H.R. 3048, H.R. 3148 and H.R. 4734

LEGISLATIVE HEARING

BEFORE THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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C O N T E N T S

LEGISLATIVE HEARING ON H.R. 3048, TO RESOLVE THE CLAIMS OF COOK INLET REGION, INC., TO LANDS ADJACENT TO THE RUSSIAN RIVER IN THE STATE OF ALASKA; H.R. 3148, TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT TO PROVIDE EQUITABLE TREATMENT OF ALASKA NATIVE VIETNAM VETERANS; AND H.R. 4734, TO EXPAND ALASKA NATIVE CONTRACTING OF FEDERAL LAND MANAGEMENT FUNCTIONS AND ACTIVITIES AND TO PROMOTE HIRING OF ALASKA NATIVES BY THE FEDERAL GOVERNMENT WITHIN THE STATE OF ALASKA, AND FOR OTHER PURPOSES.

Wednesday, June 5, 2002
U.S. House of Representatives
Committee on Resources
Washington, DC

The Committee met, pursuant to notice, at 11:03 a.m., in room 1334, Longworth House Office Building, Hon. James V. Hansen (Chairman of the Committee) presiding.

STATEMENT OF THE HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

The CHAIRMAN. The Committee will come to order. Today's hearing is on three bills that address Alaska Native land issues. All three bills, H.R. 3048, H.R. 3148, and H.R. 4734, were introduced by Congressman Don Young of Alaska, the former Chairman of this Committee.

H.R. 3048 resolves the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska.

The CHAIRMAN. H.R. 3148 amends the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam veterans.

The CHAIRMAN. The last bill, H.R. 4734, expands Alaska Native contracting of Federal land management functions and activities

and promotes the hiring of Alaska Natives by the Federal Government within the State of Alaska.

The CHAIRMAN. The Committee appreciates the efforts of the witnesses in being here today, many of whom have traveled all the way from Alaska. We look forward to your testimony. Before we begin our first panel, I would like to mention that the State of Alaska has informed the Committee that they will provide written testimony on all three bills.

[The prepared statement of Mr. Hansen follows:]

Statement of The Honorable James V. Hansen, a Representative in Congress from the State of Utah

Today's hearing is on three bills that address Alaska Native land issues. All three bills, H.R. 3048, H.R. 3148 and H.R. 4734 were introduced by Congressman Don Young of Alaska.

H.R. 3048 resolves the claims of Cook Inlet Region, Inc. to lands adjacent to the Russian River in the State of Alaska. H.R. 3148 amends the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam veterans. The last bill, H.R. 4734, expands Alaska Native contracting of Federal land management functions and activities and promotes the hiring of Alaska Natives by the Federal Government within the State of Alaska.

The Committee appreciates the efforts of the witnesses in being here today, many of whom traveled all the way from Alaska. We look forward to your testimony. Before we begin with our first panel, I would like to mention that the State of Alaska has informed the Committee that it will provide written testimony on all three bills.

The CHAIRMAN. It is always a pleasure to turn this over to my good friend from Alaska and former Chairman. Mr. Young, if you will take the gavel, I will leave.

Mr. YOUNG. Thank you, sir. Can I move the bills today?

The CHAIRMAN. You can do what you want. You have got the show.

[Laughter.]

Mr. YOUNG. [Presiding.] Thank you, Mr. Chairman. I would like to extend a warm welcome to all my Alaskans, who traveled here to provide testimony on these three bills. I would like to call up panel No. 1.

Mr. Hoffman is Deputy Assistant Secretary for Fish and Wildlife and Parks of the Department of Interior. Mr. Hoffman will actually testify on all three of these bills.

David Gibbons, Forest Supervisor of Chugach National Forest of Anchorage, Alaska, will testify only on H.R. 3048.

Jack Hession, Senior Regional Representative, Sierra Club, Anchorage Field Office, will testify on all three bills.

Mr. Nelson Angapak, Executive Vice President of the Alaska Federation of Natives, will be testifying on H.R. 3048 and H.R. 3148.

I want to welcome panel No. 1 and panel No. 2 to today's hearing. I would ask the witnesses to again keep their testimony to 5 minutes. Any written testimony will be accepted into the record and we look forward to the testimony on these pieces of legislation.

By the way, these are outstanding pieces of legislation, originally authored by the groups that are represented here, and it is my job, to make sure they get their voice heard in Congress. We hope that we have all three bills before the Full Committee and favorably

reported out, with a vote on the floor of the House, and hopefully, the Senate will see the wisdom of passing these bills.

First, we will hear on H.R. 3048, and Mr. Hoffman, I believe, is the first one up. Mr. Hoffman?

STATEMENT OF PAUL HOFFMAN, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Mr. HOFFMAN. Thank you, Mr. Chairman, for the opportunity to testify on behalf of the Department of the Interior on these three bills today.

H.R. 3048, the Russian River Lands Act, this bill codifies a settlement of a 20-year-old issue. The Cook Inlet Region, Incorporated, selected nearly 2,000 acres some time back under the Alaska Native Claims Settlement Act. There have been a lot of discussions over the years, and through the efforts of many people on the ground and the application of what Secretary Norton calls her four Cs, communication, cooperation, consultation, and the service of conservation, the parties have reached an agreement.

The confluence of the Russian River and the Kenai River is a critically important component to the public recreation of the area. There are over 50,000 anglers each year, sockeye salmon, silver salmon, rainbow trout fisheries are outstanding. It represents a $5.8 million per year economic benefit to the area.

The settlement that has been agreed upon by the parties on the ground includes or retains Federal ownership or fishing easements to allow continued public access to the river for fishing, to the campgrounds, parking lots, and land around the confluence of the rivers. All public fishing rights are retained. The Fish and Wildlife Service will convey cultural archaeological resources on 502 acres to CIRI. The Forest Service will convey 42 acres of land on the hill overlooking the confluence as well as another 20 acres adjacent to the Sterling Highway.

This bill includes money to build a visitors' center that will be run cooperatively between CIRI, the Fish and Wildlife Service, and the U.S. Forest Service, and it provides for CIRI to build additional visitors' service infrastructure on that site for their economic benefit.

It also provides for the potential of an additional exchange of land on the Sterling Highway that will provide economic benefit to CIRI as they acquire frontage property on the newly—when the highway is rebuilt, while at the same time providing and protecting important brown bear habitat.

We do have concerns about Section 3(b), the authorization of actions section, where it references notwithstanding other provisions of the law. If that verbiage was struck from the Act, we would wholeheartedly support the passage of this bill, Mr. Chairman.

Mr. YOUNG. Repeat that. What part do you want struck out?

Mr. HOFFMAN. Three (b), Section 3(b), entitled "Authorization of Actions." It says, notwithstanding other provisions of the law, and then it goes on to authorize the agencies to execute the agreement. We believe that the agreement can be fully executed without taking away the provisions of the other laws.

Mr. YOUNG. I do not know why that is in there, frankly, but we will take a look at it and see what happens.

Mr. HOFFMAN. Thank you.

[The prepared statement of Mr. Hoffman follows:]

Statement of Paul Hoffman, Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, on H.R. 3048

Mr. Chairman and members of the Committee, I am pleased to have the opportunity to testify today on H.R. 3048, a bill to resolve Native claims to lands adjacent to the Russian River, located on the Kenai National Wildlife Refuge and Chugach National Forest on Alaska's Kenai Peninsula. The Department of the Interior supports the enactment of H.R. 3048 if amended to address the Administration's concerns with Section 3(b). The bill settles all land claims in the vicinity of the confluence of the Russian and Kenai Rivers, allows continued public use of the area, and protects the area's vast historic and cultural resources.

Background

Over time, the Cook Inlet Region, Inc. an Alaska Native Regional Corporation, selected nearly 2000 acres at the confluence of the Kenai and Russian Rivers, pursuant to Section 14(h)(1) of the Alaska Native Claims Settlement Act. CIRI valued these lands as existing cemetery sites and historical places.

Concern by the United States over the validity of the selections was complicated by the recreational use of the Russian River area by the public. Each year over 50,000 anglers fish the confluence area, primarily for sockeye salmon, and additionally for rainbow trout and silver salmon. The economic value to Kenai Peninsula alone is estimated at $5.8 million annually, directly attributed to the Russian River fishery. It has been a high priority goal to preserve the public's access to these fertile fishing grounds.

The issues at Russian River between CIRI and the United States have been ongoing for nearly 20 years. Three years ago the parties decided that rather than engage in lengthy, expensive litigation, they would negotiate a settlement agreement that provided each party the interest it deemed necessary. The Russian River Section 14(h)(1) Selection Agreement was signed by the three principals in July 2001. The Agreement provides consensus on the following points:

- The public campgrounds, parking lots, and most of the land in the vicinity of the confluence of the Kenai and Russian Rivers remain in federal ownership and control.
- The right of the public to continue fishing remains unchanged from the current status.
- The Fish and Wildlife Service will convey to CIRI all archaeological and cultural resources from 502 acres of Refuge lands certified by the Bureau of Indian Affairs.
- The Forest Service will convey to CIRI fee title to a 42-acre parcel overlooking the confluence of the two rivers, and a second parcel of about 20 acres upstream of where the Sterling Highway crosses the Kenai River. The 20-acre parcel will be subject to ANCSA Section 14(h)(1) provisions which require protection of the cultural resources. In addition, a public easement along the bank of the Kenai River will be reserved and administered by the Forest Service to allow continued public fishing on the parcel.
- With these conveyances, CIRI will relinquish all ANCSA Section 14(h)(1) claims in the area.
- The parties will pursue construction of a public visitor's interpretive center for the shared use of all three parties to be built on the 42-acre parcel to be conveyed to CIRI. The visitor's center would provide for interpretation of both the natural and cultural resources of the Russian River area. Included in the subject bill is an appropriation for construction of the proposed visitor center.
- In conjunction with the visitor's interpretive center, the parties will pursue establishment of an archaeological research center and repository that will facilitate the management of the cultural resources in the area.
- CIRI may develop certain visitor-oriented facilities on the 42-acre parcel. These facilities may include a lodge, staff housing, restaurant, etc., which would include space for agency personnel as well as CIRI staff.
- The parties will enter into a Memorandum of Understanding for the purpose of insuring the significant activities at Russian River are carried out in a cooperative and coordinated manner.

- The agreement also authorizes, but does not require, an exchange of land where CIRI would receive Kenai Refuge lands adjacent to the Sterling Highway and/or Funny River Road in return for FWS receiving CIRI lands of equal value near the Killey River which are important brown bear habitat. This would provide additional lands for CIRI development and economic benefit while protecting important habitat and migration routes for the Kenai brown bear which has been designated by the State of Alaska as a species of special concern.

Legislation is necessary to provide authority currently lacking to convey the cultural resources on the Refuge, convey the two small parcels within the Forest, and to adjust refuge and wilderness boundaries in the potential exchange. It would also ratify the Selection Agreement already agreed to by the three parties. The Administration is concerned with the waiver in section 3(b) that could exempt activities under the Agreement from current law. The Administration supports authorization of exchanges through normal public review, including title review and disclosure of the fiscal and environmental effects of the exchanges, to ensure equal value and full awareness of the consequences of the exchanges.

Finally, the bill includes an authorization of appropriation for $13.8 million to the Department of Agriculture for the construction of the visitors interpretive center and archaeological research center.

Summary and conclusions:

H.R. 3048, if enacted, would resolve long standing issues of land ownership and land entitlement at one of the most popular public recreation locations in Alaska. It would provide for the conveyance of land and interests in land to Cook Inlet Region, Inc., an Alaska Native Regional Corporation for cultural preservation and economic benefit. It would provide for continued public use of the most popular salmon fishing site in the State of Alaska, and continued federal management of the natural resources of the area. It would ratify the provisions of the Russian River Selection Agreement which provides mutual benefits for Alaska Natives, the general public and agencies of the United States. We would support passage of H.R. 3048 if amended to address Administration concerns with Section 3(b).

Mr. Chairman, this concludes my prepared statement. I would be pleased to answer any questions that you or the other members may have.

Mr. YOUNG. I believe, Mr. Gibbons, you want to testify on that part. You are up.

STATEMENT OF DAVID R. GIBBONS, FOREST SUPERVISOR, CHUGACH NATIONAL FOREST, ANCHORAGE, ALASKA

Mr. GIBBONS. Mr. Chairman, Committee members, thank you for the opportunity to testify today on H.R. 3048, the Russian River Land Act. I am David Gibbons, the Forest Supervisor of the Chugach National Forest.

The Department of Agriculture also supports the enactment of H.R. 3048, if amended to address the concerns addressed in Section 3(b). H.R. 3048, if enacted, would resolve a longstanding dispute of land selection rights and management rights in the Russian River area. Public lands at the junction of these rivers was withdrawn from disposal by the USDA Forest Service under Public Laws and set aside for a specific management purpose. This withdrawal created a conflict with the historic site selection filed by Cook Inlet Region, Incorporated, under Section 14(h)(1) of the Alaska Native Claims Settlement Act.

The U.S. Forest Service, the Fish and Wildlife Service, and Cook Inlet Region, Incorporated, worked together to address these legal concerns and management objectives for all parties. On July 26, 2001, the three parties reached agreement on a resolution that would fulfill the goals of each party. The Russian River Selection Agreement provides for many things that Mr. Hoffman aptly described earlier.

Legislation is necessary to provide the authority currently lacking to convey the cultural resources, convey the two small parcels within the forest, and to adjust refuge and wilderness boundaries in a potential exchange. The bill would ratify the selection agreement already agreed to by the three parties.

The Administration is concerned with the waiver in Section 3(b) that could exempt activities under the agreement from current law. The Administration supports authorization of exchanges through normal public review, including title review and disclosure of fiscal and environmental effects of these changes and to ensure equal value and full awareness of the consequences of exchanges.

We appreciate the efforts by you, Congressman Young, to develop and sponsor this bill and thank you for the opportunity to comment, and I would be pleased to answer any questions you may have.

Mr. YOUNG. Thank you.

[The prepared statement of Mr. Gibbons follows:]

Statement of David R. Gibbons, Forest Supervisor, Chugach National Forest, Forest Service, U.S. Department of Agriculture

Mr. Chairman and Committee Members, thank you for the opportunity to testify today on H.R. 3048, the Russian River Land Act. I am Dave Gibbons, Forest Supervisor of the Chugach National Forest. The Department of Agriculture supports the enactment of H.R. 3048 if amended to address Administration concerns with Section 3b.

H.R. 3048, if enacted, would resolve a long-standing conflict of land selection rights and management of public activities at the junction of the Russian and Kenai Rivers in Alaska. The public lands at the junction of these rivers was withdrawn from disposal by the USDA Forest Service under public land laws and set aside for a specific management purpose. This withdrawal created a conflict with a historic site selection filed by Cook Inlet Region Incorporated (CIRI) under Section 14(h)(1) of the Alaska Native Claims Settlement Act.

The U.S. Forest Service, U.S. Fish and Wildlife Service and Cook Inlet Region Incorporated (CIRI) worked together to address legal concerns and management objectives of all parties. On July 26, 2001, the three parties reached agreement (Russian River Section 14(h)(1) Selection agreement) on a solution that would fulfill the goals of each party. The Russian River Selection 14(h)(1) Selection Agreement provides consensus on the following points:

- The public campgrounds, parking lots, and most of the land in the vicinity of the confluence of the Kenai and Russian Rivers remain in Federal ownership.
- The right of the public to continue fishing remains unchanged from the current status.
- The Fish and Wildlife Service will convey to CIRI all archaeological and cultural resources from 502 acres of Refuge lands certified by the Bureau of Indian Affairs.
- The Forest Service will convey to CIRI fee title to a 42-acre parcel overlooking the confluence of the two rivers, and a second parcel of about 20 acres upstream of where the Sterling Highway crosses the Kenai River. The 20-acre parcel will be subject to Alaska Native Claims Settlement Act (ANCSA) 14(h)(1) provisions, which require protection of the cultural resources. In addition, a 50-foot public easement along the bank of the Kenai River will be reserved and administered by the Forest Service to allow continued public fishing on the parcel.
- With these conveyances, CIRI will relinquish all ANCSA 14(h)(1) claims in the Sqilantnu Archeological District.
- The parties will pursue construction of a public visitor's interpretive center for the shared use of all three parties to be built on the 42-acre parcel to be conveyed to CIRI. The visitor's center would provide for the interpretation of both the natural and cultural resources of the Russian River area. Included in the subject bill is an appropriation for the construction of the proposed visitors center.
- In conjunction with the visitor's interpretive center, the parties will pursue the establishment of an archeological research center and repository that will facilitate the management of cultural resources in the area.

- CIRI may develop certain visitor-oriented facilities on the 42-acre parcel. These facilities may include a lodge, staff housing, restaurant, etc., that would include space for agency personnel as well as CIRI staff.
- The parties will enter into a Memorandum of Understanding for the purpose of insuring the significant activities at Russian River are carried out in a cooperative and coordinated manner.
- The agreement also authorizes, but does not require, an exchange of land where CIRI would receive Kenai Refuge lands adjacent to the Sterling Highway and/or Funny River Road in return for FWS receiving CIRI lands of equal value near the Killey River that is important brown bear habitat. This would provide additional lands for CIRI development and economic benefit while protecting important habitat and migration routes for the Kenai brown bear.

Legislation is necessary to provide authority currently lacking to convey the cultural resources on the Refuge, convey the two small parcels within the Forest, and to adjust refuge and wilderness boundaries in the potential exchange. The bill would also ratify the Selection Agreement already agreed to by the three parties.

The Administration is concerned with the waiver in Section 3b that could exempt activities under the Agreement from current law. The Administration supports authorization of exchanges through normal public review, including title review and disclosure of the fiscal and environmental effects of the exchanges, to ensure equal value and full awareness of the consequences of the exchanges. We appreciate efforts by Representative Young to develop and sponsor H.R. 3048. Thank you for the opportunity to comment. I would be pleased to answer any questions you may have.

STATEMENT OF JACK HESSION, SENIOR REGIONAL REPRESENTATIVE, SIERRA CLUB, NORTHWEST/ALASKA REGION

Mr. YOUNG. Mr. Hession? I guess you are going to testify on them all, but just stick to this one bill right now.

Mr. HESSION. I am sorry, Mr. Chairman?

Mr. YOUNG. I guess you are going to testify on all three bills?

Mr. HESSION. Yes, sir. I said in my submitted statement that I would submit some views for the record, but since I wrote the testimony, I did check with the U.S. Fish and Wildlife Service and have a couple of brief remarks.

Mr. YOUNG. Go ahead.

Mr. HESSION. Essentially, we can support this measure, Mr. Chairman. It balances adequately, in our view, private and public interests.

However, we have one objection and it is a minor one—well, it is not minor. One provision would recommend the authorization of future exchange of Kenai National Wildlife Refuge lands adjacent to the Sterling Highway at Russian River for privately owned land near the Killey River within the refuge. The Sterling Highway is Kenai National Wildlife Refuge wilderness, and up to 3,000 acres of this would be conveyed out of public ownership as part of a future land exchange.

We recommend that the Committee withhold authorization of this or any other future exchange requiring Congressional approval pending receipt of a proposal and the Committee's review and determination if the proposal is in the public interest. Giving advance approval to a future land exchange, whether involving wilderness or non-wilderness Federal lands, would be unprecedented and, in our view, unwise.

If the authorization were deleted, we would have no objection to passage of this bill. Thank you, Mr. Chairman.

Mr. YOUNG. Thank you.

[The prepared statement of Mr. Hession follows:]

Statement of Jack Hession, Senior Regional Representative, Sierra Club Northwest/Alaska Region

Good morning. My name is Jack Hession. Thank you for inviting me to testify on behalf of the Sierra Club, which is a national environmental organization of over 700,000 members with chapters in every state. I am a regional representative of the Sierra Club based in Anchorage.

In summary, the Sierra Club strongly opposes H.R. 3148 and H.R. 4734.

H.R. 3148, to provide equitable treatment of Alaska Native Vietnam Veterans

This bill would supersede Public law 105–276 of 1998, which was an amendment to the Alaska Native Claims Settlement Act to give certain Alaska Native veterans of the Vietnam War era or their heirs an opportunity to apply for a Native allotment. The Sierra Club testified in support of the 1998 law.

Let me briefly review the 1998 statute. The Alaska Vietnam Veterans Native Allotment Act redressed the grievance of those Alaska Native veterans who were in the armed forces during the 1969–71 period of the Vietnam War era (1964–75), and who missed the opportunity to apply for a Native allotment prior to the 1971 repeal of the Alaska Native Allotment Act of 1906 (Allotment Act).

During 1970 and 1971, the Department of the Interior and several Alaska Native organizations made a major effort to alert Alaska Natives through the media and other means to the approaching repeal of the Allotment Act in the soon to be passed Alaska Native Land Claims Settlement Act of 1971 (ANCSA). Natives who considered themselves eligible to receive an allotment were urged to apply before the Allotment Act was rescinded. Approximately 9,000 applications were received.

In the mid–1990's Alaska Native veterans who were in the military in 1970–71, and who did not apply for an allotment before repeal of the Allotment Act, asked Congress to reopen the Allotment Act for them. In a report to Congress that was the basis for the 1998 law, the Department of the Interior found that Alaska Natives serving in the military during 1970–71 may have not had a chance to apply for an allotment because of their service.

The report also found that Native veterans who served prior to 1970, and thus prior to the 1970–71 Federal outreach effort, had the same opportunity to apply for an allotment as Alaska Native non-veterans. Native veterans serving after 1971, the year the Allotment Act was repealed, obviously were not denied the opportunity to file an application because of their military service.

In response to the Department's report, Congress in the 1998 statute reopened the Allotment Act to applications by qualified Native veterans who were in the Service during the three-year period 1969–71. In a 2000 amendment to the law, heirs of Native veterans who served 1964–71 and who were killed or died as a result of injuries sustained during their service period, were authorized to apply for an allotment.

In addition, the 1998 Act required the Secretary to study the situation of other Native veterans who did not file for an allotment and who are not eligible under the 1998 law. The Secretary determined that veterans serving prior to 1969 who were mentally or physically disabled as a result of their military service may not have had the opportunity to apply for an allotment before the Allotment Act was repealed.

Thus, with the exception of an undetermined number of physically or mentally disabled veterans, the 1998 law as amended has provided equitable treatment to those Native veterans who missed the opportunity to apply for an allotment because of their military service.

H.R. 3148 would replace the carefully crafted 1998 law. Eligibility to apply for an allotment would be expanded to include all Alaska Native veterans who served during the Vietnam War era (1964–75), or their heirs.

The bill would eliminate the requirement of the original Allotment Act and the 1998 law that applicants demonstrate use and occupancy of the land claimed, that is, "prove up" their claims. The bill would guarantee that any acreage applied for would be conveyed by requiring the Secretary to approve all applications, except if third parties contested or protested a filing.

H.R. 3148 raises obvious questions of fairness and of its constitutionality. If Alaska Native veterans of the Vietnam War era are given any 160 acres of their choosing, the Committee could probably expect similar requests from other Native veterans of other wars, and perhaps from other non–Native veterans as well.

H.R. 3148's effect on the public lands

This bill would have a major adverse impact on the Federal lands of Alaska. It would amend the 1998 law to delete "unappropriated and unreserved" lands from those lands not available for allotment applications. This would allow new applications to be filed anywhere within the national parks, wildlife refuges, wild and

scenic rivers, and national forest wilderness areas of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). Under the 1998 law, applications can be filed only within the ANCSA village withdrawal areas within national parks and wildlife refuges, and the Secretary has discretion to substitute other public lands if he or she finds the original application to be incompatible with the purposes of the conservation system unit.

Dropping the "unappropriated and unreserved limitation" would also open other public lands that have never been open to applications and that remain unavailable under the 1998 law. These include the Tongass and Chugach National Forests that have been reserved since 1906; military withdrawals; Federally acquired lands including Native allotments and Native corporation lands; and various small tracts acquired under the settlement laws such as trade and manufacturing sites and homesites.

The impact of H.R. 3148 on the National Interest Lands of ANILCA can be gauged by referring to the results of the 1998 law. According to the U.S. Fish and Wildlife Service in Alaska, during the application period about 250 allotment applications have filed for land within national wildlife refuges, including nearly one hundred on the Yukon Delta NWR, and another 28 on Kodiak NWR.

In the national park system units, about a dozen applications have been received, with more expected because the BLM is allowing applicants to submit revised applications after the deadline. In the Tongass National Forests, which are not open to applications under the 1998 law, more than 80 applications have been filed nonetheless.

These applications have been made by Native veterans who served during a three-year period, 1969–71. H.R. 3148 would add veterans who served between August 5, 1964 and the end of 1968, and from January 1, 1972 to May 7, 1975. Assuming that Alaska Native enlistment was evenly distributed over the Vietnam War era, the Committee could expect several hundred more applications to be submitted if H.R. 3148 is enacted.

This dramatic increase in privately owned tracts within conservation system units and the national forests would come at a time when the Federal land management agencies are acquiring private inholdings, including Native allotments and Native corporation lands, pursuant to Congressional direction in ANILCA. For example, the U.S. Fish and Wildlife Service has used $150 million, mostly from Exxon Valdez Oil Spill (EVOS) litigation settlement funds, to acquire Native allotments and Native corporation lands on Kodiak and Afognak Islands for addition to Kodiak NWR. Recently the Service completed negotiations to acquire thousands of acres of Native Group holdings at Point Possession for addition to the Kenai NWR, using privately donated funds.

Similarly, the U.S. Forest Service has acquired thousands of acres in Prince William Sound using EVOS funds, including a vast tract near Chenega within the Congressionally designated Nellie Juan–College Fiord Wilderness Study Area.

The National Park Service has acquired mining claims in the Kantishna area of Denali National Park at a cost of millions of dollars in appropriated funds, in a successful effort to avoid incompatible commercial development of these tracts.

Under H.R. 3148, all of these acquired lands would be open to new allotment applications and subsequent guaranteed conveyance out of Federal ownership. Because H.R. 3148 would eliminate the requirement of the 1998 law to show past use and occupancy, there is the possibility that some potential applicants could decide to select acquired lands with known high property values.

In conclusion, we strongly recommend against enactment of H.R. 3148. Congress, in enacting the Alaska Native Vietnam Veterans Allotment Act of 1998, has provided equitable treatment to most Native veterans who for reasons of wartime service may not have had an opportunity to apply for an allotment. The Act inadvertently omitted Native veterans who were physically or mentally injured during their service and who may also have missed the opportunity to apply. A technical amendment to the 1998 statute could bring these veterans the benefits of that Act.

H.R. 4734, to expand Alaska Native contracting of Federal land management functions and activities and to promote hiring of Alaska Natives by the Federal Government

H.R. 4734 would establish an "Alaska Federal Lands Management Demonstration Project." At the request of an Indian tribe or tribal organization the Secretary "shall enter into a contract with the Indian tribe or tribal organization for the Indian tribe or tribal organization to plan, conduct, and administer programs, services, functions, and activities, or portions thereof, requested by the Indian tribe or tribal organization and related to the administration of a conservation system unit or other public

land unit that is substantially located within the geographic region of the Indian tribe or tribal organization."

Indian tribes and tribal organizations are defined in Sec. 5 (2) to include Native village and regional corporations.

In addition, the Secretary is required to provide the Indian tribe or tribal organization the appropriated funds the Secretary "...would have otherwise provided for the operation of the requested programs, services, functions, and activities."

Not less than six Indian tribes or tribal organizations, representing the various regions of Alaska, are to be selected for a demonstration project in each of two fiscal years. Management contracts for each project would remain in effect for five consecutive fiscal years.

