
In the Matter of: PETITION BY THE CITY OF HOONAH FOR INCORPORATION OF THE XUNAA BOROUGH AS A HOME RULE BOROUGH, AND DISSOLUTION OF THE CITY OF HOONAH

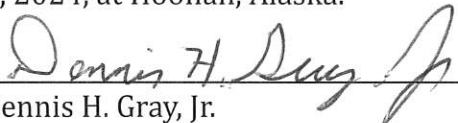
AFFIDAVIT OF DENNIS H. GRAY, Jr.

I, DENNIS H. GRAY, Jr., being first duly sworn, do depose and say that:

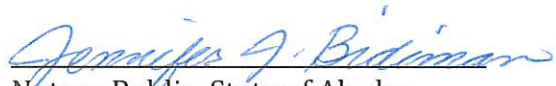
1. I am the City Administrator of the City of Hoonah and Petitioner's Representative in the above-captioned matter: and
2. Pursuant to 3 AAC 100.420(b)(22): to the best of my knowledge, information, and belief, formed after reasonable inquiry, the information in the Petitioner's Reply Brief is true and accurate.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

DATED this 12th day of March, 2024, at Hoonah, Alaska.


Dennis H. Gray, Jr.

Subscribed and sworn to before me on this 12th day of March, 2024, at Hoonah, Alaska.


Notary Public, State of Alaska
My commission expires with office

NOTARY PUBLIC JENNIFER J. BIDIMAN STATE OF ALASKA My Commission Expires With Office
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PETITIONER'S REPLY BRIEF

I. Introduction

Petitioner appreciates the opportunity to submit a reply brief in this matter. This brief is organized by sections, in response to these comment categories:

- ✓ concerns raised across the commenting spectrum concerning borough size and the nature of the proposed 1% sales tax;
- ✓ the comments of Gustavus, Pelican and Tenakee Springs—the “Excluded Cities.” To a large extent, Petitioner foresaw (and indeed called attention to in its opening brief) these cities’ opposition when it excluded them from the borough’s boundaries. We are, however, disappointed that their concerns have been needlessly exacerbated by a clear legal error, a failure to consider a vital mitigating factor, and a cultural characterization that is simply unfair;
- ✓ the partial opposition to the Petition by the City and Borough of Juneau (“CBJ”);
- ✓ Elfin Cove’s opposition, which, like the Excluded Cities’, is predicated in considerable part on legal error (in this case, the baseless assumption that incorporation of the Xunaa Borough will result in the dissolution of a certain nonprofit corporation within Elfin Cove);
- ✓ Game Creek’s comments;
- ✓ specific comments dealing with:
 - budgetary issues; and
 - Huna Tlingits’ historical ties to West Chichagof and Yakobi Island; and
- ✓ some miscellaneous technical comments.

Two provisos are warranted here: *First*, this brief does not purport to deal with every item raised in the submitted comments. Petitioner has attempted to respond to those concerns that, if well-taken, could be material to the LBC’s decision. *Second*, the brief often cites specific comments submitted in support of a particular matter. It is intended to only provide the LBC with *examples* of where that matter was discussed, and the list is not intended to be exhaustive.

II. General Concerns

a. The Borough's Size and the Amount of Undeveloped Acreage Not Needing Services

Some commentators argued that the proposed borough is excessively large, and that it contains wide swaths of land for which no services will be provided and which are being acquired for their tax revenue. *Mackovjak, Glasmann, Barnes, Horwath, Nigro, Berland, Hemenway, City of Gustavus, Steininger, Weller, City of Pelican, Hanson, Grewe, Norvell, Bell, Polley, MacKinnon, Bishop*

As to the borough's size, LBC rules require that the borough's boundaries be on a "regional scale suitable for borough government." 3 AAC 110.060(a) (emphasis supplied). Quoting from T. Morehouse & V. Fischer, *Borough Government in Alaska* at 63-64 (1971) , ¹/ our Supreme Court noted that Alaska's constitutional framers envisioned "the regional borough, generally covering an extensive area including several widely dispersed small communities, incorporated and unincorporated." *Mobil Oil Corp. v. Loc. Boundary Comm'n*, 518 P.2d 92, 99 (Alaska 1974); *see also Background on Boroughs in Alaska*, DCED (Nov. 2000) at 1 ("organized boroughs are regional municipal governments..."); LBC Staff, *Local Government in Alaska*, May, 2015 at 2 ("Article X, section 1 of the Alaska Constitution calls for the minimum numbers of local governments. Together, sections 1 and 3 of article X promote large boroughs embracing natural regions.")

Two commenters suggested that, because 3 AAC 110.130(c)(2) generally prohibits a city from annexing "entire geographical regions or large unpopulated areas," the same rule ought to apply to the Xunaa Borough. *Berland, Taylor*. But as the court noted in *Mobil Oil, ante*, "boroughs are not restricted to the form and function of municipalities. They are meant to provide local government for regions as well as localities and encompass lands with no present municipal use." *Id.* at 101. As the DCED explained in *Background on Boroughs in Alaska*, cities and boroughs serve fundamentally different purposes:

Current State law restricts the inclusion of large geographical regions or large unpopulated areas within cities. [3 AAC 110.040(b) - (c); 3 AAC 110.130(c) - (d)]. In contrast, several provisions in Alaska's Constitution and laws promote borough boundaries that embrace large and natural regions.

Id. at 1.

¹ / Hereinafter "*Borough Government in Alaska*."

True in law, it is also true in practice. The proposed land area of the Xunaa Borough is 4247 square miles. Conversely, the average size of an Alaska borough is 15,866 square miles (which is 528 times the average size of cities). *Local Government in Alaska, supra* at 2. And the Xunaa Borough would be about 1/20th the size of the 94,000 square mile North Slope Borough. Even if one includes the waters within the borough, the resultant 10,404 square miles would still leave the Xunaa Borough well below the average borough size in our state.

And, even a quick look at the map of Alaska model borough's (upon which the Xunaa Borough is largely based) leaves the unmistakable impression that Alaska's boroughs are, in fact, large.

Nor is it any handicap that the Xunaa Borough's boundaries include lands that presently require few (if any) services, but which will nonetheless be subject to areawide taxation (which, in Xunaa's case, will, under its charter, be limited to only a 1% seasonal sales tax, and no property tax). Again, as our Supreme Court advised in *Mobil Oil*, boroughs were intended to include lands "with no present municipal use." *Id.* at 101. This because, as 3 AAC 110.060(a) requires, the borough's boundaries must: (i) conform generally to natural geography; (ii) be on a regional scale suitable for borough government; and (i) include all land and water necessary to provide the full development of essential municipal services on an efficient, cost-effective level. And, Art. X, §3 of the Alaska Constitution requires that all areas with a commonality of interest be included to the "maximum degree possible."

The gravamen of the company's grievance in *Mobil Oil* was that they were going to be taxed without corresponding services—a complaint dismissed by the court. Any yet that claim recurs here. And the answer is the same: boroughs are meant to include lands with "no present municipal use," but that does not excuse remote residents from sharing in the areawide tax burden. As Morehouse and Fischer noted, boroughs are viewed "as a means of spreading the local tax base over areas larger than the old independent school district, thereby requiring the residents of outlying areas, previously served by the state, to contribute financial support to local school programs and eventually to other borough service programs as well." *Borough Government in Alaska* at 140

And so it is common (and in some cases probably necessary under the LBC's rules) that the borough's acquired lands produce revenue, irrespective of services immediately provided. Three recent Southeast Alaska cases illustrate the point:

- In 1974, the LBC approved the Haines Borough's annexation of much of the Chilkat Peninsula, which at the time was uninhabited—save for activities around the

Excursion Inlet fish processing plant. Staff had advised the commission that the borough would be providing no services to this area—the only “service” being the imposition of areawide taxes, including a property tax. *In the Matter of Annexation of Adjacent Territory to the Haines Borough*, DCRA, Feb. 28, 1974 at 11. In approving the Haines Borough’s annexation of much of that peninsula, the LBC noted that the principal benefits of annexation will be taxation of the Excursion Inlet fish processing facilities and sharing in Tongass National Forest logging revenues. *In the Matter of the Petition for Annexation of Territory to the Haines Borough*, LBC, May 15, 1974, pp. 2-3;

- In support of its now postponed 2019 petition to annex several areas on Admiralty Island, including the Mansfield Peninsula and Greens Creek mine expansion, Juneau acknowledged that it would be providing only a modicum of so-called services to the annexed area, consisting (apart from an uncertain number of *ad hoc* emergency responses) of administering the borough’s property and sales taxes, and processing building permits. CBJ, *Supporting Legal Brief [Exhibit E]*, appended to “A Resolution Partially Opposing the Petition Submitted by the City of Hoonah for Incorporation of the Xunaa Borough Including Horse Island, Colt Island, and the Mansfield Peninsula,” 2/5/24 at 25-26. (hereinafter “*CBJ Brief*”). And this at negligible cost to the borough. *Id.* at 26. In return, the CBJ expected to receive \$249,800 in increased annual sales tax revenues and a \$28,136,200 increase in borough property tax assessment valuation. *Id.* at 27-28; and
- In its approved petition, Petersburg advised that, upon borough formation, a number of community services would initially be provided solely within the confines of a service area encompassing the former city of Petersburg. The excluded services included light and power, police, fire, EMS, solid waste and refuse collection, water and sewer, road maintenance, parks and recreation, animal control and building code enforcement. *Petition to the Local Boundary Commission for Incorporation of Petersburg Borough, a Home Rule Borough and Dissolution of the Home Rule City of Petersburg*, Oct. 6, 2010 at 49 (hereinafter “*Petersburg Petition*”).

In Xunaa’s case, the proposed areawide tax burden is dramatically less than that visited on the Chilkat Peninsula or that Juneau proposes to visit on northern Admiralty Island. If there ever were an occasion to turn the law on its head and hold that no new borough may include remote lands unless it either immediately provides a full range of services or exempts the lands from areawide taxation altogether, this is not that occasion.

Finally, included in the *City of Pelican’s* brief is a proposed truncated western boundary of the new borough. It consists of a trio of arbitrary straight lines that make hash

of any geographic rationale (*cf.* 3 AAC 100.060(a)), slicing through the middle of West Chichagof and the Fairweather Range, paying attention to neither watercourses nor mountain divides. It would also, of course, obliterate the model Glacier Bay Borough. And it would strip away a significant part of the Huna Tlingit tribe's historical and current subsistence territory. *Affidavit of Dr. Stephen J. Langdon Aff.*, **Exhibit KK**.

b. Tax Concerns

Commenters raised two principal concerns regarding borough taxation;

The Sales Tax. The borough proposes to levy a 1% areawide seasonal sales tax. The sales tax is a separate issue from borough formation (and will be voted on separately), but some commenters have raised the concern that the tax would cover vessel traffic that merely transits borough waters or involve excursions that are purchased in cities outside borough limits. *Olney, Carson, City of Pelican, Grewe, Sundberg, Traibush.*

The concern is misplaced. The 1% tax would be integrated into Hoonah's existing sales tax code, which, in turn, will become the borough's sales tax code. **Exhibit W.** The sales tax is applied to "retail sales within the city [which will become the "borough"]." Hoonah Code, §4.04.030. A "sale" is defined as the striking of the bargain—the agreement of the service to be provided and the price to be paid. §4.04.020.N. The code then defines "retail sales with the city" for purposes of services (including adventure services) as "retail sales by a seller within the city of services to be provided or performed in whole or in part within the city, regardless of the buyer's place of residence; or buyer's physical location upon acceptance of the offer, or exchange of consideration." §4.04.020.M.3. Thus, while the buyer may procure the service from his home, the seller must be "within the city" for the sale to be covered.

Nor, obviously, would the tax apply to vessels merely transiting borough waters, or fishing in borough waters (unless that sale of that fish occurs within the borough). The tax is not an excise tax on navigating or fishing. It is a sales tax, hinging on the geographic location of the sale.

Other Taxes. Some commenters raised concerns that the 1% seasonal tax is only the beginning, and that the new borough will impose additional taxes as well, including a property tax. *Ware, Weller, City of Pelican,*

The proposed borough charter prohibits the imposition of a property tax. **Exhibit I**, Art. XI, §11.03. The charter further provides that, unless (for reasons we cannot anticipate) the 1% sales is invalidated, that tax will be the only tax imposed on an areawide basis. *Id.* at §11.02.C. Any municipal charter, of course, can be amended by popular vote. *See* Art. XIV. But a government's ability to amend its organic document is an unalterable fact of life, and there's little Petitioner can do about that. In this

instance, however, it would seem rather unlikely that the voters of the entire borough would vote, for example, to impose a property tax upon themselves.

III. Comments of Gustavus, Pelican and Tenakee Springs

The Petition received an intense response from these three cities. *City of Gustavus, City of Pelican, City of Tenakee Springs, Gustavus Visitor Assn. (“GVA”)*. This although none are included within the proposed borough, and this because, by the time the Petition was submitted, these cities had already made their preference known. And so, the Petition not only excluded the existing corporate boundaries of the cities but created large buffer zones that permit those cities to significantly expand without encountering borough boundaries.

Exhibits C-1 – C-3.

Petitioner’s disappointment in all of this is grounded in the fact that Hoonah and these communities share the same fundamental *raison d’être*—dependence on the richness of Icy Strait and its major tributaries. And, that richness is harvested through the same three economic pillars—subsistence, commercial fishing and tourism. According to a 1990 ADF&G report, each of these communities (including Hoonah) harvest between 209-343 lbs./person/year in subsistence resources. **Exhibit L** at 95. ² / With respect to commercial fishing, 2021 CFEC records show the following limited entry permit holdings and catch value for these communities:

Community	Limited Entry Permit Holders	Catch Value
Hoonah	117	\$2,547,165
Gustavus	28	\$1,216,408
Pelican	24	\$701,481
Tenakee	9	\$347,241

https://www.cfec.state.ak.us/gpbycen/2021/Comm_G-J.htm

Tourism is the third common pillar, especially with respect to Gustavus. The Excluded Cities use the pejorative “industrial” to describe Hoonah’s tourism, while claiming their own is more rustic. In fact, the tourism paradigm for Hoonah and Gustavus is remarkably similar. Hoonah’s principal tourism facility is Icy Strait Point, which is located some 1.5 miles from the center of town—a separation that insulates this traditional Tlingit village from significant tourist activity. Similarly removed from much of Gustavus (but still

² / According to ADF&G, this is the most recent data that covers all of these communities. *Email exchange, Petitioner and Lauren Sill [ADF&G Subsistence Section] March 4, 2024.*

within the city's boundaries) is the 50-room Glacier Bay Lodge, and much of the entire national park infrastructure. As the City of Gustavus itself describes, this complex includes "the NPS park headquarters, support facilities for maintenance and utilities, the Park Visitor Information Station and Visitor Center, Glacier Bay Lodge, the Bartlett Cove Dock and anchorage (hub for visitor entry into the park)..." Gustavus does not consider this intense and consequential portal into one of the principal tourist attractions in the entire state to be "industrial." And this probably for the same reason that Hoonah bristles over the same adjectival implication that tourism industry smoke stacks are belching in the middle of what, in truth, is the same village that existed before ISP arrived.

3 AAC 110.045(a) asks whether "the social, cultural, and economic characteristics and activities of the people in a proposed borough must be interrelated and integrated..." There is a good case to be made that including the Excluded Cities would pass that test.^{3/} But the fact is, the Petition excludes them. And Petitioner is disinclined to preoccupy this brief with arguments against its own position.

These cities do assert, however,, that they will suffer four adverse impacts that are not cured by exclusion from the borough. The unfortunate side of these assertions is that each seems misplaced, resulting in a rising temperature that is simply warranted. In a nutshell, these three contentions are the product of: (i) an error of law; (ii) the failure to consider a quite significant mitigating factor; and (ii) unwarranted assumptions about their potential new neighbor's likely behavior. In detail, the assertions are these:

a. Loss of PILT and National Forest Receipts

Several commenters express concern that incorporation of Xunaa Borough will lead to a loss of the Excluded Cities' Payment in Lieu of Taxes ("PILT") or National Forest Receipts (NFR), though the *City of Gustavus* concedes that it does not know whether that is true, and another (*Stanbury*) allows that it is an "unanswered question." *See also Lupro, Gustavus Visitor Assn. ["GVA"], Nigro, Waldron, McLaughlin, Weller, City of Pelican, Streveler, Hanson, Yakobi Fisheries, Godla, Egleston, Slater, Sundberg, Bell, Stewart, Bryant, Bean, Spencer, Hafendorfer, Goode, Sugarman.*

In fact, incorporation will not adversely affect either revenue stream to any of the Excluded Cities or the Chatham School District ("CSD").

^{3/} Once again, Gustavus stands out in that regard. There is twice-weekly year-round Alaska Marine Highway service directly between Hoonah and Gustavus; much of Gustavus' cell phone service originates from Hoonah area geography; and, as this Petition is being filed, nine Gustavus boats have been hauled out and are being overwintered at Hoonah's full-service harbor (Gustavus itself having no boat harbor). **Exhibit MM.**

With respect to the NFR program, the distribution of NFR is governed by AS 41.15.180. Under Sec. 180(a), the Xunaa Borough will receive a borough share of that revenue. Conversely, Gustavus, Pelican, Tenakee will remain in the unorganized borough and just as near [or in] the Tongass National Forest as before borough incorporation.^{4/} Under Secs. 180(c)-(d), the cities', and the CSD's, share of the unorganized borough receipts is determined solely by the number of children in their schools and the number of locally-managed road miles. The amount of nearby forest land is irrelevant. Since Xunaa will not be absorbing any of these students, nor taking over management of any local roads, these entitlements will remain unchanged.

Nor are any PILT revenues at risk. To be eligible for PILT payments, there must be qualified federal property within the boundaries of a "unit of general local government." 31 USC Sec. 6902(a). Where the unit is an organized borough, the organized borough is entitled to payment; where the unit is a city in an unorganized borough, the city is entitled to payment. 31 U.S.C. § 6920(a); 43 C.F.R. §§ 44.11, 44.20(c). For cities within the unorganized borough (which the Excluded Cities will continue to be), payments are allocated solely according to the city's population. 3 AAC 152.200. Since borough formation will not affect the Excluded Cities' boundaries or population, it should have no effect on PILT payments.

b. Loss of Excluded Cities' Ability to Annex Additional Territory

A number of commenters expressed this concern. *Berland, GVA, Glasmann, Taylor, Barnes, Horwath, City of Tenakee, Nigo, McLaughlin, Miles, Waldron, Crandall, City of Pelican, Grewe, Yakobi Fisheries, Godla*. None of these comments mention, much less take account of, the fact that the Petition also excludes extensive areas adjoining these cities that allow for significant community expansion without reaching borough boundaries.

Exhibit C-1 creates a 158,486 acre excluded zone beyond Gustavus' current municipal boundaries, stretching in every landward direction (*i.e.*, north and east). **Exhibit C-2** creates an 83,683 acre excluded zone around Pelican's city boundaries, stretching in all directions—even across Lisianski Inlet. And finally, **Exhibit C-3** creates a 15,641 acre exclusion zone surrounding Tenakee Springs' municipal boundaries.

The Excluded Cities are free to petition to annex any of these excluded lands under generally applicable LBC rules, with no handicap or disadvantage by being in the same general area as an incorporated borough. And, since (unlike boroughs) 3 AAC 110.130(c)(2) generally prohibits municipal annexation of large unpopulated areas, the Excluded Cities would seem to have some explaining to do as to why these substantial areas are not sufficient to accommodate any lawful annexation.

^{4/} Under Sec. 180(h), if any portion of the entity is within 20 miles of a national forest, the whole entity is deemed within the forest.

Should an Excluded City seek to expand its boundaries beyond the exclusion zone, this is the law of the matter: Cities near an organized borough can annex land within the borough. In that event, the annexing city would be required to petition to either join the borough or detach the annexed land from the borough. 3 AAC 110.130(d).

Ironically, for borough lands the path to annexation would be made easier if these cities were included in the borough. Because the Xunaa Borough will be a nonunified borough, cities within it (other than Hoonah) would not only continue to exist, but would be free to annex additional land under generally-applicable annexation standards. 3 AAC 110.090 *et seq.* Annexation could be denied if the LBC finds that the city's services "can be provided more efficiently and more effectively by ... an organized borough." 3 AAC 110.090(b). But given that the Xunaa Borough will be providing only limited service outside the Hoonah Townsite Service Area, that would seem an easy burden for the city to surmount.

c. The Xunaa Borough will be a bad neighbor

Finally, the subtext of the Excluded Cities' comments is that, if incorporated, the Xunaa Borough will unleash widespread "industrial" development that will cause significant harm to the Excluded Cities themselves. *See, e.g., City of Tenakee* ("[W]e hope to see no more industrial scale logging or any large scale tourist operation in the Inlet."); *City of Gustavus* ("The disparity of goals between the petitioner's focus on industrial development and cruise industry tourism i[s] in stark contract with the conservation-minded, resource-based economies and subsistence lifestyles in the region."); *Horwath* ("Hoonah embraces commercialization, tourism , and over-use of our natural resources.").

Some comments reach the extreme, suggesting that the Xunaa Borough will:

- ✓ somehow be able to dictate activities within the Excluded Cities' municipal boundaries. *T. McLaughlin* ("“We don't want cruise ships or industrial sized tourism in our town.” Emphasis supplied). Borough incorporation grants the borough no extraterritorial powers over neighboring communities; and
- ✓ assume control of Glacier Bay National Park. *Glasmann* (Glacier Bay Nat'l. Park “belongs to ALL Americans and is under the direction of the Department of the Interior and the NPS. It does not seem appropriate that it should be under the control of any single community.” Emphasis supplied). The Xunaa Borough will be a local government, with no authority to “control” a national park.

As a group, these comments overstate the borough's ability to facilitate future borough development. The borough will be entitled to receive 10 percent of “[state-owned] vacant, unappropriated, unreserved land” within the borough. AS 29.65.030(a). But that

land is spread over 4247 square miles. Beyond that, the borough will own no land or development rights anywhere in the borough. Moreover, virtually all of that remaining land is owned by the federal government, either within the Tongass National Forest or Glacier Bay Nat'l Park. Even fishing and hunting rules (including subsistence rules) within those properties will be the province of the federal land managers and ADF&G.

Moreover, as discussed *ante*, the Excluded Cities will be surrounded by substantial buffer zones that will keep the borough at distance from these municipalities. For example, a look at **Exhibit C-1** shows that Gustavus will be surrounded by an exclusion area (and the Haines borough) to the north and east, a national park to west, and Icy Strait to the south. Gustavus would be hard-pressed to show how, *in reality*, the new borough will encroach on its residents' lifestyle.

Aside being overstated, the comments are unfair. All of the Excluded Cities, and most notably Gustavus, are tourism-dependent. Hoonah's principal tourism asset is Icy Strait Point, the center and attractions thereof being physically separated 1.5 miles from the village of Hoonah. It is a very successful enterprise, but it is also one whose siting and management have enabled the village of Hoonah to retain its traditional character. Labelling this endeavor "industrial" is a catchy insult, but it hardly fits reality—certainly, as discussed *ante*, no more so than the equally intense tourism facilities at Bartlett Cove.

And, while Huna Totem Corp. and Sealaska were engaged in substantial commercial forestry in and around Hoonah in the two decades ending in the 1990's, today:

- Huna Totem's remaining timberlands have been dedicated for carbon credits, and for the next 100 years "logging is no longer an opportunity that can be utilized on these lands, as the carbon on them (i.e. the trees) have been sequestered." **Exhibit L-2;**
- For its part, Sealaska "shut down all timber operations" in 2021 and has also committed 176,000 acres of its land and forest to carbon credits, which "includes much of the Corporation owned forests in the Hoonah area." **Exhibit L-1;** and
- None of the log transfer facilities around Hoonah that exported that timber are operating.

Times, circumstances and values change. Unfortunately, some commenters seem intent on refighting old wars.

**d. Loss of Refunds from the Fisheries Business Tax and
Fishery Resource Landing Tax**

One commenter expressed concern that incorporation of Xunaa Borough will lead to a loss of fisheries business tax refunds by the City of Pelican. *See Waldon*.^{5/} The commenter does not mention the fishery resource landing tax, but the two programs are closely intertwined and administered in nearly the same way. The short answer is that incorporation of the Xunaa Borough would have no effect on refunds under these taxes.

The Department of Revenue (“DOR”) collects both the fisheries business tax, which is levied on certain fisheries businesses, and the fishery resource landing tax, which is levied on the landing of fishery resources that would not otherwise be subject to the fisheries business tax. AS 43.75.010(a)–(d) (fisheries business tax); AS 43.77.010 (fishery resource landing tax). Revenue from each is shared among municipalities, first by the DOR, then by the Department of Commerce, Community, and Economic Development (“DCCED”).

Both taxes are distributed to municipalities under the following formula:

First, the DOR distributes half of the revenue. AS 43.75.130; AS 43.77.060(a)–(b). Cities located in the unorganized borough receive 50% of the revenue from the tax collected from landing and processing within that city. AS 43.75.130(a)(1); AS 43.77.060(a)(1). Because Pelican will remain in the unorganized borough it would continue to receive its full refund from the DOR.

After the DOR distributes the initial half, it transfers the remaining half to the Department of Commerce, Community, and Economic Development (“DCCED”). AS 43.75.137; AS 43.77.060(d). The DCCED then distributes the remaining half. AS 29.60.450(b).

The DCCED distributes the remaining half in two stages: first, the revenue is apportioned among nineteen fisheries management areas; second, the revenue for each area is then allocated among the eligible municipalities in that area. *See* AS 29.60.450(b)(1).

The fisheries management areas are pre-existing designations by the Board of Fisheries. *See* AS 29.60.450(f)(6); 3 AAC 134.050(e). Their boundaries would not be affected by borough incorporation.

^{5/} Although the comment was with specific reference to Pelican, the analysis of this subsection would equally apply to refunds to the other two Excluded Cities.

The DCCED uses two methods to allocate funds to eligible municipalities: the “short-form method” and the “standard method.”^{6/}

The short-form method applies if the total funding for the fisheries management area is less than the number of municipalities in the area multiplied by \$4,000. *See* 3 AAC 134.060(c); 3 AAC 134.160(15). Under the short-form method, half of the allocation is distributed equally among the municipalities, and half is distributed to the municipalities per capita. 3 AAC 134.060(c). Thus, Pelican would see no reduction under the “short-form.”

If the short-form method does not apply (i.e., if the total funding for the fisheries management area is greater than the number of municipalities in the area multiplied by \$4,000), the standard method applies. 3 AAC 134.060(a). Under the standard method, half of the allocation is distributed equally among the municipalities, and half is distributed to the municipalities on the basis of the relative impact of fisheries business activities. 3 AAC 134.060(a)–(b).

Again, Pelican would see no reduction in the first half of the refund under the “standard form.” Nor would it under the second half. Pelican does allege, and it is simply implausible to imagine, that Pelican would suffer any material decline in commercial fishing transactions within its own borders simply because some neighboring territory is organized as a borough.

Yet even if one pretended such an impact might occur, the impact of actual funding would be inconsequential—something less than 25% of the entire refund, that entire refund being \$4,437.53 in Pelican’s case. ^{7/} ^{8/}

^{6/} In some circumstances, and only at the discretion of the DCCED, municipalities in an area can also agree on an alternative method. 3 AAC 134.070(a).

^{7/} <https://www.commerce.alaska.gov/dcra/eGrantsOnline/Home>. When an allocation to a municipality is \$50 or less, the amount is considered “negligible” and the DCCED does not distribute it. 3 AAC 134.060(f).

^{8/} For a municipality to be eligible for allocation of DCCED’s portion (i.e. 50% of the total refund), it must apply to the DCCED, have been a municipality during all or part of the tax program’s base year, and demonstrate that it “suffered significant effects from fisheries business activities” that occurred in the fisheries management area during that year. AS 29.60.450(a); 3 AAC 134.040. Theoretically, if Pelican was unable to demonstrate *any* significant fisheries impacts following borough incorporation, its present grant could be reduced by 50%. But Pelican isn’t alleging that its commercial fishing activity will simply disappear after a borough is formed. The Pelican prepared comment form, submitted by 22 separate commenters, describes that activity as follows:

IV. Partial Opposition of the City and Borough of Juneau

The City and Borough of Juneau's ("CBJ's") partial opposition to the Petition is grounded on its assertion that the "social, cultural, and economic characteristics and activities" (3 ACC 110.045(a)) of Horse and Colt islands, the Mansfield Peninsula and Funter Bay more closely align with Juneau than Hoonah.

The CBJ has pending before the LBC a postponed petition to annex all of these areas, except for Funter Bay.^{9/} Juneau would thus appear to be urging precisely the kind of mandatory head-to-head comparison of Hoonah's and Juneau's plans that our Supreme Court rejected in *City and Borough of Juneau v. State*, 361 P.3d 926 (2015).

Moreover, the residents of these geographies, and the Alaska Redistricting Board, would disagree with the CBJ. Looking first at the areas' residents:

In 2007, a CBJ committee released a self-serving report recommending annexing of the contested areas.^{10/} Then, in 2018, it actually prepared an annexation petition that included all of these areas. Both of these actions prompted furious and universally negative responses from all of affected geographies—to the point that the CBJ ultimately excluded Funter Bay from the petition in 2019.

These comments are found at *CBJ Petition, Exhibit I* (which is appended hereto as **Exhibit OO**). In 2006, a letter signed by 51 Funter Bay property owners voiced strong objection to CBJ annexation. *Id.* at 87 *et seq.* Among the reasons:

- "Funter Bay has an economy of its own, and no significant economic developments are planned...nor is it compatible with the largely urban qualities of Juneau. Residents, property owners, and visitors go to Funter Bay, in fact, to get away from the predominantly urban qualities of life in Juneau... We do not think the rural characteristics of Funter Bay can be

Yakobi Fisheries, LLC, the seafood processor in Pelican, processes fish harvested in the surrounding areas of Lisianski Inlet/Strait...Thousands of pounds of processed fish are shipped out of Pelican... Pelican is the regional hub for commercial fishing in Cross Sound because of its commercial sized ice machine, bulk fuel facilities, groceries, seafood processing, and its location..

Bean. Suggesting that Pelican will lose its eligibility for 50% of the fish tax refund because all of that will simply vanish once the borough is formed is ridiculous.

⁹ / *Petition by the City and Borough of Juneau for Annexation of Approximately 1,428 Squares Miles....*, Aug.8, 2019 (hereinafter "*CBJ Petition*").

¹⁰ / The report is attached as an exhibit to the CBJ's comments in this proceeding.

interrelated and integrated with the characteristics and the predominantly growth-oriented community vision of Juneau” *Id.* at 90-91;

- “[T]ransportation between Juneau and Funter Bay is expensive and difficult. Travel by boat or chartered floatplanes is expensive and seasonally--and weather—dependent. Many parts of the Bay cannot get Juneau radio stations. We get AM or FM radio from Haines, and the National Weather Service broadcasts for Haines and Skagway, not Juneau. Cell phones...work sporadically. We can reach Chatham Strait, but not Juneau, on VHF radio. Mail comes once a week only to permanent residents, and they experience may glitches in service... Travel by boat to Funter Bay from Auke Bay (when weather allows) takes 2 ½ to 8 hours...[and] fuel for such a trip can easily cost \$150. There is no scheduled air service. *Id.* at 91-92.

In a separate comment, one Funter Bay resident noted the transportation difficulties in reaching Juneau from the community:

“...[T]o run my boat to Juneau is 7 hours round trip and is extremely weather dependent...For me to even go into Juneau to attend a meeting of any sort would cost airfare, car rental and more than likely a motel room, about \$600 total for one day and that is weather dependent...”

Id. at 96. The commenter added that, as a result, “I sell my fish to Hoonah or to Excursion Inlet.”

The difficulty of Juneau/Funter Bay transportation was a highlight of the subsequent protests in 2018-19:

- “In 2007 when there was another proposal to annex Funter my wife and Uncle who also lived at Funter flew to Juneau to testify before the assembly. Plane fare was \$600 round trip, then the price of a motel plus food plus a taxi, needless to say that is not access, it is restricted access.” *Id.* at 30;
- “I just wrote your police department, I was told response time to Hawk Inlet or Taku would be 45 minutes with an EMT, then the return time to Juneau. That 45 minutes was if a helicopter was available and not full of tourists and weather permitting. Why would I call the Juneau police when I can get faster service myself. In a big emergency with snow blowing and winds howling I would call the Coast Guard, not Juneau.” *Id.* at 32;
- “In 40 years of living at Funter Bay there were many months I could not get to Juneau by plane or boat, many months the weekly mail plane could not get in. A few times I could not vote when the ballot did not show up in time.” *Id.* at 48;

- “Funter Bay may look like a close spot to Juneau on a map, but it is fairly remote. The opening to the bay faces west, looking out on Pt. Couverden, Pt. Howard and on a good day the Fairweather range. The weather is different, less rain more open clear skies and different weather patterns. Different bodies of water, Chatham Strait and Icy Straits impact the water around Funter Bay. Geography is not in common.” *Id.* at 65.

With respect to this Petition, nine Funter Bay property owners supported their inclusion in the Xunaa Borough. And, 68 Horse and Colt Island property owners joined a letter “express[ing] our strong support for the petition by the City of Hoonah for creation of the Xunaa Borough with boundaries to include our remote homesites.” *Simpson*. In so doing, they expressed the same theme that has dominated Funter Bay comments over the years:

Many residents also chose Horse and Colt because they desired closer access to Icy Strait fishing, and hunting opportunities on Admiralty Island and other nearby Southeast island locales. A few of our island families have familial ties to Hoonah and surrounding indigenous areas. Geographically and culturally, we believe our properties have much in common with the rural nature of the proposed Xunaa Borough.

