Office of the Commissioner  
Bureau of Indian Affairs  
U.S. Department of Interior  
Washington, D.C. 20240

Enrollment Coordination Office  
Bureau of Indian Affairs  
Pouch 7-1971  
Anchorage, Alaska 99510  

Re: Freedom of Information Request  

Dear Sir/Madam:  

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, as amended, and 43 C.F.R. § 2.14. Please supply me with the following documents within ten working days of the receipt of this request:  

1. Any letters, memoranda or other documents originating with Department of the Interior personnel employed in Alaska and addressed to Department of the Interior personnel either inside or outside Alaska concerning:  

   (a) The implementation of section 1(c) of PL94-204;  

   (b) The redetermination of village enrollment for Alaska Natives who originally enrolled as residents of villages ultimately determined to be ineligible for land benefits under the Alaska Native Claims Settlement Act (ANCSA); or  

   (c) The establishment of criteria for residency to be applied in making such enrollment redeterminations.  

2. Any letters, memoranda, or other documents originating with Department of the Interior personnel employed outside Alaska and addressed to Department of the Interior
personnel, either inside or outside Alaska, concerning the matters described in paragraph one above.

3. Any letters, memoranda, or other documents relating to the eligibility of Haines, Alaska for land benefits under ANCSA.

4. Any letters, memoranda, or other documents:

(a) identifying those communities or localities found to be ineligible for land benefits under the Settlement Act or under ANCSA; and

(b) Setting forth the numbers of Alaska Native seeking enrollment in such communities and localities.

I am willing to pay duplication expenses up to $75.00. If you anticipate the cost of duplication will exceed this sum, please notify me. In accordance with 5 U.S.C. § 552(a)(4)(A) I ask that you deem this request "in the public interest" and waive all fees. The grounds for such action are that the requested information may ultimately benefit a large class of Alaska Natives and the public at large.

Thank you for your cooperation.

Very truly yours,

FAULKNER, BANFIELD, DOOGAN & HOLMES

By: Richard B. Brown

RBB:kl
cc: Dennis Hopewell, Esq.
Office of the Regional Solicitor
November 15, 1982

Marilyn J. Marvin
Enrollment Specialist
Bureau of Indian Affairs
Enrollment Coordinating Office
Pouch 7-1971
Anchorage, Alaska 99501

CERTIFIED - RRR

Re:
SSN: ____________
Our File

Dear Ms. Marvin:

This will confirm our telephone conversation of November 12, 1982 in which we discussed the above-named enrollment applicant. At the close of our discussion, I indicated I would set forth Mr. ______ position in writing.

On May 10, 1972, the Enrollment Office received application for enrollment. A copy of the application is attached hereto as Attachment 1. The application indicates that my client was a resident of Klukwan who had resided in the village in 1970.

On February 22, 1973, ______ wrote the enrollment office requesting a "transfer to the Haines group". See, Attachment 2. On October 20, 1973, the Enrollment Coordinator informed my client that he was eligible for enrollment in Sealaska Region and the village of Haines. Though someone in the Enrollment Office changed column 16 of his application to state that ______ resided in Haines in 1970, my client never represented to Bureau of Indian Affairs that he resided anywhere but Klukwan.

On January 22, 1976, PL94-204 went into effect. Section 1(c) of that Act reads, in pertinent part, as follows:
"In those instances where, on the roll prepared under section 5 of the Settlement Act, there were enrolled as residents of a place on April 1, 1970, a sufficient number of Natives required for a Native village or Native group, as the case may be, and it is subsequently and finally determined that such place is not eligible for land benefits under the Act on grounds which include a lack of sufficient number of residents the Secretary shall, in accordance with the criteria for residence applied in the final determination of eligibility, redetermine the place of residence on April 1, 1970 of each Native enrolled to such place, and the place of residence as so redetermined shall be such Native's place of residence on April 1, 1970, for all purposes under the Settlement Act: Provided, That each Native whose place of residence on April 1, 1970 is changed by reason of this subsection shall be issued stock in the Native Corporation or corporations in which such redetermination entitles him to membership..."

On February 9, 1979, Sealaska Corporation notified that Haines had been disqualified as a village within the meaning of the Settlement Act and advised him of the right to re-enrollment offered by section 1(c) of PL94-204. In response to this letter my client inquired with the BIA office in Juneau regarding the procedure to be used for re-enrollment. The Juneau office was unable to respond to his inquiry, and on July 25, 1979, he wrote the Enrollment Office in Anchorage asking for assistance. See, Attachment 3. Ten months later, you wrote a response to his letter stating that:

"[W]e are unable to act on your request at this time. We are waiting departmental policy and regulations for the proper procedure in processing enrollment cases similar to yours. Upon receipt of official instructions from our Department, we will notify you of the proper steps you may take."

Attachment 4.
Ms. Marilyn J. Marvin  
November 15, 1982  
Page Three

As I understand what you told me on the phone, at some point after this letter was written BIA sent files, together with the files of other applicants who could benefit from section 1(c), to the Federal Records Center in Seattle for storage. This was done without my client receiving any notification from the government that he was being denied the opportunity for re-enrollment provided by PL94-204. You informed me that, though almost seven years have elapsed since passage of PL94-204, the Department of the Interior has still failed to adopt the "policy and regulations" referred to in your 1980 letter to my client.

Section 1(b) of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1601(c) requires that the settlement provided in the Act and subsequent amendments thereto "shall be accomplished rapidly" (emphasis added). Obviously, the unconscionably long and continuing delay in implementing section 1(c) of PL94-204 is inconsistent with this congressional mandate. Moreover, it appears that by failing to implement the statute, the Bureau has ignored the trust responsibilities to and all similarly situated Alaska Natives. As a consequence, Mr. Donnelly has been denied the opportunity to participate as a shareholder in a village corporation.

In order to correct this state of affairs I request, on behalf of my client, that he be re-determined as eligible to enroll in the village of Klukwan and that the village and regional corporations be given notification of this decision as required by 25 C.F.R. § 43(h).7. Klukwan is the appropriate village in which to re-enroll my client because he was born in Klukwan, has resided there for most of his life and, indeed, was living there on April 1, 1970, and continues to live only a short distance outside the community's boundaries.

Though wishes to resolve this problem in a speedy and amicable fashion, if I do not have a favorable response to my letter by the close of business on November 30th I will have no choice but to advise him to consider commencing litigation aimed at enjoining BIA's continuing failure to implement section 1(c). If you have any questions about the
foregoing, please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,

FAULKNER, BANFIELD, DOOGAN & HOLMES

By: [Signature]

Richard B. Brown

RBB: kl
cc: Dennis Hopewell
Office of the Regional Solicitor

Enclosures
STOEL RIVES BOLEY JONES & GREY

MEMORANDUM

October 18, 1989

TO:          SAALAC BOARD OF DIRECTORS
FROM:        STOEL RIVES BOLEY JONES & GREY
CLIENT:      SOUTHEAST ALASKA ANCSA LAND ACQUISITION COALITION, INC.
MATTER:      LAND ACQUISITION
RE:          PROGRESS OF SAALAC'S FEDERAL POLITICAL AGENDA

Rick Goldfarb spent the week of October 2, 1989, in Washington, D.C. with Bob Van Brocklin meeting with individuals with influence over, interest in and/or information about SAALAC’s land acquisition effort. Subsequently, Bob has had several meetings and other contacts related to SAALAC’S federal political objectives. A review of some of these activities follows.

I. Goldfarb/Van Brocklin Meetings.

While Rick was in Washington, we met or spoke with the following persons:

Joe Chomski & Bill Horn, Birch Horton et al. (Sealaska counsel)

Lisa Sutherland (Senator Stevens' ANCSA Legislative Assistant)

John Katz and James Torgerson (Gov. Cowper's D.C. office)

Rep. George Brown, Jr. (D-California)
B. **Lisa Sutherland.** We had been told that Lisa Sutherland would be a "tough sell," that she was basically hostile to your claims. While she certainly asked difficult questions, we felt she was willing to be educated and, assuming Senator Stevens had no personal objection, willing to be helpful.

She described the basic difficulties involved in putting any SAALAC provisions into the Tongass Timber Reform Act, which is currently a part of the House version of the Omnibus Budget Reconciliation Act.

1. The Bill is subject to special Senate rules on amendment and debate, which makes any amendment difficult.

2. Because Sens. Stevens and Murkowski have been adamantly opposed to the House passed version of the Tongass Timber Reform Act and Senate proposals by Sens. Wirth and Bumpers, it is difficult for them to propose amendments since they are almost certain to oppose the bill even as amended.

3. The political climate in Congress is extremely hostile to the notion of providing more land from the Tongass to Natives (or anyone else) this year.

Nonetheless, when we presented the proposal for a study, as a "first step" in a program calculated to lead to a fair and equitable solution to the claims of the SAALAC Natives, she agreed to discuss it with Senator Stevens. She asked to see the language we were proposing and agreed to show it to Senator Stevens who, as she pointed out, along with Representative
Joe Donahue and Olivia Ann Short (BIA)

Richmond Allan (former counsel to Tlingit & Haida Central Council)

Jeff Petrich (Counsel to Rep. George Miller (D-California), House Interior Committee Staff)

Frank Ducheneaux, (Counsel, Office of Indian Affairs, House Interior Committee)

For the most part, we were well-received and your arguments received a fair hearing. All of the people we met with listened respectfully to our presentation and many offered useful suggestions. Nonetheless, much work remains to be done.

A. Chomski/Horn. Our meeting with Joe Chomski and Bill Horn of the firm of Birch, Horton, Bittner and Cherot, was set up to clarify each firm's role in lobbying Congress for SAALAC's goals. As a result of the meeting, it was agreed:

1. That Stoel Rives would "quarterback" the lobbying effort.

2. That Birch Horton would provide support, especially with Democratic members of Congress, as requested by SAALAC and if consistent with Sealaska's interests.

3. That the two firms would attempt to communicate frequently.

We also discussed various legislative proposals to achieve SAALCA's federal objectives and the prospects of the Tongass bill. We received helpful suggestions from Joe and Bill concerning the wording of the proposed study language.
Udall, are the only ANCSA conferees still serving in Congress. She said that she expected that he would be willing to support study language unless he had a specific recollection that the SAALAC Natives were "taken care of" in some way in the original ANCSA.

Ms. Sutherland also asked some difficult and marginally hostile questions, such as whether the SAALAC Natives were really just people who had affirmatively chosen to be "at large" shareholders and now were disappointed with the deal they had made. We told her that it was our understanding that SAALAC Natives had consciously chosen to enroll to villages where they had their historical roots (sometimes foregoing opportunities to enroll to villages that were clearly eligible under ANCSA), and not to Sealaska at large. We have since confirmed this with Carolyn Martin and sent Ms. Sutherland written evidence of this fact.

C. John Katz/James Torgerson. At Lisa Sutherland's suggestion, we met with John Katz of Gov. Cowper's Washington, D.C. office, and James Torgerson, Special Assistant Alaska Attorney General. Mr. Katz was a legislative aide to Senator Stevens in 1971, when ANCSA was enacted and before that, to Alaska's then-Congressman. Thus, he was thoroughly familiar with the negotiations that led to ANCSA's enactment.

He told us that since we had called to set up our meeting he had been wracking his brain to recall the circumstances under which Juneau and Sitka had been included in ANCSA as Urban Corporations and the SAALAC villages had not.
He could not recollect any specific deal that was made that certain villages would be included and others excluded.

It was his recollection that Wrangell and Petersburg had been excluded out of hand, as not being considered Native communities, that Tenakee Springs had not been mentioned at all, and that there had been intense discussion of the circumstances of Ketchikan and Haines, with the final feeling being that these villages were equivalent to Saxman and Klukwan. Further, he recalled that the white community in Ketchikan had adamantly presented the case that there was no Native village on their townsite.

(Note: When we present the recollections of individuals who were involved in the ANCSA negotiation process, we are presenting their recollections of events that occurred eighteen or more years ago. As will be seen, these recollections are not always consistent with each other. Furthermore, we suspect that to some extent they involve attempts to reconstruct in a logical fashion things that may not have happened logically at all. Nor do we necessarily agree with all the recollections, and to the extent we had evidence to counter those recollections, we challenged those recollections. We feel, however, that it is important for the SAALAC Board to fully understand impressions that will have to be overcome to achieve SAALAC'S legislative objectives.)

Mr. Katz also made it clear that no one was present at the final drafting of ANCSA other than Bill VanNess, who was Senator Jackson's aide on the Senate Energy Committee, and Lou
Siegler, of the House Interior Committee, who has since died. Thus, the final language, and the thoughts that went into it, are not necessarily known to anyone else. We are trying to arrange an interview with Mr. VanNess, who is now running practicing law in Seattle.

He also suggested that we contact the firm of Weissbrodt & Weissbrodt, which represented the Tlingit & Haida Central Council in 1971 in connection with the negotiation of ANCSA.

D. Congressman George Brown, Jr. Through a friend of Rick's, we were able to get a short meeting with Rep. George Brown, Democrat of California, who is a senior member of the House of Representatives. He listened sympathetically to the case for the SAALAC Natives, agreed that getting a study in the Tongass bill was likely to be the best that could be accomplished this year, and agreed to write to Senator Stevens expressing his support for the proposal.

While Congressman Brown does not serve on any committee with ANCSA jurisdiction or responsibility, we felt that it was constructive and helpful to discuss our agenda with any interested member of Congress. Congressman Brown's assistance is important and we have written to thank him for any assistance he provides.

E. Joe Donahue. We thought we had an appointment with Hank Noldan, Director of the Interior Department's Alaska Affairs Section, but when we arrived we discovered that he was out and that we were instead being "allowed" to meet with
officials of the Bureau of Indian Affairs. The confusion became even more marked when two of the officials we were meeting with made it clear that they were there because they thought we were coming to discuss the inclusion of the five SAALAC villages on the BIA list of recognized Indian entities; they knew nothing about ANCSA.

Joe Donahue, however, knew a great deal about ANCSA, and gave us the names and locations for certain documents that might be helpful in the study. He made it clear, however, that BIA was unlikely to support SAALAC, which came as no surprise.