H.R. 4734 would also establish a "Koyukuk and Kanuti National Wildlife Refuges Demonstration Project" similar to the other 12 individual demonstration projects referred to above.

This bill is a formula for turning over management of 12 national conservation system units or other public land units to private entities—in this case Alaska Native organizations and corporations—for five years. Management of two national wildlife refuges would also be contracted to a private organization.

National conservation system units are the national parks, wildlife refuges, wild and scenic rivers, and national forest wilderness areas of ANILCA. "Public land units" include the Tongass and Chugach National Forests, National Petroleum Reserve Alaska, military reservations, and BLM management units.

We oppose the idea of transferring management from the established Federal land management agencies to any private entity through a demonstration project or by any other means. Management of the Federal lands must remain the sole responsibility of the Federal Government. This is the fundamental principle that H.R. 4734 would overturn.

Although firmly opposed to the idea of "privatizing" Federal land management, we continue to strongly support—as we did in a pilot program on local hire passed in the last Congress—Federal agency efforts to increase local employment as part of the management of Federal lands in Alaska. Sections 1307 and 1308 of ANILCA have resulted in such employment, and as the results of the pilot project for the four National Park System units show, increasing numbers of local residents have been hired at the four units.

H.R. 4734 comes a year and a half after Congress enacted Public Law 106–488, "An Act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes." As originally introduced in the Senate, the legislation would have authorized Alaska Native entities to assume management responsibilities for National Park System units. This provision was deleted, while a provision establishing the Northwest Alaska pilot program was retained.

We recommend that the Committee take the same approach to H.R. 4734: delete the proposed demonstration projects under private entities, and instead call for more pilot projects and similar measures designed to increase local employment in the management of the public lands.

One very practical way of achieving the local hire goals of this bill would be to provide the Federal land management agencies with the funds they need to fully carry out their numerous responsibilities under existing laws. In general, the agencies are understaffed, particularly in the remote regions where local employment opportunities are most needed. A substantial increase in agency budgets for additional field staff could go a long way toward achieving the local hire goals we all support.

Thank you, Mr. Chairman, for considering our views.

Mr. YOUNG. Mr. Angapak?

STATEMENT OF NELSON N. ANGAPAK, EXECUTIVE VICE PRESIDENT, ALASKA FEDERATION OF NATIVES

Mr. ANGAPAK. Good morning, Mr. Chairman, members of the Committee, ladies and gentlemen. For the record, my name is Nelson Angapak, Sr., Executive Vice President, Alaska Federation of Natives. As you may already know, Mr. Chairman, AFN is a Statewide Native organization founded in 1966 to represent Alaska's 100,000-plus Alaska Natives on issues of concern to us. On behalf of AFN, its Board of Directors, and membership, thank you very much for giving me an opportunity to testify on H.R. 3048.

H.R. 3048 is a demonstration that Section 2(b) of ANCSA can actually be followed. Section 2(b) of ANCSA states, in part, "settlement should be accomplished rapidly, with certainty, without litigation, with maximum participation by the Natives in decisions affecting their rights and property."

Mr. Chairman, today is June 5, 2002. More than 30 years ago, we were promised that our land settlement would be resolved rapidly. AFN feels H.R. 3048 is a step in the right direction in fulfillment of a promise that was made to us with the passage of the Alaska Native Claims Settlement Act. H.R. 3048 is a product of negotiations between the United States Fish and Wildlife Service, the United States Forest Service, and CIRI, and Mr. Chairman, it demonstrates that where there is good will among all the parties, that there can be actually a step toward a fulfillment of our land entitlements promised us 30 years ago.

With that in mind, Mr. Chairman, AFN recommends that Congress passes H.R. 3048 because it will lead to fulfillment of the promise made us 30 years ago. Again, thank you very much, Mr. Chairman, for your continued interest in the well-being of the Native corporations.

Mr. YOUNG. Thank you, Nelson.

[The prepared statement of Mr. Angapak follows:]

Statement of Nelson N. Angapak, Sr., Executive Vice President, Alaska Federation of Natives, on H.R. 3048

Mr. Chairman, Honorable members of the U.S. House Resources Committee, ladies and gentlemen:

For the record, my name is Nelson N. Angapak, Sr., Executive Vice President, of the Alaska Federation of Natives (AFN). As you may already know, AFN is a statewide Native organization formed in 1966 to represent Alaska's 100,000+ Alaska's Eskimos, Indians and Aleuts on concerns and issues which affect the rights and property interests of the Alaska Natives on a statewide basis.

On behalf of AFN, its Board of Directors and membership, thank you very much for inviting AFN to submit its statement to the Committee on H.R. 3048. It is a privilege and honor to testify in front of your Committee.

I ask that this written statement and my oral comments be incorporated into the record of this public hearing.

H.R. 3048

President Richard M. Nixon signed P.L. 92–203, Alaska Native Claims Settlement Act, (ANCSA) into law on December 18, 1971. In Section 2(b) of ANCSA, Congress declared that:

> "settlement should be accomplished rapidly, with certainty, without litigation, with maximum participation by Natives in decisions affecting their rights and property..."

Today is June 5, 2002; and the promises made to us by ANCSA remain unfulfilled insofar as land is concerned. For example, the title of the lands we selected will remain clouded until such time the mandates of Section 14(c) of ANCSA are fulfilled.

H.R. 3048 is a positive demonstration that there was maximum participation by Natives in decisions affecting their rights and property..." as mandated by Congress by Section 2(b) of ANCSA. The terms and conditions that would be codified if H.R. 3048 passes Congress, and is signed into law by President Bush, is a product of the negotiations between the United States Fish and Wildlife Service (FWS), the United States Forest Service (USFS), and Cook Inlet Region, Incorporated (CIRI) for the past three years.

The Alaska Federation of Natives applauds the efforts of these parties in fulfilling Section 2(b) of ANCSA in what is now before this Committee in form of H.R. 3048.

AFN encourages the passage of H.R. 3048 as it is part of the fulfillment of a promise made by Congress; that is, settlement of the claims of the Alaska Natives against the Federal Government should be accomplished rapidly and with certainty; insofar as the Alaska Native Community is concerned, and in this instance, Cook Inlet Region, Inc.

Thank you again for inviting me to testify in front of this Committee on H.R. 3048. If you have any questions concerning this statement, I can entertain them now.

Mr. YOUNG. I understand that Mr. Hession wants to testify on the other two bills, or are we going to leave that alone? Mr. Angapak, you also are going to say something about H.R. 3148, or was that your statement on both?

Mr. ANGAPAK. Mr. Chairman, I do have a statement on H.R. 3148.

Mr. YOUNG. OK. Do you want to present your testimony on H.R. 3148 now?

Mr. ANGAPAK. I can present that, Mr. Chairman.

Mr. YOUNG. Go right ahead.

STATEMENT OF NELSON N. ANGAPAK, EXECUTIVE VICE PRESIDENT, ALASKA FEDERATION OF NATIVES

Mr. ANGAPAK. Mr. Chairman, let me begin my statement on H.R. 3148 with the following quote. "For those who fought for freedom has a flavor of protected, we will never know."

Mr. Chairman, I am honored that the Committee invited Walter Sampson and Eben Olrun, both distinguished Vietnam-era veterans, both with distinguished medals on the battlefield. Mr. Chairman, H.R. 3148 is a bill we feel will finally fulfill the promise that was made to the Native people of Alaska back in 1906. However, insofar as veterans are concerned, Alaskan veterans are concerned, we are requesting through H.R. 3148 that the land base be expanded for the veterans, because at the present time, all of the lands in the State of Alaska are appropriated in one form or another.

So with that in mind, Mr. Chairman, we request that the land base of the Native Allotment Act for veterans be expanded in such a way that the veterans will be able to apply for Native allotments from all vacant public lands in Alaska.

We also recommend the removal of the National Forest Exclusion for this reason. All of the veterans in Southeast Alaska who have applied for Native allotments are likely not to get their Native allotments. Yet, they have inhabited that territory long before the arrival of Western society. I think it is very unfair that just because of the existence of the national forests in Southeast Alaska and South Central Alaska that our Native people and particularly our veterans who risked their lives to protect this nation cannot even apply for Native allotments in their home territory.

We recommend, Mr. Chairman, that the qualifying dates be expanded from August 5, 1964, to May 7, 1975. The Alaska Native Allotment Act as it was originally passed for the Native people, the first 64 years of the Native Allotment Act as it applies to the Native people of Alaska, only 245 Natives applied for allotments because it was a best-kept secret.

Mr. Chairman, we also recommend that the legislative approval process of ANILCA be extended to allotments applied for by the veterans.

We also recommend that, Mr. Chairman, the use and occupancy requirement, insofar as the Alaska Native veterans are concerned

be removed. There are precedents for this, because in the history of this nation, this nation has a proud history of being able to provide land for its veterans.

Mr. Chairman, I could go on, but very briefly, pursuant to the terms of Public Law 105-276, approximately 1,110 veterans could have applied for allotments, but as it turned out, 741 of those applied for allotments and a greater percentage of them in Southeast Alaska were removed.

Mr. Chairman, I have other proposed additions to H.R. 3148, but I would like to, with your permission, submit them in a formal written statement.

Mr. YOUNG. Thank you, Nelson. As you noticed, the timer is not working, so I am going to be keeping the time and you did stay within the 5 minutes. I do not understand this modern technology at all, why it is not working, but I will keep my watch, and it is a Timex, so be careful, it is poised on exact time.

[Laughter.]

[The prepared statements of Mr. Angapak follow:]

Statement of Nelson N. Angapak, Sr., Executive Vice President, Alaska Federation of Natives, on H.R. 3148

Mr. Chairman, Honorable members of the U.S. House Resources Committee, ladies and gentlemen:

For the record, my name is Nelson N. Angapak, Sr., Executive Vice President, of the Alaska Federation of Natives (AFN). As you may already know, AFN is a statewide Native organization formed in 1966 to represent Alaska's 100,000+ Alaska's Eskimos, Indians and Aleuts on concerns and issues which affect the rights and property interests of the Alaska Natives on a statewide basis.

On behalf of AFN, its Board of Directors and membership, thank you very much for inviting AFN to submit its statement to the Committee on H.R. 3148. It is a privilege and honor to testify in front of your Committee.

I ask that this written statement and my oral comments be incorporated into the record of this public hearing.

At the outset, I want to take this opportunity to thank you and the U.S. House Resources Committee for having worked with AFN and the Alaska Native Community during the past millennium on issues of concern to AFN and the Alaska Native Community. During the last millennium, U.S. Congress passed a series of historic legislation that benefitted the Alaska Native Community. Some examples of such legislation include, but are not limited to: P.L. 92–203, the Alaska Native Claims Settlement Act; Indian Child Welfare Act, Self-determination, Title III of the Alaska National Interest Lands Conservation Act; just to name a few.

AFN Supports the Passage of H.R. 3148

AFN lobbied for the reopening of the Native Allotment Act of May 17, 1906 for the Alaska Native veterans who were unable to apply for Native Allotments because they were serving in active duty in the U.S. Armed Forces of this nation. Congress corrected this oversight by the inclusion of Section 41 of P.L. 105–276 and AFN thanks you for having the courage to act affirmatively on this by authorizing those of us who served in active duty in the U.S. Armed Forces with the authority to apply for Native Allotments if we served for at least six months of active duty during the period January 1, 1969 to December 31, 1971.

We are returning to Congress to seek your support of amending P.L. 105–276 in the following manner:

1. Expand the land base of P.L. 105–276: P.L. 105–276 mandates that the Alaska Native Veterans of the "Nam Era can only apply for lands that are vacant, unappropriated, and unreserved lands. As you know, almost all the lands in Alaska are appropriated and reserved; and in particular, after the enactment of the Alaska National Interest Lands Conservation Act into public law. AFN proposes that the Alaska Native veterans be allowed to apply for Native Allotments on unoccupied public lands in Alaska. Expanding the land base in this manner will increase the land base from which veterans can apply for as Native Allotments.

2. Remove National Forest Exclusion: Almost, if not all of the Native Allotment applications of the Alaska Native veterans of Southeast Alaska; and to some degree,

South–Central Alaska will be denied because of the National Forest Exclusion. Collectively, largest concentrations of Alaska Native veterans reside in these regions of Alaska. AFN recommends that Congress removes this restriction; at the very least for the "Nam Era Alaska Native veterans of these two regions. This act on the part of Congress will remove one of the most bizarre limitations that face Alaska Native veterans in their quest for Native Allotments.

3. Expand the Qualifying Date from August 5, 1964 to May 7, 1975: This nation recognizes the "Nam Era Conflict dates to be from August 5, 1964 to May 7, 1975; and likewise, these dates are used by various Federal agencies as dates for the "Nam Conflict; therefore, AFN recommends that Congress expands the Alaska Native Veteran qualifying dates to these dates. If this happens, approximately 1,174 Alaska Natives who served outside of January 1, 1969 to December 31, 1971 will become eligible to apply for Native Allotments.

At this point, I would like to take this opportunity to advise the U.S. House Resources Committee members that historically, the Alaska Natives and the American Indians have, on a per capita basis, the greatest number of membership served in active duty in the U.S. Armed Forces; and in particular, during the major military conflicts of this nation. The Honorable George W. Bush, President of the United States of America referenced this fact recently during his stop over in Anchorage, AK. We thank President Bush for the public recognition of this fact.

It is AFN's hope that Congress will recognize the patriotism of the Alaska Natives to this nation enacting H.R. 3148 into a statute. This recognition is long over due.

4. Extend the Legislative Approval Process of the Alaska National Interest Lands Conservation Act (ANILCA) to Alaska Native Veterans Native Allotment Process: Section 905 (a)(1) of ANILCA mandates that the Native Allotments pending before the Secretary of the Interior on December 18, 1971 be considered legislatively approved on the 180th day after the enactment of ANILCA. AFN recommends that the legislative approval process of Section 905 ANILCA be extended to the Native Allotment applications of the Alaska Native veterans

5. Use and Occupancy: Throughout the history of this nation, this country has provided certain privileges to the military and veterans of this nation. For example, 43 U.S.C. 183 suspended, in part, the residency requirements until 6 months after the individual was discharged from military service. AFN recommends the waiver of use and occupancy requirement of the Native Allotment Act as it applies to the "Nam Era Alaska Native veterans and their Native Allotment applications. One example that illustrates this point is that a deserving Alaska Native Vietnam veteran who was paralyzed during the Vietnam conflict would be rejected if that veteran were unable to complete the five years of use of the claimed land and, had not used the land for five years before the war.

The Honorable Don Young's staff did an excellent job of identifying the major obstacles which made it difficult for the Alaska Native Veterans of the "Nam Era to apply for Native Allotments. These are identified as follows in summary form:

1. P.L. 105–276's first obstacle is: Alaska Native Vietnam veterans can only apply for land that was vacant, unappropriated, and unreserved when their use first began.

2. The second obstacle is: Alaska Native Vietnam veterans can only apply if they served in active military duty from January 1, 1969 to December 31, 1971 (even though the Vietnam conflict began August 5, 1964 and ended May 7, 1975).

3. The third obstacle is: Alaska Native Vietnam veterans must prove they used the land (applied for in their native allotment application) in a substantially continuous and independent manner, at least potentially exclusive of others, for five or more years.

If the Honorable Don Young's proposed amendments are accepted by Congress, AFN feels that the original intent of P.L. 105–276 will be realized and we applaud his staff, and in particular, Ms. Cynthia Ahwinona, for her diligence and hard work in assisting us in moving our proposed amendments to P.L. 105–276. With Ms. Ahwinona's able assistance, AFN has been able to move its proposed amendments to P.L. 105–276 this far during this and past Congressional Sessions. We extend AFN's gratitude for her hard work on behalf of the people of Alaska, and in particular, the Alaska Natives.

Best Kept Secret

In its May 19, 2002 issue, The Anchorage Daily News printed a story on the Native Allotment Act of May 17, 1906 and I quote:

> "On May 17, 1906, a law went into effect that has been described by one legal specialist as "the best-kept secret the government has ever had." That was Alaska Legal Services attorney Carol Yeatman's description of the Native Allotment Act, which aimed to provide up to 160 acres of land to

individual Alaska Natives. It was to extend the Dawes Act of Feb. 8, 1887, to Alaska."

"Although virtually all Alaska Natives were eligible to apply for land that had been used by their families and other relatives for subsistence purposes for generations, in the first 64 years of the Act, only 245 allotments were approved, according to Alaska Legal Services. Most Natives were unaware of the law, and between language barriers and government red tape, those who did apply for an allotment often faced literally decades of waiting." [1]

ANCSA

Passage of the Alaska Native Claims Settlement Act of 1971 closed the door on further allotment applications pursuant to the terms and conditions of the May 17, 1906 as that statute applies to the Alaska Natives.

Section 41 of P.L. 105–276

Section 41 of P.L. 105–276 authorized approximately 1,110 Alaska Native veterans who served in active duty in the U.S. Armed Forces from January 1, 1969 to December 31, 1971 with the right to apply for Native Allotments. The Alaska Federation of Natives honored Native veterans at the 1998 convention, and the allotment change was one of AFN's initiatives that year.

This following is a summary of Alaska Native Veteran Application Statistics as of April 9, 2002 according to Bureau of Land Management records:

1. Applications Received—741
2. Number of Parcels—990
3. Number of Applications without Land Descriptions—240
4. Number of Parcels Rejected—133
5. Number of Parcels Appeals have been Filed On—32
6. Number of Parcels Appeals have been Dismissed On—8
7. Number of Parcels Field Exams Requested for—52 [2]

The discrepancy between the number of applicants and the number of parcels applied for is a result of some veterans applying for two parcels of land as statutorily authorized by Section 41 of P.L. 105–276.

Reason for Rejections (Some parcels were rejected for more than one reason):

1. Land Applied for was Previously Conveyed 46
2. Non–Resident—13
3. Tongass N.F. (U/O doesn't predate withdrawal)—9
4. Nunivak Island (U/O doesn't predate withdrawal)—3
5. Kenai Moose Range (U/O doesn't predate Withdrawal)—1
6. Chugach N. F. (U/O doesn't predate withdrawal)—3
7. Denali N. P. (U/O doesn't predate withdrawal)—1
8. St Lawrence Island (U/O doesn't predate withdrawal)—1
9. Failure to Correct Application Deficiencies—2
10. Ineligible Military Service Dates—27
11. Inactive National Guard Service—14
12. Less Than Honorable Military Service—1
13. Applicant 'has a pending 1906 NA Application—1 [3]

The greatest concentrations of Alaska Natives are located in Southwest and Southeast Alaska, historically speaking. This is also true, in our opinion, of the Alaska Natives who served in active duty in the U.S. Armed Forces from January 1, 1969 to December 31, 1971. The Alaska Native veterans located in Southwest Alaska have a better chance of having their allotment applications approved than those living in Southeast Alaska. In Southeast Alaska, virtually all, if not all of the Native Allotment Applications of Alaska Native veterans, will be denied by Bureau of Land Management because of the existence of the Tongass National Forest. Some of the Alaska Native veterans' allotment applications in Southcentral Alaska will also be denied because of the existence of the Chugach National Forest. In both instances, the existence of the Tongass and Chugach National Forests in Southeast and Southcentral Alaska respectively leads to automatic rejection of Native Allotment applications of the Alaska Native veterans of these regions because of the National Forest exclusion.

National Forests

Some veterans received medals and other citations because of their heroic actions in the battlefields of Southeast Asia. One such veteran is Larry Evanoff of

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[1] Anchorage Daily News, May 19, 2002 Edition
[2] Bureau of Land Management, April 9, 2002, Anchorage, AK (1 to 7)
[3] Bureau of Land Management, April 9, 2002, Anchorage, AK (1 to 13)

Chugachmiut and an AFN Board member. He once jokingly told me that he was full of bullet holes but has only one Purple Heart. He risked his life, just as these two gentlemen with me did, yet, their reward by our government is to reject their applications because of the accident of their locations. Mr. Evanoff advised me that his allotment application is being rejected by Bureau of Land Management because it is located within the Chugach National Forest.

Some of the Alaska Native veterans in Southeast and Southcentral Alaska did not apply for Native Allotments as authorized by Section 41 of P.L. 105–276 because they know that their applications will be automatically rejected because of the existences of Tongass and Chugach National Forests respectively. AFN recommends that Congress considers removing the National Forest exclusion, at the very least, insofar as the Alaska Native veterans and their Native Allotment Applications are concerned.

Proposed Additions to H.R. 3148

The Alaska Federation of Natives is submitting the following proposed technical amendments to the Alaska Native Claims Settlement Act for your consideration:

SECTION 3: AMEND 43 U.S.C. Section 1636(D)(1)(A)(II) BY ADDING "AND ASSESSMENTS AS FOLLOWS:

Amend 43 U.S.C. Section 1636(d)(1)(A)(ii) of the Alaska Native Claims Settlement Act by adding "and assessments" between 'taxes' and 'by' such that it reads

(ii) real property taxes and assessments by any governmental entity;

Justification

The 1987 amendments to ANCSA exempted ANCSA lands of Native Corporations from being taxed by any governmental entity so long as these lands remain undeveloped. Recently, some municipal governments began monetary "assessments" of ANCSA lands because they feel that the 1987 amendments to ANCSA did not specifically prohibit the "assessment" of ANCSA lands for "improvements" placed on ANCSA lands at the request of third parties. These "improvements" include placement of water and sewer lines, power lines, etc. on or over ANCSA lands. The Native Corporations did not request the placements of these "improvements" on their lands.

AFN contends that the Congress intended to exempt undeveloped Native lands from taxation including assessments, in order to prevent Native Village Corporations from being forced to pay for local assessments on undeveloped lands, and to prevent executions against Native Corporation monies and investments for unpaid assessments. AFN urges the Congress to amend ANCSA Section 1636 land protections by adding the two words as highlighted below:

Sec. 11(d)(1)(A) Notwithstanding any other provision of law or doctrine of equity all land and interest in land in Alaska conveyed by the Federal Government pursuant to the Alaska Native Claims Settlement Act to a Native individual or Native Corporation . . . shall be exempt, so long as such land and interests are not developed or leased or sold to third parties from:

(i) adverse possess and similar claims based upon estoppel;

(ii) real property taxes and assessments by any governmental entity;

(iii) judgments . . ..

AFN further urges the Congress to make the application of this amendment retroactively effective to end assessments that local governments are already imposing on undeveloped lands of Native Village Corporations. This taking of ANCSA assets for unwanted development is unfair and must be prevented.

SECTION 4: RELATION TO CIVIL RIGHTS ACT OF 1964.

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by inserting, in section 29(g) (43 U.S.C. § 1626(g)):

(1) after "joint ventures" the words "sole proprietorships,"; and

(2) after "equity" the words ", or with which the Native Corporation or affiliate engages in one or more commercial transactions that exceed a total of $20,000 in the calendar year, within the course and scope of such commercial transaction,".

This amendment amends 43 U.S.C. § 1626(g) to read as follows:

For the purposes of implementation of the Civil Rights Act of 1964, [42 U.S.C. § 2000a et seq.], a Native Corporation and corporations, partnerships, joint ventures, sole proprietorships, trusts, or affiliates in which the Native Corporation owns not less than 25 per centum of the equity, or with which the Native Corporation or affiliate engages in one or more commercial transactions that exceed a total of $20,000 in the calendar year, within the course and scope of such commercial transaction, shall be within the

class of entities excluded from the definition of "employer" by section 701(b)(1) of Public Law 88–352 (78 Stat. 253) [42 U.S.C. §2000e(b)(1)], as amended, or successor statutes.

Justifications

The 1987 amendments to ANCSA exempted Native corporations from Federal anti-discrimination provisions in employment, to allow Native corporations to prefer shareholder hiring. Such a policy benefits Alaska Natives by providing increased jobs in that community. This amendment would also exempt from the Civil Rights Act of 1964 contractors with which a Native Corporation does more than $20,000 worth of commercial transactions in a calendar year.

SECTION 5: APPLICABILITY OF NATIONAL WILDLIFE REFUGE RESTRICTIONS

Section 22(g) of the Act is amended by striking 'Notwithstanding' and all that follows through 'of such Refuge.'.

When ANCSA was signed into law, section 22(g) ordered that lands selected by the village corporations from the wildlife refuge lands would be subject to rules and regulations that governed refuge lands. There is some uncertainty of the applicability of this law insofar as ANILCA created wildlife refuge lands are concerned. U.S. Fish and Wildlife Service contends that 22(g) created a Federal interest on ANCSA selected lands and thus requires no compensation to the ANCSA corporations. The Native corporations contend that this law is applicable only on refuge lands in place at the time of the passage of ANCSA.

AFN proposes to amend §22(g) of ANCSA by lifting its requirement that lands selected by the village corporations from refuges be governed as if they are wildlife refuge. This amendment supports the Alaska Native position and further clarify that lands selected by the ANCSA corporations became private lands the moment they were selected by the ANCSA corporations.

Justifications

When Congress passed the Alaska Native Claims Settlement Act, it promised the Alaska Natives, in part, that their claims against the Federal Government would be settled "rapidly, in conformity with the real economic and social needs of Natives, without litigation, with maximum participation in decisions affecting their rights and property..."

ANCSA was signed into law on December 18, 1971. The use of the lands selected by the village corporations from the refuges remain subject to the rules and regulations that govern refuges. This restriction limits the village corporations from gaining true ownership of these lands as private lands. This restriction is paramount to taking of privately held lands for public use without just compensation to the landowners.

U.S. Fish and Wildlife Service uses the 22(g) restriction as a means of reducing the fair market value of the lands selected and conveyed to the village and regional corporations when such lands are involved in land trades.

This amendment will give the affected village corporations an equal footing as the other ANCSA corporations insofar as land ownership is concerned. This amendment will finally allow Congress to fulfill its promise of meeting the real economic and social needs of the Alaska Natives when Congress passed ANCSA some twenty-eight (28) years ago.

SECTION 6. CLARIFICATION OF LIABILITY FOR CONTAMINATION

"SEC. 43. Notwithstanding section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or any other provision of law, no person acquiring any interest in land under this Act shall be liable for the costs of removal or remedial action, any damages, or any third party liability arising out of or as a result of any contamination on that land at the time that such land was acquired under this Act unless such person was directly responsible for such contamination."

AFN proposes to amend ANCSA such that the ANCSA Corporations will be cleared and absolved of any and all harm and any liability of the contaminants found on what eventually became ANCSA lands if such contaminants were placed on those lands while they were owned or were under the management of the Federal Government.

Justifications

Some of the lands selected by and conveyed to the ANCSA Corporations were contaminated when these lands were owned or under the management of the Federal Government. Because of this, the ANCSA Corporations must be cleared and absolved of any and all harm and any an all liability of the contaminants found on what eventually became ANCSA lands if such contaminants were placed on those

lands while they were owned or were under the management of the Federal Government.

Congress meant what it stated that the "settlement of the claims of the Alaska Natives against the Federal Government must be done in such a way that the real economic and social needs of the Alaska Natives are met." Forcing the ANCSA corporations to clean up the contaminants placed on these lands may bankrupt some of the ANCSA corporations because the cost of cleaning them may exceed the monies that the ANCSA corporations received pursuant to the terms and conditions of P.L. 92–203. If this happens, the original intent of Congress of meeting the real economic and social needs of the Alaska Natives will be defeated.

Lesnoi, Inc.

AFN would like to go on record of asking the U.S. House Resources Committee to consider confirming the fact that Lesnoi, Inc. is an ANCSA village corporation in accordance to the terms and conditions of P.L. 92–203, The Alaska Native Claims Settlement Act. The people who are really suffering in the instance of Lesnoi, Inc. is its Alaska Native shareholders who legally and timely enrolled into this village corporation on or before December 18, 1974.

