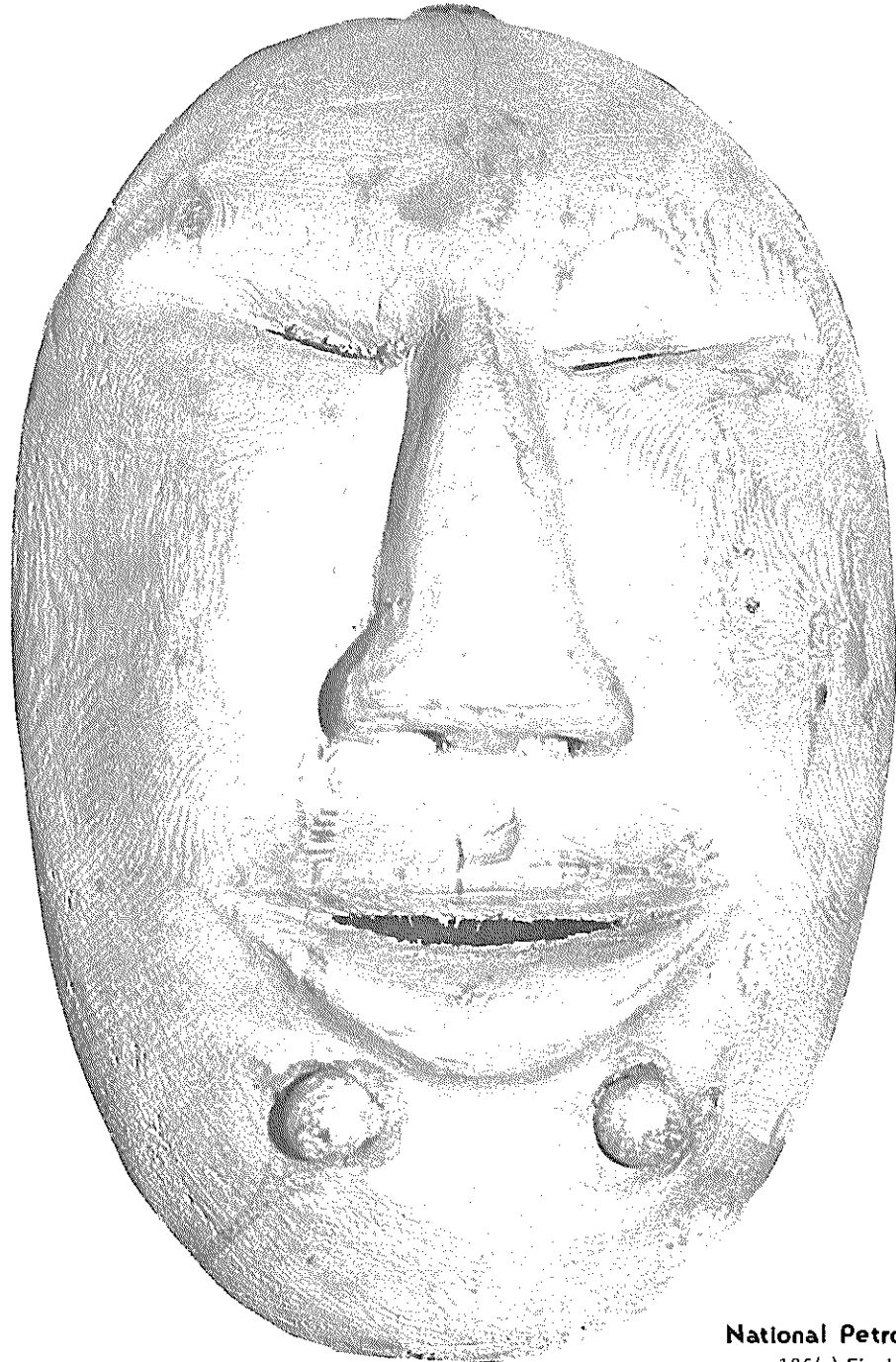


THE INUPIAT VIEW

VOLUME 1 (b)



National Petroleum Reserve in Alaska  
105(c) Final Study  
Volume 1(b)

For the Secretary of the Interior

# The Inupiat View

By the Inupiat Community of the Arctic Slope

Under Authority of

Naval Petroleum Reserves Production Act 1976  
Public Law 94-258

U.S. Department of the Interior

Anchorage, Alaska  
March 1979

Comments contained in this volume were not reviewed by the NPR-A 105(c) Planning Team

Cover photo: *Contemporary mask from Point Hope.*

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NATIONAL PETROLEUM RESERVE IN ALASKA  
105(c) FINAL STUDY  
FOR THE SECRETARY OF THE INTERIOR

VOLUME 1

Summaries of Values and Resources  
and  
Land Use Options (Excluding Petroleum Values and Uses)

VOLUME 2

Summaries of Studies

VOLUME 3

Record of Public Participation

*(By the National Petroleum Reserve in Alaska Task Force)*

VOLUME 1(a)

Views of the State of Alaska  
and  
the North Slope Borough

*(By the State of Alaska and the North Slope Borough)*

VOLUME 1(b) 

The Inupiat View

*(By the Inupiat Community of the North Slope)*

## PREFACE

The Inupiat have recently activated their regional tribal organization, Inupiat Community of the Arctic Slope (ICAS). ICAS was chartered in 1971 under the Indian Reorganization Act of 1934 (48 Stat. 984), as amended for Alaska by the Alaska Reorganization Act of 1936 (49 Stat. 1250). As a Native organization, it represents the interests of the Inupiat inhabitants of North Slope villages. In addition to administering federal Native programs and services, ICAS as a tribal authority is concerned with the status of land. As such, ICAS is properly qualified to set forth this analysis of Inupiat land use recommendations and preferences for the NPR-A management plan.

# I. Introduction

## A. Inupiat Worldview

The ancient heritage of the Arctic Slope Inupiat (northern Eskimos) is based on centuries of continuous occupation in their present homeland. The Inupiat traditionally describe themselves as inhabitants of a distinct geographical region. Our orientation to the environment is conceived in terms of Nunamiut, People of the Land, and Tagiugmiut, People of the Coast. The inland, primary realm of the Nunamiut includes the Brooks Range, its foothills, and the large river valleys that descend toward the coastal plain. The coastal zone alternately includes the open waters of the Chukchi and Beaufort Seas in summer and the nearshore sea ice in winter. The presence of sea ice eight months of the year, from October to June, permits the Inupiat to extend their hunting range miles beyond the coast.

Though the Arctic has been described as frozen and desolate by some, the Inupiat perceive diversity and richness in its ridges, plateaus, and valleys; its rivers, streams, and thousands of lakes; and its periodically abundant wildlife. This environment is ever-changing seasonally between snow and ice, open water, and green or barren earth. From the beginning of the Inupiat occupation of the Arctic to the present day, these lands and waters have provided the people with the necessities of life and the places of cultural and spiritual identity.

Knowledge accumulated through the centuries has allowed the Inupiat to adapt to changing conditions and to sustain their society and culture from a seemingly austere environment. Traditional trails established during the past between communities and campsites are traced by distinguishing landmarks that allow extensive migration throughout the region. Innumerable riverways provide natural highways of water or ice. Safe travel over the sea ice is possible because of Inupiat knowledge about the various types of ice, ice formations, and ice movement.



*Hunting in the sea-ice environment.*





*Ikpikpak River.*

Technological developments; organized methods of hunting, fishing, and gathering; and cultural values that promote cooperative behavior and sharing maximize the harvest production. Caribou, whales, walrus, seals, fish, and waterfowl provide the primary and preferred food sources. Small fur-bearing animals furnish skins for clothing designed to create a comfortable body climate in the Arctic's frigid temperatures and wind.

Historically, the Inupiat have participated in the Arctic's economic development yet have maintained their subsistence economy and culture. The present mixed subsistence and cash economy carries on this adaptive tradition. Subsistence for the Inupiat is economically, socially, and culturally significant. Aspects of the monetary economy have been incorporated into the Inupiat culture and value system. For example, cash supports cooperative subsistence activities and cultural ceremonies and feasts in which subsistence resources are shared throughout the community.

Since incorporation of the Arctic Slope Regional Corporation and village corporations under the Alaska Native Claims Settlement Act (ANCSA) and formation of the North Slope Borough in the early 1970's, the Inupiat have intensified their involvement with the monetary economic system.

The Inupiat are enrolled as shareholders in the profit-oriented Native corporations, and they are citizens of the North Slope Borough, which derives most of its revenues from property taxes on petroleum facilities at Prudhoe Bay.

Each Inupiaq has the following tripartite economic interest and role as:

- traditionalist in the subsistence culture,
- citizen of the North Slope Borough, and
- shareholder of the Native corporations.

The Inupiat share in the profits of their Native corporations through dividends from business enterprises and ventures. The Inupiat also derive benefit from the tax revenues that the North Slope Borough invests in capital improvements. The Native corporations, the North Slope Borough, and ICAS also provide direct benefits to individual Inupiat through employment opportunities. Though the Inupiat may be desirous of and require access to employment, they may not be uniformly in accord with the North Slope Borough or Native corporations' primary activities and industries which provide tax revenue or capital. The dominant expressed interest of most Inupiat is the maintenance of the subsistence-oriented culture. To the degree that the North Slope Borough and the Native regional and village corporations

do not stimulate adverse impacts on the subsistence culture, they are compatible. The subsistence culture is grounded in Inupiat interrelationships with their environment and the natural resources.