With respect to Funter Bay in particular, the alignment with Hoonah, rather than Juneau, is just not social and economic--it is physical. As the commenter quoted above noted, Funter Bay “faces west, looking out on Pt. Couverden, Pt. Howard and on a good day the Fairweather range. The weather is different, less rain more open clear skies and different weather patterns. Different bodies of water, Chatham Strait and Icy Straits impact the water around Funter Bay.” Under 3 AAC 100.060(a), the borough’s boundaries should “conform generally to natural geography.” As noted in our opening brief, the Xunaa Borough is constructed around the main artery of Icy Strait, and Funter Bay lies at one terminus of that straight—at its juncture with Chatham Strait, which forms the easterly boundary of the borough. As noted by the commenters, Funter Bay is separated from Juneau by fight-vexing mountains and a circuitous boat trip. Conversely, Funter Bay is essentially light-of-sight to Hoonah.

Beyond all this, one state agency has already necessarily found that Horse and Colt islands, and Funter Bay, are socio-economically more aligned with Hoonah than with Juneau. The geographic areas of Funter Bay and Horse and Colt Island are located within Alaska House District 2-A, the same as Hoonah, Angoon, Elfin Cove, Pelican, Tenakee Springs.^{11/} Conversely the entire CBJ is in Districts 3-B and 4-B. The Alaska Redistricting

^{11/} A map of District 2-A is appended as **Exhibit NN**.

Board (“ARB”) drew these boundaries based on the Alaska Constitution’s mandate that “Each house district shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area.” [Emphasis supplied]. Alaska Const., Art. VI, Sec. 6.

Moreover, in assessing district population, the ARB uses the official census figures, and for that reason the house district boundary lines must follow the same boundary lines used by the census. See, AS 15.10.200(b). Funter Bay and Horse and Colt islands are all within the Hoonah-Angoon Census Area, as determined by the United States Census Bureau

The ARB conducts public hearings and takes testimony and comment from residents and interested parties to determine if the criteria for *socio-economic integration* are present before drawing the maps that set the boundaries for the districts. In this case, the boundaries of districts 3 and 4 were aggressively challenged by one of the communities now in District 3. After litigation, the Alaska Supreme Court affirmed the ARB’s boundary determination for the CBJ in Districts 3 and 4, and therefore, by necessary implication, the boundary with District 2-A.. See, *In re 2021 Redistricting Cases*, 528 P.3d 40 (Alaska 2023).

Local government boundaries as well as geographic features are to be considered in determining boundaries wherever possible. Funter Bay, Horse and Colt islands, Elfin Cove and all but one of the Excluded Cities were placed in District 2-A because they were socially and economically integrated with other island communities rather than Juneau; their geography matched other island communities; and they were located in the same census area as were sister island cities, including Hoonah..

In closing, and with respect to the factual assertions in the CBJ’s resolution, there is much that Petitioners cannot, and really need not, quarrel with. For example, with a decennial census population of 32,255, it is hardly surprising that most of the recorded wildlife harvests in these areas come from Juneau residents, though: (i) it would seem likely that some of those residents are Horse and Colt island or Funter Bay property owners; and (ii) the figures cited by the CBJ include the Glass Peninsula on eastern Admiralty Island, which is not included in the proposed Xunaa Borough. ^{12/}

And, there have indeed been two Juneau-based nonprofits with property on the Mansfield Peninsula, though: (i) one holds only a conservation easement; and (ii) the other opposes CBJ annexation of the peninsula. **Exhibit OO** at 141 *et seq.*

At bottom, nothing in Juneau’s comments enlightens the issue of whether the cultural and social characteristics of these remote, pastoral communities are compatible

^{12/} / CBJ Brief at 11.

with the nearby subsistence, fishing and remote tourism community that has filed this Petition.

V. Elfin Cove’s Opposition.

Comments received from the unincorporated community of Elfin Cove include the following:

a. Feared Dissolution of an Elfin Cove Nonprofit Corporation

Some Elfin Cove commenters assert that incorporation of the borough will result (apparently automatically) in the dissolution of a nonprofit corporation formed under the Alaska Nonprofit Corporation Act (AS 10.20)—the “Community of Elfin Cove.” *Community of Elfin Cove, Benton, Lord-Wild*. Conspicuously, no authority whatsoever is cited in support of that theory, leaving us to guess its origin.

Irregardless, nothing of the sort is going to happen.

The commenters reach their conclusion via an even larger proposition—that “[t]he overlay of Borough government would eliminate local government.” In that one sentence lie two fundamental errors:

- The Xunaa Borough would be established as a nonunified borough, meaning that any cities within it will continue to function as before. The one, and only, exception is the City of Hoonah, whose powers and functions are being expressly assumed by the new borough through the borough charter. AS 29.06.450(c); *Petition*, §3; Exhibit I, §§ 1.04, 16.02; and
- In any event, the “Community of Elfin Cove” is not a city. It is a private corporation lacking the power to tax or regulate. Under AS 29.71.800(4), a “city” is defined as “a general law first or second class city or a home rule city.” The corporation is none of those, and its backers have never sought municipality status under AS 29. The commenters note that, like any charitable organization, it has performed valuable functions that have benefited the community. But that hardly serves to fundamentally change its legal status, any more than it would any charitable corporation. And there nothing, anywhere, in Alaska law providing that, upon borough incorporation, all nonprofit corporations operating thereon are dissolved.

Such is all that needs be said, and, really, all that can be said on the topic, given the absence of any underlying legal support. It is, after all, hard to critique a chimera—other than to point out that this is all this theory is.

Additionally, some commenters worried that the nonprofit would “lose” its annual funding under Alaska’s Community Assistance Program (“CAP”). *Magart*. The

corporation will not “lose” that funding. Nonprofit organizations in unorganized communities are eligible to receive CAP funding, even if the community lies within an organized borough. AS 29.60.855(b)(5); AS 29.60.879(1). By virtue of being in a borough, however, the corporation is likely to receive incrementally reduced funding. *Compare* AS 29.60.855(b)(4) and (5). Based on recent history, the reduction may be from \$25,000 to \$15,000 annually. ^{13/}

b. Lack of Connectivity and Integration

The pertinent rule here is 3 AAC 110.045. Each of its requirements are met by this Petition.

First, the rule looks for common “social, cultural and economic characteristics.” *Id.* at §045(a). Other than the obvious (Hoonah being a Tlingit village, Elfin Cove not), the pertinent characteristics of the two communities are essentially identical. As the Petition’s opening brief demonstrates, both communities are dependent on two principal industries—fishing and tourism. *See Exhibit E* at 9. As one Elfin Cove commenter put it:

[Hoonah] has a fishing past and a growing economy due to large cruise ship tourism. We [Elfin Cove] are since 1935 a trolling town with six sport fishing lodges and small cruise ship tourism as our social and economic base.

Anderson. With respect to tourism, the alleged point of departure is the now-familiar claim that Hoonah’s tourism is “industrial,” while Elfin Cove’s is not. Yet while Hoonah’s tourism infrastructure is, as we have seen, isolated from the village, Elfin Cove’s “six sport fishing lodges” subsume virtually the entire community of 24 residents.

Moreover, the industries interact. For example, Hoonah Cold Storage is one of the principal commercial fish buyers in the region. Each year, for at least the past 30 years, Hoonah Cold Storage has sent a tender into waters around Elfin Cove to purchase fish 2-3 times weekly during salmon season. ^{14/} And, as of the filing of this brief, two large Elfin Cove boats are hauled out at Hoonah’s full service boat yard, while another is moored at its annual Hoonah stall. **Exhibit MM.**

Moreover, any Elfin Cove tourism activity involving the Tongass National Forest will be overseen by the Hoonah Ranger District headquarters in Hoonah. **Exhibit P.** And any

^{13/} Alaska Legislative Finance Division, *LFD Informational Paper 21-1: Community Assistance Program* at 1.

^{14/} Phone conversation, Larry Welsh, General Manager, Hoonah Cold Storage (March 12, 2024).

fish and wildlife concern arising from Elfin Cove activities will be handled by the Alaska State Trooper's wildlife officer resident in Hoonah.

Next, §045(c) focuses on transportation and communication between the communities. With respect to transportation, the rule bows to Alaskan reality, asking that the Commission examine "customary means of travel including boats and snow machines." §045(d)(1). Indeed, in *Mobil Oil Corp v. Local Boundary Commission*, 518 P.2^d at 100, our Supreme found the transportation standard satisfied when the only transportation linkage between the borough seat and remote communities was "charter aircraft [and]...dog teams and snow machines." In the present case, both Elfin Cove and Hoonah maintain float plane bases, and there is a direct water connection between the two via Icy Strait.

Under §045(d)(2), communications are assessed in terms of whether they "will adequately facilitate interrelationships and integration of the people in the proposed borough." Elfin Cove has multiple internet providers.^{15/} As a result, Elfin Cove residents will be able to attend and participate in all Borough Assembly meetings via Zoom. With respect to cell phone coverage, "AT&T services are available to community members and this communication provides the ability for members to communicate needs to outlying areas." *Anderson*.^{16/}

Finally, Elfin Cove quarrels with our opening brief's contention characterization of Hoonah as "the Hub of the Proposed Borough,"^{17/} asserting that the community has closer economic ties with Gustavus and Juneau. Neither of those communities, however, are within the "proposed borough." And within the new borough, as detailed in **Exhibits E and F** of the Petition, only Hoonah:

- ✓ hosts key regional administrative centers that cover Elfin Cove, including the USFS Hoonah Ranger District and the Alaska State Troopers;
- ✓ has a fully-staffed health care facility;
- ✓ has the region's only full service boat harbor, including haulout and repair capability;
- ✓ has the only full-time, full-service municipal government infrastructure;
- ✓ has the fiscal capability to administer a borough government; and
- ✓ has a wheeled and instrument capable airport.

^{15/} <https://www.hightspeedoptions.com/ak/elfin-cove>.

^{16/} See also <https://bestneighborhood.org/mobile-and-cell-elfin-cove-ak/>. Presently, Elfin Cove residents have labelled cell phone coverage inconsistent.

^{17/} **Exhibit E** at 10.

VI. Game Creek Comments

At the outset, it is worth noting that Game Creek is highly dependent on Hoonah. Virtually all incoming freight and fuel for Game Creek is transshipped through Hoonah, as Game Creek has no boat harbor. Game Creek residents are employed in Hoonah, and, in fact, own a sporting goods store in the city. Game Creek boats are moored at Hoonah harbor, and Game Creek residents run fishing charters out of Hoonah harbor (indeed, Game Creek residents lease one of Hoonah's charter boat permits in that regard). When ill or injured, Game Creek residents use Hoonah's SEARHC clinic, and Hoonah maintains and clears snow from the 7-mile access road that connects Game Creek to the city—even though the road extends outside the city's current boundaries. The Petition envisions no change in that service.

In its comments, Game Creek first argues for a designated borough assembly seat for that community. Petitioner did consider that option. However, with population of only 23, such a seat would give grossly disproportionate power to one small group of borough residents. The option was simply not possible.

Next, Game Creek raises the concern that the borough may impose a property tax, and enact zoning ordinances, affecting that community despite the draft charter's: (i) prohibition on enacting a property tax. **Exhibit I**, §11.03; and (ii) allowance of zoning rules or building codes outside the Hoonah Townsite Service Area only through a local area advisory committee. *Id.* at §7.04. Petitioner understands the concern that a borough charter can be amended by popular vote. *Id.* at Art. XIV. But municipalities must always have the power to amend their organic documents, and Petitioner believes it has done all it can to ensure that outlying communities' independent lifestyle is preserved.

Game Creek is concerned long-term about the new borough's reliance on tourism as a main source of revenue, and it encourages creation of a five-year strategic plan to diversify its economy. It is an excellent idea, and one that the new borough assembly should consider once the initial short-term challenges of transition are over.

Finally, the comments express concern over continuation of the current level of road service now provided to Game Creek by the City of Hoonah, and the future possibility of extending certain services to Game Creek. Game Creek's principal concern is over a stretch of the access road connecting the two communities that crosses the private property of Sealaska Corporation. There are maintenance concerns over a bridge that crosses that property. But being outside the current City of Hoonah limits, Hoonah has little leverage over that bridge's condition. The road and bridge do, however, lie within proposed borough limits, and upon its formation the borough will have substantial direct authority to help assure that the road and bridge are properly maintained.

With respect to future services, such as power, water and sewer, **Exhibit F**, the Petition's transition plan, makes it clear that, in consultation with local area residents,

additional service areas may be provided to address expanded local needs on a service area basis.

VII. Individual Comments

Some issues were raised only by one commenter. These concerns included the following:

Norm Carson

Mr. Carson criticizes the methodology used in *Haa Aani – Our Land* (**Exhibit K**) in reaching the conclusion that West Chichagof and Yakobi Island lie with the Huna Tlingit's historic territory.^{18/} Specifically, Mr. Carson questions the study's use of oral Tlingit history.

There are a number of responses to his concerns:

1. The 1946 field study that was synthesized in *Haa Aani* was done for a serious purpose by highly qualified people. Commissioned by the United States Commissioner for Indian Affairs to shed light on the difficult issue of Alaska Native occupancy, the months of field work were conducted by:
 - Theodore H. Haas, then Chief Counsel of the U.S. Office of Indian Affairs, and who would later be instrumental in the writing of Cohen, *Handbook of Federal Indian Law*, which to this day remains the bible of American Indian jurisprudence; and

^{18/} Mr. Carson also provides a number of vignettes on mining activity in the area over the past century. Petitioner does not dispute that this area, like much of Alaska, has seen prospecting activity over the past 100 years, though it bears noting that there is, today, little mining production occurring in the area. For example, the El Nido mine, which is featured in Mr. Carson's narrative, is "closed, and there are no known plans for its reopening." <https://thediggings.com/mines/usgs10002330>; see also, Southeast Alaska Conservation Assessment, *The Southeastern Alaska Mining Industry: Historical Overview and Current Status* at 3 ("Several small gold mines operated on west Chichagof Island at Klag Bay and Kimshan Cove from 1905 and 1942, and on adjacent Yakobi Island from 1924–39... None of these mines are in operation today"). https://www.conservationgateway.org/conservationbygeography/northamerica/unitedstates/alaska/seak/era/cfm/documents/9.7_mining.pdf

Moreover, much of the area now lies within the West Chichagof/Yakobi Wilderness area and is thus closed to new mineral entry.

- Dr. Walter R. Goldschmidt, an anthropologist on loan from the U.S. Department of Agriculture, and who would go on to serve 37 years as an anthropology professor at UCLA.

Haa Aani at xxii, 5. The introductory pages of *Haa Aani*, including those cited herein, are attached as **Exhibit PP**.

2. The research protocol employed by Goldschmidt and Haas, including the use of oral history, “is established as a principal mechanism of anthropologists engaged in the study of Native law and custom.” *Id.* at 7. That fact is reenforced by the affidavit of Dr. Steve J. Langdon, a University of Alaska anthropology professor with 50 distinguished years of practice in this exact field (“In my 50 years as a cultural anthropologist working with Tlingit through conversation, observation and interviews, it has been my experience that the amount and detail of information that Tlingit persons recall is absolutely astounding.”) *Aff. of Stephen J. Langdon*, **Exhibit KK** at ¶50. The reason, Langdon explains, is that oral communications are the principal ways in which many Native societies, including Tlingit society, preserve their history. As a result, as a matter of cultural survival, the tribes themselves have develop rigid safeguards to ensure that tribal history is passed on accurately:

Societies that function through the means of oral communication only develop critical practices and understandings to insure the accuracy, veracity and reliability of information as well as powerful transfer mechanisms necessary to maintain a functioning society. Emphasis is placed on observational acuity, attention to relationships among environmental events and memorization for short and long term recall. Tlingit society, and in particular the clans and persons of Huna Kaawu, have established and use a number of such practices.

Id. at ¶27. The nature of those safeguards are set out in ¶¶28-29. And, the use of that history in resolving a Yakutat/Hoonah border dispute before the LBC itself is described in ¶30. Indeed, Goldschmidt and Haas were struck by the refusal of tribal witnesses to speculate or offer evidence of which they were not entirely sure. **Exhibit PP** at 7.

As to *Haa Aani* itself, Langdon concludes that:

The oral history and territorial materials collected by Walter Goldschmidt and his colleagues and reported in Haa Aani present solid and vetted reliable evidence in regard to the traditional

occupation of the Icy Strait and Cross Sound by members of Huna Kaawu.

Id. at ¶34.

3. Goldschmidt and Haas did not rely exclusively on tribal testimony. The statements of witnesses were measured against a number of historical field observations, including Petrov (1584), Krause (1885) and Swanton (1908). **Exhibit K** at 35; and
4. Quite apart from the sources cited in *Haa Aani*, there is ample evidence of Huna Tlingit occupation of West Chichagof/Yakobi, and the tribe's continued influence on that geography into recent times. Some of that evidence is described by Dr. Langdon, including a remarkable Tlingit petroglyph found at Surge Bay on Yakobi Island that may be recording a 1741 visit thereto by a Russian schooner. **Exhibit PP** at ¶¶3-9. The affidavit also documents the Huna Tlingit's extensive past and present commercial and subsistence fishery history in the waters of Yakobi Island (*id.* at ¶¶10-14, 18) as well as other indicia of past and near-term occupation such as long-recognized Tlingit place names in the area; Yakobi Island Huna Tlingit Native allotments; and a clan house named for a claimed Yakobi Island location. *Id.* at ¶¶15-19.

Finally, without citing anything, Mr. Carson intimates that, because many Hoonah residents have found employment with Icy Strait Point, the intensity of the traditional Hoonah subsistence harvest on West Chichagof/Yakobi may have declined. What Mr. Carson misses is the fact that subsistence is far more than a means of acquiring groceries. As Dr. Langdon explains, the gathering and disposition of subsistence resources lies at the core of Tlingit culture, and the sharing of those resources is the lifeblood of virtually every Tlingit event and ceremony. *Id.* at ¶¶ 20-26. "The bedrock role that subsistence plays in maintaining Tlingit culture means that, at the village level, the practice will continue unabated irrespective of the size of one's paycheck. Suggesting that increased village income will displace subsistence activity ignores that fundamental cultural fact." *Id.* at ¶26,

Tony Magart

Magart raises a number of concerns regarding the proposed borough budget (**Exhibit D**). These include:

- An unexplained large drop in *Alaska Taxable* sales tax receipts for Hoonah between those reported in *Alaska Taxable 2020* (which he calls a COVID year) and *Alaska Taxable 2022* (which he labels a "full cruise ship season [*i.e.* post COVID]). The confusion lies in a misunderstanding of *what* is reported in each year's *Alaska Taxable*. Hoonah's fiscal year ends on December 31. *Alaska Taxable* reports sales tax numbers for the preceding fiscal year—that is, *Alaska Taxable 2020* was reporting sales tax revenues for fiscal (and

calendar) year 2019—a pre-COVID year. *Alaska Taxable 2020, Forward*. Similarly, *Alaska Taxable 2022* was reporting sales tax receipts for fiscal (and calendar) year 2021—during the height of COVID, where there certainly was not a “full cruise ship season”;

- Magart asserts that, in estimating Elfin Cove’s projected sales tax revenue from the proposed 1% areawide seasonal sales tax, Hoonah should have credited Elfin Cove residents with a per capita share of Pelican’s per capita sales tax liability (as opposed Pelican’s per capita sales tax base, which is what **Exhibit D** employs [in consultation with the State Assessor]). The problem is that Pelican has a 4% sales tax, ¹⁹/ while the borough’s proposed tax is only 1%. Thus, employing tax liability instead of tax base would have overstated projected Elfin Cove tax revenues by exactly 400% ²⁰/; and
- Magart claims an inconsistency in the seasonal period between the 1% youth/parks and recreation tax (May 1 to Oct. 31) and the areawide seasonal sales tax (May 1 to Sept .30). There is no inconsistency, because these are two different taxes, the former being applied only to the Hoonah Townsite Service Area, and the latter being applied areawide. **Exhibit W**, §11.01 makes this clear;

Besides criticizing the budget, Mr. Magart raises several more generalized concerns including these:

- He questions where sales from certain Elfin Cove nonprofits will be taxed. Under Sec. 11.01 of the proposed charter (**Exhibit I**), the City of Hoonah sales tax code is incorporated into the borough code. Under §4.04.110.P of that code, entities exempt under §§501(c)(3) and (c)(4) of the IRS Code are exempt from the sales tax; and
- Magart fears that inclusion within the borough will in some manner interfere with the provision of public services by the Community of Elfin Cove Non-Profit Corporation. There is no basis for that concern. To begin with, while all of the Xunaa Borough’s powers will be areawide powers, they will be exercised, as with Petersburg, on a service area basis. **Exhibit I**, §§1.04-05. And, at borough formation, the only service area will be the Hoonah Townsite Service Area. *Id.* at §12.03. Further, the charter is replete with provisions designed to ensure that remote areas continue their

¹⁹ / Pelican City Code 3.20.030

²⁰ / It also would not account for the fact that the proposed borough tax is seasonal, while Pelican’s sales tax is year-round.

independent existence free of outside interference. *Id.*, §§7.04 (no zoning or building code rules outside Hoonah Townsite without involvement of local area committee); 11.02.C (1% seasonal sales tax the only areawide tax); 11.03 (prohibition on levying property tax); 16.12 (City of Hoonah ordinances to be applied only to Hoonah Townsite Service Area). It is for that reason, Petitioner believes, that the Petition has received such support from Funter Bay and Horse & Colt islands property owners. Finally, the Xunaa Borough would be formed as a nonunified borough. And so remote communities will remain free to provide local services in the same manner as are currently being provided.

Ronda and Robert Blough

Petitioner's response to Ronda and Robert Blough can be found at **Exhibit QQ**.

Other Technical Comments

More technical comments received include the following:

- The City of Gustavus argues that, in its population count under 3 AAC 110.050, Petitioners have wrongly included residents of the proposed borough who do not live in "communities" as defined in 3 AAC 100.920. That population count is not limited to those residing in defined "communities"—indeed, the word does not appear anywhere in §050. That section requires the counting of all "permanent residents" of the borough. §050(b);
- Gustavus also argues that the Petition does not propose to provide all required "essential services" because it will not be initially providing a "full range of municipal services" to the entire borough. In the same vein, another commenter argues that because the borough will not initially be providing sanitation and public safety services to the entire borough, it will not be providing mandatory "essential municipal services." As noted in the Section II(a), *ante*, nothing in Alaska law requires the "full range" of municipal services (or sanitation and public safety in particular) to be immediately applied on an areawide basis. ^{21/} The three mandatory areawide powers (taxation, education and planning/zoning) are set out in AS 29.35.150-180 and 3 AAC 110.970(b)(1)-(4). The proposed borough charter

²¹ / As noted in that section, it would, in fact, be unusual for a new borough to do so. As that section details: Haines provided nothing but the three statutorily-mandated services in its annexation of the Chilkat Peninsula; the CBJ proposes the same thing in its now-postponed petition to annex northern Admiralty Island; and Petersburg expressly deferred the areawide exercise of a significant number of rather basic community services until establishment of new service areas. Those deferred powers include both sanitation and public safety.

goes much further than that: an inarguably “full” range of municipal powers are designated as areawide powers, to be applied (as with Petersburg) on a service area basis. **Exhibit I**, §§1.04-.05.

- One commenter asserts that the Petition “openly admits” that proceeds from the areawide 1% seasonal sales tax will be spent only for the Hoonah Townsite Service Area. *Tanaku Lodge*. To the contrary, §11.02.E of the proposed charter (**Exhibit I**) states that “proceeds from the seasonal sales tax under this Section shall be appropriated for areawide functions.”;
- While **Exhibit D** provides a detailed line item budget for the proposed borough, several commenters argue that a separate school district budget should be required. The Xunaa Borough School District will be a separate entity with its own budget process, its only impact on the borough budget being the local contribution to the district. AS 29.05.060(6) requires the petition to include “a proposed operating budget *for the municipality*,” while 3 AAC 100.055(1)(E) requires examination of the feasibility of the “anticipated operating and capital budgets *of the proposed borough*.” Emphasis added. The current Petition follows the *Petersburg Petition* by including the borough’s proposed contribution to the school district in the budget, but not a separate school district budget;
- One commenter suggests that projected increases in PILT revenue over succeeding budget years in **Exhibit D** may indicate that Petitioner expects to expropriate a portion of other communities’ PILT revenues. *Leary*. The fact that borough incorporation would have no effect on other communities’ PILT funding is discussed earlier in this brief. For now, suffice it to say that the rather modest increase in PILT receipts forecast in **Exhibit D** is due entirely to integration of the Federal Reserve’s inflation assumptions. *Id.* at Notes.
- The same commenter argues that the budget in **Exhibit D** does not list Forest Service Receipts as a line item. Although colloquially referred to as “FSR,” the actual program name for FSR is “Secure Rural Schools,” which is a line item in that budget.

VIII. Conclusion

One of the principal goals of Article X of the Alaska Constitution was to minimize the number of local government units. Art. X, §10. To that end, the framers sought to ensure that “subdivisions should be large enough to prevent too many subdivisions in Alaska...” *Borough Government in Alaska* at 38. The means of accomplishing that goal was the borough, which thus became “the center of Alaska’s local government scheme” and its “keystone.” *Id.* at 6, 11. Subdividing Alaska into a minimum number of local government

regions presents a unique challenge to our state. Rhode Island would not face such a problem.

It is also one that invariably creates controversy. The remote areas that must, by necessity, be included in the borough have, since the constitution's inception, complained that borough incorporation "would bring new and unwanted government controls and taxes to rural areas ...that were already receiving basic educational, road maintenance and police protection services directly from the state." *Id.* at 7.

Moreover, the borough concept has spawned an unending debate over the powers that the borough should exercise. By law, those powers must include education, planning and zoning, and taxation. But some critics maintain that boroughs should be doing much more. The result is that "the borough is faulted at the same time for being too much government and too little government." *Id.* at 8.

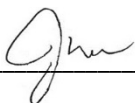
The comments received on this Petition demonstrate that, over the decades, nothing has changed. Residents of Elfin Cove, in particular, strongly object to an actual local government unit, albeit a limited one, being superimposed on the community. And the commenters as a whole run the gamut from those who claim that the borough will be improperly failing to immediately provide the fullest range of municipal services throughout the borough to those who think even its limited exercise of the taxing and zoning power is just too much.

The fact of the matter is that the Xunaa Borough would (with the explainable exception of northern Admiralty Island) follow the boundaries of a geography, the Model Glacier Bay Borough, that DCCED has already found suitable as one of the few regional subdivisions envisioned by our framers. The borough will impose (as the sole areawide tax) a modest 1% seasonal tax, and criticism of that tax misses the point that one of the functions of a new borough is to serve "as a means of spreading the local tax base over areas larger than the old independent school district, thereby requiring the residents of outlying areas, previously served by the state, to contribute financial support to local school programs and eventually to other borough service programs as well." *Id.* at 140. The entire borough is integrated by its common economy, tourism and fishing, and its link to Icy Strait. Any divergence cited to impeach that reality is more a product of emotion than fact.

Petitioner respectfully suggests that succumbing to the same predictable complaints that have plagued borough formation from the beginning would undermine the goals of our framers not only in this case, but likely in other borough applications that may follow. The Petition has met the standards of the Alaska Constitution, our state's statutes and the LBC's rules, and it should be approved.

Respectfully submitted,

SIMPSON, TILLINGHAST and SHEEHAN
Attorneys for City of Hoonah

By:  _____

Jon K. Tillinghast

**PETITIONER REPLY
BRIEF EXHIBITS**

Exhibit KK

Exhibit KK

AFFIDAVIT OF STEVE J. LANGDON

1. I am currently Professor Emeritus of Anthropology at the University of Alaska Anchorage. I received a Ph.D. in anthropology from Stanford University submitting a doctoral dissertation based on three years of research in southeast Alaska including purse seining in Icy Strait. I have conducted research and published findings on Tlingit archeology, culture, traditional knowledge, ethnohistory and policy impacts over the past 50 years. In addition to multiple informal activities, I have conducted four formal research projects in the Hoonah region with Hoonah Tlingit. In 1980, I conducted interviews with Hoonah purse seine fishermen and examined governmental records in regard to the salmon fishing history of Icy Strait with a special focus on the Inian Islands. I produced a research report of my findings for the Icy Strait Fishery Association. In 1997-98, I conducted interviews, engaged in participant observation, and investigated the documentary history of commercial fishing in the waters of Glacier Bay National Park. I produced and submitted to Glacier Bay National Park a report on my findings. In 2003, I assisted in organizing a 30-year return to the Inian Islands fishing event and celebration for which interviews and documentary filming were conducted. The original footage from the fishing and subsequent banquet are held by the Huna Heritage Foundation in Juneau. In 2004-05 I conducted interviews with Hoonah elders and experts on traditional ecological knowledge which were the basis (in part) for a technical report submitted to the US Forest Service, the agency sponsoring the research. I have also attended and participated by invitation in a *ku'eex* (mortuary potlatch) at the Hoonah ANB Hall for *Takdentaan* leader Richard Dalton Sr. In 2012 I gave the keynote address on invitation to the 100th Anniversary Convention of the Alaska Native Brotherhood. The University of Alaska Foundation awarded me the Edith Bullock Award in 2012 for my contributions to Alaska. The Alaska Federation of Natives honored me with the Denali Award in 2017 for my contributions to rural Alaska Native communities. A copy of my *vita* is attached.
2. This affidavit addresses three matters:
 - a. Yakobi Island being within the Huna Tribe's historic territory;
 - b. The cultural importance of subsistence gathering in preserving Alaska Native culture, and the resultant survival of that practice irrespective of the financial ability of any group of Alaska Natives living in traditional villages to obtain food by other means; and
 - c. The role and importance of oral history in documenting the extent of Tlingit Indian tribe historic territory.

Huna Tlingit Use and Occupation of Yakobi Island

Historical Contact

3. The southern boundary of Cross Sound at its entrance to the Pacific Ocean is Yakobi Island. Evidence concerning Huna Tlingit presence and use of Yakobi Island demonstrating why it is a part of the traditional territory of *Huna Kaawu* can be traced from the history of first contact between Tlingit and Europeans (Russians) down to contemporary cultural practices.
4. The first historically recorded interaction between Europeans and Indigenous Alaskans occurred in 1741 when a Russian vessel captained by Alexie Chirikov reached the Alaskan coast in southeast Alaska. The vessel sailed north along the coast and eventually arrived in sight of Yakobi Island on July 18. Chirikov sent out two longboats with armed crews to get freshwater. Both vessels traveled out of sight and neither returned. After 10 days, Chirikov observed bonfires on shore and later two canoes came offshore towards the Russian vessel then retreated without making contact but waving white clothes. The disappearance of the Russians remains a mystery to this day, although there is a Tlingit oral tradition that they survived and were incorporated into Tlingit society in the southern part of the region.
5. Recently, Alan Engstrom (2008) has reviewed Chirikov's account and conducted on-site research on the outer coast of Yakobi in an effort to shine additional light on the matter. Aligning Chirikov's description of mountains in the area, Engstrom concluded that Chirikov floated outside Surge Bay where the longboats were sent ashore. The stream in Surge Bay is hidden from view around a point which explains why the Russian vessels disappeared. When Engstrom investigated the stream mouth in Surge Bay he discovered numerous Tlingit petroglyphs in classic styles indicating substantial age. Some distance away on the beach another single petroglyph was discovered with the image of a two-masted sailing ship (see below). Engstrom considers the evidence to indicate Surge Bay as the location of a camp or village whose occupants were present and interacted with the Russians in 1741.

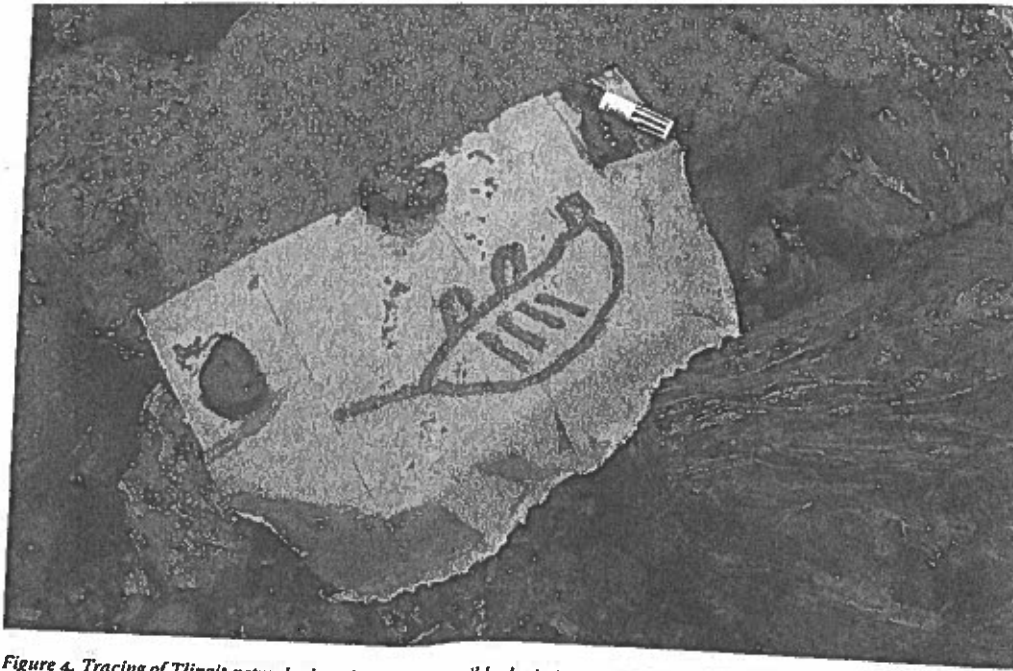


Figure 4. Tracing of Tlingit petroglyph at Surge Bay, possibly depicting a Russian ship. Photo by Allan Engstrom.

