

SUBSISTENCE

Schools may not be improved for fall opening

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senting AVCP and Georgiana Lincoln from TCC criticized the BIA for holding the hearings after the BIA had announced that the schools should be closed.

They also said that the hearings should be held in the villages which house the schools to be closed.

Jack, representing AVCP president Martin Vick, and a former AVCP president himself, told hearing officer Bill Brady that he shouldn't be surprised if no one attended the hearings for several reasons.

"Bear in mind that it appears to everyone that the decision has already been made. No one needs to waste time at a hearing which can do no good," said Jack.

"Also remember that the decision you are making most directly affects people in isolated villages. You are conducting this hearing in Anchorage."

But, despite the lack of attendance, Jack warned Brady and the BIA not to conclude that the people don't care about their villages.

"The people in those villages would never give up the right to decide one of the most important decisions in the lives of their children, and perhaps in their village. . . . You know that people fought long and hard for the rule requiring vil-

lage concurrence before a school is closed.

"The message that you should take back to the other officials at BIA is that there should be no transfer of school unless the affected village agrees.

"If the bureau decides to take another course, it will be telling people in the villages that their decisions about their children and about their villages do not count in the eyes of the bureau," said Jack.

He told Brady that AVCP will take any means necessary to insure the BIA schools are not transferred without consent.

Lincoln criticized the BIA for not adequately giving notice of the hearings to the people in the villages and she told Brady that they should take the hearings to the villages affected to get the right comments.

Lincoln also reminded him that the BIA had late last year promised that no schools would be closed without consulting with the villages and receiving their consent.

Their consent was not obtained in many cases, said Lincoln.

Some 22 of the day schools slated to be transferred to state control are in the AVCP area. Five are in the TCC

region.

As of Monday, 14 BIA villages had signed the papers requesting the state take control of their schools. Those villages were Alakanuk, Gambell, Golovin, Good News Bay, Klukwan, Kwlethluk, Kawigillingok, Mekaryuk, Napaeak, Napaskeak, Nightmute, Oscarville, Quinhagak, and Scammon Bay. Stebbins reportedly also had voted to make the change but no confirmation could be obtained.

Three of those villages, Golovin, Klukwan, and Mekaryuk had not been slated to be turned over to the state this year because of costs.

Under the current two-option plan presented to Gov. Jay Hammond by BIA undersecretary in charge of Indian Affairs Ken Smith, the state can accept control of 16 day schools this year and the remainder next year or accept all 37 this year and accept about \$5 million from the federal government to help pay the cost of upgrading the schools.

Hammond recently sent Smith a letter stating that neither alternative was acceptable and telling Smith that he would seek help from the Congressional delegation.

One member of that delegation, U.S. Sen. Frank Murkowski, however, is less than sympathetic and he said in

an interview last week that there is little he can do other than to try to get both sides to work out their differences.

When asked of the BIA regulation requiring that the villages consent to the transfer, Murkowski said there was little to be done on that front.

"The BIA has taken the position that as long as the state can provide the education . . . they have asked the state to accept the responsibility for American Native education.

"It's a policy decision of the Department of Interior and the Department of Education and that's where its at," said Murkowski.

Carol Berger, who represented Hammond at the Anchorage hearing, said after the hearing that there is no way that even 16 day schools can be brought up to minimum fire and safety codes by the time school opens this fall.

And that leaves open the question of whether the schools will be able to open.

Berger said that the state still hasn't received final word on which schools will be transferred and until it does, can't start the work necessary to begin improving the schools.

Berger said that once the state receives notice of

which schools will be transferred, it will be necessary to have a person inspect each school to list the various code violations and ways to improve the schools to meet fire or safety codes.

The improvements will be presented to the public facilities section of the Department of Transportation for estimate on repair costs then the repairs probably will be let out to bid.

All this will take until probably the beginning of the school year, said Berger who added that if the schools can't be improved by the beginning of the school year, it may be the state fire marshal who determines if individual schools will open this fall.

She said estimates on the cost of improvements will be hard to come by because often, two or three solutions might be used to repair one problem.

