

AFN Urges Local Subsistence Control

BY NANCY HARVEY
At-Large Correspondent

The d-2 land issue is a turning point in the history of the Native people of Alaska, and may be as important as the Alaska Native Claims Settlement Act, according to Byron Mallott, president of the Alaska Federation of Natives.

Mallott made his remarks last Saturday in Fairbanks at the final hearing held by the U.S. House Subcommittee on General Oversight and Alaska Lands, chaired by Congressman John Seiberling. Fairbanks was the last stop in a two-week tour which took committee members across the state to hear the view of Alaskans on the impending d-2 legislation.

As mandated by the Alaska Native Claims Settlement Act, Congress has until December of 1978 to decide the fate of Alaska's National Interest (d-2) Lands. Proposals for new national parks, refuges and forests range from 25 million acres to 116 million acres.

Subsistence

Protection of subsistence resources highlighted the AFN testimony, and Mallott outlined the amendments that AFN will try to make to the d-2 bill advanced by Congressman Morris Udall.

"Subsistence users should be those residents and their descendants who at the time of passage of ANCSA were using the resources of public lands for subsistence purposes, and subsistence use of fish and game and plant resources should be the priority use among all such uses on public lands.

"Subsistence uses should be defined to include those customary, traditional and regular uses made of renewable resources for food, shelter, fuel, clothing, tools, transportation, and for the production and selling of traditional articles of handicraft and clothing; methods of taking should allow those traditionally and presently employed.

"AFN believes the legislation should confirm the subsistence rights of the Alaska Natives not just to the d-2 lands, but to all Native subsistence uses on all Federal public lands.

"Congress should protect the subsistence uses of other Alaska residents who regularly and customarily have utilized subsistence resources.

"AFN is convinced the best and most workable subsistence system will be one which has a strong element of involvement by subsistence users. AFN also believes it would be wise and logical for the initial subsistence zones to conform to the 12 regions previously recognized by Congress in the Settlement Act.

"It is also vital that subsistence users in each of the zones serve on the Boards, be they State Regional Fish and Game Boards or subsistence Management Boards which manage the subsistence programs.

"We have a strong conviction that if it is to succeed, any subsistence program must be keyed to the wise management and conservation of the renewable resources in each zone which we address partly with our Land Bank proposal," Mallott said.

(Continued on page 12)

AFN Urges Local . . .

(Continued from page 1)

"The Alaska Natives and other subsistence users know that they will be the big losers if subsistence resources are wasted or mismanaged."

Non-Native Subsistence Users

During his testimony, Mallott pointed out "two agonizing questions" which surfaced during AFN's study of the subsistence issue.

The first involves the problem of whether AFN should ask Congress to confirm and grant subsistence rights just to Alaska Natives—or whether Congress should enact legislation which would confirm the subsistence use right to all Alaskans, Native and non-Native alike, who at the time of passage of ANCSA were using the resources of the public lands for subsistence purposes.

"Frankly, one of the reasons we have researched the 'Natives only' subsistence system is that while our lawyers feel certain that Congress has the power to create a Native subsistence system which will withstand any attack on constitutional grounds, they are concerned that if a broader subsistence system which includes non-Natives is established, it might be struck down as an unconstitutional exercise of power," Mallott said.

"If the Committee feels it can constitutionally protect our rights by writing subsistence legislation which covers both Native and non-Native users as our language does, we will abide by the judgment of the Congress on this issue."

Settlement Act Hasn't Changed Need for Subsistence

According to Mallott, today, six years after the passage of the Settlement Act, the need for decisive protection of subsistence options is even more evident.

"The Department of Interior has failed to take any action under four different secretaries; and the steps taken by the state have been timid and inconclusive. Recently, a State Superior Court nullified State subsistence efforts by declaring them unconstitutional," Mallott said.

Mallott went on to say direct disbursement of claims act funds and investments of Native Corporations has not lessened the of village people on subsistence resources. In the Calista region alone, cash dividends from the Settlement Act have amounted to only \$409.83 per shareholder.