## B. Conceptual Land Use Orientation and Plan

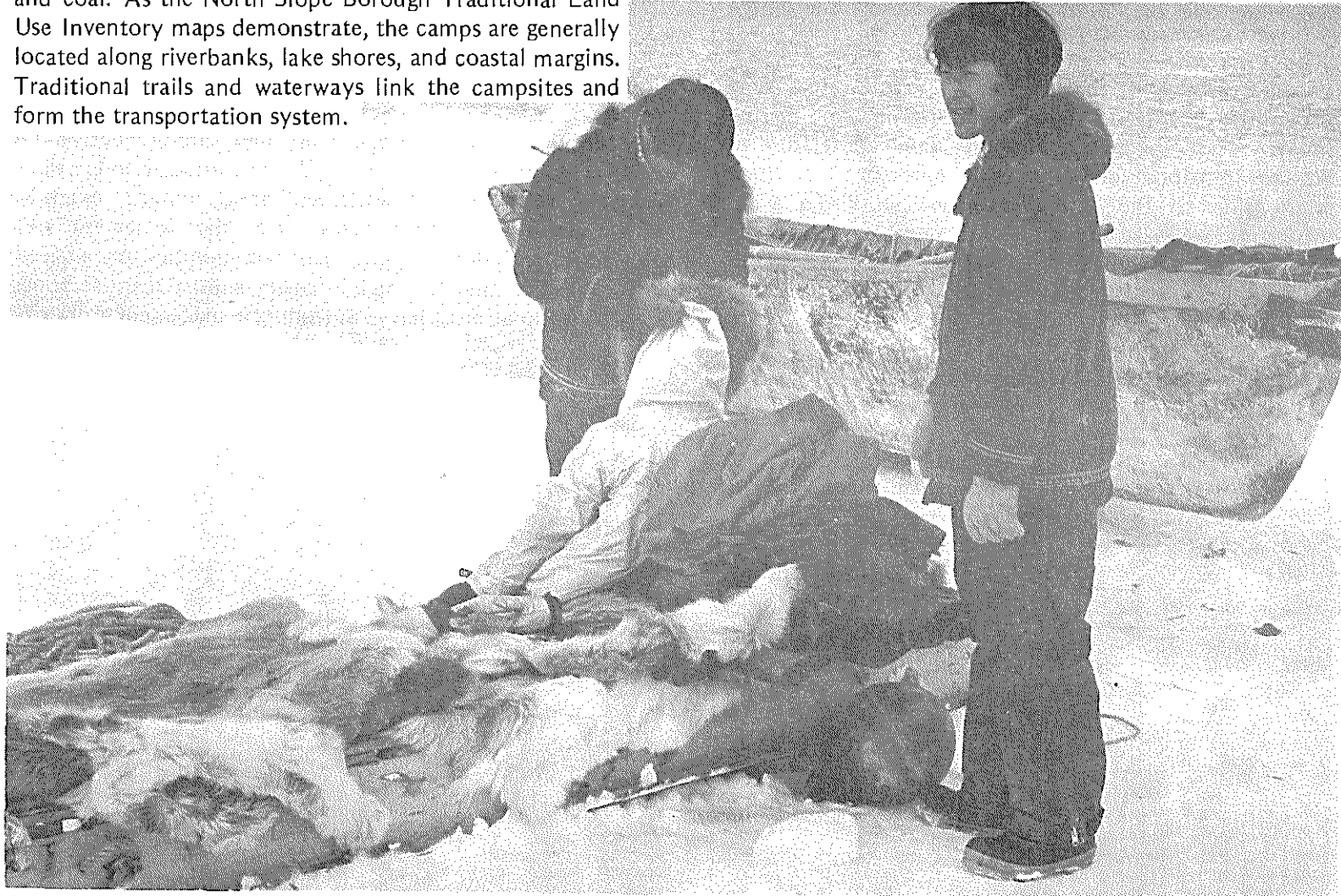
Although the environment of the Inupiat is divided into different physiographic and ecological regions and between federal, state, and Native lands, the Inupiat perceive their world as an ecosystem of which they are an integral component. The Inupiat conception of the environment grows outward from the homeland community. We identify ourselves conceptually and linguistically as inhabitants of particular geographical regions.



*Nuiqsut feast.*

Availability and access to natural resources, both on- and offshore, determine settlement patterns. Permanent habitation sites are located in areas that, first, provide the immediate physical necessities to sustain communities and, second; give access to surrounding subsistence resource zones. Temporary and seasonal settlements and campsites surround the permanent communities. The nature and duration of a camp's use depends on the subsistence activities pursued there—hunting for birds or mammals; trapping; fishing; or gathering berries, wood, and coal. As the North Slope Borough Traditional Land Use Inventory maps demonstrate, the camps are generally located along riverbanks, lake shores, and coastal margins. Traditional trails and waterways link the campsites and form the transportation system.

Inupiat settlement patterns incorporate the permanent communities and the satellite campsites. The environs surrounding the permanent community are characterized by a high level of campsite and resource use and by extensive travel routes. These high-density areas vary from 30 to 100 miles radius from the permanent community center. During winter months, territorial occupation and use extends from the mountains across the plains and beyond the shores to campsites established on the ocean ice.



*Inupiat hunters.*

The migratory nature of the wildlife populations on which the Inupiat depend demands that hunters be able to extend their territorial range far beyond the settlement environs. The hunter must often pursue or harvest his game over a hundred miles or more range from the settlement base. Overlapping resource areas exist between communities. The Inupiat are known to travel extensively following the wildlife which are essential to sustain their physical and cultural needs. Prime wildlife zones throughout the Arctic Slope region as well as wildlife migration routes are also part of the Inupiat subsistence resource area.

Located throughout the Arctic Slope region are special sites which have symbolic and cultural meaning for the Inupiat. These sacred sites have no direct correlation to Western religious ideologies but represent a spiritual relationship to the land and to ancestors. To avoid intrusion, we have elected not to nominate certain of these sites to the National Register of Historic Places, but they still sustain a cultural bond between the Inupiat and their land.

*The migrating caribou make the extended subsistence area necessary.*

Land use planning must recognize the Arctic Slope region as an integrated ecosystem. NPR-A and other political boundaries are artificial imprints on the natural and cultural world of the Inupiat. Since this is the case, the Arctic Slope must be managed as a single unit with the primary human use recognized as subsistence.

Related to Inupiat use of the land is the potential for reindeer herding. Although the North Slope Inupiat have not engaged in herding activities since 1952, the current status of the caribou population may warrant the need for reindeer herding. Consideration for this option should be open.

Within the Arctic Slope ecosystem, comprehensive land use planning must consider the two primary Inupiat land use categories: (1) settlement areas, and (2) extended subsistence resource areas. Over the settlement area, which includes the permanent communities, the adjacent campsites, and the high-intensity subsistence use zones, the Inupiat must have controlling management authority.

National Park Service



Beyond this area is the extended subsistence resource area—including the vast territorial range that hunters traverse to harvest migratory wildlife, the prime wildlife zones, and migration routes. Throughout these landscapes are the sacred places and other significant historic sites that have cultural meaning for the Inupiat and strengthen their relationship to the land. In essence, the combined areas of Native interest encompass the entire Arctic Slope, because they overlap between communities. Though the Inupiat people understand the necessity for controlled and environmentally safe resource development, Arctic Slope land use must be based on a management scheme that protects community interests.



*Inupiat fishing camp.*

*Permanent Inupiat settlement.*



National Park Service

## II. Land Tenure

Understanding the Inupiat perspective on land decisions and management plans demands an understanding of the Inupiat relationship to the land, changing landownership patterns and status, and the current forces and events which affect this relationship.

Throughout Inupiat history, the Inupiat have been the de facto owners of the North Slope and adjacent coastal region. For thousands of years the land, summer coastal waters, and winter shorefast ice was ours to traverse and use at will. The North Slope Inupiat lived within several autonomous socioterritorial units within definite geographical boundaries. These traditional units generally parallel the current settlement and subsistence use areas which provide the framework for our land use plan.

When the Euro-Americans arrived in the Inupiat homeland some 120 years ago, they made no challenge to this "possession." Subsequent generations of outsiders who came North to trade, proselytize, educate, or do the business of government did not interfere with our landownership or our ancestral possessions. The establishment of commercial whaling and trading stations, after 1884, provided mutual benefit to the Americans and the Inupiat who participated in these economic enterprises. The missions and schools established after 1900 provided services to the Inupiat.

Eventually, however, as federal interest in our lands grew because of their strategic defense location and rich natural resources, land withdrawals were made (without our approval or consent) which encompassed more than half of our arctic homeland. President Harding's 1923 Executive Order which established the Naval Petroleum Reserve Number 4 (NPR-4) and, later, the creation of the Arctic National Wildlife Range, did not immediately interfere with our continued use and access to the land. However, we were soon to learn that Western ownership concepts and American laws would govern what we deemed as Inupiat homelands.

