



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

*“Protecting the natural environment of the Tongass while supporting the development of sustainable communities in Southeast Alaska – since 1967.”*

July 2, 2012

Re: Objection to The Creation of In-holdings through the Sealaska Legislation of Sites in Sitka Area to Corporate Entities

Dear Mr. Odle:

We are writing to object to any and all sacred/historical sites included in the Sealaska Lands Legislation (H.R. 1408 and S. 730) in the Sitka area – this includes all of Baranof and Kruzof islands and the southern arm of Chicagof Island.

The proposed “sacred,” “cultural” or historical” sites have received dangerously little scrutiny. This is a mistake. As is, the criteria for determining what qualifies as such a site is broad enough that any salmon stream on the Tongass could be selected. The threat to public use is enormous as transfer of the myriad number and location of sites across the Tongass would create a constellation of in-holdings that would make management, public access, permitting and regulation, preservation and conservation of resources, and general public enjoyment of the Tongass, extremely difficult and unwieldy. Since a change in legal criteria is unlikely at this point, we must make a blanket objection to the transfer/privatization of any new sites near Sitka to corporate interests.

Sites whose privatization we oppose include **Ford Arm, Gut Bay, Secluded Bay (Necker Bay), Hoktaheen Creek, and Redfish Bay**, which are at the mouths of important sockeye runs and have been listed as potential in-holding transfer sites in earlier versions of the Legislation. We also strongly oppose the **Port Banks** site, which is at the mouth of an important Coho Salmon run and has appeared in an earlier version of the Legislation as well. We will include a full list of the sites we oppose below.

Our problem with these sites stems in part from the fact that both the House and Senate versions of the Sealaska Legislation use the definitions and terms established under 14(h)(1) of the Alaska Native Claims Settlement Act to determine what qualifies as “sacred,” “cultural” or “historical.” As we have found from experience with previous 14(h)(1) selections, in practice, “sacred” or “historical” can mean just about anything when the Sealaska Corporations makes selections.

While we, and practically everyone else, do not object tribal government entities and clan hierarchies entering into collaborative management roles of clearly document gravesites, petroglyphs, pictographs, or other sites of obvious “sacred” or “historical” significance, we have seen the Sealaska Corporation use 14(h)(1) to obtain sites that are far beyond what generally would be considered “sacred” or “historical,” with little evidence of the importance or past use of

the sites. Similar such claims have been made in the Lands Legislation. Additionally, Sealaska has proposed selections in federal Wilderness Areas and has often claimed parcels which are far larger than necessary to protect a specific sacred or historical area. Finally, Sealaska's selections can and will unnecessarily create conflicts with current users, including permitted guides.

A good example of the flaws in the existing 14(h)(1) criteria and process can be seen in Sealaska's pending Redoubt Falls selection located about 10 miles south of Sitka. Sealaska claimed the 10 acre parcel over 30 years ago, relying on oral testimony from Native elders who said Tlingits lived at the site in the late 19<sup>th</sup> Century. No gravesites, petroglyphs, pictographs or other ancient artifacts have been uncovered at Redoubt Falls. However, archeologists have determined the site to be one of the most intact Russian archeological sites in North America, and it has long been used by hundreds of locals each year for subsistence sockeye fishing.

More than 30 years since the original claim, the Redoubt Falls conveyance is still pending, but this has been because of competing private claims and not because of Forest Service or Bureau of Land Management objections. In fact, the federal agencies which should be investigating whether there is merit to the selection seem most interested in avoiding controversy and creating additional work for themselves. Given the current budget pinch being faced by the agencies, this is logical. But, is the alternative in the best interest of the American public and its public lands resources? That is: is a corporate earmark that give-away public lands to a for-profit entity to manage the course that we want to pursue for our national public lands treasure?

Most alarming about the Redoubt selection is how clearly it fails to meet the criteria of 14(h)(1). Sealaska based its claim to Redoubt on the grounds that the site was used seasonally for fishing, yet the definition of "historical place" under 14(h)(1) (as found in 43 C.F.R. 2653.0-5(b)) specifically signals out "fishing" as an activity that cannot be used to qualify a site as historic. In fact, this fishing site, as are all the sockeye and coho sites listed, are heavily used by residents and visitors to the Tongass every year and are focal points for public access and public use.

