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ALASKA NATIVE LAND CLAIMS

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HEARINGS

BEFORE THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

ON

S. 35, S. 835, and S. 1571

BILLS TO PROVIDE FOR THE SETTLEMENT OF CERTAIN LAND CLAIMS OF ALASKA NATIVES, AND FOR OTHER PURPOSES

FEBRUARY 18, MARCH 16, AND APRIL 29, 1971

PART 3—APPENDIX

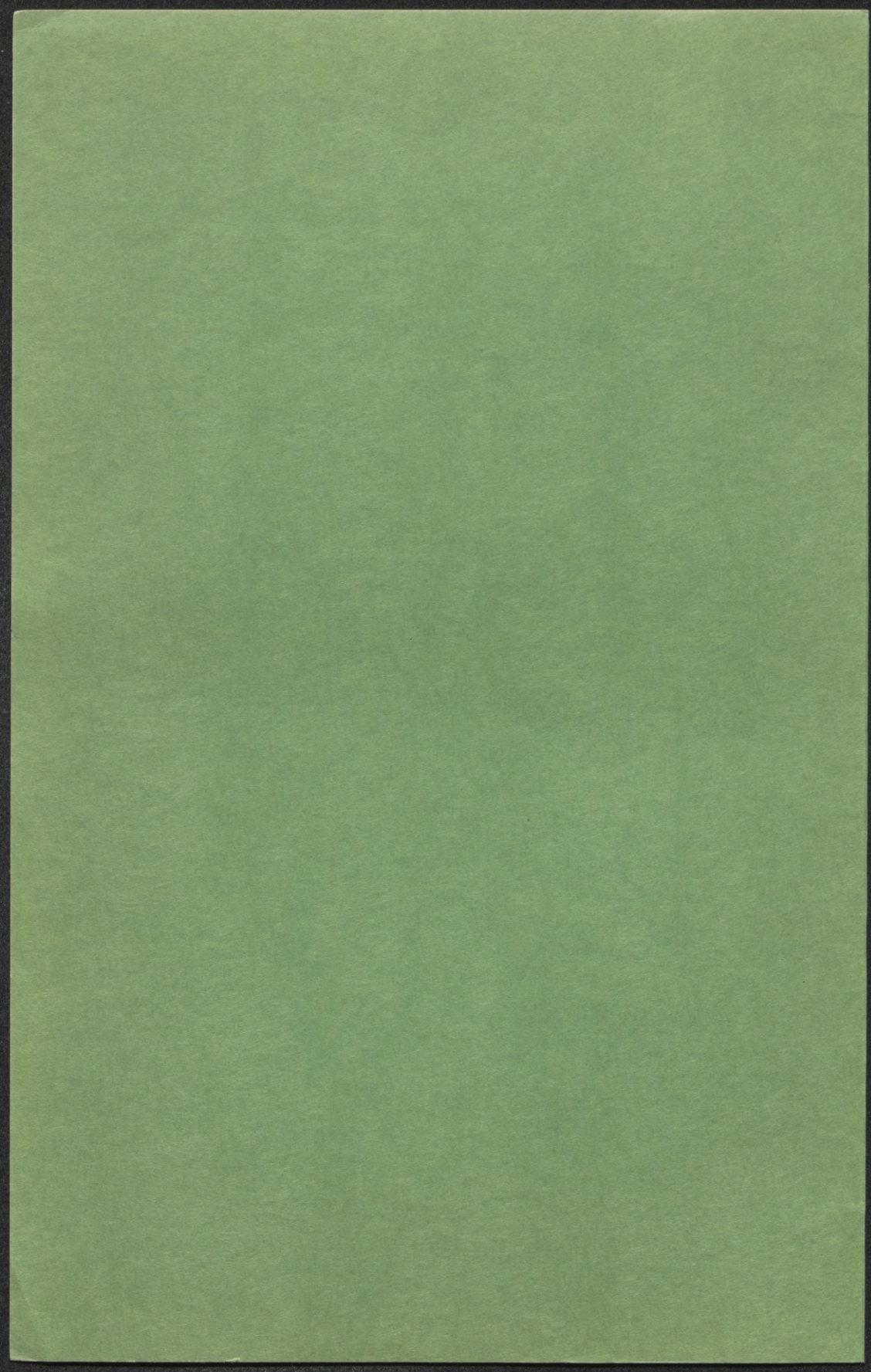


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PART 3—APPENDIX



Printed for the use of the
Committee on Interior and Insular Affairs

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1971

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(II)

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The following materials were received subsequent to the printing of Hearings before the Committee on Interior and Insular Affairs on S. 35, S. 835, and S. 1571, bills to provide for the settlement of certain land claims of Alaskan Natives, and are hereby authorized to be printed as an appendix thereto:

A PAPER BY

(Under authority previously granted, the following statements and communications were introduced.)

Outline for a Reconnaissance Mission from the East to Northern Alaska

This outline describes a reconnaissance and also plan designed to guide major decisions affecting the land and resources of northern Alaska. The area included in the 1-year study will be approximately 500 million acres north and west of the Fortymile-Yukon-Charley (FYC) line and Bristol Bay, including potential coastal fisheries and water areas.

THE STATE OF THE ART FOR POLICY AND DECISION

The purpose of this study is to provide information which is essential to the development and management of resources. The study is designed to provide information on the status of resources, the potential for development, and the need for policy and management. The study is designed to provide information on the status of resources, the potential for development, and the need for policy and management.

General Objective: (1) environmental quality, (2) water quality, and (3) economic development. Specific objectives from (1) to (3) are: (a) water quality, (b) water quantity, and (c) water use.

THE SCOPE OF THE REGIONAL STUDY

The plan will suggest means of land and resource protection leading to the implementation of the plan. It will identify and analyze the major natural, economic, and social factors which may be considered in land use of the region. It will identify and analyze the major natural, economic, and social factors which may be considered in land use of the region. It will identify and analyze the major natural, economic, and social factors which may be considered in land use of the region.

- Identify problem areas in which certain types of use would result in irreversible damage (water resources and forest).
- Provide a basis for major land classification, show recommended land and water uses in general terms, e.g., the relative size and location of:
- State Areas
- Wilderness
- National and State Parks
- Multiple Use (including mineral development and associated intensive land use)
- Wildlife Refuges
- Transition Corridors
- Recreation Centers
- Recreation Centers

IV. COMPONENTS OF THE PLAN

1. The Natural Environment
1. Climate—temperature, precipitation, storm stress, and air movement and quality.
2. Hydrography
- (a) Topography—elevation, slope, variation
- (b) Geology—bedrock types, outcrops, stability, ice and snow

APPENDIX

(Under authority previously granted, the following statements and communications were ordered printed:)

OUTLINE FOR A RECONNAISSANCE MASTER LAND USE PLAN FOR NORTHERN ALASKA

This outline describes a reconnaissance land use plan designed to guide major decisions affecting the land and resources of northern Alaska. The area included in the 1-year study will be approximately 200 million acres north and west of the Porcupine-Yukon-Kuskokwim (PYK) line and Bristol Bay, including integral coastal, estuarine and water areas.

I. THE MANDATE FOR SOUND MANAGEMENT DECISIONS

Summary of the issue: Outstanding natural resources, frail arctic eco-systems, and potential economic and resource development—the inherent conflict can be reconciled through adequate advanced planning. The rapid pace of current development dictates need for immediate action.

II. POLICY AND GUIDANCE

General Objectives: (1) environmental quality, (2) native welfare, and (3) economic development. Detailed guidance from USDI, other Federal departments, and State of Alaska (existing and new policy).