The establishment of military installations, beginning in 1946, and the Distant Early Warning (DEW) sites constructed from 1953 through 1957, were the first major outside interests that interfered with the Inupiat's unrestricted use and access to the Arctic. The State of Alaska land selections and leases to the petroleum industries accelerated the trespass on Inupiat land. The Inupiat challenged these encroachments on the aboriginal homeland by filing a trespass suit in federal court (Edwardsen vs. Morton) and participating in the Alaska Native land claims settlement efforts in Congress.

The resolution of our aboriginal land claims in 1971 allocated certain lands between the Arctic Slope Regional Corporation and the eight village corporations. Under ANCSA, Inupiat landownership also distinguished between surface and subsurface estates. Although the control of our land is now divided between federal, state, and municipal governments; regional and village corporations; and other private interests, we continue to use our land as extensively as did our forefathers. Development in our arctic homeland has inhibited our use of areas which were previously unrestricted, particularly around the Prudhoe Bay oil fields. We realize that national interests are now focusing on our homeland and may further impinge on our lives.

We Inupiat want to present our concerns and recommendations for the future use of North Slope lands as decisions are made under the National Petroleum Reserves Production Act. The management plan that will ultimately be adopted for the area must consider our cultural and functional relationship to the land. Those who will make decisions so important to our land and our cultural survival do not share that relationship. The land use plan should seek to resolve the conflicts and inequities on behalf of the Inupiat because we are the sole long-term residents of the Arctic.

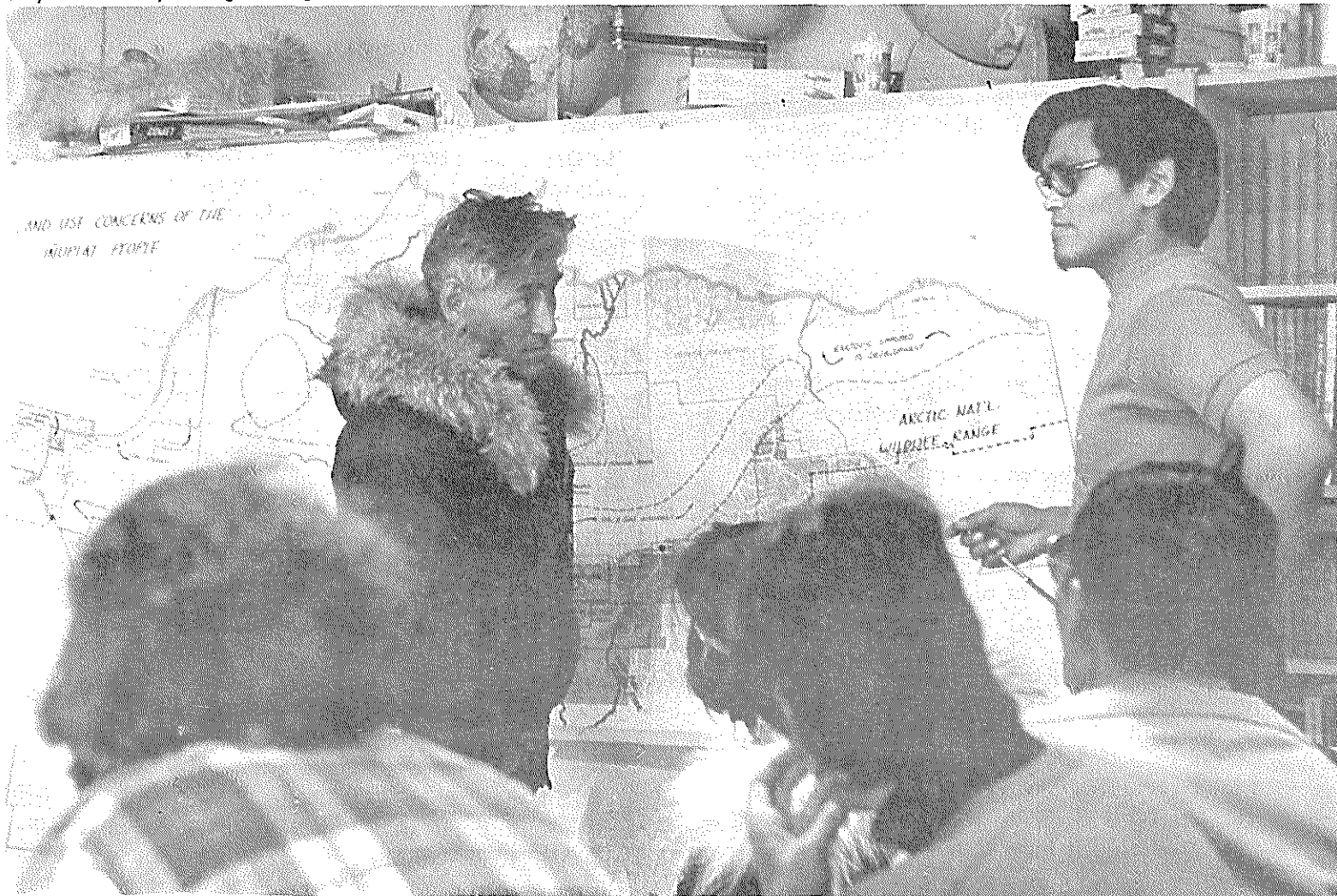
### A. Native Allotments and Campsites

The Traditional Land Use Inventory identifies approximately 450 land use sites within NPR-A alone. Campsites

are used as the base of operation for Inupiat subsistence activities. The establishment of NPR-4 in 1923 had little initial effect on our use of the land. Although the Alaska Native Allotment Act had been in effect since 1906 and a 1956 amendment authorized the right to select lands valuable for coal, oil, and gas (provided mineral interests were reserved for the United States), very few allotments were granted to the Inupiat.

The Inupiat have asserted ownership claims to their hunting and fishing campsites, but their right to these sites has been a subject of open and continued controversy between the Inupiat and representatives of several agencies of government since the end of World War II. Three points of historical clarification pertain to the status of these campsites. First, only a very small percentage of actual hunting and fishing campsite applications were filed under the allotment act. Few Inupiat availed themselves of the allotment privilege, partly because it was in such sharp contrast to their system of common

*Inupiat land use planning meeting.*



holdings, but also because the government had failed to inform the Inupiat about the allotment filing procedures. Second, those allotments which were eventually filed were either denied by the government or not acted upon due to agency interpretation of the 1923 executive order creating NPR-4. Third, although the Senate version of ANCSA legislation approved the transfer of campsites (and allotments) within NPR-4 (now NPR-A) to the Inupiat, as well as elsewhere in Alaska, the final act did not contain such provision. Congress instead relied on an admonition within the ANCSA conference report to the Secretary of the Interior to classify subsistence lands and campsites. This classification program has not been executed nor even begun, and, as a result, we have been denied ownership to campsites within NPR-A, most of which have been occupied by specific families for generations.



#### *Inupiat Position*

The Inupiat hold that this denial of title to subsistence camping areas is unfair treatment by the government and we are currently seeking a judicial resolution to the allotment issue. However, the allotments on file represent less than half of the traditional campsites. These camps are critical to food-gathering needs. A Congressional mandate could more quickly resolve the allotment question as well as disposition of the other Inupiat land use areas for the benefit of the Inupiat. Approval of allotments and conveyance of other campsites by Congress within the reserve will not prevent the achievement of national objectives within it.

We therefore petition Congress to formally convey these lands to the Inupiat by legislative mandate in a manner at least equitable with adjudication of allotments outside NPR-A.

#### **B. The NPR-A Boundary—Where should it be located?**

The location of the NPR-A boundary has come under dispute in recent years. Problems arise from ambiguities,

cartographic inaccuracies, and undefined terms in the original executive order. Several reports have described these problems and offered solutions.

