

Janfe Button—Secretary, CECNPC

Date: 6/3/2011

Vote at CECNPC meeting: 5 in favor, 1 abstain

[Letters submitted for the record by the Organized Village of Kake, Alaska, follow:]



**Organized Village of Kake**

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(Federally Recognized Tribal Government serving the Kake, Alaska area)



June 1, 2011

The Honorable Don Young,  
Chairman  
Subcommittee on Indian & Alaska Native Affairs  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Dan Boren  
Ranking Member  
Subcommittee on Indian and Alaska Native Affairs  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington, D.C. 20515

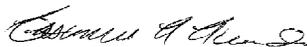
Dear Chairman Young and Ranking Member Boren:

At the May 26, 2011, hearing on H.R. 1408, the Sealaska Lands Bill, important questions arose about concerns in the Native community over Sealaska gaining ownership and control of sacred sites. We respectfully request that the following information be added to the Subcommittee record for H.R. 1408 and shared with all the members of the subcommittee.

The attachments include a March 9, 2011 letter to Chairman Young expressing our interest in working with the Chairman to finalize Sealaska's land entitlement and create jobs in our area, as well as our "opposition to Sealaska gaining control of sacred sites in and around Kake." Attached to that letter was a February 6, 2011 letter from the Organized Village of Kake to the Petersburg District Ranger Christopher Savage regarding ongoing government-to-government consultation with the United States Forest Service over protection for sacred sites on Tongass National Forest lands important to the tribal citizens of the Organized Village of Kake.

Thank you for your attention to our request. Please contact us if we can assist in moving this bill forward.

Sincerely,

  
Casimero A. Aceveda  
President

attachments



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March 9, 2011

Congressman Don Young  
2314 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Young:

The Organized Village of Kake wishes to work with your office as you consider reintroduction of the "Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act" that will promote Sealaska Corporation's land selection still due to them and create jobs in our area.

However, as you begin the process anew with this new session of Congress, we feel it important to express our opposition to the provisions in the draft "Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act" that would allow the Sealaska Corporation to gain control of sacred sites in and around Kake.

Attached is a letter that documents a sacred sites consultation with the US Forest Service through its representative Chris Savage. A brief summary:

- Sacred Sites of the Tribes, Clans, and Individuals are priceless, with the protection of such sites being a part of the Federal Government's Trust Responsibility to Indian Tribes, and
- Ideal management would be under the stewardship of the Traditional Tribes (in our case, the local Federally Recognized Indian Tribe) serving as the Tribal caretaker of Federal Trust lands, and
- Federal Trust status should be maintained until Tribal Government stewardship can be achieved, and
- Sacred Sites should not be turned over to an ANCSA corporation.

Recently, Senator Murkowski's staff held two meetings to hear concerns about the Sealaska bill in Craig and Ketchikan. Due to prior commitment for a tribal government council meeting in Kake at that time, no delegation from our Council was able to attend, but we do wish to ensure that our voice is heard.

Consider this letter and the attachment evidence of our strong opposition to any bill that would diminish protections for our Sacred Sites or give control of them to Sealaska Corporation.

03/09/11 Transmittal Letter to Congressman Young  
re: USFS Sacred Sites Consultation Letter  
page 2

Thank you for your time and consideration of this letter and the attached. They are of paramount importance to our Tribe as we all move forward together on these and other issues affecting our people, Alaska, and the nation.

Sincerely,



Casimero A. Aceveda  
President

attachment: 02/06/11 Letter to U.S. Forest Service re: Sacred Site Consultation

cc: Angoon Community Association  
Chilkat Indian Village (Klukwan)  
Chilkoot Indian Association (Haines)  
Craig Community Association  
Douglas Indian Association  
Hoonah Indian Association  
Hydaburg Cooperative Association  
Ketchikan Indian Community  
Klawock Cooperative Association  
Organized Village of Kasaan  
Organized Village of Saxman  
Petersburg Indian Association  
Sitka Tribe of Alaska  
Wrangell Community Association  
Yakutat Tlingit Tribe  
Central Council Tlingit & Haida Indian Tribes of Alaska



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February 6, 2011

Christopher S. Savage, District Ranger  
U.S. Forest Service  
Tongass National Forest  
Petersburg Ranger District  
PO Box 1328  
Petersburg, AK 99833

RE: Sacred Site Consultation

Dear Mr. Savage:

Thank you for your recent meeting with the Organized Village of Kake (OVK) IRA Council on 02/01/11 here in Kake. We are writing to document our comments from that meeting, which from multiple perspectives we feel are important to place into the record with the United States of America as it maintains and fulfills its trust responsibility to Indian Tribes and Indian People, now and into the future.

