



November 17, 2020

Petersburg Borough Assembly
PO Box 329
Petersburg, AK 99833

Dear Mayor Mark Jensen

Assembly Members David Kensinger, Bob Lynn, Jeff Meucci,
Taylor Norheim, Jleigh Stanton-Gregor and Chelsea Tremblay
Borough Manager Stephen Giesbrecht

Thank you for the opportunity to address the merits of the “landless” legislation at the November 18, 2020, work session. I hope, by the end of the work session, that you will agree that U.S. Senate Bill S. 4891 and U.S. House Bill H.R. 8751 will not only correct a long-standing injustice and inequity for the Petersburg Natives and their descendants, but also will result in significant and lasting benefit to the community of Petersburg.

More than 200 other Alaska communities have benefited from having village or urban Native corporations. Alaska Native corporations contribute billions of dollars of revenue to the state annually, provide meaningful jobs, tax revenue, infrastructure, community spend, corporate giving, cultural and educational programs and more. Petersburg has been without this benefit for 49 years and with each passing day this inequity increases. Now more than ever, we need new economic, social and cultural stimulus that every Petersburg citizen will benefit from.

I understand there may be time constraints during the work session, so I am writing today to provide relevant factual detail to address several incorrect comments and assertions that were made at the November 16, 2020, assembly meeting for your consideration. The paraphrased incorrect statements are in italics.

- *Public access to newly privatized lands is in question*

As we conducted outreach over the years, this was the most common point of opposition. All five landless communities listened carefully to these concerns, and all five communities took the initiative to ask the delegation to include language in the legislation that specifically guarantees public access to the lands we receive; we asked that such access should enable citizens to continue to enjoy recreation, hunting, subsistence and other activities.

As many of you know, Sealaska, in its final entitlement legislation that became law in 2014, was subject to almost the identical access provisions; we can look to the Sealaska bill as an example of how the access provision in the legislation works. There has been no suggestion of which we are aware that citizens have been denied access to those affected lands; in one case, shooting was prohibited for a short period of time within a specified area where surveyors were physically present. The closure was to ensure the surveyors’ safety and was lifted once their work was complete.

As you know, the landless legislation also guarantees access across roads, trails, and other public use easements pursuant to the terms of ANCSA Section 17(b), guarantees continued access to the lands for commercial permit holders, and guarantees access to the land by the U.S. Forest Service and their designees, including commercial operators.

It is unclear to us how the legislation could more clearly establish that public access to the land will be preserved. As it is, multiple pages of the bill are committed to clarifying as much.

- *Perceptions this legislation is being “fast tracked”*

The assertion this legislation is being fast tracked is simply not true. What is true is that this version of the legislation is being introduced near the end of a Congress. The reason the bill is being introduced at the end of this Congress is that the landless communities, the delegation, and staff to the Senate Committee on Energy and Natural Resources were committed to focusing on public outreach before introducing — rather than after introducing — the bill. I hope that these collective efforts to engage in community outreach will not be held against the landless communities.

Perhaps more importantly, Petersburg’s Native community has actively fought for the legal right to regain just a fraction of our homeland for more than 85 years. This battle for justice and equality under the Alaska Native Claims Settlement Act (ANCSA) has been actively fought in the public forum since ANCSA passed 49 years ago. Legislation has been introduced on behalf of our communities in multiple Congresses. Almost 30 years ago, Congress demanded the production of a report from the Department of the Interior and the Department of Agriculture. That report, produced in 1994, detailed the history of the Native community in Petersburg. Through all these years, the Alaska Congressional delegation has made clear that legislation for landless communities was a priority and that this historic inequity should be righted.

Of course, the struggle associated with Petersburg Native land claims can be dated as far back as 1880. Pillars of the Petersburg community, like Amy Hallingstad among many others, fought for Native civil rights and for land claims. Our leadership within the Alaska Native Brotherhood and Sisterhood, Central Council of the Tlingit and Haida Indian Tribes of Alaska, and the Petersburg Indian Association profoundly contributed to the advancement of civil rights and Alaska Native land claims — yet we were excluded, for no known reason, from ANCSA and therefore our battle continued through to today.

With regard to this iteration of the legislation, the Southeast Alaska Landless Corporation embarked on an active public campaign through the last two years to build awareness of the coming legislation and to build support. We publicized specific land nominations to be included in the legislation and sought public and Tongass stakeholder feedback throughout our outreach. Numerous community and stakeholder meetings were held in Petersburg, throughout Southeast Alaska, in Anchorage and in Washington state. Many of those meetings were covered by KFSK, the Petersburg Pilot and other Southeast and statewide media outlets. Representatives from the Southeast Alaska Landless Corporation, including me, as well as landless shareholders from Petersburg have spoken at three assembly meetings in the past six months to build awareness of the legislative progress and process.

Our campaign to build awareness of the pending legislation went far beyond our community and stakeholder meetings. We have a website at www.withoutland.org, we have an active

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Facebook and Instagram page, we have received numerous letters of support and resolutions from institutions like Central Council of the Tlingit and Haida Indian Tribes of Alaska, the Alaska Federation of Natives, National Congress of American Indians and previous borough assemblies among others. This has been a public and transparent process at great cost to us, even though our exclusion was no fault of our own. The time is now to finally bring it to conclusion to strengthen Petersburg as a community with a rich indigenous history.

- *Privileged Natives just want to grab public lands to clear-cut*

This was a painful claim to hear and I hope the individuals who share these sentiments will sit with us and listen to our histories and learn about the special tie we have with these lands over millennia. I am dumbfounded as to the reference to “privilege” where we as Alaska Natives were unjustly left out of a land claims settlement for no reason, and where we have been unable to participate in the state economy on equal terms and to develop benefits for our Native community and the community as a whole like more than 200 other communities have enjoyed for decades.