Thank you for your consideration. I would be willing to answer any questions that the Committee might have on my written and oral statements.

Supplemental Statement of Nelson N. Angapak, Sr., Executive Vice President, Alaska Federation of Natives

Mr. Chairman, Honorable members of the U.S. House Resources Committee:

We reviewed H.R. 3148 and found that there two clarifying amendments we would like the Committee to consider during the mark-up of H.R. 3148. They are as follows:

Clarifying Amendments to H.R. 3148

Upon closer review of H.R. 3148, we found that we should pursue clarifying amendments to H.R. 3148 as follows:

1. Compensatory Language: H.R. 3148 allows, if enacted into law, upon the approval of the ANCSA corporations affected, the Alaska Native veterans with the right to apply for Native Allotments on lands selected or conveyed to them. H.R. 3148 is silent, insofar as compensating ANCSA corporations is concerned, for the lands that the Alaska Native veterans apply for from ANCSA corporate selected or conveyed lands.

AFN recommends that H.R. 3148 be amended, during the mark-up, in such a manner that it clarifies that ANCSA corporations will be compensated, acre for acre, for the lands that Alaska Native veterans apply for as Native Allotments if such lands were selected by or have been conveyed to the ANCSA corporations.

Rationale: First and foremost, Congress, through the Alaska Native Claims Settlement Act, promised the ANCSA corporations certain amounts of land on a per capita as well as on the land loss formula. This amendment will clarify that the land entitlements of the ANCSA corporations will remain intact even if the Alaska Native veterans apply for Native Allotments on ANCSA selected or conveyed lands. AFN feels that such an amendment will make it easier for the ANCSA corporations to allow the Alaska Native veterans to apply for Native Allotments on lands they selected or conveyed to them.

This same language should be extended to the State lands similarly affected.

2. Subsurface lands: The Federal Government reserves unto itself oil and gas and mineral estates of the lands applied for and approved as Native Allotments. This policy is uniformly followed by the Federal Government on Native Allotments in the State of Alaska.

H.R. 3148 is silent on this issue. AFN recommends that H.R. 3148 claries that the subsurface of the ANCSA lands applied for as Native Allotments remain with the regional corporation in which that Native Allotment is located.

Rationale: This amendment will assure the regional corporations that their subsurface estates will remain intact as they were prior to the Alaska Native veteran applying for that land as a Native Allotment.

Please consider incorporating these proposed amendments into H.R. 3148 when the U.S. House Resources Committee marks-up H.R. 3148 at some point in the future.

Thank you for your consideration. If you have any questions concerning these supplemental comments on H.R. 3148, please call me at the Alaska Federation of Natives at 907–274–3611.

Statement of Nelson N. Angapak, Sr., Executive Vice President, Alaska Federation of Natives, on H.R. 4734

For the record, my name is Nelson N. Angapak, Sr., Executive Vice President, of the Alaska Federation of Natives (AFN). As you may already know, AFN is a statewide Native organization formed in 1966 to represent Alaska's 100,000+ Alaska's Eskimos, Indians and Aleuts on concerns and issues which affect the rights and property interests of the Alaska Natives on a statewide basis.

On behalf of AFN, its Board of Directors and membership, thank you very much for inviting AFN to submit its statement to the Committee on H.R. 4734. It is a privilege and honor to testify in front of your Committee.

I ask that this written statement and my oral comments be incorporated into the record of this public hearing.

AFN Supports the Passage of H.R. 4734

Public Law No. 106–488, allows, on a pilot project basis, preferential treatment of Native hire and contracting within NANA Regional Corporation and Bering Straits Native Corporation boundaries. This statute is a step in the right direction insofar as partial implementation of Sections 1306 and 1307 of the Alaska National Interest Lands Conservation Act (ANILCA) is concerned. AFN supports amending P.L. 106–488 make its application statewide in nature, and H.R. 4734 would accomplish that when it is enacted into statute.

H.R. 4734 would accomplish the following:

- Expand Alaska Native contracting authority in regard to Federal resources and conservation unit management in Alaska.
- Expand authorization for co-management of fish and wildlife resources and applies only in Alaska.
- Make at least some of the existing contracting provisions mandatory rather than discretionary.

Sections 1306 and 1307 of ANILCA gives preference to Native corporations in the siting of agency facilities and in obtaining concessions for visitor services. Section 1308 makes special provision for the Federal management agencies to employ local residents. With the limited experience of the siting of some agency facilities on Native lands, these promises have gone unfulfilled. National Federal policy to "mirror America" in employment, for example, effectively limits the employment of Alaska Natives in the state to the percentage of Native Americans in the National population, even though the Native population percentage in Alaska, and particularly rural Alaska, is much higher.

P.L. 93–638: Title IV of P.L. 93–638, enacted in 1994, was intended to expand the ability of tribal organizations with self-governance compacts to include non–BIA Interior Department activities in their compacts when there is a close relationship between the Federal activity and the Native Community. A glance at the map suggests that in Alaska, Title IV should be a vehicle for at least some expansion of Native compacting to the administration of Federal land units and management of fish and wildlife. The Department of the Interior has concluded that compacting non–BIA functions is completely discretionary except for explicit "Native" programs, and both the National Park Service and the U.S. Fish and Wildlife have conveniently concluded they have no such programs.

The non-profits have approached the Federal land agencies numerous times with proposals for 638 contracts with virtually no success for any program which isn't considered specifically "Native" by the Interior Department. The Interior Department's resistance to 638 contracting non–BIA programs has progressively hardened over the last few years.

Some factors that Congress should take into account as it deliberates on H.R. 4734 include the following:

- Cooperative Management: Section 119 of the Marine Mammals Protection Act authorizes the Secretary of the Interior to enter into cooperative agreements with Native organizations regarding conservation and subsistence.
- ANILCA Section 806 also authorizes cooperative agreements among Federal agencies, the state, Native corporations and other parties. Although there are several examples in Alaska of successful cooperative agreements, Native groups are still not an equal player in Federal decisions that affect their subsistence-based way of life. Both statutory provisions are discretionary. The inability to contract any of the underlying Federal functions has hindered Native efforts to fully take advantage of these sections. In general, the Federal agencies only support cooperative agreements when they want something specific from the Native Community or in circumstances where Federal agency does not otherwise have opportunity to regulate.

Some examples of what might be contracted out by Federal agencies:

- U.S. Fish and Wildlife Service, at least in the Yukon Delta National Wildlife, has utilized the local Alaska Natives in banding black brand and other migratory birds that nest and rest in this refuge. This act on the part of the managers of this refuge, the largest national wildlife refuge of its type in the United States, has created employment opportunities in an area where it is needed. More importantly, this act on the part of the managers of this refuge has created a friendly atmosphere between the Native people who reside either within the boundaries of this refuge. This in turn is creating a feeling of trust between the Alaska Natives in this region and the U.S. Fish and Wildlife Service. The branding of black brand is an example of the kind of program that could be contracted out to the Native organizations within this region.
- Broadened Native contracting and co-management authority will make Federal land management and fish and wildlife management more responsive to the local needs and concerns, without sacrificing national interests. It will help bridge the gap between local communities and the Federal bureaucracies and increase local support of the conservation system units in Alaska. Native contracting will also keep more of the economic benefit of these vast Federal enclaves in rural Alaska, much of which has high unemployment and is in "economic disaster" because of declining fisheries.

Section 2(b), ANCSA: Section 2(b) of the Alaska Native Claims Settlement Act mandates the participation of the Alaska Natives on decisions affecting their rights and property. Amending P.L. 106–488 in the manner proposed by H.R. 4734 is a step toward the fulfillment of this congressional mandate.

Finally, H.R. 4734 is not the solution to the subsistence impasse in Alaska, nor is it primarily directed at subsistence, and because a Federal takeover of subsistence fisheries has occurred in Alaska, native contracting and co-management will be a means of keeping on-the-round control in the hands of Alaskans.

It must be understood, beyond any shadow of doubt, H.R. 4734 is a bill whose goal is to increase employment opportunities within the Native Community. It will go all ways to fulfill what we were promised by sections 1307 and 1308 of ANILCA.

Again, thank you for allowing me to testify on this bill. If you have any questions concerning my statement on H.R. 4734, I will entertain them at this time.

Mr. YOUNG. I believe, Mr. Hoffman, you have got some objections to a bill of mine, H.R. 4734. Do you have any other comments on any of the other legislation while you are at it?

Mr. HOFFMAN. Yes, sir.

Mr. YOUNG. One thing I can tell you, I am not particularly happy with you or the Department right now. We did not get your testimony against this legislation until last night. I have been through seven Administrations and one of these days, I am going to get mad enough to say you guys can kiss my ear. You are not going to have the right to give us testimony 12 hours before the hearing. This is not you personally, this is an attitude down in that Department, regardless of who the Secretary is, of dragging their feet, delaying tactics. I call it the arrogance of the Department and it is very disturbing to me.

These bills are not new bills. They have been in forever. They have been introduced about 3 years in a row. Now to have testimony saying you are against something, it bothers me. So I would like to have you address H.R. 4734 and then I am going to ream you a little more. Go right ahead.

STATEMENT OF PAUL HOFFMAN, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Mr. HOFFMAN. Yes, sir. Thank you. I apologize for the late submission of the testimony. It was a difficult testimony to vet through all the various bureaus of the Department—

Mr. YOUNG. Pardon me. Vet, my ear. This is your Department. Now, you tell Mrs. Norton or anybody else this is your responsibility. I am getting tired of you passing the buck from one Department to another Department, another Agency to another Agency. I asked you for the testimony. You are testifying now for the Department of Interior.

Mr. HOFFMAN. Yes, sir.

Mr. YOUNG. This is not the way to run the ship. Now, this White House was elected for a reason, to get things done. I went through 8 years of nonsense, and 8 years before that of nonsense. Go ahead.

Mr. HOFFMAN. Sir, regarding H.R. 4734, first of all, the Department of the Interior very much supports the purpose and concept of Native hiring, Native contracting, and economic development opportunities for Native Alaskans. We believe that Title IV of the Indian Self-Determination and Education Act of 1994 provides for this. The Native Hiring and Contracting Act of 2000 also provides for this. In fact, we have a very significant population of Native hires in many of our national parks in Alaska and Fish and Wildlife Service units, and these are not just seasonal jobs. Many of them are division chiefs on up.

We are not perfect, but we are certainly trying. We feel that we have made a lot of progress and we want to make more progress and we hope that that progress will be allowed to continue.

The bill does pose numerous and substantial challenges to us. I will just lower my voice there, sir.

Mr. YOUNG. It got you there, but the thing that disturbs me the most, I believe Mr. Angapak also said it very well, 22 years ago, we passed this legislation, and I do believe in the Sections 1307, 1308, it directed the Department to not only hire and employ but contract out, and it is 22 years later. It has not happened.

Now, you say a significant amount of Natives have been hired in Alaska. How many?

Mr. HOFFMAN. I do not have the numbers, but I know that for four parks, four Arctic parks, 48 percent of the staffing levels, about 16 out of 31 of the hires, are Native Alaskans.

Mr. YOUNG. Sixteen out of 31. How many people do we have in the Park Service in Alaska?

Mr. HOFFMAN. Four-hundred-and-sixty-five, sir.

Mr. YOUNG. Four-hundred-and-sixty-five and you have got 16 Alaska Natives hired.

Mr. HOFFMAN. Oh, no, sir, we have more than that, but that is just those—I am just referencing that one particular park unit.

Mr. YOUNG. But with one in 35, we have 16 working? How many have we got working?

Mr. HOFFMAN. I may not have that answer. If you are asking—

Mr. YOUNG. I am going to submit questions for you on this, because what I want, and for those people in the back row whispering in your ear, you had better have the answers to this Committee very soon.

Mr. HOFFMAN. Yes.

Mr. YOUNG. Now, second, are there any of the Native corporations contracted to manage a park in the State of Alaska?

Mr. HOFFMAN. Not at this time—

Mr. YOUNG. But under the law is it not correct that they can do so?

Mr. HOFFMAN. Yes, so.

Mr. YOUNG. Why have you not done that?

Mr. HOFFMAN. We have in the past. That contract is expired at this time.

Mr. YOUNG. You have not renewed it?

Mr. HOFFMAN. No, sir.

Mr. YOUNG. Why not? Which park was it?

Mr. HOFFMAN. It was for the Kawerak Corporation, sir.

Mr. YOUNG. We will hear testimony from them a little later on. But what I am saying, how many summer employees does the Park Service send up every summer to Alaska? I want that answer, too.

Mr. HOFFMAN. Yes, sir.

Mr. YOUNG. Because when I find out there are a lot of uncles and cousins going to Alaska in the summertime to work in the park and I am being told by the Park Service that the people that live there do not have the professionalism to run or work in a park, so we bring someone out of Massachusetts or New York or Michigan or some other high-falluting State and they work in my State and take jobs away from my people. We have got more parks and more acreage in our State than any State in the union, and the reason this legislation was introduced and why I am going to commit to promote it is you have not done your job. Your agency has not done its job. This is inappropriate.

I remember I went to Anaktuvuk Pass and we had a nice Arctic Wildlife Park or whatever you want to call it up there at Anaktuvuk Pass, they had 19 employees and one person working from that village. Now, that is not good.

I have been to Noatak, Kawerak, all those areas that we made parks and we were telling those people when we passed that legislation those parks should be, in fact, managed by natives and employing their own people for these jobs. It has not happened. This is 22 years later.

So I am going to suggest, I want to see some very, very positive action by this agency. I am going to continue to push this bill. I did it last year, I did it the year before, and I am going to do it this year. Eventually, if we do not do something, maybe we will cut your money off. That may be the only way I can get your attention. Otherwise, you have got the attitude that the people of Alaska, that live there near a park system that we created in Congress, by the way—against my wishes—but they cannot work within the park system. I do not understand it. So you take that message back, and those in the room that are working for the Department of Interior, and some of you have been there longer than I have, who still have the old fashioned attitude toward what should happen in Alaska, that has got to change.

[The prepared statement of Mr. Hoffman follows:]

Statement of Paul D. Hoffman, Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, on H.R. 4734

Mr. Chairman, thank you for the opportunity to discuss H.R. 4734. This legislation includes four purposes with which the Department of the Interior generally agrees: the promotion of innovative management strategies and operating efficiencies; the expansion of Alaska Native contracting opportunities; the increase of

local employment in Alaska; and the connection of conservation system unit resources, Alaska Native culture and subsistence practices.

While we generally support the purposes of H.R. 4734, we have significant concerns about the bill. The proposed provisions in many cases duplicate authorities already found in the Alaska National Interest Lands Conservation Act (ANILCA; 16 U.S.C. 3101), specifically in the areas of local hire, Alaska Native contracting, cooperative agreements with tribal entities, subsistence management, and the preservation of Native culture and heritage. The Department of the Interior's agencies have been using these and other relevant authorities with positive results, as recently detailed in two reports to Congress pursuant to Public Law 106–488: the Department's Report on Hiring of, and Contracting with, Local Alaska Residents, Alaska Natives and Alaska Native Corporations, dated April, 2002 and transmitted to the Committee on Resources on May 17, 2002; and the National Park Service Pilot Program to Employ Residents of Local Communities in Northwest Alaska, dated November, 2001 and transmitted to the Committee on January 24, 2002.

We have a number of concerns about specific sections in the bill which I will outline at this time.

Section 3/Indian Self Determination and Education Assistance Act (ISDEAA; P.L. 93–638; 88 Stat.2203)

This bill applies Title I of the ISDEAA to the National Park Service (NPS) and Fish and Wildlife Service (FWS), as well as the Bureau of Land Management. Currently, Title I does not apply to units of the National Park System and the National Wildlife Refuge System as because they are not "programs for the benefit of Indians because of their status as Indians." Rather, they are programs—conservation system units—established for the American people as a whole. While ANILCA does provide for special consideration of Alaska Natives, it did not apply ISDEAA Title I to parks and refuges.

H.R. 4734 would treat non–Bureau of Indian Affairs programs as if they were "Indian" programs and not programs for the public. It would unduly limit the discretion of the Secretary with regard to the NPS and FWS and BLM by applying the terms of ISDEAA Title I to conservation system units and other public land units in Alaska.

Title I applies special rules for contracting to tribes and tribal organizations for programs that tribes are running for the benefit of themselves and their members. Title I makes good sense for these programs that benefit Indians because of their status as Indians, because the tribes should be given the latitude to "self determine" the functioning of programs for their benefit. These special rules for contracting do not make sense, however, for the operation of national parks and national wildlife refuges for the general public. With parks and refuges, as opposed to programs for Indians, there are no issues of self-determination, and there is no basis for excepting the parks and refuges from normal applicable contracting rules.

Both the NPS and FWS already participate in the Tribal Self–Governance Program under Section 403(c) of ISDEAA as amended by the Tribal Self–Governance Act (P.L. 103–413). That section requires that NPS and FWS negotiate at the request of a participating tribe, but the Secretary has the discretion to decide whether to enter into an annual funding agreement subject to its terms. This bill would limit discretion by requiring that the Secretary "shall negotiate and enter into a contract" with participating tribes.

Effects on Alaska Employees

Section 3(g)(3) attempts to limit the disruption to employees by the change to contract management of conservation system units. Nevertheless, we believe the legislation would cause significant disruption to the efficient management of conservation system units. In the Department's Alaska field operations, a large number of the Alaska Native permanent and seasonal employees have been hired under "local hire" provisions of Section 1308 of ANILCA, bringing tremendous local knowledge to the Department. Some employees may not desire to accept a contractor position under the Intergovernmental Personnel Act, or wish to move to other locations offered by the Department. We risk losing—rather than gaining—local expertise under the provisions of H.R. 4734.

Two examples of the Department's commitment to local and Native hire are instructive. As a result of the NPS pilot program directed in P.L. 106–488, four parks in northwest Alaska hired four local residents into career positions, promoted or upgraded four local hire employees, established three additional seasonal ranger/liaison positions in villages, and hired a new GS–11 Special Assistant for Native issues, who is a tribal member. Of 33 permanent NPS employees in Western Arctic National Parklands in 2001, 48% (16 people) were originally hired under local hire au-

thority. Local hire Alaska Natives make up 26 % of the staff, including two of six division chiefs. Of 20 temporary employees, 8 (40%) were local hire.

The staff of the Koyukuk/Nowitna National Wildlife Refuge Complex has 11 permanent full-time employees and another three to four seasonal employees. Five of the 11 permanent full-time employees, ranging in grade from GS–6 to GS–12, are Koyukuk Athabascan Alaska Natives hired from the local area, as are two of the seasonal employees. The Kanuti Refuge employs permanently a Koyukuk Athabascan Alaska Native hired from the local area as its seasonal park ranger at Bettles.

Unlike employees working for a contractor, Alaskans who work for our bureaus are an integral part of our statewide operations. As they gain experience and fill positions with greater responsibility within the government, they will be an increasing part of our management teams and will have a voice in the future management of conservation system units across the nation. The Department benefits by having employees with diverse backgrounds, and employees benefit by having wider employment opportunities than can be offered by a tribal contractor.

Also, the Office of Government Ethics notes that section 3(g) may further cause disruption because of the vagaries of its terms. For example, the legislation is ambiguous with respect to the matter of supervision of affected employees, specifically, whether the affected employees will be transferred under the Intergovernmental Personnel Act (IPA) so that they may be supervised by a non-Federal individuals, or supervisors will be transferred under the IPA to avoid having Federal employees supervised by non-Federal individuals. In addition, privatization of programs or transfer of Federal employees to non-Federal employers can raise significant issues with Federal conflict of interest statutes. These issues are also not addressed by this section or elsewhere.

Subsistence Management/Technical Research

The language of Section 3(f)(2) focuses on biological research, harvest monitoring or other data gathering activities undertaken by the Federal Subsistence Program. If the intent is to provide for contracting by tribes for these functions, this section is unnecessary, particularly as a demonstration project, because programs in place already provide for this purpose.

The Federal Subsistence Program, administered by the Fish and Wildlife Service's Office of Subsistence Management, provides funds to tribal and other rural organizations, academia, the State of Alaska, and Federal agencies, and others to conduct fisheries and fisheries harvest monitoring projects. These projects are selected based on a lengthy public and technical review process where monitoring priorities are identified and projects identified to meet those priorities.

A high priority in project selection is capacity building in tribal organizations. Tribal and other rural organizations are provided the opportunity to participate on multiple levels, either as principal investigators, direct and equal partners with State and Federal agencies, or as project staff to be trained by principal investigators from State and Federal agencies. Over one-third of the funding (about $2 million annually) is provided to tribal or other rural organizations.

The Office of Subsistence Management also provides funding to tribal organizations to hire professional technical staff (fisheries biologists and anthropologists) to build capacity in these organizations to more fully participate in the monitoring projects mentioned above. In Fiscal Year 2002, over $900,000 is being provided to six tribal organizations to hire seven of these positions. Funding for these positions is provided for a minimum of five years and can be renewed. Provisions of H.R. 4734 would disrupt this program which has been well-received by our constituents (including tribes).

Section 4/Koyukuk and Kanuti NWR Demonstration Project

This section contracts the management of two national wildlife refuges to tribes and transfers the refuge employees to those tribes. Refuges are managed as part of a national, connected network of lands and waters managed to help conserve this nation's fish and wildlife habitats for the benefit of present and future generations of Americans. H.R. 4734 significantly conflicts with provisions of the National Wildlife Refuge System Administration Act, as amended, P.L. 105–57.

There are refuge management decisions and functions that cannot be made outside of the National Wildlife Refuge System, and others that would be difficult to translate into a contracting arrangement. Many functions performed on a National Wildlife Refuge are directed at meeting our public trust. While we will continue to contract certain functions, and consult and collaborate with our local refuge neighbors, Federal employees who have spent years training and working in the National

Wildlife Refuge System are in the best position to meet the public's expectation of management with a national view.

For instance, our managers must determine whether an activity is compatible with all of the establishing purposes of the refuge and the mission of the National Wildlife Refuge System—a decision made more difficult if not impossible when a contractor has experience in only one location. Even within Alaska, our refuge managers must coordinate management of resource monitoring and other activities with the State of Alaska and other Federal land managers. Again, we believe this would be difficult for a contractor to accomplish in a way that meets our national mission and our responsibilities to the public for operating an efficient organization.

In addition to the above concerns, if this legislation is to move forward, there are a number of other issues that will need to be addressed, and amendments that will need to be made.

Mr. Chairman, this concludes my prepared remarks, and I would be pleased to answer any questions that you and other members of the Committee may have.

Mr. YOUNG. Mr. Gibbons, do you have any comments, or just the one bill?

Mr. GIBBONS. Just the one bill.

Mr. YOUNG. Thank you. You are lucky.

Mr. Hession?

STATEMENT OF JACK HESSION, SENIOR REGIONAL REPRESENTATIVE, SIERRA CLUB, NORTHWEST/ALASKA REGION

Mr. HESSION. Thank you, Mr. Chairman. We strongly oppose this bill, Mr. Chairman.

Mr. YOUNG. Surprise, surprise.

Mr. HESSION. I am pleased to hear that, Mr. Chairman—for the following reasons. It would require the Secretary of the Interior to essentially turn over management of up to 14 National Conservation System units to a private organization. Granted, they are Indian organizations, but the essence of it is that they are private organizations, and that would be an unprecedented departure from historic and existing Congressional policy.

If I can sum up our position, we are wholeheartedly in support of local hire of Alaska local residents, including Natives. We have supported it in the past. We have supported the previous bill here, legislation both in ANILCA and subsequently.

There is no question that progress has been made, Mr. Chairman. I have reviewed both reports, one on the pilot program established by the previous legislation and a second one submitted this year by Secretary Norton involving progress made under the two local hire provisions of ANILCA. We think this is the approach the Committee should pursue to do everything in its power to promote local hire, including Alaska Natives.

But the key distinction here is that this bill would go far beyond that worthy goal. It is breathtaking in its sweeping nature. Where else in the Nation does a private entity manage a national park? I know of no other. This is a—I am trying to be diplomatic here, Mr. Chairman, but it is almost a radical departure from existing law and policy.

Mr. YOUNG. Let me interrupt you there, because your time is about up. I would just like to suggest one thing. That may be good, because I do not think the Park Service itself is doing a good job. It might be good if we put a criterion in that it could be managed correctly. I do not think the Park Service does such a great job. There is sort of like a holy grail, that we cannot talk about how

bad the Park Service is. They are not a well managed organization. Maybe we ought to try that.

And, by the way, the two projects, am I correct in this statement that they have not been implemented?

Mr. HESSION. No, sir. In my understanding, the project that you authorized the last time around has been fully implemented—

Mr. YOUNG. No, that is not my understanding. The negotiation had collapsed with Kawerak—

Mr. HESSION. There is a report—

Mr. YOUNG. —and Maniilaq, both of them collapsed. They have never done it. Can the Department of Interior clarify that?

Mr. HOFFMAN. I cannot, sir.

Mr. YOUNG. My understanding is it has not happened. I mean, I will have to hear from other witnesses that were involved in that. If it has happened, maybe I am wrong in my information. But it is my understanding it has not been implemented. After we passed a law to try to see if this would work, the Park Service has objected to it. You know, it is great to pass a law and then we let the locals within the Department say, no, you cannot do it, and then the law means nothing. So we will have to have a little review on that one.

All right. Anybody else on any of these bills? Have you got another one, Mr. Hoffman? Are you willing to come to bat? I have to say, I have to give you credit. Come to bat on the veterans now. This is a good one.

[Laughter.]

STATEMENT OF PAUL HOFFMAN, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Mr. HOFFMAN. Yes, sir, Mr. Chairman, I would like to testify on H.R. 3148.

Mr. YOUNG. Would you really like to testify?

[Laughter.]

Mr. HOFFMAN. I can honestly say, I have not had so much fun since the pigs ate my little sister.

[Laughter.]

Mr. YOUNG. Go ahead. I hope they did not have hoof-and-mouth disease. Go ahead.

[Laughter.]

Mr. HOFFMAN. We believe that the Alaska Native Vietnam Veterans Allotment Act of 1998 is a good Act and represents a good compromise. It established the window of opportunity for those Vietnam veterans from 1969 to 1971 to apply for allotment claims. In 1969 to 1971, there was a large public effort to notify Native Alaskans of this opportunity in anticipation of the repeal of the Allotment Act, and certainly many of our veterans who were overseas fighting for us missed out on that opportunity and we believe it was appropriate and continues to be appropriate to restore those opportunities for them.

We believe that extending the eligibility to veterans serving all the way to 1975 presents an interesting fairness and equity issue, since no other Native Alaskan had an opportunity to apply after 1971, when the Allotment Act was repealed.

We fully admit that progress in processing the claims has been abysmally slow, and I would like to offer some explanation of that. It took us 18 months to promulgate regulations for the 1998 Act. Fully two-thirds of the applications filed were within the last 2 months of the filing period, which ended January of 2000. The Department focused first primarily on rejecting those applications that were correctable so that those applications could be returned to the applicant and give them time to reapply in time.

A field examination is required prior to any application being approved, and as you well know, sir, the season for field examinations in Alaska is short. Many of the applications have been incomplete. In particular, 25 percent of them have lacked a land description and it is impossible for us to process them without that.

A new bill would start the regulatory process all over again, setting us behind time-wise. The new bill also makes available new lands that previously had not been available to Native Alaskans and this causes concerns. Again, back to the fairness and equity issue, this would make available lands to Vietnam-era veterans that would not and are not available to other veterans, and these additional lands could potentially include Department of Defense installations as well as Fish and Wildlife Service and Forest Service lands.

Also, this Act would remove the provision for a personal representative of heirs of Vietnam veterans, which presents a critical challenge for us in terms of processing claims because we oftentimes get multiple heirs filing multiple claims, and witness the problem we have had with the Cobell trust issue and how multiple titles causes concerns there.

