

LEGAL NOTICE

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

FINAL DECISION ON
CERTAINING THE ELIGIBILITY
OF PORT WILLIAM AS A NATIVE
VILLAGE FOR THE PURPOSES
OF ANCSA 1971
ACTION UPON PROTEST

ADMINISTRATIVE
DETERMINATION

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Konig, Inc., a Native regional corporation and by Port William, Inc., a village incorporated under the laws of Alaska, by and through their counsel, Edward Weinberg of the law firm of Wyman, Bultzer, Rothman and Kuchel at Suite 1000, 600 New Hampshire Avenue, N.W., Washington, D.C. 20037, hereinafter referred to as protestants. The protest of Konig, Inc., was dated January 10, 1974 and received January 14, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Port William, Inc., which joined with the protest of Konig, 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 Point William being determined to be eligible because protestants state that the Native Village of Port William does 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 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not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that -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, 42 Natives had been certified for enrollment in the Native Village of Port William. A field inspection report dated August 16, 1973 of Port William, shows 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 Port William.

The 25 or more Natives who have now been approved for enrollment to Port William as is shown on a listing dated May 11, 1974 from the 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 there 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 Port William 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 in addition to the Native Village of Port William 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 Port William 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

Pub.: June 12, 1974

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

ASSEMBLY OF THE NORTH SLOPE BOROUGH
BARROW, ALASKA

File Number: GA-5-74

Date of Hearing: July 2, 1974

Place of Hearing: C. E. Building, Second Floor, Barrow, Alaska

SUBJECT: Public Hearing on and consideration by the Assembly of the North Slope Borough of the following ordinance which has been introduced for consideration by the Assembly of the North Slope Borough.

ORDINANCE 74-13:

An ordinance amending the North Slope Borough General Property Ordinance providing for the requirement of filing an application to obtain an exemption of owner occupied single family dwellings and making minor technical changes to conform to State law.

A summary of Ordinance 74-13 has been published in the Fairbanks Daily News-Miner and the Tundra Times and copies of this Notice and the Summary of Ordinance 74-13 have been posted in three public places within the North Slope Borough.

DATED, this 5th day of June, 1974.

EBEN HOPSON, Mayor
North Slope Borough

Pub.: June 12, 1974

LEGAL NOTICE

SUMMARY OF ORDINANCE 74-13 INTRODUCED BEFORE THE ASSEMBLY OF THE NORTH SLOPE BOROUGH JUNE 4, 1974 AND SET FOR PUBLIC HEARING TO BE HELD ON JULY 2, 1974

ORDINANCE 74-13:

Ordinance 74-13 is a code ordinance amending Title 53 of the North Slope Borough Code relating to property tax. The ordinance provides for an exemption from the general property tax of the first \$20,000 valuation or the maximum valuation allowed by State law, whichever is less, of owner occupied single family dwellings, all subject to the provisions of Section 53.20.010 (h) of the North Slope Borough Code. The ordinance will require as a condition to the exemption that an application for the exemption be filed each assessment year, not later than February 15. The assessor shall grant the exemption if an application is filed, and approved. The assessor may require proof to justify the exemption.

Dated this 5th day of June, 1974.

EBEN HOPSON, Mayor
North Slope Borough

Pub.: June 12, 1974

Buy U.S. Savings Bonds & Freedom Shares

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-0391(6) and RS-0391(7), Kodiak Island Bridges and Approaches described herein, will be received until 2:00 p.m. prevailing time, June 20, 1974 in the Commissioner's Office, Department of Highways, Island Center Building, Douglas, Alaska.

This project will consist of construction of 11-bridges and 2-structural plate pipe culverts - at various locations on Kodiak Island, State of Alaska. The Contractor will have the option of furnishing either prestressed concrete girder or treated timber for the bridges.

Principal items of work consist of the following: road construction, lump sum, all required; 56 linear feet of 40" structural plate pipe and 116 linear feet of 33" structural plate pipe; 2,800 linear feet of beam type guard rail; Bridges: Alternative "A": 231 prestressed concrete girders; 7,000 linear feet of C.I.P. concrete piles; 2,200 linear feet of metal bridge railing; approximately 145,000 pounds of 2" x 4" treated timber; Alternative "B": 9,700 treated timber; 2,200 linear feet of metal bridge railing; and miscellaneous items of work.

All work shall be completed in 260 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 26, 1974.

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 RF-062-1(13), Anchorage Fairbanks Highway, Cantwell Junction to McKinley Park described herein, will be received until 2:00 p.m. prevailing time, June 27, 1974 in the Commissioner's Office, Department of Highways, Island Center Building, Douglas, Alaska.

This project will consist of crushed aggregate base and hot asphalt pavement on 22.4 miles of roadway, located near Cantwell, Alaska.