Protection of Sacred Sites is one of the many facets within the U.S. trust responsibility to Indian Tribes, and we are pleased to see this being followed up by the U.S. Forest Service per Regional Forester Beth Pendleton's 01/13/11 letter in regard to Executive Order 13007. The Sacred Sites of the Tribe, Clans and individuals are priceless in their value and we appreciate the sensitivity and respect shown by the Petersburg Ranger District over the years, including the confidentiality that should be afforded these sites.

To provide our comment in regard to Sacred Sites, we must for the record state what we see as the ideal scenario, which would have the Tribe as the caretaker in partnership with the Federal Government, perhaps having the Sacred Sites in trust status; thus, providing maximum protection and Federal trust oversight. This is something we would like to discuss further and work cooperatively to achieve something akin to this vision in the future.

Until such time that the individual Tribal Governments could have direct involvement, while maintaining a Federal trust responsibility as discussed above, we feel it important to maintain the Sacred Sites (which we feel includes other lands of special meaning to our people – e.g. garden sites, camp sites, etc.) under the direct oversight and protection by the Federal Government. To achieve this, the United States should maintain direct title and do whatever is needed to protect the sites from any outside harm, maintain their confidentiality, and any other actions required to fulfill the Federal trust responsibility. Under no circumstances do we feel that our Sacred Sites or other lands of special meaning be turned over to any entity other than a Tribal Government, which in Kake's case is the Organized Village of Kake. To be specific, such lands should not be turned

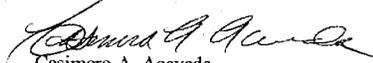
02/06/11 Sacred Site Comment Letter to USFS  
page 2

over to private or profit-making corporations such as the ANCSA corporations that were unilaterally created by the U.S. with a mission that is very different from that of the traditional tribes & clans.

Oversight of special lands such as Sacred Sites are best carried on through the current federally recognized Indian Tribes, such as the Organized Village of Kake, whose primary mission is for the welfare and protection of its citizens and resources – *until such time when that can occur, the sites should remain under the stewardship and trust responsibility of the Federal Government.* To work towards these goals and expanding upon the good working relationship we have with the Petersburg Ranger District staff, we would like to work with you in even greater depth – such as development of a working MOA between the USFS and our Tribe specific to Sacred Sites and other cultural sites, refining the definition of sites falling into these important classifications, work on a confidential inventory of sites, and other related objectives.

As always, thank you for your time to work with our Tribe on these and other matters. If any further information or comment may be needed on this specific consultation, please contact our office.

Sincerely,



Casimero A. Aceveda  
President

cc: Beth Pendleton, Regional Forester – Alaska Region  
John Autrey, Tribal Government Relations Specialist – Tongass National Forest  
Lillian Petershoare, Tribal Government Relations Specialist – Alaska Region

#### **Statement submitted for the record by Alan Stein**

My name is Alan Stein. Over 40 years ago as a young man, I looked through a seaplane window at Prince of Wales Island where today Sealaska has stirred up great controversy by having Representative Young introduce H.R. 1408.

It was April, 1971 when I landed in Port Protection only to learn Native Alaskans had blocked all public land transfers in the State of Alaska pending a final settlement in the Alaska Native Claims Settlement Act ANCSA (December, 1971).

The US Forest Service told me I could not obtain title to the land I homesteaded until the Natives settled their claims.

While building a cabin with a chain saw and hammer, I became the President of the Point Baker Association formed to protect Northern Prince of Wales Island. Our lawsuit resulted in the *National Forest Management Act* (1976). I came before this committee in March of that year to present oral testimony and I represented the United Fishermen of Alaska and PBA.