The Department of the Interior supports the fair and equitable treatment of our veterans who serve overseas in defense of our freedoms. We believe that we have been true to that commitment. We believe the 1998 Act represents fair treatment. We would like to continue implementing the provisions of the 1998 Act, and, therefore, the Department opposes H.R. 3148.

Mr. YOUNG. Thank you.

[The prepared statement of Mr. Hoffman follows:]

Statement of Paul Hoffman, Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, on H.R. 3148

Mr. Chairman, I appreciate the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 3148, which would amend section 1629(g) of the Alaska Native Claims Settlement Act (ANCSA), originally enacted as the Alaska Native Vietnam Veterans Allotment Act of 1998 (Section 432 of Public Law 105–276). The purpose of the 1998 Act was to redress unfairness that may have resulted for certain Alaska Native Veterans of the Vietnam War who may have missed an opportunity to apply for an allotment under the 1906 Native Allotment Act because of service in the armed forces immediately prior to the repeal of the Allotment Act. The Allotment Act was repealed with the enactment of ANCSA on December 18, 1971. The 1998 Act gave qualified Vietnam veterans a renewed opportunity to apply under the Allotment Act.

We certainly support the principle of equitable treatment of Alaska Vietnam Veterans, and we have made every effort at fairness under the 1998 Act. While we have made considerable progress under the 1998 Act, we appreciate that there may be frustrations among many Alaska Native veterans under the current act, frustrations in that there are limitations on eligibility and entitlements under the Act, frustrations about time of administration, and frustrations in that all are not entitled. We believe there may be a misconception among many Native veterans that because

they served, they are entitled to an allotment. That was not the purpose of the 1998 Act.

The new bill, H.R. 3148, while it aims at fairness, raises a number of serious new policy, management, and technical concerns, and it would give rise to new issues of fairness with respect to other Alaska Natives and other Vietnam veterans. It would undo the important compromises reached in the passage of the 1998 Act. It would stall, if not negate the progress made so far under the 1998 Act, and it would disrupt ongoing progress, settled land use arrangements under ANCSA and ANILCA, and efforts to finalize land entitlements under ANCSA, the Statehood Act, and the 1906 Allotment Act. Therefore the Administration is opposed to H.R. 3148.

H.R. 3148 is a significant departure from the original "missed opportunity" concept of the Alaska Native Vietnam Veterans Allotment Act. H.R. 3148 extends the eligibility period of the current law from a three year period to the entire Vietnam Era, from 1964 to 1975, including four additional years after the 1971 repeal of the Alaska Native Allotment Act, when other Alaska Natives could no longer apply. Essentially, most, if not all Alaska Native Vietnam veterans, or the heirs of deceased veterans, would appear to be eligible to apply for an allotment.

The 1998 Act limited military service eligibility to those individuals who served between 1969 and 1971. The rationale behind this limitation was the fact that that was the period when missed opportunity because of service was likely to occur. Also, there was a major effort by the Bureau of Indian Affairs, Alaska Legal Services Corporation, the Rural Alaska Community Action Program (RurAlCAP) and other entities during this period to solicit the filing of Native allotment applications in anticipation of the repeal of the 1906 Act. Those Alaska Natives who were serving in the military during this period may not have been able to benefit from the outreach effort. Veterans who served prior to January 1, 1969, generally had the same opportunities to learn about the Native allotment program and to apply as any other Alaska Native. Those who served after December 18, 1971, as with all other Alaska Natives, had no further opportunity to apply for allotments because of repeal of the Act. Neither group can be considered to have missed their opportunity to apply for an allotment because of their military service.

The new bill, H.R. 3148, essentially makes the renewal of the opportunity to apply for an allotment under the 1906 Allotment Act a special bonus or reward for service for one class of Alaska Natives, those who served in the Vietnam war, but no longer has any basis in missed opportunity.

H.R. 3148 would thus discriminate and create inequities between Alaska Native Vietnam veterans and Natives who did not serve in the military, between Native veterans and non–Native veterans, and between Native veterans with military service during the Vietnam Era and Native veterans who served in World War II, Korea, or other conflicts. This bonus program, available only to Alaska Natives and to no other veterans, also raises the possibility of Constitutional challenge as to whether it may be an impermissible preference.

Progress under the current law

From the passage of the 1998 Act until the final regulations were published, BLM conducted extensive outreach efforts to reach potential Alaska Native Veteran Allotment applicants. These efforts are detailed on the attached appendix.

Section 432 of Public Law 105–276 required the Secretary of the Interior to promulgate regulations within 18 months to carry out the Alaska Native Veterans Allotment program. The law also provided for an 18-month application filing period to begin when the regulations became effective. On February 8, 2000, following a series of public meetings to gather input from Native groups, State and Federal entities, and private individuals and groups, a proposed rule was published in the FEDERAL REGISTER. Following a 60-day comment period, the final rule was published on June 30, 2000. Revised regulations to implement the terms of a December 2000 amendment to the 1998 Act were published in final form on October 16, 2001.

During development of the regulations to implement the 1998 Act, the BLM estimated that as many as 1,100 Alaska Native veterans might be eligible to apply for allotments under the provisions of that Act. This estimate was based on analysis of the DVA data used to prepare the Department's 1997 Report to Congress, and was inflated somewhat to account for the fact that there were potentially eligible individuals who were not identified by DVA.

The filing period for Native veterans allotment applications began on July 31, 2000, and continued through January 31, 2002. BLM received applications for 991 parcels of land from more than 700 individual applicants. A majority of the applications were received, and approximately 700 parcels were claimed during January 2002, the last month of the filing period. Many of the applications filed in 2000 and 2001 have been rejected because of non-resident status, failure to meet military

service criteria, or application for lands that have been conveyed or are not available. For applications involving unavailable lands, BLM made every effort to identify those applications as quickly as possible so that applicants who are otherwise eligible could still have the opportunity to apply for other land.

We do not know at this time how many of the applications filed in January 2002 are legally sufficient or defective, in part because we have had to concentrate our efforts on serializing the large, late influx of new applications and having them noted to the official BLM records. We note that approximately 250 applications received at the end of the filing period contained no land descriptions. Work is ongoing on other veterans applications. Field examination and survey of veterans allotment parcels are mixed in with existing schedules for similar work on original applications filed under the 1906 Act.

Also pursuant to section 432 of P.L.105–276, the Department has submitted a report to the Congress on the status of Alaska Vietnam veterans who served during a period other than that specified for eligibility under section 432. The report made an extensive survey of circumstances of Alaska Vietnam veterans and reasons why they did not apply under the Allotment Act, but it recommended against expanding the eligibility period and raised no considerations consistent with terms proposed by H.R. 3148.

Other problems with H.R. 3148

In addition to the fairness and potential Constitutional problems noted above, the bill raises other serious concerns

H.R. 3148 rescinds all regulations promulgated to implement the current law.

H.R. 3148 would repeal all regulations promulgated under the Alaska Native Veterans Allotment Act of 1998, which includes the original regulations published in the FEDERAL REGISTER in June 2000 (43 CFR 2568) as well as the amended regulations published on October 16, 2001, to implement the changes made by Public Law 106–559 in December 2000 (the amended regulations became effective on November 15, 2001). Eliminating the veterans allotment regulations would not only leave BLM and the other land management agencies without any guidance to implement the program, but it would also leave applicants with no certainty of what is expected of them. These regulations provide, among other matters, the guidance essential for the processing of veterans allotment applications, the rules governing compatibility determinations for applications in Conservation System Units, the rules governing appeals from different types of decisions, and safeguards to State and ANCSA entitlements.

H.R. 3148 removes protections for certain lands provided under the 1998 Act.

The change in the definition of available lands for allotments from "vacant, unappropriated, and unreserved" to "vacant lands that are owned by the United States" raises the question whether the prior requirements of the 1906 Allotment Act still apply. Section (b)(1) of the 1998 Act, as kept under H.R. 3148, would indicate that they do, but the new (a)(2) is conflicting. If the term "vacant land of the United States" controls, then any vacant U.S. lands are open, including parks, refuges, wilderness, and possible defense properties. CSU protections may be rendered moot. Previously withdrawn lands, including, for instance, Tongass National Forest, would presumably become available. Further, H.R. 3148 proposes to repeal 43 U.S.C. 1629g(a)(3), which protected numerous special areas, including acquired lands, lands withdrawn for defense purposes, National Forest lands, wilderness, campsites, trade and manufacturing sites, lands containing buildings or other development, cemetery sites, home sites, and more. Defense and acquired lands would be available. For instance, since 1991, the Fish and Wildlife Service has spent over 150 million dollars acquiring land on Alaska's National Wildlife Refuges, mostly from Native corporations and allotted. These newly acquired lands would be available for Native veteran allotment applications under this bill.

Additionally, H.R. 3148 may eliminate the standard Allotment Act rules concerning use and occupancy of the land. This changes previous tenets of law for occupancy of public lands.

In a related issue, it is unclear whether H.R. 3148 would eliminate the requirement of the 1906 Native Allotment Act that an applicant must be a resident of Alaska. Allowing Native allotments in Alaska for non-residents, many of whom have never lived in Alaska, we believe would be totally contrary to the intent of both the 1906 Act and the 1998 Alaska Native Veterans Allotment Act. While we do not interpret the language in H.R. 3148 as eliminating the residency requirement, we wish to make it clear that we are opposed to any effort to eliminate this requirement and we object to any language which could be interpreted to do so.

H.R. 3148 provides for legislative approval of all applications eighteen months after the filing deadline.

This, combined with the rescission of the regulations, virtually assures that most applications will be approved without the regular review process and without the applicants demonstrating that they used and occupied the claimed land in accordance with the 1906 Native Allotment Act and remaining regulations. Persons who do not meet the use and occupancy requirements can apply for land secure in the knowledge that because of short time frames and lack of regulations, BLM will not be able to field examine and adjudicate most claims by the deadline and most will ultimately be legislatively approved. This will encourage wrongful claims and result in wrongful conveyance of Federal land. It will also render ineffective the protections provided to conservation system units (CSU's) by Section (1)(a)(5) of the existing law.

Eligibility of all heirs of all decedents

Although the right to file an application under the 1906 Allotment Act did not survive the death of an individual, the 1998 Act, for the first time in the history of public land law, allowed the filing of an allotment application by the personal representative of the estate of a deceased veteran if that veteran died in combat or as a POW during a certain period of time or died later as a result of a service connected wound received during that time. The military service eligibility period for deceased veterans in Section 432 was January 1, 1969, through December 31, 1971; this period was expanded by the December 2000 amendment to include the period beginning August 5, 1964, and ending December 31, 1971. These provisions were a carefully limited compromise from earlier pre-enactment provisions that allowed all heirs to apply, strongly opposed by the Department.

The lack of manageability of allowing all heirs to apply can be illustrated by reference to one word, Cobell. At the core of that now infamous law case is the essential impossibility of tracking multiplying heirs and fractionated heirships. H.R. 3148 would eliminate all reference to a personal representative and would allow "an heir" to apply for an allotment on behalf of the estate of a deceased veteran. Many Native allotment applicants have numerous heirs, and many estates of deceased Natives have never been probated so heirship is unknown. H.R. 3148 would put the Department in the business of attempting to determine eligible heirs, of having to establishing the class of possible eligible heirs in order to grant an allotment, and of risking, after such allotment were granted, facing another claim by some other undiscovered heir. Multiple potential heirs could apply on behalf of a single estate, and if there is a dispute among heirs, BLM would have to engage in the conflict.

When combined with the 18 month legislative approval, a likely result of the heirship provisions is that several claims could be approved for the same decedent, even if conflicting, because necessary review would not be achieved in the 18 months.

Added to this is the inevitable additional difficulty of proof of site and of use and occupancy through heirs, rather than by the original occupant. There is substantial potential for conflict, litigation, and delay of all allotment applications by virtue of any heirship provision. The Department is strongly opposed to any expansion of rights of heirs to apply.

Unrealistic deadlines and impacts on current ANCSA, State, and Allotment Act conveyances and on third party interests

Because the work on new Veterans applications is necessarily mixed in with current work on already pending Allotment, State, and ANCSA applications the bill would result in devastating impacts on BLM's ability to finalize State and ANCSA land transfer entitlements and to complete conveyances to other Alaska Natives under the 1906 Native Allotment Act.

We estimate that the potential exists for as many as 5200 parcels of land to be claimed under the expanded eligibility provisions of H.R. 3148. H.R. 3148 would create a filing period for applications ending on July 31, 2003. The bill also contains a provision for approval of veterans allotment applications and issuance of certificates of allotment "not later than January 31, 2005, that is, eighteen months after the end of the filing period. This deadline is problematic for two reasons: (1) it is unrealistic to expect as many as 5200 individual parcels of land to be adjudicated, examined, surveyed, and conveyed in an eighteen-month period (survey alone normally takes longer than eighteen months from issuance of survey instructions and contracts to approval of survey plats and field notes and notation of surveys to BLM records); and (2) the deadline would necessitate that the processing of veterans al-

lotment applications be placed ahead of State applications and other Native applications under the 1906 Act and under the Alaska Native Claims Settlement Act.

BLM records show that more than 3100 parcels claimed under the 1906 Allotment Act are still pending and awaiting final disposition. Many of the applicants for these parcels have been waiting for decades to receive title to their allotments

Third party or adverse interests could be compromised by the application and protest deadlines and automatic approvals of allotment applications, resulting in potential takings, since the Department will not have the time to identify all third party interests in time to meet the protest requirements of the bill and third parties may not be informed and be able to protest and adjudicate their interests before an allotment is approved.

These are some, but not all of the serious concerns raised by the bill. We believe that the bill will cause far more problems than it will solve and will not be a service to the community of Alaska Natives or Alaska Native veterans. Thank you for the opportunity to appear. I will be happy to answer any questions you may have.

APPENDIX

BLM OUTREACH EFFORTS TO REACH POTENTIAL ALASKA NATIVE VETERAN ALLOTMENT APPLICANTS

- From the passage of the law until the final regulations were published BLM held five public meetings across the State for comments on the proposed regulations. These meetings were held in five key communities around the State and public notices were given in advance of each meeting.
  Anchorage
  Fairbanks
  Nome
  Bethel
  Juneau

Notice was also given in the Federal Register concerning commenting on the proposed regulations. There were some written comments from around the State and some from outside the State.

The final regulations were published in the Federal Register and included the beginning and ending dates of the filing period.

- BLM prepared application packets with copies of the final regulations which included the 18 month filing period beginning and ending dates, list of BIA Service Providers, and the application form. These packets were available in the Alaska State Office of the BLM and the District Offices. These packets were also given to BIA and distributed by the BIA Service Providers to those potential Native Veteran applicants in their areas. Some of these packets were even sent to potential applicants who for whatever reason were not currently in the State of Alaska.
- The BIA, BLM, and Alaska Legal Services held about 9 public meetings in key communities across the State. These meetings were advertised in the local communities by various means including public notices, radio announcements, and local newspapers.
  Dillingham - held at beginning of local festival (Beaver Roundup)
  Bethel - held in conjunction of with local festival
  Nome
  Kotzebue
  Copper Center
  Fairbanks
  Anchorage
  Haines and Barrow
- Radio programs -

Call in format and translation into Yupik from radio station in Dillingham

Radio station in Nome recorded the broadcast so they could play it at various times throughout the day.

Anchorage
Barrow

Teleconferences

BLM/BIA/Alaska Legal Service and BIA service providers—monthly from the beginning of the filing period until the beginning of January, 2002, and then it was held weekly.

BLM/BIA/Alaska Legal Services have held a number of teleconferences with individual villages who wanted to ask questions about the Alaska Native Veteran Allotment program.

Publication in major newspapers of January 31, 2002, end of filing period.
There have also been two Alaska Federation of Natives (AFN) Convention agendas that contained discussions of the Alaska Native Veteran Allotments.

Mr. YOUNG. The problem is, the original bill in 1998 was what we are introducing now, and it was the only thing we could get out of the Clinton administration. Again, I hope we had a little broader vision about what the veterans should be receiving.

Nelson, can I ask you a question? How many Alaska Natives live—you mentioned in Southeast Alaska—would receive an allotment under this provision of Public Law 105-276?

Mr. ANGAPAK. Mr. Chairman, as of April 5, 2002, 77 Alaska Native veterans in Southeast Alaska have applied for Native allotments. Another 12 from the Chugach area, almost all of them—in fact, all of them located in national forest lands. Because of the specific national forest exclusion, none of those veterans will be able to get their Native allotments.

Mr. YOUNG. Nelson, I bring that up because we have got the Forest Service there and Fish and Wildlife there in the Department of Interior. We just heard the Department supports the veterans receiving these lands under the 1998 Act, but if we exclude the Forest Service lands, how can they get their allotment?

Mr. HOFFMAN. There are a number of lands available, BLM unappropriated and vacant lands.

Mr. YOUNG. But in the Southeast? Remember what the allotment criteria is based on. Both of you should remember. Mr. Gibbons, what is the allotment in theory based on? It is not just a piece of land. What is it based on? It is based on previous use.

Now, if I am living in Southeast Alaska, I am in Vietnam defending my country, doing what I have been asked to do by Uncle Sam and I am not available to pick my land and the Congress at the behest of the AFN passes a Native allotment deal, but because of the Clinton administration, they are not allowing them to pick land in the Forest Service? You talk about forked tongues, because the land that they wish to pick is the land that their forefathers themselves used. They cannot pick land off of BLM that is not because they had no previous use.

Now, that is why we have got to pass some type of bill in this allotment to make sure even the 1998 Act is implemented correctly. You see the logic in that? If you do not see the logic in it, I am going to really be disturbed. If you cannot select it by the criteria, and yet the Forest Service says you can pick it, you cannot do that.

And that means I have got—how many, Nelson, did we have in Southeast, 78?

Mr. ANGAPAK. Seventy-seven.

Mr. YOUNG. Seventy-seven have asked for allotment, have legitimate prior use of, and Mr. Hession's group and the rest of them set it aside in a wilderness area and now they cannot select the land. You talk about injustice, there is something wrong here, and this is why we have to address this issue. The 1998 Act was good. It should have been extended further. But even under the 1998 Act, you have got 77 people that did not get their land. Gosh, our government is a great government, do you know that? It will think

of every reason in the world it cannot do something that is justice. It is very disturbing.

All right, that is enough. Panel one is excused. Oh, excuse me. Do you have a question, Mr. Kildee? You have been sitting here. Everybody else has not been sitting here. Go ahead.

Mr. KILDEE. There are still a few Democrats around here.

Mr. YOUNG. Well, there are Democrats. I am not worried about that. I hope you see the logic in what I have just said. If you do not see the logic, then I may not give you the time. Go ahead.

Mr. KILDEE. The Chairman and I are very good friends and I have great respect for him. As a matter of fact, from time to time, Mr. Young and I will disagree, but the only way you can understand Don Young is to realize that he deeply loves Alaska. It helps in understanding him. He has passionate feelings, strong feelings, and he, as I say, deeply loves Alaska.

I would just like to make one inquiry. Let me ask this question. I am co-Chairman of the Native American Caucus and I recognize that Native Americans, wherever they may be, in the lower 48, Hawaii, the Hawaiians, the Aleuts or the Indians or the Inuits in Alaska have not been treated fairly through the years by our country.

I have a question which I think we can resolve. In the one bill, it would seem that in H.R. 4734, that we would be giving preference—and I believe in Native American preference—that we would be giving preference to Alaskans, non-Indian programs, and we do not do that in the other 49 States. It is not irresolvable. I think we can always find some unique situation in Alaska on that, but if you can help us work through that, I would be glad to work with you to try to do that.

Mr. YOUNG. If the gentleman will yield, if you will go back and you and your staff look at the original Act, the Alaska Native Land Claims Act, my argument has been the Alaska Native Claims Act did set up different recognition of Alaska Natives over the other reservations in the lower 48, including contracting, including management of lands designated by the Federal Government. They just have not done it. And poor Mr. Hoffman is catching my ire, but it is nothing personal. Every Department of Interior has sought not to implement the law and I just think that is wrong.

Mr. KILDEE. And as I say, I think we can probably work this out. I just wanted to make sure how we can explain that there is a unique situation in Alaska that need not apply to the other 49 States. But I appreciate your testimony here today and look forward to working with you.

Mr. YOUNG. Thank you.

Mr. Hession, out of curiosity, did you ever own land in a national park or a preserve?

Mr. HESSION. I do own a tract in—it is within the boundaries of Wrangell-St. Elias National Park, but I have never laid eyes on it, Mr. Chairman, and I do not intend to go—

Mr. YOUNG. Are you an absentee landlord?

Mr. HESSION. I am trying to get the land back into Federal ownership. It was a State land disposal and I deliberately bought it to keep it out of the State's hands. The State would simply turn around and sell it off.

Mr. YOUNG. Now, you are not going to ask us to buy it, are you?

Mr. HESSION. I will devise some means—

Mr. YOUNG. You could give it away pretty easily, you know—

Mr. HESSION. I may have to do that, Mr. Chairman, but I assure you, it will never be developed by anyone else.

Mr. YOUNG. But you still own it and it does have value?

Mr. HESSION. I assume it has value, yes.

Mr. YOUNG. Are you going to give it back to the Park Service?

Mr. HESSION. I may do that, yes, sir.

Mr. YOUNG. That is a great idea. Where you live, I think it is a grand idea. Everybody heard it on television.

Mr. HESSION. Well, just so that—

Mr. YOUNG. I do not have any lands within a park, I will have you know. I do have an old mining claim that I found that you made a wilderness out of, which is interesting. I cannot use it anymore, unless I get out of this job and go do it quietly, but you made a wilderness area out of it.

Mr. HESSION. I hope the National Park Service, when it finally acquires my small piece of property, makes it a wilderness area, Mr. Chairman.

Before you excuse this panel, could I offer a brief remark on the Native allotment issue?

Mr. YOUNG. Yes, brief.

Mr. HESSION. All right. We honor our Alaska Native veterans. We supported the previous law. I testified in support of it. But with all due respect, we cannot support this one, and the reason why is that it is unnecessary, Mr. Chairman. That previous legislation addressed the issue specifically and in our view is all that—there is just one little problem, perhaps. Native veterans of that 3-year period who are physically disabled, mentally or physically disabled, may not have had the opportunity. Fine. That can be easily fixed.

But beyond that, let me, if I may, suggest a solution to this problem of where the lands are going to come from for our distinguished Alaska veterans. In doing that, I need to take you back to 1976—

Mr. YOUNG. Not too long, now.

Mr. HESSION. All right. I think this is important, Mr. Chairman.

Mr. YOUNG. You and I are the only ones who remember this, but go ahead.

Mr. HESSION. In 1976, the Alaskan Congressional delegation requested that Alaska be given an exemption from the pending FLPMA, Federal Land Policy Management Act—

Mr. YOUNG. That is what you call the Homesteading Act.

Mr. HESSION. —homesteads, etcetera. This Committee, in its wisdom, pointed out to the delegation that 104 million acres had just been transferred to the State of the Alaska for, among other purposes, exactly that, providing settlement lands to Alaskans, all Alaskans.

This suggests, Mr. Chairman, that in a comparable situation, perhaps the Alaska Native community as a whole should shoulder that same responsibility with respect to its own members. I am referring, of course, to about 45 million acres of ANCSA settlement lands. Surely those allotments, many hundreds of them, could come out of that pool of land.

The alternative is to create hundreds, perhaps thousands of inholdings in National Conservation System units at a time when the Federal Government is spending tens of millions of dollars in an effort to acquire them. It makes no sense, Mr. Chairman.

Mr. YOUNG. Let me interrupt you there. What do we do about the Southeast?

Mr. HESSION. Southeast Alaska?

Mr. YOUNG. Yes.

Mr. HESSION. There are thousands—at least 250,000 acres of Sealaska lands alone.

Mr. YOUNG. Let us go back to the allotment requirement?

Mr. HESSION. Yes, sir.

Mr. YOUNG. Let us say my father's father's father's father fished on this creek. It does not belong to Sealaska. It does not belong to any of the village corporations. It belongs to the Forest Service. I am a veteran and I cannot select that piece of ground?

Mr. HESSION. Both national forests have never been open to the Allotment Act, Mr. Chairman.

Mr. YOUNG. Well, I understand that, but you said veterans in Southeast Alaska should be eligible under the 1998 Act.

Mr. HESSION. I am suggesting that the village and corporation take the responsibility on its—

Mr. YOUNG. No, no, no. This is not their land. This is land outside of the corporation. It is outside the corporation. This is not about acreage. This is about allotment.

Mr. HESSION. It is about allotment—

Mr. YOUNG. I am not going to argue with you.

Mr. HESSION. It can be filed anywhere—

Mr. YOUNG. I am not going to argue with you. That is enough.

Mr. HESSION. If you do not want to listen—

Mr. YOUNG. That is enough. Nelson, do you want to rebut that?

Mr. ANGAPAK. Mr. Chairman, please allow me to respond to that—

Mr. YOUNG. That is what I am asking you to do.

Mr. ANGAPAK. —in the following fashion. This history, this nation, the U.S. Government, the United States nation, the United States of America, has a rich history of providing land to its veterans. Those folks who served in the Civil War, those folks who served during World War II, World War I, the Korean War, were all provided, the military personnel and their veterans were provided ways and means of access to the lands in this nation. At the same time, those folks who were not in the military service were not given that same ability to acquire land in this nation.

Mr. Chairman, our asking is that the Alaska Native veterans who served during the Vietnam era, some of whom never came back from Vietnam, some of whom when they came back were not here altogether, but because of their support and support of their families have been able to get their act together, Mr. Chairman, to say that it is not equitable, I think is wrong. I think the most equitable thing, Mr. Chairman, is to provide the veterans that we have the same kind of opportunity that this nation has always provided to its veterans. Mr. Chairman, thank you very much.

Mr. YOUNG. Thank you. The first panel is excused.

Mr. YOUNG. The second panel is Ms. Brown from Cook Inlet Region, Loretta Bullard from Kawerak, Eben Olrun and Walter Sampson.

I want to thank the panel for being here. Ms. Margie Brown, you can testify first.

STATEMENT OF MARGARET BROWN, COOK INLET REGION, INC.

Ms. BROWN. Thank you, Mr. Chairman. Mr. Chairman and members of the Committee, I appreciate the opportunity to testify before you today on a matter of importance to Cook Inlet Region and to urge your approval of the Russian River Land Act, H.R. 3048.

My name is Margie Brown. I represent Cook Inlet Region, which is often referred to as CIRI. CIRI is an Alaska Native regional corporation created under the Alaska Native Claims Settlement Act. CIRI is owned by Alaska Native shareholders. I am one of those shareholders. I worked nearly 20 years with CIRI, working my entire career in the land and resources divisions of the company.

Twenty-five years ago, I helped prepare and file CIRI's ANCSA land selections at Russian River on the Kenai Peninsula in Alaska. At that time, I had no idea that over 25 years later, CIRI would still be awaiting land conveyance at Russian River. This lack of conveyance has been a source of frustration to CIRI in the past.

But today, I am pleased to report that CIRI has moved beyond this frustration. We have moved beyond our simple, yet very justified request for outright conveyance of lands at Russian River. We now wish to embark on a collaborative approach to management of the area with the two current Federal land management agencies.

This collaborative approach is embodied in an agreement between CIRI, the Fish and Wildlife Service, and the Forest Service that was entered into on July 26, 2001. The agreement reflects 3 years of negotiations between the parties. Because of the contract terms, this agreement requires legislation in order to be effective. H.R. 3048 ratifies the agreement that is reached between the parties and it does it in a way that fulfills CIRI's entitlement and protects the public's interest.

