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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 calls their National attorney Ken Bass to answer questions regarding the legislation. In order to keep questions in order, Wright asks that the person asking the question will write their name and village in the card and give it to their regional chairman.

Ken Bass thanks Wright and makes a correction to the preliminary analysis: In the Copper Center, village acreage that is selected is 345,600 acres.

1:27 Bass says he wants to summarize the major elements of the settlement. With respect to the land, the bill will provide a total of 40 million acres of land with surface and subsurface rights. For the most part, that land will be selected from an area that is 900 square miles around each village. That's 25 townships, which are 6x6 miles. There will be situations where less than 900 square miles will be available for a village and in that case, there is an additional amount of land withdrawn, which is called in lieu withdrawal and those are as close to the village as possible.

There are restrictions on certain lands in the bill. In wildlife refuges and in petroleum reserve no. 4 there will not be subsurface rights to those areas. There will be in lieu subsurface rights that will compensate subsurface rights that come from lands outside of those areas.

3:08 There is an overall limitation in the selection of lands within restricted lands. No one village can select more than 3 townships of land from restricted lands. If a village is entitled to more than 3 townships, additional lands will come from lands outside of the restricted areas.

Bass says that all the things are terribly complicated and hard to comprehend quickly. There are also ambiguities in the provisions of the bill.

On the money provision, the total amount of money comes in over a long period of time. The federal appropriation will come in over next 11 years. \$ 500 million dollars from royalties from minerals in the state will come 2% of the total mineral value each year until \$500 million dollars is reached. They don't know how long that will take since it depends on the oil production in the State of Alaska.

No funds are distributed to regional corporations until enrollment is completed. Enrollment has to be completed within 2 years, but the pace depends on how fast BIA [Bureau of Indian Affairs] enrolls all the natives.

5:09 The first question he has relates to the section 18 B. [Bass reads the section.] He explains that there is a 2 million acre hardship provision in the bill, which is a catch-all category for various types of land grants. Pending Native Allotment applications can continue to be processed through the Department of the Interior. If the application is valid under the law, and eventually is processed to obtaining an allotment patent, the 160,000 acres will be deducted from the 2 million acres of hardship provision.

There is a question of what will happen if the president vetoes the bill or if the Native people will reject it. Bass says it's not a legal question, but a crystal ball question. He says he thinks that the settlement is the best settlement they possibly could have achieved at this time in history. He says that if the settlement is rejected, there is some possibility that it would be vetoed by the president. Bass thinks that if that happens, any future settlement will be much less satisfactory. The reason for this is just human reasons: The members of the congress are human beings who feel that they have done a good and generous job and would feel hurt and insulted if it was rejected by the Natives. He says that rejection would be resented, which would then lead to a more unsatisfactory settlement.

8:08 There is a question of how the percentage of population can be determined before the complete roll is taken, to which Bass answers that it cannot. All of the analysis is based on the best information available and the percentage of population is taken from the AFN voting rolls. Within 60 days after the bill becomes a law, the dept. of the Interior is going to have to make in lieu withdrawals that will be based on best available population estimates and the best available land loss percentages that the department can come up with. The idea is that the withdrawals will be sufficient to protect the Native selection rights in the future.

The lands, out of which Native lands will be selected, are going to be withdrawn and not available for others until Natives have selected their lands. If the bill works correctly, withdrawals will be sufficiently great in number, and lands will be available for Native selection. They hope that any errors that are made in the in lieu withdrawals that would increase the in lieu withdrawals to ensure that there is no loss of Native rights.

9:48 Question of why wasn't Cordova included in the Native community category. Bass tells that no Native village that had a majority of non-Native population was included in the list of villages because in order to qualify for full land selection rights, the village had to meet three criteria: it has to have 25 or more residents on April 1<sup>st</sup>, 1970, it must be majority Native, it must not be modern or urban in character. That excluded some villages from the list. However, if a village was not on the list but meets the criteria, it will be added to the list.