I worked as a commercial logger at Dean Hiner's floating log camp near Calder Bay and appreciate the bone weary work men of the woods do. Dean and 50 other small outfits sued the two Pulp Companies for anti trust violations that put them out of business and won in federal court. But not before they were driven out of business.

I owned and operated many commercial fishing vessels during my 25 years in Alaska. I will always consider Alaska my true home.

In 1989, I organized a coalition of Alaskan Natives, commercial fishermen, canneries, and others into the Salmon Bay Protective Association (SBPA). I was elected the Director. About 1,000 commercial fishermen joined our organization. Republican

cannery owners from Alec Brindle's Ward Cove and Bob Thorstenson's Icicle Seafoods to Democratic owners such as Terry Gardiner of Norquest Seafoods made substantial contributions. The United Fishermen of Alaska supported our efforts. As did the major fishing organizations in SE Alaska.

Our law suit, *Stein v Barton* (1990) did two things.

- First, it led to Congressional recognition and permanent protection of some of the habitat Alaskan Natives and others used to hunt and fish on some federal land on Prince of Wales Island.
- Second it won the first national permanent protections of salmon streams during logging; the injunction put into place was used as a model when Congress made 100 foot no cut buffer strips permanent protection provisions in the *Tongass Timber Reform Act* (1990).

### **Sealaska Never Acted to Protect Subsistence Habitat on Federal Land**

#### *Spiritual Connection Argument Weakened by its 40 year Inaction*

Sealaska's arguments of dispossession from their lands by a colonial power would be laughable historically were the earnestness of the claim not so great.

The Wrangell Natives in the SBPA included some whose relatives had been the subjects of the *Tee Hit Ton* decision. 348 U.S. 272 (1955). Byron Mallot attaches a report by Walter Echo Hawk claiming this Supreme Court case is "one of the worst decisions handed down." P4 Echo Hawk.

In Echo Hawk's view, the US Forest Service was a colonial power over the SE Alaska Natives and *Tee Hit Ton* is the "Law of Colonialism." Echo Hawk p 7

Mallot's reliance on Echo Hawk—who invokes ideology steeped in "genocide," "marginalization," "colonization," "post colonization," "subjugation, dispossession, and exploitation" to urge a new Congressional policy toward the Tlingit and Haida "in their indigenous aboriginal habitats" (Echo Hawk p1-2)—strikes me as sheer nonsense in light of the rest of the story on Salmon Bay.

Eddie Churchill, an Alaskan Native of blessed memory, who was the head of the Wrangell Cooperative Association, sat on SBPA's board of directors. I fought long and hard to make sure that he and his tribe (as well as everyone else) could continue to hunt and fish in Salmon Bay by protecting its fish and wildlife. Congress agreed with us when they designated Salmon Bay a LUD II protecting it for all users, so long as it remains in US Forest Service hands.

#### *Sealaska AWOL when it came to protecting indigenous native habitat at Salmon Bay in 1990—undercuts their argument they consider all wildlife sacred*

Although I knew many of the members of the Board of Directors of Sealaska Corporation at the time, never did any of them express a desire to assist the Natives of Wrangell to preserve the land around Salmon Bay Lake. Never did Byron Mallot or Al Kookesh ask to intervene in this case on the behalf of Native subsistence users.

If Byron really believes Echo Hawk's "statement that monetary compensation does not protect a way of life (hunting, fishing)," p 8, then where was Byron and Sealaska when I was fighting to save that way of life?

The absence of the Sealaska Board of Directors from the SBPA case reinforced something that I heard from the Chief of the Chilkoot Tlingit, Austin Hammond of blessed memory. "There are those of us who want to honor the land and take only what we need," he told me while standing in front of his house on the shore of Lynn Canal.

"Some of the young men in Sealaska only see money in the trees. Remember what I tell you."

If Austin were here today, I am sure he would disapprove of Sealaska's bill H.R. 1408 to destroy the fishing and hunting grounds of other tribes, other towns of men who grew up outside. Austin would get Byron and Al to sit on the peace rock along the Chilkoot River and talk, before they could get up, with all the leaders of the towns whose lives they want to upset with this bill. Austin would tell them Echo Hawk is sheer bull, a policy whose foundations falter on false historical and legal interpretation.