Why did it take over 3 years to negotiate the settlement, or perhaps another question, why was conveyance to CIRI not easily forthcoming in the first place? Simply put, this area is important to both CIRI and the Federal agencies and it was difficult to compromise. The area surrounding the confluence of the Kenai and Russian Rivers is rich in archaeological and other cultural features, reflecting intense Native Alaskan use of the area, perhaps going back 10,000 years. In fact, many of CIRI's shareholders are descendants of the Outer Inlet Dena'ina, who occupied the Russian River area in earlier times. CIRI believes that this is precisely the kind of land that was contemplated as being available for its selection under ANCSA.

The Federal agencies representing the public also feel strongly about the Russian River area because it is the site perhaps of the most heavily used public sports fishery in Alaska today. Because of the intense public use and scrutiny, the Federal agencies were placed in a position to resist conveyance to CIRI for fear that that conveyance would disrupt the public's enjoyment of the area.

It was clear to the parties that absent a settlement, long and difficult litigation was likely and that land ownership at Russian River would remain uncertain for years. While CIRI is no stranger to difficult litigation in order to secure its entitlement under ANCSA, in this case, CIRI believes that it can best achieve what it desires at Russian River through settlement.

In reaching this settlement, CIRI's goals were threefold. First, CIRI desired to ensure that proper management of the rich cultural resources is maintained and that an understanding of the enduring use of the area by Alaska Natives is achieved. Further, CIRI wished that this be achieved in a manner that provide CIRI and its larger family of Alaska Native organizations an opportunity to participate in the management of these cultural resources.

Second, CIRI desired that the Federal management of the intense public use of the Russian River area remain in place so that burden is not shifted to CIRI.

And third, CIRI wished an opportunity to develop new economic opportunities in tourism and recreation consistent with the cultural resources of the area and it wished to promote new economic opportunity at Russian River for its shareholders through training programs and employment venues.

I believe CIRI met its goals in reaching the Russian River Section 14(h)(1) selection agreement. Through the negotiation process, CIRI has come to recognize the interests of the Fish and Wildlife Service and the Forest Service at Russian River. In turn, we hope that the agencies have come to recognize CIRI's legitimate interests in the area. We look to a future where CIRI, the Fish and Wildlife Service, and the Forest Service, together with the Kenaitze Indian Tribe, will work together to manage and to celebrate the past history and the new opportunities at Russian River.

Mr. Chairman, in consideration of the time, I would just like to submit in writing a paper that describes the agreement in more detail, and with that, I will conclude my oral testimony. Thank you.

Mr. YOUNG. Thank you, Ms. Brown. I appreciate that a great deal.

[The prepared statement of Ms. Brown follows:]

Statement of Margie Brown, on behalf of Cook Inlet Region, Inc.

Thank you, Mr. Chairman, Congressman Young, and members of the Committee. I appreciate the opportunity to testify before the House Resources Committee today on a matter of importance to Cook Inlet Region, Inc. and to urge approval of the "Russian River Land Act. —H.R. 3048.

My name is Margie Brown. I represent Cook Inlet Region, Inc., which is often referred to as CIRI. CIRI is an Alaska Native Regional Corporation created under the Alaska Native Claims Settlement Act of 1971 (ANCSA). CIRI is owned by Alaska Native shareholders. I am one of those shareholders. I began my work at CIRI in 1976, not many years after the corporation was formed. For my entire career at CIRI, I was directly involved in CIRI's land entitlement issues.

Twenty-five years ago, I helped prepare and file CIRI's ANCSA land selections at Russian River on the Kenai Peninsula in Alaska. At that time, I had no idea that over twenty-five years later CIRI would still be awaiting land conveyance at Russian River. This lack of conveyance has been a source of frustration to CIRI in the past, but today I am pleased to report to you that CIRI has moved beyond this frustration. We have moved beyond the simple, but justified request of outright conveyance at Russian River. CIRI now wishes to embark on a collaborative approach to management of the area with the two current Federal land managing agencies.

This collaborative approach is embodied in an agreement between CIRI, the Fish and Wildlife Service and the Forest Service that was entered into on July 26, 2001

and is titled the "Russian River Section 14(h)(1) Selection Agreement". This agreement reflects three years of negotiations between the parties. Because certain terms contained in the agreement require new authority in order to be implemented, the settlement is not effective without ratifying legislation. HR. 3048 ratifies the agreement reached between CIRI, the U.S. Forest Service and the U.S. Fish and Wildlife Service and settles the land ownership issue at Russian River in a way that fulfills CIRI's entitlement and protects the public's interest.

Why did it take over three years to negotiate this settlement agreement? Why was conveyance to CIRI not easily forthcoming in the first place? Simply put, the area is so important to both CIRI and the Federal agencies involved that compromise was difficult to obtain. The area surrounding the confluence of the Kenai and Russian Rivers is rich in archeological features reflecting intense Alaska Native use of the area—perhaps going back ten thousand years. In fact, many CIRI shareholders are descendants of the Outer Inlet Dena ina who occupied the Russian River area in earlier times. CIRI believes it is precisely this kind of site that was contemplated as being available for selection by Alaska Native Regional Corporations under ANCSA.

The Federal agencies, representing the public, also feel strongly about the Russian River area because it is the site of perhaps the most heavily used public sports fishery in Alaska today. Because of the intense public use and scrutiny, the Federal agencies were placed in a position to resist conveyance to CIRI for fear that conveyance would disrupt the public's enjoyment of the area.

It was clear to the parties that without a settlement agreement, long and difficult litigation was likely, and the land ownership at Russian River would remain uncertain for years. While CIRI is no stranger to pursuing long and difficult litigation in order to secure its entitlement under ANSCA, in this case CIRI believes that it can best achieve what it desires at Russian River through settlement.

In reaching settlement at Russian River, CIRI goals were threefold.

First, CIRI desired to insure that proper management of the rich cultural resources is maintained and that an understanding of the enduring use of the area by Alaska Natives is achieved. Further, CIRI wished that this be achieved in a manner that provides CIRI and its larger family of Alaska Native organizations an opportunity to participate in the management of those resources.

Second, CIRI desired that Federal management of the intense public use of the Russian River area remain in place so that burden is not shifted to CIRI.

Third, CIRI wished an opportunity to develop new economic opportunities in tourism and recreation consistent with the cultural resources of the area and to promote new economic opportunity at Russian River for CIRI shareholders through training programs and new employment venues.

I believe CIRI met its goals in reaching the Russian River Section 14(h)(1) Selection Agreement. Through the negotiation process, CIRI has come to recognize the interests of the Fish and Wildlife Service and Forest Service at Russian River. In turn, we hope that the agencies have come to recognize CIRI's legitimate interests at Russian River. We look forward to the future where CIRI, and the Fish and Wildlife Service and Forest Service, together with the Kenaitze Indian Tribe, will work together to manage and to celebrate the past history and the new opportunities at Russian River.

Mr. Chairman, in consideration of the time allotted me, I would like to extend my testimony to include a written summary of the Russian River Section 14(h)(1) Selection Agreement. I would be happy to answer any questions the Committee may have.

Thank you.

EXTENDED REMARKS BY MARGIE BROWN

H.R. 3048 ratifies The Russian River Section 14(h)(1) Selection Agreement (Agreement) covering lands surrounding the confluence of the Russian and Kenai Rivers. The Agreement benefits the parties and the general public in the following ways:

- The Forest Service campground and Fish and Wildlife ferry site and most of the land at the Russian River remains in Federal ownership and control.
- The right of the public to continue fishing remains unchanged from the current status.
- From Forest Service lands, CIRI is to be conveyed a 42-acre parcel on the bluff overlooking the confluence of the Kenai and Russian Rivers, and an approximately 20-acre parcel near where the Sterling Highway crosses the Kenai River. The 20-acre parcel is subject to Section 14(h)(1) restrictions. In addition, a

public easement managed by the Forest Service along the banks of the Kenai River is reserved on the 20-acre parcel.
- From Fish and Wildlife lands, CIRI is to be conveyed the limited estate of the archeological and cultural resources in approximately 502 acres. The lands are well-documented villages and cultural sites. In other lands, CIRI's future rights to any archeological material, if and when any of this material is removed, is clarified. Thus, CIRI's ANCSA entitlement is fulfilled in a manner that accommodates the public's interest.
- With these conveyances, CIRI will relinquish its ANCSA Section 14(h)(1) selections in the area, now totaling 2,010 acres.
- The parties agree to pursue a public visitor's interpretive center for the shared use of all three parties to be built on the 42-acre parcel to be conveyed to CIRI. The visitor's center would provide for interpretation of both the natural and cultural resources of the Russian River area. A public joint visitor's interpretive center would include interpretive displays, thereby enhancing educational and cultural experiences for Alaskans and tourists alike.
- In conjunction with the visitor's interpretive center, the parties agree to seek the establishment of an archeological research center that will facilitate the management of the cultural resources in the area.
- CIRI seeks a $13,800,000 Federal appropriation to plan, design, and build the joint visitor's center and the archaeological research center that is contemplated in the Agreement.
- Certain visitor-oriented facilities may be developed by CIRI on the 42-acre parcel. These facilities may include a lodge, dormitory housing for staff and agency people, and a restaurant. CIRI agrees to seek input from the Federal agencies as to their needs and desires for the area.
- The parties commit to enter into a memorandum of understanding for the purpose of ensuring the significant activities at Russian River are carried out in a cooperative and coordinated manner. Management of the area is enhanced through the parties' commitment to address the long-term protection of the natural and the cultural resources. In addition, the Kenaitze Indian Tribe, the local tribal entity, has been invited and has expressed interest in participating in future efforts and planning at Russian River.
- The Agreement also authorizes, but does not require, the exchange of land lying adjacent to the Sterling Highway at Russian River for important brown bear habitat near the Killey River in the Kenai Peninsula owned by CIRI.

Mr. YOUNG. Loretta Bullard of Kawerak?

STATEMENT OF LORETTA BULLARD, PRESIDENT, KAWERAK, INC.

Ms. BULLARD. Thank you, Mr. Chairman. My name is Loretta Bullard and I am President of Kawerak, which is the regional tribal nonprofit consortium serving the Bering Straits region of Alaska. We have 20 Federally recognized tribes that are members of our consortium.

I am here today to express our support for H.R. 4734. The bill, as drafted, would authorize the negotiation of up to 12 contracts, six per year over a 2-year period, by which tribal organizations would administer some Federal land management functions in Alaska, principally within national park and national wildlife refuges. To qualify, tribes or tribal organizations would have to demonstrate a significant use or reliance on the land in question, have a history of clean audits, and to complete a planning process.

I want to summarize a little bit what the bill would not do. The bill is a contracting bill that authorizes tribes and tribal organizations to form some activities of the Federal Government through negotiated government-to-government agreements. The bill does not change the underlying nature or purpose of the Federal activities. It does not change the organic laws and regulations governing national parks and refuges in Alaska. Refuges will still be part of

the National Wildlife Refuge and the parks will still be parks. Nor does the bill alter the ANILCA subsistence preference.

The draft bill is modeled on Title III of P.L. 93-638, which first established a demonstration project for tribal self-governance compacting of BIA and Indian Health Service programs. Essentially, H.R. 4734 would extend contracting and compacting mechanisms on a pilot project basis to Interior Department agencies outside of the Bureau of Indian Affairs.

The reason we believe that this language is necessary is that under Title IV of P.L. 93-638, there is language there that makes available the opportunity to compact non-BIA Department of Interior functions, and I participated for a number of years in a negotiated rulemaking process whereby, even though the language in the Act says that the Department shall enter into these agreements, the Department in the negotiation process interpreted the language to say that was purely discretion on their part and that was purely applying to Indian programs.

There is what they call nexus programs, which, because of your geographic, historic, or other ties to a particular piece of land, those could be considered to be compacted for. But through that process, we found that the Department of Interior has exercised its authority or its discretion to not enter into compacts, and that is the reason that we feel this bill is necessary.

The Interior Department construed Title IV so narrowly that it is virtually never used outside the Bureau of Indian Affairs. Both the Park Service and the U.S. Fish and Wildlife Service have concluded there are no Native programs so they have no mandatory obligation to enter into self-governance agreements.

Common sense might suggest that even though Congress in Title IV chose to leave the Department of Interior with some discretion in regard to entering into self-governance agreement, it did not expect the Department of Interior to completely ignore the Title IV authorization. Title IV itself required DOI to interpret laws and regulations so as to facilitate the inclusion of Federal programs in self-governance agreements.

Given the number of parks and refuges in Alaska, the number and location of tribes and tribal organizations, and the success of BIA self-governance agreements in Alaska, one would think that after 8 years after Title IV, there would be a reasonable number of National Park Service and U.S. Fish and Wildlife Service self-governance agreements in Alaska. There are not.

In looking at the Federal individual who was testifying in opposition to this bill, I noted that they say that there is currently the authority to contract with tribes and tribal organizations under Title IV, but in reality, they have exercised their discretion not to do that. So it really is not an avenue for addressing this.

Just in commenting on the reports that the Department did in response to the bill that was introduced and passed last session, S. 748—I am not sure what the law finally ended up being, but the bill number itself—one problem with those reports is that the Department does not confront, explain, or even acknowledge National Park Service or U.S. Fish and Wildlife Service's policy against entering into funding agreements under Title IV of P.L. 93-638.

The reports were supposed to include their progress and plans for implementing 638 contacting as well as the ANILCA sections. Yet, the reports we have seen report on the local hire pilot program, and under ANILCA, local hire is anybody that has lived in a rural area for a year or longer. That is local hire. So pretty much, you have pretty wide discretion on who you hire under the local hire provisions. Their reports basically skirt the issue on self-governance compacting. It leaves it out, but rather, they concentrate on cooperative agreements by Indian Act contracts, everything except P.L. 93-638.

I will just close by just reiterating our support. The Title IV funding mechanisms which would be authorized by this bill has advantages over other types of contractual mechanisms used by the Federal Government. In our experience, it is much more flexible, involves less bureaucratic red tape than typical grants or contracts, and because self-governance agreements are negotiated on a government-to-government basis, they carry a sense of equality and respect that other Federal funding mechanisms do not.

Our people are directly impacted by the activities of these agencies in rural Alaska and it only makes sense that we should have a meaningful role in the operation of the land units which surround our communities.

And just in closing, I had heard mentioned that Kawerak negotiated an annual funding agreement with the Park Service, and we did, in fact. That was a number of years ago. But basically, that was not any of the land management or resource functions associated with the park, but rather, we were successful in negotiating an annual funding agreement for 3 years for a portion of the Berengia dollars which Congress appropriated to support our activities in support of the Berengia concept.

Basically, they treated it like a grant. It was for 3 years. It was cutoff. We were never successful at negotiating any of the resource or support functions associated with the Bering Land Bridge. The only function that they were willing to let us contract or compact for was the functions associated with the reindeer range management in the park, and my sense of it is they just thought that was something they did not want to do, so that was the reason they were willing to make that available to us.

But thank you for this opportunity to testify.

Mr. YOUNG. Thank you, Loretta. What you just said refutes what has been said by the Department. In defense of this Department, there are so many of those that have been there prior to that still have that old, we are not going to deal with the Alaska Natives, we are not going to listen to what was said in the law, we will ignore it, and there are too many loopholes.

This is the intent of this legislation, that we have, in fact, the right, and they shall, in fact, compact with. They are going to oppose it and we will see what happens as time goes by, but they certainly have not done what we intended to do, the agreement that I got with Mr. Udall that there was to be, in fact, local hire, preferential hire, those involved, including management of those lands. That was what was sold to the Alaska Natives, and by the way, who supported the Alaska National Lands Act, and they have not done it.

It is just that turf war, that they do not recognize, frankly, that the Native corporations, the people that live there have just as much expertise, if not more, and if they do not have it, by God, they are being trained. They have got 12 of the most successful corporations and a lot of village corporations have done quite well, and to say they cannot manage it, to me, is beyond my comprehension.

Ms. BULLARD. I was going to say, I was thinking about that. I mean, I am sure that the Bureau of Indian Affairs and the Indian Health Service, when Native people first started contracting to provide those services, thought that Native people could not do it, either, but I really disagree. I think that through our contracting for the last 25, 30 years, I think we have proven that we can do the job.

Mr. YOUNG. Well, again, and then I will go to Mr. Olrun, this is one of the things. It was modeled after the health contracting, which has been quite successful and expertise has been established. It is those that do not want, in fact, not to have only Park Service on board. That is all they want. They want these little fiefdoms and they have their little programs and they ask for money to have their little fine complexes put up for them and their visitors' centers. It is all sort of a turf war. It has nothing to do with the management of the park. You can do a lot better job. We have proved that health-wise. But no, they have got to hang on to their little fiefdom.

[The prepared statement of Ms. Bullard follows:]

Statement of Loretta Bullard, President, Kawerak, Inc.

Mr. Chairman, thank you for the opportunity to testify today on H.R. 4734, which would create a demonstration project for Alaska Native contracting of Federal land management activities in Alaska.

My name is Loretta Bullard, and I am the President of Kawerak, Inc., which is a regional tribal consortium serving 20 Native villages in the Bering Straits region of Alaska, centered in Nome. I am also Chairperson of the Human Resources Committee of the Alaska Federation of Natives. On behalf of AFN, Kawerak, and our member tribes, I wish to express our strong support for H.R. 4734 and to thank Congressman Young for his efforts.

When enacted, H.R. 4734 will authorize the negotiation of up to 12 contracts, six per year over a two-year period, by which tribal organizations would administer some Federal land management programs in Alaska, principally within national park units and national wildlife refuges. To qualify, the tribes or tribal organizations would have to demonstrate significant use or reliance on the land in question, have a history of clean audits, and to complete a planning process. The applications would be limited to lands units in the tribe or tribal organization's own area.

Tribal applicants could choose to target their applications to particular programs or activities of the Federal agency, or opt to contract the full administration and management of the land unit, excluding only those things that have to be done by a Federal official. The bill also authorizes the inclusion of support activities for the Federal subsistence management program. This is referenced separately in the bill because Federal subsistence management in Alaska is operated from Anchorage and is not necessarily linked to the administration of particular Federal land units.

Although the bill does not provide for a specific "one contract per region" allocation of these contracts among the 12 Native regions in Alaska, it does require DOI to select applicants with an eye to statewide geographic representation. The bill makes provision for prioritizing applications if there are competing ones.

I am less familiar with Section 4 regarding the Koyukuk and Kanuti National Wildlife Refuges, and that my comments are directed to the other parts of the bill. It seems to me that Section 4 is essentially a stand-alone section, and might need some technical amendments to mesh more clearly with the other sections.

Except for Section 4, H.R. 4734 is modeled on Title III of P.L. 93–638, which first established the demonstration project for tribal self-governance compacting of BIA

and Indian Health Service programs. Essentially, H.R. 4734 would extend the 638 contracting and compacting mechanisms, on a pilot project basis, to Interior Department agencies outside of the BIA.

I would like to comment briefly on what the bill does not do. Like P.L. 93–638 itself, H.R. 4734 is a contracting bill that authorizes tribes and tribal organizations to perform some activities of the Federal Government through negotiated, government-to government agreements. The bill does not change the underlying nature or purpose of the Federal activities; it simply allows tribes to perform work within their own areas that the Federal Government would otherwise be doing. Except for the planning grants authorized by the bill, it will not cost the Federal Government more money. Tribal contractors would be stepping in to administer Federal programs at the same funding level the agency would have if it were running the program.

It is important to stress that the bill would not change the organic laws and regulations governing national parks and refuges in Alaska. The wildlife refuges will still be part of the national refuge system, and the parks will still be parks. Nothing in this bill changes the purposes or mandates of the Federal conservation units.

Nor does the bill alter the ANILCA subsistence preference. Since the promulgation of Federal regulations is something only the Federal Government can do, the policy-making authority for Federal subsistence management will not shift. Tribal organizations could only provide support services such as harvest data collection, scientific studies, and administrative support for the regional subsistence councils.

To put H.R. 4734 in its historic and geographic context, Federal lands constitute about 60% of the land area in Alaska. While many people in the Lower 48 states may view all of Alaska's national parks and refuges as remote wildernesses, that perspective is not shared by Alaska Natives. Alaska's Federal lands are the back yards of Native villages. In many places in Alaska, park and refuge lands completely surround Native communities and are the primary location for village subsistence hunting, fishing and gathering activity. Continuation of subsistence activity was a statutory purpose of the new conservation units created by ANILCA.

In this context, Alaska Native are not just another interest group. Our entire culture is inextricably linked to the land. For millennia our people have hunted, fished, and lived on lands that are now Federally owned. Our stewardship of the land speaks for itself; if we had not taken care of the land, it would not have been worth putting into parks and refuges.

When ANILCA dramatically expanded the national park and refuge systems in 1980, Alaska Natives were very wary of the legislation. Many had opposed ANILCA, fearing that the land would be locked up, that we would have no say in how it was managed, and that opportunities for economic development would be lost. But ANILCA also did many things that Natives supported. It expedited the conveyance of Native allotment land. It provided that subsistence would be a purpose of the new park and refuge units, and it plugged a gap in ANCSA by providing, however imperfectly, a priority for subsistence harvesting of fish and game in rural areas.

Among the protections built into ANILCA were sections 1306, 1307, and 1308. Specifically, Section 1306 gave a preference for using Native lands as the site for park and refuge facilities outside of the conservation units. Section 1307 grandfathered existing park concessionaires but prospectively gave preferences to Native corporations and local residents to provide revenue-producing visitor services. Section 1308 allowed the Interior Department to hire local people with "special knowledge" of natural or cultural resources, without regard to normal civil service rules.

Collectively, these were clearly intended to ensure that local people generally and Natives specifically would derive economic benefit from the new conservation system units, thus compensating somewhat for the more restricted status of the lands.

As this Committee well knows, putting so much land in national monuments, preserves, parks, refuges and wilderness areas greatly impacted rural Alaska communities. While some of ANILCA's impact has unquestionably been good, it has also had negative consequences. It certainly reduced opportunities for economic diversification. Even the most basic expansion of rural Alaska's ground transportation system is problematic when most any connecting route of any length would have to pass through a park or refuge unit.

Unfortunately, none of these sections of ANILCA has had much practical effect. Although some Federal facilities are sited on Native corporation land, this likely would have happened anyway simply because Native corporations are the main private landowners in rural areas. The Section 1307 priority for Native corporation and local concessionaires has had limited impact. Hunting and fishing guides are exempted from Section 1307. In most places NPS and USFWS have not found it necessary to limit the number of other commercial operators. Most of park and refuge units don't have much in the way of visitor facilities, and visitor services such as

air taxis or birding tour operators are not restricted. The June 2001 DOI report in response to P.L. 106–488 identified only three Alaska Native corporation concessionaires statewide benefiting from Section 1307, and these are at Glacier Bay and at Kantishna within Denali National Park & Preserve—not in western Alaska.

The local hire provision of 1308 received little attention at all until recent years, and contains several built-in limitations, some of which Congress probably did not foresee. It has only been applied in the locality of the conservation units, but most of the Interior Department jobs are actually in Anchorage. There are so many other priorities in the Federal hiring system—for veterans, students, displaced career employees—that Section 1308 has not led to a workforce that reflects the local population.

One of the most ironic constraints is that DOI's diversity in hiring goals look to the number of Native Americans in the national population rather than in the local area. Thus, if a DOI agency in Alaska has 4% Natives it has met the diversity goal for Natives, even though Alaska Natives are about 16% of the statewide population and are a large majority in many of the rural communities near the Federal conservation units.

The DOI agencies' normal hiring and retention system is geared toward people who transfer between locations nationally as their careers progress. People hired under Section 1308 are not regular civil service employees and cannot compete for jobs outside of their areas, which restricts career advancement. There is no incentive for supervisors to convert local hire employees to competitive civil service positions because the local hire positions, unlike competitive positions, do not count against the agency's FTE cap.

Obviously, from our perspective a weakness of Section 1308 is that it is a "local hire" provision rather than Native hire. While there is nothing wrong in concept with local hire, people who are hired locally may not really be local from the perspective of long-time residents. The rural Alaska hub communities where park and refuge offices are located have a lot of transient residents who only stay for a few years at most, but who may qualify under Section 1308.

The Native community in Alaska was hopeful in 1994 that Title IV of P.L. 93–638 would cut through the limits of the ANILCA provisions and open the door to broader Native involvement in the Parks and Refuges. Title IV required the non–BIA Interior agencies to enter self-governance agreements for distinctively "Native" programs, and also authorized such agreements for other DOI programs when there is a significant geographic, historic or cultural connection between the tribe and the Federal program in question. Title IV self-governance agreements would not only allow tribal organizations to actual run the Federal program, but to apply a direct Native hire preference. Title IV seemed to fit Alaska very well, since so many of the parks and refuges in Alaska are close to Native villages.

Unfortunately, the Interior Department has construed Title IV so narrowly that it is virtually never used outside of the BIA. Both the National Park Service and the U.S. Fish & Wildlife Service have concluded they have no Native programs, so they have no mandatory obligation to enter self-govemance agreements. Not even the ANILCA subsistence program is considered "Native."

In regard to discretionary self-governance agreements based on a close geographic, historic or cultural nexus, DOI has exercised its discretion not to enter into self-governance agreements. When regulations were developed for Title IV under a negotiated rule-making process, DOI could have developed guidelines for when it would use self-governance agreements. Tribes nationally urged DOI to do so. But DOI refused, in favor of retaining absolute discretion. The U.S. Fish & Wildlife Service, which is the agency primarily responsible for Federal subsistence management in Alaska, has never entered into a Title IV self-governance agreement anywhere in the United States. The other DOI agencies, excepting the BIA, have only entered a handful.

Common sense might suggest that even though Congress chose to leave DOI with discretion in regard to entering self-governance agreements based on geographic and cultural proximity, it did not expect DOI to completely ignore the Title IV authorization. Title IV itself required DOI to interpret laws and regulations so as to "facilitate the inclusion" of Federal programs in self-governance agreements. Given the number of parks and refuges in Alaska, the number and location of tribes and tribal organizations in Alaska, and the success of BIA self-governance agreements in Alaska, one would think that eight years after Title IV there would be a reasonable number of NPS and USFWS self-governance agreements in Alaska. There are not.

Congress took steps to look into these issues two years ago by enacting P.L. 106–488, which required DOI to submit a detailed report on the implementation of ANILCA Sections 1307 and 1308 and P.L. 93–638 contracting. This was to include a report on the legal and policy obstacles that act as a deterrent to hiring Alaska

Natives or contracting with Alaska Natives. P.L. 106–488 also required NPS to conduct "pilot programs" to employ local residents in conjunction with its operation of the four Western Arctic National Parklands units. One of these units, the Bering Land Bridge National Preserve, is within Kawerak's region and the other three are to our north, in the Maniilaq/Northwest Arctic region. The NPS Western Alaska Parklands unit has offices in Nome and Kotzeure.

The reports that DOI has issued as a result of P.L. 106–488 clearly reveal that additional legislation is necessary. While we appreciate the work that NPS did in implementing the local hire pilot program, their November 2001 report raises as many questions as it asks. Essentially, the report shows that they had some success in increasing their hire rate for local people and Natives by undertaking a fairly diligent effort to do so, increasing their outreach, and developing recruitment plans for the positions they had opened. They had two consultation meetings, one in Kotzebue and one in Nome, with local and regional Native organizations. Kawerak co-sponsored the one in Nome. We believe these efforts were very positive, the kind of dialogue that should have been occurring all along. But the question remains, why did it take an Act of Congress to prompt these efforts? It was all under existing legal authority, and Congress did not provide any additional funds for the pilot program. To what extent will this effort continue or be expanded into other regions of Alaska, now that the pilot program is completed?

