

Since 1962 *Tundra* **TIMES**

\$1.00

Volume XXXVI, No. 15 • Wednesday, May 14, 1997 • Anchorage, Alaska

Stevens' road measure threatens Native lands

by Tundra Times staff

Ted Stevens has won a key vote to rescind a Department of Interior policy on rights of way across federal lands.

Flexing his new muscle as chairman of the Senate Appropriations Committee, Stevens persuaded colleagues in a floor vote to retain a rider he attached to a flood relief spending bill. The rider would prevent Interior Secretary Bruce Babbitt from implementing a policy on adjudicating right-of-way claims asserted by states across federal lands.

Babbitt's policy would make it harder to assert such claims by placing the burden of historical justification more squarely on states. Currently, the Alaska legislature is

working on a bill to approve hundreds of such claims.

The vote is bad news for Alaska Natives. Potentially, it hastens the day where the State of Alaska will be able to validate right-of-way claims across federal and Native allotments. This poses a serious threat to fish and wildlife habitat on which Native villages depend for their livelihood and cultural vitality.

While greater access to rural areas may be a boon for Native corporations who want to develop natural resources, other federal laws guarantee this access already.

The claims covered by Babbitt's policy are those asserted pursuant to Revised Statute 2477. Western state governments

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Tommie Jimmie, Eagle Kaagwaan, from Haines, Alaska, speaks at the totem pole dedication at the Nesbitt State Courthouse in Anchorage April 30. Lee Wallace (center), Tsimpeoux Haida of Saxman, and Herb Hope, Kiksadi Raven of Sitka, stand just behind him. The Eagle and Raven totem poles were carved by Wallace and by Edwin DeWitt, who is now deceased.

Photo by Gilbert Stokes

Alaska Commercial, UIC announce new Barrow store project

The chief executive officers of Alaska Commercial (AC) and Ukpeagvik Inupiat Corporation (UIC) finalized an agreement that paves the way for construction of a major new retail facility in Barrow. Edward Kennedy of AC and Max Ahgeak of UIC unveiled plans for a new 34,000 square foot store to be located at the busiest intersection in the Browerville section of Barrow. UIC is the Native village corporation for Barrow, and AC is that largest rural retailer in Alaska.

Construction has already started, with a completion date scheduled for August, 1998. The planned grand opening date is October 1, 1998. The total cost of the project will be almost \$9 million.

The new store will resolve the problem of inadequate parking that has plagued the existing AC store in Barrow. It will also provide greater convenience and easier access to shoppers by being a single story building, unlike the present store. "We respect the Elders in our community and are eager to build a new store where they can shop more easily," said Ahgeak.

"We are very pleased to be able to

grow with Barrow and UIC through this new store agreement," said Kennedy. "We are planning exciting changes that will give Barrow shoppers the best possible shopping experience, while supporting the unique lifestyle and cultural activities in Barrow." The new store will be split between 60 percent food and 40 percent general merchandise. It will also contain a food court, as well as a bakery and deli.

UIC will own the new store, and AC will operate it under a 20-year lease. The lease will provide UIC with a guaranteed base rent and a share of net profits. AC has been a tenant of the UIC-owned

"Stuaqpak" building in downtown Barrow for over 14 years. The existing store will be renovated into office space. AC will operate a convenience store in the renovated building.

UIC Construction will serve as the general contractor. Kumin Assoc., Inc. of Anchorage will serve as project architect, with engineering services provided by LCMF, Inc., a subsidiary of UIC. Bowhead Transportation, also a UIC subsidiary, will transport construction materials.

The project is expected to provide approximately 45 construction jobs and a projected construction payroll of \$3 million.

Q&A: Indian Country and tribal status in Alaska

Editor's Note: Following are some commonly asked questions regarding Indian Country and tribal status as taken from a paper written by the Native American Rights Fund, an organization based in Boulder, Colo., which also has an office in Anchorage.

On the Indian Country Standard

1. What does the recent Venetie Court of Appeals decision say about ANCSA's treatment of Indian Country?

It concludes that by never addressing the issue of tribal jurisdiction and the existence of "Indian Country," ANCSA left the issue open. The court finds ANCSA at

most to be ambiguous on the issue of "Indian country" and tribal jurisdiction, and finds that an ambiguous statute cannot extinguish "Indian Country" and the inherent tribal authority which "Indian country" entails.

2. Does the Court of Appeals decision mean that all Alaska Native villages contain some "Indian country"?

No. The decision is very fact dependent, and it announces a detailed test that must be satisfied for an occupied area of land to be within "Indian country." The decision only addresses the Venetie community, nothing more. While it can safely be predicted that many Native villages will

be able to satisfy the test as did Venetie, it can also safely be predicted that some will not.

On the interplay with ANCSA lands

3. Does the recent Venetie Court of Appeals decision mean that all ANCSA village corporation lands are "Indian country" and therefore subject to potential tribal jurisdiction?

No. The decision holds that to constitute "Indian country" a Native Community must satisfy six elements, only one of which can be satisfied by the presence of ANCSA village land. The other criteria partly focus on the area being inhabited,

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