6. In 1787 English trader Nathaniel Portlock anchored on the west coast of Chichagof Island about 8 miles south of Yakobi Island where interactions with Tlingit occurred. Engstrom noted that one of Portlock's encounters was with two canoes of Tlingit who came to the anchorage from the northwestward. He suggests they were likely from the westside of Yakobi Island due to the small size of the party.
7. Russian records report multiple visits to Yakobi Island even prior to establishing their settlement at Sitka. Rezanov reported that the "Kolosh" (Tlingit) name for the island was "Takanis" and that a "large village with 100 males" was located on the island (Engstrom 2008:13).
8. A village with the name of Apolosovo appears in Russian records as a large village located on Yakobi Island. Engstrom's suggests that the village was located in Surge Bay but there is no formal identification of the site.
9. The southernmost bay on the outside of Yakobi Island is Takanis. Baranof reported that the name was of Tlingit origin (Engstrom 2008: 23). Orth (1967:941) reports that it is a "Tlingit name published by Capt. Tebenkov (1852, map 8)..." While the term is clearly from Tlingit, Thomas Thornton (PC) in conducting his research on Tlingit place names was unable to re-elicite the term to obtain appropriate linguistic information.

Huna Tlingit Involvement in Yakobi Island Commercial Fishing

10. In 1889 Baranof Packing Company established a cannery at Sitka and later at Redfish Bay on Baranof. Crews of fishermen were sent out to obtain sockeye salmon within an 80-mile radius. On the west coast of Yakobi Island, a Tlingit man,

known to be of the *Huna kaawu*, sought to keep the white fishing crews from taking sockeye salmon from his stream by confronting them and reporting them to the federal authorities. The federal fisheries agent A.D. Harlan indicated that "*Sa/aka*" (or "Surge Bay Joe" as he is known to contemporary *Huna* Tlingit) stated that two white men had been damming his sockeye stream for several years (Kutchin 1902:87-88).

11. In 1900, a new cannery was built on the west side of Dundas Bay, about four miles in from Icy Strait, called Point Santa Rita Cannery. The Dundas Bay site was located in the territory of the *T'akdentaan* clan who had a village, *L'istee*, and fort located on the Dundas River. In addition, other *Takdentaan* house heads claimed various other streams and rivers in the area to the west of Dundas Bay from Yakobi Island on up to Icy Point.
12. According to George Dalton, highly regarded *Huna* Tlingit fisherman and leader, his father (*Ti'keta*) was the *Takdentaan* leader of the Dundas River group (G Dalton PC). George Dalton further stated that his father made an agreement with the owners of the new cannery allowing them to lease the cannery site and to acquire salmon caught from the Dundas River (G Dalton PC). Further, members of the local clans would have the right to sell fish to the cannery and to work in the cannery. Dalton stated that fishing at the mouth of the Dundas River was done with set gillnets since the water was extremely shallow and murky (Langdon 1980:4). The gillnets were operated by men of the *Takdentaan* and *Kaagwantan* clans, probably brothers in law (*nakani*) who rowed their catch to the cannery with the tide (Langdon 1980:4). Apparently use of cannery fishing gear was also a consideration in the agreement as records by the cannery of whom gear was provided to and from whom fish were purchased (Moser 1902).
13. George Dalton further stated that fish were acquired for the cannery from Taylor Bay, Hoktaheen Cove (on Yakobi Island), Cape Spencer, and Surge Bay initially. Takanis Bay on the outside of Yakobi Island is also mentioned as an early source by Dundas Bay operators (Moser 1902). Howard Kutchin, special fisheries agent for the Treasury Department in charge of oversight on Alaskan salmon fisheries wrote the following of information he acquired about activities that occurred at the time of the opening of the Dundas Bay cannery:
"Chiefs laid claim to most of the streams where fishing was done and compelled the management to pay a considerable subsidy, while the native fishermen demanded a rate of pay that was prohibitory" (Kutchin 1902:16).
14. This federal document demonstrates the efforts of the Tlingit to establish a relationship with the owners of the salmon cannery premised on Tlingit concepts of property and rights to salmon streams, including those on Yakobi Island.

Yakobi Huna Tlingit Allotment

15. Buster Davis (PC) informed me that his family had an allotment at Surge Bay that was initially awarded to Surge Bay Joe (see above) his wife's ancestor. Grace Davis Villareal is the daughter of Buster Davis and Martha Osborne and her grandmother is Fannie Osborne Metjay. Her grandfather was Luke Osborne who she states applied and receive the allotment. Grace (PC) is in possession of the allotment document. She stated that with her family she had visited the Surge Bay site a number of times as a child and obtained sockeye salmon on several occasions.
16. Richard Dalton Jr's mother Deborah was a sister to Martha Osborne. Richard too is an owner of the allotment at Surge Bay. He (PC) reported that he visited Surge Bay on several occasions. One time when acquiring sockeyes with his uncle he went ashore. He described how he walked up the short freshwater stream to the lake. Near the outlet to the lake he found a leveled area with gravel with the remains of a cabin. He also reported that there was a petroglyph on the beach near the stream with a "gouged out circular hole" in the rock that Surge Bay Joe had made. He had been told about it by family members and a man from Pelican who visited the site reported that he had seen it.

Clan House

17. Floyd Peterson (PC) told me he is a member of the Sockeye Salmon House of the *T'akdentaan* Raven clan that is associated with the site of Hoktaheen, where Peterson's clan has a traditional Tlingit claim. Tlingit society is organized into matrilineal units known as moieties and clans (Emmons 1990). Members of clans and relatives reside in named houses in communities. Houses often are linked to specific resources territories reflected in their names. Sockeye salmon streams are a critical resource in traditional and contemporary Tlingit society that are typically named. On Yakobi Island one such stream is called Hoktaheen, an embayment in the northern shore on the outside of Yakobi Island. Floyd reported that he had received this information from his mother from whom he received his moiety (Raven) and clan membership.

Contemporary Use of Yakobi

18. Hoktaheen is a primary source of sockeye salmon for a number of Hoonah Tlingit families. I participated in harvesting sockeye salmon there with Richard Dalton Jr. in the early 2000s. We use a gillnet rather than the more standard beach seine and successfully harvested approximately 60 sockeye that were distributed and processed in Hoonah.

Place Names

19. Tlingit have distinctive patterns of naming places that often implicate patterns of use at a location. Thomas Thornton (2010) has documented Tlingit place names across the region through oral interviews and documentary review. His research revealed three Tlingit place names on Yakobi Island (Thornton 2010 37-38, 45):220 Yaya (Cape Bingham).

227 Tsaa Aayi (Soapstone Cove)
228 Kaakdaheen (Hoktaheen)

Cultural Importance of Subsistence Irrespective of Income

20. In Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) the federal government stipulates as policy that “the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence...” For the Huna Tlingit, the acquisition and use of renewable resources contributes to their “physical, economic, traditional and cultural existence” in a myriad of ways. The traditional foods they acquire from the surrounding waters include salmon (especially sockeye, king and coho), halibut, cod, rockfish, clams, seals, deer, moose, seaweed, berries and greens. These foods provide high-quality nutrition much healthier than store bought foods. The acquisition and distribution of these foods (especially salmon, deer and moose) provide economic benefit by reducing food costs for staples.
21. Moreover, the sharing of traditional foods is a crucial dimension of Indigenous Alaskan cultural practice that contributes benefits in many ways (Langdon 2016). It is both glue in sustaining relationships with kinsmen, relatives and significant others and lubricant in extending connections and ties to those beyond the normal range of distribution. Sharing of resources is the *sine qua non* of identity distinguishing the Indigenousness way of life. For young people, sharing of acquired resources especially to elders provides recognition of group membership, standing and imparts a sense of pride and achievement (Langdon 2008).
22. Sharing, depending on resource, timing and quantity can be limited or expansive. I recall that the sockeye salmon caught during the Return to Inian Island fishing celebration in 2002 were brought back to the dock in Hoonah and an announcement was made that any community member could come down and receive some fish. Thomas Jack (PC) told me recently that Hoonah resident Keith Skafelstad had made a set and caught 1500 sockeye salmon in Neka Bay and brought the fish back to the dock in the harbor inviting people to come and take some of the fish. These are examples of extended, expansive sharing.
23. Harvested renewable resources are often bartered for desired resources from other areas such as eulachon grease from the Chilkat River and herring eggs from Sitka. Through these transactions, cultural tastes for traditional foods not present in the Hoonah area are possible.
24. The giving of gifts of various kinds, is a critical aspect and the heart of the *ku'eex* (Tlingit mortuary potlatch) the key ceremonial ritual around which Tlingit life pivots. The ceremony is the formal hosting by the clan of a deceased party inviting the opposite

clans to grieve, to recognize their services at the time of death in the case of the body of the deceased, and to announce the names of clan persons who are receiving names from their ancestors. The ceremony makes possible the release of the spirit of the deceased and allows the spirit to be reborn in the future returning to this existence through reincarnation (Kan 1989).

25. I recently attended (via Zoom) a meeting of the Tlingit Traditional Scholars Conference in Juneau hosted by the Sealaska Heritage Institute. During the session, Ken Grant, traditional *T'akdentaan* leader from Hoonah stated "I cannot imagine a *ku'eex* without salmon."
26. The renewable natural resources harvested by the Hoonah Tlingit contribute to the nutritional, economic, social and cultural practices of the people. As such, they are essential to the cultural continuity of the Hoonah Tlingit. The bedrock role that subsistence plays in maintaining Tlingit culture means that, at the village level, the practice will continue unabated irrespective of the size of one's paycheck. Suggesting that increased village income will displace subsistence activity ignores that fundamental cultural fact.

Oral History: Sustaining Knowledge Critical to Functioning

27. Societies that function through the means of oral communication only develop critical practices and understandings to insure the accuracy, veracity and reliability of information as well as powerful transfer mechanisms necessary to maintain a functioning society. Emphasis is placed on observational acuity, attention to relationships among environmental events and memorization for short and long term recall. Tlingit society, and in particular the clans and persons of Huna Kaawu, have established and use a number of such practices.
28. Oral traditions of clan history, particularly in regard to *at.oow* (sacred stories and objects pertaining to foundational incidents in clan history), require certain individuals to be chosen based on observation of their capacity for memory and commitment to clan identity to learn and transmit these critical accounts. These young persons accompany the knowledgeable clan leaders to all clan occasions. They are then called upon during events in which stories are presented (such as the mortuary *ku'eex*) to validate clan history and claims particularly to locations and territories owned. In traditional time, clan leaders were accompanied by "speakers" who would be authorized to give the appropriate accounts when called upon (Emmons 1990). Another practice is the telling of the myths, legends and historical events as stories in the evening to younger members of the group. As stories may extend over several nights, elders require that those listening be able to recount what they heard the previous night correctly before moving forward with the story (de Laguna 1972). This formal attention to accurate retention of stories is a key element in successful transmission of accounts over generations.

29. In oral societies the knowledge and its application (wisdom) acquired by elders are turned to on a regular basis in the course of making decisions about various activities. Thomas Mills, Hoonah Tlingit residing in Excursion Inlet told me that prior to their departure in the spring to Glacier Bay to collect seagull eggs, he would always check with his grandmother for her assessment of pending weather conditions. In oral societies elders are critical repositories of knowledge the accuracy of which is reverently treated by younger societal members.
30. Judith Brakel (1995) in "Tlingit Oral History and the Yakutat Borough Boundary" presents information on Yakutat Tlingit oral historical information presented to the Alaska Local Boundary Commission about their occupation and experiences in the Yakutat Area in support of the City of Yakutat's petition for a borough. She then compares that information to the 50 pages of similar material recorded and published over 50 years earlier by Frederica de Laguna (1972) and found a high degree of correspondence generally but that in the interests of unity, past disagreements and conflicts between the clans were not discussed. However, she noted that the initial petition by Yakutat proposed a southern boundary on the coast at Cape Spencer. This was an unfortunate "tactical error" as it was a geographic overreach on traditional boundaries. Brakel (1995:2) noted that the southern boundary included outer coastal territory that was owned by the clans of Huna Kaawu. She then described the Hoonah peoples response: "...the Hoonah people vigorously protested this claim on their qwan [sic] territory, appearing in clan regalia and performing clan songs and dances at a hearing held in Hoonah and heard via speaker phone in Yakutat. Rather than resist the Hoonah claim, Yakutat agreed to change the southern boundary to Cape Fairweather." (Brakel 1995:2) The songs and regalia were no doubt at.oow of the Takdentaan which owns that stretch of coast and offshore waters.
31. This remarkable account demonstrates not only the potency and reliability over time of Tlingit oral traditions but also the internal legitimacy of the Hoonah Tlingit powerful presentation of their at.oow oral accounts of ownership of the outer coast from Cape Spencer to Cape Fairweather and their acceptance by the Yakutat Tlingit.
- 32.
33. In my 50 years as a cultural anthropologist working with Tlingit through conversation, observation and interviews, it has been my experience that the amount and detail of information that Tlingit persons recall is absolutely astounding. For the elders I worked with who spoke both Tlingit and English this was even more remarkable. Clara Peratrovitch, at the age of 72 told me stories of her experiences and learnings as a four year old traveling with her parents to seasonal camps on the west coast of Prince of Wales Island. I subsequently visited those camps and identified the cabins and shelters she described.

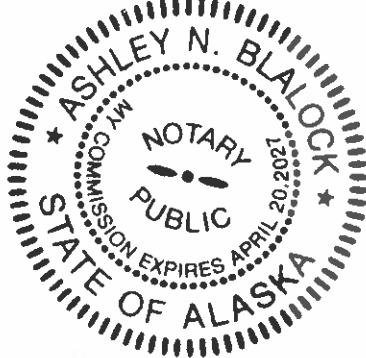
34. The oral history and territorial materials collected by Walter Goldschmidt and his colleagues and reported in Haa Aani present solid and vetted reliable evidence in regard to the traditional occupation of the Icy Strait and Cross Sound by members of *Huna Kaawu*.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

DATED this 11 day of March, 2024, at Anchorage, Alaska.

Steve J. Langdon
Steve J. Langdon

Subscribed and sworn to before me on this 11th day of March 2024 at Anchorage, AK
Alaska.



Ashley N. Blalock
Notary Public, State of Alaska
My commission expires 04/20/2027

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STEPHEN JOHN LANGDON

(Steve J. Langdon)

Professional Resume - Emeritus

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Education

1963-1966 West Anchorage High School, Anchorage, Alaska - Graduated June 1966

1966-1967 Carleton College, Northfield, Minnesota

1968-1970 Stanford University, Stanford, California Received B.A. in Psychology,
June, 1970

1970-1977 Stanford University, Stanford, California Graduate Program in
Anthropology. M.A. awarded December 1972; Ph.D. awarded September
1977 (with honors)
Dissertation title: "Technology, Ecology, and Economy: Fishing Systems in
Southeast Alaska"

Scholarships, Fellowships and Awards

1966-1967 B.P.A.A. Scholar, Carleton College

1970-1971 National Science Foundation Trainee, Stanford University

1971-1973 National Defense Education Act Fellow, Stanford University

1975-1977 National Institute of Health Fellow, Stanford University

1985-1986 Canadian Faculty Enrichment Development Fellow, Canadian Government

2012 Edith Bullock Award for Excellence, University of Alaska Foundation

2017 Denali Award for contributions to Alaska Native society, Alaska Federation
of Natives

Topic and Area Specialties

Ecological anthropology, economic anthropology, ethnohistory, maritime societies, policy, theory; Alaska, Northwest Coast, North America

Teaching Experience

- 1972 Teaching Assistant, lecture course on "Indians of North America," Department of Anthropology, Stanford University
- 1972-1973 Teaching Assistant, "Orientation Seminar," Native American Studies Program, Stanford University, Stanford, California
- 1976-1977 Instructor, Department of Anthropology, Division of Social Sciences, University of Alaska, Anchorage
- 1977-1982 Assistant Professor, Department of Anthropology, University of Alaska, Anchorage
- 1982-1987 Associate Professor, Department of Anthropology University of Alaska, Anchorage
- 1987-2014 Professor, Department of Anthropology University of Alaska Anchorage
- 1998 (Spring) Visiting Professor of Cultural Anthropology, Duke University
- 1999 (Spring) Visiting Professor of Cultural Anthropology, Duke University
- 2014 - Professor emeritus, Department of Anthropology, U. of Alaska Anchorage

Administrative Experience

- 1981-1983 Associate Director, Alaska Sea Grant Program
- 1986-1991 Chair, Department of Anthropology, UAA
- 2005-2010, 2011-2013 Chair, Department of Anthropology, UAA
- 2010- 2011 Director of Cultural Anthropology, National Science Foundation (rotator)

Other Professional Experience

- 1967-1969 Tutor-Counselor, Upward Bound Program, Alaska Methodist University, Anchorage - Summers
- 1970 Dormitory Director, Upward Bound Program, Alaska Methodist University, Anchorage - Summer
- 1973-1976 On-site researcher for study of Experimental School Program for the National Institute of Education, Craig Alaska

Field Research

- 1971 Summer research on the impact of aquacultural innovations on the Lummi Indians of northwestern Washington
- 1972 Summer field survey of three Koyukon Athabascan villages for possible future research: Galena, Huslia, and Koyukuk, Alaska
- 1973-75 Educational research for ABT Associates in Craig, Alaska, on innovation in a school system and school-community interaction

- 1973-1977 Research on the development of the fishing systems of Prince of Wales Island
- 1979-1980 Research on socioeconomic aspects of salmon and herring fisheries in Bristol Bay
- 1981 Socioeconomic and sociocultural aspects of fisheries in three Aleut communities on the Alaska Peninsula: King Cove, False Pass, and Nelson Lagoon
- 1983 Research on subsistence and fisheries adaptations in western Bristol Bay communities
- 1984 Management of local fisheries by community control, Nelson Lagoon
- 1985 Locating and mapping intertidal stone fish traps on the west coast of Prince of Wales Archipelago
- 1986 Intertidal fish trap and associated coastal site survey on the west coast of the Prince of Wales Archipelago
- 1988 Intertidal fish trap and terrestrial survey of lower Klawock River and estuary
- 1992 Subsistence activities in the Polk Inlet area of Prince of Wales Island
- 1993a Mapping intertidal remnant stake structures with total station technology at Little Salt Lake, Prince of Wales Island
- 1993b Collecting dendrochronology samples from Little Salt Lake remnant stakes and nearby trees
- 1993c Archeological survey of location designated for possible Klawock Cultural Heritage Center on north shore of Klawock estuary (with D. Reger)
- 1994 Wood stake dendrochronological survey, Little Salt Lake, Prince of Wales Island
- 1995 Wood stake sampling for experimental dendrochronological analysis, Little Salt Lake, Prince of Wales Island
- 1996 Archeological excavation, Pt. Amargura, San Fernando Island, SE Alaska
- 1996-97 Contemporary and historical commercial fisheries of the Icy Straits-Glacier Bay region - interviewing of fishermen and participant observation
- 1997 Environmental investigation of Noyes Island for evidence of possible late Pleistocene coastal migration into the New World
- 1998 CDQ fisheries in the Aleut region: Atka, Akutan, Unalaska

- 2000 Ethnographic interviews on fisheries activities of Native fishermen in Cordova, Tatitlek, Nanwalek and Port Graham
- 2001 Documentary filming for “Clara’s Canoe” – Klawock and vicinity of Prince of Wales Archipelago
- 2002 Documentary filming of Huna Tlingit fishing in the Inian Islands – Icy Strait;
Documentary filming of Klawock/Hinyaa totem raising – Prince of Wales Island
- 2003 Tlingit salmon traditional ecological knowledge – elder interviews and site practice observation, Hoonah and Klawock, Alaska 6-8/03
- 2004a Traditional Territory Subsistence interviews, Hydaburg and Craig 1&8/04
- 2004b Tlingit use of seagull and murre eggs in the Hazy Islands (Heinya) – 8/04
- 2004c Evaluation of human burial site in Alberto Islands, SE Alaska – 8/04
- 2005a Kaigani Haida knowledge and use of Forrester Island – 8/05
- 2005b Documentary filming of Klawock/Hinyaa totem raising activities – 8/05
- 2005c Tlingit use of seagull and murre eggs in the Hazy Islands (Kekc) – 9/05
- 2007a Kake Tlingit harvest of seagull eggs in the Hazy Islands – 6/07
- 2007b Kaigani Haida salmon traditional ecological knowledge – 7 and 9/07
- 2008 Kaigani Haida salmon traditional ecological knowledge – 8/08
- 2009 Customary trade in sockeye salmon: Tlingit and Haida – 6 to 8/09
- 2010 Customary trade in sockeye salmon: Tlingit and Haida - 6 and 7/10
- 2011 Yakutat traditional sealing, June, 2011
- 2012a Yakutat traditional sealing, June, 2012
- 2012-2013 Klukwan and Haines, Alaska – Northern Tlingit Salmon Knowledge, June, July, August, 2012 – 15 days. July, 2013 – 12 days.
- 2015 Hydaburg, Klawock, Kake, Alaska – Sea Otter impacts on subsistence, interviews and site visits, Jan., Feb., May and June, 30 days

2022-23 Indigneous knowledge of southeast wolves, interviews with Tlingit, Haida and Tsimshian knowledge bearers – for FWS and SHI research

Research Grants and Contracts

1979a Alaska State Legislature. Transfer Patterns in Alaskan Limited Entry Fisheries. Principal investigator. \$32,192

1979b Bristol Bay Native Association. The Bristol Bay Herring Fishery: Biological and Socioeconomic Aspects. Co-investigator. \$8,000

1980a Alaska Department of Fish and Game. Subsistence Exchange Systems: Literature Survey. Co-principal investigator. \$29,423

1980b UAA. Research Fund. Ecological and Demographic Relationships on the West Coast of Vancouver Island. Principal investigator. \$1200

1980c Alaska Native Foundation. Western Alaska Herring Fishery, 1980: Data Analysis. Principal investigator. \$3,132

1981a Icy Straits Fishery Federation. Historical Development of the Icy Straits Salmon Fishery. Principal investigator. \$3,117

1981b Bristol Bay Native Association. Bristol Bay Native Fisherman's Performance, 1980 Salmon Season. Principal investigator. \$3,500

1981c BLM-OCS Office. Alaska Peninsula Regional Socioeconomic and Sociocultural System Baseline. Subcontractor to Earl R. Combs, Inc. \$17,800

1981d Alaska Sea Grant. Transfer Patterns of Alaskan Native Limited Entry Permit Holders, 1975-1981. Principal investigator. \$38,412

1982a BLM-OCS Office. Alaska Peninsula Regional Socioeconomic and Sociocultural System Baseline. Subcontractor to Earl R. Combs, Inc. \$7,500

1982b North Pacific Fishery Management Council. Fishermen's Perception of Limited Entry in the Pacific Halibut Fishery. Co-principal investigator. \$5,000

1982c U.S. Fish and Wildlife Service (Bristol Bay Cooperative Management Plan). Economic, Subsistence, and Sociocultural Projections for the Bristol Bay Region. Co-principal investigator. \$20,000

1982d MMS-OCS Office. Subsistence-Based Economies in Coastal Communities. Co-principal investigator. \$145,441

- 1983a North Pacific Fishery Management Council. Social and Cultural Aspects of the North Pacific Halibut Fishery. Co-principal investigator. \$26,500
- 1983b MMS-OCS Office. Socioeconomic/Sociocultural Study of Local/Regional Communities in the North Aleutian Lease Sale Area in Alaska. Co-investigator. \$298,885
- 1983c Department of Community and Regional Affairs. Bristol Bay Fishing and Household Income Survey. Principal investigator. \$10,000
- 1984a Alaska Native Review Commission. Alaskan Native Subsistence Review. Principal investigator. \$6,000
- 1984b MMS-OCS. Kodiak/Shumagin Socioeconomic and Sociocultural Update. Co-principal investigator. \$244,948
- 1985a Subsistence Division, Department of Fish and Game. Klawock Resource Harvesting Study. Co-investigator. \$33,000
- 1985b Subsistence Division, Department of Fish and Game. Mapping Methodology Literature Review. Co-investigator. \$15,000
- 1985c UAA Faculty Development Grant. Fish Traps and Spanish Sites in the Prince of Wales Archipelago. Principal investigator. \$2920
- 1985d Geist Fund, University of Alaska Museum. Feasibility of Using Aerial Photographs to Locate Intertidal Fish Traps in Southeast Alaska. Principal investigator. \$1520
- 1986a Earthwatch. Intertidal Stone Fishing Structures in the Prince of Wales Archipelago, Southeast Alaska. Principal investigator. \$22,250
- 1986b Geist Fund, University of Alaska Museum. Aging Intertidal Stone Fishing Structures. Co-principal investigator. \$1750
- 1986c Melville Jacobs Fund. Oral history of traditional Tlingit and Haida fishing structures. Principal investigator. \$750
- 1986d UAA Faculty Development Grant. Intertidal Stone Fishing Structures Survey. Principal investigator. \$3900
- 1986e Dene Nation. Impact of ANCSA on Alaska Natives. Principal investigator. \$5250
- 1987 UAA Faculty Development Grant. Wooden stake fishing structures at the mouth of the Klawock River. Principal investigator. \$3690

- 1988 Canada Department of Fisheries and Oceans. Fisheries Co-Management: Learning from the Experience of Alaska and Washington State. Co-principal investigator. \$11,500
- 1989 University of Alaska Sea Grant. Salmon Farming in British Columbia. Co-principal investigator.
- 1991 University of Alaska President's Fund. Planning a Klawock Cultural Heritage Center/ Museum. Principal investigator. \$1,800
- 1993a University of Alaska Natural Resources Fund. Mapping a Southeast Alaskan Prehistoric Fish Trap Complex Using Total Station Technology: A Pilot Study. Principal investigator. \$6,595
- 1993b University of Alaska Foundation, President's Special Project's Fund. Dendrochronological Data Collection from Little Salt Lake (Klawock Airport) Fish Trap and Associated Trees. Principal investigator. \$1719
- 1993c City of Klawock. Archeological Survey of the proposed Cultural Heritage Center Site on the Klawock Estuary. Principal investigator (with D. Reger). \$5000
- 1994 UAA Faculty Research Grant. Assessing Little Salt Lake Weir Stakes for Dendrochronological Seriation. Principal investigator. \$2995 (USFS - \$2610)
- 1995a Alaska Village Initiatives. Stabilizing Bristol Bay Drift Gillnet Permit Ownership by Alaska Natives. Principal investigator. \$2500
- 1995b National Park Service. The Alaska Salmon Fishery. Co-investigator. \$10,660
- 1995c National Park Service. Human Use and Behavior of Commercial Fishers in Glacier Bay National Park (Phase I). Principal investigator. \$18,200
- 1996a UAA Faculty Research Grant. Evidence Concerning the Outer Coastal Migratory Route of Native Americans into the New World. Co-Principal investigator. \$4427
- 1996b National Park Service. Human Use and Behavior of Commercial Fishers in Glacier Bay National Park (Phase II). Principal investigator. \$69,100
- 1997 UA President's Fund. Evaluation of Noyes Island Lakes as potential source of data concerning the Outer Coastal Migratory Route of Native Americans into the New World. Principal investigator. \$3000
- 1998 National Park Service. Klawock Heenya Kwaan Tlingit Heritage Resources Survey Map. Principal investigator. \$46,207

- 1999 UAA Faculty Research Grant. Photography and film of Glacier Bay Commercial Fishing Activities. Principal investigator. \$4456
- 2000a UAA Faculty Research Grant. Klawock Tlingit Culture History: Curriculum Development using significant cultural sites in the vicinity of Klawock. Principal Investigator. \$4400
- 2000b US Department of Justice. Resource Uses by Alaska Natives and Non-Natives in the central Gulf of Alaska Outside Three Miles in the 20th Century. Principal Investigator. \$40,105
- 2001a Alaska Humanities Forum. Huna Heritage: The Inian Islands Purse Seine Fishery (planning for documentary film). Principal Investigator. \$4,000
- 2001b Alaska Humanities Forum. Clara's Canoe (documentary film of Henya woman). Principal Investigator. \$6,000
- 2002a UAA Faculty Research Grant. Huna Tlingit Inian Islands Fishing Documentary. Principal Investigator. \$4500
- 2002b Alaska Humanities Forum. Huna Tlingit Inian Islands Fishing Documentary. Principal Investigator. \$6,000
- 2003a US Fish and Wildlife, Office of Subsistence Management. Tlingit Salmon Traditional Ecological Knowledge – Hoonah and Klawock. Principal Investigator. \$45,700
- 2003b US Forest Service, Tongass National Forest, Subsistence Division. Craig TEK: Traditional Clan Territories and Contemporary Subsistence. Project Director. \$60,000
- 2004 US Fish and Wildlife Service and UAA Faculty Development. Deikinoow: Cultural Significance of Klawock Tlingit Use of Seagull and Murre Eggs in the Hazy Islands. Principal Investigator. USFWS - \$4000; UAA - \$4500
- 2005a US Fish and Wildlife Service. Deikinoow: Cultural Significance of Kake Tlingit Use of Seagull and Murre Eggs in the Hazy Islands. Principal Investigator. \$6750
- 2005b US Fish and Wildlife Service and UAA Faculty Development. Forrester Island: Cultural Significance to Kaigani Haida including use of Seagull and Murre eggs. Principal Investigator. \$1500
- 2005c Bristol Bay Native Association. Pebble Mine Development Technical Assistance. Principal Investigator. \$99,950

- 2005d UAA Community Engagement Program. Dena'ina Heritage and Representation in Anchorage. Principal Investigator. \$7500
- 2006 UAA/Institute of Social and Economic Research. Gulf of Alaska Community Quota Entity Program: Status and Issues. Principal Investigator. \$15,000
- 2007a Sealaska Heritage Institute. Kake Tlingit Sea Gull Egg Harvesting in Deikinoow. Principal Investigator. \$1,500.
- 2007b US Fish and Wildlife, Office of Subsistence Management. Kiis Haida Sockeye Salmon Traditional Knowledge Project. Co-principal Investigator – with Hydaburg Cooperative Association. \$188,450
- 2007c US Fish and Wildlife, Office of Subsistence Management. Customary Trade of Subsistence Sockeye Salmon in Southeast Alaska. Principal Investigator – with Central Council of Tlingit and Haida Indian Tribes of Alaska. \$424,500
- 2008a United States Department of Agriculture. Outreach and Assistance to Alaska Native Fishermen. Co-investigator. \$299,385
- 2008b Alaska Humanities Forum. The ANB/ANS and Alaska Statehood. Co-investigator. \$50,000
- 2009 US Corps of Engineers (Tetrtech). Economic Value of Subsistence Activity, Little Diomede, Alaska. Co-investigator. \$32,076
- 2011a Alaska Sustainable Salmon Fund. Northern Tlingit Salmon Traditional Knowledge – Principal Investigator \$30,800.
- 2011b National Science Foundation. Yakutat Tlingit Sealing Camp Place Names: Investigating the Relationship among Language, Indigenous Knowledge and Glacial Movement. Co-Director, in association with Dr. Aron Crowell, Smithsonian Arctic Studies Program. \$19,850
- 2014 Alaska Sea Grant College Program. Co-Principal Investigator. Sustainability of coastal communities and sea otters: harvest and future management of sea otters. R/111-03. \$236,277
- 2015 Sealaska Heritage Institute. Principal Investigator. Alaska Native Determination under the Marine Mammal Protection Act. \$45,000
- 2016a NSF Coastal SEES. Co-Principal Investigator. Apex Predators: Ecosystems and Community Sustainability in Coastal Alaska. \$95,164

- 2016b State of Alaska Salmon and People – Governance. Principal Investigator. National Center for Ecological Analysis and Synthesis. \$130,000.
- 2021 Traditional ecological knowledge of wolves in southeast Alaska. Principal Investigator. US Fish and Wildlife Service. \$50,533
- 2021a Voices of Our Ancestors: Investigating Tlingit Singing at Yakutat, 1791. Sealaska Heritage Institute. Principal Investigator. Sealaska Heritage Institute. \$5000.
- 2021b *Gooch*: The Cultural Significance and Place of the Wolf in Tlingit and Haida culture. Principal Investigator. Sealaska Heritage Institute. \$10,000.

Papers: Invited and Volunteered

- 1973 "Ecology and Location: A Theoretical Synthesis," paper delivered at the annual meeting of the American Anthropological Association, New Orleans.
- 1976 "Technology and Ecological Knowledge: Perspectives from Two Fishing Technologies in Southeastern Alaska," paper delivered at the annual meeting of the American Anthropological Association in Washington, D.C.
- 1977 "Differential Ecological Knowledge as a Source of Conflict in Southeastern Alaskan Fisheries Management," invited paper delivered at the annual meeting of the Society for Applied Anthropology, San Diego.
- 1978a "Comparative Notes on Tlingit and Kaigani Adaptation to the West Coast of the Prince of Wales Archipelago," paper delivered at the Alaskan Anthropological Association annual meeting, Anchorage.
- 1978b "Managing Modernization: A Critique of Formalist Approaches to the Pacific Salmon Fisheries," paper commissioned for the symposium "Modernization in Fishing Industries and communities," at East Carolina University, Greenville, N.C.
- 1979 "The Development of Fishing Technologies in the Prince of Wales Archipelago," invited paper delivered at "The Sea in Alaska's Past" conference, U of Alaska, Anchorage.
- 1980a "Transfer Patterns in Alaskan Limited Salmon Fisheries," paper delivered at the Alaskan Anthropological Association meeting, Anchorage; also at the Northwest Anthropological Conference, Bellingham, Washington.
- 1980b "Contradictions in Alaskan Native Economy and Society," invited paper delivered at the Second International Hunting and Gathering Conference, Quebec City, Canada.