As a result of this meeting, it became clear to us that talking to bureaucrats was futile and counterproductive. Accordingly, we cancelled two meetings we had scheduled with Forest Service personnel, who could be expected to be even more hostile than the BIA people.

F. Richmond Allan. At John Katz's suggestion, we contacted the firm of Weissbrodt, Swiss & McGrew, formerly Weissbrodt & Weissbrodt, former counsel to the Tlingit & Haida Central Council. Rick spoke with one of the two Weissbrodt brothers (he never told us which one he was), who suggested that the proper person to speak to was Richmond Allan, who had since left the firm. He kindly gave us Mr. Allan's phone number. Mr. Allan had previously been mentioned as a person having knowledge of the early days of ANCSA by Louis Thompson, chairman of Kavilco Incorporated and a strong supporter of SAALAC's goals (and a client of Stoel Rives for many years).
Mr. Allan, unlike many of the other persons to whom we spoke, had a very specific recollection of the ANCSA negotiations process as it related to the SAALAC villages, perhaps because his role was to focus on the needs of the Southeast Natives. He stated adamantly that there was no deal that Juneau and Sitka would be included and the SAALAC villages excluded. He also stated his firm opinion that had the SAALAC villages' case been presented, there would have been no opposition to including them as Urban or Village Corporations, as appropriate.

Unfortunately, Mr. Allan's recollection also included a matter that we believe may cause us much difficulty: his recollection that representatives of the five SAALAC villages were both represented on the Tlingit & Haida Council and present and perfectly able to present the villages' case at the meetings where the decisions were made about which villages to include as Village and Urban Corporations. Despite this opportunity, he has no recollection that any of these representatives ever suggested that any of the five villages be included on the list.

G. Jeff Petrich. Mr. Petrich was another of the persons who we were told was likely to be hostile to SAALAC's cause. In fact, he was extremely helpful, at least with regard to the potential for a study. He suggested that we might want to contact Frank Ducheneaux on the Interior Committee staff, who was responsible for HR 2960, the Alaska Native Commission bill introduced by Representative Young. Mr. Petrich suggested
that HR 2960 might be an alternative vehicle for the study provision, if including it, as he believed, in the Tongass bill turned out to be impossible. He also made it clear to us that the Forest Service was likely to be extremely hostile to any consideration of additional Native land in the Tongass, and suggested that they not be a primary participant in the study. We asked him whether he though that the agencies were likely to be more friendly if they were involved in completing the study than if they were on the sidelines. He said that was probably fine. He then suggested the formulation we have put into the draft bill, that the study be conducted by the Secretary of the Interior, "in consultation with" the Secretary of Agriculture, leaving the Interior Department with primary responsibility without totally excluding the Forest Service.

H. Frank Ducheneaux. Bob spoke with Frank Ducheneaux, Counsel to the House Interior Committee for Indian Affairs, about the Alaska Native Commission bill. He said that since he would be writing the House Report on the bill, he would be in a position to include language in the report accompanying the bill indicating that Congress wished the Commission to study the issue of inequities in the treatment of the five SAALAC villages. This would essentially produce the kind of study that we are proposing, but performed by the Commission rather than by the agencies. He stated that the hearing record for the bill would be open through the end of October and that, so long as Congressman Young supported the concept, he did not think Chairman Udall would have any problem
adding such report language. The reason it is better, in his opinion, to place this in the report language than in the bill is that the bill itself has already cleared the Senate and the House wants to pass an identical bill to avoid a conference committee.

If this is an agreeable alternative route, we would submit testimony to be inserted in the Interior Committee record, as well as suggested report language. We might also ask Senators Stevens or Murkowski to make a floor statement that the Senate concurred with and intended the study language in the House Report.

II. Omnibus Budget Reconciliation Bill of 1989.

On October 5, the House passed its version of the Omnibus Budget Reconciliation Act of 1989. Prior to passage, the bill was amended to include the Tongass Timber Reform Act as previously approved by the House.

On October 13, the Senate passed its version of the Reconciliation Act but did not include the Tongass bill. Because the Senate bill is a "scaled-down" bill, many provisions extraneous to budget reconciliation have already been deleted. This will make it more difficult for the House to include its Tongass provisions when the Conference Committee begins deliberation.

Conference deliberations may begin this week. Currently, there are three possible scenarios regarding the Tongass bill. First, the principle negotiators in the House
and Senate, which include Senators Johnston, Wirth and Bumpers, and Representatives George Miller, Vento and Udall, could agree to include a compromise Tongass bill in the reconciliation bill. Second, absent a compromise, Senator Wirth could attempt to amend some other Senate bill to include his Tongass bill and then resolve differences between it and the House-passed bill in conference. Third, no compromise could be reached and, hence, no Tongass provision included in the reconciliation act, and no other Senate bill amended to include a Senate Tongass bill. In the last case, the Tongass bill would be put off, along with all related issues — including ours — until next year.

If a Tongass compromise bill is negotiated, I have been told by Tom Roberts of Senator Murkowski's office that our study provision will be considered as an amendment to that bill. Senator Stevens' office, on the other hand, seems less willing to be involved and has suggested that this issue be considered "after the Tongass bill passes." Lisa Sutherland of Senator Stevens' office has suggested that we seek a letter from Senator Stevens to the General Accounting Office ("GAO") requesting that the GAO perform such a study (Rep. Brown suggested the same course as a possible alternative). While it may ultimately come to that, I believe we should continue to make every effort to assure that our proposals are considered during action on any appropriate legislative vehicle including, but not limited to, the Tongass bill.
January 19, 1973

Memorandum:

To: Field Solicitor, Juneau

From: Area Director, JIA, Juneau

Subject: Eligibility of Unlisted Villages in Southeastern Alaska Under ANCSA Act.

Section 16 of the Alaska Native Claims Settlement Act lists ten villages which are eligible to select 25,040 acres each but no mention is made of other villages in Southeastern Alaska which may otherwise be eligible under Section 11(b)(3).

The 1970 U.S. Census showed that the City of Haines, which is located about 90 miles northwest of Juneau, had a Native and non-Native population of 693. Our Enrollment Office records show that as of December 22, 1972, 266 Natives residing at Haines had applied for enrollment in this community and 120 additional Natives residing in other areas have applied for enrollment back to Haines making a total of 386 which might be interpreted to represent a majority of the residents.

Haines is marginal as far as being of a modern and urban character.

The Village of Tenakee, which is located about fifty miles southwest of Juneau, it appears that a majority of the residents of Tenakee might be Natives and this village is definitely not of a modern and urban character.

Please issue us an opinion as to whether Haines, Tenakee and possibly other villages would be eligible to select lands in Southeastern Alaska in addition to the ten listed in Section 16(a) of the ANCSA Coordination.

Area Director

Area Realty Office
<table>
<thead>
<tr>
<th>Name of Place and Region</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afognak, Afognak Island</td>
<td>1-74</td>
</tr>
<tr>
<td>Akhiok, Kodiak</td>
<td>1-31</td>
</tr>
<tr>
<td>Akiachak, Southwest Coastal Lowland</td>
<td>650</td>
</tr>
<tr>
<td>Akiak, Southwest Coastal Lowland</td>
<td>197</td>
</tr>
<tr>
<td>Akutan, Aleutian</td>
<td>703</td>
</tr>
<tr>
<td>Alakanuk, Southwest Coastal Lowland</td>
<td>458</td>
</tr>
<tr>
<td>Alatna, Koyukuk-Lower Yukon</td>
<td>531</td>
</tr>
<tr>
<td>Aleknagik, Bristol Bay</td>
<td>2-38</td>
</tr>
<tr>
<td>Allakaket, Koyukuk-Lower Yukon</td>
<td>160</td>
</tr>
<tr>
<td>Ambler, Bering Strait</td>
<td>167</td>
</tr>
<tr>
<td>Anaktuvuk Pass, Arctic Slope</td>
<td>136</td>
</tr>
<tr>
<td>Andronisay, Southwest Coastal Lowland</td>
<td>77</td>
</tr>
<tr>
<td>Atiak, Southwest Coastal Lowland</td>
<td>47</td>
</tr>
<tr>
<td>Anvik, Koyukuk-Lower Yukon</td>
<td>114</td>
</tr>
<tr>
<td>Arctic Village, Upper Yukon-Porcupine</td>
<td>142</td>
</tr>
<tr>
<td>Atka, Aleutian</td>
<td>121</td>
</tr>
<tr>
<td>Atkaonok, Arctic Slope</td>
<td>2-3</td>
</tr>
<tr>
<td>Atmaulthuk, Southwest Coastal Lowland</td>
<td>124</td>
</tr>
<tr>
<td>Barrow, Arctic Slope</td>
<td>2-41</td>
</tr>
<tr>
<td>Beaver, Upper Yukon-Porcupine</td>
<td>176</td>
</tr>
<tr>
<td>Belkofsky, Aleutian</td>
<td>31</td>
</tr>
<tr>
<td>Bethel, Southwest Coastal Lowland</td>
<td>1914</td>
</tr>
<tr>
<td>Bill Moore's, Southwest Coastal Lowland</td>
<td></td>
</tr>
<tr>
<td>Birkna, Aleutian</td>
<td></td>
</tr>
<tr>
<td>Birch Creek, Upper Yukon-Porcupine</td>
<td>1-3</td>
</tr>
<tr>
<td>Brevig Mission, Bering Strait</td>
<td>158</td>
</tr>
<tr>
<td>Buckland, Bering Strait</td>
<td>152</td>
</tr>
<tr>
<td>Candle, Bering Strait</td>
<td>2-3</td>
</tr>
<tr>
<td>Cantwell, Tanana</td>
<td>71</td>
</tr>
<tr>
<td>Canyon Village, Upper Yukon-Porcupine</td>
<td>14</td>
</tr>
<tr>
<td>Chalkyitsik, Upper Yukon-Porcupine</td>
<td>102</td>
</tr>
<tr>
<td>Chuitulit, Southwest Coastal Lowland</td>
<td>6</td>
</tr>
<tr>
<td>Cherfornak, Southwest Coastal Lowland</td>
<td>134</td>
</tr>
<tr>
<td>Chevak, Southwest Coastal Lowland</td>
<td>458</td>
</tr>
<tr>
<td>Chignik, Kodiak</td>
<td>2-34</td>
</tr>
<tr>
<td>Chignik Lagoon, Kodiak</td>
<td>84</td>
</tr>
<tr>
<td>Chignik Lake, Kodiak</td>
<td>79</td>
</tr>
<tr>
<td>Chitina, Copper River</td>
<td>3-6</td>
</tr>
<tr>
<td>Chuitukokchugmate, Southwest Coastal Lowland</td>
<td>0</td>
</tr>
<tr>
<td>Circle, Upper Yukon-Porcupine</td>
<td>110</td>
</tr>
<tr>
<td>Clark's Point, Bristol Bay</td>
<td>11</td>
</tr>
<tr>
<td>Copper Center, Copper River</td>
<td>2-45</td>
</tr>
<tr>
<td>Crooked Creek, Upper Kuskokwim</td>
<td>124</td>
</tr>
<tr>
<td>Deerling, Bering Strait</td>
<td>1-39</td>
</tr>
<tr>
<td>Dillingham, Bristol Bay</td>
<td>1-70</td>
</tr>
<tr>
<td>Dolce Lake, Tanana</td>
<td>44</td>
</tr>
<tr>
<td>Eagle, Upper Yukon-Porcupine</td>
<td>101</td>
</tr>
<tr>
<td>Eek, Southwest Coastal Lowland</td>
<td>199</td>
</tr>
<tr>
<td>Egdeik, Bristol Bay</td>
<td>149</td>
</tr>
<tr>
<td>Eklutna, Cook Inlet</td>
<td>106</td>
</tr>
<tr>
<td>Location</td>
<td>Distance</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Ekuk, Bristol Bay</td>
<td>3 1/2</td>
</tr>
<tr>
<td>Ekwok, Bristol Bay</td>
<td>1    1/8</td>
</tr>
<tr>
<td>Elim, Bering Strait</td>
<td>2 1/4</td>
</tr>
<tr>
<td>Emmonak, Southwest Coastal Lowland</td>
<td>4 1/2</td>
</tr>
<tr>
<td>English Bay, Cook Inlet</td>
<td>7 1/4</td>
</tr>
<tr>
<td>False Pass, Aleutian</td>
<td>6 2/2</td>
</tr>
<tr>
<td>Fort Yukon, Upper Yukon-Porcupine</td>
<td>7 1/1</td>
</tr>
<tr>
<td>Galena, Copper River</td>
<td>3 1/8</td>
</tr>
<tr>
<td>Galena, Koyukuk-Lower Yukon</td>
<td>3 1/2</td>
</tr>
<tr>
<td>Gambell, Bering Sea</td>
<td>6 1/3</td>
</tr>
<tr>
<td>Georgetown, Upper Kuskokwim</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Galolin, Bering Strait</td>
<td>1 5/8</td>
</tr>
<tr>
<td>Goodman Bay, Southwest Coastal Lowland</td>
<td>2 1/9</td>
</tr>
<tr>
<td>Grayling, Koyukuk-Lower Yukon</td>
<td>1 6/8</td>
</tr>
<tr>
<td>Gulka, Copper River</td>
<td>1 1/7</td>
</tr>
<tr>
<td>Hamilton, Southwest Coastal Lowland</td>
<td>1 9/10</td>
</tr>
<tr>
<td>Holy Cross, Koyukuk-Lower Yukon</td>
<td>1 1/12</td>
</tr>
<tr>
<td>Hooper Bay, Southwest Coastal Lowland</td>
<td>2 1/20</td>
</tr>
<tr>
<td>Hughes, Koyukuk-Lower Yukon</td>
<td>1 8/9</td>
</tr>
<tr>
<td>Hulalik, Koyukuk-Lower Yukon</td>
<td>1 6/24</td>
</tr>
<tr>
<td>Icy Bay, Bristol Bay</td>
<td>1 7/12</td>
</tr>
<tr>
<td>Iliamna, Cook Inlet</td>
<td>5 1/8</td>
</tr>
<tr>
<td>Iliudak, Bering Strait</td>
<td>7 5/8</td>
</tr>
<tr>
<td>Ivonof Bay, Aleutian</td>
<td>3 1/9</td>
</tr>
<tr>
<td>Kagnuyuk, Kodiak</td>
<td>1 2/4</td>
</tr>
<tr>
<td>Kakertvik, Arctic Slope</td>
<td>1 5/7</td>
</tr>
<tr>
<td>Kalskag, Southwest Coastal Lowland</td>
<td>1 5/7</td>
</tr>
<tr>
<td>Kalskag, Koyukuk-Lower Yukon</td>
<td>2 5/7</td>
</tr>
<tr>
<td>Karusk, Kodiak</td>
<td>1 2/1</td>
</tr>
<tr>
<td>Kasigluk, Southwest Coastal Lowland</td>
<td>3 1/3</td>
</tr>
<tr>
<td>Kiana, Bering Strait</td>
<td>3 2/5</td>
</tr>
<tr>
<td>King Cove, Aleutian</td>
<td>3 2/8</td>
</tr>
<tr>
<td>Kipnuk, Southeast Coastal Lowland</td>
<td>3 4/4</td>
</tr>
<tr>
<td>Kivalina, Bering Strait</td>
<td>1 7/12</td>
</tr>
<tr>
<td>Kobuk, Bering Strait</td>
<td>1 1/6</td>
</tr>
<tr>
<td>Kokhanok, Bristol Bay</td>
<td>11 1/8</td>
</tr>
<tr>
<td>Koliganek, Bristol Bay</td>
<td>2 2/12</td>
</tr>
<tr>
<td>Kongiganak, Southwest Coastal Lowland</td>
<td>2 5/1</td>
</tr>
<tr>
<td>Kotlik, Southwest Coastal Lowland</td>
<td>2 4/5</td>
</tr>
<tr>
<td>Kotzebue, Bering Strait</td>
<td>1 7/15</td>
</tr>
<tr>
<td>Koyuk, Bering Strait</td>
<td>1 7/9</td>
</tr>
<tr>
<td>Koyukuk, Koyukuk-Lower Yukon</td>
<td>1 5/2</td>
</tr>
<tr>
<td>Kvethuk, Southwest Coastal Lowland</td>
<td>4 6/2</td>
</tr>
<tr>
<td>Kwagillingok, Southwest Coastal Lowland</td>
<td>2 2/9</td>
</tr>
<tr>
<td>Larsen Bay, Kodiak</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Levelock, Bristol Bay</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Lime Village, Upper Kuskokwim</td>
<td>1 27</td>
</tr>
<tr>
<td>Lower Kalskag, Southwest Coastal Lowland</td>
<td>1 16/1</td>
</tr>
<tr>
<td>McGrath, Upper Kuskokwim</td>
<td>1 15/1</td>
</tr>
<tr>
<td>Makok, Koyukuk-Lower Yukon</td>
<td>1 8</td>
</tr>
<tr>
<td>Manley Hot Springs, Tanana</td>
<td>3 7</td>
</tr>
<tr>
<td>Manokotak, Bristol Bay</td>
<td>2 29</td>
</tr>
<tr>
<td>Marshall, Southwest Coastal Lowland</td>
<td>2 10/6</td>
</tr>
</tbody>
</table>
Mary's Igloo, Bering Strait. 22
Medfra, Upper Kuskokwim. 2
Mekoryuk, Southwest Coastal Lowland. 303
Menta Lake, Copper River. 159
Minchumina Lake, Upper Kuskokwim. 4
Minto, Tanana. 258
Mountain Village, Southwest Coastal Lowland. 498
Nabesna Village, Tanana. 6
Naknek, Bristol Bay. 234
Napaimute, Upper Kuskokwim. 5
Napakiak, Southwest Coastal Lowland. 258
Napaskiak, Southwest Coastal Lowland. 215
Nelson Lagoon, Aleutian. 57
Nenana, Tanana. 447
Netohalen, Cook Inlet. 75
New Stuyahok, Bristol Bay. 229
Newtok, Southwest Coastal Lowland. 143
Nightmute, Southwest Coastal Lowland. 123
Nikolai, Upper Kuskokwim. 87
Nikolski, Aleutian. 57
Ninilchik, Cook Inlet. 91
Noatak, Bering Strait. 150
Nome, Bering Strait. 2132
Nondalton, Cook Inlet. 259
Noolik, Artic Slope. 14
Noorvik, Bering Strait. 155
Northeast Cape, Bering Sea. 6
Northway, Tanana. 265
Nulato, Koyukuk-Lower Yukon. 368
Nunapitchuk, Southwest Coastal Lowland. 329
Ohogamiut, Southwest Coastal Lowland. 1
Old Harbor, Kodiak. 344
Oscarville, Southwest Coastal Lowland. 49
Ousinik, Kodiak. 240
Paradise, Koyukuk-Lower Yukon. 6
Pauloff Harbor, Aleutian. 6
Pedro Bay, Cook Inlet. 91
Pevsny Bay, Kodiak. 131
Pilot Point, Bristol Bay. 125
Pilot Point Station, Southwest Coastal Lowland. 326
Pikos Point, Southwest Coastal Lowland. 83
Platinum, Southwest Coastal Lowland. 64
Point Hope, Artic Slope. 57
Point Lay, Artic Slope. 57
Portage Creek (Oggenakajo), Bristol Bay. 65
Port Graham, Cook Inlet. 123
Port Heiden (Ishihick), Aleutian. 78
Port Lions, Kodiak. 114
Quinhagak, Southwest Coastal Lowland. 352
Rampart, Upper Yukon-Porcupine. 160
Red Devil, Upper Kuskokwim. 50
Ruby, Koyukuk-Lower Yukon. 248
Russian Mission or Chauthaluc (Kuskokwim), Upper Kuskokwim.

