the basis for an excellent school."