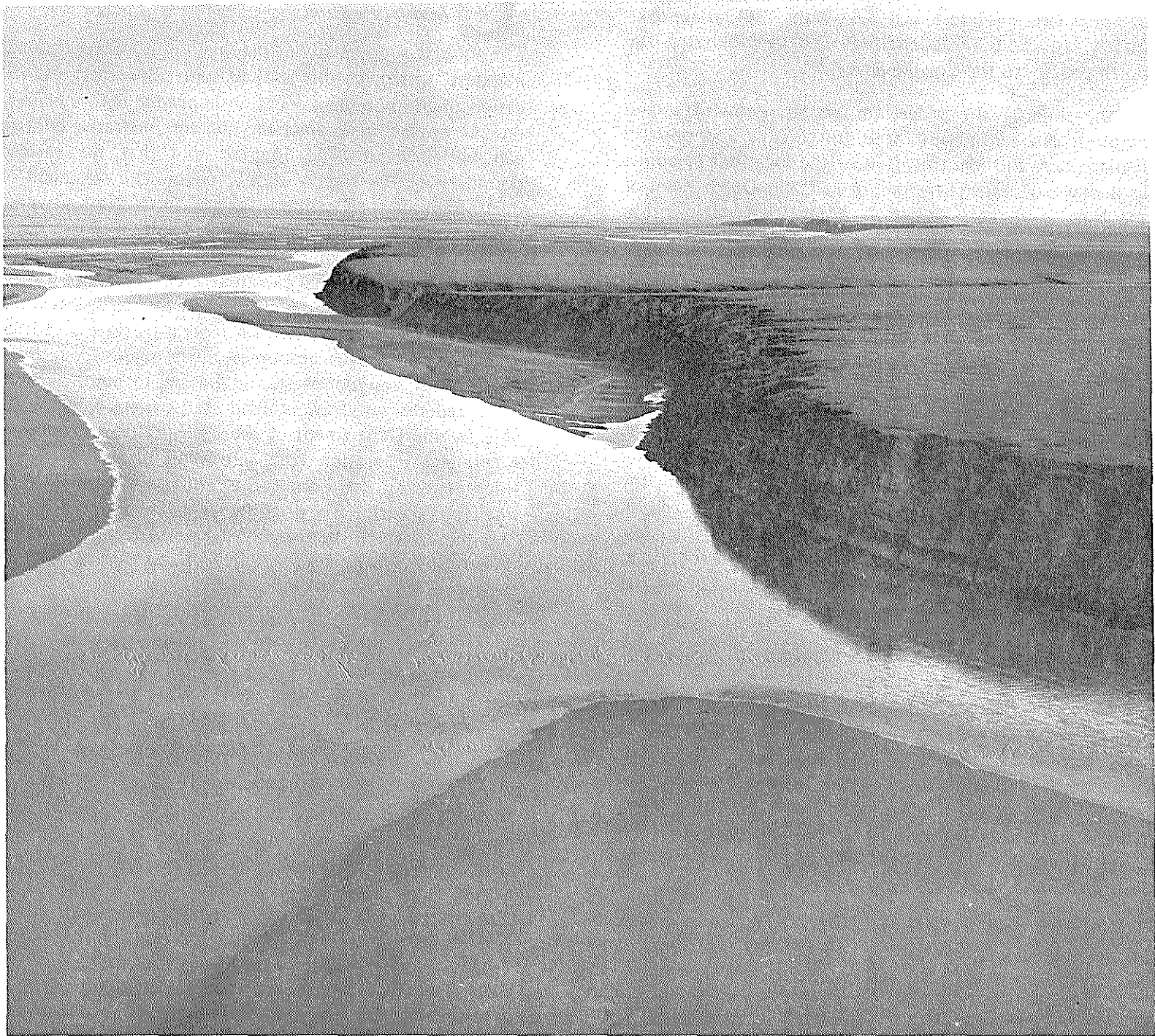
Ambiguities in the executive order's boundary description have left the location of the Colville River portion of the boundary in question. Confusion stems from the statement that the western boundary will follow "... true north course to a point at the highest high water on the western or right bank of the Colville River; thence following said highest highwater mark downstream along said Colville River and the western bank of the most western slough at its mouth . . ." The problem is that due to different survey interpretations, the boundary could follow either bank of the Colville River.

The Department of the Interior and the Navy have argued over this for years. Public Land Order clarifications of Executive Order 3972-4 promulgated in 1958 (P.L.O. 1621) and 1960 (P.L.O. 2215) did not resolve the issue. In 1969 the Navy challenged the Department of the Interior's position on changing the 1923 order, and various legal opinions were issued on the matter. Then in 1972 the Navy published its own Notice of Boundary Description of Naval Petroleum Reserve No. 4 in the *Federal Register*. The essence of this notice was that the boundary would be along the east bank of the Colville River. The Department of the Interior disagreed. The State of Alaska also disagreed and filed objections in federal court, where the matter still resides. Ironically, now that the Department of the Interior manages NPR-A, it appears to have abandoned its earlier position and now agrees with the Navy's former position.

The 1923 executive order also gave approximate latitudes and longitudes to the points of origin for the two north-south boundaries of the reserve; i.e., the far western boundary and the line from the Colville River to the crest of the Brooks Range. These two points and their north-south boundaries were indicated to be: "Icy Cape, approximately latitude 70° 21', longitude 161° 46', thence extending in a true south course . . . (and) a peak at the head of the northernmost of the two eastern forks



*Colville River.*



of Midas Creek (Plate I, U.S.G.S., Bull. 536), at approximately latitude 67° 60', longitude 156° 08'; then in a true north course (to the Colville River)."

At the time of the order, equipment, knowledge, and methods did not permit accurate surveys and positive demarcation and identification of the locations of points as is now possible. Therefore, in 1972 the Department of the Navy posted its Notice of Boundary Description in the *Federal Register* with new longitudes and latitudes based on more modern and accurate measurements. These corrected points of origin shift the Icy Cape boundary 0° 6' 41" west and the other foothills line 0° 31' 9" east.

Such corrections do not appear to change the meaning or intent of the executive order as issued, but neither do they solve the problem of where the boundary should be located. First, the corrected points of origin are still termed "approximate" by the government. Second, Icy Cape is slowly moving to the west by forces of coastal erosion and accretion. Therefore, this boundary is termed "ambulatory." Third, the foothills boundary is subject to interpretation as to which of several mountain peaks was initially intended as a point of origin.

Finally, the order did not define the term "coastline" used in defining the Arctic Ocean boundary of the reserve. It could be defined as either along the mid-high water line of the shore or in accordance with "historic bay doctrine," permitting straight baselines across bays such as Harrison and Smith Bays, or a combination of the two. Complicating this issue further are contradictory interpretations of Public Land Order 82, State of Alaska rights stemming from the Statehood Act, and application of the Submerged Lands Act.

The boundaries of the reserve must be clarified either by Congressional action or court decision if adjacent Inupiat land selections and State of Alaska selections are to be validated. Without any decision, land tenure in the region will be disputed for years, and many aspects of NPR-A and adjacent land management will be lost by default.



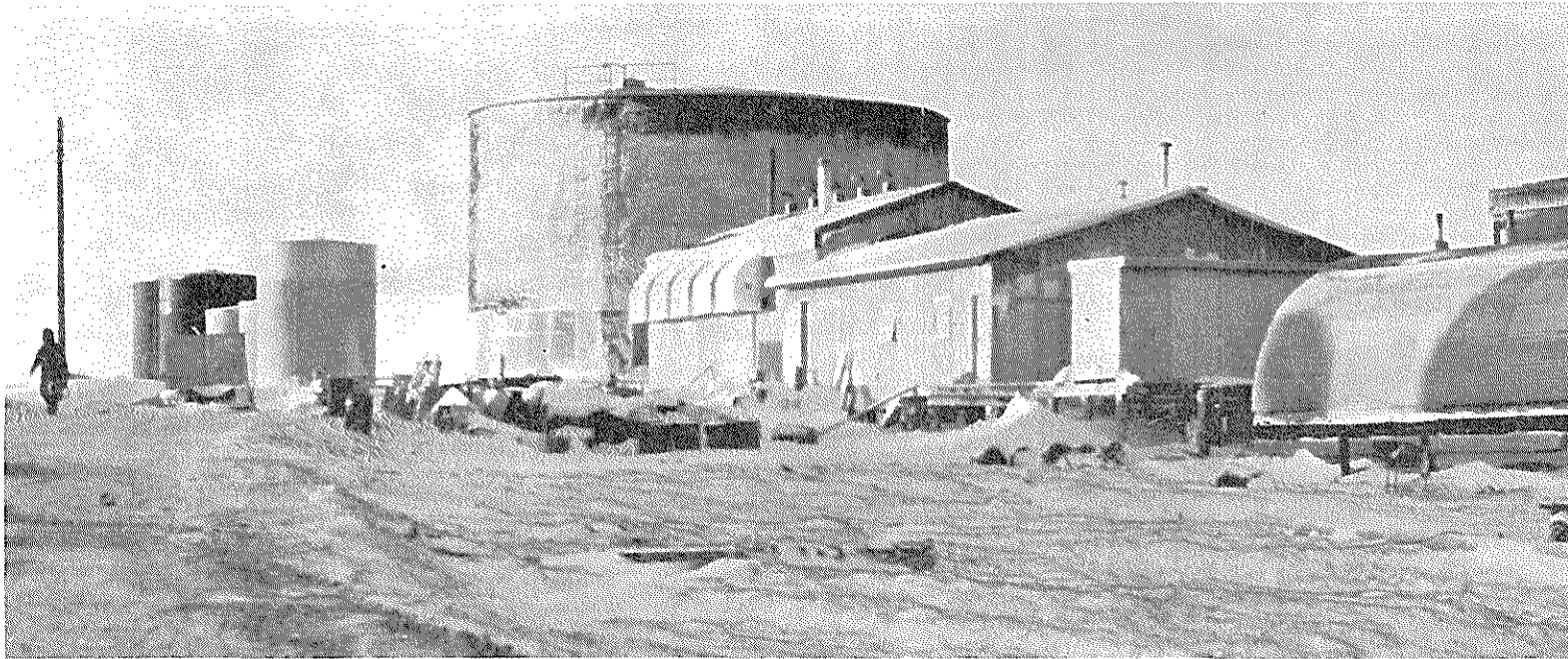
### *Inupiat Position*

The Inupiat support any effort, including a Congressional mandate, to resolve this issue as soon as possible. Clarification of the boundary location is needed before Native, federal, or state landownership and administrative control can be finalized. The Inupiat hold that the eastern boundary of the reserve should follow the west and/or north bank of the Colville River and the Nigeluk Channel in the delta. The definition of coastline used in determining the Arctic Ocean boundary should be a fair interpretation of the original executive order, balanced by the rights the State of Alaska achieved at statehood. Arbitrary approaches based on federal or state greed for potential oil or gas resources must be avoided. Both north-south boundaries should be set to coincide with 1972 federal withdrawals, land status maps made available by the Department of the Interior for Arctic Slope Regional Corporation land selections, and actual selections made by this corporation and the village corporation for Nuiqsut. To do otherwise will leave areas of "no-man's land" between federal, state, and Native ownerships which will complicate land management in the region for years to come.

