

**HJR**

**27**

**FILE 1**

Concerning the Law for "NATIVE  
 Veterans", (what the Article says in ONM)  
 Really its FOR Vietnam VETS,  
 WHO Deserve the Land NO MORE  
 then many other "Natives", WHO  
 COULDN'T APPLY, DIDN'T FOR a  
 # OF "REASONS" - THIS IS JUST  
 ANOTHER way these vets are  
 Play the, Affirm. Action/diversity 1st/  
 "Special Interest Group Card, as they  
 have FOR many years w/ GOVT JOBS,  
 Favorable treatment AT Vet Centers,  
 ETC, AND NOW EVEN Pres. OF The USA  
 (Don't Let them WIN) (FM Native, USMC Vet  
 LIFETIME AK, Sober 19yr)

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: CSHJR 27(MLV)

1 Page 2, line 24, following "States;":

2 Insert "and

3 **WHEREAS** the policy of the federal government over the past several decades has  
4 been to acquire inholdings in national parks and national monuments to provide for  
5 contiguous and manageable units; and

6 **WHEREAS** it is in the interest of national security to reserve and maintain for tactical  
7 purposes a system of federal military bases and training land in Alaska that does not contain  
8 private inholdings; and

9 **WHEREAS** it is in the long-term economic interest of the state to ensure that the  
10 construction of the proposed Alaska natural gas pipeline is not stalled or otherwise slowed  
11 because of the establishment of private allotments in the proposed Alaska natural gas pipeline  
12 right-of-way;"

13

14 Page 2, following line 27:

15 Insert a new clause to read:

16 **"FURTHER RESOLVED** that the United States Congress is urged to prohibit the  
17 selection of allotments in national parks, national monuments, military bases or installations,  
18 or the right-of-way for a proposed Alaska natural gas pipeline; and be it"

# ALASKA STATE HOUSE OF REPRESENTATIVES

**Session Contact:**

**Interim Address:**

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**North Pole, AK 99705**

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## REPRESENTATIVE JOHN COGHILL

*HJR 27*

*"The Alaska Native Vietnam Veterans Allotment Act"*

### *SPONSOR STATEMENT*

This Act urges Congress to reopen the legislatively approved allotments in the Tongass National Forest, which were closed under the court case, *Shields v. United States*.

This Act also urges Congress to amend the Alaska Native Vietnam Veterans Allotment Act to give a fair opportunity to obtain allotments.

My reason for introducing this resolution is twofold.

First, a promise made to Natives from 1906 through 1998 that allotments were going to be offered under certain circumstances has not been fulfilled. The slow, cumbersome, and unwilling behavior of the federal government to perform on legitimate claims filed properly by people who have watched family members die while the government would not act cannot go unchecked.

Secondly, land that should be in private hands has been kept for government purposes only. This is a matter of fairness that has too long been unresolved for the Natives of Alaska. Applications have been lost, denied, sat on for decades, and finally the repealing of the Act in 1971 was swift and confusing because of the last ditch efforts by the federal government to inform people of their opportunity.

The reopening of the Act in 1998 did allow certain Vietnam Veterans to apply for allotments, giving some credibility to the argument that the last year was confusing. However, the restrictions on the reopening were unfair and very difficult for applicants. We simply ask Congress to give a fair opportunity to revisit a reopening only possible through legislation.

(24-LS1543/A)



ALASKA LEGAL SERVICES CORPORATION  
ANCHORAGE AND STATEWIDE OFFICE

1016 WEST SIXTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1963  
TELEPHONE (907) 272-9431  
FAX (907) 279-7417  
[www.AlaskaLawHelp.org](http://www.AlaskaLawHelp.org)

March 29, 2006

Honorable John Coghill, Jr.  
Alaska Legislature  
House of Representatives  
State Capitol Room 204  
Juneau, Alaska 99801-1182

Dear Representative Coghill:

I am writing to provide you with additional information concerning the Vietnam veterans allotments and to clarify the legislation now pending in the United States Congress. I am familiar with the legislation pending in Congress because I drafted the original version of these bills at the request of a group of about 200 veterans. I have worked full time for over seven years on numerous Native allotment issues as an attorney with the Native Allotment Program of Alaska Legal Services Corporation. I am the supervising attorney in charge of that program which consists of three attorneys, two paralegals, a legal secretary, and a clerical assistant. We provide free legal services to those seeking allotments including veterans. It is with pleasure and gratitude that I provide the information your office requested. In addition, I will be telephonically present on March 30, 2006 during the House State Affairs Committee hearing on HJR 27 to answer any questions that the committee may have.

#### CLARIFICATION OF S. 2000 AND HR 1811

The legislation introduced into Congress as S. 2000 and HR 1811 will amend the existing Alaska Native Vietnam Veterans Allotment Act in the following ways:

- Only qualified veterans will obtain allotments. A qualified veteran must prove he or she served during the Vietnam era (August 1964 to 1975), was honorably discharged, is a certified Alaska Native, is a resident of Alaska upon application, and did not apply for and receive an allotment under the Alaska Native Allotment Act of 1906. In contrast, existing law defines a qualified veteran as one who honorably served from Jan. 1, 1969 to Dec. 31, 1971.

