

• Corporation officials: Lawsuit premature

(Continued from Page One)

The environmental coalition seeks a declaration that the federal defendants have violated federal laws requiring public participation in federal agency decision-making by pursuing land exchange negotiations involving ANWR before Congress decides whether to allow oil and gas development in that area and without studying the environmental impact of land exchanges or providing for public comment concerning them.

In their complaint, the coalition has asked the federal court to enjoin "all future negotiations and deliberations regarding the proposed land exchange unless Congress enacts legislation opening the area for oil and gas leasing, and until the proper procedures are followed."

"This lawsuit is not directed against the Native corporations," said Robert Adler of Trustees for Alaska, the attorney who filed the action on behalf of the environmental coalition.

"If Congress ultimately approves oil and gas development in ANWR, we have no objections to the Native groups being involved.

"The point is that negotiations to involve Native corporations in oil and gas development in ANWR through land exchanges are premature because Congress has not yet approved the development," Adler said. "The primary issue before Congress is what to do with the Arctic Coastal Plain," he added.

The environmental groups fear that the Department of Interior is using the Native corporations to pry open the

Coastal Plain to development by making the deal more attractive to Congress.

"Some Native villages have rejected the land exchange proposals because they feel they are trading lands on which they have subsistence rights, guaranteed by law, for rights to highly speculative oil and gas development," Adler said.

Also concerned about the issue is the Rural Alaska Community Action Program. Eric Smith, an attorney for the organization, said RurALCAP "will make sure that the affected shareholders know what the land exchange proposals are all about."

He said that RurALCAP is objective, taking no stance on the land exchange proposals.

Interested Native corporations have asked the federal court for permission to intervene in the lawsuit. Requests have been filed by Koniag Inc., Akhiok-Kaguyak Inc. and the Native Lands Group, a partnership formed by Cook Inlet Region Inc. with 12 other Native corporations from Western and Southcentral Alaska.

Mark Rindner, attorney for the Native Lands Group, was critical of the lawsuit.

"The lawsuit is very premature, the Native groups are just talking to the federal government, trying to work something out that can receive the public review required by law and then be forwarded to Congress," he said.

"The parties to the negotiations could decide that they don't like the terms of the federal proposals and decide that they do not wish to pur-

sue land exchanges," Rindner added. "In that case, public review and congressional approval would not be necessary."

Rindner says that he believes "it is silly for environmental groups to argue that we should wait until Congress opens up ANWR and then talk to federal officials about possible land exchanges. As soon as development in ANWR is approved, everyone will be in there, and production will start — there would be no exchanges for that reason."

Rindner does not deny that the

possibility of exchanging valuable Native inholdings in other wildlife refuges for development rights in ANWR might make opening ANWR to oil and gas development more attractive to Congress. But, Rindner says, "to the extent that there are benefits to the wildlife refuge system from opening up ANWR to development, what is wrong with that?"

"It is hard to understand why environmentalists are objecting to the land exchange negotiations, except that they are left out of the process," he said.