St. George, Aleutian. 185
St. Mary's, Southwest Coastal Lowland. 281
St. Michael, Bering Strait. 26
St. Paul, Aleutian. 522
Salamatof, Cook Inlet. 73
Sand Point, Aleutian. 429
Savonoski, Bristol Bay. 64
Savoonga, Bering Sea. 436
Soammon Bay, Southwest Coastal Lowland. 174
Selawik, Bering Strait. 351
Seldovia, Cook Inlet. 43
Shageluk, Koyukuk-Lower Yukon. 173
Shaktoolik, Bering Strait. 107
Sheldon's Point, Southwest Coastal Lowland. 124
Shishmaref, Bering Strait. 308
Shungnak, Bering Strait. 167
Slana, Copper River. 7
Sleetsmute, Upper Kuskokwim. 146
South Naknek, Bristol Bay. 149
Squaw Harbor, Aleutian. 11
Stebbins, Bering Strait. 242
Stevens Village, Upper Yukon-Porcupine. 153
Stony River, Upper Kuskokwim. 86
Tacotna, Upper Kuskokwim. 27
Tanacross, Tanana. 134
Tanana, Koyukuk-Lower Yukon. 48
Tattler, Chugach. 156
Tazlina, Copper River. 97
Tellda, Upper Kuskokwim. 245
Teller, Bering Strait. 237
Telltin, Tanana. 177
Togiak, Bristol Bay. 376
Toksook Bay, Southwest Coastal Lowland. 290
Tuluuak, Southwest Coastal Lowland. 188
Tunuquak, Southwest Coastal Lowland. 405
Tununak, Southwest Coastal Lowland. 311
Twin Hills, Bristol Bay. 70
Tyonek, Cook Inlet. 244
Ugashik, Bristol Bay. 34
Unalakleet, Bering Strait. 742
Unalaska, Aleutian. 211
Unagak, Aleutian. 31
Uyak, Kodiak. 8
Venetie, Upper Yukon-Porcupine. 134
Wainwright, Arctic Slope. 294
Wales, Bering Strait. 165
White Mountain, Bering Strait. 168

(8) Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsec-
TENAKEE

Meeting held February 6, 1974 with George L. See, Sealaska staff member, who was representing John Borbridge, Jr.

Tenakee representatives in attendance were: John Martin, Al Martin, Carolyn Martin and Margaret Martin.

The purpose of the meeting is to establish what needs to be done by the Tenakee representatives to further the cause of qualifying as a certified village.

A list of questions prepared for the meeting are as follows:

1. Legal counsel, can we utilize the Sealaska attorney, or would it be feasible to hire a private attorney.

2. When is next hearing held on Tenakee.

3. What do we need for briefing.

4. What is time limit involved.

5. Would additional Tenakee history help, or is denial based on enrollment only.


7. Can we appeal "out of state" residents being removed from the Tenakee roll.

8. Which Agencies would best serve our needs for coordination purposes.

9. In the event that Tenakee does not qualify as a village, will expenses incurred by the representatives be reimbursed.

Carolyn Martin will provide a list of appealees John Martin personally contacted, and handled their appeals. A meeting is arranged for Thursday night to review the Certified Enrollment print-out.

Al Martin by Mr. See, with consent from those representatives in attendance, for fact finding purposes.
Can Mr. Borbridge's expertise advise be utilized by the Tenakee group.

In conclusion, Mr See called Judy Brady, Ad Hoc Appeal Board, and asked her the list of questions prepared for the meeting. The conversation was recorded, and her replies are attached.

Prepared by: Margaret E. Martin
Tenakee rep.
Meeting held February 6, 1974 with Dienz L. Lee, Seattle staff member, who was representing John Barbridge.

John Martin
Carlynn Martin
Margaret Martin
Ed Martin

The purpose of the meeting held was to establish what needed to be done by the Tenakee representatives to further the cause of qualifying as a village.

A list of questions made for the meeting are as follows:

- A Legal Council can we utilize the Council attorney, or should it be possible to hire a private attorney?
- A Where can we be held in Tenakee?
- C. What do we need for briefing?
- D. What is time limit involved?

E. Would additional Tenakee history help, or is denial based on enrollment only.

S. L. Dienz

Findings 1970 Census accuracy on
September 24, 1974

MEMORANDUM

TO: John Borbridge, Jr.
    President

FROM: Donald J. Beighle
      Attorney

RE: Eligibility of Haines and Tenakee as Native Villages

Attached is the Final Order of the Alaska Native Claims Appeal Board holding that the villages of Tenakee and Haines are ineligible to become village corporations under the Alaska Native Claims Settlement Act.

The applications for termination of Haines and Tenakee as Native villages under the Act was filed in August of 1973 as the Act required applications by unlisted villages for determination of eligibility to be filed prior to September 1, 1973. At this point in time, the enrollment figures were not yet completed. Under the Act unlisted villages had to meet certain criteria, among which was the fact that a majority of the residents of the village must be Native. Applications were filed on behalf of Haines and Tenakee to protect their status in the event enrollment figures ultimately determined that a majority of the residents of the village were Native. Also ongoing during this period of time was an effort by certain individuals enrolled to Tenakee to obtain sufficient changes of place of enrollment so as to qualify the village. This effort was somewhat successful in that 22 additional people were enrolled to Tenakee and it had one new eligible for a net gain of 23. However, this is far short of the number of Natives which would be required to enroll to the village to have a majority of the residents Native. The 1970 census listed a population of approximately 90, of which 10 are Native.
Haines has a parallel problem in that on the final roll it had a net loss of 4, leaving it with 314 and an enrollment of in excess of 350 was required for Haines to become a majority Native under the Act.

An additional issue was raised before the Ad Hoc Appeal Board, which was whether or not unlisted villages in Southeast Alaska could qualify as villages under the Act and therefore be entitled to the benefits of a village corporation. This question was briefed by all the parties to the appeal, including an excellent appeal by Richmond Allan.

The Ad Hoc Board had three methods of issuing its determination. One, it could have issued an opinion as to whether or not the village, if created, would have a majority of Natives and therefore made the mathematical computations on the enrollment census data. Two, the Board could have determined the mathematical calculations and the census data and also passed on the determination of whether unlisted villages in Southeast Alaska can qualify.

Three, the Board could issue its decision solely on the basis of whether or not villages in Southeast Alaska which are not named in Section 16 can qualify. The Board chose the latter position for issuing its opinion. That is, that under the Alaska Native Claims Settlement Act no village except those listed within Section 16 are entitled to qualify for benefits regardless of whether or not they can meet the remainder of the criteria under the Act.

In view of the Board's findings we have the following alternatives which I have discussed with Mr. Allan and which we both concur in.

1. We could proceed to Court to have the opinion of the Appeal Board set aside for the reason that it is legally inadequate. Both Mr. Allan and I feel comfortable that we would be successful in this type of an endeavor. However, it leaves unanswered the problem of whether or not the village then meets the necessary criteria for being an unlisted village and we are not at all optimistic that we would receive a favorable ruling in this regard. Therefore, the ultimate result would be that very likely, although achieving a satisfactory result in setting aside the Court Order, the remaining hurdle for determining eligibility would be insurmountable.
We can accept the ruling of the Board as final and make distribution to those people whose funds we are currently holding inasmuch as the eligibility of the community or village has been in doubt.

In our preliminary analysis both Rich and I agreed that the Board opinion does not go sufficiently far so as to impact the current program by Saalaska Corporation of making its land selections within the areas withdrawn by Section 16 of the Act.
DEAR APPLICANT,

YOUR APPLICATION FOR ENROLLMENT AS AN ALASKA NATIVE HAS BEEN REVIEWED AND A DETERMINATION MADE THAT YOU ARE ELIGIBLE FOR ENROLLMENT UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971, IN THE REGION AND VILLAGE REFERRED TO IN THE UPPER RIGHT-HAND CORNER OF THIS LETTER. IF THE REFERENCE ABOVE STATES (AT LARGE) YOU ARE ENROLLED TO THE REGION ONLY, AND NOT TO A VILLAGE.

FOR YOUR INFORMATION, WE ARE USING SOCIAL SECURITY NUMBER[1] AS YOUR NATIVE CLAIMS SETTLEMENT IDENTIFICATION NUMBER. IF YOU HAVE RECEIVED CARDS WITH OTHER SOCIAL SECURITY NUMBERS AND HAVE CHosen NOT TO USE THIS NUMBER, PLEASE ADVISE US OF THE SOCIAL SECURITY NUMBER YOU ARE USING.

PLEASE KEEP THIS OFFICE ADVISED OF ANY CHANGE OF ADDRESS.