Representative Coghill

March 29, 2006

Page 2

- An heir of a veteran who is now deceased will be allowed to apply in the place of a qualified veteran. Only one allotment will be allowed for each deceased veteran no matter how many heirs that veteran had. In contrast, under existing law an heir of deceased veterans cannot obtain an allotment unless the veteran died in the Vietnam War or from a war related injury. Like S. 2000 and HR 1811, the existing law allows heirs of a veteran who died in the war or from war injuries to only apply for one allotment. This is currently done under federal regulations (43 CFR §2568.60) which require a state court appointed personal representative to make an allotment application for all heirs.
- Veteran allotments will be allowed on all vacant federal land. This means that all federal land will be available for veteran allotments as long as it is vacant. Vacant federal land is without buildings, roads, bridges, existing and proposed pipelines, existing and proposed rights-of-ways and easements, designated campsites, boat launches, logging areas or any improvements or proposed improvements that would exclude land as not being vacant. In contrast, under existing law most federal land is not available because it is specifically excluded (all national forest land is excluded) or it was withdrawn before the veteran used it.
- Federal land that is vacant and available for veteran allotments include all of the 222 million acres of land under federal ownership in Alaska. S. 2000 and HR 1811 do not discriminate concerning the type of vacant federal land available for veteran allotments. Thus, veteran allotments would be allowed in all national forests and national parks in Alaska. For example, vacant federal land in the Tongass National Forest will be available to the 500 to 600 Alaska Native Vietnam veterans in southeast Alaska that have been excluded under existing law.
- S. 2000 and HR 1811 do not contain provisions to reopen the Shields allotments which are all located in southeast Alaska.
- Land conveyed to the State of Alaska or to Native Corporations is also available for veteran allotments but only if the State or Corporation voluntarily relinquishes that land.

I estimate that about 1200 veterans will apply under an amended Act. Some of the 1200 will be veterans who applied and were rejected under the existing Veterans Allotment Act. This estimate is based upon the following factors: the number of applications filed under the existing Veterans Allotment Act, the number of veterans that received allotments under the Act of 1906, the number of veterans that reside outside of Alaska, and the estimated number of Alaska Natives that would be qualified under an amended Act.

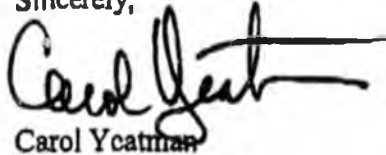
Representative Coghill

March 29, 2006

Page 3

Again, thank you for the efforts you and others in the State legislature are making on behalf of the many deserving veterans who served their country instead of making allotment applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Ycatman", with a long horizontal flourish extending to the right.

Carol Ycatman

**NATIVE ALLOTMENT PROGRAM**  
**ALASKA LEGAL SERVICES CORPORATION**  
1016 West Sixth Avenue, Suite 200, Anchorage, AK 99501  
(907) 272-9431  
1-800-478-9431  
Fax: (907) 258-2266

# Fax

TO: CHAIRMAN PAUL SEATON FROM: CAROL YEATMAN  
FAX: 465-3472 PAGES INCLUDING COVER SHEET:  
PHONE: DATE: 3/21/06  
RE: ACCT. CODE:

Urgent     For Review     Please Comment     Please Reply     Please Recycle

● COMMENTS:

BLM stats re Veteran Allotment Applications  
Filed between July 31, 2000 and  
JAN. 31, 2002 (when veteran applications  
closed)

Notice: The information contained in this fax is confidential and/or privileged. This fax is intended to be reviewed only by the above-named recipient. If you have received this fax by mistake, you should not read, copy, discuss, or share it with any other person. If you have received this fax in error, or have any questions as to whether you are the intended recipient, please call us immediately at (907) 272-9431.

## Alaska Native Veteran Allotment Application Statistics as of November 22, 2002

Applications Received

748

Number of Parcels

992

Number of Applications without Land Descriptions

243

Number of Parcels Rejected

176

Number of Parcels Appeals have been Filed On

40

Number of Parcels Appeals have been Dismissed On

10

Number of Parcels Field Exams Requested for

85

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

Land Applied for was Previously Conveyed

62

Non-Resident

14

Tongass N.F. (U/O doesn't predate withdrawal)

14

Nunivak Island (U/O doesn't predate withdrawal)

3

Katmai National Preserve (U/O doesn't predate)

3

Kenai Moose Range (U/O doesn't predate withdrawal)

2

Chugach N.F. (U/O doesn't predate withdrawal)

3

Denali N.F. (U/O doesn't predate withdrawal)

1

St. Lawrence Island (U/O doesn't predate withdrawal)

1

Failure to Correct Application Deficiencies

2

Ineligible Military Service Dates

42

Inactive National Guard Service

14

Less Than Honorable Military Service

1

Applicant has a pending 1906 NA Appl/Allotment

2

Cause of Death

2



**Alaska Federation of Natives**  
1577 C Street, Suite 300  
Anchorage, AK 99501  
Phone: (907) 274-3611  
Fax: (907) 276-7989

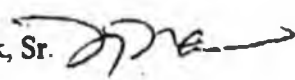
Date: March 23, 2006

To: Honorable Paul Seaton, Chairman; House State Affairs Committee  
Alaska State House of Representatives

Fax: 907-465-3472

Honorable John Coghill, Majority Leader  
Alaska State House of Representatives

Fax: 907-465-3258

From: Nelson N. Angapak, Sr. 

