

LEGAL NOTICE

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
PAIMIUT, ALASKA

Eligibility of Unlisted Native Village

This final decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart 2651.2(a) (6), (8), (9) (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

On May 16, 1974, the Secretary of the Interior sent a telegram to the Director, Juneau Area Office, Bureau of Indian Affairs, which is quoted in part as follows: "****, if the only deficiency in application of Paimiut for determination of eligibility as a Native Village is its failure to file by September 1, 1974, the provisions of 43 CFR Subpart 2651 are hereby waived to the extent necessary to permit determination at this time. This waiver extends to finality of determination, dispensation of protests, fifteen-day appeal period, prompt action and notice, as set forth in accompanying telegram re Kodiak villages. This action is taken pursuant to 43 CFR 2650.0-8."

Also on May 16, 1974, the Secretary of the Interior sent a telegram to the Director, Juneau Area Office, Bureau of Indian Affairs, regarding certain Kodiak Island villages which is quoted in part as follows: "****, the determination date of December 19, 1973, set by Regulation in 43 CFR 2651.2(a); (8) is hereby waived. New determinations of eligibility shall follow the procedures set forth in the regulations except that your determinations shall not be subject to protest and shall become final unless appealed to the Ad Hoc Board within fifteen days after Federal Register publication. Any provisions of 43 CFR Subpart 2651 in conflict herewith are hereby waived. This action is taken pursuant to 43 CFR 2650.0-8."

The Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 92nd Congress, 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b) (3) of the Act is quoted in part as follows: "Native Villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act determines that -

(a) twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary who shall make findings of fact in each instance; and
(b) the village is not of a modern and urban character, and a majority of the residents are Natives."

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 CFR provides for the enrollment of the Natives. A main source of "other evidence" satisfactory to the Secretary of the Interior is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2(b) of Title 43 CFR is quoted in part as follows: "Except as provided in subparagraph (4) hereof, villages must meet each of the following criteria to be eligible for benefits under sections 14(a) and (b) of the Act:

(1) There must be 25 or more Native residents of the village on April 1, 1970, as shown by the census or other evidence satisfactory to the Secretary. A Native properly enrolled to the village shall be deemed a resident of the village.
(2) The village shall have had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen persons who enrolled thereto must have used the village during 1970 as a place where they actually lived for a period of time; Provided, That no village which is known as a traditional village shall be disqualified if it meets the other criteria specified in this subsection by reason of having been temporarily unoccupied in 1970 because of an Act of God or government authority occurring within the preceding ten years."

Subpart 2651.2(b) (3) of Title 43 CFR requires that an unlisted village such as Paimiut must be modern and urban in character.

Subpart 2651.2(b) (4) of Title 43 CFR requires that a majority of the residents as defined by "other evidence satisfactory to the Secretary of the Interior" which is the official approved enrollment, by Natives.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of March 1, 1974, 24 Natives had been approved for enrollment in the Native Village of Paimiut and Olin Astrom Napoleon, a Native, who was not enrolled but was a resident of the Native Village of Paimiut in 1970, making a total of 25 Natives enrolled or unenrolled. The Native Village of Paimiut was not listed in the 1970 Census and there is no published record showing the census at that time.

On December 18, 1973, a field investigation was completed of Paimiut and at that time, 14 Natives were enrolled to this village for a period of time. The field examination of the Native Village of Paimiut and the approved enrollment shows as follows:

1. That the Native Village of Paimiut had 25 or more Native residents on April 1, 1970.
2. That the Native Village of Paimiut had 13 or more resident Natives who used the village during 1970 as a place where they actually lived for a period of time.
3. That the Native Village of Paimiut had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style.
4. That the Native Village of Paimiut was not modern and urban in character as of April 1, 1970.
5. That the Native Village of Paimiut had a population that consisted of a majority of Natives on April 1, 1970.

The Director, Juneau Area Office, Bureau of Indian Affairs, therefore hereby determines the Native Village of Paimiut to be eligible for land benefits under the Alaska Native Claims Settlement Act.

The Decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in Subpart 2651.2(a) (5) of Title 43 CFR within fifteen days after its publication in the Federal Register. Any provisions of 43 CFR 2651 in conflict herewith have been waived by the telegrams of the Secretary of the Interior quoted herein and the Secretary's authority to waive these regulations is contained in 43 CFR 2650.0-8.

Appellants shall have not more than 15 days from the date of receipt of their notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is Post Office Box 2433, Anchorage, Alaska 99510. Clarence Antioquia Acting Director

May 21, 1974
Published in the Federal Register on May 31, 1974
Publish June 12, 1974.