SINCERELY YOURS,

/signed/ JOHN HOPE
NATIVE ENROLLMENT COORDINATOR
October 31, 1974

Juneau, Alaska 99802

Re: Eligibility of Tenakee

Dear [Name],

As you are aware, the Alaska Native Claims Appeal Board has held that the above village is ineligible to become a village corporation under the Alaska Native Claims Settlement Act. We presently face the question as to whether or not to proceed legally in an effort to overturn the decision of the Appeal Board. For your consideration and comment I am enclosing a copy of a memorandum to me from our attorney, Mr. Beighle, relative to his analysis of the opinion of the Appeal Board. I would appreciate any comments that you may have.

I intend to make the question of whether Sealaska further proceeds on the question of eligibility a matter for the next Sealaska Board meeting, which I anticipate occurring sometime in November.

I am advised by Mr. Beighle that we suffer no prejudice through delaying consideration until this time.

Sincerely,

[Signature]

John Borbridge, Jr.
President
November 4, 1974

Mr. John Borbridge, Jr., President
Sealaska Corporation
1117 W. 9th Street
Juneau, Alaska 99801

Re: Eligibility of Tenakee

Dear Mr. Borbridge:

After reviewing the memorandum from Attorney Don Beighie and your letter dated October 31, 1974, in which you have asked for my opinion on further pursuance of the eligibility of Tenakee, I've come up with the following conclusion.
In view of the findings of the Board according to your letter I agree with Mr. Beighie's alternative number two, to accept the ruling of the Board as final and make distribution to those people who have funds with Sealaska. I have had many inquiries from Tenakee enrollees on the distributions in that there were a few who received the full $1,008.00 and some who received $180.00. I've also talked with some of the local residents who are enrolled back to Tenakee on further pursuance of Tenakee's eligibility and they were in agreement with my decision. I have not contacted all.

I would like to take this opportunity to thank you personally for your assistance on our behalf.

I would request that Sealaska draft a letter to each individual registered back to Tenakee or a copy of the memorandum and your letter would be sufficient.

Sincerely,
March 7, 1990

Dear

This is in response to your request that I write you concerning my recollections, which I recently discussed with you on the telephone, about how the lists of communities entitled to receive benefits contained in the Alaska Native Claims Settlement Act were compiled. Outside of Southeast Alaska, the communities provisionally deemed eligible to receive benefits as "Native Villages" are listed in § 11(b)(1) of the Act. The communities in Southeast that were provisionally deemed eligible are listed in § 16. Special provision was made for the Natives residing in Kenai, Kodiak, Sitka and Juneau, predominantly non-Native urban communities, by § 14(h)(3).

Although the amount of land that corporations organized by the Natives of villages outside of Southeast were to be granted, depending on the number of Native residents, ranged from 69,120 to 161,280 acres, the amount the corporations organized by the Natives of villages in Southeast were to be granted, regardless of the number of Native residents, was 23,040 acres. The reason assigned for the difference in treatment was that the Natives of Southeast had previously received an award for the taking of their aboriginal lands. See § 16(c) of the Act.

The judgment the Tlingit and Haida Indians recovered in the Court of Claims under their special jurisdictional act ran not to villages but to the tribes as an entity. Although, historically, the various clans were the landholding entities, the premise of the jurisdictional act and of the judgment recovered thereunder was that all of the clans and groups of both tribes constituted a single tribal entity, "the Tlingit and Haida Indians of Alaska," which were deemed, as an entirety, to hold aboriginal title to all of the lands concerned.
I have no recollection of how or by whom the criteria for qualification as a Native village were formulated; I would guess, in the end, by congressional staff, after considering suggestions from various sources. In any event, the criteria adopted for qualification of a community as a "Native Village" were that it be "established" (actually existing as a community); that it have 25 or more Native residents at the time of the 1970 census, as shown by the census or by other evidence satisfactory to the Secretary of the Interior; that the Natives constitute a majority of the residents; and that the community not be of a "modern or urban character."

On the basis of information available at the time, it was believed that the only communities in Southeast that met the criteria were the ten listed in § 16. As I recall, almost all, if not all, of these villages had previously been organized as Native communities under the Indian Reorganization Act, as extended to Alaska, and they constituted the only communities that arguably met the criteria that were represented on the Central Council of the Tlingit and Haida Indians. None of the other communities represented on the Central Council, i.e. Anchorage, Haines, Juneau, Ketchikan, Petersburg, Sitka, Wrangell, San Francisco or Seattle, could meet the criteria to qualify as a Native Village. (I believe, in addition to these nine cities and the ten villages listed in § 16, then only other community then represented on the Central Council was Metlakatla, whose status was unique.)

As it was, Kasaan had to fend off a vigorous challenge to its eligibility mounted by the Forest Service because, as I recall, though substantially more that 25 Natives enrolled to Kasaan under the Settlement Act, hardly anyone had been enumerated as a resident on the 1970 census and we had difficulty convincing the administrative law judge both that it was an "established" community and that it had 25 or more Native residents.

The provision for Kenai, Kodiak, Sitka and Juneau made by § 14(h)(3) of the Settlement Act, as I recall, was included very late in the legislative process, not unlikely at conference, and was virtually an afterthought. The rationale was that these were places that historically had been important Native villages that had been subsumed by the white man in the process of establishing the present cities and still had many Native residents. Juneau (as Douglas) and Sitka had been organized as Native communities under the Indian Reorganization Act, and contained some trust or restricted Indian lands. (I believe Haines and Ketchikan were also organized under the IRA, but not Wrangell, Petersburg or Tenakee.)

As I said, my recollection is that § 14(h)(3) was formulated very late and rather haphazardly in the legislative process and lobbied independently by representatives of the communities concerned. I do not know why Haines, Ketchikan,
Petersburg, and Wrangell did not seek to be included. At least Petersburg and Wrangell and, I believe Ketchikan, had spokesmen in Washington at the time. I have a vague recollection of being told by representatives of Petersburg and Wrangell that they did not believe they could support the inclusion of these cities in § 14(h)(3) under the rationale that was employed for Juneau and Sitka because neither had in fact been the site of a Native village before white settlement. I have no knowledge of the aboriginal history of either Ketchikan, Petersburg, or Wrangell but Haines, I believe, was the site of a Native village before white settlement. I do recall that the Natives in the Ketchikan area were thought of in the "village" context as being linked to Saxman and that there appeared to be more than usual resistance by the non-Native residents of Ketchikan to its being characterized or treated in any way as a Native community. Cf. § 22(1) of the Settlement Act.

I never heard Tenakee mentioned in relation to the Settlement Act until after it was enacted and you and Carolyn spearheaded the effort to qualify it as a Native village under the provisions of § 11(b)(3) of the Act. As I recall, the effort failed either because it could not be established that Tenakee had at least 25 Native residents on the date of the 1970 census or that a majority of the residents were Natives, or both.

I take it, from what you told me, that an effort is being mounted to amend or supplement the Settlement Act to permit the Natives of Haines, Ketchikan, Petersburg, Wrangell and Tenakee to obtain benefits like those provided for the Natives of Kenai, Kodiak, Juneau and Sitka under § 14(h)(3). You indicated this effort would be pitched, at least in part, on the proposition that the situation of these communities is essentially the same as that of the four the communities covered by § 14(h)(3) and that the failure to include them was essentially an oversight. I do not know to what extent the rationale for the special treatment accorded the four communities is reflected in the legislative history of the Settlement Act. There is probably not much on the subject because the provision came into the Act so late. Senator Stevens is about the only person still around Congress who may have an independent recollection of the rationale for it.

If the legislative history reflects that the rationale for treating the four communities specially was that they were originally Native villages that were subsumed in the process of development of the present cities, it occurs to me that those who would contend that the situations of Haines, Ketchikan, Petersburg, Wrangell and Tenakee are similar (and, logically,
that these communities also should have been included in § 14(h)(3)) must be prepared to show such similarity as a matter of fact. It may be that the assertion of such similarity will go unchallenged, but I wouldn't bet on it.

Give my best to Carolyn.

Kindest personal regards and best wishes.

Sincerely,

[Signature]

Richmond F. Allan
In your letter of February 14, 1991, you requested, on behalf of the Southeast Coalition, that I provide you with my "...version of just exactly what (I) recall of the negotiations that went on with regard to the listing of villages to be included in ANCSA..." You correctly stated that land claims bills proposed by AFN "...would have made Haines, Ketchikan, Petersburg, and Wrangell eligible for village status." and that subsequent "... ANCSA bills deleted references to these four communities. "You also noted that,"Apparently, none of the recorded comments from Tlingit-Haida registered an objection to the deletions."

In paragraph six, please note that Sitka, Juneau, Kenai, and Kodiak were all included in the ANCSA provision accommodating urban communities.

I prefer, when requested to recall specific events out of a series of formal and informal presentations, negotiations, proposals, counter-proposals, and meetings occurring over a period of years, to refresh my recollection with research.

But, the demands of my fulltime employment (including a demanding travel schedule) as the Subsistence Specialist at the BIA make that impossible, timewise, so in lieu of research, I shall simply recall to the best of my ability, various relevant events that bear on your task. AFN and Central Council presentations and negotiations involved, at various times, the AFN Board, the Alaska Congressional Delegation, the State of Alaska, the Department of Interior, and the Chairmen and Members of Congressional Committees.
Carolyn Martin  
April 29 1991  
Page Two

Presentations and meetings varied from the formal (Committee hearings) to the less formal (meetings with Congressmen, Governors, and Interior Secretaries) and the informal (Congressional and Committee staff aides). Thus draft legislation and the accompanying hearings were usually the culmination of innumerable prior discussions, proposals, counter-proposals, proposed concepts and proposed legislative language. I will describe, to the best of my recollection, the relevant events and the perceptions that affected the decisions pertinent to the five communities.

Events and Perceptions

1. Initially, the Congressional Committees in the U.S. House and U.S. Senate, the Department of the Interior, the Alaska Congressional Delegation, the State of Alaska, and AFN opposed the inclusion of Southeast Alaska Natives in proposed statewide land claims settlement legislation, on the basis that the $7.5 million judgment award from the Court of Claims (the Tlingit & Haida lawsuit) was in full satisfaction of any and all Aboriginal claims. The Tlingit and Haida lawsuit was directed solely at receiving compensation, since the jurisdiction of the Court of Claims did not allow it to adjudicate cases in which the claims of Aboriginal Title to lands had not been extinguished.

Thus even our success in the Court of Claims, where Tlingit and Haida claims of Aboriginal Title to their lands were upheld, but where the Court also found that such Aboriginal Title had been extinguished, seemed to stack the odds even more, against my efforts to obtain land for Southeast Alaska Natives.

2. My development of a convincing rationale and successful lobbying of AFN (on which I served as a Board Member and, for two years, as First Vice President), the state of Alaska, the Alaska Congressional Delegation, the appropriate Congressional Committees and their Chairmen, and the Department of the Interior convinced them that Southeast should be included in a legislative land claims settlement, notwithstanding our Court of Claims judgment award.

3. The next question was – how much land should the Southeast Natives be able to select? This involved the corollary questions of how many and which Southeast Native Communities should receive land selection rights and what should be their legislative acreage entitlement. The answers to these questions were affected by:

   A. Overall Native selection rights varied during my lobbying from the 60 million acres proposed by AFN to the less than 1 million proposed by Chairmen Aspinall and the Interior Department.
C. Since a number of bills were introduced and died, prior to H.R. 10367, I joined others in various efforts to try to restore our four communities and others, as each bill was introduced. Committee Chairman finally reached the point in negotiations where they flatly refused to reconsider their community lists.

D. It was sometimes difficult to understand the reasons for certain deletions. I worked to persuade Congressional Committee Chairman to provide for Native communities that continued to exist, even though they had been surrounded or engulfed by Non-natives. An appropriate provision was inserted into a proposed 1970 ANCSA bill. The bill died. I successfully sought inclusion of such a provision in H.R. 10367 in late 1971, through Senator Stevens. Efforts to expand Sec. 14(h) to include more communities failed, but it is noteworthy that 2 of the 4 communities included in sec. 14 (h) are from Southeast.

E. Kasaan's selection rights survived a vigorous Forest Service challenge because Sealaska Corporation undertook, successfully its legal defense. You also recall that I brought Tenakee to the point of only needing to qualify, whereupon you and John led a vigorous effort that just fell short of adding another community to the list.

When ANCSA became law on December 18, 1971, it, with a 1976 amendment, provided Southeast Native land selection rights to more than 500,000 acres of timber land to previously landless tribes. This Settlement of nearly $ 1 billion and 40+ million acres was not, with its ambiguities and omissions, close to being a perfect bill.

I wish you and the members of the Coalition success, as you seek to remedy its defects, as they relate to the landless communities. A successful effort will depend on sheer, grinding hard work, strategies directed at various battle fields, the development of support coalitions in Alaska and Washington, D.C., and the ability to analyze the perspectives of all who have an interest in your pending legislative solution. Please send my response to your letter, along with my personal best wishes, to the SAALAC Board of Directors. By the way, my recollection of events and procedures re: ANCSA were refreshed by my recent research and writing in connection with my ANCSA book.

Sincerely,

John Borbridge, Jr.
Anchorage, Alaska
April 25, 1979

Senator Ted Stevens
U.S. Senate
Washington, DC 20510

Dear Ted:

I recently received a letter from Sealaska Corporation that an amendment to the Native Claims Act (par. C., PL 94-204; 89 Stat. 1145-46) provides for enrollment in an operating village corporation for those of us who had previously enrolled in a village (e.g., Haines) that was later denied recognition. To many of us, being in association with a village where we have friends and relatives is much more preferable than the anomalous, at-large situation we now find ourselves in. It appears that there are quite a number of us in the same boat, and we're very much interested in the legislation mentioned above.

Upon further inquiry, however, it seems that the Secretary, who is charged with promulgating regulations and establishing the machinery for the re-enrollments, has not quite been proceeding with, shall we say, "dispatch." The above amendment is dated 2 Jan 76, but neither the regulations nor the procedures have been activated up here as yet.

Is there anything that can be done to move the process along?