Subject: Written Statement on HJR 27

Pages: 3, Including Cover

Attached, herewith, please find my written statement on HJR 27. I request that this statement be incorporated into the record of HJR 27.

I originally intended to testify in person because I thought the plane I was flying on would be in Juneau in time for me to testify in front of your committee.

Thank you for your kind consideration

**TESTIMONY OF NELSON N. ANGAPAK, SR.,  
VICE PRESIDENT ALASKA FEDERATION OF NATIVES  
ALASKA STATE HOUSE STATE AFFAIRS COMMITTEE  
HEARING ON HJR 27  
MARCH 21, 2006**

Mr. Chairman, and Honorable members of the State Affairs Committee:

My name is Nelson N. Angapak, Sr., and I am the Vice President of the Alaska Federation of Natives (AFN). I am also a Vietnam-era veteran; honorably discharged. I was unable to testify before you this morning because I was on an airplane heading to Juneau during your meeting. However, I request that my written testimony be accepted.

On behalf of AFN, its Board of Directors and membership, I thank you for your consideration of HJR 27. AFN is a statewide Native organization formed in 1966 to represent Alaska's 100,000 plus Natives on concerns and issues affecting their rights and property.

AFN supports House Joint Resolution number 27 and we urge this Committee to act favorably on this resolution.

Alaska Natives, on a per capita basis, have one of the highest, if not the highest, record of service in the United States Armed Forces since the founding of this Nation. This service held true during the Vietnam era too. Those veterans deserve better than the existing Alaska Native Vietnam Veterans Allotment Act allows and so do the heirs of those veterans who are now deceased.

The historical background of Native allotments in Alaska contains many examples of lost opportunities, lack of notice, and many competing interests for land that Native people needed to survive. When the Alaska Native Allotment Act of 1906 was repealed in 1971, only a fraction of those that could have applied did so even with the year long effort by the Bureau of Indian Affairs to notify and take applications before the Allotment Act was repealed in 1971. Many did not apply because they did not know about allotments. BIA did not reach many of the small rural villages. Many were mistakenly told by BIA employees they were too young to apply, or could not apply because they were female. Many who would have been eligible were already deceased in 1970 and this is especially true in Southeast Alaska. Many others were absent from Alaska bravely heeding the call for military service. For those veterans, we want a fair chance for allotments. They do not have this under existing law.

The amendments to the Veterans Allotment Act now before the United States Congress will afford our veterans a fair chance to obtain an allotment. The time it will take to process the additional veteran applications that we hope are filed under an amended law will be shortened to months by the legislative approval provision. This provision will also allow veterans to apply for land that would not be available to them under current law.

Although we recognize the previous federal and state administrations opposed opening vacant federal land for veteran allotments, we hope this administration will not. It is both fair and reasonable that veterans be afforded the opportunity to obtain an allotment located on vacant federal land because after all, the federal government owns 222 million acres of land in Alaska. Veteran allotments would hardly cause a dent in this amount of land. And, even if some of the allotments chosen were in National Parks or National Forest, those allotments would not be the only privately owned inholdings as all our national parks and national forests contain numerous privately owned land that originated from old homestead or mining patents, which were opportunities Alaska Natives never had. Often privately owned land within our parks and forests

are highly beneficial to the area and to the entire State's economy. The lodges and other recreational facilities within privately owned inholdings draw tourists, provide unique and valuable recreational opportunities to both Alaskans and non-Alaskan visitors. Opening all vacant federal land for veteran allotments serves basic fairness and serves Alaska's best interest.

Nevertheless, it does not appear that allotments in national parks should be a cause for concern because out of the 743 veteran allotment applications BLM received, it is my understanding that only two applications were for land in a national park. The explanation for this may be that applicants generally want their allotments to be close enough to their villages so they can travel to them within a reasonable time such as a few hours or so.

Reopening the allotments in Southeast Alaska closed under the Shields decision would also serve basic fairness. Under the Shields decision about 200 allotment applicants from southeast Alaska were denied allotments because they could not prove they used the land before the land was withdrawn for the Tongass National Forest. The applicants in Shields were born after the Tongass withdrawals which occurred for the most part between 1902 and 1909. Since the language of the statute was not clear, these applicants hoped the prior use of the land they applied for by their ancestors would count. It did not. The court ruled only personal use of the applicant counted. As a result, today there are only 50 allotments certified in Southeast Alaska. The disparity is obvious: the 26,000 members of Central Council of Tlingit and Haida have only 22 certified allotments; the 3,950 members of the Sitka Tribe have only 13 certified allotments.