Also involved with the boundary issue is the "navigability" status of the Colville River. The Inupiat believe that historical records of commercial use and travel on the Colville River are more than sufficient to prove its navigability.

### **C. Water Rights—How should they be allocated?**

Water is a scarce resource in the Arctic. Precipitation varies considerably with location, but in the vicinity of NPR-A heaviest amounts occur in the highest elevations of the Brooks Range, where the annual average is approximately 10 inches. In coastal and foothills areas, annual amounts range from 7 to less than 5 inches. Extreme cold and the presence of permafrost further limit water availability. Permafrost prevents water from entering the ground and from being stored as groundwater. Frozen ground also forms an impermeable layer



*Arctic community water facilities.*

which restricts recharge, discharge, and movement of groundwater; acts as a confining layer; and limits the volume of unconsolidated deposits and bedrock in which water may be stored in liquid form.

Even so, water is a conspicuous seasonal part of the arctic landscape and contributes to the unique topographic features of this region. During summer most of the flat coastal plain is covered with surface water (streams, meandering rivers, lakes, and marshes) that is readily available for plants and animals. In winter, however, water supplies are minimal, and it is at this season particularly that competition for available water among fish, wildlife, and man is most acute. If improperly allocated, fish and wildlife and their harvest by the Inupiat will suffer locally, and commercial or community development will be badly impaired.



#### *Inupiat Position*

The Inupiat believe that the first priority of water reservation, in line with the Alaska Constitution, is for

domestic and community water supply. Second, it is imperative that water resources be allocated to maintain flow for the use of fish and wildlife prior to any appropriation for industrial use. All federal and state agencies concerned with water resource management need to agree on this priority use of arctic waters. Third, pursuant to an extension of federal reserve water rights which passed to the Inupiat through the implementation of the Alaska Native Claims Settlement Act, it is asserted by the Inupiat that all of the Arctic Slope village and regional corporation land selections carry with them a reservation of water sufficient to accomplish the purposes of ANCSA in its land conveyances to Alaska Natives. Further, we assert that water use and adjudication of conflicts over such use, which are now subject to state allocation or appropriation (i.e., all waters except federal and Native reserve rights), are more properly local government functions. In effect, local people would establish and administrate a water district, as is already done in many other western states.



**D. National Interest Designations—  
Under what land use classifications,  
if any, should NPR-A lands be  
placed which are at variance with  
present authority?**

The NPR-A Land Use Study contains a spectrum of six land use options. These options are loosely structured around various national interest designations. They range from open uncontrolled development (except in critical habitat areas) at one end of the spectrum to wilderness status at the other. During public hearings held to discuss these options with the Inupiat, the people voiced their dissatisfaction with all of these alternatives. It was also found that the traditional (Western) frame of reference taken by the NPR-A Task Force made it difficult, if not impossible, to incorporate Inupiat cultural concerns in the land use study and subsequent recommendations.



*Inupiat Position*

Various national interest designations and the impact

they would have upon the Inupiat have been examined during preparation of this document. None is adequate for the maintenance of cultural identity by the Inupiat; however, NPR-A may still be wholly or partially placed in these national interest designations. If this happens, the Inupiat would conditionally endorse national wildlife refuge or range designation for the lands of NPR-A. The first condition would be that Congress recognize local subsistence harvest needs and provide an adequate regulatory regime; the second is that administration would have to include meaningful local participation, including local government participation in setting management policies and regulations and the employment of local residents.

These two prerequisites to Inupiat endorsement of range or refuge status for NPR-A can be met through one of two processes. First, the achievement of an adequate federal-state agreement on the regulatory framework for arctic fish and wildlife resources and, second, through federal-local government agreement on management and administrative responsibilities.

**E. National Register of Historic Places—Should the National Register of Historic Places be used as a tool for land use planning and protection of cultural resources?**

Under terms of the National Historic Preservation Act of 1966, direct federal undertakings and federally supported or licensed undertakings that might affect national register properties are subject to compliance procedures administered by the National Advisory Council on Historic Preservation and the State Historic Preservation Officer. These compliance procedures require prior evaluation of any such undertaking to detect possible adverse effects on national register properties. The lead federal agency is required to attempt to mitigate adverse effects, and, in

extreme cases, may recommend against the undertaking. When tied to the environmental safeguards required by NEPA, national register compliance procedures provide an important safeguard that can be initiated locally to prevent damage to or destruction of cultural resources.



*Inupiat Position*

The Inupiat community advocates full use of the National Register, provided that continued surface use by the Inupiat is insured, and including the obligation of federal land management and licensing agencies (in cooperation with Inupiat cultural resource specialists) to survey, identify, and nominate all potential national register properties within NPR-A. Each action establishing a historic site must also include assurance that Inupiat use of these sites is protected.

*Inupiat historic site.*



# III. Use of Natural Resources

For thousands of years our presence has been based on the harvest of natural resources. The Inupiat cultural system developed adaptive strategies which allowed our ancestors to become a part of the arctic environment and make it our homeland. Our ancestors discovered the appropriate tools and harvesting techniques, developed a social organization, and promoted cultural values to maximize resource production. In spite of the seasonal availability of various resources, the unpredictable movement of migratory wildlife, and the natural fluctuations of the biotic populations, the Inupiat survived. From the land, lakes, rivers, sea, and ice we extracted resources to feed and clothe ourselves.

Today our physical and cultural survival depends on the continued harvest of natural resources. Caribou, fowl, fish, whale, seal blubber, and oil remain our staple diet. The consumption of high protein and energy food provides us the maximum calories to combat the frigid temperatures of the Arctic. Our arctic clothing of hides and furs remains unsurpassed. We not only desire and prefer our native food, we view it as essential for our nutritional requirements and our psychological well-being.

The perpetuation of the Inupiat culture is based on the continued relationship to the land and use of natural resources. Our cultural values and norms and the organization of families promotes cooperative hunting ventures and the sharing of natural resources. The products of our fish and wildlife provide us with more than food and clothing. The cooperative hunting efforts, sharing of food, and the formalized distribution of subsistence

goods during ceremonial feasts serve to unify our families and communities. The trading patterns between communities serve to integrate our region.

In times past, our harvest of wildlife was governed by environmental constraints, cultural norms, and ideologies. Today, our hunting and fishing activities are regulated by a host of federal, state, and international statutes and treaties as well as environmental factors and cultural codes.

The management plan for natural resources must take into consideration our cultural and nutritional needs. We who most directly depend on the natural resources of the Arctic must participate in development of management policies and regulations.

## **A. Fish and Wildlife—How should fish and wildlife resources be administered and their harvest managed?**

Increasingly since World War II, the Inupiat have been unfairly subjected to outside controls over wildlife harvest. As the war ended, the region's caribou herds were on the increase, following very low population levels of the late 1920's and 1930's. This allowed the Inupiat, who formerly lived in the Interior, to return from coastal communities to their more traditional homelands along the foothills and northern flank of the central Brooks Range. At that time caribou harvest north of the Brooks Range was unrestricted. Territorial wildlife officials, concerned with maintaining the resurgence of the caribou population, conducted a massive predator control program to eliminate wolves and worked with the Inupiat to prevent individual hunters from wasting the caribou resource. Throughout this period the importance of wildlife resources as food sources for the Inupiat was fully recognized.

Wildlife management authority transferred from the federal government to the new state of Alaska in 1958. This had no immediate effect on the Inupiat, but it was clear that the federal role in wildlife management in Alaska



had changed. Suddenly, its only real authority was over migratory birds and federal wildlife refuges.

In the spring of 1962 a closure was imposed on the Inupiat spring harvest of ducks and geese at Barrow, Alaska. The Inupiat insisted on their need to harvest this vital source of food. Confrontation resulted. Enforcement agents were instructed to withdraw on the basis that the migratory bird treaty with Great Britain was not intended to restrict Native subsistence harvest in either Canada or Alaska. However, since no legal decision was reached, the issue is still occasionally raised by the government.

Another situation of great concern to the Inupiat is the health of the caribou population. In 1969 the Western Arctic Herd was showing signs of decline. The alarm was sounded by a few, but most government biologists were too busy with trans-Alaska pipeline environmental plans to listen or care. The State of Alaska did nothing to regulate caribou harvest until the population had declined from an estimated 250,000 animals in 1970 to perhaps less than 60,000 in 1975-76. In March 1976, following meetings in the Inupiat villages in which the Natives were blamed for the caribou decline, state biologists recommended emergency closure, measures which ignored Inupiat food requirements. The people had to expand their fishing efforts and intensify the harvest of marine mammals to compensate for the decreased caribou harvest necessitated by the State's lack of attention.

