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Land Use Hearings, talk by John Sackett

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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.

The recording begins with a man [John Sackett, as indicated in the tape case] talking about Tanana Chiefs who have had an active Land Department since January of 1972. A large amount of work has been accomplished since that date. The speaker says he'd like to share some of the problems that they have identified. Some of the statistics are of interest to people, and some of the selection programs that they have anticipated are communicated to the villages. He continues that it is estimated that their villages will select and hold title to approximately 13 million acres of land. In addition, it's likely that one or both of the Indian reservations within the region may be selected by their residents and some amount of resource management may be arranged on their lands.

The eventual amount of lands that will be managed by Tanana Chiefs Region may exceed 14 million acres. 1/3 of that area must be selected by a village corporation during the next two calendar years. Selection of the remaining 2/3 must be completed by the region before an additional year has elapsed. By contrast, it's interesting to note that Alaska took 5 calendar years after the statehood to select 13.5 million acres, which is roughly the same acreage that will be selected by their region in next 2 or 3 years. State of Alaska selection program was accomplished by a monolithic organization and that a single staff carried out the policies that were established in a single head.

1:54 In the selection program by the Tanana Chiefs and the villages, the policies and the administrative selection process will be determined and carried out by

some 40-50 separate and autonomous organizations. Considerable amount of cooperation between the two corporations is desirable in order to maximize the benefits of land selection.

Another comparison of statistics between the two land selection processes is interesting: The last data that was available from the State, from fiscal year 1971, shows that the State has received a working title from its selection program which is patented in TA-land, 13, 7 million acres. This too is roughly equivalent of the amount of land that will be selected and managed by the Native Corporations. The division of lands uses 109 people to manage their lands.

From the beginning, “our” [Tanana Chiefs’?] land staff has consisted of 2 professionals and a secretary who have been deeply involved in land planning activities. A bulk of the land selection activities can only be made after the initial stock holders’ meetings are held and the officers of the regional and village corporations are empowered to select land. Since the stockholder’s meetings can’t be held until the enrollment process is completed, approximately 1 year from now, the time for making the land selections is diminished. Village corporations will only have 1 year, 1974, to make all of their discretionary selections. The regional corporations will only have until one year after that.

3:50 It is apparent, that if they are to fulfill their responsibilities within the time frame, careful planning and problem solving is needed as early as possible. The speaker promises that some of the many areas of planning, in which the land department is involved in, will be outlined for the audience.

Their land department staff is 1/3rd through the initial stages of discussing the forthcoming selection timetable for village selections with all the adults in each of the villages. They have 30 more villages to go in the first phase. Their villages land selection training manual consists of narrative introduction to the claims act and the selection program. It’s only in draft form, but a copy will be provided for the information of the commission and the copy will be sent to the commission today.

The general meetings of the villages generally last three or four hours and cover in simple details the outline that’s contained in the introduction to the training manual. The subjects that are covered are: The history and inheritance philosophy of the claims act, the estimate of the value of land which may likely be selected by

the village corporation, the concept of ownership of land title, being by corporations, the concept of land area in which the length of the village air strip is used as a measuring stick, the expected village selection time table, and the typical land ownership pattern which may exist around a village after all the selections are made.

5:45 It is interesting that many questions and misconceptions exist in minds of village residents who are confused with their 160 acre allotment applications and the volume of selections that will be owned by Native Corporations. Simplified illustrations, charts and diagrams are used by their land department to teach the correct concepts.

Because of the great physical size of the Tanana Chiefs region that embraces over 1/3rd of the entire state, they will set up four sub-regional offices in order to provide closer personal contact with people in the villages.

The community representative in each of the offices will work closely with 10 or 11 offices that are located in each of the sub-regional areas in the land selection program. It's anticipated that the officers of each regional corporation, with the help of the sub-regional community representative, will be able to perform the bulk of the village selection programs after 3rd technical training. In this way, the regional land department will be relatively free to work on solving the non-routine problems that require higher technical skills and expertise.

In three or four months, they expect to begin extensive training seminars for land committees that represent each of the villages in their region. Inasmuch as the officers of the village corporations will not be elected by the stockholders for at least another year, it would be too late to wait for another year to commence the training. By taking the 3-5 person land committees from each village, and intensively training them in technical matters involving land descriptions and selections, they can work as the technical arms of the future corporations.

They hope that by training the people, each village will possess the necessary knowledge and skills to select land efficiently and wisely. Training is expected to be done on sub regional basis with perhaps 3 people from 10 or 11 villages assembling together for 3 days for a training seminar. Two of the seminars are to be held in 1973, one in the late winter or early spring, and the other next fall or

early winter. Technical training will be given in map reading, land title interpretation, historical indexes, and so on. They might have class exercises that would involve preparing for the application for Central Township that surrounds each village. The speaker feels that that can be done administratively before the stockholders are fully identified and the officers elected.

All available land in the central township must be selected without digression by the terms of the claims act. The speaker hopes that the village corporations start working immediately on the first township. It would cut down time pressures and give training to the village corporations. It would also bring out lots of problem areas that they are all going to encounter in the future, while selecting townships and sections.

9:45 Since their regional corporations that share titles to the sub-surface [rights] will probably be the nation's largest private land owner, they must maintain comprehensive, accurate and efficient records relating to their land. A land record keeping system, that's at least as comprehensive as the one that's maintained by the State Division of Lands, is essential. Since the lands must create revenue for future generations, the people feel that land records must be readily understood by oil and gas companies and other members of the public with whom they are dealing with. Furthermore, there needs to be careful cross-control between their land status and fiscal accounting from leases and sales of the resources. Accordingly, they are designing the requirements for such a record keeping system for possible adoption by mid-1973. The implementations of such system and presentation of the record will follow the decision makings over the next year.