It is clear from the Allotment Act's legislative history that Congress did not intend this result. After all, Congress passed the Allotment Act in 1906 during the same time period that land was being withdrawn for the Tongass but the Allotment Act does not prohibit allotments in national forests. The legislative history of the Allotment Act of 1906 contains numerous references to the Tlingit and Haida people. Those references make it clear that Congress intended and even assumed allotments would be granted in the Tongass. The original Act contained no restrictions on allotments in the national forest; the land only had to be nonmineral. The 1956 amendment to the Allotment Act also allows allotments in the Tongass but now requires proof of occupancy of the land prior to the Tongass withdrawals. That would be no big deal except very few knew about allotments until 1970 which means about three generations lost the right to apply for allotments. Draft legislation to reopen the Shields allotments have been provided to Senator Murkowski and Congressman Don Young but this legislation does not allow new applications, it only reopens those denied under Shields. We hope it will soon be added to S. 2000 and HR 1811.

I thank the members of this Committee for its consideration of HJR 27.

**Louie Flora**

---

**From:** Charlie Hubbard [charlieh2@gci.net]  
**Sent:** Wednesday, March 29, 2006 1:45 PM  
**To:** Rep. Paul Seaton; Rep. John Coghill; Rep. Carl Gatto; Rep. Bob Lynn; Rep. Berta Gardner; Representative\_Max\_Gruenburg@legis.state.ak.us; Rep. Jay Ramras; Rep. Jim Elkins; Representative\_David\_Guttenburg@legis.state.ak.us; Rep. Nancy Dahlstrom; Rep. Bill Thomas  
**Cc:** Karen Lidster; Louie Flora  
**Subject:** HJR 27 - Statement of Support

Testimony on HJR 27

March 30, 2006

Let me begin by thanking you for allowing public testimony on HJR-27.

My name is Charles Hubbard, I live in Sterling, Alaska and I am a Vietnam veteran, honorably discharged.

A do pass recommendation from this committee on HJR-27 would be a step in the right direction to correct a wrong committed by federal employees in the 60's and up through 1971.

Prior to the passage of ANCSA, Alaska Natives who tried to submit applications for allotments were told by Bureau of Land Management that no applications were being accepted pending ANCSA. Some were told they were too young to apply, others were told that the land wasn't available and to tell others this. Alaska Natives are by nature a trusting culture and non-confrontational, so not knowing the law or regulations, they believed and trusted what was told them.

I know that my statements are true, for I am one of the natives that was turned away by BLM when submitting an application. Time does not allow for the whole truth to be told this day, but I will tell you about what my mother went through, when she tried to get approval for her allotment. My mother's allotment was in Sterling. She had built a small cabin and was actively using it, when BLM adjudicators told her she had to clear the land if she wanted the land approved. She was also told that the file had been lost, but if she would only claim 40 acres it would be approved. After many trials and tribulations and the passage of about 30+ years, a federal judge in Sacramento approved her allotment. I

am sad to say she was not alive to celebrate her victory over BLM.

Again, I thank you for allowing this testimony.

Charles Hubbard

PO Box 88

Sterling, AK 99672

252-3155

-----Original Message-----

**From:** Nelson Angapak (mailto:nangapak@nativefederation.org)  
**Sent:** Wednesday, March 29, 2006 2:42 PM  
**To:** Carol Yeatman  
**Subject:** RE: consistency decision

Dear Ms. Yeatman:

I did not understand the consistency decision meant; I am happy to hear that this is good news for now.

You are free to use my application and the determination that made concerning my allotment application during the House Affairs Committee hearing.

Please allow me to share something that you are probably already know to be true. When you look at the location of the Native Allotments that eligible Alaska Natives closely, you will note that, for the most part, they are relatively close to the villages in which Alaska Native applicants live. I grew up in the village of Tuntutuliak, Alaska and when you see the location of Native allotments that Alaska Natives applied living at Tuntutuliak, they are relatively close to the village.

Very seldom will you find a an allotment applied for farther than two days time by dog team from Tuntutuliak at the most for the most part. Another factor to consider is this: in the spring time, we used to use kayaks and canoes to hunt muskrats and water fowl and other resources we used for subsistence purposes. For the most part, the Native allotments applied for by Alaska Natives from Tuntutuliak are relatively close to riverine systems or lakes or other water bodies. These allotments are located close to riverine systems so that we will have an easier time in accessing our allotments. These allotments, just like the village of Tuntutuliak, are located where we can find the greatest amount of resources that we use for subsistence purposes. For the most part, the allotments that qualified Alaska Natives applied for from the village of Tuntutuliak, again, generally speaking, may be located up to two days, some less and some more than two days, time from the village of Tuntutuliak; by kayak or canoe. The idea that Alaska Native veterans will run to National Parks or National Forests, in my humble opine, to apply for their allotments really is not a very strong argument when one has a historical understanding of Alaska Native people and their cultures.

The tie that the Alaska Natives have to their land is more than the quality of land; take for example, the Partial Description that the field examiner used in describing the allotment I applied for as an Alaska Native Veteran of the Nam era. The description states:

GPS Coordinates for POB 60 28.039N 162 51.759 32 W NAD 27, Alaska Point of beginning for this allotment. This is a quarter section 160 acres accessed from the village of Tuntutuliak via Kuskokwim River and Kiatik River. Primarily marshy tundra with sawgrassess, berry bushes, and shallow lakes.