Then there is the whaling issue. In 1970, the U. S. Department of the Interior classified the bowhead whale as an endangered species—without specific scientific evidence concerning the status of the whale population in arctic waters, without public notice and process involving the Inupiat people, and without use of the knowledge the Inupiat had of these animals. In 1971, an international scientific committee met in Washington, D. C. and strongly urged the International Whaling Commission (IWC) to reduce commercial harvest quotas for most of the great whale species, including the bowhead.

Subsequently, a series of events has occurred which directly involve the Inupiat. In the spring of 1977, the IWC rescinded an exemption that permitted aboriginals to take bowheads. In effect, this imposed a complete moratorium on their harvest by the Inupiat. Eskimo whaling captains organized the Alaska Eskimo Whaling Commission (AEWC) to represent Inupiat whaling interests in international and national meetings to organize management plans for the bowhead population.

All of these actions affected the 1978 spring whaling season. Each of the traditional whaling villages along the Alaskan Arctic coast fielded their whaling crews as they

have for thousands of years. This year, however, as each quota was filled, whaling activities ceased in spite of the fact that ice conditions would have permitted additional harvest, and harvestable whales continued to migrate past the villages. This decision came as a complete surprise to the Inupiat who reacted strongly and quickly. The AEWC questioned whether the IWC had jurisdiction over subsistence whaling and insisted that the federal government file a formal objection to the IWC regulations. The U. S. Government did not file a formal objection but did request that the IWC further consider its decision. In

December 1977 the IWC approved a regulated harvest of 12 bowheads, far fewer than the Inupiat need. Nevertheless, the Inupiat assisted the Department of Commerce in allocating a quota to each traditional whaling village and honored the quota imposed by the IWC during spring whaling.

Meanwhile, the Inupiat pressed for research to determine the current status of the bowhead whale population, and they wanted to participate. In the spring of 1978 the Alaska legislature allocated funds to hire Inupiat whalers and young people to assist the National Marine Fisheries

*Inupiat whaling.*





Service in collecting data on the bowhead in Arctic waters. As a result of Inupiat participation, more scientific data were collected on the bowhead whale during that field season than in any previous one. Because of this work, bowhead population estimates were revised from the 1975 level of less than a thousand animals to a minimum estimate of more than two thousand in 1978.

In the fall of 1978 the IWC met again to consider the bowhead whale harvest quota. Inupiat representatives argued that the quota should be substantially increased, based on the new evidence, but to our disappointment the quota was increased only slightly. The Inupiat are currently in federal court contesting IWC decisions and jurisdiction over subsistence whaling.

The restriction of Inupiat food harvest from waterfowl, caribou, and whale over the past 16 years may seem unrelated to NPR-A administration and resource management concerns, but we believe they are highly relevant.

Traditionally, the Inupiat have obtained their food mainly from whale, caribou, waterfowl (as discussed above), plus fish and other marine mammals. The amount actually harvested from each of these components varied from year to year, depending upon complex environmental conditions. Thus, if ice conditions did not permit the harvest of whales or if the caribou population was undergoing a periodic low, effort shifted to other components. In addition, many of these species have unique environmental requirements. Arctic species require more space than those in temperate climes. Thus, if nesting conditions in northern Canada are unsatisfactory, waterfowl, snow geese, and pintail ducks nest in northern Alaska. If ice conditions are unsatisfactory in the Beaufort Sea, seal populations move to the Chukchi Sea, several hundred miles away. If weather conditions are bad near traditional calving grounds, caribou will calve elsewhere.



*Inupiat Position*

For these reasons, both biological and cultural, the Inupiat believe very strongly that the Arctic must be

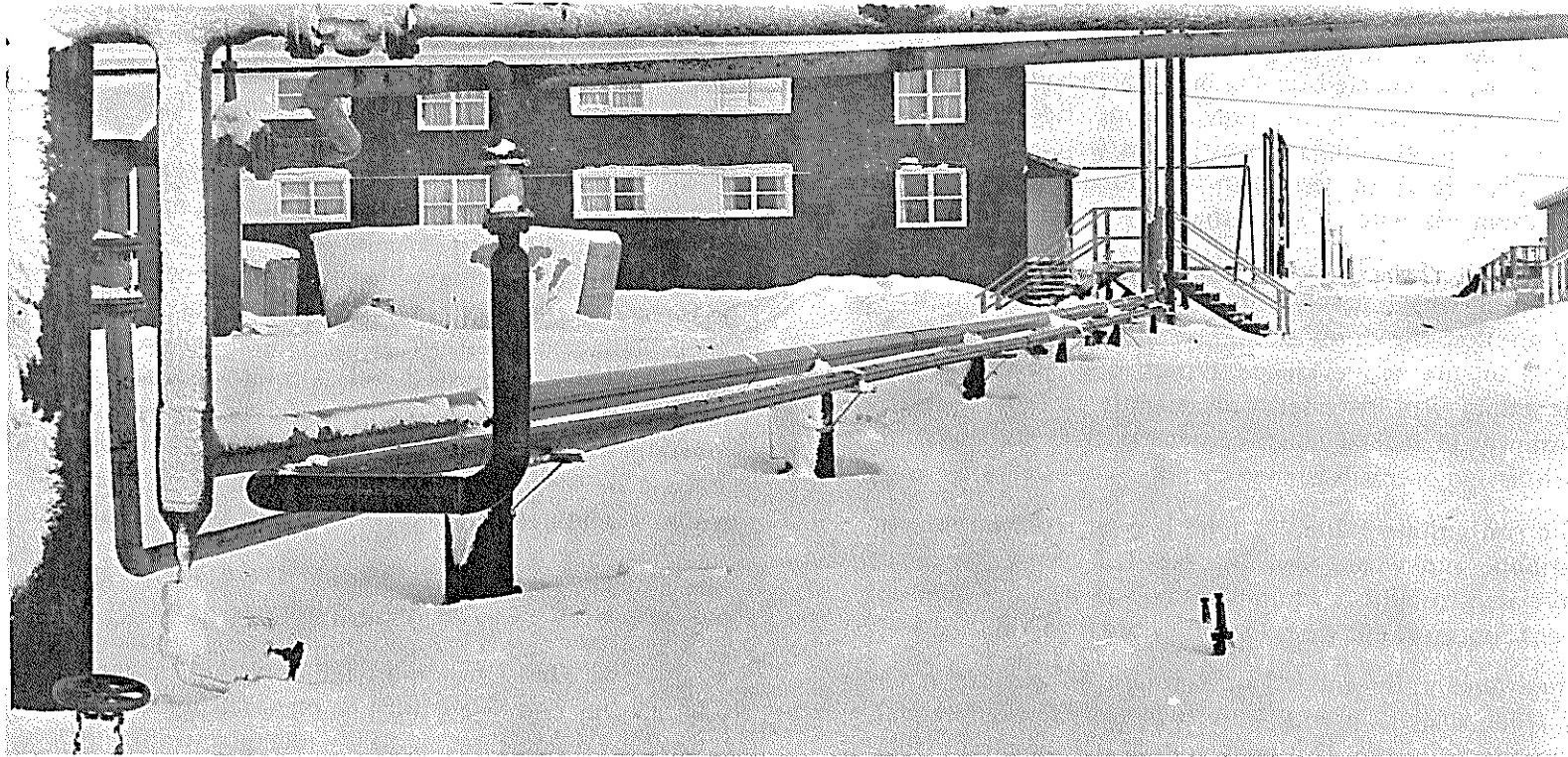
managed as a regional ecosystem. Any action which defines boundaries separating a particular area from the whole has no validity, either culturally or biologically, and is likely to be disruptive. Thus, the Inupiat feel that the administration of wildlife in arctic Alaska, upon which they depend for food and life itself, must be removed from multiorganizational jurisdictions and be administered singularly and holistically, and with recognition of the cultural and biological needs of the Inupiat as integral parts of the natural system. Furthermore, in the development of priorities for natural resource use, we contend that our physical and cultural survival demands subsistence harvest as a top priority use above the sporting wishes of wildlife hunting recreationalists, the dictates of specific oil or gas development, or the international commercial harvest of whales on the high seas.

The foregoing comments provide the basis for specific positions relative to fish and wildlife resources:

- Arctic Alaska fish and wildlife resources, terrestrial, marine, and avian, must be managed and administered by a single agency of the federal government.
- Our local government should have policy level participation with the federal government in this management; or alternatively, an Inupiat fish and wildlife management authority analogous to the Alaska Eskimo Whaling Commission, but more broadly constituted, should be created to exercise this partnership role.

## **B. Nonrenewable Resources**

The Inupiat accept as a fact of national policy that oil and gas development will occur in NPR-A if significant quantities of these resources are found. We are deeply concerned that geographic distribution, delayed development techniques, and carefully phased timing of particular oil and gas developments achieve the most compatible regime for protection of the physical, biological, and sociocultural environment. We want to share in the benefits of proximate developments in terms of provision



*Barrow residents use local resources from the South Barrow Gas Field.*

of local fuel and employment in a stable economic system.