- 1980c "On Implementing Multiobjective Management of Commercial Fisheries: A Strategy for Policy Relevant Research," invited paper prepared jointly with Richard Bishop and Daniel Bromley for presentation to the National Workshop on "Economic Analysis in Fisheries Management Plans," Washington, D.C.
- 1980d "The Use and Nonuse of Anthropology in Fisheries Management," invited paper delivered in the symposium, "Managing the Fisheries: The Anthropological Perspective," at the American Anthropological Association annual meeting, Washington, D.C.
- 1981 "Native American Fishermen and Limited Entry in Alaska and British Columbia: A Comparison of Policy Formulation, Impact, and Governmental Response," invited paper delivered in the symposium, "Public Policy and Social Science in Alaska" at the Society for Applied Anthropology annual meeting, Edinburgh.
- 1982a "Salmon Fisheries and the Communities of the Alaska Peninsula and Southern Bristol Bay," invited paper delivered to North Aleutian Shelf OCSEAP meeting, Anchorage.
- 1982b "Production, Exchange, and Destruction in the Tlingit Economic System," invited paper delivered in the symposium "East Coast and West Coast Native Cultures: Variations on a Maritime Theme" at the Canadian Ethnology Society annual meeting.
- 1982c "Trawling and Trolling: Japanese-American Relations in Alaska Fisheries" invited paper delivered in the symposium "Marine Policy in the Pacific" at the ASPAC annual meeting, Santa Cruz.
- 1982d "Alaskan Native Land Claims and Limited Entry: The Dawes Act Revisited," volunteered paper delivered at the American Anthropological Association annual meeting, Washington, D.C.
- 1983a "The Impact of State Land Disposals in Bristol Bay on Local Subsistence Patterns: A Methodological Exploration," invited paper delivered in the symposium "Government Policy, Migration, and Rural Alaskan Communities" at the Society for Applied Anthropology annual meeting, San Diego; also at the Alaska Anthropological Association annual meeting, Anchorage.
- 1983b "Culture, Canneries and the Contemporary Dynamics of the Bristol Bay Salmon Fishery." Working paper prepared for SESP Conference, MMS/OCS Department of the Interior. Anchorage, Alaska.
- 1984a "Commercial Fisheries in Western Alaska: Implications of and for State Fisheries Policy," invited paper delivered in the symposium "Northern Frontier Development" at the Western Regional Science Association annual meeting, Monterey.

- 1984b "The Perception of Equity: Social Management of Access among Aleut Fishermen of the Alaska Peninsula," invited paper delivered in the symposium "Capturing the Commons" at the Society for Applied Anthropology annual meeting, Toronto.
- 1985a "Competing in a Limited Commons: The Case of the Bristol Bay Yup'ik Fishermen of Western Alaska," refereed paper delivered at the 1985 American Indian Workshop, Rungstedgaard, Denmark.
- 1985b "Alaska Native Self-Regulation of Subsistence Activities: New Initiatives and Institutions," paper presented in the symposium "Modern Hunting and Fishing Adaptations in Northern North America" at the 84th annual meeting of the American Anthropological Association, Dec., 1985, Washington, D.C.
- 1986a "Using Aerial Photographs to Locate Intertidal Stone Fishing Structures in the Prince of Wales Archipelago, Southeast Alaska." Co-authored with D. Reger and C. Wooley. Paper presented at the Alaska Anthropological Association 13th annual meeting, Fairbanks, Alaska.
- 1986b "Alaska Native Regional Strategies." Co-authored with G. Anders. Paper delivered in the symposium "Alaska Native Organizations" at the Society for Applied Anthropology annual meeting, Reno.
- 1986c "Retribalization as a Strategy for Achievement of Group and Individual Social Security in Alaska Native Villages." Co-authored with Stephen Conn. Paper presented in the symposium on "Formal and Informal Social Security" at the Commission on Folk Law and Legal Pluralism meeting, Tutzing, Germany.
- 1986d "Prospects for Co-Management Under the Marine Mammal Protection Act in Alaska," invited paper presented at the "Fisheries Co-Management Conference" sponsored by the University of British Columbia, School of Community and Regional Planning. Vancouver, Canada.
- 1986e "Traditional Fishing Structures in the Prince of Wales Archipelago" invited paper presented in the symposium "Fisheries in Alaska's Past" at the Alaska Historical Society annual meeting, Homer, Ak.
- 1987 "Tlingit Property Rights and Fishing Structures on the West Coast of the Prince of Wales Archipelago: Preliminary Findings" invited paper presented in the symposium "Man and Land in Southeast Alaska" at the Alaska Anthropological Association 14th annual meeting, Anchorage.
- 1988 "The Integration of Cash and Subsistence in Southwest Alaskan Yup'ik Eskimo Communities" invited paper delivered at the "Foragers in the Contemporary World" Symposium at the National Museum of Ethnology, Nov. 20-27, 1988, Osaka, Japan.

- 1989 "Fishing on the Northwest Coast of North America: Understanding the Past from Structural Remains" invited paper delivered at the Third International Abashiri Symposium on "Fishing Activities in the North Pacific Rim Area", March 21-23, 1989 Abashiri, Japan.
- 1990 "Mutual Protection of the Arctic Borderlands: Addressing Environmental and Developmental Issues in the North American Arctic" invited paper prepared for the 1990 Pearson-Dickey Conference on "Arctic: Borderlands: Environment and Development Issues in Canadian/American Relations," May 10-12, 1990, Whitehorse, Yukon Territory, Canada.
- 1993 "The Effects of Changing Resource Availability on Alaska Native Societies in the Past", invited paper presented at the "Human Ecology and Climate Change: The Role of Parks and Protected Areas" workshop sponsored by the National Park Service, Cooperative Park Studies Unit, University of Washington, Oct. 17-19, 1993.
- 1994a "Engagement, Assessment and Response: Tlingit-Euroamerican Encounters in Bucareli Bay, 1775-1792", invited paper presented in the Cook Inlet Historical Society Symposium on the Vancouver Exploration, July 21, 1994, Anchorage Museum of History and Art.
- 1994b "The Ephemeral Klawakkwan: Early Tlingit Depopulation on the Northern Northwest Coast?" Paper delivered at the Society of American Ethnohistory annual meeting, Nov. 10-13. Tempe, Arizona.
- 1995a "Pavements, Pounds, Pairs, Piles and Puzzles: Research on the Estuarine Fishing Structures of Little Salt Lake, Prince of Wales Island." Co-authored with Douglas Reger and Neil Campbell. Paper presented at the "Hidden Dimensions" Conference, University of British Columbia, April 27-30, Vancouver. Also presented at the Alaska Anthropology Association annual meeting, March 23-25, Anchorage.
- 1995b "An Overview of North Slope Society: Past and Future." Invited presentation in "Sociocultural Impact of Arctic OCS Development" session of the Arctic Synthesis Meeting, Minerals Management Service, Alaska OCS Region, Dept. of Interior, Oct. 4-6, Anchorage, Alaska.
- 1996 "More than a 'Stick in the Mud!': Possible Dendrochronological Information on Late Holocene Climatic Variation in the Prince of Wales Archipelago, Alaska." Paper delivered at the AAAS meeting, September 1996, Girdwood, Alaska.
- 1998a "Alaska Native Self-Determination: The Predicament of an Unprincipled Legal History." Native American Student Coalition invited lecture delivered at Duke University, April 15, 1998.

- 1998b "Glacier Bay Marine Refuge: Ruse or Responsible Proposal?" Paper delivered at International Association for the Study of Common Property meeting, June 12-16, 1998, Vancouver, British Columbia.
- 1998c "Ecospiritual Excess in Glacier Bay: A Pending American Cleansing." Paper delivered at the Alaska Environmental History Conference, Aug. 1-4, 1998, University of Alaska Anchorage.
- 1999a "The 'Anthropology of Policy' and the Controversy over Commercial Fishing in Glacier Bay." Paper delivered at the Alaska Anthropological Association annual meeting, April 2-5. Fairbanks, Alaska.
- 1999b "Communities and Quotas: Alternatives in North Pacific Fisheries." Invited presentation delivered at the Pacific Marine States Fisheries Commission, 52nd annual meeting, Aug. 30-Sept. 1. Semiahmoo, Washington.
- 1999c "Creating a Community Fisheries Program: What could it look like?" Presented to Gulf of Alaska Coastal Communities Coalition, 3rd annual meeting, Sept. 16-17. Anchorage, Alaska.
- 1999d "Meshing Local Practice and National Policy: Anthropological Perspectives in the Evaluation of the Bering Sea Community Development Quota (CDQ) Program." Invited paper delivered in the symposium entitled "Anthropology and Marine Policy: The Closing Frontier in Fisheries" at the American Anthropological Annual meeting, Nov. 16-21. Chicago, Illinois.
- 2000a "Crafting through Grafting: Constructing a Community Fisheries Program for Gulf of Alaska Villages." Invited paper prepared for symposium at the Society for Applied Anthropology annual meeting, March 23-28. San Francisco, California.
- 2000b "Kaleidoscopic Vantage Points: Encountering a Metal Object among the Klawock Tlingit." Paper delivered at the American Society for Ethnohistory annual meeting, October, 18-20. London, Ontario.
- 2002a "Construing 'Conservation': An Examination of Conceptual Construction and Application to Yup'ik Cultural Practice." Paper delivered at the Alaska Anthropology Association annual meeting, April 4-6. Anchorage, Alaska. Revised version delivered at CHAGS 9, Sept. 9-13, Edinburgh, Scotland.
- 2002b "Alaska Native Tribes after ANCSA." Invited plenary presentation delivered to the Native American Fish and Wildlife Association Convention, April 30. Anchorage.
- 2003a "Northern Engagement: Alaskan Society and Applied Anthropology, 1973-2003" co-authored with K. Feldman and D. Natcher. Invited paper delivered at Alaska Anthropology Association annual meeting, Fairbanks, April 2003.

- 2003b “Tlingit Salmon Concepts and Practices: Implications for Presence and Productivity.” Invited paper delivered in the session “Human Dimensions” at the Alaska Section of the American Fisheries Society Conference, Fairbanks, Nov. 4, 2003.
- 2003c “Relational Sustainability: Indigenous Northern North American Logic of Engagement.” Paper presented in the session “Conservation as Science, Discourse and Practices of Control: Conflicts with Indigenous Peoples” at the 102nd annual meeting of the American Anthropological Association, Chicago, Nov. 20, 2003.
- 2004a “*Hinyaa* Tlingit Place-Based Education: An Opening to Integrated Cultural Curriculum.” Invited presentation to the Southeast Alaska Culturally-Responsive Curriculum Academy. Juneau, University of Alaska Southeast. June 6, 2004.
- 2004b “Tlingit Salmon Concepts and Practices: Constructing a Mutually Beneficial Engagement.” Invited lecture presented to the Tongass National Forest Regional Meeting, Juneau. July 8, 2004.
- 2004c “ENGAGEMENT/PROTECTION/PRODUCTIVITY: Relational Sustainability in Tlingit Concepts about and Practice with Salmon.” Invited lecture delivered to the Aboriginal and Subsistence Fisheries Workshop held at the University of British Columbia. Vancouver, British Columbia. Oct. 29, 2004
- 2004d “ENGAGEMENT/PROTECTION/PRODUCTIVITY: Relational Sustainability in Tlingit Concepts about and Practice with Salmon.” Invited lecture delivered to the Resiliency and Adaptation Program. Fairbanks, University of Alaska, Nov. 10, 2004
- 2005a “SPIRITUALITY AND SOCIALITY: 5,000 Years of Tlingit Presence and Practice in Southeast Alaska.” Invited presentation to the BIG Picture Conference, US Forest Service. Anchorage, March 1, 2005.
- 2005b “Geopolitics, Near and Far: Spaniards, Tlingit and Haida in Bucareli Bay, 1779.” Invited lecture for “Contact: Spaniards & Native Americans of the Northwest in the late 18th century.” Anchorage Museum of History and Art. April 7, 2005.
- 2005c “Considering the Position of Salmon in Alaska Community-Based Fisheries: Preliminary Thoughts.” Invited presentation to “Empowering Communities: Alaska Community-Based Fisheries” sponsored by UA Sea Grant and North Pacific Fishery Management Council, Anchorage. April 22, 2005.
- 2005d “Transforming Technologies: Changes in Salmon Fish Traps on the west coast of the Prince of Wales Archipelago, 3500-100BP.” Paper delivered at the Canadian Archaeological Society Annual Meeting, Nanaimo, British Columbia. May 11-14.

- 2006a “*Ish*: Exploring a Tlingit Relational Concept and Practices with Salmon.” Invited paper delivered in the session “Relational Conservation: Visions and Practices of Collaborative Engagements with Lands and Animals” at the Society for Applied Anthropology Annual Meeting, March 30, 2006 Vancouver, British Columbia.
- 2006b “Prioritizing the Local: Improving Alaska Native Lives by Emphasizing Sustainability.” Invited presentation presented in the panel “Culture and Development in a Globalizing World” at the Alaska Federation of Natives Leadership Forum, July 7, 2006. Anchorage, Alaska.
- 2006c “Gulf of Alaska Community Quota Program: Status and Issues.” (Co-authored with Emilie Springer). Presentation at “Alaska’s Fishing Communities – Harvesting the Future Conference Presentation. September 21, 2006. Anchorage, Alaska
- 2006d “Community Fisheries in the Gulf of Alaska: A Vehicle for Alaska Native Village Sustainability?” Invited presentation in the session “International Community Impacts of Fisheries Privatization” at the American Anthropological Association annual meeting, Nov. 18, 2006. San Jose, California.
- 2007 “*Deiki Noow*: Tlingit Cultural Heritage in the Hazy Islands.” Paper presented at the Tlingit and Haida Clan Conference (“Sharing our Knowledge”), March 22, Sitka, Alaska.
- 2009a “‘SHAKAN WAS NOT ABANDONED’: Compulsory Education and the Forced Relocation of Tlingit Populations in the 20th Century.” Invited paper delivered at the Alaska Anthropological Association annual meeting, March 14, Juneau, Alaska and at the Tlingit and Haida Clan Conference (“Sharing our Knowledge”), March 27, Juneau, Alaska.
- 2009b “Collapsing Time, Space and Being: Heinya Tlingit Ixt Burial Locations and Supporting Conceptual Structures and Practices.” Invited paper delivered in the session “Gitkatla and their neighbors” at the Cultural Anthropology Society of Canada/American Ethnological Society meeting, May 15, Vancouver, BC and at the International Society for Shamanistic Research, May 29, Anchorage, Alaska.
- 2010a “Unreciprocated “Reverence”: “Papers”, Political Recognition and Tlingit Engagement with US Governmentality in the late 19th Century.” Paper presented in the panel “Early Engagements implicating Governmentality in the North Pacific Region: Divergent Visions and Agentive Initiatives at the American Society for Ethnohistory annual meeting, Ottawa, Canada, October, 2010.

- 2010b “Agentive Blowback: Displacement and Circulation in the Genesis of Alaska Native Initiatives for Self-Determination” Paper presented in the panel “Continuity and Change in Alaska Native Identities: Beyond Essentialist Anthropology in the Far North” at the American Anthropological Association annual meeting, New Orleans, November, 2010 and at the Alaska Anthropology Association annual meeting, Fairbanks, March, 2011.
- 2011a “K’iis Xaadas Relationships with Beaver: ‘Conservation’ of what, for whom?” Paper delivered in the panel “Cultivation of Marinescapes on the Pacific Northwest Coast” at the International Marine Conservation Conference, Victoria, Canada, May 2011.
- 2011b “Documenting Alaska Native Lands and Resource Uses: The Legacy and Continuing Relevance of Walter Goldschmidt’s Pioneering Research with Alaska Natives in 1946” Paper delivered in session honoring contributions of Walter Goldschmidt to Cultural Anthropology at the American Anthropological Association annual meeting, Montreal, Canada, November, 2011.
- 2012a “Tlingit Salmon Harvesting at *Kunáa Shak.áayi*. ” Paper presented at “Sharing Our Knowledge”: Tlingit Clan Conference, March 29-April 1, 2012. Sitka, Alaska.
- 2012b “Osmotic Movements: Concepts and Practices in the Dynamics of Existence in the Temperate Rainforest of Coastal Northwest America.” Invited paper presented at Coastal Temperate Rainforests Conference in the session: “Transcending Boundaries Across Human and Natural Systems of Coastal Temperate Rainforest.” Juneau, Alaska. April 16-20, 2012
- 2012c “Honoring our Founders – Carrying their Vision Forward.” Invited keynote address to the 100th Anniversary of the Alaska Native Brotherhood convention. Sitka, Oct. 2, 2012
- 2013a “Foregone Harvests: Opportunities for Local, Community-based Fisheries to Improve Economic Conditions and Provide Culturally Appropriate Employment in southern Alaskan coastal villages.” Presentation delivered at conference on “Fishing Futures: Articulating Alternatives in North American Small-Scale Fisheries” held at U of British Columbia, Vancouver, British Columbia, June 12-15, 2013
- 2013b “Approaching Leviathan: Efforts to establish Small-scale, Community-based Commercial Salmon Fisheries in Southeast Alaskan Indigenous Communities.” Paper presented at conference “In the Wake of ITQs: Fisheries and the New Managerialism” held at LMU, Munich, Germany, July 15-17, 2013
- 2013c “A Tale of Two Oceans: Alaska Native coastal villages and fisheries policies in the Gulf of Alaska and the Bering Sea.” Invited lecture delivered at Duke University Marine Laboratory, Beaufort, North Carolina, August 5, 2013.

- 2013d “Spiritual Connections and Obligations: The Foundation of Tlingit Existence”. Invited presentation for Native American Heritage Month, Sealaska Heritage Institute, Juneau, Alaska. Nov. 5, 2013.
<http://www.ktoo.org/2013/11/05/anthropologist-discusses-tingit-spirituality/>
- 2014a “Salmon People and Long-term Cultural Success on the Northwest Coast” presentation given at workshop on “Conceptual Innovation and Major Transitions in Human Societies”, Santa Fe Institute – Jan. 6-9, 2014.
- 2014b “*Kooteeyaa*: The Travels and Travails of a Tlingit Totem Pole from Tuxican (*Takjik'aan*), Prince of Wales Island in Southeast Alaska.” UAA Bookstore March 19, 2014 and Sealaska Heritage Institute Nov. 4, 2014.
- 2015a “Customary Trade and Moral Economy: Ambivalence and Anxieties in Tlingit and Haida Views on the Use of Money in Exchanges of Subsistence Foods.” Presentation given in the session “Customary Trade of Subsistence Food in Alaska: Contested Policies and Pragmatic Practices” at the Alaska Anthropology Association annual meeting, March 6, 2015.
- 2015b “A Tale of Two Oceans: Alaska Native coastal villages and fisheries policies in the Gulf of Alaska and the Bering Sea.” Paper delivered in the session “Geography and the Blue Economy” at the Canadian Association of Geographers annual conference, Vancouver, British Columbia, June 2, 2015.
- 2015c “Tlingit Cultural Harmonics: Principles and Practices Providing for Existential Maintenance and Optimization.” Presentation delivered at CHAGS XI: Session 18 – Hunter-Gatherer Metaphysics. Sept 9, 2015, Vienna, Austria
- 2015d “Food, Money and Moral Economy: Ambivalence and Anxieties in Tlingit and Haida Views on the Use of Money in Exchanges of Subsistence Foods. “ Presentation delivered in the session “Food Transactions involving Money among Hunters and Gatherers” at CHAGS XI: Session 43. Sept. 10, 2015, Vienna, Austria.
- 2015e “*T'akdeintaan* Territoriality in Offshore Waters: Sea Otters, Tsimshians and US Response” (with Kenneth Grant). Sharing our Knowledge – Tlingit Clan Conference. Oct. 31, Juneau, Alaska.
- 2016 “Tlingit Relations with Salmon in Southeast Alaska: Concepts, Interventions and Innovations.” Presentation given in the session “Applied Anthropology and Fisheries: Bringing the past into the present” at the Society for Applied Anthropology annual Meeting, Vancouver, BC, March 31, 2016.

- 2017a “Tlingit ‘Streamscaping’ as Landesque Capital Formation.” Presentation given in the session “Traps, Weirs, Ponds and Gardens: Exploring the Social and Ecological Significance of Aquatic Subsistence Features” at the Society for American Archaeology Annual Convention, Vancouver, BC, March 17, 2017.
- 2017b “*Kaalaxch*’s Endeavors: A Preeminent *Jilkáat* Tlingit Leader and the Coming of the Americans.’ Presentation at UAA Bookstore and Sealaska Heritage Institute, Juneau.
- 2018 “Lawáak: The First Cannery in Alaska and the Path Not Taken”. Presentation at Sealaska Heritage Institute, Nov. 6. Juneau.
- 2019 “A Story Not Told: The MetlakatlaTsimshian Salmon Fishery on the Annette Islands Reserve.” Presentation at Sealaska Heritage Institute, Nov. 5. Juneau.
- 2021a “Interactions and Relations Among Haida, Tlingit, and Tsimshian Societies.” Presentation at Sealaska Heritage Institute, Feb. 11, 2011. Juneau.
- 2021b “The significance of sharing subsistence resources in sustaining Indigenous Alaskan communities and cultures.” Presentation at Sealaska Heritage Institute, March 11. Juneau.
- 2021c “Tlingit Society and the Crucible of Contact, 1741-1867”. Presentation at Sealaska Heritage Institute, Nov. 11, 2021. Juneau.
- 2022a “Voices of the Ancestors: Inquiry into Tlingit Singing at Yakutat in 1791” Presentation with Judith Ramos and Maria Williams at Sealaska Heritage Institute, Juneau. Sept. 22, 2022.
- 2022b “*Gooch*: The Wolf in Tlingit Culture and Experience.” Invited presentation at Sealaska Heritage Institute, Juneau, Oct. 25, 2022

Reports

- 1978 “Literature Review.” In J. Peterson, A Study of the Effect of the Limit on Bowhead Whale Take by the Eskimos of Arctic Alaska. Anchorage: Department of the Interior, Bureau of Indian Affairs.
- 1979 “The Socioeconomic Role of the Herring Fishery in the Bristol Bay Region: Past and Future.” Research report prepared for the Bristol Bay Native Association, 38 pages.
- 1980a Transfer Patterns in Alaskan Limited Entry Fisheries. Final report prepared for the Limited Entry Study Group of the Alaska State Legislature. Juneau, AK. 153 pages.
- 1980b “The Western Alaska Sac Roe Herring Fishery, 1980.” Research report prepared for the Alaskan Native Foundation, 33 pages.

- 1980c Port Lions Hydro Project Environmental Report. Prepared for Kodiak Electric Association by Beak Consultants Incorporated of Portland, Oregon. Co-authored with R.H. Ellis and P.H. Whitney, 102 pages.
- 1981a "A Brief History of Salmon Fishing in Cross Sound and Icy Straits." Research report prepared for the Icy Straits Fishery Federation, 15 pages.
- 1981b "An Analysis of Reapportionment in Southeast Alaska: Perspectives on Alaskan Native Representation." Unsolicited research report, 14 pps.
- 1981c Distribution and Exchange of Subsistence Resources in Alaska. Co-authored with R. Worl. Technical Report No. 55. Juneau: Subsistence Division, Alaska Department of Fish and Game.
- 1981d "The 1980 Salmon Season and Bristol Bay Native Fishermen: Performance and Prospects." Research report prepared for the Bristol Bay Native Association, 54 pages.
- 1982a "Salmon Fisheries and the Communities of the Alaska Peninsula and Southern Bristol Bay." Research report prepared for NOAA/OCSEAP, 21 pages.
- 1982b Alaska Peninsula Socioeconomic and Sociocultural Systems Analysis. Alaska OCS Social and Economic Studies Program Technical Report No. 71. Anchorage: U.S. Dept. of Interior, Minerals Management Service.
- 1982c "Fishermen's Perceptions of Halibut Limited Entry as Revealed through Letters, Testimony and Newspapers." Co-authored with Marc J. Miller and Penelope Cordes. Anchorage: North Pacific Fishery Management Council.
- 1982d The Biological, Economic, and Social Values of a Sockeye Salmon Stream in Bristol Bay, Alaska: A Case Study of the Tazimina River. Co-authored with J.A. Crutchfield, O.A. Mathisen, and P.H. Poe. Circular No. 82.2. Fisheries Research Institute, College of Fisheries, University of Washington, Seattle.
- 1983a Economic, Subsistence, and Sociocultural Projections in the Bristol Bay Region. Co-authored with W. Nebesky and T. Hull. 2 volumes. Prepared for Bristol Bay Cooperative Management Plan, sponsored by the U.S. Fish and Wildlife Service. Anchorage: Institute of Social and Economic Research, University of Alaska.
- 1983b Social and Cultural Characteristics of the North Pacific Halibut Fishery. Co-authored with Marc J. Miller. Council Document No. 25. Anchorage: North Pacific Fishery Management Council.

- 1984a Subsistence-Based Economies in Coastal Communities of Southwest Alaska. Co-authored with Robert J. Wolfe, Joseph Gross and others. Alaska OCS Social and Economic Studies Program Technical Report No. 89. Anchorage: U.S. Department of Interior, Minerals Management Service.
- 1984b Socioeconomic/Sociocultural Study of Local/ Regional Communities in the North Aleutian Area of Alaska. Co-authored with John Pettersen, Bruce Harris, Lawrence Palinkas, Will Nebesky, and Jeffrey Tobolski. Alaska OCS Social and Economic Studies Program Technical Report No. 104. Anchorage: U.S. Dept. of Interior, Minerals Management Service.
- 1984c Alaskan Native Subsistence: Current Regulatory Regimes and Issues. Anchorage: Alaska Native Review Commission.
- 1985a 1983 Bristol Bay Fishing and Household Income Survey. Anchorage: Division of Municipal Assistance, Alaska Department of Community and Regional Affairs.
- 1985b Kodiak/Shumagin Commercial Fishing and Subsistence Analysis. Alaska OCS Social and Economic Studies Program Technical Memorandum No. KS-2. Anchorage: U.S. Dept. of Interior, Minerals Management Service.
- 1986a Using Aerial Photographs to Locate Intertidal Fishing Structures in the Prince of Wales Archipelago, Southeast Alaska. Public Data File Document No. 86-9. Anchorage: Alaska Dept. of Natural Resources, Division of Geological and Geophysical Surveys.
- 1986b A Description of the Social and Economic Systems of the Kodiak/Shumagin Region. Co-authored with T. Lee Huskey, Dona K. Lehr, Richard Krause, P.J. Hill, James Payne and William E. Davis. Alaska OCS Social and Economic Studies Program Technical Report No.122. Anchorage: US Dept. of Interior, Minerals Management Service.
- 1986c The Impact of ANCSA on Alaskan Natives. Report prepared for Dene Nation, Yellowknife, Northwest Territories, Canada. 107 pp.
- 1987a "Aging Intertidal Stone Fishing Structures: A Methodological Experiment." Final Report to the Geist Fund of the University of Alaska Museum. Fairbanks.
- 1987b "Lime Village: Subsistence and Appropriate Management in an Alaskan Native Village." Discussion paper prepared in support of plaintiff in Bobby v. Alaska. Anchorage: Alaska Legal Services.
- 1988 Regional Aquacultural Associations in Alaska. Coauthored with Evelyn Pinkerton. Final report to Canadian Department of Fisheries and Oceans. Vancouver, British Columbia.

- 1991 "Tlingit and Haida Indian Harvest, Use and Trade of Herring Roe on Kelp in Southeast Alaska." Affidavit prepared for defendant in US v. Abel, Boe et al. US District Court.
- 1992 Subsistence Survey Baseline Report: Polk Inlet Environmental Impact Statement. Co-authored with John Lobdell and Gregory Poremba. Ebasco Environmental final report to U.S. Forest Service, Tongass National Forest, Ketchikan Area Office.
- 1994a Environmental Information for Outer Continental Shelf Oil and Gas Decisions in Alaska. Co-author with 15 other committee members. Washington, D.C.: National Research Council, National Academy of Sciences.
- 1994b 1993 Archaeological Investigations on the North Shore of the Klawock River Estuary. Co-authored with Douglas Reger. Klawock: City of Klawock.
- 1995a Stabilizing Bristol Bay Drift Gillnet Permit Ownership by Alaska Natives: An Assessment. Anchorage: Alaska Village Initiatives.
- 1995b "Precontact Ocean Harvesting of Migratory Chinook Salmon by Tlingit, Haida and Nuu-Chah-Nulth Indians along the Northwest Coast of North America." Research background paper prepared for U.S. vs. Washington. Anchorage: State of Alaska, Attorney General.
- 1995c "Salmon and Cosmology in Puget Sound Salish Culture." Research background paper prepared for U.S. vs. Washington. Anchorage: State of Alaska, Attorney General.
- 1996a "Contacts between Southeastern Alaska Tlingit and Haida and Washington Treaty Tribes Prior to 1855." Research background paper prepared for U.S. vs. Washington. Anchorage: State of Alaska, Attorney General.
- 1996b Subsistence Use in the Copper Basin. Final report submitted to Copper River Native Association, BLM and National Park Service. Co-authored with Jack Kruse and Stan Moll. Anchorage: Institute of Social and Economic Research, University of Alaska, Anchorage.
- 1997 "Customary and Traditional Analysis of Sheep and Goat Use in the Copper River Basin and Upper Tanana Regions." Anchorage: Department of the Interior, United States Fish and Wildlife Service.
- 1998 "Metlakatla, 1862-1887: Political Process and Governance in a Coast Tsimshian Community." Research background paper prepared for Metlakatla Indian Community v. GE. Juneau: Wickwire, Greene, Crosby, Brewer & Seward.
- 1999 The Community Development Quota Program in Alaska. Co-author with 9 other committee members. Washington, D.C.: National Academy Press.

- 2000a Resource Uses by Alaska Natives and Non-Natives in the central Gulf of Alaska Outside Three Miles in the 20th Century. Research report prepared for Native Village of Eyak v. Morton. Anchorage: US Department of Justice.
- 2000b The Davis Allotment Claim at Haley Point, Fish Bay, Alaska: An Anthropological Evaluation. Research report submitted to the Sitka Tribe of Alaska. October.
- 2001a An Assessment of Commercial Fisheries Participation and Earnings Reported for Glacier Bay National Park Waters, 1975-1994. Research report submitted to US Department of Interior, Glacier Bay National Park and Preserve, Bartlett Cove, Alaska.
- 2001b The History, Social Economy and Cultural Practice of Commercial Fishing in Glacier Bay National Park Waters. Co-authored with Judith Brakel. Draft research Report submitted to US Department of Interior, Glacier Bay National Park and Preserve, Bartlett Cove, Alaska.
- 2001c Communities of Interest, Regional Integrity and Federal Voting Rights Issues: An Alaska Electoral Redistricting Plan built on these Priorities. Research report submitted to the Alaska Electoral Redistricting Board. Juneau, Alaska.
- 2004 Recognition, Restitution and Reconciliation: Allotments and Subsistence Camps of Tlingit and Haida in Southeast Alaska. Position paper submitted to Sealaska, Sealaska Heritage Institute, Central Council of Tlingit and Haida Indians of Alaska, and selected tribes of southeast Alaska. June, 2004.
- 2006a Traditional Knowledge and Harvesting of Salmon by HUNA and HINYAA LINGIT. FIS Final Report 02-104. Anchorage: US Department of Interior, Fish and Wildlife Service, Office of Subsistence Management.
- 2006b Pebble Mine Technical Assistance Project Final Report. Prepared for the Bristol Bay Native Association. Anchorage: Institute of Social and Economic Research, University of Alaska Anchorage.
- 2009 Customary and traditional knowledge of sockeye salmon systems of the K'iis Xaadas (Hydaburg Haida). With Robert Sanderson. FIS Final Report 07-651. Anchorage: US Department of Interior, Fish and Wildlife Service, Office of Subsistence Management.
- 2011 Economic and Cultural Value of Subsistence Activity: Concepts, Methods and Issues. Technical Report for Valuation of Subsistence Activity - Little Diomedes, Alaska. Anchorage: US Corps of Engineers.

- 2012 Customary Trade of Subsistence Sockeye Salmon in Southeast Alaska. FIS Final Report 06-651. Anchorage: US Department of Interior, Fish and Wildlife Service, Office of Subsistence Management.
- 2016 Alaska Native Determination under the Marine Mammal Protection Act. Box of Knowledge Series. Juneau: Sealaska Heritage Institute.
- 2021 The Significance of Sharing Resources for Sustaining Indigenous Alaskan Communities and Cultures. Box of Knowledge Series. Juneau: Sealaska Heritage Institute.