This decryption of the tract of land I applied for as my allotment would be less than ideal for people growing up in Western Society, I believe. For me, this tract of land is one of the most precious tracts of land in this whole nation, more important to me than Denali National Park or any forest lands in this nation. This is a tract of land that I can hunt muskrats and the plentiful waterfowl that is present in this area. I can pick berries from it! What more does one want?

You may use my allotment consistency determination and my e-mail to you if you feel this will help the cause of the Alaska Native Veterans of the Nam Era in their quest of becoming eligible to apply for allotments such as one I applied for if Congress passes legislation allowing this.

Ms. Yeatman, thank you from the bottom of my heart for explaining what this letter means.

I am unable to attend this public hearing on HJR 27 as I have a doctor's appointment that is personally very important for me.

Sincerely,

Nelson Angapak, Sr.

**Louie Flora**

---

**From:** Dee Hubbard [chubbard@alaska.net]  
**Sent:** Wednesday, March 22, 2006 8:21 AM  
**To:** Louie Flora; Rynnieva Moss  
**Cc:** Rep. Max Gruenberg; Rep. Bill Thomas; Rep. David Guttenberg; Rep. Bob Lynn; Rep. Nancy Dahlstrom  
**Subject:** HJR 27 - Allotments for Native Vietnam Veterans

Hi Louie and Rynnieva..... While I wasn't able to listen to the testimony yesterday in the House State Affairs Committee, my husband told me that there were questions about what types of land could be included in an allotment and how many Alaska Natives would be affected.

As my husband would be directly affected by the passage of either HR 1811 or S 2000, I thought I'd do a little research on the federal documents associated with HJR 27.

All of the following will be attached to this e-mail:

1. S 2000 – introduced by Sen. Murkowski
  2. HR 1811 – introduced by Rep. Young
  3. CRS summary of S 2000
  4. CRS summary of HR 1811
  5. Native Allotment Act of 1906
  6. Title 43, Section 1629g
  7. ANILCA definition of Conservation System Unit
  8. ANCSA Section 11 (a)(1)(C) and 11 (a)(3)
- Both S 2000 and HR 1811 require that the allottee be eligible under the Native Allotment Act of 1906. This requires proof of substantial use and occupancy of the land for a period of five years.

Both bills allow the Secretary to consult with the allottee, if the allottee's land selection is within a Conservation System Unit. The Secretary may convey an alternate piece of land, if he determines that the allotment would be incompatible with the purpose of that Conservation System Unit.

The definition of a Conservation System Unit is quite broad and would probably satisfy Committee members' questions about which land would be available for selection.

S 2000 makes allowance for the possibility that the allottee's land selection may be within the Alyeska Pipeline right-of-way or the inner or outer corridor of the right-of-way. It allows the allottee to select land that

1. is contiguous to or corners on a township that encloses all or part of a Native Village, and
2. was not selected, or relinquished after selection, by the Secretary of Interior to fulfill the total amount of land a Native Village or Regional Corporation is entitled to.

Both bills allow an allottee to reselect an allotment, if the original selection was made prior to enactment of either bill and had not yet been conveyed to the allottee.

In Title 43, Section 1629g (c) the Secretary of Interior was required to report on the number of Vietnam era veterans who did not serve between January 1, 1969 through December 31, 1971. The Secretary was to determine how many of these veterans were eligible for an allotment and how many did not apply.

I have calls in to Rep. Young's and Sen. Murkowski's offices to see if this report might be in either of the offices. It is not in the archived reports of the House Committee on Resources. Once I receive any information about this report, I will call you.

I hope this will help answer the Committee's questions from yesterday. If you need to reach me, please call 907-252-3155.

Talk to you soon.....Dee

Before you make a decision,  
think about how that decision will affect the children living during the seventh generation from today.



ALASKA LEGAL SERVICES CORPORATION  
ANCHORAGE AND STATEWIDE OFFICE

1016 WEST SIXTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1963  
TELEPHONE (907) 272-9431  
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March 29, 2006

Honorable John Coghill, Jr.  
Alaska Legislature  
House of Representatives  
State Capitol Room 204  
Juneau, Alaska 99801-1182

Dear Representative Coghill:

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Representative Coghill  
March 29, 2006  
Page 2

1906 use  
1956 occupancy  
Anilea legislator  
approval of products

- An heir of a veteran who is now deceased will be allowed to apply in the place of a qualified veteran. Only one allotment will be allowed for each deceased veteran no matter how many heirs that veteran had. In contrast, under existing law an heir of deceased veterans cannot obtain an allotment unless the veteran died in the Vietnam War or from a war related injury. Like S. 2000 and HR 1811, the existing law allows heirs of a veteran who died in the war or from war injuries to only apply for one allotment. This is currently done under federal regulations (43 CFR §2568.60) which require a state court appointed personal representative to make an allotment application for all heirs.
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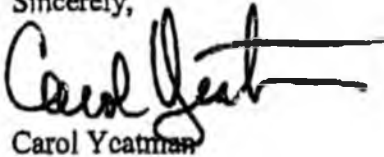
Representative Coghill

March 29, 2006

Page 3

Again, thank you for the efforts you and others in the State legislature are making on behalf of the many deserving veterans who served their country instead of making allotment applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Yeatman", with a stylized flourish at the end.

