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**Name and place: 6<sup>th</sup> Annual Alaska Federation of Natives Convention**

**Date: 16-18<sup>th</sup> of December, Anchorage, Alaska**

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**Series: ATS-1 Educational Satellite Project Tapes**

**Notes: Original in 7-inch tape, master copy on CD. Produced by Roger McPherson.** THESE TAPES WERE PRODUCED AS A PART OF AN EXPERIMENTAL PROGRAM NOW DEFUNCT AND WERE BROADCAST OVER THE RADIO FOR EDUCATIONAL PURPOSES.

Don Wright says that Harry Carter will read the preliminary analysis that's prepared by National Attorney Ken Bass. It's a preliminary analysis about the Native Claims Settlement Act as it is enacted. Then Ken Bass will answer any questions in regards to the bill.

00:42 Harry Carter starts reading the analysis:

Money: Federal payment that totals to \$462,500,000 dollars and that is payable over an 11-year period, and initial payment of \$12,5 million dollars would be made during the fiscal year of 1972 – July 1<sup>st</sup> through June 30<sup>th</sup> of 1972. A payment of 50 million dollars would be made in 1973, \$70 million dollars in 1974, 1975 and 1976. \$40 million would be given in 1977 and \$30 million in 1978, 1979, 1980, 1981 and in 1982. Until the Native roll will be completed, the deposits will be placed in a special fund and will not be paid to Native corporations. When the roll is completed, the money is distributed to regional corporations. Preparation of the roll might take as much as 2 years and during that time, the secretary of the treasury is expected to invest funds and accredit the account with earned interest. The present value of the appropriation is \$360,480,000 dollars.

3:12 [There will be] a two percent royalty on minerals which are produced on Federal and State lands. The royalty will continue until a limit of \$500,000 dollars

is paid into the fund. The present value is \$187,938,000 dollars. The total present value of money provisions is \$548,418,000 dollars.

4:01 The land: 40 million acres of surface estate and 40 million acres in mineral rights would be distributed. The first phase of these land selections consists of village selections. Each Native Village will select 3-7 townships of land, depending on population. Population of 25 to 99 people will receive 69,120 acres, or three townships. Population of 100 to 199 people will receive 92,160 acres, or four townships. A population of 200 to 399 will receive 115,200 acres or 5 townships. Population of 400 to 599 will receive 138,240 acres or 6 townships, [and so on].

The figures are estimates that are based on existing population data.

6:07 The Arctic Slope region village acreage that is selected would amount to 760,300 acres. The Tanana Chief's area will receive 2,995,200 acres, Northwest area 1,244,160 acres, Bering Strait area 1,681,920 acres, AVCP [Association of Village Council Presidents] area 5,368,320 acres, Copper River area 2,345,600 acres, Cook Inlet 391,680 acres, Bristol Bay area 2,188,800 acres, Chugiak 230,040, Kodiak 483,840 acres, and the Aleut League will receive 1,313,280 acres. Total acreage is 17,310,040 acres.

There is roughly 17 million acres of land that is so allocated, and the 22 million acres will be appropriated between 11 regions according to population. Each region will reallocate its land to village corporations according to need.

8:33 Carter lists how many additional acres each region will receive, as based on available population numbers.

10:55 The third phase of selections is the selection of 16 million acres of land by regional corporations. The lands are allocated so that the totals of village selections and regional selections are proportional to the total land area within that region. That is land lost total allocation. If a village selection within a given region already exceeds its land lost portion, the region will not make additional selections and the excess will be deducted from regional allocations.

Carter lists how the land loss would be distributed to regions.

17:42 The Native villages with permanent population of 25 or more people as of April 1<sup>st</sup>, 1970, which were inadvertently omitted from villages that were listed in the act, will be able to select land just like the listed villages. The villages with population of less than 25 will be entitled to select surface estate to one township, which is 23,040 acres of land. The provision is not for fewer than 25 people, or to select areas from wildlife refuges, Petroleum no. 4, State T-A lands, State selected lands or other reserved federal lands. These lands are referred to as “restricted areas.”

The Native communities in Sitka, Kenai, Juneau and Kodiak will be entitled to surface estate of one township that is located in reasonable proximity to non-Native municipalities. [Carter talks more about rules for selecting land.] In general, there will be 25 township areas with villages in the center. If the village is by the coast and can't select land around it, they can select lands nearest to the village that isn't on a restricted area.

20:10 No more than 3 townships in wildlife refuges and 3 townships in state selected lands and 3 towns of national forest lands can be selected by one village. All village selections will be made within 3 years of enactment. The subsurface estate in lands that are selected by the village are conveyed to the regional corporation for the region in which the village is located. No subsurface rights are available in natural preserves but in lieu selection right is granted to the regional corporations that are affected. [Carter gives an example of this.]

