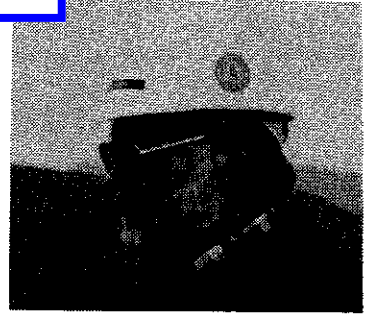


ISSUES UPDATE

From AMA Executive Director
Steve Borell



The Department of Interior has begun utilizing the Recordable Disclaimer of Interest to clean up and clarify some important land ownership issues in Alaska. The first use of RDI occurred in October when DOI agreed that the federal government has no valid interest in approximately 375 miles of riverbed underlying navigable waters of the Black River, Salmon Fork, and Bull Creek drainages. Another 109 miles on the upper reaches of these drainages is being held pending receipt of additional information justifying State ownership. By recording the disclaimer, DOI is effectively giving notice that the riverbed belongs to the State of Alaska. This RDI process can be used where the State and DOI are in agreement that the river is navigable and therefore State-owned.

Thank goodness the U.S. Senate defeated S.139, the Climate Stewardship Act sponsored by Lieberman-McCain. The vote was 55 to 43 even though the various provisions were significantly scaled back. The basic purpose of the bill was to require mandatory reductions of carbon dioxide emissions, i.e. a first step to implementation of the Kyoto Treaty. This "Treaty" has been recognized as extremely bad for U.S. business competitiveness, especially competition with Europe, while providing questionable, if any, benefit to the environment.

After more than two decades of problems for Alaskans, a situation has arisen that may provide opportunity to establish important case law regarding access to inholdings within Conservation System Units. Pacific Legal Foundation on November 3, 2003 filed a lawsuit against the federal government regarding access to inholdings. The catalyst for this suit has been the National Park Service's closure of the 15-mile-long McCarthy to Green Butte road. This road is the only overland access to property owned by Robert Hale, commonly known as Papa Pilgrim, and the 16 members of his family. The Pilgrim saga and the heavy-handed actions by the NPS have provided an opportunity to bring a suit on the issue. PLF looks for situations to protect private property rights and the facts of this case appear to be clear and strong enough to establish precedent for inholders, both under the promises of ANILCA and under Revised Statute 2477. We wish PLF all the best!!!

The situation forced upon the Pilgrim family has also been a catalyst in other ways. Firstly, many Alaska inholders that have been abused for many years by either the NPS or the USF&WS have come out of the woodwork and their stories of abuse by these agencies are disgusting to say the least. Also, the Pilgrim saga has spawned formation of an new organization to be known as **Alaskans for**

Access (AFA). This new organization will focus on issues involving access to inholdings within conservation system units and Paula Easley, once Executive Director of the Resource Development Council is the AFA President. Over the past several months it has become apparent that the NPS and USF&WS have been slowly (?) and deliberately changing their policies and requirements, continually adding further restrictions and hurdles for people wanting access to inholdings. The Pilgrim access issue has brought out many individuals that have been harassed by these agencies but previously thought they were alone in their problems.

On November 11, 2003 the Department of Interior announced it is restructuring its method for putting a value on federal lands. This is being done following criticism that DOI land appraisers were falling victim to political pressures. The new organization would remove the land and mineral appraisers from the supervision of Bureau of Land Management staff and instead have them answer directly to other appraisers. Brian Holly, chief appraiser for the Justice Department, will head the new Office of Appraisal Services. Mineral patent and validity exams will continue to be done by professional staff in the BLM and Forest Service.

On the State level, the Department of
Continued on page 15

HYPOCRITIC OATH

The entire "Hypocritic Oath" poster, in color, is available at the AMA office for \$8.

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