Publications

- 1975 A Social and Educational History of Craig, Alaska. Cambridge, Massachusetts: Abt Associates.
- 1979a “The Development of Salmon Fishing Technologies in the Prince of Wales Archipelago.” IN M. Kennedy (ed.) The Sea in Alaska’s Past. History and Archaeology Series No. 25. Anchorage: Office of History and Archaeology.
- 1979b “Comparative Tlingit and Haida Adaptation to the West coast of the Prince of Wales Archipelago.” Ethnology 19(2):101-119.
- 1981 “On Implementing Multiobjective Management of Commercial Fisheries: A Strategy for Policy Relevant Research.” Co-authored with R.C. Bishop and D.R. Bromley. IN L.G. Anderson (ed.) Economic Analysis for Fisheries Management Plans. Ann Arbor, Michigan: Ann Arbor Science.
- 1982a “Managing Modernization: A Critique of Formalist Approaches to the Pacific Salmon Fisheries.” IN J. Maiolo and M. Orbach (eds.) Modernization and Marine Fisheries Management. pp. 95-114. Ann Arbor, Michigan: Ann Arbor Science.
- 1982b “Anthropology and Alaskan Fisheries Management.” Practicing Anthropology 5(1): 15-17.
- 1982c “Anthropology and Public Policy in Alaska.” Co-authored with K. Feldman. Practicing Anthropology 5(1):4-5.
- 1983a Contemporary Subsistence Economies of Alaska. Juneau: Alaska Department of Fish and Game, Subsistence Division.
(editor)
- 1983b “Contradictions in Alaskan Native Economy and Society.” IN S. Langdon (ed.) Contemporary Subsistence Economies of Alaska. Juneau: Alaska Department of Fish and Game, Subsistence Division.

- 1983c Proceedings of the Alaskan Marine Archaeology Workshop - May 17-19, 1983.
(editor) Sea Grant Publication 83-9. Fairbanks: Alaska Sea Grant College Program.
- 1984 "Adaptation and Innovation in Tlingit and Haida Salmon Fisheries." IN 1984 Festival of American Folklife Program Book. Washington, D.C.: Smithsonian Institution and National Park Service.
- 1985a Book Review, Sons and Sealers: A Voyage to the Ice. Culture 4(2). Reprinted in Alaska Native News Magazine 3(9):24-25.
- 1985b "Alaska National Interest Lands Conservation Act." Alaska Native News Magazine 3(6):24-26.
- 1986a Contemporary Alaskan Native Economies. Lanham, Md.: University Press of
(Editor) America.
- 1986b "Contradictions in Alaskan Native Economy and Society." IN S. Langdon (ed.) Contemporary Alaskan Native Economies. Pp. 29-46. Lanham, Md.: University Press of America.
- 1986c "Alaska Native Initiatives in Fish and Game Management." College of Human and Rural Development (UAF) Newsletter 7(2):9-10.
- 1986d "Comment on 'Any Comments on the Sociology Section, Tony?'" Human Organization 45(1):89-90.
- 1986e "Traditional Tlingit Stone Fishing Technologies." Alaska Native News 4(3):21-26.
- 1986f Subsistence Mapping: An Evaluation and Methodological Guidelines. Co-authored with L. Ellanna and G. Sherrod. Technical Paper No. 125. Juneau: Alaska Department of Fish and Game, Subsistence Division.
- 1987a Book Review, Tradition and Change on the Northwest Coast: The Makah, Nuw-Chah-Nulth, Southern Kwakiutl and Nuxalk. Northwest Environmental Journal 3(1): 182-183.
- 1987b "Commercial Fisheries: Implications for Western Alaska Development." IN T. Lane (ed.) Developing America's Northern Frontier. pp. 3-26. Lanham, Md.: University Press of America.
- 1987c "Traditional Tlingit Fishing Structures in the Prince of Wales Archipelago." IN Fisheries in Alaska's Past: A Symposium. Alaska Historical Commission Studies in History No. 227. Anchorage: Office of History and Archaeology.

- 1987d The Native People of Alaska. Anchorage: Greatland Graphics. (revised editions - 1989, 1993, 1996)
- 1988 "Retribalization as a strategy for achievement of group and individual social security in Alaska Native villages - with a special focus on subsistence." Co-authored with Stephen Conn. IN F. von Benda-Beckman et al (eds.) Between Kinship and the State. Providence: Foris.
- 1989a "Prospects for Co-Management under the Marine Mammal Protection Act in Alaska." IN L. Pinkerton (ed.) Co-operative Management of Local Fisheries. Pp. 154-169. Vancouver, B.C.: University of British Columbia Press.
- 1989b "Alaska Native Regional Strategies." Co-authored with G. Anders. Human Organization 48(2):162-172.
- 1989c "From Communal Property to Common Property to Limited Entry: Historical Ironies in the Management of Southeast Alaskan Salmon." IN J. Cordell (ed.) A Sea of Small Boats: Customary Law of the Sea and Territoriality in the World of Inshore Fishing. Pp. 304-333. Cambridge, Mass.: Cultural Survival, Inc.
- 1991 "The Integration of Cash and Subsistence in Southwest Alaskan Yup'ik Eskimo Communities." IN T. Matsuyama and N. Peterson (eds.) Cash, Commoditisation and Changing Foragers. Pp. 269-291. Senri Publication No. 30, National Museum of Ethnology, Osaka, Japan.
- 1994a "Subsistence, Sustainability and Sea Mammals: Reconstructing the International Whaling Regime." Co-authored with 8 others. Ocean and Coastal Management 23:117-127.
- 1994b Book Review, The Great Father in Alaska: The Case of the Tlingit and Haida Salmon Fishery by Robert Price. Alaska History 9(2):58-59.
- 1995 "Increments, ranges, and thresholds: Human population responses to climate change in northern Alaska." IN D. Peterson and D. Johnson (eds.) Human Ecology and Climate Change: People and Resources in the Far North. pp.139-154. New York: Taylor and Francis.
- 1996 "An Overview of North Slope Society: Past and Future." IN Proceedings of the 1995 Arctic Synthesis Meeting, Alaska OCS Region. pp.59-67. Anchorage, Ak.: U.S. Dept. of Interior, Minerals Management Service.
- 1997 "Efforts at Humane Engagement: Indian-Spanish Interaction in Bucareli Bay, 1779." IN S. Haycox, C. Liburd and J. Barnett (eds.) Enlightenment and Exploration in the North Pacific, 1741-1805. Pp. Seattle: University of Washington Press.

- 1999 Book review, The Inupiaq Nations of Northwest Alaska by E.S. Burch. Alaska History 14(1&2): 60-61.
- 2000a "Subsistence and Contemporary Tlingit Culture." IN A. Hope and T. Thornton (eds.) Will the Time Ever Come? Proceedings of the First Conference of Tlingit Tribes and Clans. Pp. 179-185. Fairbanks: University of Alaska Press.
- 2000b "Then, Now and Always: Names among Tlingit and Haida People." IN S. Fair and R. Worl (eds.) Restoring Balance Through Culture. pp. 49-55. Juneau: Sealaska Heritage Foundation.
- 2002 The Native People of Alaska. (4th edition) Anchorage: Greatland Graphics.
- 2004 Book review, Northern Athapaskan Survival by Phyllis Fast. Journal of Alaska Anthropology 2(1-2): 156.
- 2006a "Northern Engagement: Alaskan Society and Applied Anthropology, 1973-2003". co-authored with K. Feldman and D. Natcher. Journal of Alaska Anthropology 3: 121-155.
- 2006b "Resolving Mismatches in US Ocean Governance." Policy Forum, Science 313:617-618. (Co-authored with 16 others)
- 2006c "Tidal Pulse Fishing: Selective Traditional Tlingit Salmon Fishing Techniques on the West coast of the Prince of Wales Archipelago." IN C. Menzies (ed.) Traditional Ecological Knowledge and Natural Resource Management. Pp. 21-46. Lincoln, Neb.: University of Nebraska Press.
- 2007a "Sustaining a Relationship: Inquiry into a Logic of Engagement with Salmon among the Southern Tlingits." IN M. Harkin and D.R. Lewis (eds.) Perspectives on the Ecological Indian: Native Americans and the Environment. Pp. 233-273. Lincoln, Neb.: University of Nebraska Press.
- 2007b "Gulf of Alaska Community Quota Program: Status and Issues." IN P. Cullenberg (ed.) Alaska's Fishing Communities, Harvesting the Future. Pp. 51-55. Co-authored with Emilie Springer. Fairbanks; University of Alaska Sea Grant College Program.
- 2008 "The Community Quota Program in the Gulf of Alaska: A Vehicle for Alaska Native Village Sustainability?" IN C. Carothers and M. Lowe (eds). Pp. 155-194. Enclosing the Fisheries: People, Places, and Power. American Fisheries Society.
- 2009a "Review – Being and Place among the Tlingit by Thomas Thornton." Alaska Journal of Anthropology 7(1):167-170

- 2009b "Dena'ina Heritage and Representation in Anchorage – A Collaborative Project." Co-authored with Aaron Leggett. IN M. Williams (eds). The Alaska Native Reader. pp. 163-175. Durham, NC: Duke University Press.
- Editor – Ethnohistory Forum, Summer 2013: 60(3) "Post-Contact Governmentality in Northwestern North America: Divergent Visions and Agentive Initiatives"
- 2013a "Guest editor's Introduction: Early Engagements Implicating Governmentality in the North Pacific Region – Divergent Visions and Agentive Initiatives" Ethnohistory 60(3):439-450.
- 2013b "Unreciprocated 'Reverence': 'Papers', Political Recognition, and Tlingit Engagement with US Governmentality in the Late Nineteenth Century." Ethnohistory 60(3):505-536.
- 2014a The Native People of Alaska. 176 pp. (Fifth edition). Anchorage: Greatland Graphics.
- 2014b Review - The Franz Boas Enigma: Inuit, Arctic, and Sciences. Alaska Journal of Anthropology 12(1): 79-80.
- 2015a Review - Dena'inaq' Huch'ulyeshi: The Dena'ina Way of Living. Editors: Suzi Jones, James A. Fall, and Aaron Leggett. Alaska History
- 2015b "*Deiki Noow*: Tlingit Cultural Heritage in the Hazy Islands." IN S. Kan and S. Henrikson (eds.) "Sharing Our Knowledge": Tlingit and their Coastal Neighbors. Pp. 320-363. University of Nebraska Press.
- 2015c "Foregone harvests and neoliberal policies: Creating opportunities for rural, small-scale, community-based fisheries in southern Alaskan coastal villages." Marine Policy: 04/2015; DOI:10.1016/j.marpol.2015.03.007
- 2017 "Approaching Leviathan: Efforts to Establish Small-Scale, Community Based Commercial Salmon Fisheries in Southeast Alaskan Indigenous Communities." IN G.M. Winder (ed.) Fisheries, Quota Management and Quota Transfer. Pp. 197 – 213. MARE Publication Series 15, DOI 10.1007/978-3-319-59169-8_10
- 2019a "Spiritual Relations, Moral Obligations and Existential Continuity: The Structure and Transmission of Tlingit Principles and Practices of Sustainable Wisdom." IN D. Narvaez, D. Jacobs, E. Halton, B. Collier, and G. Enderle (eds.) Indigenous Sustainable Wisdom: First-Nation Know-How for Global Flourishing. Pp. 153-182. New York: Peter Lang.

- 2019b “Indigenising and Co-managing Local Fisheries: The Evolution of the Alaska Community Development Quota Programme in the Norton Sound Region.” IN S. Allen, N. Banks, and Ø. Ravna (eds.) Ch. 17. Co-authored with Evelyn Pinkerton. The Rights of Indigenous Peoples in Marine Areas. London: Hart Publishing.
- 2020 “Tlingit Engagement with Salmon: The Philosophy and Practice of Relational Sustainability.” IN T. Thornton and S. Bhagawat (eds.) Routledge Handbook of Indigenous Environmental Knowledge. Pp. 169-185. New York: Routledge.
- 2021a “Alaska Native marine mammal harvesting: the Marine Mammal Protection Act and the Crisis of Eligibility.” IN T. Koivurova, E. Broderstad, D. Cambou, D. Dorrough and F. Stammler. Routledge Handbook of Indigenous Peoples in the Arctic. Pp 206-232. New York: Routledge.
- 2021b “K’iis Xaadas relations with sockeye salmon: contemporary efforts at constructing a neo-traditional regime of stewardship.” *Maritime Studies*, 20(2), 157-173.
10.1007/s40152-021-00224-3
- 2023 “The Tlingit Existencescape...”
(In press)
- 2024 “Yaakwdáat Kwáan has at shí (The Yakutat people are singing): Musical encounters
(In review) between *Yakutat Lingit* in the 18th Century during the-Malaspina Expedition of 1791.” Co-authored with Maria Williams and Judith Ramos. IN

Videography

- 2001-03 Clara’s Canoe. Video footage documenting early life of Clara Peratrovitch traveling by red cedar canoe with her parents from camp to camp in southeast Alaska. Stored on servers at the UAA Department of Anthropology, Anchorage, Alaska.
- 2002 Huna Heritage – Return to Inian Islands - Salmon Fishing and Ceremony. Video documenting HunaTlingit fishing heritage in Inian Islands including footage of purse seine fishing in 2002, thirty years after closure of the Inian Islands fishing grounds eliminating Huna fishermen’s key area. Stored on servers at the UAA Department of Anthropology, Anchorage, Alaska. Originals with Huna Heritage Foundation in Juneau, AK.
- 2007a Hinyaa Tlingit Stories: Oral Traditions. Video of Clara Peratrovitch telling three Tlingit stories she learned as a child about Raven acquiring Freshwater, Raven and Owl and the acquisition of fire and the killing of the Giant Rat.

- 2007b Deikinoow 2007: Kake Tlingit Seagull Egg Collection in the Hazy Islands. Video documentary of trip to *Deiki noow* (Hazy Islands) to collect seagull eggs by Kake Tlingit men that includes demonstration of cultural practices based on core Tlingit values of identity, ancestors, oral traditions and sharing of subsistence.
- 2018a Tidal Pulse Fishing: Klawock Estuary and Outer Islands. Two videos prepared for Sealaska Heritage Institute exhibit on Traditional Tlingit Fishing Technologies. Juneau.
- 2018b Theodore Roberts Discussing Experience at intertidal salmon fish trap west of Klawock, Alaska. Video edited and prepared for Sealaska Heritage Institute exhibit on Traditional Tlingit Fishing Technologies. Juneau.

Professional Public Service

- 1977-1978 Member, Board of Directors, Alaska Anthropological Association
- 1981-1982
- 1984-1985
- 1987-1988
- 1989-1991 President, Alaska Anthropological Association
- 1983-1987 Chairman, Cultural Anthropology Advocacy Committee, Alaska Anthropology Association.
- 1980-1982 Member, Cultural Lifestyles Subcommittee of the Alaska Council on Science and Technology.
- 1981-1985 Member, Scientific and Statistical Committee of the North Pacific Fishery Management Council.
- 1984-1986 Member, Program Committee for the 1986 Annual Meeting of the Society for Applied Anthropology.
- 1984-1993 Member, Editorial Board of the Northwest Environmental Journal.
- 1988-1990 Member, Margaret Mead Award Committee of the Society for Applied Anthropology
- 1992-1994 Member, National Academy of Science, Committee to Assess the Adequacy of Environmental Information for Alaskan Outer Continental Shelf Oil and Gas Leasing Decisions.
- 1997-1999 Member, National Academy of Science, Ocean Studies Board, Committee to Assess the Community Development Quota Program in Western Alaska.

Professional Organization Memberships (Recent)

American Anthropological Association, Society for Applied Anthropology

Consultations

North Pacific Fishery Management Council (1978, 1982, 1983)

National Marine Fisheries Service (1978)

Bering Sea Fishermen's Association (1979)

Bristol Bay Native Association (1979, 1980, 1981, 1983, 1984, 2005, 2006, 2008, 2010)

Kodiak Electric Association (1980)
 Icy Straits Fishery Federation (1980-81)
 Southeast Purse Seine Owners and Operators Association (1980-81)
 Ahtna, Inc. (1981)
 Alaska Human Rights Commission (1982)
 Alaska Legal Services (1982, 1984, 1985, 1986, 1987, 1988, 2003)
 National Oceanic and Atmospheric Administration (1982)
 Aleutian/Pribilof Islands Association (1982)
 City of Cordova (1982)
 Ruralcap (1983, 1995)
 United Tribes of Alaska (1983)
 Smithsonian Institution (1984, 1989, 1994, 2011)
 Aleutians East Coastal Resource Service Area (1984)
 Alaskan Native Review Commission (1984, 1985)
 Royal Canadian Commission on Sealing and the Seal Industry (1985)
 Community Enterprise Development Corporation (1985, 1988)
 Subsistence Division, Alaska Department of Fish and Game (1985, 2009, 2011, 2012)
 Dene Nation (Canada - Northwest Territories) (1986)
 Tongass National Forest (1986, 1992, 1994, 2004)
 Alaska Native Coalition (1987)
 Alaska Department of Community and Regional Affairs (1987)
 National Zoo (1987)
 Tongass Historic Museum (1988)
 Klawock City School District (1988, 1989, 1995, 2000)
 Indigenous Conservators of the Environment (1989)
 Villages of Prince William Sound, Lower Cook Inlet and Kodiak Island (oil spill impact - 1989, 1990, 1991, 1993)
 North Pacific Rim [Native nonprofit association] (1989)
 Alaska Native Heritage Park, Inc. (1989)
 Klawock IRA (1991, 1995, 1996, 1998, 1999, 2000, 2001, 2004, 2005, 2012, 2019)
 World Wildlife Foundation (1993)
 City of Klawock (1991, 1992, 1993, 1994, 2002, 2003, 2005, 2007)
 Copper River Native Association (1993, 1994, 1995, 1996)
 Alaska Village Initiatives (1994, 1995)
 State of Alaska - Attorney General (1995, 1996)
 United States Fish and Wildlife Service (1996, 1997, 2004, 2013 - 2021)
 National Park Service (1995-1998)
 Hoonah Indian Association (1997, 1998, 2001, 2002)
 Gulf of Alaska Coastal Communities Coalition (1998, 1999, 2000, 2006)
 Walt Disney Feature Animations (1999)
 US Department of Justice – Environment and Natural Resources Division (2000-01, 2005, 2008)
 Sitka Tribe of Alaska (2000, 2006)
 Alaska Electoral Redistricting Board (2001)
 Huna Heritage Foundation (2001, 2002)
 Native American Fish and Wildlife Society (2002)

Central Council of Tlingit and Haida Indian Tribes of Alaska (2003, 2004, 2005, 2008, 2009, 2011, 2012)
Alaska Department of Commerce and Economic Development (2003)
Alaska Native Heritage Center (2004, 2006)
Chugach Rural Resources Commission (2003, 2004, 2015, 2016, 2017, 2018, 2019)
Craig Community Association (2003, 2004, 2005)
Lax Kw'alaams (Coast Tsimshian of Port Simpson) (2004, 2005, 2006, 2007, 2016, 2017)
Organized Village of Kake (2005, 2007, 2011)
Hydaburg Cooperative Association (2007, 2008, 2009)
National Science Foundation (2007, 2008, 2009, 2011, 2012)
Forest System Certification (2008)
Discovery Production Company (2009)
Corps of Engineers (2009, 2010, 2011)
Sealaska Heritage Institute (2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023)
AFN Subsistence Committee/IPCoMM (2015, 2016)
Annette Island Reserve (2023, 2024)
City of Hoonah (2024)

Exhibit LL-1



March 14, 2024

Dennis Gray
City Administrator
City of Hoonah
300 Front Street
Hoonah, AK 99829

Dear Mr. Gray,

On January 11th, 2021 Sealaska Timber Company shut down all timber operations after more than 40 years. Our success harvesting trees has enabled Sealaska to create a business revolving around ocean health that is better aligned with our shareholders' shared history, and also with our desire to ensure our precious natural resources are there for future generations. We are still in the land-management business, with a goal to continue to create financial, community and cultural value from our lands. We will work with the U.S. Forest Service to sustain bark programs and ensure logs continue to be available to artists. Our lands remain accessible for traditional harvesting, hunting, fishing and other recreation. We have created other environmental benefits through our work. Key among those: We have set aside 176,000 acres of forested lands in Southeast Alaska to be managed for the purpose of carbon sequestration for the next 100 years, this includes much of the Corporation owned forests in the Hoonah area. Our model has proven that a focus on healing the planet can power economic success. That's especially important, because our profits directly support Alaska Native communities with scholarships, economic opportunity, revitalization of Indigenous culture and language, and more.

Woocheen is a name derived from the Tlingit word wooch.éen, which can be roughly translated as "working together." It is a name that acknowledges we are interdependent, working in collaboration with each other, with our environment, and with the resources available to us.

Please feel free to reach out to Sealaska's Natural Resources Department to find out more information about Sealaska's balanced land management strategy.

Sincerely,

Jason Gubatayao
General Manager
Natural Resources Department
Sealaska Corporation

Exhibit LL-2



HUNATOTEM

CORPORATION

March 15, 2024

Mr. Bill Miller
Mayor, City of Hoonah
300 Front Street
Hoonah, Alaska 99829

Dear Mayor Miller:

We are writing today to express support for the proposed Xunaa Borough and to clarify certain aspects of Huna Totem Corporation's management of its lands. A foremost guiding principle for us is to "maintain our lands in perpetuity."

Huna Totem's remaining timber holdings in the Hoonah area are now part of our carbon credit program. These lands generated carbon offset credits for HTC. Our commitment is to protect these lands and trees for 100 years. Thus, logging is no longer an opportunity that can be utilized on these lands, as the carbon on them (i.e. the trees) have been sequestered.

We appreciate your leadership of our home community and look forward to continued opportunities to serve our shareholders, the Hoonah Indian Association's tribal members, and the City of Hoonah's residents. After all, they all largely overlap!

Best of luck with the petition process and the Local Boundary Commission.

Cordially,

Russell Dick
President & CEO

cc: Ed Davis, Chairman
Board of Directors, HTC

9301 Glacier Highway, Suite 200, Juneau AK, 99801 | [907.789.8500](tel:907.789.8500) | [907.789.1896](tel:907.789.1896) | www.HunaTotem.com

Dennis Gray Jr., City Manager

Exhibit MM

Exhibit MM

CUSTOMERS USE OF HOONAH FACILITIES

47' Sebrica – Jim Benton, Elfin Cove, AK- Boat Haulout

Misty Morn, Hank, Helen T- James Proctor, Gustavus, AK – Mooring, Boat Haul out

Silverlance- Juanita Proctor, Gustavus, AK – Moorage, Annual Stall

44' Finvarra – Penny & Stuart Cook, Gustavus, AK 99826- Boat Haulout

38' Outcast, Pelican, Emerald Island, MRI-1 – Steve Danials, Pelican, AK – Boat Haulout

30' Taurus- Zach Stenson, Gustavus, AK – Boat Haulout

45' Petrel- Glacier Bay National Park, Gustavus, Ak – Boat Haulout

45' Fri Furch- Elizabeth Hooge, Gustavus, AK- Boat Haulout

38' Distant – Wayne Stauffer, Elfin Cove, AK- Boat Haulout

38' Ocean Roar- Todd Smith, Gustavus, AK – Boat Haulout

38' Pacific dawn- James Phillips, Pelican, AK- Boat Haulout

42' Stoney- Tom Traibush, Gustavus, AK- Boat Haulout, Crab Pot Storage, Moorage

40' Glenmar- Ben Stroecker, Gustavus, Ak- Boat Haulout and Annual Stall

36' Brisk- George Phillips, Pelican, AK- Boat Haulout

40' Yankee- William Walder, Elfin Cove, AK – Annual Stall, Boat Haulout

Exhibit NN



Exhibit NN

May 2023 Board Proclamation District 2-A

Redistricting Plan Adopted by the Alaska Redistricting Board 05/15/2023

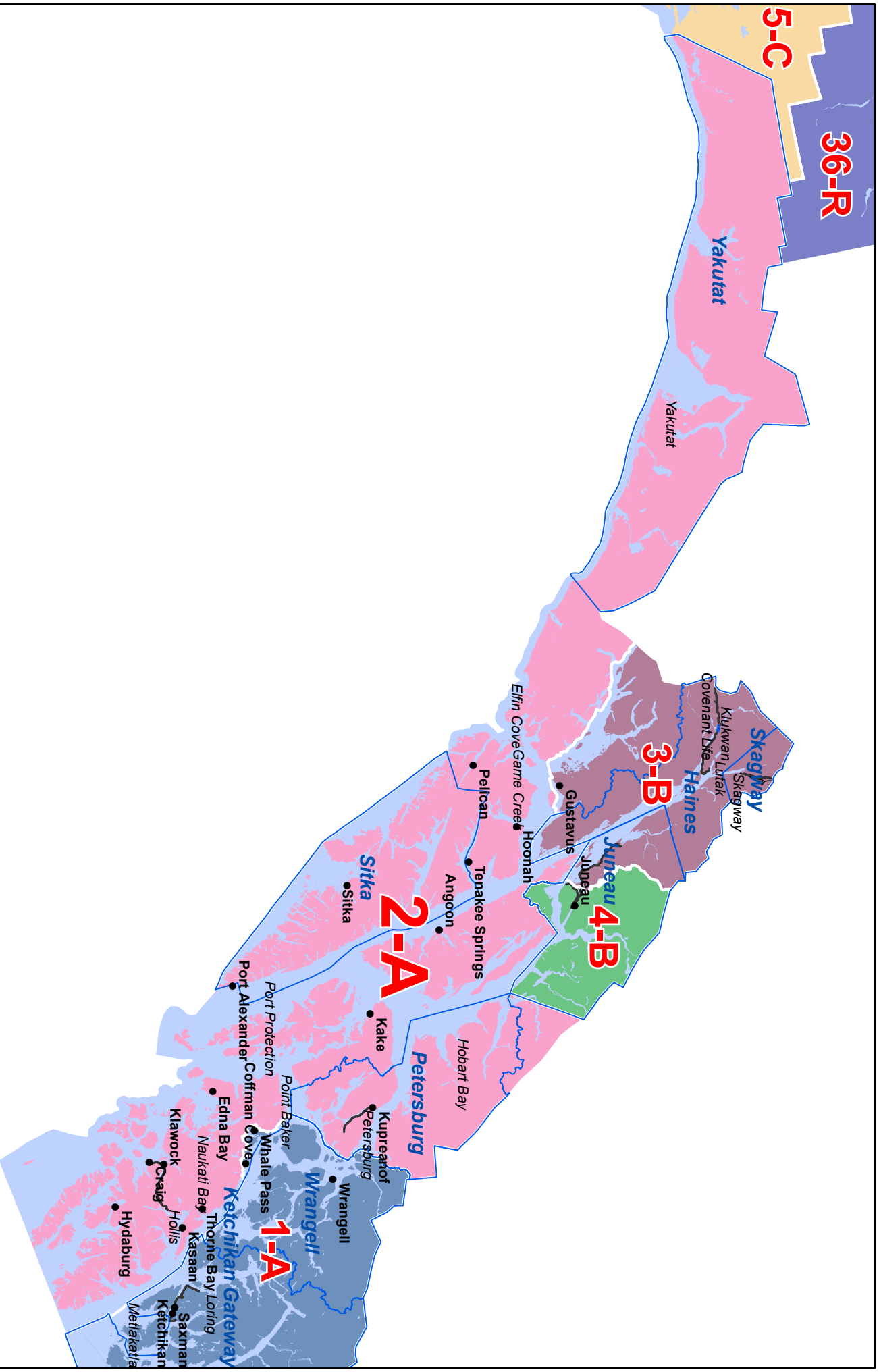


Exhibit OO

EXHIBIT I.

Copy of Any Written Materials Received During the Hearing

CBJ has attached all the letters received from the public before, after, and during the meetings on the resolution.

EXHIBIT I-1.

CBJ has attached all the letters received in 2017

Sandi Mercer

From: gordonharrison43@gmail.com
Sent: Tuesday, January 31, 2017 10:46 AM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Gordon Harrison

Email: gordonharrison43@gmail.com
Telephone: 907 586 8992

Subject: Annexation of Funter Bay, Horse and Colt Islands

Message:

This letter is to express my disappointment and dismay that the Assembly is going to consider, once again, the annexation of Funter Bay and Horse and Colt Islands. Property owners in these areas vehemently object to taxation by the CBJ because they receive absolutely no service from the borough and expose themselves to profound disservice (zoning and building codes, for example). The issue of annexation was advanced to the assembly on January 30 at the meeting of the lands committee. The committee was acting on a memo from Mr. Greg Chaney, the Lands and Resource Manager. In his presentation to the committee, Mr. Chaney said that the CBJ did not really have an interest in annexing these areas now, but that if the CBJ were going to pursue annexation of areas south of Juneau it would be efficient to include northern Admiralty Island in the application because applications to the Local Boundary Commission are complicated and time-consuming. The convenience of CBJ staff is hardly a compelling reason to subject recreational property owners to taxes of thousands of dollars per year. The justification for annexation laid out in Mr. Chaney's memorandum is that if the CBJ doesn't annex these areas, other boroughs will. Two of the other boroughs that threaten this annexation don't even exist, and the Haines Borough is (as Mr. Chaney says in his memo) unlikely to take such action. No one likes taxation, of course, but it is particularly galling to pay a tax and receive nothing in return. We are not free-riders, enjoying the benefits of public services without paying for them. The areas of northern Admiralty Island that are now outside the borough should remain outside it, until there is a reasonable justification for inclusion.

Sandi Mercer

From: margeinalaska@gmail.com
Sent: Wednesday, February 01, 2017 7:49 PM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Thomas & Marjorie Osborn

Email: margeinalaska@gmail.com
Telephone: 907 321 2731

Subject: Annexation of Funter Bay does not make sense

Message:

As property owners in Funter Bay, we are dismayed to hear that CBJ staff has proposed that you consider annexing our area, among others on northern Admiralty Island. It seems only yesterday that we had to write to the Borough and appear at hearings to stop such a proposal. We vehemently oppose annexation and do not believe there is any justification for it. Property owners in Funter Bay receive no services from the Borough, and we request none. Annexation would introduce the potential for burdensome regulations and expenses that would be inappropriate to our remote setting and property. It is hard for us to see any justification for this proposal.

Sandi Mercer

From: steve.watershed@gmail.com
Sent: Thursday, February 02, 2017 1:43 PM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Steve Buckley

Email: steve.watershed@gmail.com
Telephone:

Subject: Proposed Annexation of Funter Bay

Message:

Dear Assembly Members,

Thank you for the opportunity to voice my opposition (again) to annexation of the area surrounding Funter Bay. It seems that this annexation is similar to repeal and replace without the replace. If the Borough were to provide some kind of service to the area (schools, police, fire protection), then it would be a good idea for the property owners to pitch in with tax revenue for these benefits. But to annex the properties before providing any services seems misguided and premature. I understand the idea that the boroughs feel they must compete against each other for land and resources. However please consider the impacts of your actions on individuals. It is possible that this tax burden could cause people to lose their property. Please vote against this annexation until there is a plan in place to provide some type of service to our community. Thank you

Sandi Mercer

From: dcm98@comcast.net
Sent: Friday, February 03, 2017 12:38 PM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Collie Martin

Email: dcm98@comcast.net
Telephone: (360) 588-6092

Subject: Expanding CBJ to Model Borough Boundary

Message:

The subject is extended to include the following memo subject: To The Lands Committee; From Greg Chaney, Lands and Resources Manager; Date January 28, 2017; Subject the same as this message.

I am vehemently against and with strong conviction protest the recommendation to expand the borders of CBJ's annexation application to match the area identified as D (in Figure 3 of the subject memo) specifically Funter Bay.

My position is primarily based on the unfairness of taxing Funter Bay residents without appropriate and balanced services. The subject memorandum quotes the 2007 Juneau Annexation Study Commission which concluded for remote areas, "The Commission believes that a careful balance must be struck between rates of property taxation and levels of service delivery as annexation is considered."

Nothing has significantly changed since the CBJ considered annexation in 2006 when the Annexation Commission recommended that the CBJ Assembly not file a petition to annex. The residents of Funter Bay continue to neither need nor desire any levels of service from any borough.

The subject memorandum reasoning seems to be that another borough would claim areas within the Juneau Model Borough Boundary, so CBJ should "fill out the unincorporated portions" of Juneau's Model Borough. However the memo also opines that it is unlikely that another borough would claim the northern section of Admiralty Island. I support that opinion by recognizing the near certainty that any other borough will be faced with the same opposition as the subject annexation.

The subject memorandum also states that there is efficiency in bundling more than one area in an application. Please, are the needs and wishes of Funter Bay residents to be subordinate to mere efficiency?

In closing please provide a link from the CBJ web site where I can keep informed of activity related to the subject issue.

Sandi Mercer

From: Joel Martin <jamartin@hughes.net>
Sent: Friday, February 03, 2017 10:05 AM
To: Borough Assembly
Subject: Funter Bay Annexation Redux

Good Morning:

It appears that the specter of Funter Bay annexation has revived. We evidently failed to drive a silver stake through that cadaver some years ago. Unlike most recreational property owners in Funter, this has been my *only* home for twenty-three years. To paraphrase one of my summertime neighbors, life here is "intense" and requires extensive effort at great cost. I understand Mr. Chaney's rationale but it appears that he is completely unaware of the difficulties such annexation would impose upon us. Does the Assembly consider it right, that we should pay for the 'privilege' of taxation without a shred of benefit *and* the imposition of onerous and inappropriate regulation? Such thought is ridiculous to the absurd. For many years, I paid the borough a tax to do business at a previously-annexed portion of Admiralty Island, the Greens Creek mine, without much complaint. This action would not be ignored. I ask that the Assembly discard that hand and delete it permanently.