**SEALASKA SEEKS EXPANSIONS FAR BEYOND THE SCOPE OF ANCSA,  
ANILCA and other Congressional Statutes**

**New land categories are unfair, unjust, and break previous settlements  
hammered out over decades.**

*H.R. 1408 must be seen in the context of the substantial benefits Sealaska has won from Congress over the last 40 years.*

Since the 1960s, Sealaska has obtained multiple settlements of its lands claims, all of which constitute what was fair and just. It has also benefited from other special interest Native bills in Congress.

H.R. 1408 goes far beyond anything contemplated in ANCSA or subsequent settlements.

- A **cash settlement** of over seven million dollars in the late sixties compensated Natives for lands they occupied or used that had been placed into the Tongass National Forest. This was a final settlement, but a few years later, Natives sought more compensation.
- **ANCSA** gave Natives a total of 656,400 acres or **1,025.62 square miles**. All but 65,000 acres or 100 square miles have been transferred. Sealaska also got a fair share of one billion 1971 dollars in cash. This land is among the most valuable timberland in the United States.
  - Villages got 286,400 acres or **447.5 square miles**
  - Sealaska got 370,000 acres or **578 square miles**. Source: 2007 Annual Report Sealaska.
- Natives then sought Subsistence rights to hunt and fish on all federal land as a priority over all other users, arguing that their spiritual needs were not met by ANCSA.
- In 1980, Congress in **TITLE 8 of the Alaska National Interest Lands Act**, gave Alaska Natives the preferential subsistence hunting and fishing rights they sought. This exclusive priority to hunt and fish was a huge additional benefit that Natives had not won in ANCSA.
- Congress created **huge tax benefits** to Sealaska when it allowed it to sell net operating losses (the value of the timber in 1971 minus the value at a low point in the market, such that "Sealaska has not paid State or Federal taxes") and may not pay taxes on profits long into the future. See Sealaska Annual Report 2010 page 54
- Sealaska shareholders get free medical care from birth to grave even though the United States never subdued or conquered Alaska Natives.
- Finally, Sealaska and other Alaska Native Corporations under the 8 (a) provision of a federal law were given **a huge benefit worth in excess of 25 billion dollars over the last ten years**. Alaska Native Corporations do not have to compete with other corporations for federal contracting. They have exclusive bidding rights. See last year's Washington Post article for abuses under this scheme that Congress failed by one vote to remedy this year. SEE <http://www.washingtonpost.com/wp-dyn/content/article/2010/10/07/AR2010100707217.html>
  - <http://www.govexec.com/dailyfed/0309/030609rb1.htm>
  - [http://voices.washingtonpost.com/federal-eye/2009/07/lawmakers\\_cast\\_a\\_critical\\_eye.html](http://voices.washingtonpost.com/federal-eye/2009/07/lawmakers_cast_a_critical_eye.html)

Despite these and other **land, cash, tax, health benefits, and hunting and fishing exclusive rights that taxpayers have given the Tlingit and Haida to make them whole**, the rationale in Byron Mallot's testimony, in Sealaska 2010 Annual Report and in H.R. 1408 is that the injustice of conquest was so great that only greater and more valuable tax payer assets given to Sealaska's corporate leaders will bring peace to the soul of America's conscience.

Besides resting on false assumptions, the Sealaska approach raises troubling issues.

When is final final?

When is enough enough?

Where will the 40 year history of hand outs end?

Will it be when all public lands in Alaska are tied up, access blocked by Alaska Native Corporations, forever breaking the historical compromises hammered out in 1971, 1975, 1980, and subsequent years? It seems to me ANCSA was supposed to put Alaska Natives on their feet, not establish an elite class of corporate officers who make high salaries while shareholders get bupkees. This despite the trusts set aside for elders and students filled not so much by timber money as 8(a) profits.

At some point Congress must put its foot down and tell Sealaska they should spend their time figuring out how to make money rather than take money from taxpayers.

I find this approach not only hypocritical but historically inaccurate in that legal precedent and demographic movements have been jammed into an ideological prism so out of wack with reality that the goal of justice is distorted beyond recognition.