III. SCOPE OF THE REGIONAL PLAN

The plan will:

- Suggest means of land and resource protection pending its implementation.
- Identify and analyze all major natural, economic, and social factors which must be considered in land uses of the region.
- Evaluate, refine and clarify Federal-State policy and regulations with regard to the above factors.
- Identify problem areas in which certain types of uses would result in irreversible damages (alert managers and users).
- Provide a basis for major land classifications, show recommended land and water uses in general terms, e.g., the relative size and location of:
 - Scenic Areas
 - Wilderness
 - National and State Parks
 - Multiple Use (including mineral development and associated intensive land use)
 - Wildlife Refuges
 - Transportation Corridors
 - Population Centers
- Recommend environmental safeguards (using concept of TAPS stipulations).
- Serve as a framework for future detailed, comprehensive resource planning.
- Identify scientific research needed for decision making.
- Identify other information needs.

IV. COMPONENTS OF THE PLAN

A. *The Natural Environment*

1. Climate—temperature, precipitation, storm areas, and air movement and quality.
2. Physiography
 - (a) Topography—elevation, slopes, variation
 - (b) Geology—bedrock types, outcrops, stability, ice and snow

A. *The Natural Environment—Continued*

2. *Physiography—Continued*

- (c) Soils—erodability, stability, and permafrost
- (d) Offshore ice movement

3. *Biota*

- (a) Vegetation—ecotypes
- (b) Animals—ecotypes

4. *Hydrology*

- (a) Drainage patterns/surface water
- (b) Groundwater/aquifer recharge
- (c) Flood hazard data

5. *Natural Resources and Uses*

- (a) Fish and wildlife—general and critical habitat
- (b) Minerals—locatable, salable, leasable
- (c) Recreation—recreation uses and unique historical and scenic values
- (d) Watershed—use and condition
- (e) Water use and quality
- (f) Intensive land use—industrial, transportation, communication, and waste disposal
- (g) Timber
- (h) Domestic grazing (e.g., reindeer)

B. *The economic-social environment*

1. *Land Ownership and Management*

- (a) Political and administrative units
- (b) Land use restrictions/controls under each

2. *Existing Federal-State-Local land use planning*

3. *The Region's People*

- (a) Settlement patterns and population (including projections)
- (b) Source of livelihood
 - (1) Incomes
 - (2) Dependency on natural resources

4. *Economics of the Natural Resource Uses*

Each resource use will be analyzed in terms of present situation and projections to years 1980 and 2000. This information will be utilized to analyze the scope and intensity of natural resource allocations.

A projection of future demands and needs is a critical element of the plan. Without this consideration, the plan would be static.

5. *Transportation Systems.*

Ground, air, water—existing systems and existing plans for extension. Identification of suitable transportation corridors (D.P.T. Corridor Study).

C. *Policy analysis*

- 1. Federal policies, objectives, regulations and their impact on the planning area.
- 2. State and local policies, objectives, regulations and their impact on the planning area.
- 3. Apparent conflicts and alternative solutions.

D. *Planning alternatives and recommendations*

- 1. Alternative planning decisions, within parameters defined under III Scope (above).

2. Planning recommendations and supporting rationale.

As information is collected and analyzed, certain planning decisions will be clearly evident. Others, however, may be less clear and involve such conflicts as a sizeable short-term economic gain versus loss of a scenic or aesthetic resource. When such a conflict presents high values, irreversible decisions, or a hiatus in State-Federal-local policy, it is necessary to develop within the plan several alternatives to show varying uses of the resources. The alternatives must describe the consequences of the degree of resource use that they represent. In other words, difficult decisions must present options.

Large and important decisions may be resolved only through the political process with input from all public agencies, industry, groups, and private citizens.

Coordination with other agencies and the public is a vital element in all phases of planning to assure success and support of the "policy" plan.



LAWS OF ALASKA

1971

Source

Chapter No.

HB 220 am S

90

AN ACT

Relating to the Joint State-Federal Natural Resources and Land Use Planning Commission; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

• Section 1. AS 44.19 is amended by adding new sections to read:

ARTICLE 9D. THE JOINT STATE-FEDERAL NATURAL RESOURCES AND LAND USE PLANNING COMMISSION.

Sec. 44.19.748. STATE POLICY. The legislature determines that the efficient and provident development of Alaska demands a carefully coordinated approach to all natural resources and land use planning. This demand can only be met if the United States and its agencies, as the state's largest land owners, cooperate and coordinate their planning with that of the state and its agencies. The legislature recognizes that the state must and should play a significant role in planning the future uses of the public land base, since a substantial part of the public land of the United States will belong to the state in the future. The legislature accordingly invites the Congress of the United States to join with it in establishing a joint commission which will engage in natural resources and land use planning for Alaska.

Sec. 44.19.750. JOINT STATE-FEDERAL NATURAL RESOURCES AND LAND USE PLANNING COMMISSION. A Joint State-Federal Natural Resources and Land Use Planning Commission is established.

Sec. 44.19.752. STATE MEMBERSHIP ON THE COMMISSION.

(a) The state membership on the commission is composed of the governor and

Chapter 90

(1) two members of the governor's cabinet or their designees; and,

(2) two members of the Alaska legislature: the chairman of the resources committee of the senate and the chairman of the resources committee of the house of representatives; and

-- (3) two citizens of the state who are recognized as being knowledgeable in the area of natural resources management and who are not employed by the executive branch of the state or federal government.

(b) State members, other than legislators, shall be appointed by the governor and serve at his pleasure.

Sec. 44.19.753. COMPENSATION AND PER DIEM. State members of the commission receive no salary for their service on the commission but are entitled to per diem and travel expenses authorized by law for commission.

Sec. 44.19.754. DUTIES. The commission shall formulate a coordinated land use policy governing the wise and beneficial use and management of natural resources and land in the state. In carrying out these duties, the commission shall

(1) be responsible for the preparation of a statewide natural resources and land use plan; provisions of the plan may include designation of areas planned for permanent reservation in federal ownership for parks or other purposes, designation of areas planned for fulfillment of the land grant provisions of the Alaska Statehood Act, designation of those areas of federal and state land which may be available for disposal, and designation of uses to be made of land remaining in federal and state ownership, including land which may be used in connection with a future transportation network; however, designation shall not preclude selections under provisions of the pending Native land claims settlement;

(2) review existing federal withdrawals and recommend modifications as are considered desirable;

(3) establish a committee of land use advisors to the commission, made up of representatives of commercial, residential, industrial, recreational, environmental, wilderness, and other land users; and

(4) make recommendations to the President of the United States and Congress and to the governor and Alaska legislature as to changes in laws, policies and programs that the commission determines are necessary or desirable to meet the duties of the commission set out in this section.

Sec. 44.19.755. DETERMINATIONS BY THE COMMISSION.

(a) The director of the division of lands retains the authority to make and revise classifications of land under the authority of AS 38.05.300. However, any designation made by the commission and concurred in by the governor as to the most wise and beneficial use of land constitutes

to that extent an establishment for the state of the use of that land. The commission may redesignate a use when it is in the public interest.

(b) A designation may identify included or excluded natural resources and land uses. No authority to dispose of or to manage land is granted by this section.

Sec. 44.19.756. REGULATIONS. The commission may establish regulations to carry out its responsibilities.

Sec. 44.19.757. HEARINGS. The commission shall hold public hearings in Alaska, insofar as practicable in those areas directly affected, to obtain public views of proposed land use plans.

Sec. 44.19.758. INFORMATION FOR THE COMMISSION. Each department, board, or commission of the state government is authorized to furnish information to the commission upon request from the governor.

Sec. 44.19.759. STATEHOOD ACT LAND SELECTIONS. Nothing in secs. 748 - 758 of this chapter shall be construed as an agreement by the state to surrender, waive, or condition any right granted to it by Public Law 85-508, 72 Stat. 339 to make selection of land owned by the United States.

