

## Hurrah to the Northwest Arctic Borough

By Naats'keek

The Northwest Arctic Borough (NWAB) accomplished a gutsy thing when they enacted Dec. 22 a Comprehensive Zoning Plan (CZP) which provided for subsistence use. NWAB spokesmen stated Title 9 of the Alaska Statutes authorizes home rule status to

Boroughs, which in turn authorizes planning, platting and other land use regulations for home rule entities. Not only was this the right thing to do under Title 9 but it was right under the U.S. Constitution. It was right because of our inalienable right to ownership of property, because we are a sovereign people and because the Constitution guarantees

these to us as citizens.

When Alaska became a state, the federal government retained control of nearly 90% of our lands. So, in actuality, Alaska was not in the true definition of the word, a state. We merely became a colony of the United States. Look at the map of the NWAB. Notice there are national parks and preserves that take up nearly 50 % of the borough. Look at the map of Alaska and you'll find that true within our state boundaries as well. Look at the other states - it will startle you how much land the federal government

controls.

We are a sovereign people. The Constitution guarantees us the power to self rule. Much of the original powers of the states were taken away from the states through Constitutional amendments, which took us away from the original intent of the framers of the U.S. Constitution which identifies this country as one having a limited form of government. That is the central government was to have limitations imposed on it - - it was also supposed to have its checks and balances. The

Constitution's purpose was to limit how government should conduct itself, and the government was designed to control the conduct of people. In any event, when we became citizens of the United States, we took on the responsibility of self rule for our own areas. This, too, is an inalienable right and no government or department has the power to take it away from us.

The NWAB is within its rights to come forth with its CZP, and they are not, in any way, infringing on the rights of the state or the federal government.

The borough had been working on this zoning ordinance for three years. It is only during the last year it gained momentum. The borough felt strongly their local needs were not being met, and the state was not listening to their concerns.

This zoning ordinance is the result of public hearings, many discussions and meetings, which includes other concerns besides subsistence.

Opposition has come from the federal and state governments, however not so much from feds as from the state. The state claims only the state has authority to regulate for state land. In many ways this is true, but the state should be limited in what it can do so long as the borough does not conflict with state law and statutes. I do not believe the borough is conflicting with state or federal law. In fact, it is on its way to putting things back into constitutional order.

The state is also accusing the borough of trying to regulate hunting and fishing. My discussion with their attorneys says otherwise. They are regulating only for land use purposes. This does not conflict with state laws or statutes, especially regarding subsistence use of lands. In fact, I see their ordinance more in compliance with federal law regarding subsistence use, which gives sub-

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sistence use priority over other uses. The state legislature failed to enact a subsistence law, which regulations then reverted back to federal jurisdiction. The state will do well to follow the NWAB's example.

I applaud the NWAB's zoning ordinance because I believe it is a great leap toward going back to the principles identified in the U.S. Constitution, as intended by the Framers of that

instrument. It takes us back to the idea that local people are better equipped and capable of governing themselves, rather than from somebody's desk in Washington or our State Capital.

The success the Northwest Arctic Borough has with this gallant effort will not only set a precedent for more self rule and control in our state, but in our nation as a whole.

*Editor's note:* Naats'keek is Bert Adams, Sr. of Yakutat,

not to be confused with NWAB Bert Adams of Kivalina. For a complete copy of his comments send a self addressed 52 cent stamped envelope to the *Tundra Times*, P.O.Box 92247, Anchorage AK 99509.