Since the Tanana Chiefs own and operate the only commercial computer service company in Fairbanks, it's only natural that one of the several record keeping systems is tied to the use of the computer. Other systems, such as photographic drafting are also being studied.

Some of the problems they feel like they are outside of the scope of any regional organization to solve are: 1) selection acreage chargeability that is relative to inland waters, 2) intramanagement and control of lands withdrawn by the secretary for selection, 3) subsistence uses of lands which are outside of the lands that will be selected by the people, 4) the need for data in the research library that exists at

the present time, and 5) recommendations by the Federal and State Land use commission on the Native Allotment Rejections.

12:18 They estimate that somewhere on the order of 1 million acres of land selection entitlement may be wasted and permanently lost from their inheritance because of the problem of identifying inland navigable waters, [which?] is not solved before selection commences. There is no dispute over the legal principle, according to which the inland navigable waters belong to the State of Alaska, nor is there dispute over the principle that courts have the final word in defining navigability. They request that commission uses its powers to get together the tree parties to agree upon a policy to determine acreage chargeability of the lands and waters that are selected.

The BLM [Bureau of Land Management] has for well over a century estimated areas entered and conveyed from public lands without intruding upon the jurisdictions of the courts to determine titles involving inland navigable waters. They think that the same principle can be used in selecting their lands. They are going to submit a detailed proposal and justification to the commission, hoping that it will provide the basis of arriving to a method of solving the problem. They believe that the problem is too important to be left unsolved until the selections command and they urge commission to help guide the parties involved in arriving to an equitable solution.

14:11 The second problem to which they seek the assistance of the land use planning commission relates to the interim control of the lands that are withdrawn from Native selections. While the claims act authorizes the secretary to administer certain types of rights to the lands, depending on their selection and interim conveyance to Native corporations, exceedingly serious problems have arisen concerning the control of access, hunting and fishing upon the lands. The problems are getting worse, not better.

“You” [the secretary?] will take a trip to Fort Yukon and Minto “this weekend,” where he/she will see examples of massive trespass upon lands that are set aside for Native selection. The trespasses have been made by Non-Native people. They feel that land use planning commission has the stature and the influence that is necessary in order to bring about a dialogue among all parties who hold the key to

the solution of the problem. A solution must be obtained before future confrontations get out of hand.

The speaker wants to add that one of the basis for land claims settlement, when it initially started a 10 years ago, was to protect the subsistence rights of a Native person. With the finalized act of the claims act itself, number of individual, state and federal agencies, and with native corporations and individuals in urban areas who want land, an entire concept of the claims act is being forgotten. No one in state or federal government is concerned about the subsistence rights of people who still have to live off land. The third problem relates to the subsistence use of areas outside of the selected lands.

When the Congress passed the Land Claims Act, they specified in the committee report that they are protecting Native people's subsistence use of public lands. The Senate amendment to the house bill provided for the protection of Native people's interest in the use of subsistence resources on the public lands. The conference committee, after careful consideration, believes that all the Native interest and subsistence resource lands can and will be protected by the secretary through exercising his existing withdrawal authority.

They have been in existence for almost over a year and the speaker has had continuous games of writing letters between state and federal governments. To date, nothing has been done. The speaker wants to stress that point because the problem is going to become worse as they have seen in actions in the past.

The fourth problem he wants to discuss concerns a resource library that's supposed to be in existence. Their concern relates to the resource library the BLM has responsibility for developing. Although they recognize and appreciate the development to date, it doesn't do the job at the present rate of progress. They need to begin using its content now since their timeframes are tight. He is afraid that it will be fully developed only when their needs for it have passed. There's an acute shortage of data that relates to biological resources.

For example, at the present time, they are traveling to villages to meet all the adults in the village as well as the selection committees. They have to make the village selections within two years. In order to make legitimate and wise decisions, they must know exactly what is on the lands around their villages. They need the Fish

and Game biological data to know the best fowl nesting areas and the areas where the game breeds. They also need to know the timber resources in village and regional selection areas. They need to know where the best fishing areas are for future use, and they need to know if there are areas for agriculture. They need to know all those things now if they want to make a good decision. They are being discriminated against in their having to make a decision without any input at all.

19:30 The last problem is the problem of rejections of Native allotments. Throughout the years various Native individuals have applied for Native allotments through the BIA [Bureau of Indian Affairs] who are supposed to assist them. However, the Bureau has failed to indicate to the individuals that at certain areas the Native allotment applicant had filed on already patented or withdrawn lands. There are certain rejections in which third parties already own the land. They have rejections also that are based on Federal Government having already withdrawn those lands for things like bombing ranges or for the Rampart Dam. All of the applicants that filed for Native Allotments on these lands are being rejected. However, as of December 18th, they can't refile their Native allotment anywhere else. They are being rejected without any recourse as to filing for their 160 acres at another piece of land. That's unfair and it's initially a responsibility of BIA that failed to explain these things to each individual. That's discriminatory.

There has to be a method to allow the people, through an amendment, to reapply in another area.

The aforementioned things are some of the problems they face in the Tanana Chiefs' area right now. There are more, but those are the ones in which the speaker thinks that land use planning can be of assistance to the regional corporations and to the village corporations.

[End of the recording.]