

NOTE FROM THE EDITOR

The *Alaska Law Review* is pleased to present our December 2014 issue, the second in our thirty-first volume. I am proud to announce that this issue is our first true symposium issue.

Our first symposium was held at the University of Alaska Anchorage in October. Entitled *North to the Future: Opportunities and Change in Alaska's Emerging Frontiers*, the symposium addressed changes in the Alaskan Arctic and discussed important potential legal issues that will arise. Our symposium also served as the inaugural meeting of the Arctic Law Section of the Alaska Bar Association. For more information on the symposium, including speaker bios and agenda, please visit our website at alr.law.duke.edu/symposium.

This issue features the transcripts of two Keynote Addresses presented at our symposium, three Articles—each presented and discussed at our symposium—and two student Notes.

Our first Keynote Address comes from Fran Ulmer. Ms. Ulmer is the chair of the U.S. Arctic Research Commission, Advisor for Arctic Science and Policy, and member of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

Our second Keynote Address comes from William Iggiagruk Hensley, an Inupiaq and lifelong Alaskan. Mr. Hensley was a legislator in the Alaska House and Senate for ten years, served as a founding member of the Alaska Federation of Natives, Northwest Alaska Native Association (now Maniilaq Association), and Alaska Village Electric Cooperative.

Our first article is *Fate Control and Human Rights: The Policies and Practices of Local Governance in America's Arctic* by Mara Kimmel, the chair of the Alaska Bar Association's Arctic Law section and a PhD candidate at the Central European University. Noting that Alaska Native tribes have become "sovereigns without territorial reach," this Article addresses the problems caused by splitting sovereignty and territoriality.

Our second Article is *Traditional Cultural Districts: An Opportunity For Alaska Tribes to Protect Subsistence Rights and Traditional Lands* by Elizaveta Barrett Ristroph, a PhD candidate at the University of Hawaii and an attorney specializing in natural resource and indigenous law. Noting that Alaska Native tribes have limited control over their lands, Ms. Ristroph argues that tribes could seek a Traditional Cultural District (TCD) designation under the National Historic Preservation Act to

better protect their land. While such a designation would not stop development in the designated lands, it would require federal agencies to consult with the local tribes about the impact development may bring.

Our third Article is *What About BOEM? The Need to Reform the Regulations Governing Offshore Oil and Gas Planning and Leasing* by Michael LeVine, Andrew Hartsig, and Maggie Clements. Mr. LeVine is Pacific Senior Counsel for Oceana, an international non-profit in Juneau, Alaska. Mr. Hartsig is the director of the Arctic Program at the Ocean Conservancy, a non-profit marine conservation organization. Ms. Clements is a J.D. Candidate at the New York University School of Law. Their article argues that the applicable rules governing whether and under what conditions to allow offshore drilling in frontier areas should be fundamentally revised to account for industry changes, remedy deficiencies, and reflect new administrative policies.

The *Alaska Law Review* is proud to include two Duke Law student Notes. Our first Note is *Regulating the Arctic Gold Rush: Recommended Regulatory Reforms to Protect Alaska's Arctic Environment from Offshore Oil Drilling Pollution* by Jacob D. Unger. This Note examines the shortcomings of the United States' current offshore drilling regulatory regime and proposes a four-part scheme that properly incentivizes operators to drill safely and adequately compensates damaged parties.

Our second student Note, *Alaska's Initiative Process: The Benefits of Advance Oversight and a Recommendation for Change* by Logan T. Mohs, examines Alaska's unique system of initiative oversight. This Note argues that if the initiative oversight system is to be as effective as possible, the Lieutenant Governor should be elected independently of the Governor.

In closing, the staff of the *Alaska Law Review* hopes that you find the articles within this issue informative, enjoyable, and engaging. We here at the Duke University School of Law are honored to edit and review the articles that are submitted to us and we are grateful to the Alaska Bar Association and the Alaska legal community for granting us the privilege of publishing the *Alaska Law Review*. All issues of the Alaska Law Review are freely available on our website with both printable and searchable PDFs, as well as a complete archive of previous issues. I welcome and encourage you to visit it and subscribe to our mailing list.

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Editor-in-Chief 2014-2015