Carol Yeatman

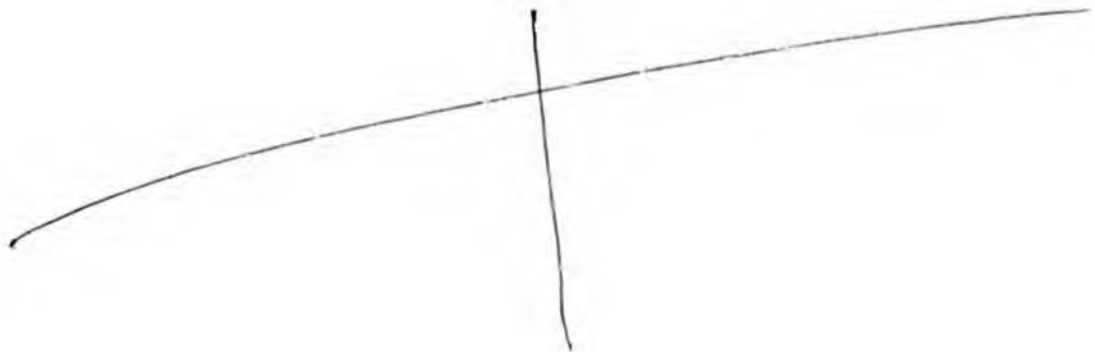
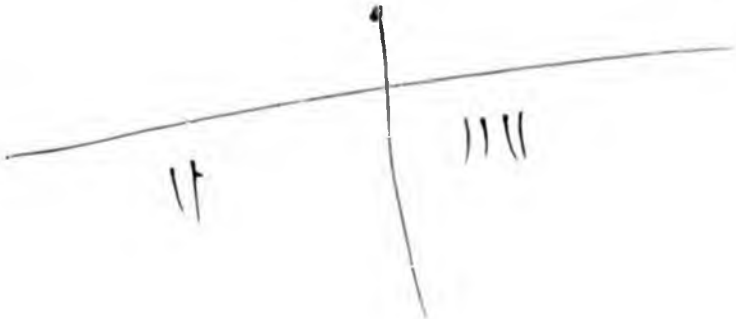
#1

Conceptual Amendment \_\_\_\_\_ to HJR 27 version F  
by Seator.

Insert at page 2 line 25

WHEREAS, the policy of the United States of America over the past several decades has been to acquire in-holdings in our National Park, ~~Refuge~~ and Monument systems to provide a contiguous manageable entity; and

WHEREAS, acquisition by numerous private parties of parcels that will be necessary for the right-of-way and construction of the Alaska North Slope Natural Gas Pipeline could complicate and delay the construction of such a vital facility,



24-LS0291F.1  
Bullock  
3/29/06

**AMENDMENT**

OFFERED IN THE HOUSE  
TO: CSHJR 27(MLV)

BY REPRESENTATIVE SEATON

- 1 Page 2, following line 27:
- 2 Add a new clause to read:
- 3 **"FURTHER RESOLVED** that the United States Congress is urged to prohibit the
- 4 selection of all cements in a national park, ~~a national wildlife refuge~~, a national monument, or
- 5 the right-of-way for a proposed Alaska natural gas pipeline; and be it"

# ALASKA STATE HOUSE OF REPRESENTATIVES

**Session Contact:**

Interim Address:

(907)-465-3719

**3340 Badger Road**

FAX# (907)-465-3258

**North Pole, AK 99705**

**State Capitol**

(907)-488-5725

**Room 204**

Fax# (907)-488-4271



*Legislatively Approved  
Allotments*

*Primarily Fed Land*

## REPRESENTATIVE JOHN COGHILL

*HJR 27*

*"The Alaska Native Vietnam Veterans Allotment Act"*

### SPONSOR STATEMENT

This Act urges Congress to reopen the legislatively approved allotments in the Tongass National Forest, which were closed under the court case, Shields v. United States.

This Act also urges Congress to amend the Alaska Native Vietnam Veterans Allotment Act to give a fair opportunity to obtain allotments.

My reason for introducing this resolution is twofold.

First, a promise made to Natives from 1906 through 1998 that allotments were going to be offered under certain circumstances has not been fulfilled. The slow, cumbersome, and unwilling behavior of the federal government to perform on legitimate claims filed properly by people who have watched family members die while the government would not act cannot go unchecked.

Secondly, land that should be in private hands has been kept for government purposes only. This is a matter of fairness that has too long been unresolved for the Natives of Alaska. Applications have been lost, denied, sat on for decades, and finally the repealing of the Act in 1971 was swift and confusing because of the last ditch efforts by the federal government to inform people of their opportunity.

The reopening of the Act in 1998 did allow certain Vietnam Veterans to apply for allotments, giving some credibility to the argument that the last year was confusing. However, the restrictions on the reopening were unfair and very difficult for applicants. We simply ask Congress to give a fair opportunity to revisit a reopening only possible through legislation.

