



Southeast Alaska Conservation Council

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October 6, 2015

The Honorable Jon Barrasso
Chairman
Subcommittee on Public Lands,
Forests & Mining
Committee on Energy & Natural Resources
U.S. Senate
366 Dirksen Senate Office Bldg.
Washington, D.C. 20515

The Honorable Ron Wyden
Ranking Member
Subcommittee on Public Lands,
Forests & Mining
Committee on Energy & Natural Resources
U.S. Senate
366 Dirksen Senate Office Bldg.
Washington, D.C. 20515

Re: Unrecognized Southeast Alaska Native Communities Recognition and
Compensation Act (S.872)

Dear Chairman Barrasso and Ranking Member Wyden:

Please accept this testimony on behalf of the Southeast Alaska Conservation Council (SEACC) on S.872. Founded in 1970, SEACC is a grassroots conservation organization with members who live across Southeast Alaska, from Craig on Prince of Wales Island to Yakutat. SEACC's individual members include commercial fishermen, Native Alaskans, small timber operators and value-added wood manufacturers, tourism and recreation business owners, hunters and guides, and Alaskans from all walks of life. SEACC is dedicated to preserving the integrity of Southeast Alaska's unsurpassed natural environment while providing for balanced, sustainable use of our region's resources. We recognize that Southeast Alaska's greatest economic opportunities now lie in preserving Tongass old-growth rainforest, and the invaluable contribution it makes to the region's thriving fishing and tourism-based economy, as well as customary and traditional practices of local communities.

SEACC appreciates the histories and traditions of the Native peoples from Ketchikan, Wrangell, Petersburg, Tenakee Springs, and Haines. Given our long history of working with local Native people to maintain and protect abundant customary and traditional resources and uses, we further recognize the immense cultural benefit associated with continuing those uses of lands, waters, animals and plants that support their way of life. Most recently, large-scale mining development upstream in British Columbia threaten the long-term health of the waters, salmon, herring and hooligan resources of the Taku, Unuk, Nass and Stikine Rivers, as do operations by Canadian mining companies operating in Alaska, such as the one threatening the productive Chilkat River. To safeguard our shared interests, SEACC has cooperated tirelessly with Tribes across

Southeast Alaska, including tribal leaders from Wrangell, Ketchikan, Haines and Petersburg. We are also assisting several Tribes in the development of robust Tribal monitoring and management programs for the waters, lands, and resources they are so connected to. We remain committed to these efforts.

Late last year, seven years of controversy and debate ended when Congress finalized the Southeast Alaska's Native land entitlement issue by enacting section 3002 of Public Law No. 113-291 (Dec. 19, 2014), the Southeast Alaska Native Land Entitlement and Jobs Protection Act. This bill was the product of a long and strenuous process in which SEACC participated in good faith. As Senator Murkowski explained when she obtained final Senate passage of this bill on December 13, 2014:

It has taken seven years, but I'm proud to say that we finally completed the land conveyance for Southeast Alaska's nearly 20,000 Native shareholders

. . . .

Some 43 years after passage of the Alaska Native Claims Settlement Act, the federal government will finally finish paying the debt we owe Natives for the settlement of their aboriginal land claims

See Press Release, Murkowski Applauds Final Passage of Sealaska Lands Bill (Dec. 12, 2014).¹

Since all the Native people which S. 872 seeks to compensate are also Sealaska Corporation shareholders, it is unclear what new circumstance led Senator Murkowski to introduce this bill on March 25, 2015, and again seek to reopen the Alaska Native Claims Settlement Act. We don't understand why additional public lands need to be conveyed from the Tongass National Forest to resolve claims from Sealaska Corporation shareholders beyond 2014's full and final installment of Sealaska's land entitlement. We are concerned that as drafted, instead of resolving long-standing claims, the open-ended scope of the 115,000 acres of lands that could be selected and conveyed to these new "urban" corporations under the proposed bill will only generate more controversy and discord across Southeast Alaska.

Proceeding with this legislation could also create additional inequities because Alaska Natives from Ketchikan, Wrangell, Haines, Tenakee, and Petersburg are considered Sealaska's "at-large" shareholders and as such already receive bigger Sealaska dividends than village shareholders. However, we recognize the deep cultural and spiritual ties that Tlingit, Haida, and Tsimshian peoples have long had with the land itself and understand their desire to possess at least a portion of their traditional ancestral territory. Fortunately, a mechanism for granting land to these five communities already exists. Congress set aside 2 million acres to be available for selection by one of the 12 Regional Corporations after all other claims were resolved. Lands conveyed to the two urban corporations of Juneau and Sitka came from this pool of lands. *See* 43 U.S.C. § 1613(h)(3)(2013). If these 5 communities want lands, they should go where Congress intended – to Sealaska Corporation, the Regional Corporation for Southeast Alaska.