One serious substantive problem with DOI's reports in response to P.L. 106–488 is that they do not directly confront, explain, or even acknowledge NP S and USFWS's policy against entering funding agreements under Title IV of P.L. 93–638. Their reports were supposed to include their progress and plans for implementing 638 contracting as well as the ANILCA sections. Yet the reports we have seen—a June 2001 DOI progress report and the November 20, 2001 report on local hire pilot program- totally skirt the issue. The June 2001 report, on page 7, quotes from the ISDEAA provision regarding the contracting of Indian programs but leaves out, as if it didn't exist, the provision of Title IV which authorizes self-governance compacts based on a geographic or cultural nexus. The sections of the report dealing with USFW & NPS progress in regard to P.L. 93–638 are unresponsive to the question; instead they talk about cooperative agreements, Buy Indian Act contracts, etc.; everything except P.L. 93–638.

The November 2001 report on the pilot program in the Western Arctic does acknowledge, on pages 41–42, that NPS has discretionary authority to enter into funding agreements under Title IV of P.L. 93–638, and also that Native groups in the area do have a geographic and cultural connection to the Western Arctic park units. The report also says that NPS would cooperate and potentially enter into an agreement for eligible programs. What the report does not state is that both Kawerak and our sister consortium in the Kotzebue region, Maniilaq, have attempted this in the past in regard to the Western Arctic park units and got nowhere. Kawerak spent an enormous amount of time, effort and money in 1995 and 1996 attempting to negotiate a Title IV agreement for some functions of the Bering Land Bridge Preserve, and had enormous difficulty even getting the budgetary information necessary to negotiate. We do not want to go down that road again based on a vague promise to negotiate.

Neither report acknowledges NPS or USFWS's policy bias against negotiating self-government agreements or makes any real commitment to use Title IV in the future. In fact, the June 2001 DOI report's concluding paragraph simply states that it will continue contracting on the same basis as it has in the past.

I believe the reports in response to P.L. 106–488 clearly show why additional legislation is needed. Even after the success of the pilot program, the Native hire rate in the Western Arctic Parklands is only 24%. The Selawik National Wildlife Refuge, also in the Northwest Arctic region, had 11% (1 out of 9 employees). In contrast, the Native population in the Northwest Arctic Borough is 83%, and in the Nome area 61%. The villages closest to park units are more than 90% Native. While some other state and Federal agencies also have low rates, the report shows that local employers have much higher rates—the Northwest Arctic Borough government, 61 %, the NW Arctic School District, 55%, Maniilaq, 68%. Kawerak's Native hire rate is about 80%. Statewide, Alaska Natives are 16% of the population.

The obstacles to Native hire identified in the pilot program report on pages 37–39 would be reduced or eliminated if Native organizations were able to operate the Federal programs. Obviously, if P.L. 93–638 rules applied, we could use a Native hire preference. But regardless of Native hire, regional Native organizations such as Kawerak and Maniilaq are able to structure personnel systems to attract qualified employees in the socio-economic environment in which we work. We do not have to make a national personnel system fit local conditions. We have the flexibility to accommodate subsistence activities and to tailor job descriptions so that they match

the job, without requiring excessive paper qualifications. We already operate training and educational programs, including college scholarships, and make use of on-the-job training. And although we would be subject to the same overall funding constraints as the Federal agencies, we would not be locked into the Federal wage ranges categories, which the report suggests is a major obstacle to local hire.

The Western Alaska Parklands unit reports that when they advertise higher range positions under local hire rules their typical response rate is between zero and two applicants. I can assure you that Kawerak does better than that for comparable positions.

Barriers of perception and local hostility toward the Federal agencies would be reduced if Native organizations were more engaged in park and refuge management and operated some of the programs. I have previously testified before this Committee about how historically park and refuge employees tended to form separate enclaves and how the agencies were often viewed as alien intruders. While I think the relationship has improved over the years, and that NPS and USFWS have made progress in hiring locally and in entering some kinds of contracts and agreements with Native entities, we are still a long way from the kind of partnership we would like to see, and that should be desirable from all perspectives.

H.R. 4734 is a logical and needed next step in fulfilling the Federal policies expressed in ANILCA and in Title IV of the Indian Self–Determination and Education Assistance Act. Tribal organizations in Alaska have been performing Federal functions for years, and should be given the chance to show they can take a greater role in Federal land management. Kawerak's BIA self-governance compact, for example, has been in effect since Fiscal Year 1992. We were one of the original self-governance compactors under the Self–Governance Demonstration Project, authorized by Title III of P.L. 93–638. Our BIA programs include higher education scholarships, vocational training, child welfare, general assistance, Native allotment land management, a reindeer program, and various services to tribal governments. We also operate approximately 40 grants and contracts with other Federal and state agencies. These include marine mammal and migratory bird funding from the U.S. Fish and Wildlife Service and the National Park Service.

I believe that any applicant under H.R. 4734 would take a reasonable approach; it would not be to any applicant's benefit to take on a contract of this nature, and fail. If Kawerak, for example, were to apply to assume some of the Bering Land Bridge operations, we would use the planning period and the negotiation process to determine what aspect of the unit's management would make sense for us to assume. This would involve analyzing the laws and regulations governing park administration, the available funding, the workload, the staffing, and transitional issues. We have a long history of operating programs in our area, and would make an informed and reasonable decision.

The Title IV funding mechanism, which would be authorized by this bill, has advantages over other kinds of contractual mechanisms used by the Federal Government. In our experience, it is much more flexible and involves less bureaucratic red tape than typical grants or contracts. Because self-governance agreements are negotiated on a government-to-government basis, they carry a sense of equality and respect that other Federal funding mechanisms do not. They bring the parties together on an annual basis. NPS and USFWS ought to be using them now.

For many years Native organizations in Alaska have sought a closer relationship to the Federal agencies that manage the lands in our areas. Our people are directly impacted by the activities of these agencies, and it only makes sense that we should have a meaningful role in the operation of the land units. H.R. 4734 is large step in the right direction. Thank you for the opportunity to testify in its support.

Mr. YOUNG. Eben, you have listened to most of my tirades. You go right ahead.

STATEMENT OF EBEN OLRUN, CHAIRMAN, NATIVE VETERANS ASSOCIATION OF ALASKA

Mr. OLRUN. Mr. Chairman, honorable members of the U.S. Resources Committee, my name is Eben Olrun. I am a Cup'ik Alaska Native. I currently serve as Chairman of the Board of Directors of the Native Veterans Association of Alaska. On behalf of the Native Veterans Association of Alaska and those we serve, I thank you for allowing me to make this statement to this Committee on

H.R. 3148. Before I begin, if the Committee members ask specific questions that I may not be able to answer, I request that Nelson Angapak be allowed to respond to such questions.

I was born in a subsistence fish camp at Nash Harbor, Nunivak Island, Alaska. My parents are Nusuun and Olie. I was raised in a traditional subsistence culture. I still practice subsistence and teach the skills to my two sons.

Allotments of land in Alaska are important to me and many other parents because they protect our subsistence culture. It allows us a protected place to teach our children the importance of caring for the earth, and learning these beliefs and skills is what ensured our survival from generation to generation.

I served in the United States Marine Corps from February 1970 to February 1972. I completed a tour in Vietnam in the Khe Sahn Mountains and Da Nang region. I was honorably discharged in 1972.

The Native Veterans Association of Alaska, which I represent today, was formed to help Alaska Natives who honorably served in the military during the Vietnam War to get allotments. We feel very few veterans would get allotments under the current Veterans Allotment Act. Our fears have come true. There are so many obstacles in the law that many applications have been rejected already. Many veterans were discouraged from even applying. H.R. 3148 would change that. There are three reasons why the current Federal allotment law needs to be amended.

The first reason is there is hardly any land left in Alaska, the type of land that the law allows veterans to select for an allotment. H.R. 3148 makes more land available for Federal allotment. Valid existing rights to land claims for Federal allotments are protected by H.R. 3148.

To illustrate the problem of lack of land, I would like to tell you about an Alaska Native named Gilbert Ketzler, Jr. Gilbert bravely served as an Army medic in Vietnam and was killed in action. Gilbert's heirs applied for an allotment of land, but their application was denied because the land Gilbert used was not available. Under H.R. 3148, Mr. Ketzler's heirs would stand a greater chance of getting an allotment.

The second reason that the existing law needs to be amended is the use and occupancy requirement. To get an allotment, a veteran must prove use and occupancy beginning before the land was withdrawn, reserved, or selected. However, vast areas of land in Alaska were withdrawn, reserved, and selected before those veterans were even born or before we were old enough to begin using the land. The problem is solved by the legislative approval provision in H.R. 3148.

The third reason the law needs to be changed is that current law has shut the door on about 1,700 Alaska Native Vietnam veterans that honorably served in the military during the Vietnam era. These veterans are shut out because even though they served during the Vietnam era, their military service dates do not meet the strict letter of the law. They served too early or too late.

Ronald Paul was an example of a brave veteran who fought in line and served his country early and received a Purple Heart but is not eligible for allotment. Ronald went to the U.S. Army in 1967

and served with the 101st Airborne Division. In 1968, he went to Vietnam and 11 months later was critically injured. Ronald was hospitalized until February 1969. Ronald is not eligible for allotment. This is because right after he was wounded, Ronald had agreed to be discharged early in order to get into a VA hospital where he had so many surgeries that he lost count. Under H.R. 3148, Ronald would be eligible to apply for an allotment because his military service from 1967 to 1968 was during the Vietnam era.

The opportunity to give testimony has been a great honor for me and thank you on behalf of all Alaska Natives who served our country during the Vietnam era. I recommend this Committee affirmatively vote H.R. 3148 out of the Committee and into the House of Representatives.

Mr. YOUNG. I want to thank Cindy Ahwinona, who has been with me for a long time, and yourself for bringing this again to the light. There is a great unfairness doctrine here. We passed one bill and got the best we could and we are going to try to make sure that we keep going and doing this. It is the right thing to do.

People talk about the raiding of the land. I believe if every one of the people were to take an allotment, that would be 480,000 acres of land totally chosen. Not all of them would do that. There are 365 million acres of land in the State of Alaska, and why they look upon this as a raid, I do not know. And, by the way, under certain restrictions of allotment, as you just mentioned, if it has not had prior use, you cannot select it. Everybody says, well, they can select another piece of ground. You are selecting what is historical ancestral land. That is what most of this is based on.

But thanks, Eben, for your testimony.

[The prepared statement of Mr. Olrun follows:]

Statement of Eben Olrun, Chairman, Native Veterans Association of Alaska

I. INTRODUCTION

Mr. Chairman, and Honorable members of the U.S. House Resources Committee: My name is Eben W. Olrun. I am a Cup ik Alaska Native and I currently serve as the Chairman of the Board of Directors of the Native Veterans Association of Alaska. On behalf of the Native Veterans Association of Alaska and those we serve, I thank you for allowing me to make this statement to this Committee on H.R. 3148. Also, if the Committee members ask specific questions that I may not be able to answer, I request that Mr. Nelson Angapak, who is present, be allowed to respond to these questions.

I was born in a subsistence fish camp at Nash Harbor on Nunivak Island, Alaska in the year 1948. I am the son of Nusuun and Olie Olrun. My seven siblings and I were raised in a traditional land based subsistence culture which included hunting seals, netting salmon, collecting shell fish and other seafood, picking wild vegetables such as spinach and celery and various species of berries from around the village and island. By preserving our food, we stayed healthy and survived through the harsh winters, as did my ancestors before me. My diet and the diets of my ancestors before me relied heavily upon our closeness to the land where we were born and have lived for thousands of years.

As an adult I still practice a subsistence way of life, my two small sons and I catch or hunt wild fish and game. It is this wild fish and game that my family eats exclusively as our sole source of protein. My family has traditional foods such as seal oil, dry fish and Eskimo ice cream every weekend as our mid day meal. None of the fish and game that we collect goes to waste. Often we are asked to spare a salmon or two to those who have a need. We are happy to share our food in the traditional way.

Allotments of land in Alaska are important to me because they protect our subsistence culture and allow us a protected place to teach our children the importance

of caring for the earth, and learning the beliefs and skills that ensure our survival from generation to generation. Many of the veterans I know have applied for allotments on land where our families have practiced traditional subsistence for many generations. We cherish this land and consider it our sacred duty as stewards to protect the land and its resources. Most of us are not interested in developing this land but instead intend to use it as a place to teach our children and grandchildren our traditional beliefs and practices such as self-reliance, and to carry out our responsibility to care for our families and elders.

In 1964 I went to the Bureau of Indian Affairs regional residential high school in Chemawa, Oregon and graduated in 1969. I served in the United States Marine Corp from February 1970 to February 1972. I completed a tour in Vietnam from August 1970 until May 19, 1971 in the Khe Sahn Mountains and Da Nang region. Typical maneuvers of which I was a part were Search and Destroy Operations in addition to the expected capture of the North Vietnamese Army (NVA). I received the National Defense Service Medal, the Vietnam Service Medal with a star, the Vietnam Campaign Medal with the device Combat Action Ribbon and a Good Conduct Medal. I was Honorably Discharged in February of 1972 and determined by the Veteran's Administration to be disabled Veteran as a result of my service.

II. THERE ARE THREE REASONS WHY THE ALASKA NATIVE VIETNAM VETERANS SUPPORT H.R. 3148

The Native Veterans Association of Alaska, of which I am Chairman of the Board of Directors, is a statewide organization formed in March 2000. Our goal is to help make it possible for all Alaska Natives who honorably served in the military during the Vietnam War to receive allotments of land in Alaska. We formed this organization out of our fear that few if any deserving veterans would ever get an allotment under the newly enacted Veterans Allotment Act. Our fears have come true. The numerous restrictions in the Act have defeated many of the applications filed and even discouraged many from applying. However, H.R. 3148 would change that. There are three reasons why the current Veterans Allotment Act needs to be amended.

A. The Type Of Land Available For Allotments Under Existing Law Is Practically Non–Existent

The first reason the existing law needs to be amended is the lack of Federal land that is available for veteran allotments. There is so little land that very few veterans will get allotments. The problem is that the existing law severely limits what type of land can be available for allotments. In fact there is hardly any land left in Alaska that meets the Act's many restrictions.

Please let me explain. In order for land to be available for veteran allotments, the land must be:

- on-mineral, without gas, coal, or oil,
- not valuable for minerals, sand or gravel,
- without campsites,
- not selected by the State of Alaska or a Native Corporation,
- not designated as wilderness,
- not acquired Federal lands,
- not contain a building or structure,
- not withdrawn or reserved for national defense,
- not a National Forest,
- not BLM land with conservation system unit sites, (unless the manager consents),
- not land claimed for mining,
- not homesites, or trade and manufacturing sites or headquarters site,
- not a reindeer site, and
- not a cemetery site.

These restrictions make it almost impossible for veterans to find any land that is available. The land restrictions make it especially difficult for veterans in southeast Alaska. This is true because land in a national forest is not available and most of southeast Alaska is within the Tongass National Forest. This restriction prevents many deserving veterans in southeast Alaska from obtaining allotments. There is a simple solution. That solution is found in H.R. 3148, which makes available for veteran allotments Federal land that is vacant. Under H.R. 3148, land selected but not yet conveyed to the State or a Native Corporation is not available unless the State or Corporation voluntarily relinquishes it. It is important to note that valid existing rights to land are protected by H.R. 3148.

To illustrate the problem of lack of land, I would like to tell the Committee about an Alaska Native named Gilbert Ketzler, Jr. Gilbert volunteered and bravely served

as an Army medic in Vietnam. Gilbert volunteered to go to Vietnam so that his three younger brothers would not have to. Gilbert was killed in action on October 10, 1969.

On behalf of Gilbert's heirs, Mr. Ketzler's father applied for an allotment under the Veterans Allotment Act on land that he knew his son used and occupied in a manner that would meet the requirements of the Alaska Native Allotment Act. The application was denied because the land Gilbert used was not available because it had been selected by Native Corporations. Under H.R. 3148, Mr. Ketzler's heirs would be eligible for an allotment for two reasons. First, under H.R. 3148 it would be possible for the Corporations to voluntarily relinquish land for veteran allotments, which is not possible under existing law. Second, as discussed in the following section, under the legislative approval provisions of H.R. 3148 Mr. Ketzler's heirs could apply for an allotment of land that was available without having to prove Gilbert used that land in a qualifying manner.

B. The Current Use And Occupancy Requirements Make It Virtually Impossible For Most Veterans To Get Allotments

The second and equally important reason existing law needs to be amended is to eliminate the current use and occupancy requirements. To be qualified for an allotment a veteran must meet the extensive use and occupancy requirements of the Alaska Native Allotment Act of 1906, as amended. This means that Veteran applicants must prove substantially continuous use and occupancy of the land for a period of five years that is potentially exclusive of others.

The major problem with this restriction is that the applicant's use and occupancy must have started before the land was withdrawn, reserved or selected. However, vast areas of land in Alaska was withdrawn, reserved or selected before the veterans were even born or before we were old enough to begin using the land in the way that is required to initiate an allotment claim. For example, much of the land in southeast Alaska was withdrawn in the early 1900's. The state of Alaska selected land throughout the state beginning in the early 1960's. Most of the land on Nunivak Island where I am from was withdrawn in 1929. The applications for allotments for land on Nunivak Island filed by both my cousin and I were rejected on the grounds that we were not old enough to have began using the land before it was withdrawn. The allotments we applied for was for land that our families have used for generations as our fish camp.

This problem is solved by the provision in H.R. 3148 that replaces use and occupancy requirements with legislative approval of allotments. This provision also provides due process protections of all valid existing interests in the land that is claimed for a veteran allotment. This provision is similar to the legislative approval provision Congress made available to applicants of allotments who applied under the Alaska Native Allotment Act. Legislative approval will also save time and money because it will eliminate administrative adjudication of the applicant's use and occupancy.

C. The Current Military Service Dates Unfairly Excludes Many Who Served During The Vietnam Era

The third reason the law needs to be changed is that current law is unfair to many deserving veterans that do not qualify even though they honorably served their country during the Vietnam era. Many Alaska Native veterans who served during the Vietnam era do not qualify for an allotment under the military service time restrictions in the current law.

This is true because only veterans who served from January 1, 1969 to December 31, 1971 are now eligible to apply for an allotment. However, the Vietnam era covered a much longer time span. The "Vietnam era" is legally defined as beginning August 5, 1964 and ending May 7, 1975. Veterans that served during the "Vietnam era" from August 5, 1964 to December 31, 1968, and from January 1, 1972 to May 7, 1975 are excluded from getting an allotment under current law.

We believe it is unfair to treat some Alaska Native veterans that honorably served their country during the Vietnam era differently than other Native veterans who also served during that same Vietnam era. All of us served our country at the time we were most needed. We should all get the opportunity to apply for an allotment

This problem is solved by the provision in H.R. 3148, which expands the eligible military service dates to include the dates of the entire Vietnam era. There are approximately 1,700 Alaska Native Vietnam veterans that will get a chance to apply for an allotment if this provision is enacted into law. Those 1,700 veterans are now excluded simply because they bravely served their country a little too early or a little too late.

One such brave Alaska Native veteran is Ronald Paul. After serving in the National Guard for over five years, Ronald went in the U.S. Army in 1967 and served with the 101st Airborne Division. In 1968, he was sent to Vietnam and fought eleven months in the TET offensive. Ronald was critically wounded on December 11, 1968. He survived after so many surgeries that he lost count. Ronald was hospitalized until February 1969 and today is a disabled veteran. Unfortunately Ronald is not eligible for an allotment under current law. This is true because right after he was wounded, Ronald had to agree to be discharged early in order to get into the VA hospital where he received his numerous surgeries. Ronald did receive the Purple Heart medal though. Under H.R. 3148, Ronald would be eligible to apply for an allotment because his military service from 1967 to 1968 was service during the "Vietnam era.

III. CLOSING

The opportunity to give testimony has been a great honor for me and I thank you on behalf of all Alaska Natives who served our country during the Vietnam War. I recommend that this Committee affirmatively vote H.R. 3148 out of the Committee and into the House of Representatives.

Mr. YOUNG. Walter Sampson, NANA Regional Corporation.

STATEMENT OF WALTER SAMPSON, VICE PRESIDENT OF LANDS, NANA REGIONAL CORPORATION

Mr. SAMPSON. Thank you, Mr. Chairman. H.R. 3148 is certainly an outstanding bill, like you have indicated earlier.

Honorable Chairman, members of the Committee, my name is Walter Sampson. Thank you for giving me an opportunity to speak before you on H.R. 3148. It is an honor for individuals like me to raise an issue that impacts our daily lives. Yes, democracy at work is a very process that past Presidents and the Founding Fathers fought to create, a process you as Members of Congress continue to nurture.

Where outside forces attempt to demoralize that very process, but failed, we are a nation of caring people, people with big hearts, people who are committed to fight for its freedom. Gentlemen, you are looking at two Alaskan Natives who are committed to fight for its freedom, committed to make sure that the American flag continues to fly freely.

As a background information, I was born in January 1948 to Mildred and Stephen Sampson. I come from a large family. I have three sisters and seven brothers. I was traditionally adopted by my grandmother, Effie Sampson, whom I highly respect. She was my mother, my mentor, and my teacher. I am fortunate in that I am proud to say I can fluently speak my Inupiaq language.

I graduated from Chemawa Indian School in May 1968. In September 1968, I was being drafted to the regular Army. Instead, I volunteered and went in for a 2-year service. I spent my basic and advanced individual training in Fort Lewis, Washington. After AIT, my orders were to Vietnam.

On 10 March 1969, I first stepped into the Vietnam soil as an infantryman as a 19-year-old, tough and mean—that is what I thought, anyway—fully committed to put my training to practice. Yes, life was certainly different, but as a soldier, I expected to face the elements, ready to face death, but I was not ready to die. But some of my comrades, unfortunately, did not make it home. But I assure you they died proud, proud because they unselfishly made

the sacrifice to defend the Constitution of the United States. Yes, my comrades did not die in vain, but for a justifiable cause.

As a committed soldier, I spent 12 months in Vietnam, nine-and-a-half in the field, 1 month as a grenadier, 3 days as a machine gunner, and eight-and-a-half months with radio in my back. For the service I committed, I received the following medals: National Defense Medal, Vietnam Service Medal, Vietnam Campaign Medal, two Bronze Stars, one with oak leaf cluster and another with "V" device, two Army Commendation Medals, and the Combat Infantry Badge.

Mr. Chairman, I would like to first acknowledge your hard work in passing the Alaska Native Veterans Act, which allows for those of us that did not have a chance to apply for Native allotment under the original Act to apply for land. I thank you on behalf of my comrades who are missing in action, died in combat, those who died after returning from the war, and those who are not able to be here in person to speak for themselves. Again, thank you.

The original Act which Congress passed is lacking in the following areas. No. 1, limited only to Federal lands where maybe, in some cases, veterans are not able to select land because of different classifications. Two, occupancy requirements, which places a burden on the applicant especially if the veteran entered service for a period of time when he or she is stationed outside the State, which means the applicant could not meet the extensive use and occupancy requirement. Three, date requirements from January 1969 to 1971 is a small window of opportunity for some veterans who may have decided to make a career of the military service.

With that, Mr. Chairman and members of the Committee, I want to thank you for your time and encourage you to pass H.R. 3148. Thank you.

Mr. YOUNG. Thank you, Walter.

[The prepared statement of Mr. Sampson follows:]

Statement of Walter Sampson, Vice President of Lands, NANA Regional Corporation

Honorable Chairman, members of the Committee, my name is Walter G. Sampson. Thank you for giving me an opportunity to speak before you on H.R. 3148. It's an honor to participate in a process that makes you feel good and listened to. A process that allows individuals like me to raise issues that impact our daily lives. Yes, democracy at work is a very process past Presidents and Founding Father fought to create. A process as members of congress continue to nurture.

Where outside forces attempt to demoralize that very process but failed, we are a nation of caring people. People with big hearts. People who are committed to fight for its freedom. Gentlemen you are looking at three Alaskan Natives who are committed to fight for its freedom. Committed to make sure that the American flag continue to fly freely.

As a background information, I was born January, 1948 to Mildred and Stephen Sampson. I come from a large family I have three sisters and seven brothers. I was traditionally adopted by my grandmother, Effie Sampson whom I highly respect. She was my mother, my mentor and my teacher. I am fortunate in that I'm proud to say I fluently can speak my Inupiaq language.

I graduated from Chemawa Indian School May 1968. September of 1968 I was being drafted to the regular army, instead I volunteered and went in for a two-year service. Spent my basic and advanced individual training in Fort Lewis, Washington. After AIT my orders were to Vietnam. 10 March 1969 I first stepped into Vietnam soil as an infantryman. As a nineteen-year-old tuff and mean (that's what I thought anyway) fully committed to put my training to practice. Yes life was certainly different, but as a soldier I expected to face the elements. Ready to face death but I wasn't ready to die. But some of my comrades unfortunately didn't make it

home, but I assure you they died PROUD. PROUD because they unselfishly made the sacrifice to defend the constitution of the United States. Yes my comrades did not die in vain but for a justifiable cause.

As a committed soldier I spent twelve months in Vietnam, Nine and half in the field. One month as grenadier, three days on a sixty machine gunner and eight and a half months radio in my back. For the service I committed I received the following Medals : National Defense Medal, Vietnam Service Medal, Vietnam Campaign Medal, two Bronze Star Medals, one with oak leaf cluster and another with V Device, two Army Commendation Medals and Combat Infantry Badge.

Mr. Chairman I would like to first acknowledge your hard working into passing the Alaska Native Veterans Act which allows for those of us that did not have a chance to apply for native allotment under the original Act to apply for land. I thank yo on behalf of my comrades who are missing action, died in combat, those who died after returning from war and those who are not able to be here in person to speak for themselves, again thank you. The original Act which congress passed is lacking in the following areas 1] Limited only to Federal land where maybe in some cases veterans are not able to select lands because of different classifications. 2] Occupancy requirement which places a burden on the application especially if the veteran entered service for a period of time when he/she is stationed outside the sate. Which means the applicant would need to meet the extensive use and occupancy requirement/ 3] Date requirement from January 69 to December 1971 is a small window of opportunity for some veterans who may have decided to make a career of the military service. With that Mr. Chairman and members of the Committee I want to thank you for your time and encourage you to pass HR3148.

Mr. YOUNG. Again, it brings home the necessity for this bill. For the life of me, I cannot understand. I heard some of the same arguments against the 1998 Act. We could not extend it as far as we wanted to at that time. What I would like, you can help me out and Eben, both, how many veterans—you may not be able to answer it now, so you can submit the answer to me—how many veterans have applied under the 1998 Act and have been turned down by the Park Service and Fish and Wildlife?

Mr. SAMPSON. Mr. Chairman?

Mr. YOUNG. Yes?

Mr. SAMPSON. As far as I know, about 1,100 have applied. I am thinking of something different.

Mr. OLRUN. Mr. Chairman, there are 1,174 that would be eligible for this under H.R. 3148, if it passes, as of now. I know there are a lot of applications that have been rejected, but I do not have any numbers.

Mr. YOUNG. What you can do for me, both of you, and Nelson, give me the numbers and who turned them down, on what grounds.

Mr. OLRUN. Bureau of Land Management, the people that were dealing with them, they are the ones that reject all our applications.

Mr. YOUNG. But I want the specifics, because what has happened is everybody says, look what we have done for the veteran, and if you look at it, a lot of the allotments have been turned down. So, in reality, they have turned them down because of occupancy, they have turned them down because of paperwork, they have turned them down a lot of times because the allotment was chosen within a certain area, and I just want to have that information. As we go through arguing this on the floor of the House, we want to know what we are talking about, and I am going to challenge people to vote against this legislation. I will find out who the real ones that support our military forces are.