Regards,

Joel A. Martin
The Pyxis Enterprise
Electrical Systems Technology
8991 Yandukin Dr Ste 100
Juneau, Alaska 99801-8078
jamartin@hughes.net
907-723-7365

Sandi Mercer

From: killik@gci.net
Sent: Sunday, February 05, 2017 5:32 PM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Joel Bennett

Email: killik@gci.net
Telephone: 907-789-1718

Subject: CBJ Lands Annexation

Message:

As a recreational property owner in Funter Bay on Admiralty Island (cabin and land in Cannery Cove subdivision), I strongly oppose annexation of this area into CBJ. When no government services can be practically provided, as in other parts of CBJ, property tax at any level is grossly unfair and inequitable. We maintain a lifestyle in the bay that is self-sufficient and off the grid, with no desire or need of city government regulation and oversight. Finally, justification for this expansion because another future borough might do it instead is pure speculation and not a reasonable basis for annexation, absent other compelling factors

15255 Point Louisa Rd
Juneau, AK 99801

Sandi Mercer

From: saginawchannel@gmail.com
Sent: Thursday, February 09, 2017 7:20 PM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Bonnie Chaney

Email: saginawchannel@gmail.com
Telephone:

Subject: Horse, Colt and Funter Bay annexation

Message:

I am writing in support of the annexation of Horse, Colt and Funter Bay by the CBJ. These property owners have had a free ride for far too long and should be treated the same way as Shelter Island and Taku Inlet property owners are treated. They should pay property taxes just like Shelter Island and Taku Inlet property owners pay. Why should they get all the same services that we pay for and yet pay nothing? This is neither fair nor equitable.

In addition, you run the risk of repeating the Petersburg annexation of Hobart Bay event.

Laurie Sica

From: njtrucano@gci.net
Sent: Friday, February 10, 2017 11:54 AM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Nadine Trucano

Email: njtrucano@gci.net
Telephone:

Subject: Annexation of Rural Lands Adjacent to CBJ

Message:

Dear Assembly Members,

I have read that the Lands Division is proposing annexation of lands on Mansfield Peninsula and Northern Admiralty Island among others. I strongly request that you do not apply to annex those lands.

Adding those areas to the CBJ would not in anyway improve the quality of life in those areas. It would increase workload on a few CBJ departments such the Assessor and Community Development which doesn't seem wise at this time.

This was discussed a number of years ago and opposed by residents and land owners of the areas. It is pretty clear that there is no intention of providing any additional services to those areas. If you offered better boat launch ramps including parking for locals of the area that would be nice but I'm pretty sure that is not included in the annexation plan.

It also does not seem very neighborly to attempt to lock up so much land into CBJ in part to just keep other boroughs from getting it. I believe the future of Southeast Alaska requires that all cities and towns in Southeast work together as supporting neighbors.

Please reject this plan to annex the additional lands including Mansfield Peninsula and Northern Admiralty Island!

Sincerely,
Nadine and Jim Trucano

Laurie Sica

From: rmburnham@mac.com
Sent: Sunday, February 12, 2017 12:03 PM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Richard M. Burnham

Email: rmburnham@mac.com
Telephone: 6082156302

Subject: Proposed annexation of Funter Bay

Message:

My wife and I have owned a cabin at Funter Bay for 24 years. We are retired. We strongly oppose what we understand to be a proposal to have Juneau annex remote property, including Funter Bay, to increase the borough's property tax revenue while not providing the affected property owners with anything whatsoever in return. That's just theft.

Laurie Sica

From: Mark Stopha <mark_stopha@yahoo.com>
Sent: Monday, February 13, 2017 12:32 PM
To: Borough Assembly
Subject: On board cruiseship tax and Horse Island taxes

Last year there were 464 ports of call from the big cruise ships according to the JCVB. If there was \$100,000 of taxes not collected, that would mean about \$231 of uncollected tax per port call, or about \$4,300 worth of purchases that would have generated this amount of tax. That's alot of business we're not taxing every time a cruise ship docks. And those people are highly likely to use something that tax money pays for.

I'd like to see the sales tax enacted for onboard cruiseship sales before there's a discussion of taxing our property on Horse Island. I am unlikely to receive any city services on Horse Island, nor do I want any city services there.

If the borough decides to annex the areas, I request notice as to how much I would be taxed on our cabin there.

Can you imagine owning a cabin for 20 years, and then one day, a borough decides to annex your land and now the borough essentially owns your property unless you pay them a tax to keep it. That's just plain nutty.

Mark Stopha

--

Mark Stopha 4455 N. Douglas Hwy Juneau, AK 99801

Laurie Sica

From: bstratton100@yahoo.com
Sent: Tuesday, February 14, 2017 9:47 AM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Blaine Stratton

Email: bstratton100@yahoo.com
Telephone: 619-954-0675

Subject: Expanding CBJ to Model Borough Boundary

Message:
2/13/17

To: Greg Chaney, (Lands and Resources Manager) & Land Committee
From: Blaine Stratton (Funter Bay property owner)
Subject: Expanding CBJ to Model Borough Boundary

I have owned land in Funter bay for over 25 years, one of the main reasons that I was interested in this area to begin with was that it was remote and no one had jurisdiction to it. With that said I have read the memorandum from Greg Channing, Lands and Resources Manager to The Lands Committee and it doesn't make any sense that you would consider the northern portion of Admiralty island just because you could just bundle it on to your other application, especially after the quote that the at the lack of services is at the "nut" of the opposition to annexation ("even the property owners on the Taku river and on Shelter island have issues with area wide property tax rate, stating that they do not receive commensurate services from the borough.") How would this be any different with the northern portion of Admiralty Island?
(This is how our country got started in Boston)

Blaine Stratton
Bstratton100@yahoo.com

Sandi Mercer

From: kdsalaska@yahoo.com
Sent: Wednesday, February 15, 2017 12:44 PM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Kenneth Dean Stratton

Email: kdsalaska@yahoo.com
Telephone: 2146867290
 February 14, 2017 Attention: City and Borough
 As property owner's in Funter Bay, we are more than disappointed to hear that CBJ staff is proposing annexation of our area again. This has been previously addressed and the annexing was not approved several times before. We are opposed to this annexation and do not believe it is justified. The city has no expenses to help Funter Bay in any way, yet the city is looking to gain revenue from Funter Bay. The reasoning behind this makes little sense. Funter Bay receives no services, whatsoever from the city and borough and we request none. As it is, anything done out at Funter Bay brings additional revenue to Juneau and surrounding areas. How? With Funter Bay being so remote, we purchase more services/labor/equipment than most people because we have to buy everything from town and then pay a substantial, additional expense to transport it either by boat, plane or helicopter to get it to our property at Funter Bay. It is not as if we can shop at Costco and then unload at our front door. Please consider exactly what Funter Bay is used for...summer months or summer weekends with diminished use during the winter months. Most cabins are not permanent residences. Each cabin owner relies strictly on his own means for survival out here. There is zero electricity, zero piped in propane, zero grocery stores, zero hospitals or urgent cares, zero fire protection should a fire blaze (our cabins would be burned to the ground), zero schools, zero help of any kind...period. If there is an injury, we hope to reach emergency plane/helicopter service

and hope someone does not die while waiting. These are all risks and expenses we are willing to live with for the pleasure of the remote cabin usage. We understand the risk and the lack of help from the city and borough. We accept this. Many of us purchased these properties with the intention of getting away from the mainstream and fast pace of the ever growing stresses of life. Passing these cabins down to our children and grandchildren without burden of further expense was taken into consideration when first obtained. Page 2 Cont'd IF it should pass that we would be taxed, just what is the exchange of help we would be provided for the annexation we would pay in protest? Please tell us what has changed to warrant the annexation now versus prior attempts. Sincerely, Kenneth D. Stratton Owner February 14, 2017

Attention: City and Borough As property owner's in Funter Bay, we are more than disappointed to hear that CBJ staff is proposing annexation of our area again. This has been previously addressed and the annexing was not approved several times before. We are opposed to this annexation and do not believe it is justified. The city has no expenses to help Funter Bay in any way, yet the city is looking to gain revenue from Funter Bay. The reasoning behind this makes little sense. Funter Bay receives no services, whatsoever from the city and borough and we request none. As it is, anything done out at Funter Bay brings additional revenue to Juneau and surrounding areas. How? With Funter Bay being so remote, we purchase more services/labor/equipment than most people because we have to buy everything from town and then pay a substantial, additional expense to transport it either by boat, plane or helicopter to get it to our property at Funter Bay. It is not as if we can shop at Costco and then unload at our front door. Please consider exactly what Funter Bay is used for...summer months or summer weekends with diminished use during the winter months. Most cabins are not permanent res

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Subject: Funter bay annexation

Message:

February 14, 2017

Attention: City and Borough

As property owner's in Funter Bay, we are more than disappointed to hear that CBJ staff is proposing annexation of our area again. This has been previously addressed and the annexing was not approved several times before. We are opposed to this annexation and do not believe it is justified. The city has no expenses to help Funter Bay in any way, yet the city is looking to gain revenue from Funter Bay. The reasoning behind this makes little sense.

Funter Bay receives no services, whatsoever from the city and borough and we request none. As it is, anything done out at Funter Bay brings additional revenue to Juneau and surrounding areas. How? With Funter Bay being so remote, we purchase more services/labor/equipment then

most people because we have to buy everything from town and then pay a substantial, additional expense to transport it either by boat, plane or helicopter to get it to our property at Funter Bay. It is not as if we can shop at Costco and then unload at our front door.

Please consider exactly what Funter Bay is used for... summer months or summer weekends with diminished use during the winter months. Most cabins are not permanent residences. Each cabin owner relies strictly on his own means for survival out here. There is zero electricity, zero piped in propane, zero grocery stores, zero hospitals or urgent cares, zero fire protection should a fire blaze (our cabins would be burned to the ground), zero schools, zero help of any kind...period. If there is an injury, we hope to reach emergency plane/helicopter service and hope someone doesn't die while waiting. These are all risks and expenses we are willing to live with for the pleasure of the remote cabin usage. We understand the risk and the lack of help from the city and borough. We accept this.

Many of us purchased these properties with the intention of getting away from the mainstream and fast pace of the ever growing stresses of life. Passing these cabins down to our children and grandchildren without burden of further expense was taken into consideration when first obtained.

Page 2 Cont'd

IF it should pass that we would be taxed, just what is the exchange of help we would be provided for the annexation we would pay in protest? Please tell us what has changed to warrant the annexation now versus prior attempts.

Sincerely,

Kenneth D. Stratton
Owner

Sandi Mercer

From: funterjc@hotmail.com
Sent: Friday, February 17, 2017 1:20 PM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Paul and Janet Kennedy

Email: funterjc@hotmail.com
Telephone: 907-790-1875

Subject: Annexation of Funter Bay

Message:

We understand that the Juneau Assembly will be taking up a proposal to annex Funter Bay and other areas.

As you may be aware this issue was considered 10 years ago in 2007 and Funter Bay was not annexed at that time, we believed the issue was "dead". Unfortunately, we were wrong and once again have to argue our position and voice our opposition to annexation of Funter Bay.

In 2007, the Juneau Annexation Study Commission concluded for remote areas "the Commission believes that a careful balance must be struck between rates of property taxation and levels of service delivered as annexation is considered". Funter Bay residents will receive NO services delivered from the City and Borough, thus there is no justifiable reason to annex or tax our property. Annexation may cause additional costs and potential liability to the City and Borough.

We also hope you realize that as cabin owners in Funter Bay we have no fire protection, no water system, no sewer system, no electricity, no roads and other transportation is limited and expensive. We have to provide all of those services for ourselves at a very high cost, it is not cheap for us to get there or to use our property. Annexation will not improve anything for the residents of Funter Bay.

Like many other Funter Bay owners we also have a home in Juneau, pay property and all other taxes there and want to make sure our tax dollars are used wisely. We believe that the costs of annexation will exceed the benefits. There are no businesses in Funter Bay to tax, just recreational cabins.

If you choose to approve annexation we have a number of questions: What is the justification for annexation?; Property values are difficult to determine in Funter Bay, how would assessments be done and at what cost to the City?; What services do you anticipate providing?; Would we face new regulations on how to manage our property or be grandfathered in?; and What tax rate would we face?

We appreciate you listening to our concerns and hope you decide not to annex Funter Bay.

Sincerely,
 Paul and Janet Kennedy

Sandi Mercer

From: webmaster@juneau.lib.ak.us
Sent: Sunday, February 19, 2017 8:45 AM
To: City Clerk
Subject: Webform--Horse and Colt Island message sent originally to Greg Chaney

Name:
Frances Vlahos-Rohm

E-mail:
fotini622@hotmail.com
Telephone Number
5303973182

Comments:

Hi Greg I wanted to say hello before I said, "What, again?" in regards to the idea of annexation of Horse and Colt (not Cold) Islands, among the other areas targeted. My husband and I still own undeveloped property on Colt Island. Many years ago the same ideas were put forth and my questions were the same then as now. At that time, we also had waterfront property and were in the process of building a cabin. How will any level of taxation be justified, when zero services can or will be provided? I certainly agree that this is a huge area of contention. It matters little to the owners who or what political entity may encompass these lands, there is little likelihood of any services ever being provided. Will CBJ build a new dock out on Horse? Will the fire or police departments ever respond to calls? Or would the Borough really just want to hold these lands as under a protectorate, with no strings attached? Uh... unlikely at best. I have just heard the rumblings, and will have to get more information and a better idea where this is leading. Thanks for any information you could provide for me now. I will also be in contact with Lands Committee members soon. Thanks, Happy 2017. Fran Vlahos-Rohm

Sandi Mercer

From: ncharter@alaska.net
Sent: Monday, February 20, 2017 10:25 AM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Delbert Carnes

Email: ncharter@alaska.net
Telephone: 907 321 0867

Subject: Funter Bay Annexation

Message:

We have enjoyed a place in Funter Bay for years. In that time, we have received zero services from the City and Borough of Juneau and have requested none. If this area is annexed, we will continue to receive zero services. If we were annexed besides paying property taxes, we would be subject to potential regulations and expenses that would be inappropriate for remote property. Any service we receive from Juneau getting to our property we must pay for. Flyin g we must pay Ward Air, by water we pay the City to use the launch ramp. We provide our own services with no cost to the City of Juneau. There is no justification for this annexation, and we reject it.
Delbert Carnes and Constance Carnes

Sandi Mercer

From: leasing@gci.net
Sent: Monday, February 20, 2017 2:13 PM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Richard Rountree

Email: leasing@gci.net
Telephone:

Subject: North Admiralty Island Annexation

Message:

We object to the annexation of property currently being considered by the Borough for North Admiralty Island.

As a taxpayer we object to any more annexation of property by the CBJ. The added expense of administering any CBJ services to these areas would not be cost effective in any scenario.

Furthermore, it would be unfair to those property owners to be taxed and no services provided. They haven't asked for any of these services and the majority of these property owners also own property in Juneau for which they pay their fair share of property taxes.

Sandi Mercer

From: spenkencer@yahoo.com
Sent: Wednesday, February 22, 2017 10:13 AM
To: Borough Assembly
Subject: Web Form Mail:

Recipient: entire
Sender: Ken Spencer

Email: spenkencer@yahoo.com
Telephone: 9072099411

Subject: Funter Bay Annex Proposal

Message:

February 22, 2017

I am writing this letter to share my opposition and concerns regarding the Juneau Assembly taking up a proposal to annex Funter Bay and other areas.

I was opposed to the same proposal 10 years ago, in 2007, to annex Funter Bay.

Thankfully, Funter Bay was not annexed at that time. Now that the proposal to annex Funter Bay is once again on the table, I want to strongly voice my opposition and express there is no evident reason to annex or tax properties at Funter Bay. Residents will receive no services from the city and Borough. In fact, annexation may result in potential liability and additional costs to the City and Borough.

When the same proposal was presented in 2007, the Juneau Annexation Study Commission concluded for remote areas "the Commission believes that a careful balance must be struck between rates of property taxation and levels of service delivered as annexation is considered". I am not aware that anything has changed in the past 10 years.

As a cabin owner in Funter Bay, I have no fire protection, no water system, no sewer system, no electricity, no roads and other transportation is limited and expensive. I have to provide and pay for all of those services at a very high cost. It is expensive to get to Funter Bay just to use my property. Annexation will not improve anything for the residents of Funter Bay, if anything it will make it more challenging for them.

Like many other Funter Bay owners I also have a home in Juneau, pay property and all other local taxes. I want to make sure our tax dollars are used wisely, and am not convinced this action provides for that. I

believe the costs of annexation will exceed the benefits. There are no businesses in Funter Bay to tax, just recreational cabins. Many of the cabin owners have been there for years and are on fixed incomes.

Additionally, it is not clear what the justification is for annexation. Property values are difficult to determine, so what would that methodology be? As a Juneau tax payer, I am concerned about the additional costs to the city for these actions. I also would like to better understand what services do you anticipate providing? Are there new regulations planned on how I would the properties would be managed, or be grandfathered in? What would be the plan to establish and implement a tax rate?

I appreciate you listening to my concerns and opposition to annex Funter Bay and would appreciate a response to the questions outlined above.

Sincerely,
Ken Spencer

Sandi Mercer

From: funter2fops@yahoo.com
Sent: Sunday, April 02, 2017 6:10 PM
To: Borough Assembly
Subject: Web Form Mail:

Follow Up Flag: Follow up
Flag Status: Flagged

Recipient: entire
Sender: Vavra, Larry and
 Thompson, Angela

Email: funter2fops@yahoo.com
Telephone: 5128687694

Subject: Proposed Annexation of Funter Bay to CBJ

Message:

LARRY VAVRA & ANGELA THOMPSON
 4220 Madrid Drive - Georgetown, TX 78628
 Tel 512-869-1286 Cell 512-868-7378 Cell 512-
 868-7694
 e-mail lvavra@starband.net or
 funter2fops@yahoo.com

March 31, 2017

City and Borough of Juneau Lands Committee

ATTN: Greg Chaney,
 Manager
 Land and Resources

RE: Proposed Annexation of Funter Bay to
 the CBJ

Dear Mr. Chaney,

As current landowners and part-time residents of Funter Bay, we are concerned about the renewed proposals under consideration regarding annexation of our small bay to City and Borough of Juneau (CBJ). We are on record as opposing this when you last considered it, (see previous letter following this one) and we continue to oppose it today.

In reviewing the standards Alaska has long

imposed when considering annexation, we were appalled to see how few of these standards are met by the current proposal. How does annexing Funter Bay benefit the state? How can CBJ provide services more efficiently and effectively than is the current status, where individuals at Funter Bay assume responsibility for their own needs? How is Funter Bay compatible in character to Juneau? How would the post-annexation boundary include the resources necessary to provide essential services? How will the population of Funter be large and stable enough to support the newly imposed government on a cost effective basis? Nowhere in any Local Boundary Commission documents does the Commission contemplate annexation without providing essential services, with the nature of the services defined and timeline for execution established at the time of annexation. Has the committee completed any cost-benefit analyses of tax revenue vs. services to our area? It is almost intuitive that it will not be equal and that the residents of Juneau will be caused to subsidize these services.

No residents of Funter Bay are in favor of this annexation, primarily because we question the legality and certainly the morality of imposing taxes on a community for which the CBJ clearly has no intent of providing services of any kind (as shown by your treatment of South Shelter Island and Taku River areas). Annexation to CBJ could also expose all landowners to onerous building codes and possible prohibitively expensive retrofitting of existing structures.

We understand the State of Alaska's desire to assign all land in the state to a borough, but the character, land use, population density, and geographic and environmental factors in Funter Bay are much more consistent with a not-yet-created Glacier Bay Model Borough, or even a Chatham Model Borough. Our area comprises private property in the form of recreational and seasonal cabins. There is one full-time resident, no school-aged children, and no need or desire for community organization or essential services. Actually, Funter Bay beautifully fits the spirit of an unorganized borough, populated with individuals and tiny settlements along Chatham and Icy Straits. This type of setting has long been deemed a mark of the character of Alaska. Please consider this

as a more appropriate resolution for Funter Bay and for the image of the State of Alaska than is annexing to the City and Borough of Juneau.

Sincerely,

Larry Vavra & Angela Thompson
4220 Madrid Drive
Georgetown, TX 78628

Attachment from 2006

LARRY VAVRA & ANGELA THOMPSON
4220 Madrid Drive - Georgetown, TX 78628
Tel 512-869-1286 Cell 512-868-7378 Cell 512-868-7694
e-mail lvavra@starband.net or
funter2fops@yahoo.com

February 12, 2006

City and Borough of Juneau Annexation
Committee, Juneau, Alaska

ATTN: George Davidson, Chair
Sandy Williams, Vice-Chair
Caren Robinson
Steve Sorenson
Errol Champion

RE: Proposed Annexation of Funter Bay to
the CBJ

Dear Committee Members,

As former full-time Alaska residents and current part-time Funter Bay residents, we are concerned about the proposals under consideration regarding annexation to the City and Borough of Juneau, and ask for your consideration in excluding Funter Bay from the annexation effort.

Our first item of concern is the lack of information being disseminated by your committee to the area residents, landowners all. Deeds for lands in Funter Bay, as elsewhere throughout the state, are documents of Public Record; as such they are certainly within the reach of the committee for identification of said landowners. It seems incumbent upon your committee to make a good faith effort to correspond directly with the affected landowners. Absent such an effort on your part, we are left to learn of the proposed action through communication

with other residents of Funter Bay, and have had no voice in the discussions to date.

Now to the heart of the matter: We purchased land at Funter Bay without any expectation of city or borough services, and to our knowledge none have ever existed there. We accept the high costs in terms of transportation to and from our summer home, the inconveniences that come with remoteness and lack of infrastructure, and the risks we face regarding marine navigation, weather, and proximity to bear habitat. Together we have constructed our residence at the bay, complete with state-permitted septic system, small independent photovoltaic electrical system, and handcarried water supply. Our lifestyle there over the course of the summers has been purposely simple.

In support of this lifestyle, we do find ourselves in Juneau every week or so to acquire groceries, fuel and building supplies. We avail ourselves of basic services such as laundry facilities and postal service at our mailbox in town. Frequently this is an overnight stay; therefore we are regular guests at local motels.

For ease in comparing what we contribute to the Juneau economy versus what we take, we offer the following tables:

SUPPORT OF LOCAL AND STATE ECONOMY USE OF CITY SERVICES *f*

- Alaska Marine Highway (annual round trip from the lower 48 to Juneau) •
- Use of city road grid 10-12 times per summer, average 20 miles per visit.
- Annual Non-resident fishing licenses
- Annual boat registration
- Local air charter company (limited use)
- Grocery stores
- Hardware stores / lumber yards
- Pharmacies, doctors, dentists when needed
- Welding and mechanic shops
- Boat storage yards *f*
- U. S. Post Office
- Hotels/Motels (10 to 15 nights per summer)
- Restaurants
- Gas stations, fuel docks
- Personal services (barber shop, laundry, etc)
- Occasional tourist destinations and shops

- Department stores
- CBJ Auk Bay Harbor (per-night basis)

f f f f f f f f f

The first column represents expenditures of many thousands of dollars per summer, to the benefit of the local economy. The second column represents our limited use of the infrastructure in Juneau, hardly more than that used by the average tourist who might spend at most a couple of hundred dollars here before going on his way. In short, we perceive that in terms of taxed goods and services, we already pay a share disproportionate to our limited use of CBJ taxpayer supported facilities. This spending imbalance is not atypical of the residents of Funter Bay, and puts the CBJ in an envious position from the standpoint of any taxing authority; that of deriving benefits without the responsibility of delivering services.

Our existence at Funter Bay takes nothing away from the CBJ, and expects (and gets) nothing in the way of services. We respectfully ask you to reconsider the fairness of taxing a handful of week-end and summer residents on their primitive cabins/homes, and the logic of assuming the expense and moreover, the responsibility for delivering unsolicited goods, services and remote safety nets to the residents of Funter Bay. Has any thought been given to the logistical and financial challenges of providing services, in addition to enforcing regulations, codes and standards associated with inclusion in the CBJ? And to what end would the city expose itself to this extraordinary burden? Land use will not change; construction booms will not occur, an economy will not develop, a tax base will not materialize.

In summary, annexation of Funter Bay to the CBJ will not benefit the residents of Funter Bay, but will saddle them with unnecessary, cumbersome regulations and unwanted government intrusion. The marginal benefits to the CBJ will surely not equal the financial exposure vis-à-vis the responsibilities and liabilities of such an annexation.

Sincerely,

Larry Vavra
 Angela Thompson
 4220 Madrid Drive Georgetown, TX 78628
 AND

P.O. Box 32339 Juneau, AK 99803

From: [Phil Emerson](#)
To: [Borough Assembly](#); debbiewhite@juneau.org
Subject: Annexation
Date: Friday, April 21, 2017 9:46:21 AM

As a person that lived at Funter Bay for 40 years and raised a family I would like to comment on your plan of annexing the area. I no longer live at Funter Bay but am concerned about the people in the area.

All I can see is major costs to the borough if Funter Bay is annexed. I would imagine that you would have to take over maintenance on the two state floats that are at Funter. You know better than I what that would cost, they are very exposed to a lot of weather and in constant need of repair. President Trump wants to eliminate essential air. If this happens there will be no mail service to Funter and I would guess that if you annex Funter Bay the borough will pay for this service so that the people have a way to access you. Think that cost is about \$14,000 a year. In 2007 when there was another proposal to annex Funter my wife and Uncle who also lived at Funter flew to Juneau to testify before the assembly. Plane fare was \$600 round trip, then the price of a motel plus food plus a taxi, needless to say that is not access, it is restricted access. There were times during the winter the mail plane or any float plane could land for a month due to weather, that is not access. There is a law that borough land must be contiguous, hard to make an island contiguous. Then there is 3 AAC 110.900 "Transition". (a) A petition for incorporation, annexation, merger or consolidation must include a practical plan that demonstrates the capacity of the municipal government to extend essential city or essential borough services into the territory proposed for change in the shortest practicable time after the effective date of the change. This time limit is two years.

When my wife attended the borough meeting in 2007 her question was, "when will the school bus show up to pick our children up for school?". We were told we would be supplied with home schooling. That is not supplying an education. If I were to move to Funter again with 4 special needs children and I was incapable of home schooling I guess you would have to supply a school.

The constitution states, "Each borough shall embrace an area and population with common interests to the MAXIMUM DEGREE possible." Every remote community from Elfin Cove to Tenakee is dependent on Juneau for food and supplies just like Juneau is dependent on Seattle. I took my commercial fishing boat to Juneau twice a year. Weather permitting this was a 6 to 8 hour round trip. I spent thousands of dollars getting supplies and returned to Funter,. The common interest was the fact that you taxed me on the goods I bought and I helped support Juneau. Juneau collects taxes and takes advantage of all the people from Hoonah and Angoon even people from Sitka that come to Costco or want to talk to their state representatives. For awhile Juneau had a tax free card for out of town people, what a thoughtful idea to help the people from the native communities that mostly live at poverty levels. Was it greed that made the borough stop this? Is your reason for this annexation to help bring borough services to the annex or are we talking greed again so you can tax them. In 2007 we were told that if you annexed Funter you would provide a building inspector. The catch was we would have to pay for the inspector to come to Funter. I believe there are 5 inspections on building a house in Juneau. Cost for a float plane these days is around \$400 an hour. Does Juneau have an extra charge for travel time on the road system in Juneau for a building inspector? Are you going to discriminate against the people who are not contiguous and make them pay the permit price plus an extra \$2000 to transport an inspector?

Juneau has promised clean drinking water for the people in the borough. It will be rather expensive to build a water system to all the areas you want to annex. Borough services are also sewers so will all the islands get sewer and water? My guess is that will be part of the 2 year plan for annexing.

There are 6 borough incorporation standards. Part 3 AS 29.05.031. As far as I can see Juneau cannot live up to any of them.

If in fact Juneau annexes Mansfield Peninsula and Horse and Colt Islands, you get past all the law suits and you meet all the rules and regulations of annexation, there is the option of a petition to be removed from a borough. You already have a letter from 2007 where all the people that own property in the proposed annex area have signed to not want to be in the borough. If there is a petition to be removed I would think that everyone with property in Taku and Shelter Island would be happy to join.

Juneau is not Puget Sound. You do not have millions of people to support much in the way of expansion. Are you going to supply ferry service to all these remote areas? How big a ferry and dock do you need for Funter Bay and Taku. Maybe a ferry and a paved road across to Funter Bay with regular service and a school bus for children to get to school. I would imagine that to provide for your remote borough services you would have to double the taxes for the rest of the people in Juneau.

No borough whether it be Angoon, Haines, or whoever is not going to want to annex the areas you are proposing because they cannot live up to state standards. The area you want to annex is in the unincorporated borough, a perfect match for the best interests of the state.

Thank you for your time, gratefully,
Phil Emerson
trollman.phil@gmail.com



Virus-free. www.avast.com

From: [Phil Emerson](#)
To: [Borough Assembly](#)
Subject: Annexation
Date: Thursday, May 25, 2017 5:45:28 AM

Hello Assembly members,

I am writing again in the hopes of solving the problem of your latest annexation plan if you are going to carry it forward. I was told by the Boundary Commission that if there is a vote by all the people on Mansfield Peninsula and Horse and Colt Islands to the fact that no one wants to be part of the Juneau Borough then it would never happen. Why not save yourself a lot of work and expense by sending out ballots to all the property owners and have a vote. Your main concern seems to be that some other borough will grab this area when in fact there is no borough that can meet the standards of annexation. Once again, a vote of all property owners. It's odd to me that the main reason of annexation should be your concern for the people and providing "essential" services yet all that is talked about are taxes.

A story. My 3 yr. old son drank a jar of gas I had on my work [bench.at](#) Funter Bay. I ran with him to the house, we called Ward Air and they called all the planes in the area and we had a float plane in front of the house in 10 minutes and in another 20 minutes he was at the hospital. All went well, he did not throw up and inhale the gas. I just wrote your police department, I was told response time to Hawk Inlet or Taku would be 45 minutes with an EMT, then the return time to Juneau. That 45 minutes was if a helicopter was available and not full of tourists and weather permitting. Why would I call the Juneau police when I can get faster service myself. In a big emergency with snow blowing and winds howling I would call the Coast Guard, not Juneau.

It's very interesting that part of the Boundary Commission rules is that you are required to have a 2 year plan to provide essential services but the borough gets to decide what those services will be. I wonder what is essential to you? Water, sewer, electricity and on and on but you get to discriminate against people in your rural areas of the borough and even on your own road system. I see that Shelter Island was subdivided in 1989. How far have you gotten on providing services in 28 years? Perhaps you have special accounts for each remote area and when the fund is large enough from taxes collected you will install services.

"Also on the Lands Committee agenda is a proposal to support legislation that would allow the Petersburg Borough to select state lands. Mayor Koelsch said, "It's a good neighbor policy and we always try to be good neighbors." "

Please try and follow you own advice Mayor Koelsch, property owners on Mansfield Peninsula are also your neighbors and in the Unorganized Borough. You have all the people affected by this proposal mentally stress out, it would be very kind of you to at least let them know if you are going to proceed with an attempt at annexation.

Feel free to ask any questions you may have.

Thank you for your time,
 Phil Emerson
trollman.phil@gmail.com



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CITY OF ANGOON

P.O. BOX 189
ANGOON, ALASKA 99820
PHONE: (907) 788-3653
FAX: (907) 788-3821
c_angoon@outlook.com

September 26, 2017

Harriet Silva, Mayor
City of Angoon
PO Box 189
Angoon, AK. 99820

RE: City and Borough of Juneau proposed Annexation of Admiralty Island

To Whom It May Concern;

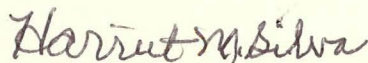
On April 17, 2017, the duly appointed City Council for the City of Angoon voted unanimously to oppose any further annexation of Admiralty Island by the City and Borough of Juneau.

The City of Angoon has a great history of fighting for the preservation of Admiralty Island and its natural resources. Angoon elders were a major force in establishing Admiralty Island as a protected wilderness through the passage of the Alaska National Interest Lands Act (ANILCA). Admiralty Islands subsistence and provisions are key to the community of Angoon's well-being.

The City of Angoon strongly opposes any further annexation by the City and Borough of Juneau and feels that since Admiralty Island is the home of the Angoon Tlingit people since time immemorial that any further annexation of any part of Admiralty Island is a front to our rich culture and history.

The City of Angoon will continue to oppose any further annexation attempts by any community or borough that is not located on Admiralty Island.

Sincerely,


Harriet Silva, Mayor

City of Angoon

C: Angoon City Council

file

CITY OF ANGOON • PHONE (907) 788-3653

P.O. BOX 189 • FAX (907) 788-3821
ANGOON, ALASKA 99820

CITY OF ANGOON

RESOLUTION NO. 17-02

A RESOLUTION TO OPPOSE THE ANNEXATION OF ADMIRALTY ISLAND BY THE CITY AND
BOROUGH OF JUNEAU.

WHEREAS, The City of Angoon, has a great history of fighting for the preservation of Admiralty Island and its natural resources. Angoon Elders were a major force in establishing Admiralty Island as a protected wilderness through the passage of the Alaska National Interest Lands Conservation Act (ANILCA); and

WHEREAS, ANILCA's subsistence and other Admiralty Island provisions are key to the well-being of Angoon, and;

WHEREAS, Admiralty Island is an internationally recognized treasure and has been classified as a World Biosphere Reserve; and

WHEREAS, protecting Admiralty's fish and wildlife habitat in a natural state is essential to keeping Admiralty Island as a National and International treasure and essential for the health and culture of the Angoon People; and

NOW, THEREFORE, BE IT RESOLVED THAT: the City of Angoon opposes any proposed annexation by the City and Borough of Juneau on any portion Admiralty Island.