LEGAL NOTICE

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
JUNEAU AREA OFFICE
JUNEAU, ALASKA

FINAL DECISION CONCERNING THE ELIGIBILITY OF AYAKULIK AS A NATIVE VILLAGE FOR PURPOSES OF ANCSA 1971 ACTION UPON PROTEST

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Koniag, Inc., a Native regional corporation and by Ayakulik, Inc., a village incorporated under the laws of Alaska, by and through their counsel, Edward Weinberg of the law firm of Wyman, Bautzer, Rothman and Kuchel at Suite 1000, 600 New Hampshire Avenue, N.W., Washington, D.C. 20037, hereinafter referred to as protestants. The protest of Koniag, Inc., was dated January 10, 1974 and received January 14, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Ayakulik, Inc., which joined with the protest of Koniag, Inc., was dated January 11, 1974 and was received January 15, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protestants object to the Native Village of Ayakulik being determined to be ineligible because protestants state that the Native Village of Ayakulik does not meet the requirements of 43 CFR 2651.2(b) as follows: "There were timely filed with the Enrollment Co-ordinator, applications for changes in enrollment by qualified Alaska Natives in

ADMINISTRATIVE DETERMINATION

sufficient numbers to establish the enrollment of at least twenty-five eligible Alaska Natives each of such villages."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b) (3) of the Act is quoted as follows:

"Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that -
(a) twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and
(b) the village is not of a modern and urban character, and a majority of the residents are Natives."

Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence" satisfactory to the Secretary of the Interior is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of May 11, 1974, 27 Natives had been certified for enrollment in the Native Village of Ayakulik. A field inspection report dated August 29, 1973 of Ayakulik shows that at least 13 Natives who used the village for a period of time in 1970 had timely filed with the Enrollment Co-ordinator applications for changes in enrollment to the Native Village of Ayakulik.

The 25 or more Natives who have now been approved for enrollment to Ayakulik as is shown on a listing dated May 11, 1974 from Alaska Native Enrollment Office in Anchorage, Alaska, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby reverse the decision made on February 12, 1974 and published on page 6740 in the Federal Register on February 22, 1974 determining that the Native Village of Ayakulik is ineligible for land benefits under said Act.

On May 16, 1974, the Secretary of the Interior sent a telegram to the Director, Juneau Area Office, Bureau of Indian Affairs, which is quoted in part as follows: "You are hereby authorized to reconsider your previous determinations of ineligibility of certain Kodiak Island unlisted villages in those cases in which subsequent information indicates that they may be eligible for Settlement Act benefits. To the extent necessary for such reconsideration, the determination date of December 19, 1973, set by Regulation in 43 CFR 2651.2(a) (8) is hereby waived. New determinations of eligibility shall follow the procedures set forth in the regulations except that your determinations shall not be subject to protest and shall become final unless appealed to the Ad Hoc Board within fifteen days after Federal Register publication. Any provisions of 43 CFR Subpart 2651 in conflict herewith are hereby waived. This action is taken pursuant to 43 CFR 2650.0-8."

Your action on these reconsiderations should be taken not later than May 22, 1974. All parties entitled to notice of your determination must be sent copies thereof and their attention specifically called to waiver of protests and reduced time for appeals."

This telegram is referring to the Native Village of Ayakulik and certain other Native villages in the Kodiak Island Area.

The Director, Juneau Area Office, Bureau of Indian Affairs, therefore hereby determines the Native Village of Ayakulik to now be eligible for land benefits under the Alaska Native Claims Settlement Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in Subpart 2651.2(a) (5) of Title 43 CFR within fifteen days after its publication in the Federal Register. Any provisions of 43 CFR 2651 in conflict herewith have been waived by the telegram of the Secretary of the Interior quoted herein and the Secretary's authority to waive these regulations is contained in 43 CFR 2650.0-8.

Appellants shall have not more than 15 days from the date of receipt of their notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510. Clarence Antioquia Acting Director

May 21, 1974
Published in the Federal Register on May 31, 1974
Publish June 12, 1974.



ALASKA STATE-OPERATED SCHOOLS

has the following Administrative Vacancies

REGIONAL SUPERINTENDENTS

Leutenant/Adak Region Schools

Adak False Pass

Aktut Nelson Lagoon

Belkofski Nikolski

Cold Bay Sandpoint

Delta/Tok Region Schools

Delta Junction Mentasta Lake

Dot Lake Northway

Eagle Tanacross

Fort Greely Tok

Eielson AFB Region Schools

Anderson Penikese

Ben Eielson Hi. Taylor Jr. Hi.

Lower Yukon/McGrath Region Schools

Aniak Red Devil

Anvik Russian Mission

Chuathbaluk Sleemute

Crooked Creek Tony River

Fortuna Lodge McGrath

Holy Cross Nikolai

Pitka's Point Tokotna

Tanana Region Schools

Allakaket Manley Hot Spgs.

Batties Minto

Hughes Nulato

Huslia Ruby

Kallag Tanana

Koyukuk

PRINCIPALS

Adak - 347 students, K-8

Fl. Richardson - 433 students, K-4

Noorvik - 200 students, 1-12

Sandpoint - 150 students, K-12

Togalak - 11 students, 1-10

Tok - 183 students, K-12

All candidates must have completed an approved program in school administration and be able to obtain a valid Alaska Administrative Certificate. Previous experience in school administration is desired.

