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LBC approves detachment

by **Laury Roberts Scandling**
and
Jim Benedetto
Tundra Times

The Local Boundary Commission (LBC) has paved the way for the creation of a new borough in northwest Alaska which would encompass one of the world's largest deposits of lead and zinc. The commission, after prolonged deliberation, honored the state's request to cut off 2.1 million acres from the North Slope Borough (NSB) or about three percent of its total area.

The decision becomes final March 8 unless the Legislature votes it down before that date. The detachment could also be canceled if the proposed Northwest Arctic Borough is not formed.

A petition signed by more than 700 northwest Alaska residents requesting a Kotzebue-based borough has already been submitted to the state department of Community and Regional Affairs (CRA). The proposed borough will have to be approved by the LBC.

Immediately following the LBC's finding, an attorney for the NSB distributed a prepared statement opposing the action. The borough contends it needs the estimated \$5 million in annual receipts from the proposed Red Dog Mine to help defray its \$1.2 billion debt. The mine, however, would represent less than 1.5 percent of the NSB tax base. The borough has also said such a move would set a dangerous example that could threaten other boroughs that have potential resource wealth.

"When you get down to the cold hard facts, this is not a significant loss to the North Slope Borough," said LBC member Dave Hanson. "I don't like to use a violent metaphor, but this is barely a flesh wound, rather than a decapitation."

Hanson was joined in his support of the detachment by commissioners Josephine Anderson and Charles Bettisworth. Member Burt Greist abstained from the decision because he is a shareholder of NANA, the Kotzebue-based regional Native corporation which owns the Red Dog mine site and whose land overlaps the NSB. Another member, Robert Eder was not present.

It is the first time the commission has taken away land from an existing borough. The three members announced their position January 19 in Juneau after two days of meetings. The sessions were steered carefully by



Hundreds turned out at the alcohol free New Years' celebration in Mekoryuk. Steve Whitman competed and placed first in the boy's neck pull. photo by Ira Isaac

the commission's outside counsel, former attorney general, Wilson Condon. State attorney Jon Rubini was recently taken off the case because he was advising both the commission and CRA, which had requested the detachment.

NSB representatives charged Rubini had a conflict of interest, so he was removed by Kotzebue Superior Court Judge Paul Jones. Jones ruled in Barrow last week that during the next month he will accept opinions from the parties of the case as to whether the detachment should be blocked because Rubini's dual involvement may have skewed the decision-making process.

Condon proposed and the commission accepted fifteen criteria to identify the concerns of the public, the state, NANA and the NSB. The checklist covered items such as whether the proposed detachment would protect subsistence, promote self government, help resource development, control exploitation,

provide local services, hurt NSB finances, or harm relations between regions.

According to standards set out by state law, the commission must base boundary decisions on the "best interest" of the affected areas. Using the fifteen factors commissioners concluded that detachment is in the best interest of the state and of the separated territory which will likely be incorporated into a new borough approximating NANA boundaries.

Commissioners acknowledged that removal of 3,298 square miles would not benefit NSB.

Hanson called the decision a "balancing act."

"I have trouble finding that it is in the interest of the borough, although I do not find it is not in its interest either," he said. The territory in question makes up about three percent of the borough.

Condon advised members to consider the "overall" best interest of the

public, adding that such an interpretation of state law might be challenged in court.

"You may very well have bought yourself a lawsuit," Condon warned. About half of the commission's decisions are taken to court according to a staff member.

(Continued on Page Two)

Correction

Correction— On page one of our January 6 issue, we referred to Jim Ekstedt as the Nenana Ice Classic promoter. Mr. Ekstedt did promote the event during two previous years. We sincerely regret the error.