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.

92^d CONGRESS
1ST SESSION

S. 1329

IN THE SENATE OF THE UNITED STATES

MARCH 23, 1971

Mr. GRAVEL introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To establish the Joint Federal-State Natural Resources and Land-use Planning Commission for Alaska.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Congress finds and declares that the use of Fed-
4 eral, State, and other lands, including off-shore mineral
5 resources development, in Alaska should be planned jointly
6 by the governments of the United States and the State of
7 Alaska so as to meet the joint objectives of national and
8 regional economic growth, improved economic and social
9 conditions for Alaska natives and other residents of the
10 State, and the maintenance and enhancement of environ-
11 mental quality.

1 SEC. 2. (a) There is hereby established the Joint Fed-
2 eral-State Natural Resources and Land Use Planning Com-
3 mission for Alaska (hereinafter referred to as the "Com-
4 mission").

5 (b) The Commission shall be composed of twelve
6 members as follows:

7 (1) The Governor of the State of Alaska;

8 (2) One member appointed by the President of
9 the United States;

10 (3) Five members, of whom one shall be appointed
11 by the Secretary of the Interior, one by the Secretary
12 of Agriculture, one by the Secretary of Housing and
13 Urban Development, one by the Secretary of Trans-
14 portation, and one by the Secretary of Defense;

15 (4) Five members who shall be appointed by the
16 Governor of Alaska to represent major departmental
17 functions of the State of Alaska.

18 (c) The Governor of the State of Alaska and the mem-
19 ber appointed by the President pursuant to clause (2) of
20 subsection (b) of this section, shall serve as cochairmen of
21 the Commission. The initial meeting of the Commission shall
22 be called by the cochairmen. All decisions of the Commis-
23 sion shall require the concurrence of the cochairmen.

24 (d) Six members of the Commission shall constitute a
25 quorum. A vacancy in the membership of the Commission

1 shall not affect its powers, but shall be filled in the same
2 manner in which the original appointment was made.

3 SEC. 3. (a) Except to the extent otherwise provided
4 in subsection (b) of this section, members of the Commission
5 shall receive compensation at the rate of \$100 per day for
6 each day they are engaged in the performance of their du-
7 ties as members of the Commission. All members of the
8 Commission shall be entitled to reimbursement for travel,
9 subsistence, and other necessary expenses incurred by them
10 in the performance of their duties as members of the
11 Commission.

12 (b) Any member of the Commission who is designated
13 or appointed from the Government of the United States or
14 the Government of the State of Alaska shall serve without
15 compensation in addition to that received in his regular
16 employment. The member of the Commission appointed
17 pursuant to clause (2) of subsection (b) of section 2 of
18 this Act shall be compensated as provided by the President
19 at a rate not in excess of that provided for level V of the
20 Executive Schedule in title 5, United States Code.

21 SEC. 4. Subject to such rules and regulations as may be
22 adopted by the Commission, the cochairmen, without re-
23 gard to the provisions of title 5, United States Code, gov-
24 erning appointments in the competitive service, and without
25 regard to the provisions of chapter 51 and subchapter III of

1 chapter 53 of such title relating to classification and General
2 Schedule pay rates, shall have the power—

3 (1) to appoint and fix the compensation of such
4 staff personnel as they deem necessary, and

5 (2) to procure temporary and intermittent serv-
6 ices to the same extent as is authorized by section 3109
7 of title 5, United States Code, but at rates not to
8 exceed \$100 a day for individuals.

9 SEC. 5. (a) The Commission or, on the authorization
10 of the Commission, any subcommittee or member thereof,
11 may, for the purpose of carrying out the provisions of this
12 Act, hold such hearings, take such testimony, receive such
13 evidence, print or otherwise reproduce and distribute so much
14 of its proceedings and reports thereon, and sit and act at such
15 times and places as the Commission, subcommittee, or mem-
16 ber deems advisable. The cochairmen, or any other member
17 authorized by the Commission, may administer oaths or af-
18 firmations to witnesses appearing before the Commission,
19 or any subcommittee or member thereof.

20 (b) Each department, agency, and instrumentality of
21 the executive branch of the Government, including inde-
22 pendent agencies, is authorized to furnish to the Commis-
23 sion, upon request made by a cochairman, such information
24 as the Commission deems necessary to carry out its functions
25 under this Act.

26 SEC. 6. The Commission shall—

1 (1) Undertake statewide land-use planning, in-
2 cluding designating areas planned for permanent reser-
3 vation in Federal ownership for parks and other pur-
4 poses, areas planned for fulfillment of the land-grant
5 provisions of the Alaska Statehood Act, areas of Federal
6 and State lands to be made available for disposal, and
7 uses to be made of lands remaining in Federal and State
8 ownership;

9 (2) review existing withdrawals of Federal public
10 lands and recommend to the President of the United
11 States such eliminations or modifications of withdrawals
12 as are deemed desirable;

13 (3) establish procedures, including public hear-
14 ings, for obtaining public views of statewide land-use
15 planning and of planned actions or programs of the
16 State and Federal Governments on lands under their
17 administration;

18 (4) establish a committee of land-use advisers to
19 the Commission, made up of representatives of com-
20 mercial and industrial land users in Alaska, recreational
21 land users, wilderness users, environmental groups, and
22 other citizens, and provide procedures for meetings of
23 the advisory committee at least once every six months;

24 (5) make recommendations to the President of
25 the United States and the Governor of Alaska as to

1 programs and budgets of the Federal and State agencies
 2 responsible for the administration of Federal and State
 3 public lands;

4 (6) make recommendations from time to time
 5 to the President of the United States, Congress, and the
 6 Governor and legislature of the State of Alaska as to
 7 changes in laws, policies, and programs that the Com-
 8 mission determines are necessary or desirable to meet
 9 the joint objectives set forth in the first section of this
 10 Act.

11 SEC. 7. (a) On or before January 31 of each year, the
 12 Commission shall submit to the President of the United
 13 States, the Congress, and the Governor and legislature of
 14 the State of Alaska a written report with respect to its
 15 activities during the preceding calendar year, together with
 16 its recommendations for programs or other actions which
 17 it determines should be taken or carried out by the United
 18 States and the State of Alaska.

19 (b) The Commission shall keep and maintain accurate
 20 and complete records of its activities and transactions in
 21 carrying out its duties under this Act, and such records shall
 22 be available for public inspection.

23 SEC. 8. The principal office of the Commission shall be
 24 located in the State of Alaska.

25 SEC. 9. (a) The United States shall be responsible for

1 paying for any fiscal year only 50 per centum of the costs

2 of carrying out this Act for such fiscal year.

3 (b) For the purpose of meeting the responsibility of

4 the United States in carrying out the provisions of this

5 Act, there is authorized to be appropriated \$1,500,000 for

6 the fiscal year ending June 30, 1971, and for each of the

7 next four succeeding fiscal years.

8 (c) No Federal funds shall be expended for the provi-

9 sions of this Act for any period unless prior to the com-

10 mencement of such period the Secretary of the Interior has

11 received reasonable assurances that there will be provided

12 from non-Federal sources amounts equal to 50 per centum

13 of the total funds required to carry out such provisions for

14 such period.

15 **SEC. 10.** On or before May 30, 1975, the Commission

16 shall submit its final report to the President of the United

17 States, the Congress, and the Governor and Legislature of

18 the State of Alaska with respect to its findings and activi-

19 ties under this Act, together with its recommendations for

20 programs or other actions which it determines should be

21 taken or carried out by the United States and the State of

22 Alaska. The Commission shall cease to exist effective

23 June 30, 1975.

[From the Congressional Record, March 23, 1971]

By Mr. GRAVEL:

S. 1329. A bill to establish the Joint Federal-State Natural Resources and Land-Use Planning Commission for Alaska. Referred to the Committee on Interior and Insular Affairs.

