

Young halts ANILCA bill

State seeks plan

by Steve Pilkington

Tundra Times reporter

Despite support from Alaska's governor and congressional members, a bill attempting to resolve which Alaskan communities have subsistence priority was temporarily halted in Congress last week because of heated opposition from Native groups.

The bill would amend the Alaska National Interest Lands Conservation Act and define a rural community as one in which "noncommercial, customary and traditional use of fish or game," is the main portion of the economy.

The House Interior and Insular Affairs Committee was scheduled to consider the merits of the bill last week, but instead Young removed it before any action was taken.

Sen. Ted Stevens, R-Alaska, said Young pulled the bill from the com-

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• ANILCA bill contested

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mittee because of the response from Native communities.

"It's one of the most serious issues concerning Alaska Native status," Stevens said in a press conference in Anchorage last week.

When Young's bill was introduced to the committee, Young thought Native groups would back it, Stevens said.

"Now that we know that's not the case, we can work something out," he said. "If we're unable to work out a subsistence program, the federal government will take over management of federal lands."

But federal takeover could mean that Natives on state lands still would be subjected to the same management system they are currently objecting to, Stevens said.

The Interior Affairs Committee meets again in June and is expected to reconsider the bill at that time.

But whether the amendment to ANILCA would help or hinder rural subsistence users is still hotly contested.

"We just want to say, 'absolutely no legislation,'" said Janie Leask, president of the Alaska Federation of Natives.

AFN's board of directors met in Anchorage last week to discuss Young's bill and voted unanimously to oppose it, Leask said.

"They're really outraged that the state would go to Congress," Leask said, referring to Gov. Steve Cowper's request to Young that he introduce the bill.

In a May 2 letter to Young, Cowper said Congress should amend ANILCA and overrule an April federal appeals court ruling which torpedoed the state's management of the Kenaitze Indian tribe.

The 9th Circuit Court of Appeals ruled that the Kenaitze Indian tribe on the Kenai Peninsula is considered "rural" under ANILCA — and entitled to subsistence rights — despite the fact that the area is now dominated by a cash economy and not a subsistence economy.

Judge Russel Holland said the state's game and fish regulations were misguided, keeping some rural residents from subsistence rights in larger communities.

"The state has taken away what Congress has given," Holland said.

But Cowper says Holland is off the mark.

"Apparently the panel held that the entire Kenai Peninsula — including Kenai City — is rural," Cowper told Young. "I am writing to request that you introduce legislation to reverse the recent 9th Circuit Court of Appeals' decision."

In its ruling, the court ordered the state to surrender its fish and game management responsibility to the federal government or adopt new salmon and hooligan subsistence plans for the Kenaitze before May 30.

This could cause a problem with the numerous sports fishermen on the peninsula, Cowper said.

"I believe the 9th circuit decision will create an extremely volatile situation," he said.

Dave Ramseur, Cowper's press secretary, said the state will come up with a short-term management plan for Kenai's salmon and hooligan fisheries.

"Nobody's happy with this decision," Ramseur said.

The state can manage resources better than the federal government, he said, and yet everybody in the state should not qualify for subsistence rights.

"That could deny subsistence to rural Alaskans," he said.

Ramseur said the best option for the state is to try and clarify congressional intent on what "rural" means by amending ANILCA — which is what Young's bill would do.

The state has asked the U.S. Supreme Court to hear the Kenaitze case claiming that the 9th Circuit Court ruling is wrong.

But Bob Anderson, an attorney with the Native American Rights Fund, said that if the ANILCA amendment passes it could create bigger problems for rural subsistence users.

"I think the end result would be the Board of Fish and Board of Game would have almost unbridled authority," Anderson said.

Management authority might not be very sympathetic to subsistence priorities, he said.

Allowing a few of the Kenaitze to subsist is what Congress intended, he said.