

FINAL VERSION OF NATIVE CLAIMS SETTLEMENT ACT AS OF DECEMBER 8, 1971

ANALYSIS OF THE BILL

LAND: Native title to 40 million acres of land would be confirmed. This would be a full fee interest in 40 million acres, surface and sub-surface. The lands would be selected within a four year period beginning with the date of enactment. All selections would have priority over new State selections since the bill sets aside certain townships for selection by Natives and other townships for selections by the State.

An initial selection of 22 million acres would be made by the villages. The amount of land allocated to each village would depend on the population of that village. All selections would be compact and contiguous lands taken from a 25 township withdrawal around each village. Villages located on the coastline as well as villages in the interior would have a full 25 township withdrawal but would be limited to selections within a full 9 township withdrawal. Furthermore, villages in those restricted areas could select only a maximum of 4 townships and no mineral rights would be available in those areas.

Because of the restrictions on surface and subsurface rights in Wildlife Refuges and Petroleum Reserve No. 4, certain villages would not receive their full entitlement to surface and sub-surface estate out of the 9 or 25 township withdrawals. In this case, there would be additional "in lieu" selections. The shortage in both surface and sub-surface estate would be selected from the public lands closest to

the village and at the same time outside the restricted area. Thus villages in Wildlife Refuges would select additional surface lands and their sub-surface entitlement out of the lands immediately surrounding the Wildlife Refuge. The in lieu provision guarantees a full entitlement of 22 million acres of land during this phase of selections.

The 22 million acres of village land would be selected during a 3 (7) year period after enactment. During that time no State selections could be made in the 25 township withdrawal. Villages would be entitled to select no more than 3 townships of tentatively approved land per village.

At the end of the 3 year period the regional corporations

would be entitled to select 16 million acres of land on a "land loss" basis. The total of village selections within a particular region and the regional selections for that region would, as closely as possible, be proportionate to the size of the region. In the event village selections for one or more regions exceeded the region's "land loss" allocation, the excess would be deducted from other regions which still have land entitlements. The deduction will be apportioned on a "land loss" basis.

The 16 million acres will be selected out of the same 25 township withdrawals available for village selection. However, Natives will select from alternating townships and the State will select from the other townships

within the 25 township withdrawal. Thus Natives and the State will select from a checker-board withdrawal pattern. These selections must be made within the one year following the three year village selection period.

An additional 2 million acres will be available for allocation under "hardship" provisions.

These lands will be selected from the withdrawals made for villages which later prove to have less than 25 residents and thus not be qualified for village land selections, and from additional withdrawals to be determined by the Secretary of the Interior.

MONEY: A total of \$962.5 million will be paid as compensation for the extinguishment of

other land rights. This consists of a 2 per cent royalty which continues until \$500 million is paid and a Federal appropriation of \$462.5 million. The Federal appropriation would be paid over an 11 year period according to the following schedule:

FISCAL YEAR	AMOUNT
1972	\$12,500,000
1973	50,000,000
1974	70,000,000
1975	70,000,000
1976	70,000,000
1977	40,000,000
1978	30,000,000
1979	30,000,000
1980	30,000,000
1981	30,000,000
1982	30,000,000

TOTAL \$462,500,000

BLM Sees New Role After Claims Settlement

The pending native claims legislation, regardless of its final provisions places the Bureau of Land Management in a new role in managing Alaska's public lands. The bureau's first priority in Alaska will be to transfer lands selected or claimed to individual natives or groups as rapidly as possible.

Much work has already been done by BLM to try to get a head start but much more remains.

BLM has signed an agreement with BIA which outlines some of the joint and separate responsibilities of the 2 agencies.

Under this agreement, BLM will provide information for a BIA directed public information program. The bureau will also have representatives on traveling teams formed to describe the provisions of the final legislation to native villages and other concerned groups.

BLM hopes to assist BIA in creating training courses for na-

tives. The trainees could then be hired by BLM to help with the work that must be done before patents can be given.

BLM will also give information, where it exists, from its records on land status and the resources around the villages so natives can make informed decisions on what lands to select.

In its long history of issuing patents to private persons, the federal government has had to establish certain procedures. These are designed to insure that the patentee has good title which will not be attacked in future years.

Before lands are patented to the native villages, a basic determination which must be made is whether there are any valid claims which must be honored first. Some of these claims are already shown on the official public land records. Others may involve settlers who have not recorded their claims, or there may be mining claims which are

not recorded with BLM.

Such lands are not available for selection by the villages. To find all of these and tell the villages which lands can be selected, BLM must examine the land on the ground.

To look at up to 25 townships withdrawn around about 200 villages is a big job and will take time and people. This phase will probably take several years to complete, after the various selections are made.

Once the land to be transferred to individuals is definitely identified it must be surveyed by BLM. This will involve both the survey of the boundary of the large village selections and the smaller individual claims.

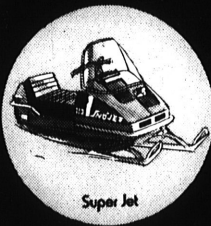
It will also be necessary to survey the villages themselves to identify the lots which the village deeded to individuals. Plans will then be prepared from the field reports, and upon approval by Washington, the land office can prepare the patents.

Depending on available manpower, it may take 10-15 years or more to survey most of the selections. This time, coupled with the necessary "examine time," indicates that the last patent may not be issued for 20 years or more after the legislation is passed. In view of these problems, BLM and BIA will jointly determine priorities and identify areas that, for one reason or another, should be examined and surveyed ahead of others.

BLM has also been involved in gathering as much information as possible. The bureau has created a file for each village. The file contains land office status plats, maps showing the appropriate location of the withdrawals according to the terms of existing legislation, and computations on the acreage in each township and the number of acres not available for selection because of existing rights. Such data gathering is continuing.

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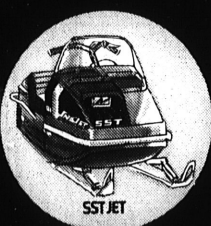
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