PASSED AND APPROVED by the duly constituted quorum of the city council this 17 day of April, 2017

SIGNED: Harriett Silva Mayor

ATTEST: Allen Kooker City Clerk Angoon

Edward Jack, Sr. Yes Jess Daniels Yes Albert Howard Yes Randall Gamble Yes

Harriett Silva Yes Pauline Jim Yes Kevin Frank Sr. Yes

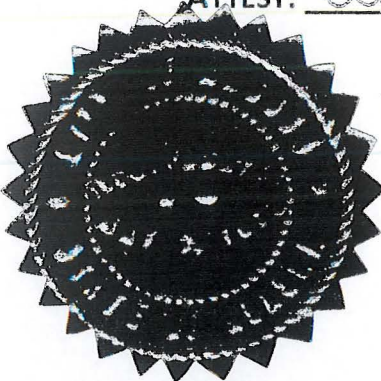


EXHIBIT I-2.

CBJ has attached all the letters received in 2018

From: llolmb
To: [Borough Assembly](#)
Subject: Fwd: Annexation - Funter Bay
Date: Wednesday, January 3, 2018 11:14:21 AM

Dear Mayor and Assembly,

I do understand the pressure to annex surrounding areas.

However I request serious consideration be given to the impact this will have on long time property owners who invested in water front they could afford to pursue their love of fishing, water activities and a remote life style.

My parents purchased land with a cabin decades ago and have made extensive improvements to the property over the years to allow them to spend extended periods of time in Funter Bay during their retirement. They own a home in Juneau and pay taxes.

Because of the remote location CBJ will not be required to provide services but will have the ability to tax and enforce CBJ building codes. My parents, and others, have worked hard, saved and invested responsibly and are now on a fixed income which continues to diminish due to the rising costs of basic commodities. Adding property taxes and costs resulting from CBJ compliance are not in their budgets.

Please provide the current property owners with some grandfathered protection they deserve.

Thank you.

Linda Blefgen
PO Box 210996
Auke Bay, AK. 99821

Sent from my iPhone

From: "domadmin@juneau.org"
To: [Borough Assembly](#)
Subject: Connect with City Hall - proposed Annexation petition
Date: Sunday, January 7, 2018 10:25:14 AM

Subject

proposed Annexation petition

This comment is a

Complaint

CBJ Department (select the department involved)

Assembly

Date of Incident or Problem

01/03/2018

Time of Incident or Problem

12:00 pm

Location of Incident or Problem

Assembly Hall

Comments or Problem Description

Dear Mayor Koelsch and Assembly Members

What is driving the push to add Area D to the upcoming JCB petition for annexation? From printed materials and observations of the COW meeting on January 3, this is what it appears:

* It is said that "The governor and the Local Boundary Commission want to include all areas of Alaska in boroughs." - Is this true? Is the intent to do away with the Alaska Unorganized Borough that was created in 1961 to accommodate remote areas such as Area D that have low population, little or no economic base, and no expressed need or desire for borough services? We received no response to our letter to the governor asking what are his goals in this respect. Also, is this a long-term goal rather than an immediate one, as CBJ staff seem to be interpreting it?

* Apparently, JBC had a "teachable moment" when Petersburg annexed a portion of land that had been within the proposed CBJ boundaries, and there is fear that other boroughs might "scoop up" Area D. At present no boroughs have indicated any interest in annexing Area D. In fact, to our knowledge the closest potentially neighboring boroughs (Chatham and Glacier Bay) have not even been formed yet.

* CBJ staff have included Areas A, B, C, and D in the current petition proposal because they say it is easier to petition for all these areas at once (and that appears to be true). Should the convenience of staff and administration in filing a petition overpower the vehement objections of people in Funter Bay and the many good reasons why Area D should stay in the Unorganized Borough? Is it logical or fair to let short-term administrative convenience permanently subject people in Area D to paying burdensome, unexpected, taxes and other potential restrictions while receiving no services?

* Apparently it does not matter that Juneau would be unable to provide Area D with the "essential services" required by regulations of the Local Boundary Commission. Residents of Shelter Island and Taku River pay taxes and are potentially subject to CBJ building requirements, yet they have complained that they receive no services, and apparently there are no consequences for failing to fulfill the purported LBC requirement to provide essential services within two years to any area that is annexed.

* How many members of the Assembly know the population and geographic nature of Area D? They had to be told the number of residents at the recent COW meeting. Do they realize virtually all the cabins in Funter Bay are private recreational cabins, occupied only limited months during the year, and mostly owned by Juneau residents who already pay property taxes within the Borough? Over the years many residents have invested considerable expense and tremendous effort to build and maintain their homes

despite the difficulties of acquiring materials, transporting them through frequently foul weather, and the reality that they must do most of the work themselves. A good proportion of owners are now retirees on fixed incomes who have made no plans to pay CBJ taxes or to be subject in the future to urban building codes that make no sense in a remote location.

* Has anyone seriously estimated the cost CBJ would incur to administer Area D, including potential tax assessment and collection, and maintenance of two docks currently owned by the state (and used by Juneau residents, commercial fishermen, and tourists more than by Area D residents)? Has anyone estimated the costs to CBJ of a potential court challenge to their petition if Area D ends up being included? Are Juneau taxpayers aware of the costs CBJ will incur if this assembly and administration decide to annex Area D?

* We understand that filing a new annexation petition is an extremely time-consuming, contentious process that the Borough would like to settle once and for all. Should that consideration overrule the wishes of residents who vehemently oppose being annexed, and all the reasons not to include Area D in the petition?

Funter Bay residents sent more than 30 letters to CBJ in 2017 laying out the reasons why annexation of Area D does not make sense, including one letter that listed how, one by one, Funter Bay does not fit a single one of the Local Boundary Commission's written requirements for a borough to annex an area. We hope those are available to Assembly members, as Funter Bay residents went to considerable effort to send them and state their case (and this was not the first time they were required to do so).

We thank you for your efforts at the COW meeting to deal with the difficulty of including or not including Area D in your petition to the Local Boundary Commission, and we respectfully request that you consider again removing Area D from the petition. We understand you must make your decision based on colorful maps with straight lines and neat blocks of boundaries. But we ask you also to seriously consider again the effects your decision will have on the people of Area D, who have stated their position and their concerns again and again.

Thank you.

Thomas and Marjorie Osborn

P.O. Box 211448

Auke Bay, AK 99821

Funter Bay and other parts of Admiralty Island right now? From what I saw of your discussion, the impetus is being driven by:

Convenience of grouping all areas together into a single petition

Convenience of staff in preparing the petition

A purported push by the Governor and the Local Boundary Commission to include all of Alaska in organized boroughs

If this is true (and we have had no response to a letter to the governor asking if this is so), SO WHAT?

Are cities and boroughs required to bow to supposed wishes of temporary elected officials regardless of effects on an area's long-term residents?

* Embarrassment that Juneau lost land to a "land-grab" by Petersburg, and fear it could happen again (though there is no nearby borough has expressed any interest in annexing Funter Bay.

Would you like us to contact you or is this message just a comment?

Contact Me

Name

Thomas and Marjorie Osborn

Address

P.O. Box 211448
Auke Bay 99821
[Map It](#)

Phone

(907) 321-2731

Email

margeinalaska@gmail.com

EXHIBIT I

From: Joel Martin
To: [Borough Assembly](#)
Subject: ANNEXATION OVERREACH
Date: Wednesday, January 10, 2018 5:04:29 AM
Attachments: [LBC Commissioner's Checklist for Annexation Petitions.pdf](#)

Dear Assembly Members:

The attached is my opinionated response to page one of the LBC Commissioner's Checklist for Annexation Petitions, for annexation petition review by the *deciders*. The URL below will access five pages.

It is my thought that any responsible, honest Local Boundary Commission member , having filled in page one, would simply discard the balance as *totally irrelevant*.

Of course, my major issue is with the inclusion of Area D, since my home is within Funter Bay. I would, however, like to see justice done for all and I do not believe *any part* of this proposed annexation is justified.

<https://www.commerce.alaska.gov/web/Portals/4/pub/LBC/Commissioners'%20Sample%20Checklist%20for%20Legislative%20Review%20Annexation%20Petitions.pdf?ver=2016-08-15-162035-387>

Regards,

Joel A. Martin
One South Shore Place
Funter Bay, Alaska
99850-0140
jamartin@hughes.net
907-723-7365

Commissioners'

Decisional Meeting Sample Checklist for Annexation Petitions by the Legislative Review Method

Yes No

☐ ☒ **3 AAC 110.090(a) NEED**
Does the territory exhibit a reasonable need for city government? *ABSOLUTELY NOT,*

☐ ☒ **3 AAC 110.090(b)**
Can essential municipal services be provided [to the territory proposed for annexation] more efficiently and more effectively by another existing city or by an organized borough, on an areawide basis or non-areawide basis, or through a borough service area?

☐ ☒ **3 AAC 110.100 CHARACTER**
Is the territory compatible in character with the city? *NOT AT ALL*

☐ ☒ **3 AAC 110.110 RESOURCES**
Does the economy within the proposed expanded boundaries [area within existing city, plus territory proposed for annexation] include the human and financial resources necessary to provide essential municipal services on an efficient, cost-effective level?

☐ ☒ **3 AAC 110.120 POPULATION** *ONE (1) RESIDENT AT FUNTER,*
Is the population within the proposed expanded boundaries of the city sufficiently large and stable to support the extension of city government?

☐ ☒ **3 AAC 110.130(a) BOUNDARIES**
Do the proposed expanded boundaries of the city include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level?

☒ ☐ **3 AAC 110.130(b)**
Is the territory not contiguous to the city?

☐ ☒ Does the territory create enclaves in the city?

☐ ☒ *[Only address next question, if yes to either of above questions]*
If the territory is not contiguous, or [annexing it would] create enclaves in the city, is there a specific and persuasive showing that the territory does include all land and water necessary to allow for the development of essential municipal services on an efficient, cost-effective level?

☐ ☒ **3 AAC 110.130(c)(1)**
To promote limitation of community, are the proposed expanded boundaries of the city on a scale suitable for city government, and include only that territory comprising an existing local community, plus reasonably expected growth, development, and public safety needs during the 10 years following the effective date of annexation?

3 AAC 110.130 continued on next page...

JAN 18 2018

RECEIVED

Andrew W. & Janet L. Pekovich
P.O. Box 20642
Juneau, Alaska 99802
Phone: 907-789-7581
medjed@ptialaska.net

January 13, 2018

City & Borough of Juneau Assembly Members
155 South Seward Street
Juneau, Alaska 99801

Dear Members of the Assembly:

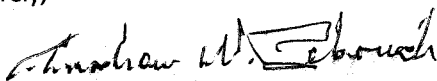
I have previously written my concerns about annexation of Area 4 were I have financial interests, so will not repeat. I do however question the wisdom of annexing any of the areas. It is clear that the population of the State and particularly Southeast Alaska is on the decline. If I can believe what I hear on the radio and television, the City and Borough of Juneau has already been affected. It is difficult under the circumstances to understand why its representatives would then want to take on more responsibility when at least publicly many of them have gone on record that the municipality lacks sufficient resources to adequately take care of its existing responsibilities. That it does not even have enough police officers to fulfill its existing needs.

Annexation of Area B is a good example. This area does include Pack Creek and several Forest Service cabins. As an employee of the State Dept. of Natural Resources I supported the transfer of joint management of Pack Creek collectively to the US Forest Service and State Dept. of Fish and Game. Most of the companies that service this area are located in and already taxed by Juneau. Like most of SE Alaska, rescue missions are handled by the Coast Guard, not the municipal government. It is doubtful considering the importance of this area as wildlife habitat that any timber will be removed or other major development will ever occur in Area B. What then is needed that the municipality will provide to these areas except another layer of unnecessary government and the confusion that goes with it? Why should the municipality select such areas just because a group of people at some point in time thought it would be a good idea? Similar people at one time established a school tax for the unorganized areas. That program, carried with it management costs to the State many years after it was implemented and provided any significant return.

There are some potential resources in areas A and D, but when one realistically looks at the number of significant already known ore bodies in Southeast Alaska that are not mineable at this time and probably will not be for countless years to come, if at all, to select such areas and carry the cost of management with such expectations is quite frankly unrealistic. A few examples, the AJ (gold-silver), Boca De Quadra (molybdenum), Lisianski (nickel coper), Brady Glacier (nickel copper), Snettisham (iron), Klukwan (iron), etc.

In short, I do not believe, considering its situation, that it is in the interest of those proposed to be annexed or the citizens of the City and Borough of Juneau, that the municipality proceed at this time with any extension of the its existing boundaries. Is there really any person within the areas proposed for annexation or that is not someone who just believes in the need for multiple layers of government, or growing government, that has requested the annexation? As a retired thirty-two year public employee in resources, and seventy-seven year resident of Juneau, I have, along with the good, witnessed many bad management decisions that in retrospect benefited the people who established the program, but did little for anyone else except divert resources where they were really needed.

Sincerely,


Andrew W. Pekovich

From: "domadmin@juneau.org"
To: [Borough Assembly](#)
Subject: New submission from Assembly Contact
Date: Monday, January 15, 2018 12:49:49 PM

Select Recipient

Entire Assembly

Your Name

Bonnie Chaney

Contact Information

Email

Email

saginawchannel@gmail.com

Subject of Message

annexation

Message

I am writing in support of annexation. I am having surgery in Seattle on Monday, January 22, so I am unable to attend the Assembly meeting to provide my testimony in person.

My husband and I have owned property on Shelter Island since 1992 and I view this as a matter of equity since property owners on Shelter Island and Taku Inlet, River and Harbor have all been paying property taxes for decades while those on Horse and Colt Islands and Funter Bay have not. Most of the individuals in all these areas also have property in Juneau and pay property taxes for that property as well. No one likes to pay more taxes but if property owners on Shelter Island and Taku Inlet, River and Harbor pay taxes than people that own property on Horse and Colt Islands and Funter Bay should as well. Plus we should all pay the same areawide rate.

Thank you for the work you do for our City.

From: Collie Martin
To: [Borough Assembly](#)
Subject: Resolution 2817 - A Resolution Authorizing the Filing of an Annexation Petition with the Local Boundary Commission
Date: Monday, January 15, 2018 1:59:59 PM

My concern relates to Area D – specifically Funter Bay.

In my attempts to understand CBJ reasoning I have written to the CBJ on this matter and received a letter from a CBJ assembly member. Also I have reviewed information from the Local Boundary Commission which was created by the Constitution of the State of Alaska to ensure that arguments for and against proposals to create or alter municipal governments are analyzed objectively, and take area wide and statewide needs into consideration

Assembly Member Response

Hereafter I have summarized the member's response and with all due respect added *questions and comments*:

- Governor's direction for all of Alaska to go into boroughs, So Funter Bay, Horse and Colt are to be annexed.
I have not been able to acquire the governor's directive nor explanation of the reasoning for such a directive. Can you provide these to me?
- It makes the most sense for Juneau to annex because most of the property owners live or get supplies from Juneau.
The only way this makes sense is if the decision to annex has been finalized then Juneau rather than another city/bureau might make sense. However it is not a sensible reason for annexing in the first place.
- Property owners up the Taku River have paid taxes for years. *I do not understand how that relates to Funter Bay. Is it a "misery loves company" line of reasoning? What services do Taku Bay owners receive? Are Taku Bay owners satisfied with their relationship with CBJ; did they receive an explanation, justification and impact statement for the Taku annexation and taxes? Just because Taku owners may have acquiesced without convincing reasoning does not mean Funter Bay owners should do so.*

State Local Boundary Commission (LBC) Commissioner's Checklist for Annexation Petitions

The checklist is five pages with numerous items that the commissioners could reasonably check in denial of annexation; just a few are highlighted below. Again, with all due respect I have added *questions and comments*:

- Is there a reasonable need for city government? *The residents of Funter Bay do not think so. I know of no reasonable explanation from state and local government.*
- (Annexation) compatible in character with city? *With due respect emphasized the different character is why we live at Funter Bay.*
- Provide essential municipal services efficiently and cost effectively? *CBJ has not described how essential services will be provided. So based on this point alone the LBC Commissioner would reject the petition.*
- Is population to be annexed large enough to support extension of city services? *With only one full time resident and occasional short term residents such a small number does not support the necessary construction, operation and maintenance of city services. Indeed Funter Bay residences have already constructed, operate and maintain the services that we require. Further this issue goes to the core of my complaint: No one has explained what services (indeed any advantages at all) will be provided, whether the resident wants the*

services and the resulting taxes for something no one wants.

Support of other Funter Bay owners' comments

Other Funter Bay owners have written to the CBJ and my further elaboration could not improve on their comments but I encourage CBJ staff to contact the writers for clarification if necessary. Some of the issues important to me are repeated below in support of the other Funter Bay owners.

- Funter Bay owners will be required to pay taxes without receiving CBJ services.
- The CBJ will expend a significant amount of money for responding to City of Angoon opposition to annexing any part of Admiralty Island,
- The CBJ Finance Department must, at significant cost, assess all the property values
- The CBJ Building Department must, at significant cost, develop procedures and codes
- CBJ Docks and Harbors must insure and maintain the Funter Bay docks
- Funter Bay owners would no longer qualify for non-rural subsistence rights

Thank you for your consideration of this message.

D. Collins Martin
360 588 6092

From: Phil Emerson
To: [Borough Assembly](#)
Subject: Comments on Juneau annexation
Date: Wednesday, January 17, 2018 1:03:45 PM

Dear Mayor and Assembly,

I am writing in the hopes I can dissuade you from trying to annex Admiralty Island and Horse and Colt Islands. I do not know of any property owners in the proposed annex area that want to be in the Juneau Borough. The Angoon natives have asked that Juneau leave Admiralty island alone, it is part of their culture, yet Juneau shows total indifference towards the residents of these islands. Indifference to a basic fiber of Alaska Native people, indifference to the survival of the communities and culture result in a feeling of powerlessness and hopelessness. When communities fall under this gray cloud, there are a multitude of side effects: education deficits, psychological depression, high rates of suicide, substance abuse, violent crimes, and finally incarceration. (This from Georgianne Lincoln, senator, Alaska State Senate). .

I do not believe Juneau is doing this annexation out of the kindness of it's heart to provide these areas with essential services like clean water, sewer, communications and reasonable access. Look up what an essential service is, the dictionaries say water, sewer, gas, electricity, education, not a mention of the need for taxes and building permits. I believe the Boundary Commission gives Juneau two years to supply these services after annexation. Juneau cannot even provide most services to the people on it's own road system. Juneau cannot even take care of or provide services to what it has already annexed. If Juneau gets this new annexation they will provide fire and police protection. I wrote the Juneau fire department and police station and was told response time to an area like Funter Bay would be about an hour by helicopter. A house that has burned for an hour is a pile of ash. It would be interesting to see the response time when there are north winds howling or heavy snow. I can call my own helicopter and get a better response time . The only reason I can see why Juneau is trying to annex this area is a quest for taxes. There is definitely no attempt at communication by Juneau to being a good neighbor with the people in the Unorganized Borough let alone having a total disregard for the people of Angoon .

For over 20 years Juneau has promised clean drinking water to the people in the Borough, that has not happened. There was a plan to not annex other land until Juneau can take care of it's current boundaries. Please read what you have already written and promised through the years. Mayor Koelsch's comment when supporting legislation for the Petersburg annexation land near Juneau was that , "It's a good neighbor policy and we always try to be good neighbors". Odd that the mayor has not extended that promise to the people on Admiralty. Juneau seems to have a history of broken promises. How would a good neighbor start annexation? Very simple, have the property owners in the proposed annex vote on annexation. This is the third time Juneau has attempted to annex these areas and has failed or simply come to their senses concerning the legality of it or heaven forbid, actually felt quilt on trying to run roughshod over the people involved. That is a lot of wasted energy and resources. How many more times is Juneau going to do this. You know what Einstein said about doing the same thing over and over expecting different results..

Have you read your Comprehensive Plan? Here once again we find lost promises.

2008 CBJ Comprehensive Plan

page 16

Land within the USAB should be efficiently developed before its boundaries are extended to properties outside of the USAB. Care should be taken that land outside the USAB is not developed at densities with well water and septic sanitary sewer systems in an incremental fashion, such that these site septic systems, upon cumulative development in the area, would fail. This has happened on North Douglas and the CBJ has had, at great

expense, to bail out unsanitary septic systems by extending municipal sewer system to those neighborhoods. This should not be repeated and great care should be taken to ensure that the zoning designations, and their associated density

controls, are appropriate for areas not served by municipal water and /or sewer services. Land outside the USAB containing natural resources in need of protection from development, or that is unsuitable or not needed for more intense urban development, should be designated and zoned for rural or resource conservation purposes. Urban services are not to be planned for or extended to these rural areas. New growth should have their own self contained water, sewer, utilities and public services and not rely on extension of municipal services to those areas in order to develop.

All this information is very interesting in that you will have to put in separate sewer and water plants on Shelter Island, Taku River and if you annex you will have many more areas. Should be interesting to put in these services around Mansfield Peninsula's shoreline. Look at the pictures of your developments on Shelter Island. The septic on this island, like North Douglas is bound for failure. How many years have you ignored Shelter Island services. So you will wait until disaster happens like you did on Douglas Island. "North Douglas, where septic failure is rampant and fecal pollution spreads along the beaches and into Gastineau Channel" You wonder why people do not want to be part of your Borough!!

Juneau has a terrible environmentally destructive history with the land and islands it has already annexed. Previous Juneau annexing statements have said this. "In implementing the plan, care must be taken to protect natural amenities and develop carefully, or not at all, land which contains hazards or important natural resources. So that development on suitable land may occur according to the predictable and affordable schedule, **community services and facilities must be extended into areas which are not presently served.**"

These are more broken promises by the Juneau Borough and total disregard for environmental issues the Borough has responsibility for. Look at Juneau's handling of Taku River and Shelter Island. There was no thought about pollution and destruction of the environment with either of these subdivisions. Taku River has hundreds of very small lots with no concern for the fact they are on a major salmon river. Where does all the septic go? With the amount of ground water the septic has no where to go but right in the river after it has polluted other downhill lots.

This is what you said, "POLICY 2.16. IT IS THE POLICY OF THE CBJ TO SUPPORT THE DEVELOPMENT OF MINERAL RESOURCES IN AN ENVIRONMENTALLY SOUND MANNER" The first thing found when googling Green's Creek mine in Hawk Inlet is this, "**Greens Creek** has violated the Clean Water Act hundreds of times, and poisoned Alaska waters by releasing illegal levels of copper, zinc, cyanide and acids. Despite fines of over \$350,000, **Greens Creek** continues to pollute Alaska's waters with toxic metals and acid **mine** drainage." What a wonderful job you have done on this annexation and a wonderful heritage to leave for future generations.

Next would be education. A borough must supply education not just the tools to educate. I do not think it is legal for a Borough to demand that people home school in remote areas of a Borough. There is a Borough precedent that Juneau will have to fly children into town. **NAKNEK** — For decades, the Bristol Bay Borough School District has relied on more than school buses and drivers to get its students between school and home: A daily air charter brings students in the village of South Naknek to the north side of the river to attend school in Naknek. To get the whole story you can google Naknek flying students. This could get very expensive, for Juneau, way more than any taxes you might collect. Commuting by plane to say Taku River would be very iffy during the winter. More than likely you will be building school houses and supplying a teacher to many rural areas. I have written and lawyers have written

to you in the past and explained how Juneau cannot meet any of the rules of annexation and neither can any other borough. You can try this annexation again and again but you are dealing with non-contiguous land. One of the major rules for annexation is accessibility. In 40 years of living at Funter Bay there were many months I could not get to Juneau by plane or boat, many months the weekly mail plane could not get in. A few times I could not vote when the ballot did not show up in time. How would you like to spend \$600 for a plane, then the cost of a motel room, taxi and food to get to a Borough meeting. You people really need to take care of those in your own back yard and clean up the mess that will happen with septic and drinking water in your current areas. Please read all your historical files on this annex attempt, no one wants you! How could anyone trust Juneau with more land with all its unfulfilled promises and history of pollution. It must make you very proud to have your own Manifest Destiny and see how much land you can take from the historic owners of Admiralty Island, the people of Angoon. Is greed for tax money making you forget what is fair and just. When all this gets posted on social media it should put Juneau right along side the Dakota pipeline. It is in the best interest of the state to keep Admiralty Island the way it is, follow the state and federal guidelines in place on protecting local culture and the state should not give Juneau more land to pollute and perhaps have to help with the cleanup.

Thank you,
Phil Emerson
trollman.phil@gmail.com



Virus-free. www.avast.com

EXHIBIT I

January 14, 2018

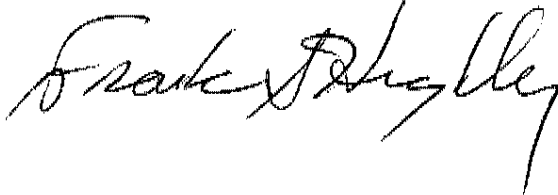
To: Assembly members

We live on Horselsland full time. We cannot see any advantages for us to become annexed to the City and Borough of Juneau. The CBJ government cannot and will not provide any service to us. We have done just fine without the CBJ government and will continue to do fine without the CBJ governance. We come to town every 10-15 days, pay for using the harbor and loading facility. We spend \$500 to \$600 dollars on average every time we come to Juneau. We just do not see the need to be in the borough. You are asking us to pay for the bonded indebtedness of the facilities that we do not use and see no need to have. We have no children's school, we do not use the libraries, ice rink, swimming pool, police station, or the whale island and walkway. Government was created to help and protect people. How does this help us?

Sincerely

A handwritten signature in cursive script that reads "Bessie Highley".

Frank and Bessie Highley

A handwritten signature in cursive script that reads "Frank Highley".

From: Nadine Trucano
To: [Borough Assembly](#)
Subject: Annexation of Funter Bay
Date: Thursday, January 18, 2018 3:58:43 PM

Members of the City & Borough Assembly,

RE: Annexation on Admiralty Island

We have concerns regarding the CBJ plan to annex additional areas to enlarge the CBJ Borough land area. The area we are concerned about is the area listed as Section "D" which includes Funter Bay.

If this annexation were to go through we are concerned as to how the properties will be taxed and assessed and what services will be provided for if/when these remote properties become part of the CBJ. As we understand it, we will receive absolutely no services for the taxes we will be assessed. We think it is wrong of the CBJ officials to annex this property just looking at it as a source of income without even intending on providing any Borough services. Shouldn't CBJ be looking at taking care of the Borough areas they already have? We still do not have access to City sewer at our home in North Douglas!

How will the Assessors Office go about determining the assessed value of these properties? Will they be doing remote assessments or making their best guess from maps and aerial photos? If there will be onsite assessments, what will that cost to get staff to and from the properties? I don't believe it would be possible to see each and every property in one day so that would probably involve numerous trips for two or more employees from the Assessors Office, probably by plane or helicopter! How will they determine values in up coming years? Will all properties increase/decrease each time a property is sold? How will the Appeal process work at this area? Will a staff member from the Assessor Office fly out to inspect again in the case of an Appeal?

Are Assembly Members really aware of all the costs that could/would come along with this annexation? What about the two old derelict docks in the bay that were once maintained by the State of Alaska. Those docks are much in need of repair. If the docks are not repaired soon they will be a liability to people and boats. How many lawsuits (or quiet settlements) will CBJ be paying for? How much will it cost to repair and maintain those docks? How much would it cost to remove those hazardous docks?

We don't feel that this remote property should be annexed into the CBJ as we will receive no services but will be required to pay a tax for the remote property we have. When we purchased our property in this area it was remote property, not part of a borough!

We have many friends and family members that have property on Shelter Island or Taku River (along with many City Officials and some Assembly Members), they may feel that it is unfair that they also have to pay property tax for those remote sites where they do not get services (we agree). But those areas were part of the CBJ prior to their property purchases (at least in most cases)! It could have been easily assumed that at some point that land would be part of the city of Juneau and someday taxed.

Shouldn't the land owners of Funter Bay and Horse and Colt be able to at least vote on whether or not they want to be part of the City and Borough of Juneau? We have lived in Juneau since the mid 1950's and are well aware of the more recent Juneau politics. That is why all Borough residents are paying for a lawsuit on use of Head Tax monies!!

Is this Annexation really a good fiscal decision for the CBJ? We think not!

Sincerely,

James and Nadine Trucano

January 18, 2018

EXHIBIT I

From: albert kookesh
To: lbc@alaska.gov; [Borough Assembly](#)
Cc: [Melissa Kookesh](#); [Noah Star](#); paulinejim99820@hotmail.com; [Albert Howard](#); edjack99820@yahoo.com; danielsj33@hotmail.com; rjgamb@searhc.org; jaw.schnick@gmail.com; gtl236@yahoo.com; melissa.taylor@alaska.gov
Subject: City of Angoon - Resolution 18-01
Date: Friday, January 19, 2018 4:03:55 PM

the City Council of Angoon just passed resolution 18-01 opposing any annexation of Admiralty island - please feel free to contact the City of Angoon at 907-788-3653

If your neighbor's house is on fire, you don't haggle over the price of your garden hose. -
Franklin Roosevelt

Albert Kookesh III
City of Angoon
907-723-2074
albertkookesh@hotmail.com

From: killik@gci.net
To: [Borough Assembly](#)
Subject: CBJ Annexation Proposal
Date: Friday, January 19, 2018 9:42:32 PM

Re CBJ Meeting on Borough Annexation, January 22, 2018

Dear Assembly members,

I appreciate the idea that local government exists to benefit its residents. You and others in public service deserve much credit for your efforts to make Juneau a better place.

At this time, however I feel that the current proposal to annex lands beyond the reasonable reach of government services is unjustified and against the best interests of the people you serve.

With a minimum of residency and development in Areas B, C, and D, it would not be practical or cost-effective for CBJ to provide services there.

Moreover, what few cabins are in the area are owned almost entirely by Juneau taxpayers, who are part-time residents, and have not requested these services from CBJ.

I own a small parcel of land with a small cabin in Funter bay. For 25 years, I have met my own needs and have no wish to receive assistance from anyone else. In an emergency, we rely on the US Coast Guard. We are surrounded by US Forest Service land so forest fires come under their jurisdiction. The two State docks are maintained by the State of Alaska. police Police protection is not practical. Zoning is unnecessary.

Areas B, C and D are on Admiralty island, quite distinct and separate from Juneau. It is almost entirely federal land, designated as a National Monument. It should remain unorganized as a local borough until such time as conditions merit and there is public support for it.

Sincerely,

Joel Bennett
15255 Point Louisa Rd
Juneau, Ak 99801
killik@gci.net

And Funter Bay
Lot 1, Cannery cove

EXHIBIT I

From: Michael Shaw
To: [Borough Assembly](#)
Subject: Resolution 2817 - Annexation
Date: Saturday, January 20, 2018 11:00:07 AM

As a property owner and resident of Horse Island, here are my concerns about the proposed annexation to the borough. Being included in the Juneau borough will bring liabilities to the residents and owners, with no commensurate benefits. Why should we be required to pay property taxes when we receive no city services? It sounds like the city just wants to increase revenues. I wouldn't mind being annexed if 1) we received some services like a breakwater and harbor, or improvements to the access road easements, or 2) we shouldn't be taxed.

In fact, I don't think residents of Shelter Island should be paying property taxes either.

From: rdorrier
To: [Borough Assembly](#)
Subject: Proposed Annexation
Date: Sunday, January 21, 2018 9:17:46 PM

Dear CBJ Assembly members,

I am an owner of a property on Admiralty Island, contained within one of the three areas that you are considering for annexation. I am writing to express my opinion that it is not feasible or necessary for the CBJ to include these areas within its boundaries at this time.

I believe that if this proposal is approved, there would be several new challenges presented to the City. My biggest concern is that it does not seem practical to expect CBJ to provide any services to the property owners on Admiralty Island. As a CBJ resident, I feel our emergency services and law enforcement are seriously stretched thin, and I feel certain that the proposed annexation would not add enough revenue in property taxes to be able to justify provision of services. As an Admiralty Island property owner, I do not feel the need or desire for services to be provided at this time, and I believe that is the prevailing opinion of property owners who would be affected by the annexation.

Thank you very much for your careful deliberation on this matter.

Ritchie Dorrier
907-321-1542

Funter Bay
Lot 1, Cannery Cove

From: Joseph Giefer
To: [Borough Assembly](#)
Subject: Annexation area A Admiralty Is
Date: Monday, January 22, 2018 2:20:48 PM

Jan 22nd, 2018 Dear Mayor Ken Koelsch and CBJ Assembly members,

>

- > We have been land owners in Funter Bay for over 40 yrs, residents in Juneau for 45 years.
- > We are not supporting the Juneau CBJ assembly move to annex area D of Admiralty Is.
- > We totally support all the statements in Marge Osborn 2nd letter to Mr. Koelsch and CBJ assembly.
- > We wish the decisions your about to make are for the good of your CBJ citizens and the citizens of Admiralty Is.
- > You really need to be more respectful of the citizens of Angoon, their wishes and concerns.
- > I have spent more than just a few days in Angoon, I was always treated with respect. For hundreds of years people of Angoon have made Admiralty their home, their genes and their future children's genes will still be there. You genes may or may not about this paradise of SE Alaska.
- > I move your continue your efforts with area A annexation, do your homework for future annexations, with a more focused effort to be more responsible to your neighbors.

