The Alaska Native Claims Settlement Act, 1971

The Alaska Native Claims Settlement Act of 18 December 1971 is the most significant piece of federal legislation dealing with Alaska since the Alaska Statehood Act of 1958. The settlement is the largest single Native claims settlement in the history of the United States, and it has far-reaching consequences for the political and economic future of Alaska. The importance of this act for the State and its Native population is evident from the basic provisions:

— a grant to Native groups of unrestricted title to 40 million acres of federal public domain in Alaska that mostly surrounds Native villages;

— a total grant of $962.5 million to Native groups: $462.5 million to come directly from the federal treasury over an eleven year period, and $500 million to come from a 2 per cent royalty on state and federal oil leases in Alaska (because the State government collects 90 per cent of the federal lease revenues, this $500 million is virtually a state contribution);

— creation of 12 Native regional profit corporations to receive and manage approximately half of the $962.5 million, some 18 million acres of land, and mineral rights to the entire 40 million acres;

— creation of over 220 village corporations to receive and manage the surface estate of approximately 22 million acres and approximately half of the $962.5 million and whatever other revenues the regional corporations earn from investments and resource development.

In significant ways, the Alaska Native Claims Settlement Act is the sequel to the Alaska Statehood Act. Indeed, it can be thought of as a kind of statehood act for the Native people, for like the Statehood Act, the Native Claims Settlement Act is designed to promote political independence and economic well-being through natural resource development.

Statehood for Alaska resulted from an internal political drive that spanned almost half a century. This drive was motivated in large part by the opinion that federal control of the territory's natural resources was overly restrictive and as a consequence retarded Alaska's economic growth. Thus, the heart of the Statehood Act was the provision that granted to the new State the right to select some 104 million acres of land from federal holdings, with the exception of any Native lands, which were undefined. When the Natives claimed that much of the land initially chosen by the State was theirs by virtue of historical use and occupancy, the Secretary of the Interior late in 1966 imposed a moratorium, or freeze, on all further dispositions of federal land in Alaska pending a final resolution of the Native land issue by Congress.

A speedy determination of Native land rights became a political and economic imperative for the state government when its land selections were halted in 1966, and even more so shortly after when massive oil fields were discovered at Prudhoe Bay and the land freeze became an obstacle to construction of the trans-Alaska oil pipeline. Passage of a claims settlement act by Congress was to lift the land freeze and signal a return to the status quo ante.

The Settlement Act did allow the obstacle to pipeline construction created by the land freeze to be removed (by prohibiting State or Native land selections within a utility and transportation corridor which the Act suggests the Secretary of the Interior may want to withdraw — and in fact did — under existing authority). However, a statement in the Act has apparently allowed the Secretary to prevent a return to "normalcy" with respect to Alaska's lands. Construing Section 17 (d) (1) of the act to authorize him to withdraw any public domain land in Alaska necessary to protect the "public interest," the Secretary on 16 March 1972 made massive land withdrawals that in effect perpetuate the land freeze in Alaska begun seven years earlier. Whatever the purpose of this action, it may provide the opportunity to channel as many future land selections as possible by the State, Natives and federal government through a joint state-federal land use planning commission (advisory) established by the Settlement Act. The state government has responded to the Secretary's action with a suit, charging that it violates the legislative intent of the entire Settlement Act. There is at present no indication of what the outcome — judicial or political — of the state's law suit might be.

But however and whenever the current state-federal land conflict is resolved, Native land selection rights will not be substantially affected. These selection rights, together with the distribution of money and the creation of Native organizations called for in the Settlement Act, are designed to enhance the situation of the Native population by promoting one thing: economic development. Economic development is the *idée fixe* of the Settlement Act just as it was the *idée fixe* of the Alaska Statehood Act. Fee title to a large amount of land, mineral and timber rights, profit corporate structures, ownership stocks, revenue

sharing, and all the rest make it clear that the land claims settlement was intended primarily as a vehicle for natural resource development in Alaska. As such it reflects the Statehood Act in philosophy and purpose.

The effects of the Settlement Act on the political balance of the State will be enormous. The Natives and their organizations now have control of two resources that guarantee them a permanent, prominent place in Alaska politics, namely, money and land. But beyond this, it is hazardous to predict the political impact of the settlement.

By many provisions of the Act there is potential for both conflict and cooperation between the state government and Natives; ad hoc alliances and antagonisms will no doubt emerge between them. Because of its economic development orientation, the Settlement Act may very well lead to an intensification of the long-standing development versus conservation conflict in Alaska (in anticipation of this, many conservationists inside and outside Alaska, who might otherwise have been expected to support a minority political movement, opposed the Act). However, on many issues, even development issues, there may not be anything that resembles a unified Native position.

For its part, the state government does not regard the Natives as its prime political antagonist. That role is still reserved for its traditional enemy, the federal government. In general, the state government did not regard the claims issue as a conflict with the Natives for land. Rather, it used the issue to press the federal government to surrender more of its land to Alaskans. That is, the State agreed to a generous land claims settlement for the Natives as a means of further eroding the federal government's jurisdiction in Alaska. From the state government's point of view, the main objective was to minimize conflict between Native and state land selection rights. This was accomplished by restricting Native selections for the most part to areas around villages, so 40 million acres for the Natives was 40 million acres out of federal ownership in addition to the 104 million acres granted to the State in the Statehood Act of 1958.

The State could also agree to a generous revenue-sharing program with the Natives (after some friendly persuasion by the federal government) since it expected that the fabulously rich oil fields of the North Slope would soon come into commercial production, and then there would be plenty of money for everyone. In fact, it would take a very long time for the State to pay its share of the $500 million contribution unless the North Slope or comparable oil fields were developed. Since settlement of the Native land claims was a prerequisite for construction of the trans-Alaska pipeline and since it insured that the Natives would be committed to the pipeline's construction, the half billion dollar revenue-sharing provision was considered not too high a price to pay.

Indeed, the acceptance of the land claims settlement by all of the established economic interests in Alaska — the state government the corporate mineral developers, the chambers of commerce, the independent miners, and the labour interests — stems from the fact that it does not substantially redistribute existing wealth among those groups in the State. Rather, it promises to increase the total amount of wealth available to all; the Natives, for the first time, included. This is, of course, an ideal solution to the political demands of an ethnic minority, and conditions in Alaska made it possible.

The Natives carefully made their economic development interests known to the public and to government officials. If occasionally they talked about being Alaska's first and true conservationists, and if occasionally they linked their struggle to that of the Red, Black and Chicano political movements in the other states, this was for what support they might generate among white liberal and ethnic minority groups in the "lower 48". For the land claims movement in Alaska had a very conservative style, marked by repeated references to the welfare of "all Alaskans" and frequent displays of the symbols of American political life.

To be sure, the Alaska Native Claims Settlement Act of 1971, with its overriding commitment to economic development, is very much in the American, and Alaskan, political tradition.

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The Vascular Flora of Limestone Hills, Northern Extension of the Ogilvie Mountains, Yukon Territory

Owing to its relative inaccessibility the flora of unglaciated central and northern Yukon, from 65°N. to the Arctic Coast, and between the 136°W. and 141°W., has until recently remained totally unexplored.