Mr. GRAVEL. Mr. President, I send to the desk a legislative proposal to establish a "Natural Resources and Land-Use Planning Commission in Alaska."

Several forces come together to make the timing propitious for the creation of a new organizational entity in Alaska devoted to a joint Federal-State approach to wise planning and optimal use of the public land resources of Alaska. These include:

First, the legislative expiration of the Federal Field Committee for Development Planning in Alaska on June 30, 1971;

Second, the recommendation of the Public Land Law Review Commission—"One-third of the Nation's Land"—in June 1970 to establish a joint Federal-State natural resources and regional planning commission for Alaska in the interest of the wise management, disposition, and utilization of the land resources of that state;

Third, the need and opportunity for coordinated and comprehensive land-use planning as Alaska continues selecting the remaining 90 million acres provided under the Alaska Statehood Act and the Federal Government looks to its alternative uses and disposition of the balance of the public land resource—still to be two-thirds of the State when the selection process is completed;

Fourth, the anticipated settlement by the Congress of the Alaska Native claims issue with very substantial land-use implications;

Fifth, the imminence of oil pipeline and other transport network development, the dependence of Alaska's economy on the land resource and the increasing attention to environmental preservation matters;

Sixth, the likelihood of a "Federal Regional Council" established in Alaska by the Bureau of the Budget and designed to accomplish program coordination among line agencies; and

Seventh, the interest of the administration and the Congress in finding new mechanisms for solving intergovernmental problems.

After the Federal Reconstruction and Development Planning Committee for Alaska completed its activities in the year immediately following the March 1964 earthquake, the Federal Field Committee for Development Planning in Alaska was created by Executive Order No. 11182 to harness the longer term development forces occasioned by the postearthquake reconstruction period. A counterpart Executive order was signed by the Governor of Alaska to make the enterprise a joint Federal-State effort.

The Federal Field Committee first reported to a Cabinet Committee on Alaska and subsequently to the Federal Advisory Council on Regional Economic Development—also a Cabinet committee, and to which the Appalachian and so-called Title V Regional Action Planning Commissions also report. The field committee was underpinned by legislation in 1967 and, like most of the other regional development experiments, is due to expire June 30, 1971. It appears that there is no interest on the part of the administration to extend its life and the field committee was instructed last year to prepare to shut down. It has made some valuable contributions over its 5-year existence, and at least two contractor evaluations have been made of its design and operations.

The Public Land Law Review Commission performed an extensive Alaska land law study in the course of its existence, and recently included in its final report—June 1970—several Alaska recommendations. While it concluded that, generally, public land laws should apply equally in all States, the situation is entirely different with regard to planning for the future. This difference comes from the fact that State selection of public lands is to continue to 1984, and that it is essential that there be carefully coordinated planning between the Federal Government and the State during the period. The PLLRC also properly pointed up the special need in Alaska for coordination by Federal land management agencies with local and State governments, and the need for the State of Alaska to be given a greater role in planning the future uses of the public land base.

Finally, by way of placing in perspective the joint interest of the State and the Federal Governments in this important field, the PLLRC wrote:

"The emphasis given to the state's desires and needs underscores the Federal responsibility to plan for the retention and management or disposition of the lands that it will have after the selection process is completed, in a manner not to thwart the state's effort to chart its own destiny."

I understand that Chairman ASPINALL has indicated in public that the first recommendations of the PLLRC to be treated by the new Congress will be those dealing with the organization of public land agencies and the establishment of land use planning objectives and procedures. A proposal such as contained here would seem to be consistent with the chairman's legislative schedule.

In informal conversations with the Bureau of the Budget there is indication that the administration would favor such a proposal as is here made for Alaska. The BOB has long taken a special interest in Alaska and recognizes the importance of a smooth functioning Federal-State policy planning effort. Also since the BOB has recently created Federal regional councils around the country for program coordination and intends to establish a similar entity in Alaska—perhaps related to a "parent" Seattle FRC—the opportunity is there for the creation of a planning entity for the major remaining public policy issue in Alaska, that is, what to do with the land resource in all its varied aspects.

The Public Works Committee itself is now reviewing portions of the Public Works and Economic Development Act including those relating to regional commissions. The present law allows for the creation of a title V regional commission in Alaska—and in Hawaii—but this has never been encouraged and it appears this would not be a good direction to pursue. Note, too, that the field committee in the legislative process has always looked to the Interior committees and not the Public Works committees, and the attached proposal would presumably have the Alaska Natural Resources and Land Use Planning Commission take the same route. Since the Alaska Commission is of limited duration, unique in structure, and with a well defined specific task, it should report to the President, which is to say a designated senior White House staffer. To have the Commission enter Government through some existing line agency would be to largely lose the full participation of all other Federal agencies who would be members of the Commission.

The overall emphasis, then, should be to encourage the fullest involvement of the State government in Alaska, and this can only be accomplished by the direct participation and support of the Governor. While the Federal cochairman would be a Presidential appointee in order to provide a base of influence with the member agencies, the person's primary qualification should be professionalism and appropriate administrative and technical skills with minimum concern for political affiliation.

Lest there be any doubt about the extent of the Federal Government's involvement in Alaska as that involvement relates to the land resources, several scattered statistics may be instructive. For example, while the Federal Government owns one-third of the Nation's land, almost half of this total acreage is in Alaska. Sixty percent of the Interior's land holdings are in Alaska, 11 percent of Agriculture's, and 8 percent of DOD's holdings. Other statistics indicating the appropriateness of a Federal concern for land-use planning include the estimates that 94 percent—by acres—of national lakes and reservoirs for recreation are in Alaska; 83 percent—by miles—of fishing streams; 76 percent of the unsurveyed lands of the Nation; 73 percent of the wild game habitat; and a third of the Nation's big game animals. This is without any reference, of course, to the vast values involved in the minerals and timber estate.

The conclusion seems clear that both the State and Federal governments have a mutual interest in joining together in a land planning effort at a high policy level over the coming 5 years. In a recent hearing before the Interior and Insular Affairs Committee, Gov. William A. Egan of Alaska, testifying on native claims matters now before Congress, stated that his administration was prepared to introduce counterpart legislation in the State legislature to parallel the bill I now introduce for appropriate referral and, I hope early action. Governor Egan has already introduced the counterpart legislation in Alaska.



Alaska State Legislature

1971

Source:

SR 12

JUN 4 1971

SENATE RESOLUTION NO. 12

Relating to Native land claims legislation.

BE IT RESOLVED BY THE SENATE:

WHEREAS settlement of the Native land claims is of the highest priority for the State of Alaska and its citizens; and

WHEREAS various proposals have been introduced in Congress which propose solutions to the Native land claims question; and

WHEREAS the U. S. Congress is divided, to a great extent, over the merits of these legislative proposals; and

WHEREAS irrespective of their views concerning what a proper settlement of the Native land claims should entail, two senators have devoted endless hours to research, study, and the holding of hearings regarding the Native land claims; and

WHEREAS, as a result of their obvious interest and concern in seeking out all pertinent information and their willingness to listen to all persons and organizations concerned with the Native land claims, Alaska and Alaskans can only benefit from the fruits of this arduous task;

BE IT RESOLVED by the Alaska Legislature that it commends Senators Henry Jackson of Washington and Gordon Allott of Colorado for their painstaking review and study of the Native land claims question and expresses its confidence that, largely through the efforts and devotion to duty of these two men, a final settlement of the Native land claims will be forthcoming at the earliest possible time.