For example, inadequate fire protection might be rectified by installing overhead sprinklers in each classroom or by installing half-inch sheet rock in the walls and building another door for fire evacuation.

Each school also will have to be inspected for sanitary waste disposal, said Berger.

Federal rule may mean 'topping off' of state land fish

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game control would effect wide-ranging animals such as caribou or moose which may travel from federal land to state land or across federal land but said that question also would have to be considered.

Horn said that federal intervention in state fish and game regulation also might mean that some areas might have to be totally closed for any form of hunting if the federal government doesn't have enough people to monitor the areas for violation.

He said there is a possibility that the federal government might be willing to hire state game wardens on a sub-contract basis if the federal government doesn't have enough people to conduct the

game regulation activities.

Horn said the federal government will step in to control hunting and fishing on federal lands if the no subsistence priority is adopted at this session of the game board or if a planned repeal of the subsistence law is passed on an initiative vote in November.

"The clock is ticking. Some time very soon we will take some action to determine if the state is in compliance with ANILCA. If, at the end of the (this) meeting we have not received a report," . . . that the state is in compliance, the department will act.

"We don't undertake this lightly," said Horn. If we fail to act (to assume control if the state doesn't come up with regulations) anybody can go to

court to force us to do so."

Horn told one board member that there is little room for negotiation because of the mandate of the ANILCA legislation.

Horn said the federal government has earmarked money to help the state pay to implement the subsistence regulations but that money — \$1 million by one estimate — could just as easily be kept in federal hands to help pay for federal control.

Horn spoke after John Gissberg, an assistant Alaska Attorney General, told the board that there is legal and constitutional backing for a special category of subsistence users which could receive priority over other user categories.

Many anti-subsistence advocates have maintained that the Alaska Constitution does not allow for a special category of user for subsistence resources.

Gissberg compared the use of fish and game resources to use of water resources. It is quite permissible to give a priority on water use to a domestic user before an agricultural user and to agricultural use before industrial use, said Gissberg.

He told the board they would not be legally allowed to limit subsistence uses to a closed class of people such as only women or only an ethnic group because it is impossible for men to become women or people to change their eth-

nic group.

But, said Gissberg, subsistence priority based on geographic residence is permissible because a person could move to those areas.

Gissberg also told the board that it can pass subsistence priority regulations that also would create a class of urban subsistence users in addition to rural subsistence users as long as there is a rural subsistence user class.

The U.S. Congress required that a rural class of users be created when Congress passed ANILCA, said Gissberg.

The boards were to take more public testimony and vote on their definition of subsistence users sometime this week.

Hensley leads Sensible committee, not AFN subsistence group

In the March 24 issue of the Tundra Times, it was announced that Willie Hensley had been named chairman of the Alaska Federation of Natives subsistence committee.

Hensley was not appointed chairman of the subsistence committee. He was named chairman of the Alaskans for Sensible Fish and Game Management committee. Charlie Johnson, president of the Ber-

ing Straits Regional Corp., remains as chairman of the AFN subsistence committee.

The Tundra Times also reported that Fred Wemark of the Maniilaq Association was named coordinator to the subsistence committee. Wemark was offered the position but re-assessed his role at Maniilaq and as chairman of the Rural Alaska Resource Associa-

tion and decided to decline the offer.

Dennis Tiepelman, who recently resigned as the AFN's representative in Washington, D.C., has been offered the position as coordinator.

Tiepelman had been hired by his NANA Region to coordinate the NANA Inupiat Spirit Committee but will assume that position at a later time.

Cheesy deal at \$10/lb.

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Tyonek isn't in the municipality and residents there don't know how or where to pick up their cheese, said Don Standifer, president of the village.

And even if the Tyonek people could pick the cheese up at Anchorage, the cost of flying one way to Anchorage is \$24.

Which makes the cost of one pound of cheese \$10 and even for Alaska, that's pretty expensive.

"I would like to give someone a call to find out who our people should contact for the cheese," said Standifer. "Only I don't even know who to get a hold of. Who should I call? Reagan?"