¹ Available at <http://www.energy.senate.gov/public/index.cfm/2014/12/sen-murkowski-applauds-final-passage-of-sealaska-lands-bill>

We wish to highlight a couple of salient points in our testimony:

- Section 2 of S.872’s misrepresents findings made by the University of Alaska’s Institute of Social and Economic Research in its 1994 congressionally-directed study. Those researchers:
 - Did not find that Congress had “inadvertently” omitted any of these groups; and
 - Did not recommend that Congress should now award them land.²
- Section 6 of S.872 would grant each of these 5 “Urban” Native Corporations 23,040 acres of high value “local” public lands, which could come from anywhere, including:
 - Lands on Admiralty Island and in the Misty Fjords designated as National Monuments by Presidential Proclamation in 1978 to protect their superlative scientific, cultural, and historic features, and Congressional designation in the 1980 Alaska National Interest Lands Conservation Act (ANILCA);
 - Wilderness Areas designated by Congress on the Tongass in the Alaska Lands Act of 1980 and 1990 Tongass Timber Reform Act (TTRA), including the Stikine, Karta, Chuck River, and South Etolin Island Wilderness Areas;
 - Lands designated by Congress in the 1990 TTRA and the 2014 Sealaska Corporation Lands Bill for perpetual management as roadless wildlands, also referred to a Legislated LUD II Areas, such as Kadashan, Trap Bay, Mud Bay, Anan, the Naha, Nutkwa, or the Honker Divide.
 - National Parks designated or expanded in ANILCA, including Glacier Bay National Park and Wrangell Saint Elias.

Previous acts of Congress protected all of these special lands and they all should be made clearly off-limits to any and all possible selections/conveyances, without delay.

- Creates new inequities where none currently exist.
 - All Natives in Southeast Alaska received a beneficial interest in the lands conveyed to Sealaska Corporation, the largest private landholder in Southeast.
 - Sealaska’s “at-large” shareholders, which include Alaska Natives from Ketchikan, Wrangell, Haines, Tenakee, and Petersburg, already receive bigger Sealaska dividends than village corporation shareholders.

As pointed out above, Congress intended urban corporations created in Southeast Alaska to receive lands from the Regional Corporation for Southeast Alaska, Sealaska Corporation. We encourage Congress and the five communities to consider new and innovative forms of land ownership and management. The “maximizing short-term profit” model of

² For the record, we submit a December 7, 1993 letter from then-ISER Director Lee Gorsuch to Amy Miller, Alaska Public Radio Network with our testimony.

clearcut and export logging followed by ANCSA corporations in Southeast Alaska has not resulted in long-term sustainable dividends for shareholders. In virtually every case, timber-first management compromised salmon streams and wildlife habitat on lands that have supported customary and traditional uses for millennia.

Today, there are a number of innovative models for managing forest lands that do a better job of balancing forest values. For example, SEACC collaborated with the people of Hoonah and Kake, two predominantly Alaska Native communities, to craft Community Forest Plans that emphasized sustainable, community-based economic diversification. More recently, the Prince of Wales Tribal Conservation District, a project of the Alaska Tribal Conservation Alliance, is applying local and traditional knowledge to the management of natural resources in order to promote healthy people and healthy environments on Prince of Wales Island. This legislation is not in-line with the new vision of land management that is currently being crafted by the tribes themselves.

We urge Senator Murkowski to withdraw this legislation and schedule field hearings in Southeast Alaska next year to discuss this matter with all the affected Alaska Native communities and their neighbors. The current bill creates more conflict in Southeast Alaska instead of resolving it.

Thank you for including SEACC's testimony (with attachment) into the hearing record for S.872.

Best Regards,

A handwritten signature in black ink, appearing to read "Buck Lindekugel". The signature is written in a cursive, flowing style.

Buck Lindekugel
Grassroots Attorney



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December 7, 1993

Amy Miller,
Alaska Public Radio Network, Petersburg
Fax number 772-9296

Dear Ms. Miller:

While driving to work this morning and listening to KSKA, I was surprised to hear your story on the draft report, *A Study of Five Southeast Alaska Communities*, that we wrote for the U.S. Forest Service and other federal agencies. The story was inaccurate and disappointing. No one here at ISER was contacted for the story. If you had called me or Steve Colt, we could have pointed out several things that would have improved the accuracy of the story.

First, the report is still a draft and not a final report. It's not unheard of for draft reports to receive news coverage, but we prepare drafts so knowledgeable reviewers can help us find any omissions or mistakes or other shortcomings before we reach the final version. But the fact that the document is a draft is less important than the fact that you reported the substance of the report inaccurately.

We were asked, as we reported in the preface to the report, to examine two broad issues: (1) what is the available factual evidence on why Congress denied the five study communities the authority to form village or urban corporations under the Alaska Native Claims Settlement Act (ANCSA); and (2) how does historical use and occupancy in the five study communities compare with use and occupancy in other Southeast communities that received land under ANCSA. Because they were denied the authority to form village or urban corporations, the five study communities received no land entitlements. The study villages were not, however (as you reported), denied all benefits under ANCSA. Qualified residents of those villages received cash payments, and they are at-large members of Sealaska regional corporation.

We did not, as you reported, make a finding that Congress had inadvertently omitted the study villages from land benefits, nor did we recommend that Congress should now award them land. We did not, as you implied, say that the study villages were entitled to the same economic benefits as Southeast communities with village or urban corporations have received. We did estimate what those benefits had totaled to date, but that is a much different thing from making a recommendation.

This report will be presented to Congress. Congress will decide what if any changes to make in the status of the five study villages, based on this report and other sources. It was not in our scope of work to make recommendations—just to present factual information.

We're always glad to receive news coverage of our work, and we have in the past felt that the Alaska Public Radio Network provided fair and accurate coverage. We would like you to set the record straight by airing a correction of this story. If you have any questions I'll be glad to talk to you.

Lee Gorsuch
Director, ISER
786-7710