Principal items of work consist of the following: 114,000 tons of crushed aggregate base 0-1; 31,050 tons of hot asphalt pavement; 1,800 tons of AR-10 asphalt cement; painted traffic markings, lump sum, all required; and miscellaneous items of work.

All work shall be completed in 195 Calendar days.

Plans and specifications may be obtained by all who have 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 5, 12, and 19, 1974.

LEGAL NOTICE

NOTICE OF ADOPTION OF EMERGENCY REGULATION
As required by Act 44.62.250, notice is given that the Department of Commerce adopted on this date, as an emergency regulation, the following:

3 AAC 20.020, INSPECTION FEES. Investigations made under AS 34.55.022 shall be made at the expenses of the applicant according to the current per diem rate effective at Juneau, Alaska for each day of travel and on-site inspection, plus round trip air and ground transportation from Juneau, Alaska. Applicant shall deposit an amount equal to the estimated cost of the on-site inspection prior to the on-site inspection. (Eff. 4/17/69, Register 28; am 5/30/74, Register 50)

Authority: AS 34.55.020

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE
Notice is hereby given that the Department of Commerce, under authority vested by AS 34.55.020(a), proposes to amend regulations in Title 3 of the Alaska Administrative Code to implement AS 34.55.022, as follows:

(1) 3 AAC 20.020 is amended as indicated in the NOTICE OF ADOPTION OF EMERGENCY REGULATION. Notice is also given that any person interested may present written statements or arguments relevant to the action proposed at the Department of Commerce, Room 105, Goldstein Building, Pouch D, Juneau, Alaska, before 4:30 o'clock p.m., on Monday, July 8, 1974.

The Department of Commerce, upon its own motion or at the instance of an interested person, may thereafter adopt the above proposals substantially as set out above without further notice.

DATED May 30, 1974

Juneau, Alaska
Emmitt Wilson
Commissioner
Department of Commerce
Pub.: June 5, 12, 19 and 26, 1974

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 RF-062-1(13), Alaska Highway, Mile 1235 to Canadian Border, described herein, will be received until 2:00 p.m. prevailing time, June 20, 1974 in the Commissioner's Office, Department of Highways, Island Center Building, Douglas, Alaska.

This project will consist of hot asphalt pavement on 12.7 miles of the Alaska Highway from Mile 1235 to the Canadian Border, State of Alaska.

Principal items of work consist of the following: 19,000 tons of borrow; 5,500 tons of crushed aggregate base; 20,000 tons of stockpiled material, crushed aggregate base and cover coat aggregate; 34,000 tons of hot asphalt pavement and 2,000 tons of AR-10 asphalt cement; 12,000 linear feet of beam type guard rail; 5,000 linear feet of cable type guard rail; approximately 77 acres of seeding; and miscellaneous items of work.

All work shall be completed in 215 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 May 29, June 5 and 12, 1974.

LEGAL NOTICE

Notice of Wastewater Disposal Permit and Certificate of Reasonable Assurance

Application and Public Hearings
Application has been made to the Alaska Department of Environmental Conservation by the following applicant for a wastewater disposal permit pursuant to AS 46.03.100-.110 and for a certificate of reasonable assurance pursuant to AS 46.03.081.

Applicant: Alyeska Pipeline Service Company, (agent for Amerada Hess Corporation, ARCO Pipe Line Company, Exxon Pipeline Company, Mobil Alaska Pipeline Company, Phillips Petroleum Company, Sohio Pipe Line Company, Union Alaska Pipeline Company), P.O. Box 4-2, Anchorage, Alaska 99509.

Proposed Activity: Operation of a pipeline terminal including a ballast water treatment system and outfall diffuser.

Location of Proposed Discharge: Waters of Port Valdez, Alaska.

Type of Proposed Discharge: Treatment ballast water from tankers, 40.5 million gallons per day average; storm water, 0.52 mgd; and vapor recovery condensate, 0.83 mgd.

Treatment is described as follows: Quiescent aging and skimming, followed by addition of coagulating and pH agents, followed by dissolved air flotation, followed by short term storage in a retention pond, followed by submarine discharge through a multiple port diffuser to depths in excess of 200 feet.

Any person who wants to present his views, comments, or opinion to the Department in regard to the applications for wastewater disposal permit, a certificate of reasonable assurance, or both applications, may do so either in writing addressed to the Commissioner of Environmental Conservation, Pouch O, Juneau, Alaska 99801 and received on or before July 25, 1974, or at public hearings to be held as follows:

Place: Anchorage; Date and Time: July 9, 1974 at 10:00 a.m. and 7:30 p.m.; Location: Alaska Room, Anchorage Westward

Place: Valdez; Date and Time: July 11, 1974 at 10:00 a.m. and 7:30 p.m.; Location: Brownson Harrison Elementary School, Lower Street

A copy of the Alyeska Pipeline Service Company application for a wastewater disposal permit and for a certificate of reasonable assurance, and all supplemental technical support documents, may be inspected at the following locations:

Commissioner's Office
Department of Environmental Conservation
419 6th Street
Juneau, Alaska 99801.