Subsistence Resources Dwindling

Emphasizing the need for effective management of the subsistence resources, Mallott told Committee members that while the dependence on subsistence resources continues, some of these resources are diminishing alarmingly.

Mallott cited several examples, including the great Western Arctic caribou herd once numbering four to five hundred thousand and reduced to fifty to sixty thousand.

Consider the salmon resources which have dwindled to a fraction

of their former size," Mallott said.

"Consider how the legal moose harvest in an area like Anchorage has dropped from 497 to 46 in the past ten years. Meanwhile, the population of Alaska and the number of hunting and fishing licenses has nearly doubled in the past ten years," Mallott continued.

Alaska Native Land Bank

"In order to enhance the quality and quantity of Alaska's resources, there will be created, by our amendments, the Alaska Native Land Bank Program," Mallott testified.

Under the Land Bank proposal, a Native Corporation may place up to 90 per cent of its land in the Bank at any one time. Land banked would not be available for development, and would be exempt from state and local property taxes and would not be subject to adverse possession.

"In addition to protecting the subsistence resource base on Native owned lands, the Land Bank Program will help ensure a pattern of resource development and protective management throughout Alaska," Mallott told Committee members.

Protecting Development Options

Of equal importance to the Alaska Federation of Natives, Inc. and Native people throughout Alaska, is the protection of economic development options of Native Corporations.

According to Mallott, if the regional and village corporations are to survive and make significant economic contributions to the future of their Native shareholders, they must have the ability to develop the resources on and beneath their lands.

"The Alaska Federation of Natives opposes any classification of National Interest Lands which would block the access needed to transport equipment, supplies, and raw materials to and from Native lands. This must be avoided," Mallott emphasized.

"Very restrictive land management on some public lands should not place undue restraints on adjacent Native land owners to develop their resources. Native land owners should be as free as any private land owner to use their land as they wish," Mallott continued.

Saying that poorly planned and managed resource development has often had a disruptive effect on the environment, subsistence hunting and fishing, and on Native cultures, Mallott said it was AFN's feeling that subsistence with its necessary environmental restraints, and economic development, are not incompatible.

Native Land Conveyances

Another issue raised by H.R. 39 is the selection and conveyance of Native land as intended by the Settlement Act.

"It is our conviction that Native Regional Corporations should not lose their right to select their lands because areas were withdrawn for d-2 classification by a former Secretary of the Interior. We urge that where there are dual withdrawals, the selections of Native Corporations be given preference over the d-2 status. We feel it is appropriate and consistent with the intent of ANCSA that title be conveyed to Native selected lands before vast areas of d-2 lands are classified as National Interest Lands," Mallott said.

Easements--A Stumbling Block

Telling Committee members easement provisions of the Settlement Act have been abused to the serious disadvantage of Alaska Natives, Mallott called for d-2 legislation to repeal existing public easement provisions of ANCSA.

"Resolution of the easement problem is the overriding stumbling block to the prompt conveyance of Native lands. It is also clear that both the Federal and State governments have sufficient existing legal authority to obtain easements through the exercise of eminent domain and condemnation authority," Mallott continued.

Land Classifications

Mallott told the Committee AFN has not taken a position on specific land classifications and the exact number of acres which should be included within the systems. The AFN Board of Directors has instead urged each individual Regional Corporation to make those recommendations to the Committee as their regional interests dictate.

Mallott termed the AFN amendments "our best effort to date" but did not preclude further modification in the future.

Thanking the Committee for their efforts in traveling throughout Alaska to listen to feelings and views of Alaskans, Mallott said:

"The great importance d-2 legislation has for all Alaskans and people throughout America is worthy of all the care and consideration you can give it.

"In your deliberations we hope you will pay particularly close attention to the needs and desires of Native Alaskans who have lived with the lands and waters of Alaska for a long, long time, and who expect to be here far into the future."