Specifically the Enterprise or Future Sites have extraordinary value both in dollars and use. The Icy Straights site should be either leased to a private corporation based on the projected revenue of power generated from what is likely to be worth more than all the Columbia River Dams or developed by a public power authority. Sealaska should be allowed no Future or Enterprise sites. Enough is enough with taxpayer give aways above and way beyond what justice requires.

Cultural or Sacred sites such as cemeteries are adequately protected under Federal Law as administered by the US Forest Service. This to is nothing but a scam against taxpayers seeking to lock up land now used by many for benefit of a few. The location of gravesites is so closely held that the wilderness itself protects them.

I specifically object to what I have heard from one of Sealaska lobbyists who has told me that SE Alaska Natives were disposed of the entire Tongass. This is contemporary myth making on a grand scale and is false.

No future or sacred sites need to be added to sweeten the deal.

#### **History and archeology belie Sealaska claims**

Over the ten thousand years of the archeological record of SE Alaska that I have studied, several cultures have occupied the roughly 350 mile long coastline.

- The 9,200-year-old man found in a cave near Port Protection has not been shown to be genetically akin to modern Tlingit or Haida. Yet Tlingits claimed and obtained the remains as one of their own.
- A cultural shift occurred around five thousand years ago per the research at Tebenkoff Bay by the University of California Santa Barbara archeologists who found a transition from back bay fish based economies to front bay deer hunting and war like cultures at this period before Abraham left Bagdad.
- Nevertheless, Tlingit occupation may or may not date from five thousand years ago when they migrated out of Japan or Korea and merged with previous cultures. If Tlingits assert their occupation was from time immemorial, they draw on myth, not the archeological record.
- Haida migrations out of the Queen Charlotte Islands, which displaced Tlingit villages northward on Prince of Wales, did not occur until just before first contact around 1774.

While Tlingits may argue they occupied the entire Tongass National Forest, the archeological truth is that there was very restricted land settlement and occupation in winter villages in major bays with a population estimated before the small pox epidemic of the early 1830s at less than 10,000. First Coast Survey. Warfare was common and villages provided protection. Hence small land areas were occupied.

By the time of transfer to the United States, the population was estimated to have shrunk by half. Id.

The distribution of population continued to be concentrated geographically to winter villages with smaller groups shifting over time during the summer to sockeye stream to sockeye stream with a pattern of depletion and movement prominent. So that in any one decade, use of the land was limited to shorelines at productive salmon creeks. Of the 2500 salmon creeks in SE Alaska, very small percentages were ever used during any decade. And never continuously. The Tlingit and other pre-historic residents occupied a very small part of the Tongass at any one time.

The scope of historical occupation is highly relevant to the issue of land ownership.

Per the Organic Act of 1884, use and possession of land was required to establish ownership. Given the transitory use of a limited amount of land, the more than 1000 square miles Sealaska has/will have received alone is just reflection of the scope of the land used and occupied in any one decade prior to 1867. At the turn of the 19th century, the scope of town land area shrank even further as detailed in further discussion.

I have studied the historical record extensively from the time of first contact through the early 20th century and can find no record of forcible ejection of Haida or Prince of Wales Tlingit from their lands on any where near a systematic or extensive basis. (I was trained in the graduate school of history at the University of Wisconsin, Madison. I have published on the subject matter of Prince of Wales Archeology.)

So, a far different dynamic than the simplistic charge of Echo Hawk's colonialism was at work

Abandonment of traditional villages by 1907 or earlier was the rule and practice on the Prince of Wales Archipelago. Thus the migration from the Kaigani Haida in Klinkwan, Sukwan, Koinglass, and the smaller settlements south of Sukwan Island had been completed or were well underway by 1907. Howkan had a post office and missionary provided school teacher from about 1883. Its inhabitants moved to Hydaburg, Craig, Ketchikan, and other places after the turn of the century. The abandonment occurred in response to opportunity—opportunity to make money in the salteries and new canneries on the West Coast of Prince of Wales; opportunity to get a better education; opportunity to be near medical care.

A similar dynamic occurred for the village of Tukexan and Kareen, Old Kassan, and the village near Cape Fox, which was abandoned when the Harriman Expedition arrived with John Muir aboard at the fin de siècle.