Sincerely & with best regards,
November 16, 1982

Haines, AK 99827

RE: Enrollment Problem

Dear [Name],

Enclosed you will find copies of the demand letter and the Freedom of Information Request I have sent to BIA. The demand letter asks the BIA to enroll you in the Klukwan Village Corporation. The Freedom of Information Request is intended to require the Department of the Interior to produce certain records which will be of use if we have to file a lawsuit. There is a chance that these letters will apply sufficient pressure to the government to cause it to reenroll you in Klukwan. If not, your only recourse will be to file a lawsuit seeking to compel the BIA to act.

During our phone conversation last Saturday, you asked me to send you a written summary of your legal position and the possibilities for bringing a class action lawsuit against the federal government for its failure to reenroll you and other similarly situated individuals. This opinion letter is a response to that request. It discusses the following topics:

- The legal basis for a lawsuit.
- The relief you could expect from the court if you win.
- Some of the problems you may encounter in a lawsuit.
- The advisability of bringing a class action.
- The procedures involved in bringing a lawsuit.
- The costs of litigation.

I. THE LEGAL BASIS FOR A LAWSUIT

In order to understand the legal basis for the lawsuit, you have to know something about the history of the enrollment process. After I summarize this history, I will turn to a discussion of the specific statute which gives you a claim against the government.
November 16, 1982
Page Two

A. Legal History of the Enrollment Program.

As you know, when Congress passed the Alaska Native Claims Settlement Act (ANCSA) in 1971, it provided that all Alaska Natives who wanted to receive benefits under the Act were to enroll with the Department of the Interior. The Department, through the Bureau of Indian Affairs (BIA) was then supposed to decide whether individuals seeking enrollment could be considered Alaska Natives and, if so, assign them to regional and, if they wished, village corporations, based on their place of residence during the 1970 census.

ANCSA also set forth standards to be applied in determining whether communities to which persons sought to be enrolled were eligible to form village corporations and receive land and money benefits under the Act. These standards required that communities be disqualified from receiving benefits if:

(1) Less than 25 Alaska Natives resided in the community on the date of the 1970 census; OR

(2) The community was "of a modern and urban character" and the majority of the residents were non-Native.

Haines and a number of other communities in the state were disqualified for one or the other of these two reasons. When this happened, persons seeking enrollment were treated as "at large" shareholders within their regions. This meant that when regional corporations distributed Alaska Native Fund money as dividends, they received more than village corporation shareholders.

In 1976 Congress passed a series of amendments to ANSCSA in a statute known as Public Law (PL) 94-204. It is this statute which provides the main legal basis for your claim.

B. PL 94-204.

PL 94-204 was intended to address a number of administrative problems which arose in implementing ANCSA. One of these problems related to the fact that the Department of the Interior did not determine the eligibility of villages for benefits under the Act until after the enrollment process was completed. This meant that people would sign up to be enrolled in the community without knowing whether it would be eligible to form a village corporation.
November 16, 1982
Page Three

If the village was later disqualified for one of the reasons described above, the people enrolled to it would be unable to change their enrollment to another village. Section 1(c) of PL94-204 was an attempt to deal with this problem.

Section 1(c) provides that applicants enrolled to villages which are later disqualified for benefits are to be reenrolled in new villages according to new regulations adopted by BIA. An important point to remember about the statute is that not everyone whose villages were disqualified was intended to be benefited by it. The statute only applies in situations in which at least 25 people were enrolled to the disqualified village. Thus, if at that they resided in Haines at the time of the 1970 census, you are in a position to claim a right to reenrollment under Section 1(c). It is my understanding that more than 25 persons enrolled as residents of Haines.

My investigations have revealed that BIA has failed to adopt any regulations to implement Section 1(c). Instead, it appears that the Bureau has simply closed the cases of persons such as yourself. In doing so the agency has violated its obligations under PL 94-204. This means you are in a position to sue the government and ask the court for an injunction requiring BIA and the Secretary of the Interior to comply with the statute.

C. Other Legal Grounds For Relief.

Though Section 1(c) would form the main basis for any lawsuit, there are additional grounds that we could also assert as a basis for relief from the court. Since BIA never formally notified you of the action it was taking on your enrollment, it is possible to argue that the agency violated your constitutional rights to due process of law. In addition, you can argue that the government breached a trust obligation it owed you and others seeking enrollment under the Alaska Native Claims Settlement Act by refusing to implement Section 1(c).

II. THE RELIEF YOU CAN EXPECT FROM THE COURT IF YOU WIN

If we were to file a lawsuit, I would ask the court to reenroll you in Klukwan. It is important to understand, however, that it is unlikely that the court will require BIA to do this. Section 1(c) requires reenrollment to carried out according to standards to be developed by the Secretary of the Interior. Thus,
instead of simply ordering reenrollsments, the court is more likely

to issue an injunction requiring BIA to adopt and implement the

regulations within a specified time period. Though it is

impossible to predict what these regulations would say, my guess is

that, given your long standing and extensive ties with Klukwan,

they would require you to be named as a shareholder of that

village corporation. As far as other Haines residents are

concerned, the ultimate decision on their reenrollment might

depend on such factors as ancestral ties, place of birth, or

location of prior residences. It is also possible that the

standards ultimately adopted by BIA would prevent some Haines

residents from reenrolling in Klukwan, though the legality of such

a regulation would be subject to challenge.

In addition to obtaining an injunction, a victory in the law-
suit would mean that you can ask the court to require the govern-
ment to reimburse you for a portion of your attorneys' fees and

all of your court costs. If the court allowed reimbursement for

attorneys' fees, this reimbursement would not exceed $75 for each

hour of attorney of attorney time.

You should keep in mind that if you were reenrolled in

Klukwan as a result of this lawsuit, you would not be entitled to

dividends which the village corporation might have provided to its

shareholders in the years since passage of Section 1(c). This is

because Section 1(c) expressly states that there shall be no re-
distribution of funds as a result of reenrollments. Please note

that this provision also assures that you do not have to refund

the extra cash distributions you might have received from Sealaska

by virtue of the fact that you have been an "at large"

shareholder.

III. PROBLEMS WHICH MAY ARISE IN A LAWSUIT

In my opinion your claim against the government is a strong

one, and the odds of a successful outcome are in your favor. It

is impossible to guarantee success in any lawsuit, however, and

there are certain characteristics in this case which might cause

you some difficulties.

First, due to some ambiguities in the language of Section

1(c), the government might try to argue the statute only applies

to residents of villages which were disqualified for benefits

because they have less than 25 eligible residents. My guess is
was probably disqualified because it was considered to have a "modern and urban character" and the majority of its residents are non-Native.

Though it is impossible to predict with complete certainty how the court would view such an argument, in my opinion it is unlikely that it would accept an interpretation which limited the statute's applicability in this way. The basis for this opinion is a rule of statutory construction which I believe would require the court to resolve any ambiguities in your favor.

Another argument the government may make is that you have waited too long to bring the lawsuit. Since you were not notified of Haines' disqualification until 1979, it is unlikely that such an argument would succeed.

If a lawsuit is filed, I would also expect certain village corporations to try to come into the lawsuit on the side of the government. This is because some village corporations may not like the idea of having additional shareholders and would want to restrict the scope of any injunction issued by the court. Intervention by village corporations would not affect your legal position, would it would make the litigation more complicated.

IV. SHOULD YOU FILE A CLASS ACTION?

The first decision you need to make if you want to file the lawsuit is whether you should file it as a class action. If you did decide to file a class action, we would have to file special motions with the court seeking permission for you to act on behalf of all persons whose villages were disqualified for ANSCA benefits and who were not subsequently reenrolled. If the court allowed you to act as a class representative, we would not be able to settle the case without notifying the class members and getting the court's permission.

After giving this matter further consideration, it is my recommendation that you not file the lawsuit as a class action. The reasons for this recommendation are as follows:

1. If you win, it is likely that the relief the court gives you will apply to all similarly situated persons, whether or not you file a class action. This is because an injunction would require BIA to adopt regulations which apply to everyone. There
November 16, 1982
Page Six

is, thus, no particular advantage to be gained from filing a class action.

2. Class actions cost more. I would have to prepare special motions and briefs in order to get the court's permission for you represent the class, and this would consume attorney time which would not be needed in a regular lawsuit.

3. If a settlement of the lawsuit is possible, it can be accomplished quicker and more cheaply if we do not file a class action.

These factors make it more efficient for you and those of your friends and relatives to have experienced the same problem to bring an individual lawsuit and not a class action.

V. HOW TO BRING A LAWSUIT

If you decide to sue, we would file a complaint in federal court in Anchorage naming you and anyone else who wished as plaintiffs and the United States of America and the Secretary of the Interior as defendants. The government would then have 60 days to file a response to our complaint.

Due to the nature of the issues involved, the case could probably be decided without a trial and without you actually having to appear to testify. It would be necessary to take the deposition testimony of certain government officials and to use court procedures which would require the government to produce records and other evidence. Once this was accomplished, we would be in a position to file a "motion for summary judgment" together with supporting legal briefs asking the court to give us the relief described earlier. I estimate that it would take about ten months from the date the complaint is filed for this process to be completed and for the court to have all the information it needs to make a decision. This does not mean that you would have a decision in ten months, for the federal judge might take additional weeks or months studying the issue before he makes a decision. Unfortunately, litigation usually takes a fair amount of time. Of course, it is always possible that the government will try to settle the case before the court makes a final decision. If this happened things could be wound up a lot sooner than this estimate.
VI. COST OF THE LITIGATION

The terms of my representation would remain similar to what they have been for other work I have performed for you. I would bill at the rate of $115 per hour for working on the lawsuit. You and any other plaintiffs would also be responsible for reimbursing the firm for expenses such as long distance phone calls, filing fees, deposition expenses and duplication fees.

I have told you that I estimate that the litigation would cost a total of between $5,000 and $10,000 depending on how vigorous a fight that the government puts up. If we could reach an early settlement, however, it is possible that all work could be completed for less than $5,000. Please keep in mind that these estimates only cover work in the trial court. If we or the government were to appeal from an unfavorable decision, then additional work would be required and further expenses incurred.

In order to file the litigation, I would have to have an advance on our fees of $5,000. This money would be placed in a trust account and you would receive a statement every month describing the work performed and the cost of services provided. If my representation could be completed for less than $5,000, you would receive a refund from the trust account. If it required more than $5,000, we would send you monthly billings and would expect you to remain current on your obligations once your advance was exhausted.

VII. CONCLUSION

As I told you on the phone, if we are going to file litigation, I believe it is advisable for us to do so before December 2. I, therefore, request that you get back to me no later than November 26 so that there will be plenty of time to draw up the complaint if you decide to go forward with the litigation.

Please feel free to contact me if you have any questions at all.

Very truly yours,

FAULKNER, BANFIELD,
DOOGAN & HOLMES

By: Richard B. Brown

RBB:nbj
Enclosures
DEAR HEAD OF HOUSEHOLD,

WE HAVE RECEIVED YOUR APPLICATION FOR ENROLLMENT UNDER THE ALASKAN NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971 FOR THE FOLLOWING NAMED PERSONS. IF MEMBERS OF YOUR FAMILY HAVE REGISTERED TO A DIFFERENT VILLAGE, THEY WILL BE LISTED ON A SEPARATE LETTER. IF ANY OF THE INFORMATION PRINTED BELOW IS NOT CORRECT PLEASE SEND US THE CORRECT INFORMATION NOW.

<table>
<thead>
<tr>
<th>NAME</th>
<th>SOC SEC NO.</th>
<th>RELATION</th>
<th>BIRTHDATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>HEAD</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>WIFE</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>WIFE</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>DAU</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>DAU</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>DAU</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>NEPHEW</td>
<td></td>
</tr>
</tbody>
</table>

A DECISION AS TO APPROVAL OF ENROLLMENT WILL BE MADE ON THE BASIS OF INFORMATION CONTAINED IN THE APPLICATION AND SUPPLEMENTAL EVIDENCE. YOU WILL BE NOTIFIED IN WRITING BY THIS OFFICE AS TO WHETHER OR NOT YOUR APPLICATION IS APPROVED.

PLEASE KEEP THIS OFFICE INFORMED, BY MAIL, OF ANY CHANGE IN YOUR MAILING ADDRESS.

SINCERELY YOURS,

/\S/ JOHN HOPE
NATIVE ENROLLMENT COORDINATOR
DEAR APPLICANT,

YOUR APPLICATION FOR ENROLLMENT AS AN ALASKA NATIVE HAS BEEN REVIEWED AND A DETERMINATION MADE THAT YOU ARE ELIGIBLE FOR ENROLLMENT UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971, IN THE REGION AND VILLAGE REFERRED TO IN THE UPPER RIGHT-HAND CORNER OF THIS LETTER. IF THE REFERENCE ABOVE STATES (AT LARGE) YOU ARE ENROLLED TO THE REGION ONLY, AND NOT TO A VILLAGE.

FOR YOUR INFORMATION, WE ARE USING SOCIAL SECURITY NUMBER AS YOUR NATIVE CLAIMS SETTLEMENT IDENTIFICATION NUMBER. IF YOU HAVE RECEIVED CARDS WITH OTHER SOCIAL SECURITY NUMBERS AND HAVE CHOSEN NOT TO USE THIS NUMBER, PLEASE ADVISE US OF THE SOCIAL SECURITY NUMBER YOU ARE USING.

PLEASE KEEP THIS OFFICE ADVISED OF ANY CHANGE OF ADDRESS.

SINCERELY YOURS,

/S/ JOHN HOPE
NATIVE ENROLLMENT COORDINATOR
DEAR APPLICANT,

YOUR APPLICATION FOR ENROLLMENT AS AN ALASKA NATIVE HAS BEEN REVIEWED AND A DETERMINATION MADE THAT YOU ARE ELIGIBLE FOR ENROLLMENT UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971, IN THE REGION AND VILLAGE REFERRED TO IN THE UPPER RIGHT-HAND CORNER OF THIS LETTER. IF THE REFERENCE ABOVE STATES (AT LARGE) YOU ARE ENROLLED TO THE REGION ONLY, AND NOT TO A VILLAGE.