Northern Regional Office
Department of Environmental Conservation
604 Barnett
Fairbanks, Alaska 99701

Southcentral Regional Office
Department of Environmental Conservation
338 Denali Street
MacKay Building, Room 850
Anchorage, Alaska 99501

City Hall
City of Valdez
Pioneer Drive
Valdez, Alaska 99686

A copy of the proposed wastewater disposal permit may be obtained at any of the above listed offices, or by writing to: Department of Environmental Conservation, Pouch O, Juneau, Alaska 99801.

Dated at Juneau, Alaska this 28th day of May, 1974.

Max C. Brewer
Commissioner
Department of Environmental Conservation
Pub.: June 5 & 12, 1974

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-0650(16), Chena Hot Springs Road, Mile 21 to Mile 27 described herein, will be received until 2:00 p.m. prevailing time, June 27, 1974 in the Commissioner's Office, Department of Highways, Island Center Building, Douglas, Alaska.

This project will consist of reconditioning and asphalt surface treatment on 5.7 miles of the Chena Hot Springs Road, Mile 21 to Mile 27, near Fairbanks, Alaska.

Principal items of work consist of the following: 31,100 tons of crushed aggregate base, 0-1; 5.7 miles of reconditioning; 275 tons of CRS-2 emulsified asphalt for surface treatment; 1,700 tons of grading C cover aggregate and 1,000 tons of grading E cover aggregate; and miscellaneous items of work.

All work shall be completed in 90 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
Pub.: June 5, 12 & 19, 1974

LEGAL NOTICE

NOTICE OF FILING OF SPECIAL CONTRACT AND OF ORDER TEMPORARILY ACCEPTING

On May 6, 1974, RCA ALASKA COMMUNICATIONS, INC. (RCA Alascom), filed with the Commission a copy of the special contract (identified as TAPS/769 covering

identified as TAPS/769) covering the engineering, procurement, construction, operation, maintenance and dismantling of the construction-period communication system for the Trans-Alaska Pipeline which RCA Alascom executed with ALYESKA PIPELINE SERVICE COMPANY (Alyeska) on May 4, 1974. The contract appears to prescribe total cost reimbursement to RCA Alascom for all expenditures associated with provision of the communication system, plus a reasonable return on the utility's investment.

On May 16, 1974, by its Order No. 2, titled "Order Accepting Contract Temporarily" (in Docket U-74-38) the Commission accepted temporarily for filing the TAPS/769 contract between RCA Alascom and Alyeska. In addition to the temporary acceptance granted by Order No. 2 the Commission ordered RCA Alascom to submit to the Commission, not later than June 28, 1974, evidence of its management, administrative, engineering, financial, logistic, maintenance, and operational capacity to undertake the engineering, procurement, construction, operation, maintenance, and dismantling of the construction-period communication system for the Trans-Alaska Pipeline without curtailing other scheduled system improvements to serve the general public.

More detailed information regarding the filing may be obtained from the applicant whose address is 629 E Street, Anchorage, Alaska 99501. The complete filing is available for inspection also at the offices of the Alaska Public Utilities Commission, 1100 Mackay Building, 338 Denali Street, Anchorage, Alaska 99501.

Any interested party may file with the Commissioner by 4:30 p.m. on June 28, 1974, a statement of his views and specific reasons in favor of, or in opposition to, the Commission's acceptance of the specific contract, together with written confirmation that the same statement has also been served on the applicant.

DATED at Anchorage, Alaska, this 12th day of June, 1974.

ALASKA PUBLIC UTILITIES COMMISSION
J. Lowell Jensen
Executive Director
Pub.: June 12, 1974

LEGAL NOTICE

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

In the Matter of)
CHANGE OF NAME of)
JULIE ANN WAMSLY)

Petitioner)
No. 74-395

ORDER SETTING TIME FOR HEARING ON PETITION FOR CHANGE OF NAME AND DIRECTING PUBLICATION THEREBY ORDERED that on the 27th day of June, 1974, at the hour of 10:00 o'clock A.M., at Fairbanks, Alaska, be appointed as the time and place for the hearing in the above captioned matter.

It is further ordered that notice of the petition for Change of Name along with the date of hearing set by this Order shall be published in the Tundra Times once each week for four (4) consecutive calendar weeks prior to the date of the hearing set by this Order.

DATED at Fairbanks, Alaska, this 13th day of May 1974.

Gerard J. Van Hooissen
JUDGE OF THE SUPERIOR COURT

Published May 29, June 5, 12, and 19, 1974.

Pub.: June 5, 12, and 19, 1974.

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