It is offensive to the historical record to overlay Echo Hawk's rigid ideological colonialism explanation for the movement of the Tlingit and Haida from their outlying villages in the late 19th century to the towns they occupy to this day. The people who moved to Craig and Hydaberg and Klawock did so to learn, work, and embrace Christianity.

As for the land ethic portrayed by Sealaska of respecting all living things, we should not forget that between the first Boston men who arrived in the 1780s and 1820, a vast herd of sea otter were hunted nearly to extinction by Alaska Natives on Prince of Wales who wanted rifles, blankets, and other trade goods. While the Russians did enslave the Aleuts who they brought to finish off the sea otters after 1802, the Haida and Tlingit on Prince of Wales were able to bring the population of sea otter to near extinction by reason of zeal for modern trade goods alone.

*Northern Sealaska Board Members and logging in Southern tribes' backyard, most of it in ancient Haida territory*

- Almost all the commercial selections in S. 730 are on the southern Tongass where most of the heavy logging occurred in the past.
- Yakutat's Byron would rather concentrate logging onto Prince of Wales Island Archipelago than allow any around his home village at Yakutat and made sure Congress made the 100 square mile ANCSA lands at Yakutat off-limits.
- Angoon's Al Kookesh made sure logging for his town occurred also in the south square in ancient Haida territory.
- Kluckwan on the Chilkoot was all too willing to select lands for logging off the West Coast of Prince of Wales in Haida territory. The combined affect of these changes to ANCSA which moved the selections away from their villages boxes designated in 1975 amendments and concentrated them onto the Prince of Wales Archipelago made sure the hunting and fishing of their fellow Haida and Southern Tlingit were put into jeopardy. This is a second example of hypocrisy on the part of Sealaska.

It is hard for me to fathom why the Tlingit would want to force almost all the logging onto former Haida territory. Perhaps some ancient grievance is at the bottom of it.

I am all for a settlement of Sealaska's claims in the areas it selected in 2008 when it made submissions to the BLM which are inside the boxes established in 1975 by request to Congress of Sealaska's President.

Congress should walk away from H.R. 1408 and encourage Sealaska to live up to the capitalistic goals which Byron Mallot helped create when he worked as an aide to Ted Stevens forty years ago.

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[A letter submitted for the record by Andrew Thoms, Executive Director, Sitka Conservation Society, follows:]

**Sitka Conservation Society**  
**Box 6533**  
**Sitka, Alaska 99835**  
**(907) 747-7509**  
**info@sitkawild.org**  
**www.sitkawild.org**

**June 6, 2011**

Dear Members of the House Subcommittee on Indian and Alaska Native Affairs:

Southeast Alaska is an awe-inspiring place of glaciers, fiords, and towering spruce trees. For all of its natural beauty, however, one of the region's most remarkable characteristics is that its land is held almost entirely in public hands as the Tongass National Forest. The public not only has free access to the land, but the public has a say in how the land should be developed while the Forest Service seeks to find the best balance for all users and most significant social/economic impact. The Sitka Conservation Society has over 1000 local members who are all part of our organization because they value the lands and waters of the Tongass. Our membership includes native and non-native Alaskans and also includes shareholders of Sealaska and other Native Corporations.

Our membership is extremely concerned about the the Sealaska Lands Bill (S.703 and H.R. 1408). We are scared of this legislation because, if passed, some of the most important and beloved places in Southeast Alaska will be taken from public hands and placed in those of a private corporation. The public will need special permission to access the land, and the public will have no power to determine whether and how the land should be developed. For these reasons, we oppose the Bill and request that you do as well.

The Tongass National Forest is enormous, but its richest natural resources are concentrated in a small handful of places, many of which have been identified as Sealaska selections. Most of the acreage in the Sealaska Bill is timber land. A transfer to Sealaska would mean the loss of some of the largest and oldest trees in Southeast Alaska as well as crucial habitat, with only a shortterm financial benefit to a limited number of people. It would also mean a loss of millions of dollars of taxpayer investment in Forest Service infrastructure that would be transferred to Sealaska Corporation. This infrastructure would include roads, bridges, landings, and more. Taxpayer investments in this land also has included timber stand management such as thinning and pruning that significantly increases the value of many of the acres that Sealaska has selected, and makes these acres critical for future Forest Service land management plan actions. The land that Sealaska is selecting in the bill is much more valuable than that in the original agreement made under ANCSA. If Sealaska is allowed to select outside of the originally agreed upon boxes, we would demand that it be a value-for-value trade rather than an acre-for-acre trade.

