

Committee on Resources

Witness Testimony

Testimony of

DIANA L. ZIRUL

President

Kenai Natives Association, Inc.

Presented to the House Resources Committee

Hearing on H.R. 401

11 June 1996

Chairman Young and Members of the Resources Committee, my name is Diana Zirul. I am a member of the Kenaitze Indian Tribe and a shareholder in the Kenai Natives Association, Inc. (KNA). I currently serve as the President of the Board of Directors of that corporation, and I am here today on their behalf.

I am pleased to come before you, at long last, to announce that we have an agreement with the U.S. Fish and Wildlife Service (USFWS) regarding the use of our Alaska Native Claims Settlement Act (ANCSA) lands. This agreement is supported by the Native, Non-Native and environmental communities alike. The agreement will finally help KNA achieve its primary goals - providing our shareholders with opportunities to use their lands, promoting future opportunities for our children, and the potential to provide income to our corporation and its shareholders. We will be asking you, Chairman Young, to substitute the agreement for the original legislation, H.R. 401.

Since its formation, KNA has been unable to achieve the goal of self-determination, even though ANCSA was intended to promote self-determination and expeditiously settle aboriginal land claims. Prior to the passage of ANCSA, our shareholders enjoyed unrestricted use of all the lands on the Kenai Peninsula. These were our ancestral lands, which our people had used for thousands of years. However, this use was restricted with the passage of ANCSA. Under that legislation, KNA was designated as an urban corporation and was allotted a comparatively small amount of land - 23,040 acres. Most of this acreage had to be selected from within the confines of the Kenai National Wildlife Refuge. Restrictions under section 22(g) of ANCSA in turn prevented us from making economic use of these Refuge lands. Furthermore, we received no cash settlement with the passage of ANCSA. Our corporation has thus suffered from a lack of cash base, cash flow and income, lack of a useable land base, and as a result we have been unable to realize our potential for self-determination.

I am pleased to bring before you today an agreement between KNA and the USFWS that will rectify this situation. A brief summary of the agreement is attached to my testimony. This agreement satisfies our basic economic needs while at the same time promoting wildlife conservation. Under the agreement, the Department of the Interior would develop, in consultation with KNA, an offer to resolve all outstanding land issues. The offer would be subject to KNA's acceptance, after review with our shareholders, and would include several elements. As part of the offer, KNA would transfer certain land rights along the Kenai and Moose Rivers in the Kenai National Wildlife Refuge to the USFWS. Among the lands that the USFWS would acquire is a portion of the Stephanka Tract, which would be designated as a National Historic Site because of the important cultural and archaeological resources it offers. This tract and other valuable lands that the USFWS would receive provide habitat for salmon, bald eagles, river otters and other wildlife.

These KNA lands to be acquired qualify for a special wildlife preservation and recovery fund administered by the Exxon Valdez Oil Spill Trustee Council. Under our unique agreement, we would not receive a special appropriation from Congress in exchange for our lands, but instead, a cash settlement from this fund would be used to revitalize our corporation while restoring damaged habitat. The boundaries of the Refuge would be adjusted, removing lands retained by KNA from the Refuge and lifting any management requirements associated with lands within refuge boundaries. For example, section 22(g) restrictions imposed by ANCSA would be lifted on the lands retained by KNA, allowing us to more freely manage our resources and derive economic benefits from our lands.

It is our intent to bring this agreement before our shareholders as soon as it is completed by the federal government.

We have kept our board and our shareholders fully informed of the nature of the agreement and this legislation. The Board of Directors strongly favors this legislation.

This agreement is simple, balanced and effective. We have had an uphill climb to make it here today, and have endured many frustrations, including one thirteen years ago that many of you may recall. I have every reason to believe that, as we stand here today with the support of the USFWS, the Kenai Peninsula Borough, Kenai Economic Development District, the Sierra Club, the Wilderness Society, and all other interested parties, this agreement will be finalized through this legislation. We hope that we have reached our final destination, and that we will not again be hindered by delays or legal obstacles. I urge Congress to act quickly to pass the amendment in the nature of a substitute H.R. 401 which incorporates our agreement, now that we at long last have an opportunity for relief.

I would now like to take this opportunity to thank and remember former KNA Presidents George Miller, Alex Shadura, Katherine Boling, and Thomas Stroman, all of whom spent many years of their lives laying the groundwork that enables me to come before you today with this agreement. Thank you also to the many other individuals who have helped us to arrive at what I hope will be a permanent solution. Chairman Young, who introduced the original legislation, and the legislation before it in previous Congresses, has worked with us for years on this matter with a great deal of determination. We are grateful for the assistance of Chairman Young. I would also like to thank Mr. Miller for his consideration and assistance over the years in seeing this through to agreement.

At this time, I would be pleased to respond to any questions you may have.

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