COPIES of this Resolution shall be sent to the Honorable Henry M. Jackson and the Honorable Gordon Allott, members of the U. S. Senate; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U. S. Senators, and the Honorable Nick Begich, U. S. Representative, members of the Alaska delegation in Congress.

SEATTLE, WASH., June 26, 1971.

Re Alaska Native Land Claims.

Hon. HENRY M. JACKSON,
 Chairman, Senate Committee on Interior and Insular Affairs,
 New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Upon examination of the hearing record on Alaska Native land claims for the April 29, 1971 hearing before your committee, I discovered that comments of the Arctic Slope Native Association, whom we represent, on S. 35, S. 835 and S. 1571 did not appear in the record. These comments were sent to you on April 29, 1971 with the request for their insertion in the record. A copy of my letter of same date transmitting the comments is enclosed. Apparently they were lost in the mails or misplaced upon delivery.

The committee's chief counsel, Mr. William J. Van Ness, has informed me that an appendix to the hearing record is being compiled for printing to accommodate statements, memoranda, and other materials that were not received by the committee in time for insertion in the record of the April 29 hearings. I respectfully request on behalf of the Arctic Slope Native Association that the enclosed comments be inserted in this appendix as I believe it important that all pertinent statements and comments appear in the permanent record of the hearings on this historic legislation.

I might add on behalf of our clients that the committee's willingness to hear all viewpoints in the course of extensive hearings on this matter is deeply appreciated.

Very truly yours,

DAVIS, WRIGHT, TODD, RIESE & JONES,
 JAMES F. WICKWIRE.

Enclosure.

SEATTLE, WASH., April 29, 1971.

Hon. HENRY M. JACKSON,
 Chairman, Senate Committee on Interior and Insular Affairs,
 U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the Arctic Slope Native Association, we submit for insertion in the record of hearings on S. 35, S. 835 and S. 1571 the association's comments on these legislative proposals for settlement of Alaska Native land rights.

Very truly yours,

JAMES F. WICKWIRE.

Enclosure.

ARCTIC SLOPE NATIVE ASSOCIATION COMMENTS ON S. 35, S. 835 AND S. 1571—
 APRIL 29, 1971

The Arctic Slope Native Association (ASNA) has long adhered to the basic proposition that the only proper way to resolve Alaska Native land rights is to proceed from the premise that Congress is extinguishing the property rights of identifiable groups of Alaska Natives. The Natives of Alaska are not one, homogeneous group, but rather seven separate, distinct ethnic groups. Arctic Slope Eskimos do not have rights in land in southeastern Alaska; conversely, neither do Tlingits have rights in Arctic Slope land. From this it follows that what is received in the settlement must necessarily reflect what is given in exchange.

ASNA has accordingly proposed that the settlement's land and money be distributed on the basis of each region's proportionate land area. Rather than making population the criteria for distribution, ASNA believes it must be the quantum of land held under Native title. S. 835 partially recognizes this concept by providing in Section 11(d) that the 60 million acres retained by all Alaska Natives be allocated on the proportion of each of that bill's 12 Native region's land area to the total land mass of Alaska. S. 835 falls short, however, of completely adopting this principle because of its failure to allocate the monetary proceeds of the settlement on the same basis as land. It is ASNA's position that fair compensation must be paid for the land taken in the settlement; compensation based on the number of people that happen to live in a particular area, instead of the land upon which they live, is not fair.

S. 35 and S. 1571 do not even contain a partial recognition of the principle of proportionate land area distribution. S. 35, with the exception of special grants to the statewide Services Corporation and the North Slope Native Corporation, makes population the basis for allocating land to Native villages and distributing federally appropriated and revenue sharing monies to Native corporate entities. Worse still, S. 1571 does not call for *any* self-executing distribution formulas, and leaves the question entirely to a single statewide Native corporation.

ASNA has proposed a seven region corporate structure to administer the settlement's monetary proceeds and to hold title to that land within its region that is not conveyed to Native villages. ASNA decided on seven regions because that number conforms with existing ethnic, geographical, historic, economic, governmental and judicial boundaries. ASNA sees no justifiable reason why there should be a statewide corporation, and therefore has proposed that regional corporations serve as the operating entities within a given Native region. This is the best way to maximize regional self-determination and to prevent needless conflict between native ethnic groups who desire to manage their own affairs with a minimum of outside interference.

Aside from its inherent fairness, ASNA's legislative proposal has the added benefit of simplifying the allocation of the settlement proceeds. All the other legislative proposals require the completion of census rolls, a costly and time-consuming process, before the settlement proceeds can be allocated and distributed. In fact, under the other proposals at least a temporary census roll must be prepared before any of the settlement's provisions can be implemented. On the other hand, the ASNA proposal would allow the immediate allocation of settlement proceeds, thereby permitting the State of Alaska and other third parties to proceed with their plans while the enrollment process is being completed to determine each Native's beneficial interest within his region.

ASNA has recognized that Congress may not want to turn over complete control of the settlement's assets to Natives, and therefore has suggested as alternatives the Indian Reorganization Act corporate framework or other methods whereby the federal government could retain interim oversight of the Native regional corporations.

ASNA is in general agreement with the corporate provisions of S. 835 although believes it unnecessary to establish a statewide corporation, even to serve as a funnel through which funds pass or to act as a technical advisor. The salient feature of the S. 835 corporate provisions is that the regional corporations are vested with legal title to the mineral estate of the land allocated to each Native region and are allowed to retain a percentage of the funds for investment and other purposes consistent with their corporate charters. In sharp contrast to S. 835, however, S. 35 (identical to S. 1830 which passed the Senate last year) rejects the Alaska Federation of Natives' recommendations for twelve regional corporations, and instead provides for two statewide corporations, two urban corporations, a North Slope Native Corporation and over 200 village corporations. ASNA was pleased that the Senate Interior Committee saw fit to authorize the creation of a North Slope regional corporation. ASNA, however, strongly believes that the regional corporate structure is the best means to administer the settlement and that it should be applicable to all Native regions (whether 7 or 12 in number). The fears of some that the Natives lack sufficient competence at the regional level and that administrative costs will dissipate the assets are groundless.

S. 1571 has the most disastrous corporate provisions which conceivably could result in internecine conflict between the various ethnic groups in Alaska. ASNA fears and, there is considerable evidence to support this, that it is likely one or two Native groups, with their large populations, could control the statewide corporation and thereby prevent or undermine the fair treatment that should be accorded all Native groups, regardless of their relative populations. As mentioned above, the proposed statewide corporation in S. 1571 is not required to distribute any of its funds (derived from federal appropriations, revenue sharing and revenues from the mineral rights that it owns) to the villages of a particular region. Although it is argued that this permits a maximization of self-determination by allowing the Natives to democratically decide how the funds should be distributed, in reality it poses a terrible threat to a lasting settlement that all Native groups can accept with some measure of dignity. Alaska's Natives do not want to be assimilated into one whole.

Aside from the 800,000 acres of essentially worthless surface rights that its villages will receive under S. 1571 there is no assurance whatsoever that any portion of the funds from the three above-mentioned sources will *ever* be distributed to the Eskimos of the Arctic Slope Region.

The enrollment provisions of S. 35 and S. 835 are generally acceptable to ASNA but S. 1571 raises serious problems concerning the identity of Alaska's Natives for purposes of this legislation. In Section 3(b) of S. 1571 a Native is defined as "any Alaska Indian, Eskimo or Aleut who the [Alaska Native] Commission determines to be of at least one-fourth degree Alaska Indian, Eskimo or Aleut blood, or a combination thereof," but goes on to say that a Native can also be "any other individual who the Commission determines to be a Native under rules and regulations that it shall establish * * *". One searches through S. 1571 in vain to find any standards that the Commission must follow in deciding this vitally important question.