Commercial extraction of other minerals, with the exception of coal for local use, is opposed unconditionally because of the environmentally destructive technologies required and because such resources are more economically accessible elsewhere. Critical national requirements for oil and gas should not be the excuse for general exploitation of NPR-A.

1. Oil and Gas—How should their future development be guided and what role will the Inupiat play?

The often-reported potential of the National Petroleum Reserve in Alaska as a source of substantial oil and gas deposits has made it the object of sporadic government interest since Smith's "discovery" in 1917 of oil seeps

near Cape Simpson. It was not until the advent of World War II, however, that this interest became great enough to affect the Inupiat people who lived and depended on the lands circumscribed by the reserve's boundaries. Thus, in 1943 the entire Arctic north of the Brooks Range was withdrawn from entry and the government began a 10-year investigation of lands in the present petroleum reserve and elsewhere. The resulting long-term effects to the Inupiat ranged from the transmission of fatal diseases (there were severe epidemics during 1947-48) to the first real introduction of a cash economy and limited local employment.

In 1964 the Navy developed the South Barrow gas field and constructed a distribution system to supply government installations in Barrow with a source of heat. After a long and often bitter bureaucratic struggle, the Navy reluctantly agreed to allow local residents to link their

homes to the distribution system which, despite its blatant safety hazards, is still the only one available to the village. The essence of a gas supply agreement between the people of Barrow and the Department of the Navy was reiterated in 1976 with the enactment of H.R. 49 (PL94-258), the National Petroleum Reserves Production Act, which transferred jurisdiction of NPR-A to the Department of the Interior. Section 104(c) of the act authorizes the Department of the Interior to continue operation of the South Barrow gas field, "... or such other fields *as may be necessary*, to supply gas at reasonable and equitable rates to the native village of Barrow, and other communities and installations at or near Point Barrow, Alaska . . ." [emphasis added]. This provision sets an important precedent which, when feasible, should be applied to development of natural gas resources throughout arctic Alaska.

Another legal agreement which requires consideration in terms of planning for future development within NPR-A is that made in May of 1974 between the United States government and the Arctic Slope Regional Corporation; the village corporations of Barrow, Atkasook, Nuiqsut, and Wainwright; and the Department of the Navy. This agreement stipulates the rights of the federal government regarding the exploration for and extraction of any component of the subsurface estate beneath Native-conveyed surface lands within NPR-A. It addresses the manner in which such activities must be conducted and states specific criteria intended to govern the future selection of easements and drilling sites. It also provides for compensation in the event of damages caused by such operations.



#### *Inupiat Position*

The agreement mentioned above represents a set of mutually agreed upon criteria which should be used, in part, to guide all future exploration and development within NPR-A. There are, however, other guidelines which must be considered—the most important being the degree to which any proposed activity threatens the

quality of our lives as Inupiat or the integrity of our homeland.

Any activity which threatens these fundamental cultural values concerns us in the deepest sense possible. The positions we express below are based on this concern.

- a. We recognize that oil and gas development is both an opportunity for and a threat to our self-determination. We feel that local residents and the local government should have a formal role in evaluating the effects of all such activities proposed anywhere in the North Slope Borough.
- b. The Traditional Land Use Inventory (TLUI) should be expanded, analyzed (as part of an ongoing program to record the knowledge of the Inupiat people), and utilized as a fundamental planning tool by all agencies evaluating potential impacts of proposed activities on lands of the Arctic Slope. It should be recognized, however, that the Arctic is a dynamic ecosystem subject to constant changes in use patterns. Therefore, the TLUI must be updated on a continual basis, along with other processes for the continued evaluation of land uses. The practice of proclaiming rigid land dedications for particular or multiple uses is not compatible with an integrated approach to land use planning anywhere in the Arctic.
- c. Areas identified in the TLUI as critical to subsistence or cultural values should be off limits to any oil and gas exploration or development activities, including transportation systems. Activities proposed in areas outside these sites should be evaluated on a case-by-case basis in close cooperation with local residents and representatives of the Borough and ICAS; for in order to mitigate the effects of such disruptive and alien uses, in a special environment of great significance to many people, requires special knowledge that only we can provide.

- d. Specific projects, when allowed, should be guided by strict environmental and societal stipulations formulated in cooperation with local residents and closely monitored with severe penalties for noncompliance.
- e. Harmful substances and materials associated with oil and gas exploration should be removed under stiff penalties for noncompliance. These include:
  - seismic wire,
  - drilling mud (especially near streams and lakes),
  - solvents used to clean heavy equipment, and
  - sewage and trash (still present at older drilling sites).
- f. Any roads constructed as a result of exploration or development activity should remain closed to all but industrial use. Traffic must be kept to a minimum and patterned so that the impact to wildlife and dependent hunters is reduced.
- g. Areas closest to existing development should be carefully inventoried and explored for resource potential and, if appropriate, developed before other areas are considered.
- h. Development activities must be isolated in industrial camps occupying as little area as possible and located a sufficient distance from traditional communities.
- i. In addition, the following provisions should be included as part of the social stipulations applied to all leases within North Slope Borough boundaries with resulting costs borne by the leasee as part of the costs of production.
  - Local resident recruitment locally (not in Fairbanks or Anchorage).
  - On-the-job training and apprentice programs for borough residents.
  - Distribution of natural gas and fuel oil to local villages (whenever possible) at cost of production (“Why must we pay, in a society where cash income is extremely low, \$100 for a 55-gallon barrel of fuel oil to heat our homes when millions of barrels of oil are extracted and transported from our land every day?”).
  - Promotion of joint venture operations with the Arctic Slope Regional and local village corporations to provide maintenance services, contract labor, security, trail staking, etc.

2. Sand and Gravel—For what purposes and under what guidelines should their extraction be permitted?

Sand and gravel deposits are sparse in all of arctic Alaska, extremely scarce in the coastal plain of NPR-A, and are vital to all construction projects, whether for community development or oil and gas recovery or transportation facilities. Furthermore, it is extremely dangerous to natural environments and to the works of man to utilize many of the sparse sources that do exist. Removal of streambed gravels can have deleterious effects on fish habitats. Coastal erosion and resultant changes in the shape of coastlines, with disastrous effects, also occur when seacoast gravels are imprudently used. Construction techniques that minimize use of rare and valuable sand and gravel sources should be used whenever possible, and thorough studies of anticipated effects must be made prior to any specific extractions.

