

State wins selection extension

From our Anchorage Bureau

Interior Secretary Thomas Kleppe has granted the State of Alaska an extension of time to select lands previously set aside for Native selections under the land claims act. According to a press release from the Office of the Secretary in Anchorage, the state will have preference to select lands not selected by Native corporations until April 1, 1977.

The Alaska Federation of Natives may take legal action to revoke the extension.

Withdrawals of federal land, from which Native selections were to be made, were originally supposed to end December 18, 1975. However, the Interior Secretary extended the deadline for certain types of Native selections until October 1 of this year. Starting October 2, the state was to have first chance at lands not selected by Native corporations for ninety days. The state maintained, however, that ninety days was not enough and requested the additional time, which Kleppe granted last

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week.

Under the Statehood Act, the state is allowed the exclusive right to select lands previously set aside by the Federal government. In the beginning, this right applied to federal withdrawals such as military bases or land used by federal agencies, which might be terminated for some reason. After the land claims act was passed, it applied to withdrawals for Native selections as well.

The Alaska Federation of Natives has long and loudly opposed an extension of the state's selection preference right. AFN President Sam Kito said the federation is considering a lawsuit but will wait until they receive a copy of the Secretary's order before deciding whether to block the extension in court.

Kito said AFN has opposed the extension because they felt the state had no intention of using the extra 90 days the way it had planned, namely to hold public hearings on proposed state selections.

In addition, Kito explained that with most Native land selections still bottled up in the Bureau of Land Management, there is some question whether the Natives or the state would receive priority in processing selection applications. "Obviously, we feel we should have been first," Kito said.

Lastly, Kito remarked, an extension of time for the state

would create difficulties for some regional Native corporations who are entitled to lands under Section 14 (h) (8) of the land claims act. This is a relatively small amount of land not selected under specific categories but which is to be disbursed to the regional native corporations on the basis of population.

The press release from the Interior Department quotes Secretary Kleppe as saying, "The idea of extending selection termination dates is not new. We have extended Native selection on two occasions and it is only fair to treat the state likewise. After the termination of this extension, both the State and Natives will be on equal footing in terms of land selection. No further extensions are anticipated."

Commissioner of Natural Resources Guy Martin, who heard about the extension of time on the radio, said he hoped Natives would not take the issue to court.

"I sincerely hope they don't. I can understand the general outlines of their position," he commented.

Martin remarked further that the state and Natives were each trying to protect their own valid rights and interests and that the Interior Department had not done everything possible to keep these interests from colliding.

In a statement released December 18, Commissioner Martin pointed out that, "Alaska's Natives are the prime beneficiaries of the Settlement Act, just as all Alaskans are of the Statehood Act, and a strong cooperative effort is necessary to insure that the administration of one act does not impair the objectives of another."

One of the main reasons the state needs a selection time extension, Martin said, is that land records at the Bureau of Land Management are poorly kept and inadequate to use in choosing land to be selected.

Does the April 1 deadline give the state enough time to

make its selections?

"The answer to that depends really on whether BLM gets their records in shape," Martin said.

The selection issue is complicated because the state only has a selection preference right on lands previously withdrawn for Native selection but not actually selected. The problem is that at least five of the regional Native corporations have filed on all the land made available to them, even though they are entitled to only a portion of the land selected. These vast over-selections were made by corporations who felt they had not had enough time to analyze land selection choices and needed a way to tie up the land to protect their interests while difficulties were worked out.

The state's present selection right extends to 10-15 million acres of land withdrawn for Natives, but not selected by them. Under the Statehood Act, the state is entitled to 103 million acres, of which it has about 37 million acres left to select.

Realizing that Native corporations might try to block the 90-day extension, the state filed applications on nearly three million acres of land last Wednesday to meet the original December 31 deadline. The state selected lands near the North Slope's Sagavanirktok River, lands near Point Hope, lands along the Yukon, Kuskokwim, Tanana and Copper Rivers, and several parcels on the Alaska Peninsula.