

LEGAL NOTICE

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

FINAL DECISION )  
CONCERNING THE ELIGIBILITY )  
OF POINT LAY AS A NATIVE ) ADMINISTRATIVE  
VILLAGE FOR PURPOSES OF ) DETERMINATION  
ANCSA 1971 ACTION UPON )  
PROTEST )

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Joe Manga of 270 Illinois Street, Fairbanks, Alaska 99701 and Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801, hereinafter referred to as Protestants. The protest of Joe Manga was dated October 16, 1973 and was received October 19, 1973 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, was dated November 2, 1973 by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Manga objects to the Native Village of Point Lay being added to the list of proposed eligible Native Villages on the grounds that "the land allotted to villages will be determined by the 1970 census and the 1970 census does not show any population for the village of Point Lay." Protestant Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska objects to the regulations and the method of their interpretation as they apply to the Native Village of Point Lay and certain other Native 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) (2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in Subsection (b) (1) hereof, and a village shall not be eligible for land benefits under subsections 14 (a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that —

(a) Less than twenty-five natives were residents of the 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; \* \* \* (Emphasis Ours).

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. 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 October 5, 1973, 81 Natives had been certified for enrollment in the Native Village of Point Lay. On June 27, 1973, a field investigation was completed of Point Lay and at that time thirteen Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have been certified for enrollment to Point Lay 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 have 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 proposed decision, and does hereby render a decision determining that the Native Village of Point Lay, is eligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, and any other party of record. 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 Section 2651.2 (a) (5) of Title 43 CFR, within thirty days of its publication in the Federal Register.

Appellant shall have not more than 15 days from the date of receipt of his 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 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.

John A. Moore II, Director

November 30, 1973,  
Published in the Federal Register on December 12, 1973.  
Publish December 19, 1973.

LEGAL NOTICE

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

FINAL DECISION )  
CONCERNING THE ELIGIBILITY )  
OF KASAAAN AS A NATIVE ) ADMINISTRATIVE  
VILLAGE FOR PURPOSES OF ) DETERMINATION  
ANCSA 1971 ACTION UPON )  
PROTEST )

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by C. A. Yates, Regional Forester, U. S. Forest Service, P. O. Box 1628, Juneau, Alaska 99801 and A. W. Boddy, Executive Secretary, Alaska Wildlife Federation and Sportsmen's Council, 1700 Glacier Avenue, Juneau, Alaska 99801, hereinafter referred to as Protestants. The protest of C. A. Yates, Regional Forester, U. S. Forest Service was dated November 2, 1973, and it was received on November 2, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs, and the protest of the Alaska Wildlife Federation and Sportsmen's Council was dated October 23, 1973, and it was received on November 2, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant U. S. Forest Service states in part as follows: " \* \* \* It is our opinion that the Native's residence as shown by the census of April 1, 1970, should be the place to which the Native is enrolled unless satisfactory evidence to the contrary is provided."

Protestant Alaska Wildlife Federation and Sportsmen's Council objects to Kasaaan being eligible as a Native village because it " \* \* \* fails to qualify if the evidence attached hereto is correct, i.e., that there were less than 25 Natives who were residents of Kasaaan on the date of the 1970 census enumeration."

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. Subpart 2651.2 (b) of the regulations sets out the criteria for Native villages to be eligible for benefits under the Act. The Act states: "There must be 25 or more Native residents of each Native village on April 1, 1970, as shown on the census or other evidence satisfactory to the Secretary. A Native properly enrolled to the village shall be deemed a resident of the village."

