Committee on Resources

Witness Statement

STATEMENT OF THE SIERRA CLUB
Before the

HOUSE RESOURCES COMMITTEE
on

H.R. 3013, ALASKA NATIVE CLAIMS TECHNICAL AMENDMENTS ACT OF 1999
and
H.R. 2804, ALASKA FEDERAL LANDS MANAGEMENT DEMONSTRATION PROJECT
U.S. HOUSE OF REPRESENTIVES
WASHINGTON, D.C.
OCTOBER 13, 1999

Mr. Chairman and members of the Committee, thank you for inviting me to testify here this morning. I am Jack Hession, Alaska Representative of the Sierra Club, which is a national environmental organization with chapters in every state. I live in Anchorage, Alaska.

Summary

H.R. 3013, described as a bill of technical amendments to the Alaska Native Claims Settlement Act (ANCSA), has two substantive sections that would adversely affect the national parks, wildlife refuges, and wild and scenic rivers of Alaska. Sec. 5 would create hundreds of new private inholdings within these national conservation system units. Sec. 6 would remove a fundamental safeguard for the pre-ANCSA national wildlife refuges.

We recommend that Sections 5 and 6 be deleted.

H.R. 2804 would create demonstration projects for the management of national conservation system units in Alaska. We see no need for this unprecedented experiment. Federal management of these lands has served the nation well.

We urge the Committee to delete the demonstration project sections of the bill.

H.R. 3013

Sec. 5, Alaska Native Veterans

This section would drastically amend a law passed just last year that authorizes Alaska Natives who served on active duty for at least six months during the years 1969 through 1971 to apply for an Alaska Native Allotment pursuant to the Alaska Native Allotment Act of 1906. Sec. 5 would allow veterans who served in the military during 1964-75 to file allotment applications. The requirement for six months of active duty would be dropped; any length of service, even one day, would be sufficient.

Sec. 5 authorizes the heirs of deceased veterans of the 1964-75 period to file allotment applications, thus greatly increasing the number of applications likely to be filed. Under the 1998 law, only heirs of veterans who died as a result of the Vietnam War are eligible to apply for an allotment.

Sec. 5 would also significantly expand the amount of national conservation system lands available for the new allotment applications by opening federal lands originally withdrawn pursuant to Sec. 17(d)(1) of ANCSA. Millions of acres of 17(d)(1) lands were subsequently included by Congress in national parks and national wildlife refuges established by the Alaska National Interest Lands Conservation Act of 1980.

Under the 1998 law, new allotment applications within national parks and wildlife refuges are limited to those lands that were withdrawn for village corporation land selections pursuant to Sec. 11 (a)(1) of ANCSA. If necessary, additional federal lands contiguous to the village withdrawals are made available, except in national parks. By now making Sec. 17(d)(1) lands available, Sec. 5 would vastly expand the areas within these conservation units that would be subject to allotment applications.

In another departure from last year's law, Sec. 5 would legislatively approve all allotment applications. The 1998 law requires applicants in national park system units to demonstrate use and occupancy in order to receive title.

Taken together, the changes proposed in Sec. 5 would allow hundreds of new 160-acre allotment applications covering tens of thousands of acres to be scattered throughout the parks and refuges.

A report by the Department of the Interior that served as the basis for the 1998 law compared the potential impact on the conservation system units of the two eligibility periods--1970-71 with at least one year of active duty; and 1964-75 with no requirement for active duty. Under the 1998 law, which added 1969 and reduced active duty to six months in a compromise with proponents of the longer period, no applications have been filed because implementing regulations have not yet been published. The additional year will no doubt increase the number of applications over that expected under the 1970-71 period.

The Department's estimates for the 1964-75 period are lower than would be the case under Sec. 5 because, unlike the section, the Department did not include heirs of deceased veterans serving in 1964-75 as eligible to apply for allotments.

The department's report indicates that the national wildlife refuges would be most affected under either scenario:

1. National Wildlife Refuges (16).

(a) 1964-1975: up to a maximum of 1,111 new allotment applications by veterans enrolled to villages affecting 64,064-110,784 acres. If veterans enrolled to regional corporations are included, an additional 32,872 acres of refuge land could potentially be affected.

(b) 1970-71: up to a maximum of 463 new allotment applications affecting 26,720-46,720 acres. If veterans enrolled to a regional corporation are included, an additional 9,016 acres could potentially be affected.

2. National Park System Units (16).

(a) 1964-75: 15 new applications, 15, 360 acres.

(b) 1970-71: 26 new applications, 3520 acres.

3. Wild and Scenic Rivers administered by Bureau of Land Management.

(a) 1964-75: 50 new applications in six wild and scenic rivers, 8000 acres.

(b) 1970-71: 15 new applications in five wild and scenic rivers, 2400 acres.

4. National Petroleum Reserve-Alaska.

(a) 1964-75: 48 new applications, 7, 680 acres.