With the exception of S. 835, the other two bills before the Senate Interior Committee contain a number of provisions extraneous to the subject of Native land rights. Some of these provisions are controversial and result in opposition to the legislation from pressure groups that would otherwise have little or no interest in the matter. ASNA refers specifically to the provisions requiring competitive leasing for the disposition of leaseable minerals, such as oil, gas, coal, etc. See Section 13 of S. 1571, and Section 17 of S. 35. Another example is the Congressional recognition afforded to a proposed transportation corridor paralleling the trans-Alaska pipeline route contained in Section 3(e) of S. 1571.

All three bills are deficient in failing to require that certain acts be completed within specified time periods. Apparently, there has been little attempt to organize the functions of the various entities on an orderly basis which will permit the promptest implementation of the legislation. For instance, S. 35 (with the exception of the urban and national corporations) and S. 1571 fail to establish time periods in which the various corporate entities must be organized and operational. Even worse than mere delay is the fact that rights created under the legislation are greatly impaired by reason of their expiration before the Native groups affected will be in a position to exercise them. As an example, the village in S. 35 have an eighteen month period in which to exercise their selection rights. It would be extremely difficult, however, as S. 35 is drafted, for the village land selection committee to be elected with enough lead time to make knowledgeable land selections before expiration of the eighteen month period, or the additional nine month period that is allowed.

Even S. 835, endorsed by the Alaska Federation of Natives, contains a similar deficiency. The Natives as a whole are given five years in which to make first priority selections as against the State of Alaska and third parties. The regional corporations, however, cannot make their selections during the first eighteen months of the five year period. When one considers that the State of Alaska was given 25 years in which to make its election of 103 million acres, it hardly seems equitable to require the Natives to make the bulk of their selections within a 3½ year period. Furthermore, the five year period begins to run from the Act's effective date rather than from a date when the Native villages and regional corporations will have adequate funds and be sufficiently organized to make informed land selections.

Although not directly affected by provisions in S. 35 and S. 1571 revoking existing Native reserves in Alaska, ASNA feels very strongly that such proposed action is unjust and constitutes a deprivation of substantial legal rights. For instance, the 250 Athapascans of Arctic Village and Venetie for whom 1.4 million acres has been reserved stand to lose potentially valuable mineral resources. The fact that the Tyoneks have already realized a bonanza from oil lease revenues from their reserve should not be the basis for treating other reserves differently. ASNA believes the Natives who reside in existing reserves should have the option of retaining their present land or participating in the land allocation formulas under the legislation which would be applicable to all Natives.

ASNA is most concerned with the tax aspects of this legislation. Both S. 35 and S. 1571 contain tax provisions which will deplete the \$1 billion payment to the Natives even further than the reductions which result from the failure to pay interest. The deficiencies of S. 35 in this regard are set forth in a separate memorandum which is attached to these comments. S. 1571, while exempting the federally appropriated \$500 million from federal and state income tax, fails to give similar treatment to the second \$500 million of mineral revenue sharing funds. The exemption for this second source of funds ceases after twenty years at a time when most estimates conclude the bulk of the funds will remain payable. At existing corporate tax rates, nearly one half of these funds coming in after the initial twenty year period would be fully taxable. S. 1571 is also deficient because of its failure to exempt land confirmed to the Natives from state and local property taxes. S. 35 provides for an exemption from such taxes but only for a period of

twelve years after the effective date of the Act. ASNA supports the S. 835 provision for a property tax exemption without limitation as to time.

To sum up, ASNA has submitted its own proposal to the Committee for Settlement of Alaska Native Land Rights. We believe it represents the fairest settlement proposal before the Committee in that it comes closer to taking the approach a court would take in adjudicating these rights. The settlement is a real estate transaction. The parties to that transaction are the seven Alaska Native ethnic groups and the United States of America. Failing recognition of this fundamental principle by Congress, ASNA sees no way in which a truly fair and lasting settlement can be achieved.

KODIAK-ALEUTIAN REALTY SERVICE,
Kodiak, Alaska, April 20, 1971.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This letter will inform you that myself and a considerable amount of the majority of white population of Alaska are not in favor of the following:

1. The amount of acreage allocated to the natives by the State of Alaska native land claims. (90 million acres of good land available in the State of Alaska—60 million asked for by the natives. If this is granted, what will the majority of white people have to make a living from, natural resources supplies or otherwise?)

2. I do not recommend, and as a Real Estate Broker I am not in favor of a five year land freeze and an option for another five year freeze by the Alaska natives in their claim to public lands. This transaction should be handled in the manner that is comparable to any other real estate transaction with a deed to what the natives are getting spelled out in detail once and for all.

If the above is not accomplished, private enterprise is not going to invest in the State of Alaska, thus leaving the Federal Government to still support the natives as well as them having claim to the majority of the land and not having the monies available for the proper economic development of the resources.

If the preceding land claim settlement is not handled in this respect, functional feasibility tests indicate that actions other than the above taken by the Federal Government will greatly affect the over-all economy of the Pacific Northwest, including the State of Washington.

Please advise me of your recommendations as soon as possible.

Sincerely,

GEORGE H. CORNELIUS.

○

twelve years after the effective date of the Act. ABNA supports the \$ 500 pro-
 vision for a property tax exemption without limitation as to time.
 To sum up, ABNA has submitted its own proposal to the Committee for Protec-
 tion of Alaska Native Land Rights. We believe it represents the fairest settlement
 proposal before the Committee in that it comes closest to making the approach a
 fair one would take in adjudicating these rights. The settlement is a real estate
 transaction. The parties to that transaction are the various Alaska Native ethnic
 groups and the United States of America. Fairly recognized in this fundamental
 principle by Congress, ABNA sees no way in which a truly fair and lasting settle-
 ment can be achieved.

FROM AN ALASKAN HEALTH SERVICE
 7000 E. Highway, Anchorage, Alaska

Hon. HARRY M. JACKSON

Chairman, Committee on Labor and Human Resources, House of Representatives, D. C.
 Dear Senator JACKSON: This letter will inform you that myself and a com-
 munity organization of the majority of white population of Alaska are not in favor of
 the following:

