

Editorial Comment—

Easement policy questioned by Native leaders

Another provision of the Alaska Native Claims Settlement Act has come under attack by the Native Community and this time the dispute concerns the Interior Department and their policy with easements.

Five regional corporations established under the Act and the Alaska Federation of Natives are suing the Department of the Interior for improper procedures that exceeded the authority of Interior Secretary Thomas Kleppe in issuing plans for 'floating' easements across Native lands. The corporations are Chugach Natives, Inc., Doyon Ltd., Cook Inlet Region Inc., Koniag Corp., and NANA regional Native corporation.

Although the Native Claims Act does give the authority to reserve easements across Native lands for transporting resources, recreational access, and certain other uses, it does not allow for what the secretary defines as floating easements, which reserve an area for an easement but do not delineate it.

To many Native leaders it appears as though the Interior Department is taking back lands under the device of easements and preventing the Native people of Alaska title to land that is provided to them by the claims act.

The fact that the Department of the Interior offers no payment for the confiscated land only makes the injustice seem more evident. Further, it seems as though the Interior Department is using these easement provisions to chip away at the land rights granted to the Native Community by Congress.

Nelson Angapak of the Calista Corporation pointed out at the hearings held in Washington this past week that the lands that are being selected by the Natives are the most valuable concession granted to Natives by the act and without giving them the land the Native people have little.

Question has also been raised by the Commissioner of Natural Resources Guy Martin about the Interior Department's establishment of recreational easements regulations. In his words the clause was one of the worst chapters of the settlement act.

The section of the easement clause concerning recreational use and nonnavigable rivers and streams is also a part of the contended suit against the department. The Native leaders are saying that his order is unlawful because it authorizes federal authorities to reserve easements to which they have clear title and deprive them of full use of their property.

Limits are being proposed by the Native plaintiffs. They say that easements should only be allowed for the crossing of Native lands for international treaty obligations or for transportation, utility right-of-ways and access to adjoining federal lands.

In the past when the government wanted to build something across privately owned land they always had to pay for it. The situation should be the same with the proposed easements now being made by the Secretary of the Interior. Why the change of heart?

SG

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