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. 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 October 30, 1973, 119 Natives had been certified for enrollment in the Native Village of Kasaaan. On August 20, 1973, a field investigation was completed of Kasaaan and at that time 16 Natives who used the village for a period of time in 1970 had been certified for enrollment to the village. The 25 or more Natives who have been certified for enrollment to Kasaaan represent a majority of the residents of the village in 1970. Pursuant to Subsection 2651.2 (b) (2) of Title 43 of the Code of Federal Regulations Kasaaan had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives own cultural patterns and life style and

LEGAL NOTICE

NOTICE FOR PUBLICATION

Notice is hereby given that Ray N. Wiebe, Cantwell, Alaska, together with his witnesses Henry Peters and Luella K. Rumohr, both of Cantwell, Alaska, has submitted Application to Purchase on his Homestead Settlement Claim, Serial Number F-031736 for a tract of land described as:

Lot 2 of U.S. Survey No. 5596, Alaska, located approximately 1 1/2 miles east of Cantwell, Alaska, Containing 5.00 acres. During the period of publication or within 30 days thereafter any person, corporation, or association having or asserting any adverse interest Nov claim to the tract of land or any part hereof may file in the Fairbanks District Office, under oath, an adverse claim setting forth the nature and extent thereof; and such adverse claimant shall within 60 days after the filing of such adverse claim, begin action to establish title in the competent jurisdiction in Alaska, and thereafter patent shall be issued in conformity with the final decree of the court.

Harold E. Waldo  
Chief, Division of Land Office  
Pub. Dec. 12, 19, 26; Jan. 2, 9, 16, 23, 30 & Feb. 6, 1974

CLASSIFIED

The Tanana Chiefs Conference, Inc. announces the opening for the position of:

EXECUTIVE DIRECTOR

Degree in administration or related field and/or equivalent work experience.

Knowledge of rural health and educational delivery systems helpful. Knowledge of Federal and State contractual procedures.

Knowledge of Alaska Native issues. Ability to coordinate and direct staff members in five separate locations.

The above criteria will be utilized in consideration of applicants. The job offers a demanding and exciting future. Please submit applications (State forms), resume and forward to:

Mitch Demientieff, President  
Tanana Chiefs Conference, Inc.  
102 Lacey Street  
Fairbanks, Alaska 99701  
Phone: 452-1746  
Application deadline 5 p.m., Dec. 26, 1973. Salary \$18,000 to \$20,000.

LEGAL NOTICE

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

FINAL DECISION )  
CONCERNING THE ELIGIBILITY )  
OF SELDOVIA AS A NATIVE ) ADMINISTRATIVE  
VILLAGE FOR PURPOSES OF ) DETERMINATION  
ANCSA 1971 ACTION UPON )  
PROTEST )

This is a written decision on a protest filed pursuant to 43 CFR, Part 2650 by Jack P. English, Seldovia, Alaska hereinafter referred to as Protestant. The protest was dated October 29, 1973, and received on November 1, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant objects to the Native Village of Seldovia being determined eligible as a Native village pursuant to the Alaska Native Claims Settlement Act.

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) (2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in Subsection (b) (1) hereof, and a village shall not be eligible for land benefits under subsections 14 (a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that —

(a) Less than twenty-five natives were residents of the 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; \* \* \* (Emphasis Ours).

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. 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 October 30, 1973, 257 Natives had been certified for enrollment in the Native Village of Seldovia. On July 31, 1973, a field investigation was completed of Seldovia and at that time fourteen Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 257 Natives certified for enrollment to Seldovia on October 30, 1973, does not represent a majority of the residents of the village in 1970. Seldovia does not possess all of the attributes contained in Subpart 2651.2 (b) (3) of the regulations so it is not modern and urban in character. Subpart 2651.2 (b) (4) of the regulations is quoted as follows: "In the case of unlisted villages, a majority of the residents must be Native, but in the case of villages listed in Sections 11 and 16 of the Act, A MAJORITY OF THE RESIDENTS MUST BE NATIVE ONLY IF THE DETERMINATION IS MADE THAT THE VILLAGE IS MODERN AND URBAN PURSUANT TO (3) ABOVE." Seldovia does meet the criteria contained in Subpart 2651.2 (b) for it to be eligible for benefits under Section 14 (a) of the Act. (Emphasis ours).

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Seldovia, is eligible for land benefits under said Act. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. 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 Section 2651.2 (a) (5) of Title 43 CFR, within thirty days of its publication in the Federal Register.

Appellants shall have not more than 15 days from the date of filing of his 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 submitted to the Secretary of the Interior for his personal approval.