Yes?

Mr. SAMPSON. I do have the numbers, Mr. Chairman. As of April 9, 2002, applications received were 741, and out of the 741, there were 133 that were already rejected. I am sure that the rest will probably go through their adjudication process.

Mr. YOUNG. They are being adjudicated right now?

Mr. SAMPSON. Right. Exactly.

Mr. YOUNG. That tells me that the Department is failing in their responsibility. Why would they adjudicate out of those 700? I have no idea. They should just review them, not adjudicate them. I want to thank the panel for being so informative. It was much more pleasant than the first panel, but everybody understands I am going to move this legislation and then let the games begin. We are going to try to make this a success because we think it is the correct thing and the right thing to do, especially veterans, especially the Russian River, and the contracting.

Now, the Department in this room had better understand that I am dead serious about this one. I have talked to my senior Senator and he is not happy, my junior Senator and he is not happy, and the intent of the law is very clear when we passed it and you have not done the job. I can understand the other administration, but this administration had better get rid of those that oppose it. They ought to find another job or go on a vacation.

This meeting is adjourned.

[Whereupon, at 12:22 p.m., the Committee was adjourned.]

The following materials were submitted for the record:

- Caspersen, Jann L., Board Member, Native Veterans Association of Alaska, and Gunnery Sergeant, Retired, U.S. Marine Corps, Statement submitted for the hrecord on H.R. 3148
- Joule, Hon. Reggie, Representative, Alaska State Legislature, Letter submitted for the record on H.R. 3148
- Kapsner, Hon. Mary, Representative, Alaska State Legislature, Letter submitted for the record on H.R. 3148
- Leighton, Robert P., Alaska Native Veteran, Sitka, Alaska, Letter submitted for the record on H.R. 3148
- Marrs, Carl H., President and CEO, Cook Inlet Region, Inc., Letter submitted for the record on H.R. 3148
- Nathaniel, Larry A., Chairman, Athabascan Tribal Governments, Letter and statement submitted for the record on H.R. 4734
- O'Connor, Michael G., President and CEO, Ouzinkie Native Corporation, Letter submitted for the record on H.R. 3148
- Paulsen, Frederick A,, Veteran, Prince William Sound, Alaska, Letter submitted for the record on H.R. 3148
- Pourchot, Pat, Commissioner, Alaska Department of Natural Resources, Letter submitted for the record on H.R. 3148
- Salcedo, Betsy, University of New Mexico Law School, 2002 Juris Doctor Graduate, Letter submitted for the record on H.R. 3148

- Sensmeier, Sergent Raymond, Vietnam Veteran, Yakutat, Alaska, Letter submitted for the record on H.R. 3148
- Thomas, Hon. Edward K., President, Central Council of the Tlingit and Haida Indian Tribes of Alaska, Statement submitted for the record
- Walker, Hugh, Treasurer, Alaska Native Veterans Association, Letter submitted for the record on H.R. 3148
- Walleri, Michael J., Attorney for the Koyukuk River Basin Moose Co-management Team, Inc., Statement submitted for the record on H.R. 4734
- Widmark, Lawrence, Chairman, Sitka Tribe of Alaska, Letter submitted for the record on H.R. 3148
- Williams, Orie, President and CEO, Doyon, Limited, Letter submitted for the record on H.R. 3148

[The statement submitted for the record by Mr. Caspersen follows:]

Statement of Jann L. Caspersen, Board Member, Native Veterans Association of Alaska, and Gunnery Sergeant, Retired, United States Marine Corps, on H.R. 3148

As an active duty Marine, I witnessed and participated in an annual ceremony of passing on the traditions. A key point of the Marine Corps birthday ceremony is the passing of a piece of the Marine Corps birthday cake from the oldest Marine in the unit to the youngest Marine in the unit. This action symbolizes passing of the Marine Corps traditions. Traditions are something we Americans cherish.

The passing of H.R. 3148 would allow a qualified Alaskan native Vietnam veteran a greater authentic opportunity of interactively passing our subsistence lifestyle tradition on to future generations. Please consider the positive impact your decision would have for such a small number of beneficiaries as a result of passing H.R. 3148.

Thank you.

[The letter submitted for the record by Mr. Joule follows:]

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Alaska State Legislature
REPRESENTATIVE REGGIE JOULE

June 18, 2002

United States House of Representatives
Attn: Committee on Resources

Dear Representatives,

I am writing to support the passage of HR 3148, which amends the Veterans Allotment Act. As amended veterans will be eligible for an allotment if they served during the Vietnam era which is defined as beginning on August 5, 1964 and ending May 7, 1975. Additionally, federal lands, which are vacant, would become available for an allotment and legislative approval will replace the current use and occupancy requirements. I support all of these changes.

In particular, I strongly support the change that would allow Native veterans who served during the Vietnam era to be eligible for an allotment. Those who served our country and answered the country's call to duty should not be denied an allotment. Several of my constituents have been denied an allotment under the existing law. These individuals, their parents and grandparents have lived most of their lives in rural Alaska. Generation after generation they used the land and its resources to survive. These individuals should not now be denied their Native allotment merely because they served their country. In fact, to not make these changes making Vietnam veterans eligible for an allotment would be patently unfair.

I strongly support the changes to HR 3148 and urge its quick passage.

Sincerely,
Reggie Joule
Representative Reggie Joule
State of Alaska
District 37

[The letter submitted for the record by Ms. Kapsner follows:]

Representative Mary Kapsner
State Capitol • Juneau, Alaska 99801-1182
Phone: (907) 465-4942 • Fax: (907) 465-4589
E-Mail: Representative_Mary_Kapsner@legis.state.ak.us

House District 39
Lower Kuskokwim and Upper Bristol Bay

Akiachak
Akiak
Aleknagik
Atmautluak
Bethel
Chefornak
Clarks Point
Dillingham
Eek
Ekuk
Ekwok
Goodnews Bay
Kasigluk
Kipnuk
Koliganek
Kongiganak
Kwethluk
Kwigillingok
Manokotak
Napakiak
Napaskiak
New Stuyahok
Nunapitchuk
Oscarville
Platinum
Portage Creek
Quinhagak
Togiak
Tuntutuliak
Twin Hills

June 17, 2002

VIA FACSIMILE: (202) 225-7094

United States House of Representatives
Committee on Resources

Re: HR 3148 Amendment to the Veterans Allotment Act

Mr. Chairman, and Honorable Members of the U. S. House Resources Committee:

I am writing to urge your support of HR 3148 to allow Alaska Native veterans who served in the military during the Vietnam conflict to file for a Native Land Allotment. I support HR 3148 because it is inherently fair.

Land is vitally important to Alaska Natives. In Western Alaska, the resources associated with the land for subsistence is central in identifying who we are. The land is important for cultural, spiritual, and economic purposes. Had the men who would qualify under these amendments been at home in their villages, they would have had access to information to assist them in filing for their land allotment. Military service impeded that access to information, and HR 3148 would correct the problem.

The Alaska Native Veterans in my region who would qualify if these amendments pass are Yup'ik. The Yup'ik culture is community-oriented and very much a helper society; the duty to serve one's community, state, or nation dovetails well with our cultural norms. For many Yup'ik men military service is the highest form of community service. Having grown up in this region, I have always felt this strong sense of patriotism, just as I have always felt the sense of pride in being Yup'ik. For men like Johnny Carter of Eek who served two terms in Viet Nam,Yako Toms of Tuntuliak, Raphael Murran of Hooper Bay, and others like them, I urge passage of HR 3148.

Quyana for your consideration.

Respectfully,

Mary Kapsner

Representative Mary Kapsner

[The letter submitted for the record by Mr. Leighton follows:]

June 18, 2002

Robert P. Leighton
P.O. Box 2001
Sitka, Alaska 99835

The United States House Committee on Resources
ATTN: Shannon Seglin
Fax: (202) 225-7094

Dear: Resources Committee

I take this time giving my support in writing for HR 3148, the amendment to the Veterans Allotment Act.

As you may know, being an Alaskan Vietnam era Veteran, we veterans have no chance of receiving any land under the current Laws.

Furthermore, I urge all congressional support for HR 3148, as this will give the Alaska Native Vietnam era Veterans the opportunity to own their selected land.

Thank you very much for your past and future support for this very important and worthwhile issue.

Again, I will look forward in hearing positive news in the near future.

Sincerely,

Robert P. Leighton, Alaska Native Veteran

[The statement submitted for the record by Mr. Marrs follows:]

Statement submitted for the record by Carl H. Marrs, President and CEO, Cook Inlet Region, Inc.

Dear Mr. Chairman:

On behalf of Cook Inlet Region, Inc., thank you for the opportunity to comment on H.R. 3148, the ANCSA Technical Amendment legislation before the Committee.

At the outset, CIRI has fully supported the Alaska Federal of Natives and the Alaska Native community in its efforts for to enable Viet Nam veterans to apply for a Native Allotment. I served during the Viet Nam war in the Marine Corps.

However, with the current legislation as written, CIRI cannot support bill for several reasons. First, I do not believe that it is well-understood that not only are public lands being added to the land available for selection, state and Native Corporation lands would also be conveyed on a voluntary basis. Yet, the important fact that conveyed Native land would be offered has not been fully disclosed to the Committee. The intent of the Native Allotment program was to convey vacant and unappropriated Federal lands, not private property. The obligation to veterans is not in dispute, but the Federal Government has the responsibility, not the Native corporations who are still seeking ANCSA conveyances thirty years after ANCSA's passage.

Secondly, I do not support the voluntary basis provision. If the Federal Government owes land for a Native allotment, and that Native allotment is on state or Native lands, then the Federal Government should reimburse the owners of the lands at fair market value. The reimbursement must be without regard to whether the ANCSA land entitlement has been deemed fulfilled by the Federal Government.

At the minimum, CIRI opposes H.R. 3148 without state and Native Corporation reimbursement of its conveyed property. Please consider amending the legislation to deal equitably with the Native corporations and to place the obligation to veterans where it belongs—with the Federal Government.

Thank you for the opportunity to comment.

[The letter and statement submitted for the record by Mr. Nathaniel follow:]

COUNCIL OF ATHABASCAN TRIBAL GOVERNMENTS
P.O.BOX 33 - FORT YUKON, ALASKA 99740 - (907)662-2587
FACSIMILE (907)662-3333

June 19, 2002

Honorable James V. Hansen, Chairman
Honorable Don Young, Vice Chair
House Resources Committee
1324 Longworth House Office Building
Washington, D.C. 20515

Subject: Testimony on H.B. 4734

Dear Chairman Hansen and Vice Chair Young:

The Council of Athabascan Tribal Governments (CATG) is submitting the written testimony of Larry A. Nathaniel, Chairman in support of H.B. 4734, The Alaska Federal Lands Management Demonstration Act. Thank you for this opportunity to champion a bill, which would mean a great deal to the people of the Yukon Flats. We supported this concept last year and were disappointed that it did not move forward. We will continue to endorse this effort to demonstrate that the Department of Interior can work effectively with tribes in a government to government relationship and produce positive results that benefit the nation.

Respectfully,

Patricia J. Stanley
Executive Director

Cc: CATG

COUNCIL OF ATHABASCAN TRIBAL GOVERNMENTS
P.O.BOX 33 - FORT YUKON, ALASKA 99740 - (907)662-2587
FACSIMILE (907)662-3333

Testimony of Larry A. Nathaniel

COUNCIL OF ATHABASCAN TRIBAL GOVERNMENTS

Before the House Committee on Resources

REGARDING H.R. 4734, THE ALASKA FEDERAL LANDS MANAGEMENT DEMONSTRATION PROJECT ACT

June 5, 2002

This testimony setting forth views on H.R. 4734, the Alaska Federal Lands Management Act, is submitted on behalf of the Council of Athabascan Tribal Governments ("CATG"). CATG is a consortium of ten Alaska Native tribes whose traditional homeland is the Yukon Flats region of the Interior of Alaska. The traditional territory of these tribes is the 55,000-square-mile valley encompassing all of what is now the Yukon Flats National Wildlife Refuge and part of the Arctic National Wildlife Refuge.

On behalf of its member tribes CATG would like to express strong support for H.R. 4734 and to thank Representative Young for this effort to assist Alaska Natives in contracting of federal land management functions and activities pursuant to the Indian Self-Determination and Education Assistance Act ("ISDEAA").

The tribal governments of CATG have since time immemorial managed the lands and resources of what is now the Yukon Flats National Wildlife Refuge. For millennia our people have hunted, fished, and lived on these lands that are now owned by the federal government. Our culture and way of life is directly linked to our relationship with this land.

In recent years, CATG has worked to ensure proper management of the region's natural resources that are vital to the continuation of Alaska Native culture and the preservation of fish and wildlife habitat and populations. For example, CATG has entered a series of cooperative agreements with the United States Fish and Wildlife Service (USFWS) under section 809 of the Alaska National Interest Lands Conservation Act, P.L. 96-487 (ANILCA). These agreements implement one of the primary purposes of ANILCA – the continuation of subsistence traditions by Alaska Natives. (*See, e.g.*, ANILCA, section 801). In 1993, 1995 and 1997 those cooperative agreements included specific subsistence-based natural resource data collection, monitoring and related activities in the Yukon Flats NWR.

CATG welcomes the introduction of the Alaska Federal Lands Management Demonstration Project. CATG believes the bill offers an outstanding mechanism for promoting innovation in conservation management strategies and for expanding opportunities of tribal entities in Alaska to contract to perform conservation management functions of utmost importance to their members.

The expansion of contracting opportunities provided by H.R. 4734 is of great importance to CATG. Despite its member tribes' longstanding historical, geographic, cultural and subsistence relationship to the land encompassed by the Yukon Flats National Wildlife Refuge, to date CATG has been denied the opportunity to contract under the ISDEAA to perform land and conservation management functions pertaining to the Refuge.

The United States Fish and Wildlife Service ("USFWS") rejected CATG's 1998 proposal to assume conservation management functions of the Yukon Flats National Wildlife Refuge under Title I of the ISDEAA. The USFWS rejection of CATG's proposal was based on the view that the conservation programs within the Refuge do not constitute

"programs for the benefit of Indians because of their status as Indians" that are contractible under Title I of the ISDEAA. The USFWS gave no consideration to CATG member tribes' profound, historical, geographic and cultural relationships with the lands and natural resources within the Refuge, nor the fact that Alaska Natives are the primary beneficiaries of the conservation system functions of the Refuge. By establishing a demonstration project for contracting conservation unit functions under Title I of the ISDEAA, H.R. 4734 corrects a significant shortcoming in the Department of Interior's interpretation of ISDEAA.

CATG recently submitted a proposal to assume specific programs, functions, services and activities of the Yukon Flats National Wildlife Refuge in accordance with the permanent self-governance program within the Department of the Interior under Title IV of the ISDEAA. Section 403(c) of Title IV, provides tribes and tribal consortia like CATG with the opportunity to negotiate a funding agreement to carry out programs within the Department of Interior when those programs are of special geographic, historic and cultural significance to the tribe or tribal consortium.

Although the conservation unit programs within the Yukon Flats National Wildlife Refuge undoubtedly concern programs of special geographic, historic and cultural significance to CATG, the Secretary of the Interior and USFWS may nonetheless reject CATG's pending proposal. The Secretary of the Interior retains the discretion whether to enter into a funding agreement under section 403(c) of Title IV. To date we understand that tribal proposals that have been submitted to carry out programs pursuant to section 403(c) have been repeatedly rejected by the Secretary.

H.R. 4734 recognizes that Secretarial discretion regarding section 403(c) programs has impeded opportunities of Alaska Natives to contract for USFWS and National Park

Service programs of special geographic, historic and cultural significance to Alaska Natives. H.R. 4734 overcomes this significant obstacle by requiring the Secretary of Interior to negotiate and enter into agreements with tribes in Alaska to carry out functions related to a conservation system unit or other public land unit that is substantially located within the geographic region of the Indian tribe or tribal organization. We strongly support this approach and commend Representative Young for his sensitivity to this concern.

[The letter submitted for the record by Mr. O'Connor follows:]

OUZINKIE NATIVE CORPORATION
P.O. BOX 89
OUZINKIE, ALASKA 99644
PHONE: (907) 680-2208
FAX: (907) 680-2268
1-800-680-2208

June 17, 2002

United States House of Representative
Committee on Resources

RE: Letter of Support for the HR 3148 (Amendment to the Veterans Allotment Act)

Dear Honorable Members of the Committee on Resources:

Ouzinkie Native Corporation strongly supports the referenced amendment.

On several occasions, I have heard it said the village of Ouzinkie, Alaska has had the highest number of veterans per capita of any community in Alaska. We know of at least 14 veterans originally from Ouzinkie, who are trying to obtain allotments under the Veterans Allotment Act.

Since we provided veterans from Ouzinkie with some assistance in their efforts to obtain allotments under the Veterans Allotment Act, we are very aware that an amendment is necessary, first to make some land available for selection. Federal agency personnel we spoke to could not tell us what land for eligible for veterans to select, just what land was ineligible.

Second, an amendment is needed to remove some of the onerous regulations that would otherwise prevent veterans from obtaining allotments. Indeed, some of the regulations (especially those regarding use and occupancy) promulgated after passage of the Veterans Allotment Act, diminish the Act to the status of being a hollow victory for veterans. Even though most Alaska Natives would return to a specific location year after year for hunting, fishing and gathering, they often practiced "no indication of campsite" use of lands and still do.

Best regards,

Michael G. O'Connor,
President & CEO

cc: ONC Board of Directors

[The statement submitted for the record by Mr. Paulsen follows:]

Statement of Frederick A Paulsen, Veteran, Prince William Sound, Alaska, on H.R. 3148

I am writing in support of this bill. I am a qualified veteran from the Prince William Sound. I have not been able to find any open land to file on because of the Chugach National Forest. I think that there are very few veterans from this area and I do not see were this well harm the land.

Thank you very much

[The letter submitted for the record by Mr. Pourchot follows:]

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

400 WILLOUGHBY AVENUE
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May 31, 2002

The Honorable James V. Hansen
Chairman,

The Honorable Don Young
Vice Chairman, and

The Honorable Nick Rahall
Ranking Minority Member

House Resources Committee
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Congressman Hansen, Congressman Young, and Congressman Rahall:

I am writing to you in reference to H.R. 3048, the Russian River Lands Act, H.R. 3148, To amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes, and H.R. 4734, the Alaska Federal Lands Management Demonstration Project Act.

The State of Alaska enthusiastically supports passage of H.R. 3048, the Russian River Lands Act. This bill resolves the claims of Cook Inlet Region, Inc. (CIRI), to land adjacent to the Russian River on the Kenai Peninsula. The bill ratifies the terms, conditions, covenants, and procedures set forth in the July 2001 Russian River Section 14(h)(1) Selection Agreement between CIRI, and the Departments of Agriculture and the Interior. The State of Alaska has reviewed and supports this Agreement.

The July agreement represents a satisfactory settlement to what has been a long-standing dispute regarding CIRI's selections at the confluence of the Russian and Kenai rivers. This is clearly one of Alaska's most popular fishing sites. The July 2001 agreement protects public use and access to the Russian River and public facilities such as the U.S. Forest Service campground.

The State has agreed to help implement the Settlement Agreement by relinquishing a parcel of state selected land that would be transferred to CIRI. We also encourage the U.S. Fish and Wildlife Service and the U.S. Forest Service to include the state in discussions to implement several other key features of the July 2001 Agreement, notably the land exchange and the Memorandum of Understanding for management of the public land in the area.

Concerning H.R. 3148, To amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, we continue to express concern about Sec. 1 (2) (b). The state recognizes that the decision to relinquish lands would be voluntary, however, we want to apprise the committee that under current Alaska statutes, the Alaska Department of Natural Resources lacks the authority to relinquish title to conveyed lands (either patented or tentatively approved lands) under the circumstances outlined in this bill. In addition, there is nothing pending at the state level that would provide such authority.

Finally, in reference to H.R. 4734, the Alaska Federal Lands Management Demonstration Project Act, the State of Alaska has no objection to the legislation. In coming to this conclusion, we note that the bill distinguishes between governmental authority, which can not be delegated and "inherently non-Federal functions", such as research and compilation of harvest data, which constitutionally can be delegated to private parties.

Thank you for this opportunity to express the State of Alaska's views on these important pieces of legislation. I ask that my letter be entered into the hearing record.

Sincerely,

Pat Pourchot
Commissioner, Alaska Department of Natural Resources

[The statement submitted for the record by Ms. Salcedo follows:]

Letter submitted for the record by Betsy Salcedo, University of New Mexico Law School, 2002 Juris Doctor Graduate, on H.R. 3148

June 19, 2002

Hello. My name is Betsy Salcedo and I am writing to express to the Committee on Natural Resources as input in the comment period on the legislation which allows for extending the time period for Alaska Native Veterans to apply for allotments. I strongly urge that the Committee approve this time extension, at the very least up to 18 months, in order for Alaska Natives to have the opportunity to elect their rights under ANCSA. This extension will not only be a just act extended to United States Veterans who have served our country, but will also go to supporting the legitimacy of ANCSA.

Sincerely,

Betsy Salcedo
University of New Mexico Law School
2002 Juris Doctor Graduate

[The letter submitted for the record by Mr. Sensmeier follows:]

June 19, 2002

United State House of Representatives
Committee on Resources

I wish at this time to appeal the decision of the BLM to reject my claim (AA-82622) of land available under the Alaska Native Veteran allotment act. I met virtually all the criteria required to qualify for land, under the Act. The requirements were stringent, to say the least. Difficult at best, impossible for most. My application was rejected because I selected land within the Tongass National Forest. The Tongass is the ancestral land of the Tlingit , the tribe into which I was born. Is there any land within Southeastern Alaska that is not within the Tongass? You know the answer to that as well as I do... NO, There is no land that is not within the Tongass . You must be aware that there are more Viet-Nam Native veterans residing in Southeastern Alaska than the rest of the State combined. Where is the justice in this? What is going to be done to rectify this problem? Please tell me how something so obvious could be overlooked? Was it intentional? Most Native veterans and many non-veterans are inclined to draw this conclusion. One section stated that you must have occupied the land while it was still vacant and before your sixth birthday. Since the Tongass was withdrawn on February 16, 1909,it means that I would have to be 97 years old to qualify. It also means I would have been 65 years old when I was in Viet-nam in 1969-1970, the period of active duty required to qualify for an allotment. Because of the age factor, the date of occupancy was changed to having had to have occupied the land 5 years prior to 1968. I was able to document use for the years 1947, 1948, 1949, 1950, and 1951. I was still denied because you cannot select from the Tongass National Forest. The situation is so ludicrous that I am at a complete loss to find words that would adequately describe it. They would probably be unprintable anyway. Would someone please explain to me and my fellow veterans what the hell is going on.

Sincerely,

Sergent Raymond Sensmeier
7 / 1st Air Cav Viet-Nam 1969-1970
P.O. Box 8
Yakutat, Alaska 99689

[The statement submitted for the record by Mr. Thomas follows:]

Statement of The Honorable Edward K. Thomas, President, Central Council of the Tlingit and Haida Indian Tribes of Alaska

GREETINGS FROM ALASKA! My name is Edward K. Thomas. I am the elected President of the Central Council of the Tlingit and Haida Indian Tribes of Alaska, which is a Federally recognized Indian tribal government. Most of our 24,000 tribal members reside in southeast Alaska, our traditional homeland. I have been the President of my Tribe since 1984. I am honored to provide testimony in support of H.R. 4734, a bill of very special importance to my Tribe and to other tribes, Native organizations, and Alaska Natives throughout Alaska.

Let me begin by commending Congressman Don Young, Chairman Jim Hansen, and this Committee, for its consideration of H.R. 4734. Don has always been an adamant, forceful advocate of transferring authority and responsibility to Alaska Natives and away from the Federal bureaucracy. Don was for devolution before devolution was cool. I applaud him for this.

I am here to express my Tribe's strong support for H.R. 4734 because this legislation seeks to advance the public and tribal interests originally expressed in the Alaska National Interests Land Conservation Act (ANILCA). My comments today will focus on the immense benefits that H.R. 4734 would provide to Indians and Alaska Natives in Alaska by furthering the goals of local control, self-governance, economic betterment, and the linking of cultural, land, and resource preservation efforts in a more efficient manner.

Self–Governance

Self-governance is a goal for which Congress and Indian tribes long have expressed strong support. Authorizing increased tribal self-governance creates innumerable benefits for all parties involved, ranging from reduced reporting costs to increased program flexibility and innovation in implementation. The key to meaningful self-governance is a respect for the capacity of tribal governments to carry out Federal functions and implement Federal policies. H.R. 4734 is a necessary step towards achieving the goals of tribal self-governance embodied in ANILCA and Title IV of the Indian Self–Determination and Education Assistance Act.

Tlingit Haida Central Council has been performing Federal functions for years and is eager to demonstrate that we can shoulder the burdens of assuming a more substantial role in the implementation of Federal land management policies.

The potential for H.R. 4734 to further the interests of self-governance is of special importance to the Central Council of the Tlingit and Haida Indian Tribes. Tlingit and Haida has been a self-governance Tribe since the late 1980s. Tlingit Haida Central Council was one of the ten pioneer Tribes throughout the U.S. that developed the Self–Demonstration Project. My Tribe negotiated the first self-governance agreement with the Department of the Interior in Alaska a decade ago. We were the first Tribe to enter into a multi-agency agreement under Public Law 103–477, which allows us to consolidate employment and training funding from various Federal sources into a single, coordinated tribal program. I am proud of the active role my Tribe has been able to play in the movement towards expanded tribal self-governance, and my people are eager to make every contribution we can towards furthering that movement. Accordingly, Central Council enthusiastically endorses H.R. 4734 and urges the Congress to enact it as soon as possible before the delay of another budget cycle sets in.

We note that the opposition to this bill appears to be based on two basic misunderstandings—that Indian tribes and Native organizations cannot handle Federal functions and that program administration by Indian tribes and Native organizations would change the fundamental nature or alter the core purpose of Federal land management activities. Both grounds for opposing this bill are, at best, specious. The bill will not alter the laws and regulations that govern national parks and refuges in Alaska. Federal conservation units will remain an integral part of Federal land management policies.

Let me be very clear—enactment of H.R. 4734 would not restrict in any way the present level of access that the general public would have to these lands. My Tribe, and every other tribe assuming the Federal obligations and responsibilities under H.R. 4734, would be required to meet all present obligations to provide public access to public lands. My Tribe, and every other tribe under this legislation, would be required to abide by these requirements. Public access, and the public character of these lands, would not be affected in any way.

What H.R. 4734 will do is give Tribes, comprised of local decisionmakers, greater flexibility and responsibility in implementing Federal land management policy.

The lands of Alaska have been the home of Native Tribes like the Tlingit and Haida since time immemorial. People like us, who of course live within the lands in question, have every incentive to vigorously implement and carefully oversee Federal policy to protect the sustainability of the lands and resources of Alaska so that future generations of Native peoples may flourish.

Alaska Natives have a huge stake and interest in the success of Federal land and resource management. Federal lands constitute a significant portion of the land area in Alaska and, in many cases, surround Native villages and communities. For centuries, these lands have provided the opportunity for subsistence hunting, fishing, and gathering. One of the purposes of preserving conservation units with the passage of ANILCA was to ensure the conditions for the preservation of subsistence activities by Alaska Natives. Against this backdrop, it is clear that tribes have a substantial interest in conservation of these lands. Self-governance in the context of land management is a means of furthering, not hindering, the objectives of achieving more effective conservation and sustainability policies, while protecting local subsistence activities.