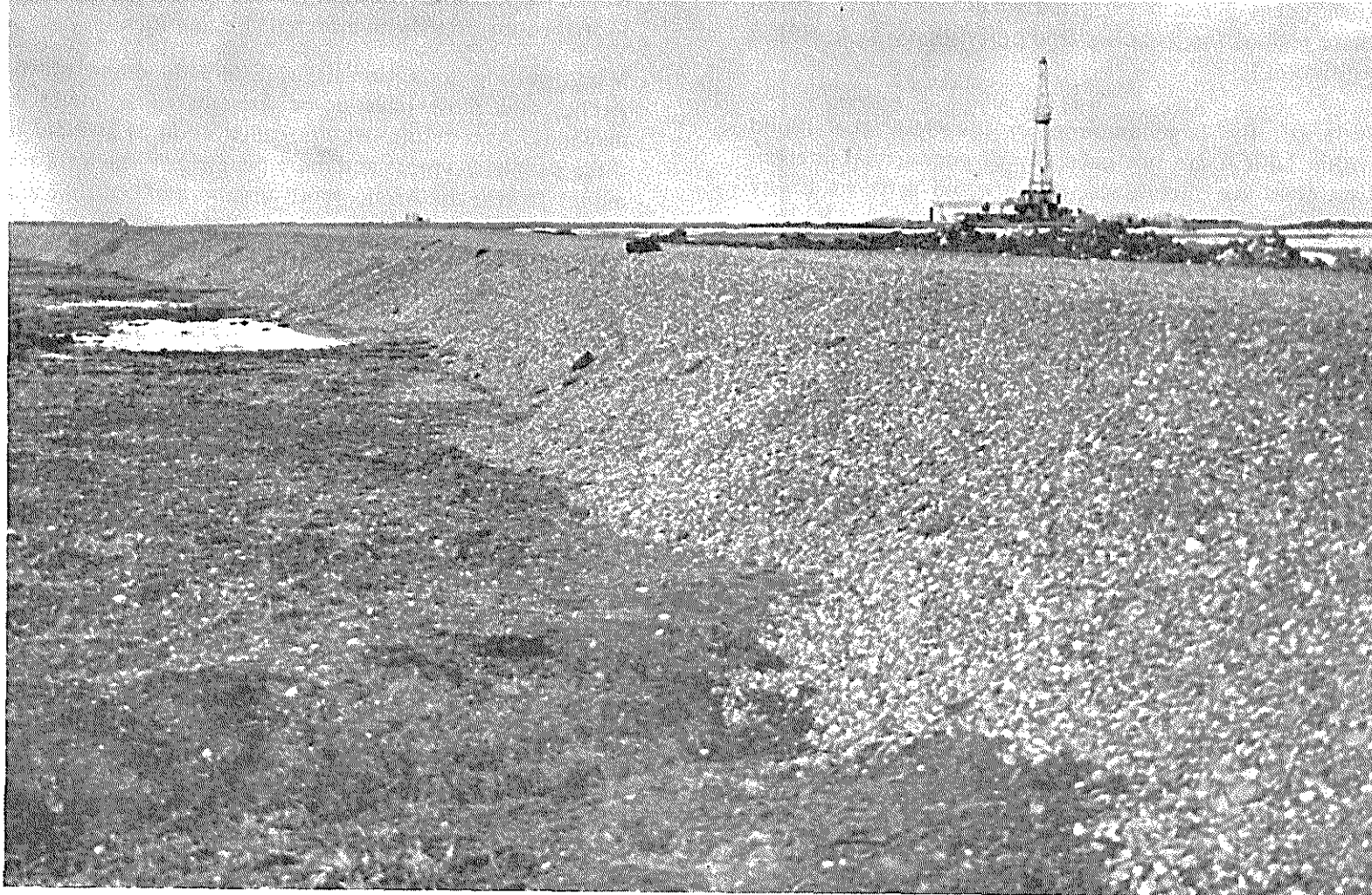


### *Inupiat Position*

Geologically, gravel in arctic Alaska is indisputably a surface resource. In legal terms, with precedents outside the Arctic, sand and gravels have been designated subsurface resources. The issue of whether the geological and environmental truth or the legal precedent definition for sands and gravels should prevail was addressed recently by the Ninth Circuit Court of Appeals. In its decision the

*Development increases the need for gravel—a limited regional resource.*

court reaffirmed the legal principal that these materials are components of the subsurface estate. We in the Inupiat Community, however, hold that these limited resources must be considered part of the surface estate and, hence, belong to the villages on whose lands they are located. These materials, fundamental to our community lives, cannot justly be denied to us. For the courts to rule on this issue merely on the basis of legal precedence—without consideration for the intent of ANCSA; the nature of Arctic geology, and landscapes and the



needs of our people—is a travesty. The Inupiat, therefore, seek a Congressional finding that these resources are surface in nature and belong to the people within our community lands in any new NPR-A-related legislation.

### 3. Coal, Oil Shale, Phosphates—What uses of these resources should be permitted on the Arctic Slope?

Historically, in the Kuk-Kugra and Meade-Ikpikpuk River areas, coal and oil shale were gathered by the local people whenever needed as sources of heat and light. The government has also extracted small amounts of coal in these regions for its authorized purposes. (See old NPR-4 legislation.)

Although the large amounts of low-grade coal found within NPR-A are not generally of commercial interest, two areas we mentioned above could serve as future sources of power to the villages of Wainwright, Barrow, and Atkasook with a minimum of environmental risk. The uses of these resources by local people need to be addressed in any new NPR-A legislation or administrative guidelines affecting the management of NPR-A. Considerable quantities of oil shales and phosphates are to be found along the north-facing foothills of the central Brooks Range. Currently, there is no economic necessity for the development of these resources within NPR-A, and, furthermore, present technology for such extraction would cause widespread environmental degradation. Therefore, we oppose development of these resources at this time.

### 4. Hard Rock Minerals—What is the Inupiat position?

Some small deposits of gold, silver, copper, lead, and zinc exist in the central and western Brooks Range within NPR-A. South of NPR-A some substantial deposits exist. Currently, however, none is economical. We therefore oppose any mineral exploration or development activity in this area including prospecting on the grounds that

minerals can be extracted more economically elsewhere and that such exploration and extraction would be detrimental to fish and wildlife resources.

### 5. “Recreational Values”—How should recreation activities in the Arctic region be managed?

To protect our subsistence resource base and maintain our cultural privacy, we oppose the intrusion of outside recreationists except in specific areas and seasons designated by affected villages. We therefore support a controlled recreational management program conducted in formal cooperation with affected communities.

Many outside recreationists have already come to the Arctic, and most have come unprepared to meet its demands. As a result, we are called upon to give aid to these people. As more and more people gain the time and money to visit the Arctic, more and more of our time and resources will be called on to aid the unprepared. We would like to see a comprehensive and enforced permit registration system established for those recreationists who wish to briefly visit the Arctic region.



# IV. Summary

Implicit in the major events of the last decade in Arctic Alaska are two interrelated confrontations: one is economic, between traditional and industrial societies; the other is environmental, between people who live as parts of the natural system and people who use high technology to manipulate the natural system. National economic and resource needs are largely responsible for these confrontations, which have brought to the fore crucial problems of land tenure and resource use discussed above.

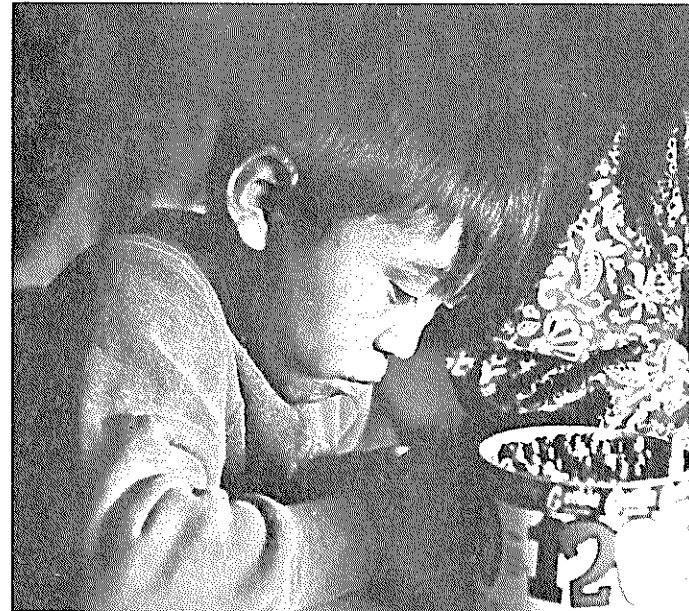
The Inupiat recognize that national energy imperatives will be a dominant influence in the Arctic for decades to come. We reject, however, any notion stemming from panic or calculation that local imperatives should be disregarded. An equitable balance between national and local needs is what we seek. From the Inupiat viewpoint, this balance rests on three principles:

- Free access and use of the homeland by Inupiat villagers.
- Strict protection of the homeland's physical, biological, and cultural environment.
- The highest possible degree of home rule and management control over the homeland by the Inupiat.

Though this document concentrates on the future of NPR-A, it is understood that the entire Arctic Slope and its bordering seas must be considered as one environmental and management system, which, in turn, must be tied to an international Arctic policy. Congressional action on NPR-A, therefore, should open the way to a larger rationalization of jurisdictional and resource-use conflicts. Of particular concern, because of the potential for catastrophic environmental damage, is the development of offshore energy resources.



*The Inupiat future.*





Within the Inupiat community itself, traditionalist and modernist forces must be balanced. At the village level, the mixed cash and subsistence economy requires enlightened development patterns and flexible work schedules that provide jobs, but avoid socioeconomic chaos. At the regional level, tax and resource-production revenues are essential for municipal, social, and educational services and to provide income for shareholders.

Thus are our general concerns summarized. Specific elements of policy needed to achieve equity and balance now follow:

- National energy needs should not be transposed into a general exploitative policy in NPR-A. Excepting oil and gas, mineral and other resources should not be developed for commercial or export purposes unless it can be conclusively demonstrated that NPR-A is the sole source for such resources.
- Homeland landscapes should not be opened to general public recreational use. Cultural maintenance and subsistence and wildlife sensitivities compel strict seasonal and geographic limitations on casual use within NPR-A.
- Integrated regionwide land and resource use planning should flow from Congressional action on NPR-A. Artificial political boundaries cannot be allowed to fragment the terrestrial and marine environments of the Arctic.
- Land use plans must incorporate the village settlement area and extended subsistence resource area concepts. Heavy industrial activities near villages, prime wildlife zones, and migration routes jeopardize both subsistence resources and traditional use patterns.
- Developments for oil and gas extraction should be areally compact and carefully staged to

avoid environmental and socioeconomic overload. Neither the open range commons of the homeland people nor their cultural integrity can survive a comprehensive and simultaneous development scenario.

- Scientific and management programs for NPR-A should include expert Inupiat participants. A wealth of traditional and recent scientific data is possessed by the Inupiat community.
- Legal and administrative mechanisms must be designed to incorporate the cultural and economic needs of the traditionalist village people. Participation of village people in land and resource use decisions and in the economic benefits of strictly controlled development will be the single most convincing proof of respect for our way of life and our enduring cultural values.

Subsumed under these major policy headings are many specific measures, some of them touched upon in the above sections of this document. Others can be worked out only within a mutual planning and decision-making process that extends through the years.

We seek a statutory framework for such a process. Based on environmental wisdom and sociocultural equity, this legislation would subordinate conventional economic interests. It would accommodate a temporary, limited, and nondestructive utilization of the Inupiat homeland for essential national purposes. It would leave unimpaired both the natural and sociocultural systems that have coexisted for thousands of years in the Arctic.

Lacking the bedrock of equity, no amount of legal disputation, special pleading, or cosmetic symbolism will accomplish our stated objectives. For this reason, Congress now takes upon itself the fate of a people.

~~GILLIAM, J.K.~~  
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TRADITIONAL LAND USE SITES