Sealaska has proposed a few hundred new sacred sites throughout the Tongass since the first version of its Legislation was introduced, many of which seem no more worthy of conveyance than the Redoubt site. We have focused on the sites in the Sitka area, finding that Sealaska often has based its claim on little to no evidence of historical use, and has just as often cherry-picked some of the most important and well-loved places in the area. Often what Sealaska describes as a "village" is actually the ruins of two or three cabins, and these sites tend to contain acres more land than needed to protect the former "village (in actuality, many of these sites were very seasonal summer fishing camps." Similarly, sites listed as grave sites often sprawl for a dozen or more acres, when, if there are graves at all, the graves are most likely concentrated in an extremely small space.

We object to the following locations that have been discussed as possible sacred sites in the Sitka area:

- **Ford Arm Village** (site 850). This is not only at the mouth of a subsistence sockeye stream, but it is in the Congressionally designated West Chichagof-Yakobi Wilderness

Area. Transfer of this site (and all other sites in Wilderness Areas would be going against the land designations set up by past Congressional actions).

- **Gut Bay** (site 1410). This not only includes the mouth of a subsistence sockeye stream, but it is in the federally protected South Baranof Wilderness Area.

- **Secluded Bay Village** (site 196). This not only includes the mouth of a subsistence sockeye stream, but it is in the federally protected Chichagof-Yakobi Wilderness Area.

- **Hoktaheen Creek Village** (site 767). This not only includes a subsistence sockeye stream, but it is in the federally protected Chichagof-Yakobi Wilderness Area.

- **Redfish Bay** (site 1325). This includes the mouth of a subsistence sockeye stream.

- **Port Banks Village** (site 198). This includes the mouth of an important subsistence and sport fishing coho stream. The 1975 field investigation found no definite evidence of previous usage.

- **Salisbury Sound Village** (site 812). This site is in the federally protected Chichagof-Yakobi Wilderness Area.

- **Frog Rock Village** (site 829). This site is in the federally protected Chichagof-Yakobi Wilderness Area.

- **Deep Bay Village** (site 181). This area is widely used for hunting and fishing. The 1975 field investigation found no evidence of occupation.

- **North Arm Village** (site 187). This is a popular hunting, fishing and guided bear hunting location. The 1975 field investigation states: "This could possibly have been a village."

- **Kalinin Bay Village** (site 119). This is a tourism spot and is used for hunting and fishing. As recently as the 1960s, it was used as a fish camp, which included a store and diesel generating plant.

- **Hoonah Sound Burial** (site 188). This is a popular hunting, fishing and guided bear hunting location. The 1975 field investigation states: "This is an old burial site with minimal evidence."

- **Fick Cove Village** (site 185). This is a popular hunting and subsistence area. The 1975 field investigation revealed the ruins of two cabins.

- **Lindenberg Harbor Village** (site 133). This is a popular hunting and subsistence access site. It is the location of the old Todd Cannery.

- **Dead Tree Island Village** (site 121). This is an entire 80 acre island. Transfer of entire islands from public holdings

- **Lake Eva Village** (site 120). This includes trail access.

Although we have problems with the selection of all of the above sites as historical/sacred sites, we are particularly alarmed by the number of the above sites that are at the mouths of salmon streams and overlap with current public access and use of these sites.

When Sealaska takes ownership of the mouth of a salmon stream, it is not only gains control of access to the banks of that stream, but, in essence, it gains control of the whole watershed. Salmon are the lifeblood of Southeast Alaska. Our economy and our way of life are dependent on the fish and the streams. It is practically unthinkable for a private corporation to gain control of these streams.

The language of the Legislation needs to be strengthened to require substantial archeological evidence of the sacred or historical importance of sites selected for their sacred or historical significance. Additionally, the boundaries of the sites need to be as small as possible, including only the places proven to be historical or spiritual. And, salmon streams should not be included as selections. Since the current language is inadequate, we must object to the selection of any sacred sites in the Sitka area, particularly at the locations noted above.

Thank you for your time and consideration.

Sincerely:

Andrew Thoms  
Executive Director  
Sitka Conservation Society

CC:

Senator Lisa Murkowski  
Senator Mark Begich  
Undersecretary of Natural Resources Harris Sherman  
Beth Pendleton, Region 10 Regional Forester  
Forrest Cole, Tongass Forest Supervisor  
Scott Miller, Senate Energy and Natural Resources  
David Brooks, Senate Energy and Natural Resources