While the Department of the Interior has expressed concerns about application of principles of self-determination and self-governance to land and conservation policy, these concerns simply are unfounded. First, H.R. 4734 is merely an authorization for 12 tribes to engage in demonstration projects affording tribes the opportunity to demonstrate that indeed we do have the capacity to shoulder the burden of implementing important Federal land and resource policies. H.R. 4734 is not a permanent transfer of control over land management to Alaska Natives. Second, to be eligible for the demonstration project, tribes must demonstrate financial and management stability and capability, as well as significant use or dependency on the relevant conservation unit. These requirements will ensure ahead of time, before any transfer of management functions occurs, that the demonstration tribe has the capacity to implement Federal policies. In addition, the legislation mandates a planning period during which time tribes may formulate and develop comprehensive plans for implementing Federal policies. This planning period will ensure effective deliberation and give tribes the opportunity to put structures in place to assume the responsibilities of managing the conservation units. The Department of the Interior's concerns do not take into account the restrictions and safeguards built into the legislation itself. Moreover, the Department's concerns ignore over a decade of practical, proven and competent experience that my Tribe, as well as many other tribes, have demonstrated in administering Federal programs and functions under Title IV of P.L. 93–638, the Indian Self–Determination Act.

For many years, Native groups in Alaska have sought a more substantial relationship with Federal agencies in the areas of land and resource management. H.R. 4734 will facilitate a stronger and more enriching relationship between tribes and these Federal land management agencies. Once enacted, the legislation will better position local, tribal people to share our wealth of local knowledge about Alaska's lands and resources with Federal officials in a cooperative fashion. In that sense, H.R. 4734 holds the promising potential of encouraging greater understanding, respect, and cooperation between Federal agencies and tribes—an important element in ensuring meaningful "government-to-government" relations. Given the common interests in conservation and protection of subsistence activities shared by tribes and Federal agencies, land management serves as an ideal area in which to expand tribal-agency cooperation and understanding through enhanced tribal self-governance.

Economic Betterment

The second public policy goal greatly advanced by H.R. 4734 is the economic betterment of Native people. There are two obvious ways in which the bill will advance these interests. First, H.R. 4734 will enhance valuable employment opportunities for American Indians and Alaska Natives by eroding many of the barriers to greater Native employment in land and resource management. The objectives of expanding Native contracting and employment, express goals of H.R. 4734, are considerations that should weigh heavily in this Committee's consideration of the bill.

Section 1308 of ANILCA attempted to enhance the local economies connected to conservation units by establishing a "local hiring preference." Unfortunately, this Section 1308 hiring preference has been applied only in areas geographically congruent to conservation units. And of course, many of the Department of Interior jobs are located in Anchorage, away from conservation units, and hence are not governed by ANILCA's local hiring preference. In addition, other competing priorities in Federal civil service hiring frustrate the ability of a local hiring provision to increase the number of Native Alaskans involved in land management and conservation. Under ANILCA a "local" hire could be made of someone who moves to an area in

proximity to a conservation unit even if that person has no connection to the area or even to Alaska.

Such a preference, narrowly construed or distorted from its original purpose, does a poor job of enhancing employment opportunities for the long-term local residents of Native villages and communities. Given how the goals of section 1308 were frustrated by its opponents, we were eager to see if Title IV of P.L. 93–638, enacted in 1994, would create enhanced opportunities for Alaska Natives in the management of Federal parks and refuges. Title IV mandated that distinctly "Native" programs and programs that are closely related to the geography, history, or culture of a Tribe be available for negotiation into tribal self-governance agreements. Unfortunately, under the previous Administration, those provisions of Title IV were substantially undermined by narrow interpretations of the statute by Interior's agencies. The National Park Service and the U.S. Fish & Wildlife Service concluded that they have no programs that are distinctly "Native", which of course is not a standard to be found anywhere in the statute, and hence they resisted all efforts to negotiate meaningful and significant self-governance agreements with Indian tribes and Native organizations in Alaska. The previous Administration even determined that subsistence programs established by ANILCA did not satisfy the statutory criteria established in Title IV. We would hope better of the present Administration. However, today's testimony indicates that Secretary Norton, now more than a year on the job, has yet to succeed in wresting control from the old-guard who still control the Department's policy. On behalf of my Tribe, I urge you, Congressman Young and the entire Committee, to bluntly insist that the Secretary exercise her authority to instill within the ranks of her Department a respect for the law that honors the intent of Congress in devolving this Federal authority and control to the local Native communities most directly impacted by these activities.

It is clear that further steps need to be taken to allow for the employment of more Alaska Natives in Federal land management programs. H.R. 4734, by authorizing tribes to implement Federal land management policies, will overcome many of the significant barriers to greater employment of Alaska Natives. Regardless of whether a Native hiring preference is used in the operation of the Federal programs, tribes would be able to structure personnel systems, hiring practices, and job descriptions to match the socio-economic conditions of the community and hence attract qualified workers. Tribal control would erode any feelings of hostility towards land management agencies and would give tribal communities a strong stake in the success and viability of Federal land and resource management policies.

There is a substantial need to expand employment opportunities for Alaska Natives across the labor force. There is a grave shortage of job opportunities for Natives. Construction contractors often bring their labor force in from an urban area or from outside the state. Federal and state agencies have been reluctant to enforce hiring policies that seek to diversify their workforces by making sure that Alaska Natives are fairly represented in the employment sector. H.R. 4734 will not overcome all of these problems. By allowing for increased Native hiring, however, the bill will give important jobs to some qualified Native people and will help demonstrate to other employers in the state that Alaska Natives can make valuable contributions to any workforce.

The second means by which H.R. 4734 may serve the goal of economic betterment of Alaska Natives relates to the capacity of tribes to more effectively implement and balance subsistence activities. One of the stated purposes of the bill is to allow Tribes an opportunity to demonstrate that we can implement Federal land management policies in a manner that furthers the goal of conservation, while allowing for beneficial and necessary subsistence activities. Viable and sustainable subsistence activities provide a means of supporting struggling local economies through the provisions of supplies to meet the basic needs of the communities. Many rural tribes in Alaska face substantial rises in unemployment during the winter months. Subsistence products can supplement shrinking family budgets during these times and provide a vital safety-net for Natives. Alaska Native tribes are close to the land. We depend on the land and its resources for our livelihood. H.R. 4734 will help ensure that subsistence activities are carried out in a manner that protects the land and its resources by giving control over implementation to the people with the greatest stake in the continued viability of the Federal conservation units.

Just as my Tlingit and Haida people have a substantial interest in furthering the self-governance capacity of our Tribe, my people likewise have a substantial interest in economic betterment of their individual households. Many of our members live with conditions most Americans would find shocking. Vast pockets of unemployment exist across our Native communities. The needs of our membership tax the resources of our tribal government to the limit. Enhanced economic opportunities for our people, which can be achieved through H.R. 4734, would be a boon to our local

economy in Southeast Alaska and to our Tribe as a whole. By enhancing the employment opportunities of tribal members, the bill would strengthen the self-sufficiency of our tribal economy and, coupled with increasing self-governance, will help end the economic deprivation that hobbles the long-term aspirations of our people.

Culture and Conservation

H.R. 4734 expressly recognizes the third benefit I would like to discuss today'the capacity of the bill to further the protection of Alaska Native cultures by recognizing the connection between tribal culture, tribal land, and tribal resource management. Our people have always been stewards of the land. H.R. 4734 recognizes that the geographic proximity of many Alaska Natives to ANILCA conservation units, coupled with a strong historical and cultural connection to these lands, makes Federal land management and conservation programs in Alaska especially suited for tribal performance of conservation system unit management functions.

Land management has been an important interest for the Tlingit and Haida people throughout our history. The lands and resources of Southeast Alaska have long provided the means of survival for my people and served as an important component of tribal culture. To many Americans, the lands of Alaska are nothing but wilderness, a mere museum piece to be frozen and preserved on the shelf for the occasional pictorial beauty it accords people from far away lands. But Alaska Natives in Alaska see our land somewhat differently. These lands are now, and have long been, our home. We appreciate beauty. But we also live here. We draw our sustenance from the land. The land throughout history has served to support our tribal cultures, economies, and ways of life. This long tradition of respect for the importance of conservation and sustainable resource use continues today as land and resource management is an important element of our Tribe's self-governance program. Even within the tight resource constraints that confront our Tribe, Tlingit and Haida has chosen to make resource and land management an important tribal priority. We have done so with consistency, I might add, unlike the mercurial approach toward conservation taken by the United States.

Consistent with our commitment to land and resource issues, our Council has established a Native Lands and Resources Department. The Department provides management of the trust lands and natural resources contained on the land for tribes in our multi-tribal Compact of Self–Governance with the U.S. Department of the Interior. In addition, our Tlingit and Haida Department assists all tribes and Native communities in Southeast Alaska in land and resource issues through the provision of environmental and land management education and consultation. As a part of this general program, our Forestry Department continues to pursue innovative and flexible strategies for forest management. H.R. 4734 would facilitate intergovernmental cooperation between tribal agencies like our Native Lands and Resources Department and Federal agencies by treating tribes as equal partners in the project of land conservation and management. While certain programs and bureaucratic rhetoric may pay lip service to this type of government-to-government cooperation, Federal statutory directives like those contained in H.R. 4734 unfortunately are necessary to ensure that Alaska Natives can re-assume a prominent role in the management of the lands that have long served as the home to our people.

Conclusion

I know most members of this Committee would agree in theory with the goals of enhancing tribal self-governance, improving the economic conditions of Alaska Natives, and ensuring the effective protection of Native lands and cultures. It is with some regret that I must say, however, that a law like H.R. 4734 is needed to make these shared goals a practical reality. I urge the Committee to insist that the Department of the Interior put its money where its mouth is and support this bill. Perhaps more importantly, once this bill is enacted, it is of vital importance that the Committee demand that the Department fully and promptly implement its provisions in the spirit in which they were enacted. By this time, it perhaps could go without saying, but I wish to be clear—the Tlingit and Haida Central Council wishes to express, in the strongest of terms, our support for H.R. 4734 and our commitment to working with Congressman Young and this Committee to quickly secure its passage.

Thank you very much Mr. Chairman and members of this Committee for the opportunity to present this testimony on behalf of the Central Council of the Tlingit and Haida Indian Tribes of Alaska and its members. If we can be of any assistance to you in your consideration of this bill, please do not hesitate to ask. I wish you well in your deliberations and hope my comments are useful as you decide on these issues of great importance to our people.

Gunalcheesh! Howa!

[The letter submitted for the record by Mr. Walker follows:]

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June 4, 2002

To: Eban Oldtun, Chairman -- Native Veterans' Association of Alaska

We at the Alaska Native Veterans' Association, Inc. support the passage of HR 3148 Native Veterans' Allotment Act. We further support the testimony of the Native Veterans' Association of Alaska that will be given regarding HR 3148.

Respectively submitted,

Hugh Walker, Treasurer

[The statement submitted for the record by Mr. Walleri follows:]

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Testimony Of

MICHAEL J.WALLERI
Attorney for the
Koyukuk River Basin Moose Co-management Team, Inc.
On
H.R. 4734

Mr. Chairman. My name is Michael J.Walleri, and I am the attorney for the Koyukuk River Basin Moose Co-management Team, Inc. (hereinafter referred to as the K-River Team). On behalf of the K-River Team, we wish to express our support for H.R. 4734, and to thank Congressman Don Young for his support of this measure. We believe that the proposed Koyukuk and Kanuti National Wildlife Refuges Demonstration Project contained in § 3 of the bill promotes three principal policies articulated in the Alaska National Interest Land Conservation Act (ANILCA): i.e. co-management, promotion of subsistence and wildlife conservation. Criticisms of the proposal received by the Committee, mischaracterize the purposes of the refuges, policies contained within ANILCA and the effect of H.R. 4734

CO-MANAGEMENT

H.R. 4734 is clearly intended to promote local participation and co-management in the Koyukuk and Kanuti National Wildlife Refuges. There can be little question that ANILCA sought to promote local participation and co-management principles in the management of wildlife refuges created by the Act. The Koyukuk and Kanuti Refuges were created by § 302 of ANIL CA. Specifically, § 304(f) of ANILCA authorizes cooperative agreements between the USF&WS and "any Native Corporation, the State, any political subdivision of the State, or any other person owning or occupying land which is located within, or adjacent or near to any national wildlife refuge." This language reflects the general policy favoring cooperative management articulated in §809 of ANILCA, which authorized the Secretary to enter into cooperative agreements with "Native Corporations, other appropriate persons and organizations ... to effectuate the purposes and policies of this title." Moreover, §§1307 and 1308 of

ANILCA directed the Secretary to provide a preference to Native corporations for contracting for visitor services and local hire in the refuges. These provisions were intended to promote local participation and involvement in the management and benefits of refuges. ANILCA clearly established avenues of co-management with local residents. Unfortunately, local participation and involvement in refuge management has not progressed as quickly as anticipated by Congress, and H.R. 4734 seeks to address the barriers to achieving these original goals of ANILCA by slightly different means.

Confusion about the underlying purposes of these refuges is not unreasonable, because ANILCA differs somewhat from the general laws governing refuges outside Alaska. As a general matter, the Secretary has substantial authority to enter into cooperative agreements with States for the management of wildlife refuges throughout the country.[1] The policy with regard to non-State entities outside of Alaska is very ambiguous. However, in Alaska, ANILCA specifically authorized broad authority for the Secretary to enter into cooperative agreements with "Native Corporations and other appropriate persons and organizations" with respect to Alaskan wildlife refuges and other conservation units. While there may be some ambiguity respecting co-management policy in refuges outside Alaska, it is clear that ANILCA sought to promote local participation and co-management in Alaskan refuges with entities other than state agencies.

H.R. 4734's merely extends these co-management principles to direct the Secretary to contract the programs, activities and functions of the Koyukuk and Kanuti Wildlife refuges to the K-River Team. The legislation would promote local participation and involvement in the management and benefits of the refuges with the people for whom the refuges were intended to benefit. The K-River Team is a consortium of the Alaskan Native tribal governments including the villages of Evansville, Alatna, Allakaket, Huslia, Hughes and Koyukuk. Section 3 of HR 4734 directs the Secretary to enter into a cooperative agreement with this consortium tribal agency on terms generally applicable to tribal governments. It does not change the purposes, policies, laws and regulations governing the refuges. It does not alter the regulation making process governing the refuges. Rather, the USF&WS would enter into a government-to-government relationship with the six tribal governments operating in the area. While this is not a method for achieving co-management and local participation originally envisioned by ANILCA, the prior legislation proved inadequate to assure the local participation and co-management originally desired by Congress. HR 4734 merely corrects the deficiencies in the present law by providing a more direct method and means to achieve ANILCA's original goals of local participation and co-management within the Koyukuk and Kanuti Wildlife Refuges. This is a

[1] See generally 16 USCA § 668dd; See also 16 USC § 1535

limited response that will provide an opportunity to demonstrate whether this method will be more effective in promoting ANILCA goals in comparison with ANILCA's original provisions.

SUBSISTENCE AND WILDLIFE CONSERVATION

The Refuges and the K-River Team share common goals to promote wildlife conservation and subsistence opportunities for local residents. According to ANILCA, the purposes of the Koyukuk and Kanuti Refuges are to (i) to conserve fish and wildlife populations and habitats in their natural diversity; (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats; (iii) to provide the opportunity for continued subsistence uses by local residents; and (iv) to ensure water quality and necessary water quantity within the refuge.[2] It should be noted that the "local residents" referenced in the statute are the residents of the member villages of the K-River Team. The residents of the member villages are highly dependent upon moose and other wildlife populations to meet their subsistence needs. Naturally, the preservation of healthy wildlife populations and subsistence opportunities are the K-River Team's highest priority. The K-River Team has previously demonstrated its strong interest in promoting wildlife conservation.

In the early 1990's the Koyukuk River drainage had one of the highest moose densities in Alaska. This has changed dramatically with the Koyukuk River moose population experiencing a 15% decline between 1997 and 1999. This was largely due to significant increase in hunting pressure from non-local hunters. Most recent estimates suggest that the moose population continues to decline. To a large degree, it was the local Native population --- through the Koyukuk River Basin Moose Co-management Team --- that first noted the decline in the moose population. The K-River Team was the first to propose harvest rate reductions to prevent further decline. At that time, state game managers denied that any moose population reductions were occurring. Based upon the concerns expressed by the K-River Team, however, USF&WS focused on the problem, and successfully promoted a joint State/Federal study, which documented the decline in moose population and confirmed local concerns. While much work needs to be done to assure the continued viability of healthy wildlife populations in the area, the K-River Team continues to strongly advocate for conservation management and healthy and diverse wildlife populations in the area. There is little question that the goals of the USF&WS and the K-River Team are strongly aligned.

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[2] P.L. 96-487, § 302 (4), & § 302 (5)

HR 4734 IS NOT PRIVATIZATION; IT IS SELF-DETERMINATION

In statements before this Committee, Jack Hession of the Sierra Club charged that HR 4734 seeks to "privatize" federal land management. The charge represents a profound confusion respecting the interplay between ANILCA, the Indian Self-Determination Act and HR 4734.

The term "privatizing" normally refers to transitioning directly operated federal programs to contracts with private for-profit vendors. The privatization controversy generally focuses upon whether the government interest will be subverted by a profit motive and whether the quality of service will decline. Neither is the case in HR 4734. The Team is a non-profit, consortium of Alaska Native Tribal governments. The Team is not motivated by profit, since the Team proposes to make no profit on the contracts. The motive of the Team is the same as the statutory mandate of USF&WS: i.e. conservation of wildlife populations and providing subsistence opportunity. The goal of the legislation is to improve conservation efforts and subsistence opportunities by increasing local participation and involvement. HR. 4734 improves local participation and co-management between federal and tribal governments. Hopefully, it will lead to greater cooperative management with state wildlife management agencies; however, the continuing subsistence controversy in Alaska presents significant barriers for State cooperation with federal policy.

Admittedly, HR 4734 benefits local residents through heightened local participation and involvement. However, Mr. Hession's testimony wrongly presumes that the purposes of the Koyukuk and Kanuti refuges are to promote some vaguely defined "national" benefit, and that local participation would subvert that national interest. Mr. Hession's view of ANILCA is inconsistent with the express terms of ANILCA, which states that a primary purpose of the refuges was to provide the opportunity for continued subsistence uses by local residents. The "national interest" promoted by the refuges was not some vaguely defined set of values, but rather an express and clearly articulated interest in the continuation of the Alaska Native subsistence way of life. These refuges were set up to promote subsistence opportunities of local residents. To suggest that some vaguely defined national goals should somehow outweigh ANILCA's express goal of promoting local subsistence uses is to stand ANILCA on it head and subvert a primary policy of ANILCA.

HR 4734 is more properly characterized as self-determination; not privatization. The suggestion that the refuges should be managed for the benefit of Alaska Natives but without their participation and cooperation advocates for a policy of

paternalism, which this country long ago abandoned. With the enactment of the Indian Self-Determination Act in 1975, Congress found that

> the prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities...[3]

In response, Congress declared

> its commitment to the maintenance of the Federal Government's unique and continuing relationship with, and responsibility to, individual Indian tribes and to the Indian people as a whole through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from the Federal domination of programs for, and services to, Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.[4]

As noted above, the Koyukuk and Kanuti Wildlife Refuges were intended to promote subsistence opportunities for the residents of the Alaska Native communities bordering and within the refuges. Federal Self-Determination Policy would suggest that Indian people should participate in the planning, conduct and administration of those programs and services. The view of ANILCA advocated by the Sierra Club would deny to the Indian people an effective voice in the planning and implementation of programs intended to benefit them. These refuges should not be managed in a manner that retards the progress of the Native people that the refuges were created to sustain. Simply put, Native people should not be ruled by federal benevolence, but should have a right of self-government with respect to those subjects that directly and fundamentally control and regulate Native American life.

The Secretary has already stated that these programs are contractible in principle under the Indian Self-Determination Act. On January 23, 2001, the Secretary published a notice respecting the list of non-BIA programs eligible for inclusion in Fiscal Year 2002 Annual Funding Agreements under Title II of the Indian Self-

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[3] 25 USC 450(a)(1)
[4] 25 USC § 450b(B)

Determination Act.[5] That list included USF&WS Subsistence Programs within Alaska, Cooperative Management of Conservation Programs, Visitor Center Operations, National Wildlife Refuge Operations and Maintenance, and a number of other refuge functions and services. In essence, the Secretary has already announced that refuge programs and services may be included in a Title II Annual Funding Agreements under the Indian Self-Determination Act. However, as described in the Alaska Federation of Natives' testimony, the Secretary has not moved forward with implementing this decision, nor the original local participation mechanisms in ANILCA. HR 4734 directs implementation of the Secretary's January 23, 2001 decision as a pilot project for the Koyukuk and Kanuti Wildlife Refuges.

Finally, Mr. Hession ignores the limited scope of the proposal. Normally, if the Secretary's decision of January 23, 2001 respecting the contractibility of these programs under the ISDA were fully implemented, a tribe could elect not to retain federal employees and assume operation of the program to be contracted with direct hires. HR 4734 proposes a more limited and measured response. Under the proposed demonstration project, the K-River Team would be directed to maintain federal employees currently in place under the Intergovernmental Personnel Act. This is intended to avoid disruption of the refuge program and promote co-management of the resource. Moreover, it is would provide a more limited transfer of program operation than the ISDA would normally provide. Such arrangements occur daily between tribes and federal agencies to prevent program disruption, and promote cooperation and coordination between federal and tribal agencies. The retention of federal employees in service merely promotes the underlying principle of co-management in a controlled and measured manner.

In conclusion, we urge the Committee to advance HR 4734 because it furthers ANILCA's original goals of local participation, co-management, wildlife conservation and the preservation of subsistence opportunities for local residents. Moreover the bill promotes Native American Self-Determination with regard to the a critical subject matter affecting these Indian communities. Native American people should be welcomed to participate in the decision making process that affects the means of their sustenance. This is a fundamental principle of co-management, which permeates ANILCA and a basic principle of American Indian policy. HR 4734 advances these principles in a controlled and measured manner, and we express our continued support for its passage.

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[5] See *List of Programs Eligible for Inclusion in Fiscal Year 2002 Annual Funding Agreements To Be Negotiated With Self-Governance Tribes By Interior Bureaus Other Than the Bureau of Indian Affairs.* Fed. Reg. January 23, 2001 (Vol. 66, Number 15) pp. 7499-7503

[The letter submitted for the record by Mr. Widmark follows:]

Sitka Tribe of Alaska
Tribal Government for Sitka, Alaska

June 18, 2002

United States House of Representatives
Committee on Resources
C/o Shannon Sheglin
Committee on Resources
FAX (202) 225-7094

Re: Veteran's Allotment Act

Dear Committee Members:

I write to you regarding an issue of great concern to the Tribal Citizens of the Sitka Tribe of Alaska(STA): proposed amendments to the Veteran's Allotment Act, HR 3148. Sitka Tribe of Alaska is a federally recognized tribal government with over 3,100 tribal citizens of primarily Lingit, Haida, Tsim'shian, and Aleut descent. The Veteran's Allotment Act has given a few of STA's tribal citizens the opportunity to apply for the title to lands that they and their families have used over the centuries for traditional subsistence purposes. However, without the proposed amendments, their applications are meaningless, as all of the lands traditionally used by our tribal citizens was set aside as the Tongass National Forest in 1909.

The proposed amendments, particularly the amendment to allow allotments to be granted on all vacant federal land is of utmost importance to our Tribal Citizens. Under the current law, unless a native person was a head of their household by 1909, the person is ineligible for a native allotment. However, under the proposed amendments, native veterans who used and occupied land prior to entering the Vietnam war. As our tribal citizens continue to use many of the lands within the Tongass for customary and traditional purposes, it is appropriate that native veterans be able to receive native allotments in this area.

I am aware that some environmental organizations may be opposed to native people receiving title to land within the National Forest for conservation reasons. However, the Lingit people of Southeast Alaska have been caretakers of this land for over 10,000 years. The Lingit people are not interested in developing the lands they are allotted within the national forest. Rather, the applicants are primarily interested in preserving lands important to themselves and their families for customary and traditional purposes: having fish camps, gathering berries and hunting. Further, as a native

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allotment, the federal government will retain oversight authority over any lands granted as native allotments. For these reasons, I strongly encourage the House Committee on Resources to support allowing native allotments be granted within any vacant federal lands.

In conclusion, the Sitka Tribe of Alaska strongly supports all of the amendments to the Veterans Allotment Act as presented by Representative Young and asks this committee to support the amendments as well.

Sincerely,

Lawrence Widmark

Lawrence Widmark
Chairman, Sitka Tribe of Alaska

Cc: Representative Don Young, Senator Frank Murkowski, and Senator Ted Stevens

[The statement submitted for the record by Mr. Williams follows:]

Letter submitted for the record by Orie Williams, President and CEO, Doyon, Limited, on H.R. 3148

June 18, 2002

Committee on Resources
Subcommittee on Native American and Insular Affairs
U.S. House of Representatives
Washington, D.C.

Gentlemen:

The purpose of this letter is to provide written comment on H.R. 3148, a bill which proposes to amend provisions of the Alaska Native Claims Settlement Act of 1971 (ANCSA) to provide for equitable treatment of Alaska Native Vietnam veterans and for other purposes. Our comments are limited to Section 1 of the bill regarding Alaska Native veterans.

Doyon, Limited is the regional corporation established under ANCSA to represent Alaska Natives with current and/or historic ties to central Alaska. Doyon has approximately 14,000 members. Doyon has the largest land entitlement under ANCSA, about 12.5 million acres, and is one of the largest private landowners in North America. Provisions of H.R. 3148, if they become law, will directly impact Doyon land ownership interests.

Doyon continues to strongly support the efforts of Alaska Native Vietnam era veterans in their quest to be afforded the opportunity to apply for and receive title to Native allotments that they were otherwise denied application opportunities prior to repeal of the Native allotment authority in Alaska in 1971. Doyon specifically supports (1) the provisions of H.R. 3148 that would grant veterans the right to apply for lands they used and occupied, though currently unavailable for selection as a result of numerous Federal land disposal and classification actions during the intervening years, and (2) the expansion of eligibility requirements so to allow applications from veterans who served between 1964 and 1975, and from their heirs.

However, Doyon does not support H.R. 3148 in its present form due to likely unintended negative impacts on Native corporations. Those impacts, described below, can be easily remedied.

Under H.R. 3148, Native corporations would now be able to relinquish portions of ANCSA land conveyances and selections in order for a veteran to gain title lands that they could have received under the 1906 Allotment Act. With respect to Native corporation lands already conveyed, there needs to be a provision requiring the Interior Department to credit against a corporation's remaining unconveyed ANCSA land entitlement the same number of acres relinquished. There is no good public

policy reason why village and regional corporations should have to use their ANCSA land entitlement to "pay" for allotments under H.R. 3148.

The other needed change to H.R. 3148 involves the provision requiring, as part of any veteran Native allotment, the reservation to the Federal Government of all oil, gas and coal interests. The 1906 Act, as amended, requires such reservations. Doyon is concerned that this provision may be used to require Native regional corporations to relinquish subsurface interests before allotment title can pass to a Native veteran. There is no good public policy or sound land management reason why subsurface interests beneath veterans' Native allotments should be owned by the Federal Government when all the surrounding lands are or will be owned by Native corporations. Doyon and other Native corporations should be given the opportunity to relinquish surface interests and keep the subsurface.

We have not provided specific language changes at this time. We would however like to be afforded the opportunity to work with Committee staff and the Alaska Federation of Natives to draft appropriate language which would address our concerns.

Thank you for the opportunity to provide these comments.

Sincerely Yours,

Orie Williams
President and CEO