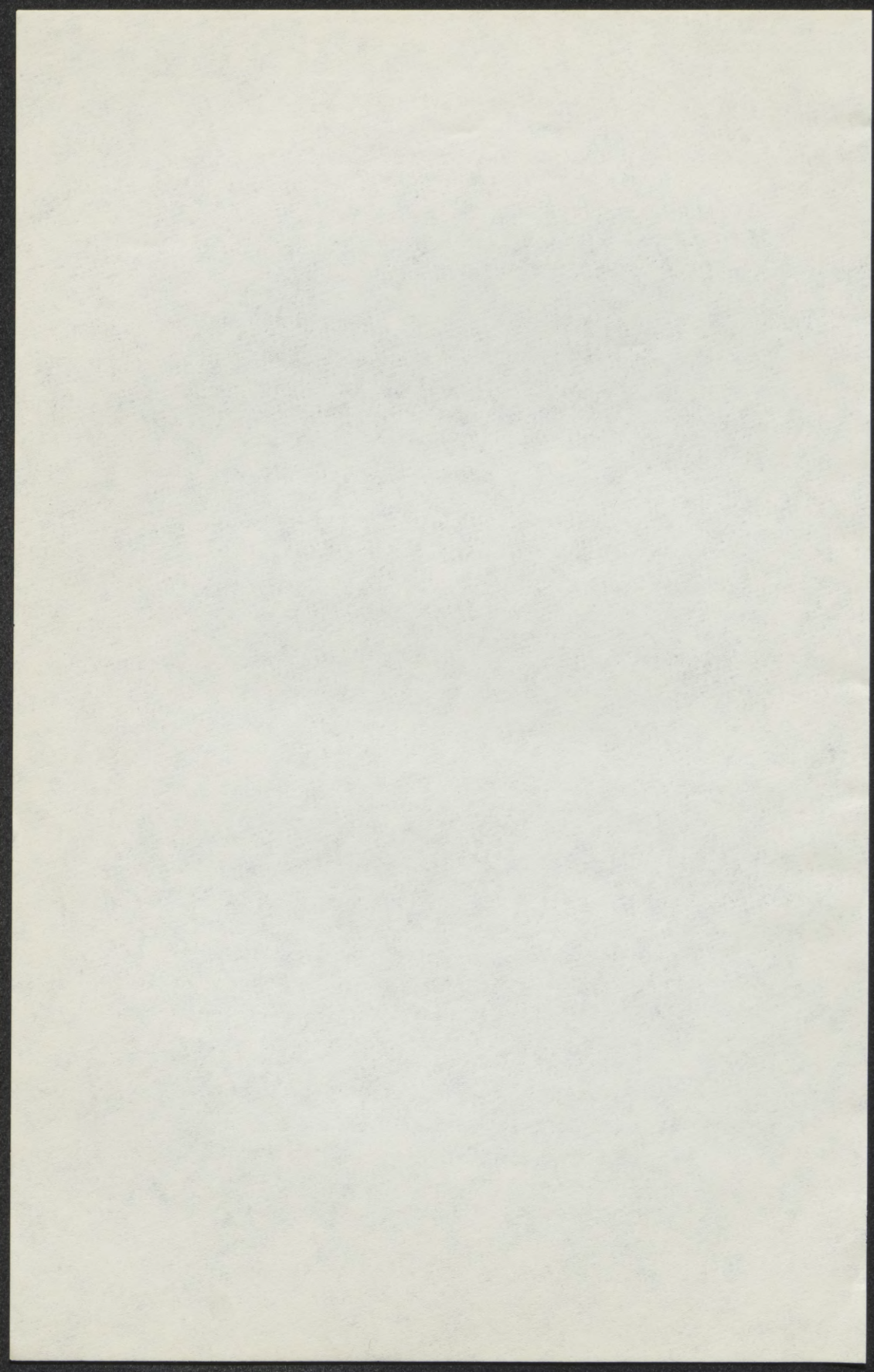
1. The amount of acreage allotted to the natives by the State of Alaska
 native land claims, 60 million acres of good land available in the State of
 Alaska—60 million acres for the natives. If that's correct, what will the
 majority of white people have to make a living from natural resources and
 (give or otherwise?)

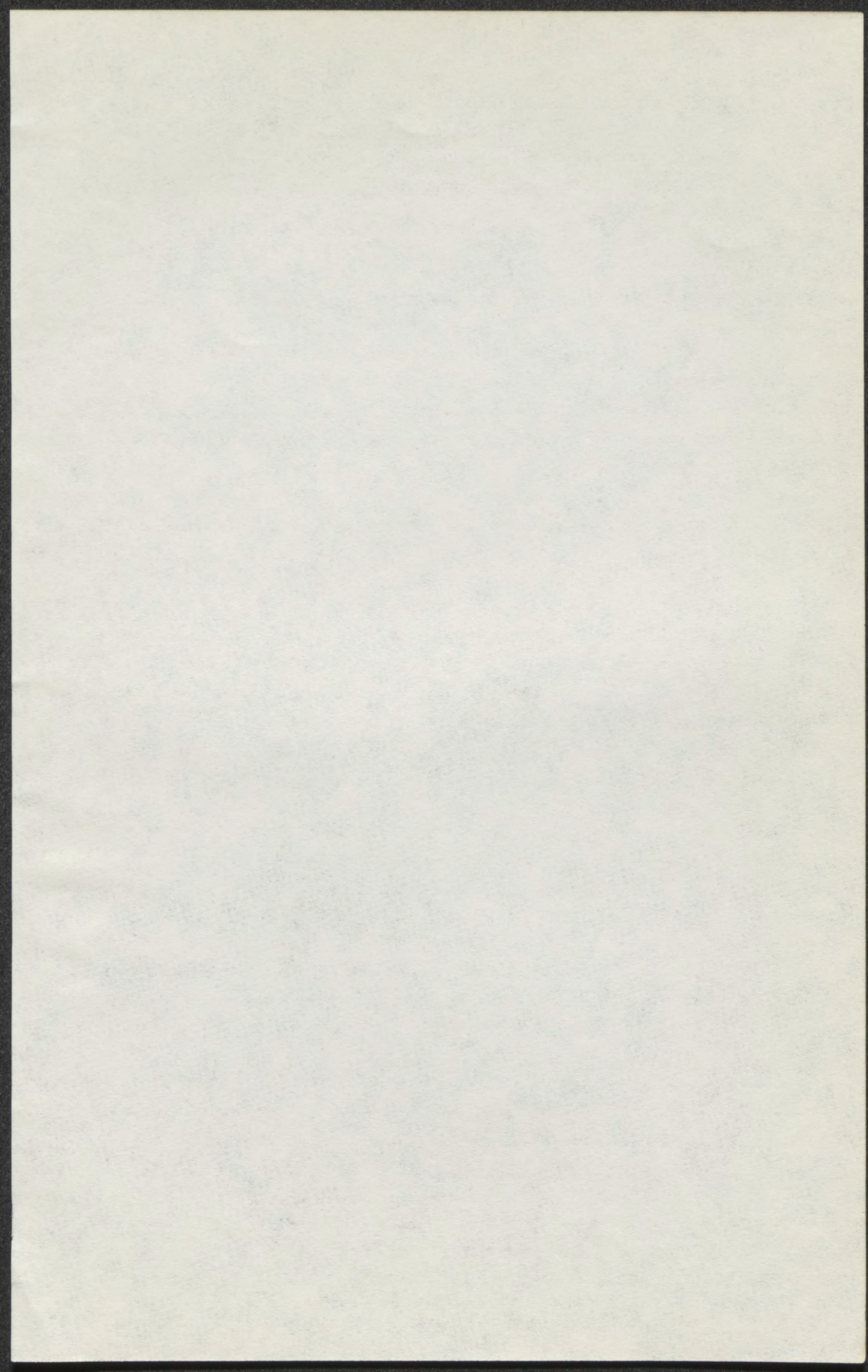
2. I do not recommend, and as a Bush State, Alaska, I am not in favor of a
 five year land freeze and an option for another five year freeze for the Alaska
 natives in their claim to public lands. This transaction should be handled
 in the manner that is comparable to any other real estate transaction with a
 deed in what the natives are being settled out in their case and for all.