Question of whether the Natives will have to wait until enrollment is completed and to see if the 13<sup>th</sup> corporation is established before they will see how much money goes to each region. Bass says that that's correct and that there will be waiting period until the roll is completed, and allocations of money and land are determined.

11:44 There is a question about where the funds will go during the first fiscal year and if it will stay in the treasury, or if they are able to bank it and share interest. Bass says that the bill doesn't have provisions on interest in the first 2 years. The 12.5 million dollars, which is appropriated by the Congress, will go to the United

States treasury. During the next year, additional \$50 million dollars will go into the Treasury. That money will remain in the treasury until the roll is completed.

There was a discussion between Senator [Maurice Robert “Mike”] Gravel and Alan Bible, who is the senate manager of the bill: Senator Gravel asked if the Secretary of the Treasury was supposed to invest those funds and acquire interest, and Senator Bible said it was the committee’s intent.

Next question is about whether, if the 13<sup>th</sup> region will be established, it will be established under Alaska State laws? Bass says that he understands that it will. The bill states that the regional corporations shall file articles of incorporation within 18 months. The 13<sup>th</sup> region will not know if exists until after the enrollment. Bass doesn’t think that the enrollment will be completed in 18 months but if it was, and the election for 13<sup>th</sup> region could be held, there would be no conflict. If the enrollment isn’t completed and the articles of incorporation can’t be filed in that time, the act will be interpreted to allow later filing.

14:04 The bill states that within 3 years of enactment, the Secretary of the Interior will report to the Congress the status of Federal Programs. The purpose is to review the entire set of BIA and other government programs that go to Alaska Natives.

In the bill that was passed by the Senate last year, there was automatic termination of BIA services when the bill passed. That’s not in the bill right now but there’s a request for a study to determine if there will be a future termination of BIA or the Federal programs to Alaska Natives. They don’t know what the outcome will be.

15:20 Will land selections have to be surveyed within 3 years period between title is granted? Bass says no, and explains that there’s a section 22 J that says that if there are any areas that have not been surveyed in a manner that’s adequate to grant the title under the act, the secretary will do the best job he can.

Next question is if, once the township is selected in a village, a non-Native person can build in the selected area. Bass says that as soon as the land is conveyed to the Native people, that’s Native land. They can sell land to other Natives and non-Natives. For the period of 20 years, the regional corporations will review the land transactions and comment on them, but they can’t veto them.

There is a question about procedures of land selections by small villages that are not listed in the bill, such as Solomon, Council, and Haycock. Bass answers that the hardship provision is left for the secretary, who is to draw and convey those lands to small villages and to protect cemetery sites. There's nothing in the bill that says how it is going to be carried out.

How does St. Lawrence's status as a reindeer preserve affect the land settlement? Bass says it's treated as any non-wildlife refuge area and so they are not subject to 3 townships limitation.

17:24 There's a question of why there is a phase out of BIA employees. Bass says he understands they were budgetary cuts across the bureau and has nothing to do with land claims settlement.

Can Juneau Natives select land within Juneau City? Juneau Natives are entitled to receive not more than 23,040 acres to be selected in reasonable proximity to Juneau with the provision that it can't be within two miles from the boundary of the home rule city or first class city. Bass invites someone else to clarify. Another man says that there was intended to be a restriction that land can't be picked up within 2 miles within the city limit. Then it was discovered that both Juneau and Sitka are home rule city boroughs. Nobody knows what "excluding boroughs" means, but his interpretation is that land can't be selected from within two miles from old Juneau city limits.

Bass says that he could just as easily read the restriction to apply only to first class cities and therefore home rule cities can't be selected from two miles of the existing home rule limits. That's just one of the ambiguities of the bill.

19:14 Where villages are close together with overlapping patterns of reserved lands in which selections can be made, can the combined group of villages choose land beyond the boundary of reserved townships? Bass says that withdrawals for each village are being made and in case of villages that are close together, the selections will overlap. Even with overlap, there is not enough land for all the villages, and the shortage will be taken out of land nearest immediately outside of those withdrawn areas.