FOR YOUR INFORMATION, WE ARE USING SOCIAL SECURITY NUMBER AS YOUR NATIVE CLAIMS SETTLEMENT IDENTIFICATION NUMBER. IF YOU HAVE RECEIVED CARDS WITH OTHER SOCIAL SECURITY NUMBERS AND HAVE CHOSEN NOT TO USE THIS NUMBER, PLEASE ADVISE US OF THE SOCIAL SECURITY NUMBER YOU ARE USING.

PLEASE KEEP THIS OFFICE ADVISED OF ANY CHANGE OF ADDRESS.

SINCERELY YOURS,

/S/ JOHN HOPE
NATIVE ENROLLMENT COORDINATOR
DEAR APPLICANT,

YOUR APPLICATION FOR ENROLLMENT AS AN ALASKA NATIVE HAS BEEN REVIEWED AND A DETERMINATION MADE THAT YOU ARE ELIGIBLE FOR ENROLLMENT UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971, IN THE REGION AND VILLAGE REFERRED TO IN THE UPPER RIGHT-HAND CORNER OF THIS LETTER. IF THE REFERENCE ABOVE STATES (AT LARGE) YOU ARE ENROLLED TO THE REGION ONLY, AND NOT TO A VILLAGE.

FOR YOUR INFORMATION, WE ARE USING SOCIAL SECURITY NUMBER _______ AS YOUR NATIVE CLAIMS SETTLEMENT IDENTIFICATION NUMBER. IF YOU HAVE RECEIVED CARDS WITH OTHER SOCIAL SECURITY NUMBERS AND HAVE CHOSEN NOT TO USE THIS NUMBER, PLEASE ADVISE US OF THE SOCIAL SECURITY NUMBER YOU ARE USING.

PLEASE KEEP THIS OFFICE ADVISED OF ANY CHANGE OF ADDRESS.

SINCERELY YOURS,

/S/ JOHN HOPE
NATIVE ENROLLMENT COORDINATOR
MOSES SMITH
BOX 1147
JUNEAU AK 99801

DEAR APPLICANT,

YOUR APPLICATION FOR ENROLLMENT AS AN ALASKA NATIVE HAS BEEN REVIEWED AND A DETERMINATION MADE THAT YOU ARE ELIGIBLE FOR ENROLLMENT UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971, IN THE REGION AND VILLAGE REFERRED TO IN THE UPPER RIGHT-HAND CORNER OF THIS LETTER, IF THE REFERENCE ABOVE STATES (AT LARGE) YOU ARE ENROLLED TO THE REGION ONLY, AND NOT TO A VILLAGE.

FOR YOUR INFORMATION, WE ARE USING SOCIAL SECURITY NUMBER _____ AS YOUR NATIVE CLAIMS SETTLEMENT IDENTIFICATION NUMBER. IF YOU HAVE RECEIVED CARDS WITH OTHER SOCIAL SECURITY NUMBERS AND HAVE CHOSEN NOT TO USE THIS NUMBER, PLEASE ADVISE US OF THE SOCIAL SECURITY NUMBER YOU ARE USING.

PLEASE KEEP THIS OFFICE ADVISED OF ANY CHANGE OF ADDRESS.

SINCERELY YOURS,

/S/ JOHN HOPE
NATIVE ENROLLMENT COORDINATOR
DEAR APPLICANT:

YOUR APPLICATION FOR ENROLLMENT AS AN ALASKA NATIVE HAS BEEN REVIEWED AND A DETERMINATION MADE THAT YOU ARE ELIGIBLE FOR ENROLLMENT UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971, IN THE REGION AND VILLAGE REFERRED TO IN THE UPPER RIGHT-HAND CORNER OF THIS LETTER. IF THE REFERENCE ABOVE STATES (AT LARGE) YOU ARE ENROLLED TO THE REGION ONLY, AND NOT TO A VILLAGE.

FOR YOUR INFORMATION, WE ARE USING SOCIAL SECURITY NUMBER AS YOUR NATIVE CLAIMS SETTLEMENT IDENTIFICATION NUMBER. IF YOU HAVE RECEIVED CARDS WITH OTHER SOCIAL SECURITY NUMBERS AND HAVE CHOSEN NOT TO USE THIS NUMBER, PLEASE ADVISE US OF THE SOCIAL SECURITY NUMBER YOU ARE USING.

PLEASE KEEP THIS OFFICE ADVISED OF ANY CHANGE OF ADDRESS.

SINCERELY YOURS,

/SS JOHN RHOPE
NATIVE ENROLLMENT COORDINATOR
NOTICE OF APPEAL PROCEDURE

This is to advise you that an applicant (whose name appears above) has filed an appeal against his (her) enrollment under the Alaska Native Claims Settlement Act of 1971 in your region or village. The applicant states in his (her) appeal petition that he is eligible for enrollment in the region and village listed above.

This is to notify you that you may present to me such arguments, briefs, records, or other evidence which you may urge in the disposition of this case. Please forward such presentation you may wish to make IMMEDIATELY to:

Regional Solicitor, Anchorage
Department of the Interior
c/o Enrollment Coordinator
Pouch 7-1971
Anchorage, Alaska 99510

/s/ Robert E. Price
Regional Solicitor, Anchorage
Office of the Solicitor
Department of the Interior
OFFICE OF THE SOLICITOR
REGIONAL SOLICITOR, ANCHORAGE
DEPARTMENT OF THE INTERIOR
C/O ENROLLMENT COORDINATOR
PO BOX 7, 1971
ANCHORAGE, ALASKA 99510

APPELLANT

APPELLANT HAS APPEALED FROM A DECISION OF THE ENROLLMENT COORDINATING OFFICE WHICH ENROLLED THE APPELLANT IN A REGION AND/OR VILLAGE DIFFERENT FROM THAT CLAIMED BY THE APPELLANT IN HIS (HER) ENROLLMENT APPLICATION, UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, PUBLIC LAW 92-203.

THE PETITION ON APPEAL OF THE APPELLANT URGES REVERSAL OF THE DECISION OF THE ENROLLMENT COORDINATING OFFICE.

A REVIEW OF THE ADMINISTRATIVE RECORD ESTABLISHES IN THIS CASE THAT THE ENROLLMENT COORDINATING OFFICE WAS NOT CORRECT IN ITS DECISION WHICH ENROLLED THE APPELLANT IN THE REGION AND/OR VILLAGE SET OUT IN THAT DECISION.


THIS DECISION IS FINAL.

/S/ ROBERT F. PRICE
REGIONAL SOLICITOR, ANCHORAGE
OFFICE OF THE SOLICITOR
DEPARTMENT OF THE INTERIOR
FINAL DECISION

APPellant has appealed from a decision of the Enrollment Coordinating Office which enrolled the appellant in a region and/or village different from that claimed by the appellant in his (her) enrollment application, under the Alaska Native Claims Settlement Act, Public Law 82-207.

The petition on appeal of the appellant urges reversal of the decision of the enrollment coordinating office.

A review of the administrative record establishes in this case that the enrollment coordinating office was not correct in its decision which enrolled the appellant in the region and/or village set out in that decision.

Now, therefore, by virtue of the authority delegated by the Secretary of the Interior to the Regional Solicitor, Office of the Solicitor, Department of the Interior, Anchorage, Alaska, and in accordance with 25 C.F.R. 43.4(g) (1), the decision of the enrollment coordinating office is reversed and the enrollment coordinating office is ordered to enroll the appellant in the region and village set out above on this decision.

This decision is final.

/\\ ROBERT E. PRICE
REGионаL SOLICITOR, ANCHORAGE
OFFICE OF THE SOLICITOR
DEPARTMENT OF THE INTERIOR
FINAL DECISION

APPellant has appealed from a decision of the Enrollment Coordinating Office which enrolled the Appellant in a region and/or village different from that claimed by the Appellant in his (her) Enrollment Application, under the Alaska Native Claims Settlement Act, Public Law 92-203.

The petition on appeal of the Appellant urges reversal of the decision of the Enrollment Coordinating Office.

A review of the administrative record establishes in this case that the Enrollment Coordinating Office was not correct in its decision which enrolled the Appellant in the region and/or village set out in that decision.

Now, therefore, by virtue of the authority delegated by the Secretary of the Interior to the Regional Solicitor, Office of the Solicitor, Department of the Interior, Anchorage, Alaska, and in accordance with 25 CFR 43W.610(10) the decision of the Enrollment Coordinating Office is reversed and the Enrollment Coordinating Office is ordered to enroll the Appellant in the region and village set out above on this decision.

This decision is final.

/5/ Robert E. Price
Regional Solicitor, Anchorage
Office of the Solicitor
Department of the Interior
FINAL DECISION

APPELLANT HAS APPEALED FROM A DECISION OF THE ENROLLMENT COORDINATING OFFICE WHICH ENROLLED THE APPELLANT IN A REGION AND/OR VILLAGE DIFFERENT FROM THAT CLAIMED BY THE APPELLANT IN HIS (HER) ENROLLMENT APPLICATION UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, PUBLIC LAW 92-213.

THE PETITION ON APPEAL OF THE APPELLANT UPON REVERSAL OF THE DECISION OF THE ENROLLMENT COORDINATING OFFICE.

A REVIEW OF THE ADMINISTRATIVE RECORD ESTABLISHES IN THIS CASE THAT THE ENROLLMENT COORDINATING OFFICE WAS NOT CORRECT IN ITS DECISION WHICH ENROLLED THE APPELLANT IN THE REGION AND/or VILLAGE SET OUT IN THAT DECISION.

NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY DELEGATED BY THE SECRETARY OF THE INTERIOR TO THE REGIONAL SOLICITOR, OFFICE OF THE SOLICITOR, DEPARTMENT OF THE INTERIOR, ANCHORAGE, ALASKA, AND IN ACCORDANCE WITH 25 CFR 43.3.4(b) THE DECISION OF THE ENROLLMENT COORDINATING OFFICE IS REVERSED AND THE ENROLLMENT COORDINATING OFFICE IS ORDERED TO ENROLL THE APPELLANT IN THE REGION AND VILLAGE SET OUT ABOVE ON THIS DECISION.

THIS DECISION IS FINAL.