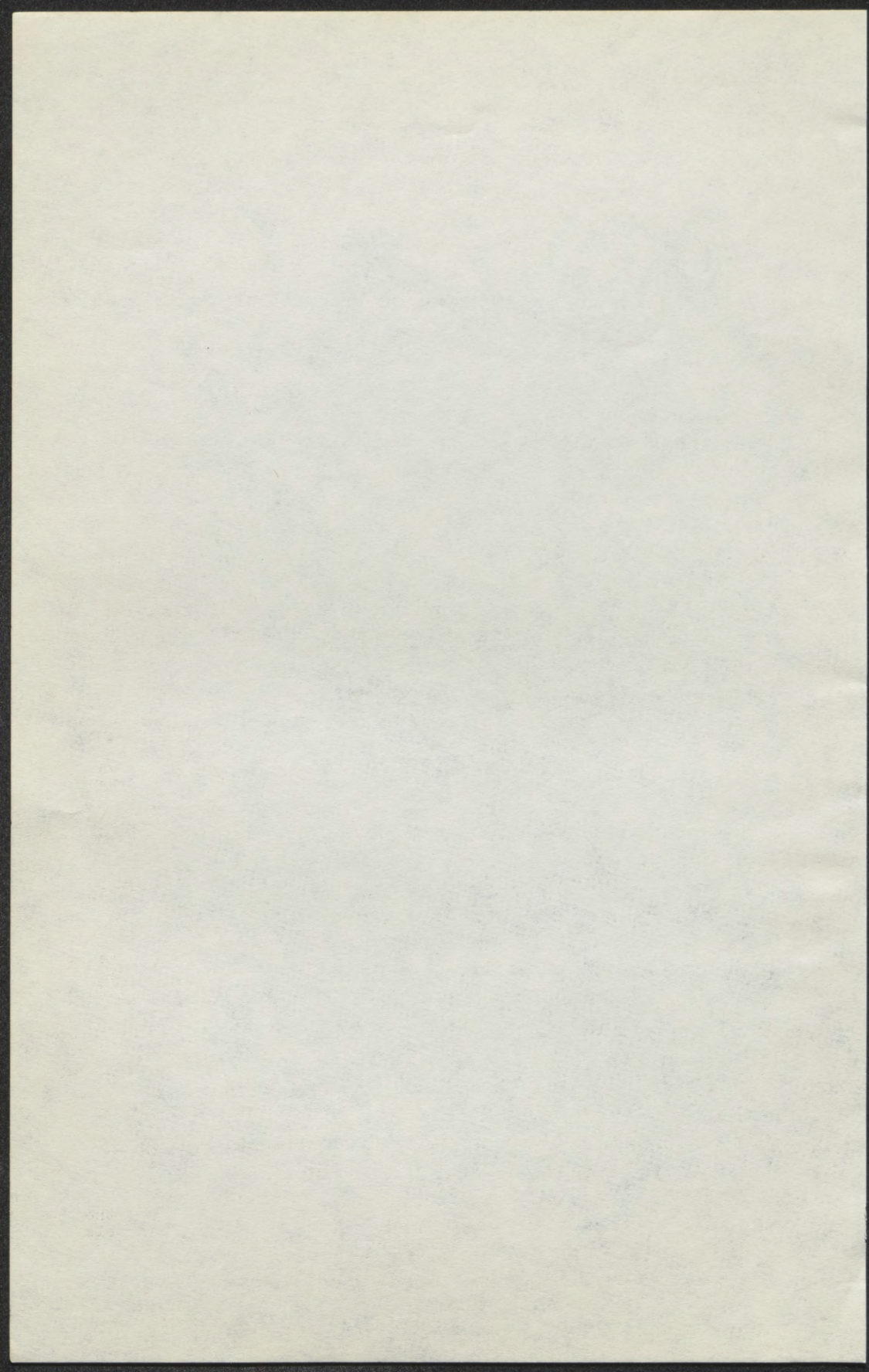
If the above is not accomplished, private enterprise is not going to force in the
 State of Alaska, this leaving the Federal Government to still support the natives
 as well as their own claim to the majority of the land and not having the money
 available for the proper economic development of the resources.

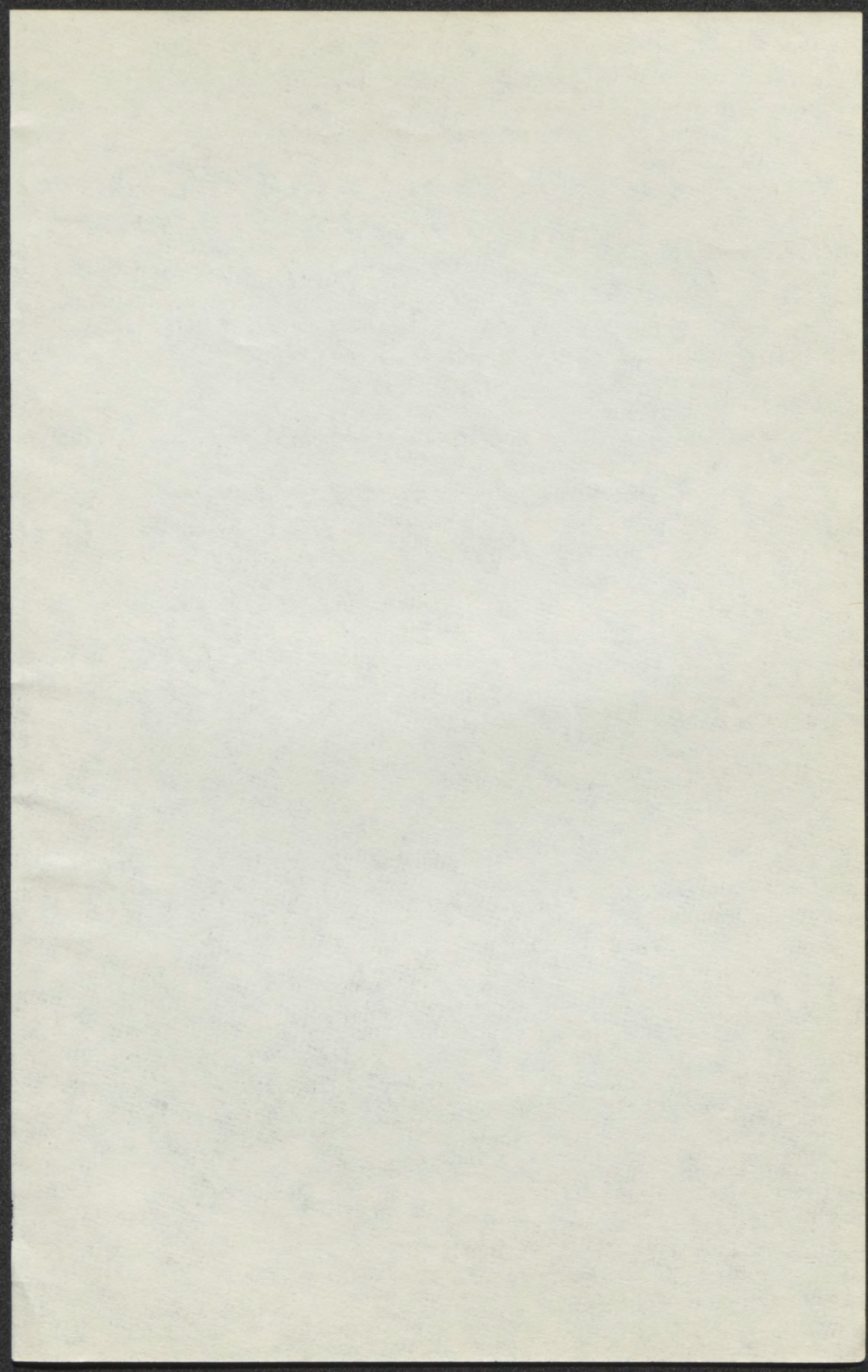
If the preceding land claim settlement is not handled in this respect, the Federal
 Government will greatly affect the overall economy of the Pacific Northwest,
 including the State of Washington.

Please advise me in your re-consideration as soon as possible.
 Sincerely,
 George H. Gorman









ALASKA NATIVE LAND CLAIMS

HEARINGS
BEFORE THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE
NINETY-SECOND CONGRESS
FIRST SESSION

S. 35, S. 835, and S. 1571

BIAS TO PROVIDE FOR THE SETTLEMENT OF CERTAIN LAND
CLAIMS OF ALASKA NATIVES AND FOR OTHER PURPOSES

FEBRUARY 12, MARCH 18, AND APRIL 20, 1971

PART 3—APPENDIX



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