John A. Moore II, Director

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at least 13 persons who enrolled thereto had 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 proposed decision, and does hereby render a decision determining that the Native Village of Kasaaan is eligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. 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 Section 2651.2 (a) (5) of Title 43 CFR, within thirty days of its publication in the Federal Register.

Appellant shall have not more than 15 days from the date of filing of his 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.

John A. Moore II, Director

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LET'S TELL EVERYBODY. Send ALASKA magazine for Christmas. It says "Merry Christmas" every month of the year, \$8.95 for the first subscription, \$7.00 for each additional gift subscription ordered at the same time. ALASKA magazine, Department 10, Box 4-EEE, Anchorage, Alaska 99509.

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-068(11), Yukon River Bridge described herein, will be received until 2:00 p.m. prevailing time, January 17, 1974 in the Commissioner's Office, Department of Highways, Island Center Building, Douglas, Alaska.

This project will consist of construction of a 2,295', six-span, orthotropic steel box girder bridge, with a 30' roadway width, across the Yukon River, approximately 142 miles northwest of Fairbanks.

Principal items of work consist of the following: preparation of pier foundations, lump sum, all required; abutment side work, lump sum, all required; approximately 6,720 cubic yards class A concrete; approximately 1,160,000 pounds reinforcing steel; approximately 9,684,000 pounds structural steel; 1,612 linear feet structural steel piles; 4,661 linear feet metal bridge railing; 4,080 linear feet prestressed rock anchors; pipe line support walkway, lump sum, all required; and approximately 70,800 square feet interim timber deck.

All work shall be completed by December 31, 1975.

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. Dec. 12, 19 & 26, 1973

LEGAL NOTICE

DEPARTMENT OF COMMERCE  
Division of Occupational Licensing  
Pouch D  
Juneau, Alaska 99801

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE GUIDE LICENSING & CONTROL BOARD

Notice is hereby given that the Alaska Department of Commerce under authority vested in AS 08.50-050 proposes to amend, or take no action regarding the regulations in Title 05 of the Alaska Administrative Code to implement AS 08.54 as follows, and to transfer from Title 05 to Title 12.

(1) re-adopt existing regulations of the Board of Fish & Game found in SAAC 87.010-120 and the definitions applicable thereto found in SAAC 90.020.

(2) amend the following regulations: (a) establish guide districts as being identical to those areas described as game management units by the Board of Fish and Game, (b) establish restrictions limiting the number of guide districts for master and registered guides, (c) establish requirements for mandatory training and licensing, (d) provide that guide examinations shall be held at times and places as announced by the board, (e) provide that the guide register shall be published for distribution to the public, (f) provide that guides shall be issued by the board that guides shall complete a form indicating information concerning guide districts, camps and transportation provided to clients and other information as considered pertinent by the board and provide that this information shall be entered on the register and be prerequisite to licensure, (g) provide that a master, registered or class-A assistant guide must be within a 10-mile radius of the hunting camp whenever assistant guides are guiding.

(3) Adopt a new regulation establishing a check-in and check-out system for all guided hunts.

Notice is also given that any person interested may present oral or written testimony or arguments relevant to the action proposed at a hearing to be held at Alaska Land, Bear Room in Fairbanks, Alaska, at 9:30 a.m. on January 21, 1974, and also to be held at the Louisa Library basement in Anchorage, Alaska at 9:30 a.m. on January 23 and 24, 1974.

Interested persons unable to attend the public hearings may send written statements relevant to the action proposed to the Guide Licensing & Control Board, Pouch D, Juneau, Alaska, 99801, not later than January 18, 1974.

Notice is also given that the Board solicits proposals for regulations concerning all areas of guiding activities, from any interested persons, to be considered at a later date by the Board. Such proposals shall be submitted in writing prior to the close of the Board meeting held in Anchorage, Military Affairs Conference Room, on January 25, 1974.

The Guide Licensing & Control Board, upon its own motion may thereafter adopt, amend or take no action on the proposals submitted substantially as set out above without further notice.

Date: December 5, 1973

Emmitt L. Wilson, Commissioner  
Department of Commerce

Publish December 19, 26, January 2, and 9, 1974.