21:42 During the 4<sup>th</sup> year after enactment, regional corporations can select their share of additional 16 million acres. These selections would be made from a checkerboard withdrawal in the 25 townships that surround Native villages. Village selected lands and other restricted lands wouldn't be available for regional selections.

Additional 2 million acres will be allocated by the secretary for hardship purposes. That includes fee title to cemetery sites and historical places. One township of land around Native villages that don't qualify for full selection rights, one township for Sitka, Kenai, Juneau, and Kodiak. 160 acres of land will be given to any Native whose primary residence is outside of village lands, and any allotment that a

Native chooses to patent. Any remaining portion of 2 million acres will be allocated on population basis to regional corporations.

23:33 Carter discusses the corporate structure. 12 regional corporations are established and the secretary [of the Interior] is authorized to merge existing corporations on request of the existing Native associations to not less than 7 regional corporations. All Alaska Natives will be enrolled to the region in which they are a permanent resident. That doesn't mean the region where they currently live, but region that contains their permanent home.

Non-resident Natives, such as those who live in Seattle, will have an option. If a majority of such Natives choose to establish 13<sup>th</sup> corporation, they may do so, but otherwise all non-residents will be enrolled at their region of origin. If the 13<sup>th</sup> regional corporation is established, it would receive a population based share of the \$962.5 million dollars settlement, but they wouldn't receive any land benefits or any share of revenues that are derived from lands.

25:20 Each village would incorporate as a for-profit or non-profit corporation in which only Natives, who are enrolled in villages, are members. Regional corporations would, for the first 5 years that follow the enactment, distribute not less than 10% of all funds directly to all Native members. [Bruce repeats himself.] 45% of the funds would be distributed to village corporations in proportion to population. The remaining 45% will be held by the regional corporations for investment, business and social welfare purposes. At the end of 5 years, the regional corporations would distribute 50% directly to villages and retain 50%. At any time, the corporations can distribute money to corporations. 70% of revenues that are received by regional corporations from timber resources and subsurface estate would be divided on population basis to all 12 regional corporations. The remaining 30% of funds would stay in the region of origin.

28:03 Existing Native allotment applications may be processed under allotment act or withdrawn and taken into individual Native provisions of the final act. If the allotment is processed to patent, no subsurface rights will be obtained. Subsurface rights will be held by regional corporations. Allotment applications and individual grants will be charged against the 2 million acre hardship allocation.

Existing Native reservations are given the option under the bill to relinquish the reservation and be treated like any other village, or take a fee title to the land that is set aside for the reservation, in which case the individual Natives aren't eligible to share in the monetary provisions of the settlement.

29:28 Taxation: The \$462,500,000 dollars, federal appropriation, and 2% royalty aren't subject to taxation when they are distributed to regional corporations, village corporations, or to individual members. Income from the monies is not tax exempt.

For 20 years after the enactment, undeveloped or unleased Native lands will be exempt from state and local property tax.

30:15 Miscellaneous: Secretary of Interior is entitled to withdraw up to 80 million acres of land, including previously classified areas such as the Brook's Range and the Copper Center classifications for purposes of considering additional wildlife refuges, national parks and other federal reservations. This can't interfere with village land selections.

Regional corporations can proceed to tentatively select land in classified areas if otherwise they would be subject to regional selections, but can't obtain patent as long as the classification withdrawal remains in effect. The secretary can't put these lands in federal reservations with his own authority, but the Congress can act to include the lands into a new National Park, Wildlife Refuge or other reserve. If Congress does so, alternative selection rights will be given to regional corporations to compensate for any lands that were tentatively selected by regions.

32:03 Land use planning: An advisory land use planning commission is established to assist Natives, state and federal officials, in land selection and management practices. 5 members will be appointed by the Governor of Alaska and 5 by the President of the United States. At least one of the governor's appointments must be a Native person.

Wildlife Refuge restrictions: Lands that are selected by Natives in wildlife refuges will continue to be subject to laws and regulations that govern the refuge.

Subsistence protections: No specific provisions are included in the bill for subsistence rights. However, the conference committee reports that the Congress

expects the Secretary of the Interior and the State to protect the subsistence needs of the natives.

Tlingit-Haida settlement: Villages in southeast are limited to 1 township of land each. Judgment funds that are appropriated to pay the court of claims judgment are considered to be in lieu of additional land selection rights for the villages. The Southeast Natives will share fully in the financial portion of the settlement.

Wright thanks Harry.

34:14 Roger McPherson asks someone if it was a good analysis. The person says it was good, but it should be prepared more simply for people who don't understand English too well.

[End of the recording.]