

Update — Inupiat Title to the Beaufort Sea

In the last UIC Newsletter in the Tundra Times, the Ukpeagvik Inupiat Corporation effort to confirm Inupiat Title to the Beaufort Sea was explained, with publication of a letter from UIC attorney Mason D. Morisset to the Secretary of the Interior explaining the basis for the claim. Interior Department Deputy Solicitor, in a letter dated March 25 to Mr. Morisset, responded on behalf of the Secretary to the UIC claim, which was presented in December.

The first round in the UIC battle to confirm Inupiat Title to the Beaufort Sea has not gone well. The Interior Department rejects the idea of Inupiat Title to the Beaufort, and UIC argument that Inupiat people have the right of title to the

seabed beneath the area used today and for time immemorial by Eskimos. Even if Inupiat rights to the area may be demonstrated, the Deputy Solicitor stated, the federal government would have a greater claim to the offshore Beaufort area and its resources.

The Interior Department did concede that "the rights of the Eskimos to use the offshore Arctic areas cannot be debated," however. The Deputy Solicitor also declined to address several other points raised by UIC in forwarding the claim of Inupiat Title. UIC pointed out that Inupiat hunting and fishing rights were never extinguished by conquest of any sovereign, that such rights further were not extinguished by the Treaty of Cession

between the United States and Imperial Government of Russia in 1867, nor by the Alaska Statehood Act, and other significant Federal laws, including the Submerged Lands Act, the Outer Continental Shelf Lands Act, nor the Alaska Native Claims Settlement Act of 1971 (ANCSA).

The Deputy Solicitor's letter did not address many of these issues raised in the UIC Inupiat Title claim. Some other concessions tending to support Inupiat rights in this issue were also made by the Department, however. "This is not to say that the Inupiat do not have rights to use the polar ocean beyond three miles," the Departmental solicitor stated. Further, the letter states, "Secretary Andrus has

acknowledged the subsistence hunting and fishing rights of the Inupiat and, in the case of offshore oil and gas leasing, has imposed requirements on Interior Department lessees to minimize adverse impacts on the Inupiat's lifestyle."

UIC and its attorneys are carefully analyzing the Department's response in order to determine what formal response may appropriately be made in the Corporation's effort to confirm the validity of Inupiat Title to the Beaufort Sea offshore area. One positive note is that UIC management has been in close communication with the Inupiat Community of the Arctic Slope (ICAS) and has obtained the strong support of the Inupiat Community in a unified effort for Eskimo rights.