/\/

ROBERT E. PRICE
REGIONAL SOLICITOR, ANCHORAGE
OFFICE OF THE SOLICITOR
DEPARTMENT OF THE INTERIOR
<table>
<thead>
<tr>
<th>Owner Code</th>
<th>Name and Mailing Address</th>
<th>Birth Date</th>
<th>Certificate</th>
<th>Issue Date</th>
<th>Reason</th>
<th>Shares</th>
<th>Blood Quantum Code</th>
<th>Custodian Name and Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>02860-05-X</td>
<td>JUNEAU AK 998034378</td>
<td>070671</td>
<td>481</td>
<td>AGE</td>
<td>1</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27022-01</td>
<td>JUNEAU AK 998020022</td>
<td>032722</td>
<td>481</td>
<td>121274</td>
<td>ORG</td>
<td>100</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>10045-01</td>
<td>BANDON OR 974110429</td>
<td>091950</td>
<td>481</td>
<td>121274</td>
<td>ORG</td>
<td>100</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>02824-03</td>
<td>JUNEAU AK 998011527</td>
<td>119964</td>
<td>481</td>
<td>121476</td>
<td>ORG</td>
<td>100</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>02860-04-X</td>
<td>JUNEAU AK 998034378</td>
<td>102368</td>
<td>481</td>
<td>biuyv56</td>
<td>1</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02860-05-X</td>
<td>JUNEAU AK 998034378</td>
<td>070671</td>
<td>481</td>
<td>20022</td>
<td>AGE</td>
<td>1</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>02860-06-X</td>
<td>JUNEAU AK 998034378</td>
<td>020773</td>
<td>481</td>
<td>1</td>
<td>CUS</td>
<td>1</td>
<td>0.00</td>
<td>02860-02-X JUNEAU AK 998034378</td>
</tr>
<tr>
<td>85902-01</td>
<td>FY BUT 021850 JUNEAU AK 998020000</td>
<td>110844</td>
<td>481</td>
<td>121476</td>
<td>REI</td>
<td>100</td>
<td>0.75</td>
<td></td>
</tr>
<tr>
<td>29567-02</td>
<td>ANGON ALASKA 998200133</td>
<td>081766</td>
<td>481</td>
<td>1</td>
<td>AGE</td>
<td>100</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>29567-03</td>
<td>ANGON AK 99x200133</td>
<td>103160</td>
<td>481</td>
<td>1</td>
<td>AGE</td>
<td>100</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>29567-04</td>
<td>ANGON AK 99x200133</td>
<td>041771</td>
<td>481</td>
<td>200120</td>
<td>AGE</td>
<td>100</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>Owner Code</td>
<td>Name and Mailing Address</td>
<td>Date of Birth</td>
<td>Certificate</td>
<td>Date</td>
<td>Reason</td>
<td>Shares</td>
<td>Quantum</td>
<td>Owner Code</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------</td>
<td>---------------</td>
<td>-------------</td>
<td>------</td>
<td>--------</td>
<td>--------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>02647-04</td>
<td>DOUGLAS AK 998241056</td>
<td>04/06/1958</td>
<td>481</td>
<td></td>
<td></td>
<td>100</td>
<td>0.25</td>
<td>02647-04</td>
</tr>
<tr>
<td>01743-03</td>
<td>PETERSBURG, ALASKA 99830133</td>
<td>01/01/1959</td>
<td>481</td>
<td></td>
<td></td>
<td>100</td>
<td>0.25</td>
<td>01743-03</td>
</tr>
<tr>
<td>01743-01</td>
<td>PETERSBURG ALASKA 99830133</td>
<td>05/01/1960</td>
<td>481</td>
<td></td>
<td></td>
<td>100</td>
<td>0.50</td>
<td>01743-01</td>
</tr>
<tr>
<td>01751-01</td>
<td>PETERSBURG ALASKA 99830133</td>
<td>12/26/1955</td>
<td>481</td>
<td></td>
<td></td>
<td>100</td>
<td>0.25</td>
<td>01751-01</td>
</tr>
<tr>
<td>27350-01</td>
<td>HODNANH ALASKA 998290395</td>
<td>07/06/1989</td>
<td>481</td>
<td></td>
<td></td>
<td>100</td>
<td>0.25</td>
<td>27350-01</td>
</tr>
<tr>
<td>02647-01</td>
<td>JUNEAU, ALASKA 99801</td>
<td>02/16/1959</td>
<td>481</td>
<td></td>
<td></td>
<td>100</td>
<td>0.50</td>
<td>02647-01</td>
</tr>
<tr>
<td>02647-03</td>
<td>JUNEAU AK 998019066</td>
<td>07/08/1957</td>
<td>481</td>
<td></td>
<td></td>
<td>100</td>
<td>0.25</td>
<td>02647-03</td>
</tr>
<tr>
<td>27350-02</td>
<td>HODNANH ALASKA 998290395</td>
<td>06/15/1954</td>
<td>481</td>
<td></td>
<td></td>
<td>100</td>
<td>1.00</td>
<td>27350-02</td>
</tr>
<tr>
<td>02647-05</td>
<td></td>
<td>10/23/1954</td>
<td>481</td>
<td></td>
<td></td>
<td>100</td>
<td>0.25</td>
<td>02647-05</td>
</tr>
<tr>
<td>CODE Name and Mailing Address</td>
<td>Birth Date Village</td>
<td>Certificate</td>
<td>Issue Date</td>
<td>Reason</td>
<td>Shares</td>
<td>Blood Code</td>
<td>Custodian CODE Name and Mailing Address</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------</td>
<td>-------------</td>
<td>------------</td>
<td>--------</td>
<td>--------</td>
<td>------------</td>
<td>----------------------------------------</td>
<td></td>
</tr>
<tr>
<td>02647-05</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(CONTINUED)</td>
<td></td>
</tr>
<tr>
<td>Hoonah AK 998290433</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36985-01</td>
<td>05/03/32</td>
<td>481</td>
<td></td>
<td></td>
<td>100</td>
<td>ORG</td>
<td>TENAKEE ALASKA 99841</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998021147</td>
<td>01/11/30</td>
<td>481 F13, 1</td>
<td></td>
<td></td>
<td>100</td>
<td>ORG</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNEAU ALASKA 998021147</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37149-05</td>
<td>08/24/62</td>
<td>481 67</td>
<td></td>
<td></td>
<td>100</td>
<td>ORG</td>
<td>37149-02</td>
<td></td>
</tr>
<tr>
<td>JUNEAU ALASKA 998021147</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37149-04</td>
<td>02/20/65</td>
<td>481 5A</td>
<td></td>
<td></td>
<td>100</td>
<td>AGE</td>
<td>JUNEAU AK 998021147</td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998021147</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26999-02</td>
<td>03/27/43</td>
<td>481 4B</td>
<td></td>
<td></td>
<td>100</td>
<td>ORG</td>
<td>JUNEAU AK 998020430</td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998020430</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26999-05</td>
<td>05/11/64</td>
<td>481 2/14GCH 6</td>
<td></td>
<td></td>
<td>100</td>
<td>AGE</td>
<td>JUNEAU AK 998020403</td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998020403</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37149-03</td>
<td>02/11/59</td>
<td>481 5B</td>
<td></td>
<td></td>
<td>100</td>
<td>AGE</td>
<td>7 JUNEAU AK 998020000</td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998020000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26999-07</td>
<td>10/14/68</td>
<td>481 4B</td>
<td></td>
<td></td>
<td>100</td>
<td>AGE</td>
<td>JUNEAU AK 998020403</td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998020403</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26999-06</td>
<td>04/25/67</td>
<td>481 5B</td>
<td></td>
<td></td>
<td>100</td>
<td>AGE</td>
<td>JUNEAU AK 998020403</td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998020403</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37149-02</td>
<td>11/17/41</td>
<td>481 5B</td>
<td></td>
<td></td>
<td>100</td>
<td>ORG</td>
<td>JUNEAU AK 998021147</td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998021147</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner Code and Mailing Address</td>
<td>Birth Date</td>
<td>Village</td>
<td>Certificate</td>
<td>Issue Date</td>
<td>Reason</td>
<td>Shares</td>
<td>Quantity</td>
<td>Custodian Code and Mailing Address</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------------</td>
<td>---------</td>
<td>-------------</td>
<td>------------</td>
<td>--------</td>
<td>--------</td>
<td>---------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>JUANAI AK 998010000</td>
<td>051661</td>
<td>481</td>
<td>NAM</td>
<td>TOTAL</td>
<td>100</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998020403</td>
<td>101498</td>
<td>481</td>
<td>AGE</td>
<td>TOTAL</td>
<td>100</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HODNAH AK 998290363</td>
<td>012956</td>
<td>481</td>
<td>ORS</td>
<td>TOTAL</td>
<td>100</td>
<td>0.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HODNAH AK 998020403</td>
<td>021135</td>
<td>481</td>
<td>ORS</td>
<td>TOTAL</td>
<td>100</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998020403</td>
<td>022253</td>
<td>481</td>
<td>AGE</td>
<td>TOTAL</td>
<td>100</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998020403</td>
<td>121735</td>
<td>481</td>
<td>ORS</td>
<td>TOTAL</td>
<td>100</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998020403</td>
<td>021751</td>
<td>481</td>
<td>ORS</td>
<td>TOTAL</td>
<td>100</td>
<td>0.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PETERSBURG ALASKA 99830653</td>
<td>090767</td>
<td>481</td>
<td>LST</td>
<td>TOTAL</td>
<td>100</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNEAU ALASKA 998011431</td>
<td>061220</td>
<td>481</td>
<td>ORS</td>
<td>TOTAL</td>
<td>100</td>
<td>0.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNEAU ALASKA 998011431</td>
<td>123110</td>
<td>481</td>
<td>EST</td>
<td>TOTAL</td>
<td>100</td>
<td>0.63</td>
<td></td>
<td></td>
</tr>
<tr>
<td>KETICHIAN AK 999016605</td>
<td>102973</td>
<td>481</td>
<td>EST</td>
<td>TOTAL</td>
<td>20</td>
<td>0.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUNEAU, ALASKA 998019411</td>
<td>17060-02-X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner Name and Mailing Address</td>
<td>Birth Date</td>
<td>Certificate</td>
<td>Issue Date</td>
<td>Reason</td>
<td>Shares</td>
<td>Blood Quantum</td>
<td>Custodian Name and Mailing Address</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------</td>
<td>-------------</td>
<td>------------</td>
<td>--------</td>
<td>--------</td>
<td>---------------</td>
<td>-----------------------------------</td>
<td></td>
</tr>
<tr>
<td>JUNEAU, ALASKA 998019411</td>
<td>10/29/73</td>
<td>481 66-0000-00 EST</td>
<td>481 66-0000-00 ORG</td>
<td>02/27/71</td>
<td>20</td>
<td>0.25</td>
<td>JUNEAU ALASKA 998019411</td>
<td></td>
</tr>
<tr>
<td>JUNEAU AK 998019411</td>
<td>10/25/44</td>
<td>481 66-0000-00 ORG</td>
<td>481 66-0000-00 ORG</td>
<td>02/27/71</td>
<td>100</td>
<td>0.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TENAEEE SPRINGS AK 998410565</td>
<td>05/21/11</td>
<td>481 66-0000-00 ORG</td>
<td>481 66-0000-00 ORG</td>
<td>02/27/71</td>
<td>100</td>
<td>0.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TENAEEE SPRINGS ALASKA 998410034</td>
<td>04/23/29</td>
<td>481 66-0000-00 ORG</td>
<td>481 66-0000-00 ORG</td>
<td>02/27/71</td>
<td>100</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARLINGTON WA 982230000</td>
<td>02/28/73</td>
<td>481 66-0000-00 ORG</td>
<td>481 66-0000-00 ORG</td>
<td>02/28/73</td>
<td>1</td>
<td>0.00</td>
<td>ARLINGTON WA 982230000</td>
<td></td>
</tr>
<tr>
<td>ARLINGTON WA 982230000</td>
<td>01/12/78</td>
<td>481 83-0000-00 ORG</td>
<td>481 83-0000-00 ORG</td>
<td>02/28/73</td>
<td>1</td>
<td>0.00</td>
<td>ARLINGTON WA 982230000</td>
<td></td>
</tr>
<tr>
<td>ANCHORAGE AK 995040000</td>
<td>09/13/46</td>
<td>481 83-0000-00 ORG</td>
<td>481 83-0000-00 ORG</td>
<td>02/28/73</td>
<td>100</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEATTLE WA 98103</td>
<td>07/18/68</td>
<td>481 66-0000-00 ORG</td>
<td>481 66-0000-00 ORG</td>
<td>02/28/73</td>
<td>100</td>
<td>0.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARLINGTON WA 982230000</td>
<td>11/27/52</td>
<td>481 83-0000-00 ORG</td>
<td>481 83-0000-00 ORG</td>
<td>02/28/73</td>
<td>21</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CODE</td>
<td>Name and Mailing Address</td>
<td>Birth Date</td>
<td>Village</td>
<td>Certificate</td>
<td>Issue Date</td>
<td>Reason</td>
<td>Shares</td>
<td>Blood Quantum</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------</td>
<td>------------</td>
<td>---------</td>
<td>-------------</td>
<td>------------</td>
<td>--------</td>
<td>--------</td>
<td>---------------</td>
</tr>
<tr>
<td>37550-02</td>
<td>JUNEAU AK 998019411</td>
<td>070671</td>
<td>481</td>
<td>AGE</td>
<td>TOTAL</td>
<td>20</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>17336-05</td>
<td>JUNEAU, ALASKA 998019411</td>
<td>062675</td>
<td>481</td>
<td>EST</td>
<td>TOTAL</td>
<td>20</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>00777-01</td>
<td>SEATTLE WA 98122</td>
<td>111940</td>
<td>481</td>
<td>ORG</td>
<td>TOTAL</td>
<td>100</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>02197-04</td>
<td>HOONAH AK 998290444</td>
<td>111062</td>
<td>481</td>
<td>ORG</td>
<td>TOTAL</td>
<td>100</td>
<td>0.75</td>
<td></td>
</tr>
<tr>
<td>02197-06</td>
<td>HOONAH, AK 998290155</td>
<td>061666</td>
<td>481</td>
<td>AGE</td>
<td>TOTAL</td>
<td>100</td>
<td>0.75</td>
<td></td>
</tr>
<tr>
<td>02197-02</td>
<td>HOONAH AK 998290155</td>
<td>030138</td>
<td>481</td>
<td>ORG</td>
<td>TOTAL</td>
<td>100</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>02197-05</td>
<td>HOONAH AK 998290155</td>
<td>070765</td>
<td>481</td>
<td>AGE</td>
<td>TOTAL</td>
<td>100</td>
<td>0.75</td>
<td></td>
</tr>
<tr>
<td>02197-01</td>
<td>HOONAH AK 998290155</td>
<td>022537</td>
<td>481</td>
<td>ORG</td>
<td>TOTAL</td>
<td>100</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>79708-01</td>
<td>TENAKEE SPRINGS AK 99841</td>
<td>021449</td>
<td>481</td>
<td>REI</td>
<td>TOTAL</td>
<td>100</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>35986-01</td>
<td>TENAKEE ALASKA 99841</td>
<td>030719</td>
<td>481</td>
<td>ORG</td>
<td>TOTAL</td>
<td>100</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>37549-07</td>
<td></td>
<td>072054</td>
<td>481</td>
<td>ORG</td>
<td>TOTAL</td>
<td>100</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>Owner CODE</td>
<td>Name and Mailing Address</td>
<td>Date</td>
<td>Village</td>
<td>Issue Certificate Date</td>
<td>Reason</td>
<td>Shares</td>
<td>Blood Quantum CODE</td>
<td>Name and Mailing Address</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------</td>
<td>------</td>
<td>---------</td>
<td>------------------------</td>
<td>--------</td>
<td>--------</td>
<td>-------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>37549-07</td>
<td>Auke Bay AK 998211544</td>
<td></td>
<td></td>
<td>042266</td>
<td></td>
<td>TOTAL 100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37549-06</td>
<td>JUNEAU AK 998022057</td>
<td></td>
<td>481</td>
<td>: NAM</td>
<td>100</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02197-03</td>
<td>Hoonaah AK 998290463</td>
<td></td>
<td>481</td>
<td>: ORG</td>
<td>100</td>
<td>0.75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02826-01</td>
<td>JUNEAU AK 998010000</td>
<td></td>
<td>481</td>
<td>: ORG</td>
<td>100</td>
<td>0.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02824-02</td>
<td>JUNEAU AK 998011527</td>
<td></td>
<td>090432</td>
<td>ORG</td>
<td>100</td>
<td>0.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02824-05</td>
<td>JUNEAU AK 998011527</td>
<td></td>
<td>041858</td>
<td>ORG</td>
<td>100</td>
<td>0.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41044-01</td>
<td>JUNEAU AK 998010000</td>
<td></td>
<td>060852</td>
<td>ORG</td>
<td>100</td>
<td>0.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02824-01</td>
<td>JUNEAU AK 998011527</td>
<td></td>
<td>123129</td>
<td>ORG</td>
<td>100</td>
<td>0.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02860-08-X</td>
<td>JUNEAU AK 998019711</td>
<td></td>
<td>121576</td>
<td>EST</td>
<td>1</td>
<td>0.00</td>
<td>02860-01-X</td>
<td>JUNEAU AK 998019711</td>
</tr>
<tr>
<td>02860-02-X</td>
<td>JUNEAU AK 998034378</td>
<td></td>
<td>080449</td>
<td>NAM</td>
<td>21</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02860-09-X</td>
<td>5988 N ST</td>
<td></td>
<td>030679</td>
<td>EST</td>
<td>1</td>
<td>0.00</td>
<td>02860-01-X</td>
<td>5988 N ST</td>
</tr>
<tr>
<td>Owner Code</td>
<td>Name and Mailing Address</td>
<td>Birth Date</td>
<td>Village</td>
<td>Certificate Code</td>
<td>Date</td>
<td>Reason</td>
<td>Shares</td>
<td>Quantity</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------</td>
<td>------------</td>
<td>---------</td>
<td>-----------------</td>
<td>------</td>
<td>--------</td>
<td>--------</td>
<td>---------</td>
</tr>
<tr>
<td>02860-09-I</td>
<td>(CONTINUED)</td>
<td>07/1371</td>
<td>481</td>
<td>EST</td>
<td>1</td>
<td>TOTAL</td>
<td>1</td>
<td>0.00</td>
</tr>
<tr>
<td>JUNEAU AK</td>
<td>998019711</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02860-07-X</td>
<td>OAKRIDGE, OREGON</td>
<td>04/0525</td>
<td>481</td>
<td>BASE</td>
<td>100</td>
<td>TOTAL</td>
<td>100</td>
<td>0.25</td>
</tr>
<tr>
<td>EVERETT WASH</td>
<td>982046045</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02860-01-X</td>
<td>JUNEAU AK 998019711</td>
<td>07/1350</td>
<td>481</td>
<td>EST</td>
<td>50</td>
<td>TOTAL</td>
<td>50</td>
<td>0.00</td>
</tr>
<tr>
<td>Code</td>
<td>Name</td>
<td>Shareholders</td>
<td>Certificates</td>
<td>Voting Shares</td>
<td>Non-voting Shares</td>
<td>Total Shares</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
<td>--------------</td>
<td>--------------</td>
<td>---------------</td>
<td>------------------</td>
<td>--------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>401</td>
<td>TENAAKE</td>
<td>75</td>
<td>79</td>
<td>6200</td>
<td>101</td>
<td>6301</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**VILLAGE TOTALS**

<p>| | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL NUMBER OF SHAREHOLDERS REPORTED:** 75
MEMORANDUM

To: John Borbridge, Jr.
President

From: Donald J. Beighle
Community Assistance Officer

Subject: Changing Enrollment

Date: June 15, 1973

You have requested my brief analysis of the possibility of people changing their enrollment from one village to another, or from the status of solely a Regional stockholder to an enrolled member of a village. As you are aware, the issue of change of enrollment was one of the issues in Washington, D.C., during the drafting of the final land selection regulations. The Regional Corporations were insistent that changes should be allowed for thirty days after the promulgation of the regulations as until people knew the contents of the regulations, they were unable to properly determine if a village would be eligible and thus enroll to that village.