*64-74  
(68-71)*

(24-LS1543/A)

24-LS0291\F.1  
Bullock  
3/29/06

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: CSHJR 27(MLV)

1 Page 2, following line 27:

2 Add a new clause to read:

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5 ~~the right-of-way for a proposed Alaska natural gas pipe line; and be it"~~

Conceptual Amendment \_\_\_\_\_ to HJR 27 version F  
by Seaton

Insert at page 2 line 25

WHEREAS, the policy of the United States of America over the past several decades has been to acquire in-holdings in our National Park, ~~Refuge~~, and Monument systems to provide a contiguous manageable entity; and

WHEREAS, acquisition by numerous private parties of parcels that will be necessary for the right-of-way and construction of the Alaska North Slope Natural Gas Pipeline could complicate and delay the construction of such a vital facility,

→ 43 CFR 2360 (2000)  
[2560]

Allotments - only have surface rights  
cannot restrict pipeline/use.

1999 → report Sub to Congress by Dept of Interior

(possibility of fish out has many not possible)

C.S.U. w/in exist<sup>ing</sup> regulations → Gives C.S.U. Manager  
Veto Power over all Urban Allotments  
BLM. no like  
rejected allot

~~Provis~~ in f

# of position All-trusts

all <sup>can</sup> remedy

"Any federal bank that has not yet"

1,200  
 1,200 x 160  
 192,000

National Jobs - Money

→ No use - occupancy rights in original act

→ only right - Max - minimal

use/occupied right in 1950s

→ Press - didn't want to in Nat'l first

→ Congress first out but to determine

→ you - proceed to fully units in ANILCA

→ as by as no interest/consent/improvements

→ Federal default if but vacant

Proposed improvements → proper rights of land

Quotidian

→ No court case

Add a provision Auto

9:10

No trusts for a court (?)

Generally has been as heir

"Recent Repressor" - 1 detail, to rule out applicant

B.I.A. authority to rule on applications

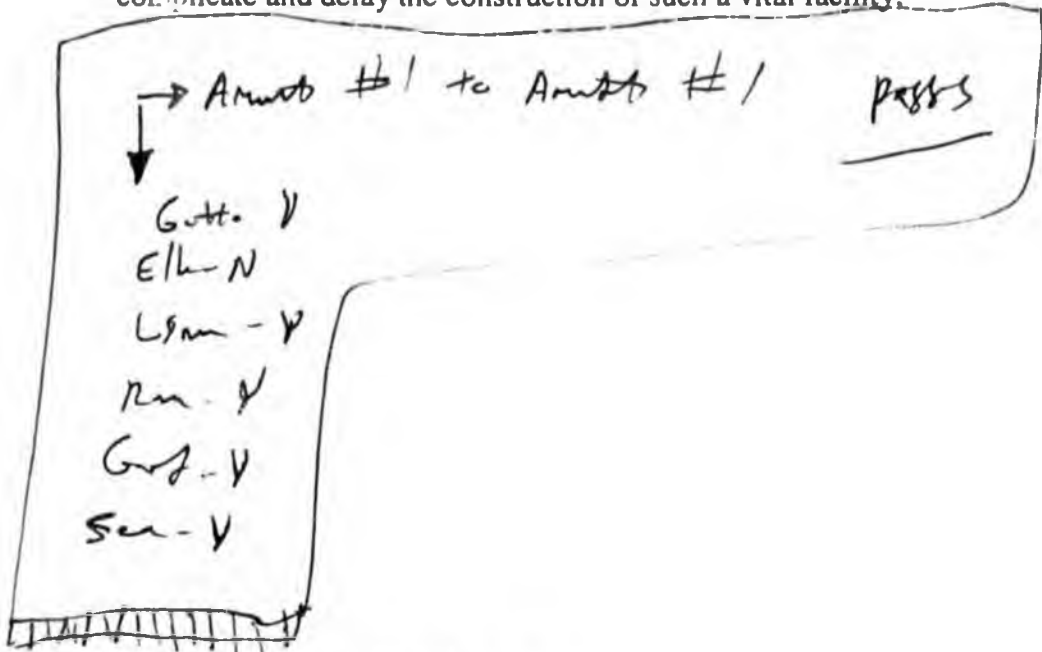
→ Both pgs - on Amendment

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ANILCA - Title 8

D2 Selection under Antiquities Act per the table

- Am #1
- Elk - No
- Lynn - No
- Ron - No
- Gort yes -
- Gatto - No
- Sen - yes -

Rural Cap - educt + legal serv.