While we are alarmed by Sealaska's timber selections, our largest concern lies in the 3,600 acres of unidentified cultural sites. Under the Bill, practically anything can qualify as a cultural site, regardless of whether there is evidence of human habitation at the site. Sealaska has yet to make its cultural site selections, but, based on its previous ANCSA selections, popular subsistence salmon streams appear particularly vulnerable. Sealaska selected Redoubt Falls, the nearest subsistence stream to Sitka, as a cultural site under ANCSA, despite no archeological evidence that the site had been historically used by Native people. There are a few other subsistence streams within a couple hours of town, which hundreds of Sitka families depend on to fill their freezers each year. All of these streams would qualify as cultural sites. We consider the selection at Redoubt to foreshadow the conflicts that will occur over the next 10 years as Sealaska strategically selects small parcels of critically important social/economic/environment acres across the Tongass.

Once in private hands, cultural sites would have no federal protections, such as the Native America Graves Protection and Repatriation Act. This means Sealaska, which has a horrific land management record, would be left to care for its newly acquired lands with practically no oversight. Sealaska has not made it public among tribes, clans, historical associations, and local governments that once in their hands, important sacred and cultural sites will lose their NAGPRA protections. We find it cynical that Sealaska is selling a story of these sites being better protected in their hands than with the already strict protections under NAGPRA as well as the taxpayer investment and protection afforded by multiple federal agencies who currently oversee these sites in collaborative agreements with local tribes and clans.

We request that the 3600 acres granted to Sealaska to choose throughout the Tongass be removed from the legislation and that Sealaska work with local tribes and federal agencies to develop cooperative co-management agreements for the sites so that historically important acres remain a public resource and gain all the protections under NAGPRA, the Antiquities Act, and other federal agency management protections.

Finally, we are alarmed that Sealaska has not divulged to local constituencies that the privatization of public lands would result in the lands no longer offering the subsistence opportunities and regulations that are provided to Southeast Alaska residents on public lands. In many cases, the lands that Sealaska is selecting are important for subsistence uses for local Native and non-Native citizens. With these lands in private hands, the subsistence regulations would change from federal land

to state/private lands. This would mean that extended seasons and bag-limits would not apply to these lands which would further shut off subsistence access.

Overall, we are extremely disappointed in the way that the Sealaska Corporation and its representatives have organized support for this legislation. The most glaring case has been when Albert Kookesh, a Sealaska Board Member who is also a sitting Alaska State Senator, made an assertion to the Craig City Assembly in an official meeting that they would not receive state funding for their needed projects if they didn't support the Sealaska legislation. That Sealaska Board Member/Senator was subsequently found in violation of state ethics policies. This blazon threat was made in full public display in a City Assembly forum. We have heard worse from local citizens of threats made for not supporting the legislation behind closed doors. Locally, we have heard Sealaska board members use race-based arguments to raise support for the legislation when challenged with non-racial access and land-value issues. It has gone so far as to make people feel that they can't oppose the legislation based on its merits for fear that they will then be branded a "racist" in the region. This dynamic is causing great chagrin in a region that has worked to overcome a history of racial conflict. If this legislation is causing so much divisive conflict, and if the methods of building support are so divisive, we feel that there is obviously a problem with the legislation. If the legislation was a good thing for the region, it would not be causing so much controversy.

The Sealaska Lands Bill already has been divisive in Sitka and other communities, but we may be seeing only the start. If the Bill passes and Sealaska follows through with the land management practices it has used in the past, communities will suffer far more than they will gain. We want what is best for our community and the awe-inspiring place that we live. The best thing for us would be that this Bill is voted down and sent back to the drawing board.

On behalf of the membership of the Sitka Conservation Society, we would thank you for your consideration of our concerns.

Sincerely,

Andrew Thoms  
Executive Director  
Sitka Conservation Society