(b) 1970-71: 9 new applications, 2400 acres.

As the Sierra Club noted in testimony on H.R. 2924 of 1998, which as amended became the 1998 law, the establishment of hundreds of new Native allotments covering thousands of acres in the conservation system units would at a minimum complicate management of the units, and over time give rise in many instances to incompatible developments such as recreational land subdivisions, sport fishing and hunting lodges and camps, and other commercial developments. As the National Park Service observed in the Department's report referred to above, Native allotments are generally located in the more usable, accessible and resource-rich lands in any given area. New allotments would displace existing public use from many of these locations. Additionally, it can be expected that some new applicants would apply for locations in park system units with the greatest potential for commercial development.

The creation of hundreds of new privately owned 160-acre tracts in the national wildlife refuges, parks, and wild and scenic rivers of Alaska is contrary to Congress's intent in ANILCA, and would reverse much of the progress made in recent years in acquiring existing inholdings. Congress has appropriated millions of dollars over the years for acquisitions, and has authorized numerous land exchanges in order to provide Native corporations with enhanced economic development opportunities while avoiding potential incompatible commercial or other development on privately owed tracts within the conservation system units.

Creating hundreds of new inholdings in the Alaska refuges is also totally inconsistent with the purposes of the National Wildlife Refuge System Improvement Act of 1997, a major conservation achievement of this Committee. Sec. 5 of H.R. 3013 would impair, not improve, the Alaska refuges.

Moreover, Sec. 5 would overturn the 1998 act, a product of years of study, committee consideration, and compromise that fully accommodates the interests of Alaska Native veterans who missed the opportunity to apply for an allotment during three years prior to ANCSA. Sec. 5 would replace last year's law with a public land disposal program with dire consequences for the national conservation system units of Alaska.

We recommend that the Committee delete Sec. 5.

Section 6, Applicability of National Wildlife Refuge Restrictions

Sec. 6 would revoke the provision of section 22(g) of ANCSA making village corporation lands within a pre-ANCSA refuge "…subject to the laws and regulations governing use and development of such refuge." This provision, one of the major compromises of ANSCA, balances the national interest in protecting the

integrity of the refuges with the economic development goals of ANCSA. It was intended to allow developments to proceed on Native corporation lands with safeguards to protect the resources and values of the contiguous refuge lands.

Sec. 22(g) has been implemented to date in the absence of formal regulations. Refuge managers have considered proposed developments on 22(g) lands on a case-by-case basis. We are not aware of any developments on 22(g) lands that have been denied by refuge managers as incompatible with the purposes for which the refuges have been established.

Recently, the U.S. Fish and Wildlife Service has issued draft regulations outlining how it proposes to apply compatibility determinations under the National Wildlife Refuge System Improvement Act of 1977. These determinations will apply to proposed uses, developments, and agency actions on all refuges, and in Alaska to proposed developments on section 22(g) lands.

Sec. 6 would eliminate compatibility tests for developments and other actions proposed on 22(g) lands. But such tests are essential as a means of ensuring that wildlife, habitat, and other refuge resources are not impaired while developments go forward on the adjacent private 22(g)) lands. Native subsistence users of refuge lands, including those who are shareholders of village corporations undertaking resource developments, also have a vital interest in protecting the integrity of contiguous refuge lands that serve as the foundation of their subsistence economies.

We strongly oppose Sec. 6 and urge its deletion.

H.R. 2804

This bill would create at least 12 demonstration projects for the management of national parks, wildlife refuges, wild and scenic rivers, and national forest wilderness areas by Alaska Native tribes or tribal organizations under contract to the federal government.

This proposed transfer of federal management authority would take federal contracting with Alaska Native organizations to a new and unprecedented level. Currently, Sec. 1307 of ANILCA grants a preference to Alaska Native corporations and groups in providing visitor services in the conservation system units. Sec. 1308 of ANILCA provides for local hire of Alaska Natives by the federal land managing agencies. We strongly support these programs, both of which are being successfully implemented by the federal management agencies.

We recognize that federal health and social services programs are routinely contracted out to Alaska Native organizations. For example, the Alaska Native regional hospital in Anchorage is operated by Cook Inlet Region Inc. under contract to the U.S. Public Health Service. However, this and similar programs by the Public Health Service and the Bureau of Indian Affairs are designed solely for the benefit of Alaska Natives.

In contrast, the national conservation system units in Alaska and elsewhere were created by Congress for the use and enjoyment of all citizens, with management entrusted to federal land management agencies directly responsible to Congress. We see no need for an experimental program in Alaska that would transfer federal management responsibilities to private entities. Federal management of the parks, refuges, wild and scenic rivers, and wilderness areas has served the nation well.

We urge the Committee to remove the demonstration project sections from the bill. We support Sec. 5,

which calls for a report on and detailed action plan for implementing sections 1307 and 1308 of ANILCA.

Thank you for this opportunity to submit our views.

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