Interested persons should contact Maxine Van Slyke, Personnel Officer, 650 W. 1st Ave., Anchorage, Alaska, AK 99502 or phone (907) 274-1645, Ext. 121. Women and minorities are encouraged to apply. The closing date for receipt of applications is June 30, 1974.

"AN EQUAL OPPORTUNITY EMPLOYER"



HELP WANTED

PROJECT PLANNER II (two positions, located in Anchorage and Juneau). Successful applicant will be responsible for the coordination of planning design and programming of physical facilities within the South-eastern Region (projects in Juneau, Sitka, and Ketchikan), and the South-central Region (projects in Anchorage, Kenai, Kodiak, Homer, Palmer, Seward, and Bethel) of the University of Alaska. Required: three years academic training in architecture, five years' experience including the project manager level in the office of a registered architect, working knowledge of Uniform Building Code, National Electric Code, and National Fire Prevention Association regulations. Candidates should be registered, or eligible for examination, as registered professional architects through NCARB; working knowledge of project scheduling, performance specifications, component-subsystems design, and contract techniques. Send complete resume to Dr. Donald A. Meyer, Executive Director, Physical Facilities Development, University of Alaska, Fairbanks, Alaska, 99701.

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

Two openings Janitorial Dept.: Maintenance Dept. Janitor position requires experience in commercial-type cleaning according to professional building maintenance practices; prefer minimum of two years experience. Maintenance position requires knowledge of boiler operation, minor vehicle repair, plumbing, carpentry, painting, welding, landscaping, and snow removal, including operation of snowplow and grader or bucket loader. General maintenance skills needed for this vacancy. Salaries open: applications received until June 15, 1974. Apply: Supt. Bldgs. & Grounds, Alaska Methodist University, Anchorage, Alaska, 99504.

ALASKA METHODIST UNIVERSITY

An Equal Opportunity/Affirmative Action Employer

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SUBSCRIBE !!

LEGAL NOTICE

INVITATION FOR BIDS

STATE OF ALASKA

DEPARTMENT OF HIGHWAYS

Sealed bids in single copy for furnishing all labor, materials and equipment, and performing all work on Project RS-0646(4), Ballaine Road, Musk Ox to Goldstream Road described herein, will be received until 2:00 p.m. prevailing time, July 11, 1974 in the Commissioner's Office, Department of Highways, Island Center Building, Douglas, Alaska.

This project will consist of grading, drainage, and gravel surfacing along a 2.3 mile of roadway and construction of a treated timber bridge. The project is located in Fairbanks, Alaska.

Principal items of work consist of the following: 23 acres of hand cleared; 16,500 cubic yards of unclassified excavation; 502,000 tons of borrow; 21,500 tons of subbase C, crushed; 850 linear feet of beam type guard rail; 162 square feet of standard signs; 720,000 square feet seeding; approximately 111,000 board feet of treated timber; 153 linear feet of metal bridge railing; and miscellaneous items of work.

All work shall be completed in 240 Calendar days.

Plans and specifications may be obtained by all who have a bona fide need for them for bidding purposes from the Chief Road Design Engineer, P. O. Box 1467, Juneau, Alaska 99801 at a charge of \$10.00 for each assembly. Plans may be examined at Department of Highway Offices in Anchorage, Fairbanks, Valdez.

B. A. Campbell
Commissioner of Highways
Publish June 12, 19, and 16, 1974.



YUPIKIAK BISTA

TITLE: Student Activities Director

WHERE: Bethel

AVAILABLE: July 1, 1974

RESPONSIBILITY: Person will be responsible for coordinating athletic, recreational and culturally relevant activities for dorm and boarding home students; recruitment and supervision of staff, directly responsible to the executive director of Yupikiak Bista.

QUALIFICATIONS: Applicant must be bi-lingual and background in or training for organizing recreational activities for high school students. Must be thoroughly acquainted with the Yupik and Athabascan cultures and AVCP/Calista Region. Some planning, budgeting and accounting experience preferred.

SALARY: D.O.E. Fringe 10 month

CONTACT: Harold Napoleon, Box 219

APPLICATION DEADLINE: June 30, 1974.

YUPIKIAK BISTA

TITLE: Director, Cultural Heritage Program

WHERE: Bethel

AVAILABLE: July 1, 1974

RESPONSIBILITY: Person will be responsible for the Administration and coordination of Cultural Heritage Program. The writing of monthly, quarterly and other periodic reports as required by the contractor; direct supervision of 5 permanent staff members and approximately 200 village staff personnel.

QUALIFICATIONS: Applicant must be bi-lingual with prior experience in counseling or teaching high school students in the Lower Yukon Kuskokwim Delta. Must be thoroughly acquainted with the cultural heritage and traditions of the AVCP/Calista Region.

SALARY: D.O.E. Fringe

CONTACT: Harold Napoleon, Box 219</