Although no clear-cut decision was given by the Department of the Interior, it is clear that they will accept applications for change of enrollment if timely made. The decision as to granting the change rests with the Regional Solicitor for the Department of the Interior. In reviewing the changes he will be looking to determine three basic things: was there a mistake of law or fact; secondly, is there a basis for the change and, thirdly, supporting facts for the change? For example, a person who makes application for a change to Tenakee should reflect in his application for a change that:

1. A mistake was made in the original enrollment; i.e., the applicant was unaware that he could enroll to Tenakee and, had the applicant realized this he would have enrolled originally to Tenakee.

2. The basis for the change; i.e., has the applicant always regarded it as his home and did so as of the enrollment date? This should appear as an affirmative statement: "I have always regarded Tenakee as my home."

3. Facts supporting the basis; i.e., was the applicant born in Tenakee, his family history in Tenakee, etc.
Notice and Order of Village of Tenakee, ANCAB VE #74-60.

DISTRIBUTION: Richmond F. Allan, Attorney at Law
Sealaska Corporation
Village of Tenakee
William Spear, Field Solicitor, Juneau
Clarence Antioquia, Area Director, Juneau Area Office, BIA
A. If Tenakee does not qualify as a village, what alternatives do we have? Could we reopen again, with more new evidence?

B. We do have additional info on Tenakee background, on tape, from elderly residents. Would it help our cause to submit this additional info.

C. How much difference would it make, since all "at large" enrollees have been pulled out of Tenakee roll, and left only enrollees residing in at.

D. How much support can we expect from Sealaska on
In behalf of Finaker:

1. Lobbying
2. Legal advice
3. Financial

E. Should Finaker not qualify, will any expenses incurred re. enrollment be reimbursed.

F.
Are we dealing with members for voting purposes only?

Q. Can `unaffiliated` removal of `but` from list reduce from our roll?

L. Which agencies would best serve our needs for coordination purposes?

4. Should `rinke` not qualify as a public will expenses incurred be reimbursed?

Carolyn Martini will provide a list of appeals John Martini contacted. A meeting is set up for Thursday night to go over enrollment point out.

Al was appointed by B. Strong consent from those in attendance to go over presentation for just funding purposes.

Can Mr. Barreda's expertise advise be utilized by the Ten Whale group.

In conclusion, Mr. Ten called July briefly Commissioned it and went for the list if questions presented. Then briefly the conversation was taped with a dictionary and mis heard.
By Deputy Commissioner

Q. When is the next hearing?
A. Hearing held in Anchorage on March 1.

Q. What do we need for deciding?
A. Depending on situation.

B1A
20th of Feb.

Appeal to Asst. Hear appeal Bd.

Q. Can Village use Regional Cog. utility?
A. Most Cogos are utilizing own utility for Village up to 75%.
Q. After decision of denial. What is time limit involved.

A. 15 days. 5 5

1. New plant being prepared.

2. Old C. list had many errors. Many changes.

3. New tape being made for Oklahama alone.

4. Data gathering. Can we be reimbursed for expenses.
Q. What is "mage" #?

Q. 1970 Census. 86 population
11 Natives

76 71 26

How accurate is Census?

Q. Who is full time worker

Appoint AE to fact find

 Gather tapes & letters re:
Enrollment & Halting Tender

Information:
1. Recent Statistics
2. History of Tender
3. Enrollment
Sealing_en passed Resol.
that patent usage will
be reimbursed for expenses
incurred.

1970 - Census - Tonaha

Evelyn Patmore did not
enroll in ANIC - yet appeal
to transfer to Tonaha.

List of Tenaha appeals
from Carolyn.

88 -
12.15 - to Jim - Friday
JB time can be utilized as Scudder expert has done.

Meet at 1st Swiss Thursday evening.
BIA makes a final decision and they have until the 20th of this month. If they stick by their original decision the people who protested will want to protest the appeal. The only one we have right now is Kasaan.

(Geo) BIA will make a decision on the 20th if the decision is unfavorable then they can appeal to the ad hoc, and what you need to present the case to you or the ad hoc board.

Was Tenakee certified eligible?

Ineligible.

If the BIA sticks by that decision is that a decision that is based on enrollment problems?

(Geo) Yes it is.

What we are going to try to do is encourage people to what they are going to appeal to try to get their appeal in right away.

(Geo) What kind of background do you need for your briefing?

Why they are appealing.

What are we involved in?

(Geo) Mostly column 16.
Apparantly what they are trying to do (BIA) is make a list of all the conflicts and what villages would be accepted, and that way we can

(Geo) When will that take place?

We have been expecting that list now for a week. So apparently what happened is that those people involved in the 13th region, questions and including the requested list from the enrollment officer and all we are looking for is a copy of that letter. So we can see how we are doing with conflict. No use making a decision on some of these villages until the list comes. But if that is the only question then we can go ahead and hold on it knowing that it is only one question but if there is other questions involved there is a problem with the 13th people then we could put those out of the way before we wait on enrollment.

(Geo) There are some 13th in there. What about legal council? Can the group in Tenakee use the Sealaska Corporation Attorney?

It is up to you, a lot of regions are doing it now. Only Cook Inlet hasn't

We can't advise anyone to do that

(Geo) When is your first hearing? MARCH if on Kasaan in Juneau.

The briefing from the Department of Agriculture and the Alaska Wildlife go on Kasaan are due this week and they are supposed to sent you a copy whenever we get a brief you are supposed to get one also and to the village of Kasaan. As soon as you receive it you have 15 days to


We have BIA case file here on Kasaan and we will get someone up there in Anchorage or if you want to we can mail a copy down.

ATTENTION: George See
February 26, 1973

Mr. Morris Thompson, Area Director
Bureau of Indian Affairs
P.O. Box 3-8000
Juneau, Alaska 99801

Dear Mr. Thompson:

I am informed that the authority of the Secretary of the Interior, under section 11(b) (3) of the Alaska Native Claims Settlement Act, to designate additional villages not named in the act as eligible to select and receive lands thereunder, has been delegated to you.

The Natives of the village of Tenakee have sought the assistance of SEALASKA CORPORATION in obtaining a determination that Tenakee is a Native village eligible and entitled as such to receive lands and benefits under the act.

At a meeting held in Juneau on February 7, 1973, the Board of Directors of SEALASKA CORPORATION directed me to seek such a determination from the Secretary or his delegate, and to request that a withdrawal of nine townships of land around the village be made in aid of its rights to select and receive 23,040 acres of land.

Section 3(c) of the act provides:

'Native village' means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of this Act, or which meets the requirements of this Act, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance), composed of twenty-five or more Natives. (Emphasis supplied).

The "requirements" referred to in section 3(c) are set forth in section 11(b) (3) of the act.

The journals of Alaska show that Tenakee has existed as a Native village from time immemorial. It appears from enrollment data that it had more than 25 Native residents on the 1970 census enumeration date.
Mr. Morris Thompson  
February 26, 1973

Accordingly, we believe it is entitled to designation as a Native village and, as such, to receive lands and benefits under the act.

Should it be determined upon investigation that Tenakee did not have the requisite Native population in 1970 to qualify as a "Native village," then we request that it be declared eligible to receive lands and benefits under section 3(d) and 14(h) (2) of the act as a "Native group."

SEALASKA CORPORATION is in possession of historical information that establishes that Tenakee was a Native village at the time of first white contact with the area where it is located. We will be happy to make this information available or to assist you in any other way in making the determination herein requested.

Sincerely yours,

John Borbridge, Jr.
President

JB: djb

cc: John and Carolyn Martin  
P.O. Box 403  
Juneau, Alaska 99801

Al and Margaret Martin  
P.O. Box 1147  
Juneau, Alaska 99801
March 7, 1973

Mr. John Borbridge, President
SEALASKA Corporation
127 Franklin Street
Juneau, Alaska 99801

Dear Mr. Borbridge:

This is to acknowledge receipt of your letter dated February 26, 1973 concerning the Village of Tenakee. In January 1973 our Enrollment Office records were reviewed by this office. It was then that we became aware of the possibility that Tenakee might possibly qualify as a village under Section 11(b)(3) of the Alaska Native Claims Settlement Act. It was for this reason that our office requested a Solicitor's opinion on this matter. Both the Field Solicitor in Juneau and the Regional Solicitor in Anchorage have commented on our request and this matter has been forwarded with their comments along with our request to the Department's Solicitor's Office in Washington, D. C. As soon as this office receives the opinion we will advise you of the Solicitor's decision.

According to the latest enrollment information, 15 Natives were enumerated in Tenakee. Twenty other Natives applied for enrollment back to Tenakee, showing the total enrollment at 35. According to the official U. S. Census for 1970, Tenakee had a population of 86. In Section 3(d) the "Native group" must comprise the majority of the residents of the locality but must be less than 25 Natives. Therefore your request to have Natives of Tenakee designated as a Native group would not be possible under the provisions of Subsection 14(h)(2) of the ANCS Act.

You can rest assured that this office will keep you informed on this matter.

Sincerely yours,

[Signature]
Area Director

[Stamp: RECEIVED]

MAR - 9 1973

SEALASKA CORP.
JUNEAU, ALASKA
April 13, 1973

Juneau, Alaska 99801

Dear Mr. and Mrs. Martin:

As per our original discussions, the Sealaska Corporation is continuing with its efforts to have Tenakee qualify as a village under provisions of the Alaska Native Claims Settlement Act. The matter continues to receive the attention of our attorney, Mr. Richmond Allan, in Washington, D.C. In the event that I have neglected to do so, I am enclosing a letter received from the Bureau of Indian Affairs Area Director Morris Thompson. You will be kept informed as to further developments.

Sincerely yours,

John Borbridge, Jr.
President

JB: djb
Enclosure
MOTION FOR PRODUCTION OF EVIDENCE

Respondent, State of Alaska, moves the Board to order the Juneau Area Director, Bureau of Indian Affairs to produce for each party and for the Board a certified copy of the census of households prepared by the BIA, or by the BIA in cooperation with others, for the Native villages at Angoon, Haines, Hoonah, Juneau-Douglas, Klukwan, Petersburg, Skagway, and Tenakee for the period 1930 to date. If any of the villages were not included in any census of households, the Juneau Area Director should certify to that effect and the reason therefore.

On information and belief, some persons enrolled to the two villages which are the subject of this proceeding are members of families which have traditional family homes at other places. The BIA census of households will provide relevant and probative evidence on this issue.

Respectfully submitted,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Michael R. Peterson
Deputy Attorney General
U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

ALASKA NATIVE CLAIMS APPEAL BOARD

IN RE: The eligibility of )
Haines and Tenakee as ) VE 74-85
villages under the ANSCA ) VE 74-60

MOTION FOR THE PRODUCTION OF EVIDENCE

Comes Now the respondent, State of Alaska, and moves the Board to compel the Juneau Area Director, Bureau of Indian Affairs, to produce to the Board and to the parties herein certified copies of the Tlingit and Haida roll for 1970.

Pursuant to the Tlingit and Haida settlement, the Bureau of Indian Affairs compiled and maintained a roll of Tlingit and Haida Indians. This roll is updated annually and includes all those Tlingit and Haida Indians who have reached the age of 19. Upon information and belief, this roll includes not only the names of the enrollees but also their addresses or
IN RE: Appeal of eligibility of Village of Tenakee VE #74-60

NOTICE & ORDER

TO: All parties on attached Distribution List

WHEREAS, briefs filed by the parties to the above-designated appeals raise certain issues which may require a hearing and the above-designated appeals may be consolidated for hearing on such issues; and


"Any hearings on such appeals shall be conducted by the Ad Hoc Appeals Board or a member or members thereof, or by an Administrative Law Judge...;" and

WHEREAS, the Board provided the parties to appeals on the eligibility of villages listed in Section 11(b)(1) of the Alaska Native Claim Settlement Act, 43 U.S.C. §1610(b)(1) (1971), an opportunity for a hearing conducted by an Administrative Law Judge.

NOW THEREFORE, the Board directs that a hearing, where appropriate and necessary, will be conducted by an Administrative Law Judge, unless all parties to the above-designated appeals, by June 14, 1974, file written requests that any such hearing be conducted by the Board.

DATED this 31st day of May, 1974, at Anchorage, Alaska.

JUDITH M. BRADY
Chairman