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(24 LS1543/A)

*Legislative appeal: congress attorney abstract: shortcut to h*  
179

24-LS0291\F

**CS FOR HOUSE JOINT RESOLUTION NO. 27(MLV)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS**

**Offered: 3/3/06  
Referred: State Affairs**

**Sponsor(s): REPRESENTATIVES COGHILL, Gruenberg, Thomas, Guttenberg, Lynn, Dahlstrom**

*(1) 48% of total # of acres current legislation of federal land loss to Alaska natives is for report 1*  
Native allotments

**A RESOLUTION** *92nd act 6th year*

1 **Urging the United States Congress to pass legislation amending the Alaska Native**  
2 **Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of**  
3 **vacant land within the State of Alaska; and to reop'n and legislatively approve**  
4 **allotments in the Tongass National Forest.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS, since 1906, Alaska Natives have had the right to obtain allotments of**  
7 **land under the Alaska Native Allotment Act that was repealed in 1971 by the Alaska Native**  
8 **Claims Settlement Act, but with a saving clause for pending applications; and**

9 **WHEREAS, before the 1971 repeal of the Alaska Native Allotment Act, few**  
10 **allotment applications had been filed or approved because most rural Alaska Natives did not**  
11 **learn of the opportunity for an allotment until 1970 when the federal government initiated an**  
12 **effort to inform and assist potential allotment applicants; and**

13 **WHEREAS many Alaska Native Vietnam era veterans did not have the opportunity**  
14 **to apply for allotments before the Alaska Native Allotment Act was repealed because they**  
15 **were serving in the military before, during, and after the period when the government**

*congress/chugach/lake Clark* Vacant federal land *No type of structure*  
HJR0296 -1- **CSHJR 27(MLV)**  
*No federal land (None exist) - state/federal*  
**New Text Underlined [DELETED TEXT BRACKETED]**

*anytime w/ia a Parks (Not regard to be Conf. jcs w/bundling)*

1 informed Alaska Natives about the opportunity for allotments; and

2 **WHEREAS** the United States Congress enacted 43 U.S.C. 1629g, commonly referred  
3 to as the Alaska Native Vietnam Veterans Allotment Act, in 1998 to allow certain veterans a  
4 chance to apply for allotments, but the numerous restrictions in this Act, restrictions that were  
5 not in the Alaska Native Allotment Act, have unfairly disqualified the majority of the  
6 applications filed and discouraged many from applying and

*if new laws pass*

7 **WHEREAS** amendments to the Alaska Native Vietnam Veterans Allotment Act that  
8 provide a fair opportunity for Alaska Native Vietnam veterans to obtain allotments were  
9 previously introduced in the United States Congress to remove many of the obstacles  
10 preventing Alaska Native Vietnam veterans from obtaining an allotment; and

11 **WHEREAS** basic justice will also be served by the Congress's enacting legislation  
12 that will allow approximately 300 allotment cases closed under the federal court decision in  
13 *Shields v. United States*, 698 F.2d 987 (9 Cir., 1983), to be reopened and approved; and

14 **WHEREAS**, given that land in Southeast Alaska was withdrawn for the Tongass  
15 National Forest by 1909 and that allotment applications are required to "use" land claimed for  
16 an allotment before that land was withdrawn has resulted in a unfair distribution of allotments  
17 statewide, with few in Southeast Alaska; and

*69-71  
No Service  
Required  
Honor  
64-75-  
69-71*

18 **WHEREAS** the federal court, in *Shields v. United States*, decided that the "use"  
19 requirement meant the applicant's personal use of the land before it was withdrawn, not use by  
20 the applicant's ancestors; and

21 **WHEREAS** the Congress did not define the word "use" in the Alaska Native  
22 Allotment Act but could do so now by legislation that defines use to include ancestral use,  
23 which would be applicable to those allotments in Southeast Alaska closed under the decision  
24 in *Shields v. United States*;

25 **BE IT RESOLVED** by the Alaska State Legislature that the United States Congress  
26 is urged to pass legislation that amends the Alaska Native Vietnam Veterans Allotment Act to

*Dec. 12/61  
appeals court  
that they  
could  
Armed  
#1?*

27 allow a fair opportunity for Alaska Native Vietnam veterans to obtain allotments; and be it  
28 **FURTHER RESOLVED** that the United States Congress is urged to enact legislation  
29 that would reopen and legislatively approve allotments in the Tongass National Forest that  
30 were closed under the decision in *Shields v. United States*.

31 **COPIES** of this resolution shall be sent to the Honorable Pete Domenici, Chair of the

*Sale requires fair market value (B.T.A. regulation)*

*was Arundt when of bill -> children can apply for allotments.)*

"Indian Cuisine Recipes" → Enviro →

- 1 U.S. Senate Committee on Energy and Natural Resources; the Honorable Richard Pombo,
- 2 Chair of the U.S. House Committee on Resources; and the Honorable Ted Stevens and the
- 3 Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
- 4 Representative, members of the Alaska delegation in Congress.

DD 214 = AK Residents drafted

other veterans too?

→ run record # 5

② guess → BLM legacy patent? Short circuit  
200 patents?

- New Whims

Heirs apply for valuation land → Given my b diff for

→ 1997 # 5 → up to date after 2000

Civil Veterans Act Leg. services

SC 2000	- Markushi
HR 1811	- Young

Notice in the paper about in Congress

status puts shut-out to ANILCA 1980 to get wages  
B.L.M. process → allow legislative effort

→ state given veto power → DNR Ak. filed protest

~~Defeat~~

No state veto power in current proposal  
Reducing time - 6 months vs. 20 years  
approx 200 allotments pending.

→ B.L.M. Fairness hearing

# of eligible Vietnam applicants

is open to all Vietnam war

2,800 (some will not apply for allotments - already

received) -

- Next step look for state or Congress to allow for  
2000 more DNR - allotments

Distance required?