Question if a village or regional corporations have legal power to borrow from conventional lending institutions. “The incorporated municipalities using the appropriated funds in the treasury on accounts [unclear] collateral.” There’s nothing in the bill that would prohibit the use of funds coming from the bill as collateral for taking out loans, depending on the financial policies of the banks.

In the bill, there is a restriction against sales or assignments of the stock that is owned by Natives in the corporations for the period of 20 years.

21:08 There is a question about whether the Natives are able to keep their reservations, and if they do, do they get allotments too. Bass explains that with the existing reservations, the residents have limited options: The reservations are automatically terminated unless the residents vote to keep the reservation. If they vote to keep the reservation, they will get a full fee-title, not trust title, to the lands of the reservation. The villagers won’t share in the monetary provisions of the act, and they won’t own stock in the corporations. Allotment provisions aren’t affected.

Can a person locate a stake for placer mining purposes in selected lands or outside selected lands hereafter? Bass says that if the question relates to Native selected lands, those lands are withdrawn from mining purposes. In lands outside of townships, the placement locations can continue for the 90 day general freeze, unless the lands are withdrawn from mining locations by the secretary.

22:54 There is a question about how a village can obtain more land for expansion. Bass tells that villages that have expanded since April 1<sup>st</sup>, 1970, can obtain more lands from regional corporations’ shares.

What is the status of Lake Iliamna—Cook Inlet recreation areas? Will the federal government withdraw the areas, or can they be selected for townships? The speaker says that in Iliamna classification area, the lands can be subject to Native selection. The regional corporations can tentatively select lands in that area but they can’t obtain a patent to the lands until the classification is disposed of. That decision has to come within next 7 years. If congress decides to withdraw the area, the regional corporation can’t select the lands.

25:08 Wright says he’d like to make a couple of announcements. He talked with the White House people who asked to know immediately if the convention comes

into a conclusion, but that they can continue with questions and answers for as long as the people would like to do so. Wright says that the President's schedule is busy and he would like to get a feel from the convention, because if the convention approves the bill, he will need to schedule signing it to next few days.

Wright calls for recess and asks the participants to caucus so that when they come back in the afternoon, he would hear from the regional chairmen as to what their groups' feeling is.

26:44 [Following is a discussion between few people.] Two men discuss whether they would need two lawyers, one for the regional corporation and one for the village, and the other says that it would be desirable for villages to have a council who could advise them in land selections since not one lawyer could advice villages who want to select the same piece of land. A woman's voice says that she doesn't think any of the villages are so close together that there would be overlap. A man says that Stephen's and St. Michaels are right next to each other.

27:55 Another man talks about how Chugatch people benefit from the bill. They have a land selection out of the national forest and with the possibility for selecting 3 townships continuous of the villages. It's unfortunate, however, that the Native Community of Cordova isn't recognized. It was at one time known as the village of Eyak, but it was encroached by the township in past years. They were hoping that the Native community of Cordova could select a town site over the village site, but the situation wasn't recognized and taken care of. On the other hand, some other villages were allotted land in similar situations: Kodiak, Kenai, Sitka and Juneau, which is inequitable.

30:51 A man's voice says that he has been asked for his opinion of the act, and he is comparing the bill with the goals that were set by Tlingit and Haida in their convention in April 1968. He says that the bill meets the goals. They come up with 10 villages and 2 under the hardship provision which will have the right to select a full township. Also, 2 million acres of hardship must be eventually awarded to the Natives and it will be a part of their full entitlement. How it may be awarded, depends on the Secretary [of Interior]. The types of land that will be subtracted from the 2 million include: hardship provisions for Juneau, Sitka, Kodiak, and so

forth, cemeteries, historic sites, allotments and few other cases. Whatever is left over will be divided among the regional corporations according to populations.

The amount of money will be on population basis and appears to be beneficial for them. Mechanically, the speaker's recommendation is to go ahead and prepare to accept the bill. They also need to line up improvements to the bill and it also requires clarifications.

[End of the recording.]