There are real people behind this legislation and the fight for land claims — human beings who witnessed the exploitation and taking of their land and resources that created privilege everywhere but within the Native community. Alaska Natives have illustrated their perseverance since ANCSA by taking this minute portion of what we once had to strengthen our people and the communities as a whole — the five landless communities are asking for their rightful recognition and the chance to strengthen Petersburg, Wrangell, Ketchikan, Tenakee Springs and Haines and all of their citizens as a result.

Land is precious to us and we will steward our lands with the foundation of our Native values to constantly guide us. While it is true that we as owners of land will have a right to develop resources on that land, anyone who understands our regional economy and who understand our community today understands that there are numerous other, innovative ways to utilize our lands for the benefit of our owners and the broader community. We no longer live in the economy of the 1970s, and it is unfair for those who opposed the resource development of that era to continually throw the specter of logging in our faces. As Native people, we will ensure the integrity of habitat and water quality to protect and preserve subsistence, traditional gathering for art and medicine — we have a responsibility to the current and future generations of Natives who will steward and benefit from these lands in perpetuity.

- *Landless Natives already have lands under Sealaska so are not landless*

Yes, landless Natives own shares of Sealaska, the regional Native corporation for Southeast Alaska. Sealaska was able to take title to land near many of the 12 villages that were able to form village or urban corporations under ANCSA. But Sealaska did not have the ability to take title to land near the landless villages.

ANCSA was the vehicle through which aboriginal land claims were settled in Alaska. Alaska Native corporations were established to take title to land and to serve the cultural, social and economic needs of Alaska Natives. Regional corporations were formed to focus on the needs of each regional Alaska Native community. Village and urban corporations were formed to focus on the needs of each individual community. The fact that Sealaska owns land for the benefit of the Southeast Alaska Native population has no bearing on whether the landless communities

were treated fairly in the context of the aboriginal land claims settlement. Each individual Alaska Native village was culturally, socially and economically distinct. We do not appreciate the suggestion that we can simply be lumped together. Our people have a deep historical and cultural tie to this place.

There are 4,400 of Sealaska's 23,000 shareholders who did not receive land through a village or urban corporation. There were 12 village and urban corporations formed in Southeast as a result of ANCSA — there should have been 17. In total there are 200 village and urban corporations throughout Alaska that received land and money at settlement, in addition to the shares and land of their respective regional corporations. Wrangell, Petersburg, Ketchikan, Tenakee Springs and Haines are truly landless; it is a fact that we have not been afforded the same opportunities as the other 200 Native villages across Alaska. That's not right.

- *Landless receive more money than village and urban shareholders from Sealaska*

This is a red herring if ever there was one; but to the point, this is a common misconception stemming from the fact that landless Natives receive natural resource revenue sharing monies under Section 7(j) of ANCSA. The regional corporations distribute natural resource revenues on a per capita basis — those who are shareholders of a village corporation receive that benefit through their village corporation. Landless shareholders, since they have no village corporation, receive these benefits directly.

- *Senator Murkowski claimed at the conclusion of the Sealaska final entitlement lands bill there would be no further ANCSA settlements*

This is patently false, and obviously so given the fact that Alaska's congressional delegation continued to introduce landless legislation during the period in which it sought to resolve separate, outstanding issues for Sealaska. While Sealaska's final entitlement land bill did fully conclude Sealaska's land entitlement under ANCSA, it did not resolve other issues related to ANCSA like the landless inequity.

Senator Murkowski and Congressman Young, through the time of the Sealaska land legislation process, spoke publicly about a landless resolution as a priority that would remain until resolved. They have never suggested otherwise.

- *The ISER report stated the five communities were not eligible*

This, too, is untrue. I can't imagine how anyone who reads the ISER report would come to this conclusion. The ISER report lays out a history that demonstrates that there were no discernible differences between the landless villages and many other Native villages throughout Alaska that were listed under ANCSA. The report does not come to any conclusion as to why the landless villages were omitted. Here is an excerpt from the delegation's press release regarding the legislation published last week: "There is no consensus on why the five communities were left out of ANCSA, but a congressionally-directed 1994 study by the University of Alaska's Institute of Social and Economic Research found that the examined history of the five communities showed strong similarities to other communities in the region that were granted corporations under ANCSA."

- *The Tlingit & Haida settlement of 1968 settled land claims*
Southeast Alaska was included in ANCSA because Congress determined that the 1968 Tlingit & Haida settlement had not fully settled the land claims of the Native people of Southeast Alaska. ANCSA returned roughly 12 percent of the lands in Alaska to the Native peoples of the state. Alaska Natives have stewarded this land for the benefit of Native communities with enormous benefits to all Alaskans. The Native people of Southeast Alaska, by comparison, received less than 3 percent of their original homelands under ANCSA. ANCSA was not a good deal for Southeast Alaska and neither was the 1968 settlement. What we are seeking is a tiny fraction of our original homeland to be managed by the Native community.

I appreciate your time and diligence regarding this important issue. This legislation is profoundly important: to correct a congressional oversight; to recognize land claims of five Native villages which began more than 140 years ago; to halt a mounting inequity; and to provide vital economic, social and cultural stimulus to the community of Petersburg and to the other landless communities. Petersburg, in these trying times, needs this now more than ever. Please join us in this battle and include in your letter to the U.S. Senate Committee on Energy and Natural Resources your support and advocacy for its passage.

Sincerely,



Cecilia Tavoliero
President
Southeast Alaska Landless Corporation