

EASEMENT

PROPOSALS

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Native Objections Voiced at Hearing

By CHARLES MALLEY

Public hearings in Fairbanks on probable transportation and utility corridors ran into heavy Native opposition this week.

The hearings were held before capacity crowds in the city council chambers by the Federal-State Land Use Planning Commission for Alaska.

At least 75 per cent of those testifying at the hearing indicated a negative attitude toward 10 proposals for corridor easements.

The hearing was the first of six to be held around the state, with the last to be held in Anchorage on May 9. Others will be held in Naknek, May 7 and Bethel, May 8. Hearings were also held in Kotzebue on Tuesday and Nome on Wednesday.

One of the major beefs at the hearing was that the hearings were not adequately publicized and that hearings should have been held in other locations affected by the proposals, including Ruby, Tanana, Galena, Nulato, Koyukuk, Huslia, Allakaket and Evansville.

Hearings were scheduled at terminal points of the proposed corridors, it was pointed out, depriving Interior village residents of the opportunity to speak out on proposals that could seriously affect their lives.

Chris Anderson, who testified at the hearing on behalf of the Tanana Chiefs Conference, said a plan is now being mounted to urge the Interior village residents to submit their comments on the proposal to the Land Use Planning Commission in Anchorage

before the deadline—May 14.

The commission is located at 733 W. Fourth Ave., Suite 400, Anchorage, Alaska 99501.

The main message coming across at the hearing from about 25 to 30 persons who made statements was that a negative reaction exists against any kind of easements proposed by the commission.

Among the major exceptions was the City of Fairbanks for which spokesmen indicated a favorable attitude toward the proposals.

Native opposition, however, was considerable.

Anderson, newly-appointed executive director of the Tanana Chiefs Conference Inc., which serves 8,000 constituents in the Interior, was emphatic about TCC's opposition to the statewide proposals.

"If at all possible, the aboriginal people of rural Alaska would like to 'progress backward,'" he said. "If it is found, however, that certain routes and easements are needed, our only hope is that they will bypass a village far enough away so that it will not facilitate the construction of a connecting route."

The proposals by the commis-

(Continued on page 6)

Interior TCC Meet...

(Continued from Page 1)

sion involve corridors covering nearly every major area of the state, from Prudhoe Bay to Kotzebue, Nome, Bethel, Dillingham, Naknek, Anchorage, Fairbanks, Prospect Creek, the Canadian border and Pet. 4 in the Arctic. They include utility, road, railroad, port facilities and pipeline corridors.

Said Anderson: "Quite simply, it boils down to the question of why should one (the commission) look first at transportation needs on any land when that same someone cannot accurately say what is there that may require transportation? We believe that the commission, as its name implies, should devise a land use plan first before easements of any kind are considered."

Anderson said that many of the small villages within the TCC area have indicated that they are more concerned about improving their airport and airport road facilities as well as existing river transportation than they are about easements for roads.

In a prepared statement he read at the hearing, Anderson said, "The rural Native residents in Alaska are tenuously trying to hold on to a way of living as it was years ago. They do not want to see their houses or lands spoiled with increased traffic and careless outsiders."

"You can well agree that we have seen the Alaskan Native take care of his land and it has taken care of him."

He recommended that the commission follow the following three basic steps in looking at the question of transportation easements and how they relate to utilizing the lands in Alaska.

- Find out how the lands are to be used.

- Evaluate the need for transportation, taking into account the systems already functioning, and, if transportation is needed.

- What type of transportation and where.

The federal-state commission makes its proposals on "probable" transportation and utility facilities "likely" to be constructed before the Year 2001. Information gleaned from the hearings is to be used in formulating recommendations for easement reservations through village corporation and regional corporation selected lands.

The commission's recommendations will be made to the Secretary of the Interior, who has final authority to establish the easements.

(Generally speaking, an easement is a right to use another's land for a particular purpose. An easement limits the owner's use of the land, but he still remains the owner.)

Anderson said that TCC is strongly opposed to any transportation system aimed at serving recreational purposes. His lengthy prepared statement was officially entered on the hearing's records.

Another Native submitting a statement at the hearing was Sam Kito Jr. of Doyon, Limited, the Interior Native regional corporation.

While Doyon is not against easements per se, "What we are against... is an ad hoc shotgun approach where little or nothing is gained and many dollars are gained and many dollars are spent creating (or perpetuating) another self-preserved bureaucratic entity in the name of comprehensive planning," Kito told the commission.

Kito urged that the state relinquish Revised Statute 2477, a document which essentially gives the state the right to select an easement across any lands within the state, "be they Native, state, or otherwise, so long as an existing trail is, or was, present prior to subsequent withdrawals."

Kito, who is also a member of the Fairbanks Board of Education, said: "As you know, Alaska is criss-crossed with sled dog trails, old telegraph lines and so forth. The state goes so far as to claim that RS 2477 is a valid easement offer that goes so far as to even include section lines.

"A few months ago, Alyeska insisted, with state support, in violating the much-vaunted corridor concept. You may remember there was first a confrontation with Doyon over the use of their trails (outside the pipeline corridor) near Steven Village, and later with Arctic Slope Regional Corporation over the use of an historical trail through Anaktuvuk Pass.

"To outside interests, it probably appeared that Doyon was just hasseling Alyeska. In reality we were fighting state invocation of RS 2477, which they subsequently did. As a result of state action and the following use of that old trail we may well now have a new highway from Bettles to the North Slope, maintained with state of Alaska taxpayer dollars.

Both the state and land use Planning Commission were aware of how RS 2477 could and would be used," he said.

The question remains, however, whether public easements in Alaska will be determined by the commission, the state, or the courts, concluded Kito.

Corridors proposed for discussion at the hearings are as follows:

1. A coastal utility corridor from Prudhoe Bay east to the Canadian border.

2. A railroad corridor from the Canadian border in the vicinity of Tok westward down the Tanana Valley to Nenana; then through the upper Kobuk Valley and terminating at a port facility on the Seward Peninsula.

3. A road and related utility corridor from the vicinity of Prospect Creek west through the Upper Kobuk Valley, splitting into two forks, one terminating at Kotzebue and the other on the Seward Peninsula.

4. Port facilities at Port Clarence and Golovin.

5. A road and related utility corridor from Rex to McGrath to Aniak; then splitting into two corridors, one to Bethel and the south fork to Dillingham.

6. A road and related utility corridor from Anchorage through the Lake Clark Pass to Naknek and Dillingham.

7. A road and related utility corridor from King Salmon to Cook Inlet at Chenik.

8. A pipeline and related utility corridor from Pet 4 through Kobuk, Ruby, McGrath, Rainy Pass, Tyonek and ending at the West Foreland on Cook Inlet.

9. A pipeline and related utility corridor from the Kotzebue vicinity to Ruby.

10. A pipeline and related utility corridor from Ruby to the Fairbanks vicinity.