- > Sincerely,
- > Joseph Giefer
- > 400 East st.
- > Juneau, Ak. 99801

EXHIBIT I

Subject: The Annexation

From: kahwahee@yahoo.com *AL Shaw*
To: ken.koelscj@juneau.org
Date: Sunday, January 14, 2018, 12:21:36 PM AKST

The area the City want to bring into the City and Borough of Juneau is the same area I wanted to include in the original Borough over 50 years ago when we drew the original boundaries. May I suggest that from Pack Creek you follow the ridge line across the Island to include Cube Cove then connect to the Northeast corner of the Sitka Borough and up Chatham Straights to the Southeast corner of the Haines Borough. The Model Borough boundaries are just that a model they are not written in GOLD ON STONE. A correction also needs to be made to our boundaries North of Burners Bay to follow the ridge line there as well. As for the people who live or have hunting cabins and homes when they sell they will sell into the Juneau market not Angoon, Haines or Hoonah. These homes and cabins were and are serviced by Juneau and if we were not here at most only a very few would be there. As is true of those who have property in the Taku River area. My reason for wanting to include the Northern half of Admiralty Island is, I was aware that the mineral claims at Greens Creek were likely to be developed as they have been and that there were also claims in the Funter Bay area. All of these areas and cabins are serviced out of Juneau and would find it almost impossible to exist without us. Why Cube Cove because the trees will grow again and be available to cut in 100 to 150 years if wanted and this will most likely be out of Juneau. Let me point out again that a Borough is to include the areas that it services and almost none of these homes or cabins would be there if Juneau were not here.

Ken you may share this with anyone you want. Albert Shaw 586-1602

Angoon Community Association

P.O. Box 328 ~ Angoon, Alaska 99820

Phone: (907) 788-3411 ~ Fax: (907) 788-3412

January 19, 2018

Melissa Kookesh, Chairperson
Kootznoowoo, Inc.
8585 Old Dairy Road, Suite 104
Juneau AK, 99801

Ms. Kookesh,

Angoon is requesting your assistance in stopping the move by Juneau and Petersburg to annex lands on Admiralty Island National Monument (AINM). As you know, AINM was established by our respected elders to preserve the Island in its pristine state. In the past, our respected elders did not want Admiralty Island to be logged. Angoon requested to trade lands elsewhere, and that move was a complete success as the village corporation selected land elsewhere.

For your convenience, we have included Resolution 18-02 addressing the Proclamation 4611 (1978) by former President Jimmy Carter for any person or organization to adhere to the Public Laws stated within the Proclamation.

Your help to stop Juneau and Petersburg from annexing land on Admiralty Island National Monument would be greatly appreciated.

Thank you.

Sincerely,



Albert Howard, ACA Tribal President

Angoon Community Association

P.O. Box 328 ~ Angoon, Alaska 99820

Phone: (907) 788-3411 ~ Fax: (907) 788-3412

January 22, 2018

Good evening, my name is Albert Howard.

Currently, I am the President of Angoon Community Association (ACA) the local IRA that has been established in 1932, and ratified in 1935. Which was at a time and by our elders, the only form of government.

I am here in response to the City and Borough of Juneau's idea of wanting to annex further onto the Admiralty Island National Monument.

The original Alaska Constitution wording stated that in order for a city to annex lands, the "land had to be contiguous and could not cross over waterways." We need an update as to when, why and by whom the Alaska Constitution was amended.

The current allowing of the pollution of the lands and waters within the Borough is a good demonstration as to why Juneau should not be allowed to annex further onto the Admiralty Island National Monument (AINM). Which only caused irreparable harm to the lands and waters of AINM.

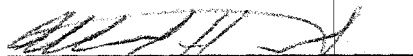
In cooperation with our respected elders, in 1978, president Jimmy Carter established the Admiralty Island National Monument in Proclamation 4611 and in 1980, Congress of the United States of America ratified the 1978 presidential Proclamation, which is now known as a Public Lands Law.

And according to ANILCA, Article VIII states: **§801. The Congress finds and declares that--**

- (1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence;**

To annex those lands into a borough would be standing against a law made by Congress of the United States of America, as ANILCA was put into place by an act of Congress. And, if put into a borough status, that would disallow natives and non-natives their right to subsist, as the City and Borough of Juneau is not recognized as a rural community, therefore, no subsistence rights. Which makes Admiralty Island National Monument lands ineligible for annexation, due to the many legal ramifications to changing the congressional laws made for the island. So, to annex those lands, it would disqualify any residents that live on the entire island from their subsistence status. Which is why we oppose the annexation of the island not only for Angoon residents but other non-natives living on the island.

Sincerely,



Albert Howard, ACA President

Angoon Community Association

P.O. Box 328 -- Angoon, Alaska 99820

Phone: (907) 788-3411 - Fax: (907) 788-3412

IRA COUNCIL MEMBERS

Albert Howard, President
Jeannette Kookesh, Vice President
Kevin Frank, Secretary
Mary Jean Duncan, Treasurer
Peter Duncan, Council Member
Edward Jack, Council Member
Alan Zuboff, Council Member

A RESOLUTION ADDRESSING THE PROCLAMATION 4611 (1978) BY FORMER PRESIDENT JIMMY CARTER IN REGARD TO THE PUBLIC LAWS OF ADMIRALTY ISLAND NATIONAL MONUMENT.

RESOLUTION 18-02

WHEREAS: the Angoon Community Association (IRA) is a duly constituted Indian Tribe, organized Pursuant to the authority of Section 16 of the Act of Congress June 18, 1934; (48 Stat. 984), as amended by the Acts of Congress June 15, 1935; (49 Stat. 378) and May 7, 1936, (49 Stat. 1250a), and

WHEREAS: the Angoon Community Association (ACA) is the governing body of the Angoon Tribe in accordance with its Constitution, By-Laws and has the authority to establish relationships and enter into agreements for the benefit and well-being of the Angoon Community Association, and

WHEREAS: Angoon is the only community in the United States situated on a National Monument, and

WHEREAS: the respected elders of Angoon wanted to preserve the natural wilderness of Admiralty Island, and

WHEREAS: the elders fought a good fight with the help of the Sierra Club to preserve the island in its natural state, and

WHEREAS: As a result of their efforts, Admiralty Island became a National Monument, so, is now known as the "Admiralty Island National Monument" (AINM), and

WHEREAS: the City & Borough of Juneau is proposing to select land on Northern Admiralty Island to include those lands in the City & Borough of Juneau, and

WHEREAS: the City & Borough of Petersburg is proposing to select land on Southern Admiralty Island to include those lands in the City & Borough of Petersburg, and

WHEREAS: the proposed land selections by the City & Borough of Juneau and Petersburg are on Admiralty Island, and

Resolution 18-02

WHEREAS: an excerpt from the Proclamation 4611 (1978) by Jimmy Carter, states on the 11th paragraph; "All lands, including submerged lands, and all waters within the boundaries of this Monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this Monument and for the proper administration of the Monument in accordance with applicable laws.", and

WHEREAS: another excerpt on the 14th paragraph of the Proclamation, further states; "Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.", and

WHEREAS: a copy of the Proclamation 4611 (1978) by Jimmy Carter is included with this resolution number 18-02, therefore

BE IT RESOLVED: it is the wish of the Council of the Angoon Community Association to request the assistance of the Secretary of Interior and the Assistant Secretary of Interior to not allow any land selection on Admiralty Island National Monument by the City & Borough of Juneau & Petersburg or any other organization, and

BE IT FINALLY RESOLVED: this resolution will be in place until it is rescinded by another resolution.


CERTIFICATION

SIGNED:


Albert Howard, President

I, the undersigned, as the Secretary of the Angoon Community Association hereby certify that the Council of the Angoon Community Association is composed of seven (7) members, of whom five (5) constitutes a quorum were present at a meeting duly and regularly called, noticed, convened and held this 10th day of January, 2018; and that the foregoing resolution No. 18-02 was adopted at such meeting by a vote of ____ Yeas, ____ Nays, ____ abstentions and absence(s).

ATTEST:


Kevin Frank, Secretary

Admiralty Island National Monument

By the President of the United States of America

A Proclamation

Admiralty Island is outstanding for its superlative combination of scientific and historic objects. Admiralty Island contains unique resources of scientific interest which need protection to assure continued opportunities for study.

Admiralty Island has been continuously inhabited by Tlingit Indians for approximately 10,000 years. Archeological sites and objects are plentiful in the areas of Angoon, Chaik Bay, Whitewater Bay and other bays and inlets on the island. These resources provide historical documentation of continuing value for study. The continued presence of these natives on the island add to the scientific and historical value of the area.

The cultural history of the Tlingit Indians is rich in ceremony and creative arts and complex in its social, legal and political systems. Admiralty provides a unique combination of archeological and historical resources in a relatively unspoiled natural ecosystem that enhances their value for scientific study.

Subsequent to exploration and mapping by Captain George Vancouver at the end of the 18th century, Russian fur traders, Yankee whalers, and miners and prospectors have left objects and sites on Admiralty which provide valuable historical documentation of white settlement and exploitation of the island and its resources. Admiralty Island is rich in historic structures and sites, including whaling stations, canneries, old mining structures and old village sites, for example, Killisnoo Village where a whaling and herring saltery station were established in 1880.

Unusual aspects of the island ecology include its exceptional distribution of animal species, including dense populations of brown bears and eagles, but excluding entirely—because of the island's separation from the mainland—a large number of species indigenous to the general area. This peculiar distribution enhances the island's value for scientific study.

The unique island ecology includes the highest known density of nesting bald eagles (more than are found in all the other States combined); large numbers of Alaska brown bear; and the largest unspoiled coastal island ecosystem in North America. Admiralty Island was added to the Tongass National Forest in 1909, and specific portions of the island have been designated as bear and eagle management areas and numerous scientific studies of the bear and eagle habitat have been conducted by scientists from around the world. The island is an outdoor living laboratory for the study of the bald eagle and Alaska brown bear.

Protection of the entire island, exclusive of the Mansfield Peninsula, is necessary to preserve intact the unique scientific and historic objects and sites located there. Designation of a smaller area would not serve the scientific purpose of preserving intact this unique coastal island ecosystem.

Hunting and fishing shall continue to be regulated, permitted and controlled in accord with the statutory authorities applicable to the Monument area.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States to be National Monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906, (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Admiralty Island National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area described on the document entitled "Admiralty Island National Monument (Copper River Meridian)", attached to and forming a part of this Proclamation. The area reserved consists of approximately 1,100,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the Monument upon acquisition of title thereto by the United States.

EXHIBIT I

All lands, including submerged lands, and all waters within the boundaries of this Monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this Monument and for the proper administration of the Monument in accordance with applicable laws.

The establishment of this Monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement

Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616 (d)(1)), however, the National Monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

From: Beth Leibowitz
To: [Borough Assembly](#)
Subject: Borough annexation plan
Date: Monday, January 22, 2018 5:56:02 PM

Dear Assembly Members:

Please reject the annexation of the Admiralty Island parcels you are considering. The people living in Funter Bay are not, as far as I know, beneficiaries of CBJ services, so putting them on the tax rolls is oppressive. Further, the residents of Angoon are traditional users of the land and oppose this annexation. I believe they do so with good reason, as CBJ's interests in economic development are not compatible with their traditional uses. Attaching this land to CBJ in the face of their opposition strikes me as disrespectful, at best.

Among land users on Admiralty, the only potential beneficiary of annexation appears to be the Greens Creek Mine. The mine should work within its current footprint, rather than having CBJ annex land for its benefit, and its interests should not outweigh those of other users on Admiralty.

Beth Leibowitz
9123 N Douglas Hwy
Juneau, Alaska

EXHIBIT I

From: Debbie White
To: [Borough Assembly](#)
Subject: Borough Boundaries
Date: Monday, January 22, 2018 3:27:35 PM

Hello -

I've spent a great deal of time reviewing the documentation regarding potential expansion of the CBJ boundaries. I think it would be good for all of you to review objections and questions raised in the past, as it may help you see to the future.

This question came up a little over 10 years ago (2006 - 2007. Residents of the outlying areas of Funter Bay, Horse Island, and Colt Island were very opposed to becoming part of the borough. Their reasoning then still stands today. I would encourage the assembly to review the reports from the last CBJ Annexation Study Commission.

Perhaps some of these people buy their groceries or fuel in Juneau. If they do, you collect sales taxes from them already. You aren't going to offer them services of any kind, other than perhaps charging them fees. Is CBJ going to do building inspections in Funter Bay? Do you have a boat with which to respond and provide other services?

Make sure you can respond to the questions on this page:

<https://www.commerce.alaska.gov/web/dcra/LocalGovernmentOnline/MunicipalGovernment/AnnexationtoaBoroughGovernment.aspx>

Here's a small clip from that website. The bold emphasis is mine though:

"Annexation to a borough" means to add territory to the boundaries of a borough government's authority. **Annexation results in the extension of borough services, regulation, voting privileges, and taxing authority to the annexed area.** There are six methods available for borough annexation. In most cases, the area to be annexed must be next to the boundaries of the annexing borough. State law requires certain standards and procedures be followed for annexation.

What services are you going to provide to people in Funter Bay, or on Horse and Colt Islands?

Additionally, your continued pursuit of this land grab has offended our neighbors in Angoon. I lease my office from their village corporation, Kootznoowoo. I work in Angoon regularly, and I have friends there. The resolution passed by the Angoon City Council, plus their refusal to meet with the CBJ Assembly, and the letter they wrote you should be enough to make you understand how much you have offended our neighbors. Juneau is supposed to be a good neighbor to the outlying areas.

Please, just drop this idea, or at least remove any additional lands on Admiralty Island, Horse and Colt Islands.

Debbie White, Broker/Owner
Southeast Alaska Real Estate
8585 Old Dairy Road #102
Juneau, AK 99801

907-789-5533 Office
907-789-5504 Fax
907-723-9886 Direct/Cell



Janet Clarke Kennedy-Public Testimony annexation of Funder Bay, January 22, 2018

Mayor Koelsch and Members of the Assembly:

My name is Janet Clarke Kennedy, I have a house in Juneau at 8787 Duran St. and a residence in Funder Bay.

This is the second time I've been actively involved in opposing annexation of Funder Bay. In 2006 the Mayor created a CBJ Annexation Study Commission-the Commission worked for over a year with many public hearings and produced hundreds of pages including data collection, public comment, analysis and recommendations. One of the final recommendations (which the Assembly adopted) was to NOT include Funder Bay in any annexation and to consult with Angoon before proceeding with annexing more of Admiralty Island. I recommend the current Assembly review materials from the Commission before a decision is made on the current proposal. Annexation of Funder Bay seems to be similar to the Capital Move debate-even when we feel it's been dealt with and defeated it pops up again.

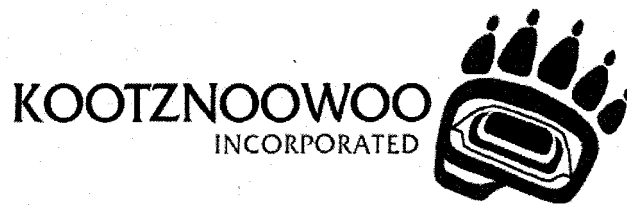
There are a number of reasons why I oppose annexation of Funder Bay: Article X Section 3 of the Alaska Constitution provides that each Borough must embrace an area and population with common interests to the maximum degree possible. The current annexation proposal fails that provision for these reasons:

1. Geography matters. Funder Bay may look like a close spot to Juneau on a map, but it is fairly remote. The opening to the bay faces west, looking out on Pt. Couverden, Pt. Howard and on a good day the Fairweather range. The weather is different, less rain more open clear skies and different weather patterns. Different bodies of water, Chatham Strait and Icy Straits impact the water around Funder Bay. Geography is not in common.

2. Funter Bay has its own unique history, separate from Juneau. From mining, fishing and cannery work to the internment camps. The history of Funter Bay is unique from Juneau.
3. Funter Bay is in wilderness country. Residents have to learn to live with wild animals. When an Admiralty brown bear walks on your property or chases a dog residents have learned to live with the consequences and to "get along" with our wild neighbors.
4. When living in Funter Bay residents are responsible for all basic aspects of life. It's a very subsistence or "back to basic" life style. We are responsible for clean water, water systems, heating, any repairs or maintenance and food. Any large items have to come via expensive landing crafts. There are no roads to Juneau and a boat trip is well over an hour even for the fastest crafts. Funter Bay life-style has little in common with Juneau.
5. One of the rationales for annexation of Funter Bay is that Juneau is a hub for transportation and supplies. But Juneau is a hub for all northern southeast communities too, so that is not an adequate reason for annexation.
6. The Model Borough study is also identified as a reason for annexation of Funter Bay, but if you read the study it states that "model" boroughs are used as a frame of reference in the evaluation for petitions and the model borough boundaries are not rigid or unchangeable. So, just because Funter Bay is in a model borough for CBJ does not mean that is the only option.

For all of these reasons, I oppose CBJ annexation of Funter Bay. Frankly, Funter Bay and the rest of Admiralty Island have more in common with Angoon than Juneau.

Thank you.



Kootznoowoo, Inc. Corporate Resolution No. 2018-02
January 22, 2018

**A RESOLUTION TO OPPOSE THE ANNEXATION OF
ADMIRALTY ISLAND BY ANY OUTSIDE BOROUGH OR COMMUNITY**

WHEREAS, Kootznoowoo, Inc. is an ANCSA Village Corporation for the indigenous Tlingit people of Angoon, Alaska located on Admiralty Island; and

WHEREAS, Kootznoowoo, Inc. joins the City of Angoon and Angoon Community Association in opposition to the City & Borough of Juneau's annexation petition of any portion of Admiralty Island; and

WHEREAS, Article X, Sec. 3 of the Alaska Constitution requires the state to be divided in boroughs, organized or unorganized. The standards shall include population, geography, economy, transportation, and other factors which encompass an area and population with common interest to the maximum degree possible; and

WHEREAS, the City & Borough of Juneau's annexation petition of any portion of Admiralty Island does not embrace an area and population with common interests to the maximum degree possible because residents of Angoon have customarily and traditionally used the resources consistent with Article 8, Sec. 506 of Alaska National Interest Lands Conservation Act (ANILCA) on Admiralty Island since time immemorial; and

WHEREAS, in 1978, President Jimmy Carter established the Admiralty Island National Monument in Proclamation 4611, and in 1980, Congress ratified the 1978 Presidential Proclamation and directed that "subject to valid existing rights... [the Secretary of Agriculture was to manage the Admiralty Island National Monument] to protect objects of ecological, cultural, geological, historical, prehistorical, and scientific interests." In addition, congress later changed Admiralty Island again with S.2543-Admiralty Island National Monument Land Management Act of 1990 placing management rights with Kootznoowoo, Inc.; and

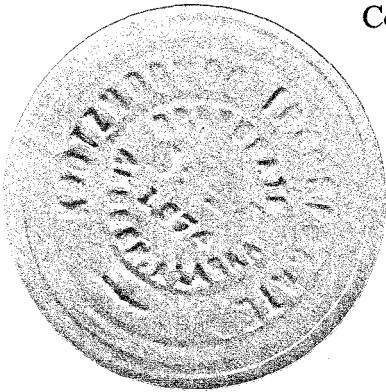
WHEREAS, the residents of Angoon and shareholders of Kootznoowoo, Inc. are responsible for protecting Admiralty Island's fish and wildlife habitat in a natural state, not the residents of Juneau; therefore, it is essential to keep Admiralty Island as a National and International treasure and essential for the health and culture of the residents of Angoon and shareholders of Kootznoowoo, Inc. as per Article VIII, Sec. 4 of the Alaska Constitution, which will allow for the annexation of Admiralty Island into a borough with common interests that includes the City of Angoon now or in the future;

NOW THEREFORE BE IT RESOLVED, that Kootznoowoo, Inc. in cooperation with the City of Angoon, Angoon Community Association and residents of Funter Bay by this resolution formally oppose the annexation of any portion of Admiralty Island, and, as the only permanent

year-round recognized establishment on Admiralty Island, the residents of Angoon reserve the rights to claim borough status to Admiralty Island on behalf of the residents of Angoon and Admiralty Island.

APPROVED ☒ DISAPPROVED ☐ TABLED ☐

AYES ☒ NAYS ☒ ABSENT ☒ ABSTENTION ☒



H. Jean Hogue
Corporate Secretary

Michael S.
Chair

From: "domadmin@juneau.org"
To: [Borough Assembly](#)
Subject: Connect with City Hall - proposed annexation
Date: Monday, January 22, 2018 10:38:41 AM

Subject

proposed annexation

This comment is a

Complaint

CBJ Department (select the department involved)

Assembly

Date of Incident or Problem

01/22/2018

Time of Incident or Problem

12:00 am

Location of Incident or Problem

Juneau City & Borough

Comments or Problem Description

Dear Mayor Koelsch and CBJ Assembly members

Phil Emerson shared with me the mayor's response to his letter. May I respectfully say:

Funter Bay is already in a borough—the Unorganized Borough that was created at statehood specifically to deal fairly with remote areas such as Admiralty Island with little population, no economic base, and no need for complicated, expensive layers of government. The state specifically determined NOT to have counties as in the lower 48, and the LBC requirements also affirm this.

I can only assume that you are all trying to make a fair decision, but I feel you are being misled by maps and straight lines that do not appear to be based on a solid understanding of either the areas involved, or the responsibilities Juneau Borough will take on (or fail to fulfill) if the petition goes through as now proposed. As I understand it, the "model borough" boundaries were intended only as potential guidelines, not something to which any urban borough has "rights" decades later. Perhaps you feel it's unfortunate that Juneau "lost out" to Petersburg on a small area of the mainland, but is that a decent reason to subject the people of Admiralty island to an irrevocable decision that will change the nature of that area forever? Forever!

I urge all of you—all of you—to think about the people and the wilderness nature of Admiralty Island, not pretty maps and lines that do not show important features of the area. As a Juneau taxpayer I also urge you to keep in mind what Juneau is committed to do (and in many cases has not yet done) for the people already in the Borough.

I also hope you will take time to hear the concerns of the people who will take time out of their lives to testify at your meeting this evening. Their testimony and the letters many of us have sent you speak clearly to the legal, ethical, and financial implications of the petition as now proposed.

Sincerely,

Marjorie H. Osborn

P.O. Box 211448

Auke Bay, AK 99821

Would you like us to contact you or is this message just a comment?

Contact Me

Name
Marjorie Osborn
Address
P.O. Box 211448 Auke Bay 99821 Map It
Phone
(907) 321-2731
Email
margeinalaska@gmail.com

4410 N Douglas Hwy.
Juneau, AK 99801
January 21, 2018

Borough Assembly
155 S. Seward St.
Juneau, AK 99801

CBJ CLERK

JAN 22 2018

RECEIVED

Response to Resolution of the City and Borough of Juneau, Alaska—Serial No. 2817 Authorizing the Filing of an Annexation Petition with the Local Boundary Commission.

For the last 30 years, our family has owned two parcels of remote land on Admiralty Island, north of Funder Bay (area D on map). When we purchased the land there were no services provided, no roads, water, sewer, electricity, telephone, police, fire, or utilities. And we did not expect any during our lifetime. We already pay property and sales taxes for our home in Juneau.

We are 100% opposed to the annexation of areas D, C, and B of the annexation petition. There are no possible benefits to owners of remote properties by this annexation petition and none in the foreseeable future. If remote properties are annexed, property owners will be taxed but will receive absolutely no benefits and will be forced to comply with CBJ building codes and permitting processes.

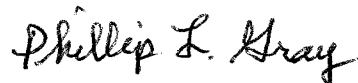
I am very concerned that many people who own remote property on Admiralty Island or who lease land from the U.S. Forest Service may not be aware of the annexation petition. I think only the U.S. Forest Service knows where all the cabin leases are located. They have the records. When I recently asked for names, addresses and contact information, I was told the U.S. Forest Service staff would not provide it. The only way to get this information on leaseholders is to file a Freedom of Information Act request with the U.S. Forest Service.

We believe the total cost to the City and Borough of Juneau to annex and assess property values for all the remote properties involved will far exceed any income from property taxes for the foreseeable future.

We are aware of the objection of the Village of Angoon to the CBJ annexation petition. There are some who feel Angoon should have more control of Admiralty Island land than Juneau. I don't believe annexation should proceed until this dispute is settled.

We prefer annexing area A and leaving remote property owners in area D, C, and B, alone until such time as someone discovers a new mineral deposit or it otherwise become necessary to annex the land.

Thank you ^{FOR} considering my suggestions.
A



Phillip L. Gray

From: "domadmin@juneau.org"
To: [Borough Assembly](#)
Subject: New submission from Assembly Contact
Date: Monday, January 22, 2018 9:51:47 AM

Select Recipient

Entire Assembly

Your Name

Scott Spickler

Contact Information

Email

Email

sspickler@gmail.com

Subject of Message

Annexation of Horse/ Colt islands/ Funter Bay,etc

Message

I understand the desire for the CBJ to apply for the annexation of the above properties to get in ahead of any other community applying for them....that being said, taxing the properties because you can do so without providing any type of service doesn't make it right.

The response that is typically bandied about on this topic is that the Taku River and Shelter island residents are taxed for their remote property. However, as I understand it, those lands were sold with the purchasers knowing they were considered part of the CBJ borough for property tax purposes. That makes it a different situation than the current path you are taking to annex and tax without representation on the proposed lands.

The CBJ may as well start taxing pleasure boats that have a head and sleeping quarters, they after all are just a mobile cabin that could help feed the treasury at the CBJ. Couldn't you annex without levying a tax?

Thank you,

Scott Spickler
10754 Horizon Dr.
Juneau, AK. 99801
789-3780

Laurie Sica

From: Brian Blomquist <brian.blomquist@oneofwe.us>
Sent: Tuesday, January 23, 2018 12:30 PM
To: Borough Assembly
Cc: Rorie Watt; Amy Mead
Subject: CBJ Annex
Attachments: 2007-01-10_Final_Annexation_Study_Commission_Report_Findings.pdf; 3-28-06_Funter_Bay_Prop_owners.pdf; 2006-02-19_Funter Bay.pdf; 012406Emerson.pdf

Thank you for your audience last night. I appreciated the chance to add what information I could in my three minutes. It was clear that most of the assembly members weren't well informed of the LBC annexation process or the CBJ's own studies and past positions on annexation of remote wilderness areas. The LBC annexation process is much more involved than acquiring a building or crab harvest permit and will involve many SOA and CBJ staff and Assembly hours to work through this annex process and even more to transition the proposed areas in the unlikely event the petition is approved.

I think the city is in a weak position with respect to areas B,C, and D according to the Alaska Constitution's guidance and It also should be clear that the annexation of B,C, and D will be strongly contested by Admiralty's native population and rural property owners. At best CBJ will have to invest a great amount of energy and tax dollars for the slim chance to provide the service of taxation 😊 to rural areas adding to the large and growing number of residents with a sour taste in their mouths from the current inequitable mill rates imposed on residents off the road system.

The idea that Juneau's surrounding areas need to be annexed as soon as possible so that we aren't beat to the punch is not well founded considering the areas proposed and to the contrary makes CBJ appear to be aggressive towards neighboring communities who may respond by initiating their own annexations or borough consolidations to avoid being swallowed up by a community with different cultural and socio-economic realities.

My interest is not only with protecting my property in Funter but also to avoid the cost to taxpayers and the ill-will to our neighbor's that will be incurred considering the reasonable potential that CBJ will lose the petition in whole or part anyway. To avoid more unwanted black eye's for CBJ+annexation attempts I recommend the Assembly reconsider a petition submittal including areas B,C, and D until the members have made themselves more familiar with the LBC process, the findings of CBJ's own 2007 Annexation Study (attached), and have conducted a thorough cost benefit analysis of submitting a petition at all.

Brian Blomquist
 (907)957-6531

CBJ ANNEXATION STUDY COMMISSION

**REPORT TO THE MAYOR AND ASSEMBLY ON THE
COMMISSION'S ACTIVITIES, FINDINGS, AND RECOMMENDATIONS**

January 10, 2007

I. Introduction

Mayor Bruce Botelho created the CBJ Annexation Study Commission by order dated December 6, 2005. The Commission was tasked to undertake a public process to consider and make recommendations on whether the CBJ should annex all or part of the territory within the CBJ's model borough boundaries as established by the State of Alaska's Local Boundary Commission (LBC). The Commission's purpose statement was as follows:

The purpose of the commission is to study and make recommendations to the Assembly concerning (a) whether the CBJ should file a petition to annex territory within the 'model borough boundaries' of the CBJ, and (b) if so, what territory should be proposed for annexation and by what procedure.

The Mayor's order called for the Commission to submit a report on its activities, findings, and recommendations to the Mayor and Assembly by December 1, 2006. At the request of the Commission, the Mayor extended the December 1 deadline to accommodate the schedules of the members and staff for completing work on the report. This report was adopted by the Commission at its final meeting on January 10, 2007.

The attachments to this report include the Mayor's order, the agendas and minutes of the Commission's meetings, the maps developed by the Commission (including Map 6, which shows the Commission's recommended ideal borough boundaries for Juneau in the future), and other background information. The complete file on the Commission's work is available at the Community Development Department.

II. Activities of the Commission

A. Proceedings

George Davidson served as the Chairman of the five-member Commission. The other members of the Commission were Vice-Chairman Sandy Williams,

Steve Sorensen, Errol Champion and Caren Robinson. The Commission held eleven public meetings starting with its organizational meeting on December 21, 2005. Staff support was provided by Peter Freer, Planning Supervisor at the Community Development Department, and Barbara Ritchie, Assistant City and Borough Attorney.

The Commission solicited comments from the public and property owners, and considered presentations on a variety of issues by service providers, regulators, CBJ staff, and LBC staff. The Commission provided an opportunity for public comment at all of its meetings. In addition, the Commission established a webpage on the CBJ's website where staff regularly posted meeting announcements, minutes, correspondence to and from members of the public, maps, and other pertinent information.

The Commission's webpage is located at:

http://www.juneau.org/clerk/boards/Annexation_Study_Commission/CBJ_Annexation_Study_Commission.php.

B. Topics and Issues Considered

The Mayor's order creating the Commission identified five areas of inquiry. The Commission agreed that it would address the specific criteria for annexation as it considered the Mayor's order. These areas are set out below, followed by a short discussion of the Commission's work on that topic.

1. *Research and evaluate possible proposed boundaries for territory to be annexed, with emphasis on consideration of the "model borough boundaries" for the CBJ as established by the LBC.*

The Commission received a three-ring binder of material at its December 21, 2005, organizational meeting. The packet included the order creating the Commission, the LBC Model Borough Boundary Study prepared in 1997, information on the procedures for petitioning for annexation, the CBJ's 1989 petition to annex Greens Creek, and other related materials.

At its meeting on January 5, 2006, the Commission reviewed the LBC's Model Borough Boundary Study and met with Dan Bockhorst, lead staff to the LBC. Mr. Bockhorst provided a history of borough formation in Alaska, explained the origin and purpose of the model borough boundaries, and provided an update on municipal boundary activity in Southeast Alaska.

The model boundaries are significant under the regulatory standards for annexation. 3 AAC 110.190(c) provides: “*Absent a specific and persuasive showing to the contrary, the commission will not approve annexation of territory to a borough extending beyond the model borough boundaries developed for that borough.*”

Several Southeast municipalities – Ketchikan, Wrangell, Petersburg, and Hoonah – are undertaking or considering borough incorporation or annexation. Neither the Ketchikan Gateway Borough annexation petition nor the Wrangell borough incorporation petition identifies boundaries that overlap or otherwise affect the CBJ model borough boundaries. The prospective Petersburg borough incorporation petition and the Initial Glacier Bay-Chatham Borough Feasibility Study are of particular interest to the CBJ, as both proposals include territory that is within the CBJ model borough boundaries.

It is notable that all of the boundary actions and studies underway in the region, including the boundaries recommended in this report, represent departures from the model borough boundaries identified by the Local Boundary Commission in its 1997 report.

The City of Petersburg intends to petition for the incorporation of a home rule borough some time early in 2007. The proposed northern boundary of this borough would abut the existing southern CBJ boundary near Tracy Arm, including a significant amount of territory that is outside the Petersburg/Wrangell model borough boundaries and within the CBJ model borough boundaries. If approved as prepared, the Petersburg petition would essentially end the prospects of CBJ annexation on the mainland south of the existing CBJ boundary. A map of the proposed Petersburg boundaries is attached to this report. See Attachment F.

The City of Hoonah prepared an Initial Feasibility Study for a proposed Glacier Bay-Chatham Borough in June, 2006. The study area runs from Cape Fairweather on the Gulf Coast to the Coronation Islands below Port Alexander and includes all of Admiralty Island not now within the CBJ boundaries. The Mansfield Peninsula (including Funter Bay), a small portion of Admiralty Island south of the Greens Creek mine, and the Glass Peninsula/Seymour Canal, which are now located within the CBJ model borough boundaries, are included within the Glacier Bay-Chatham study area.. An illustration of the boundary is attached to this report. See Attachment F.

A follow-up borough feasibility study is underway and is expected to be completed in early/mid 2007. It is unknown when, or if, a borough incorporation petition will be submitted to the Local Boundary Commission as a result of this effort.

The Commission concluded that the model borough boundaries for the CBJ as identified by the LBC are fundamentally correct “as is” and reflect an area of interest more closely tied to Juneau than to other municipalities. This conclusion was based on Juneau’s role as a transportation, supply, services and communication hub for property owners at Funter Bay and on Horse and Colt Islands, and the fact that Goldbelt Corporation, the Juneau-based Urban Native Corporation established under ANCSA, has land holdings at Hobart Bay.

The Commission identified several modifications to the CBJ’s model borough boundaries, which are addressed in the findings section of this report.

2. *Research and evaluate the community of interests between the territory proposed to be annexed and the existing CBJ boundaries, including social, cultural, and economic characteristics and activities, and communication media and land, water, and air transportation facilities.*

Many CBJ residents own property on the Taku River and on Shelter Island within the existing CBJ boundaries. Many CBJ residents also own property outside but near the current CBJ boundaries, including in Funter Bay and on Horse and Colt Islands, and other dispersed locations on Admiralty Island and on the mainland. Juneau serves as the supply, transportation, and services center for all of these outlying areas, which characteristically do not have many year-around residents, but instead have non-resident property owners.

Economic, transportation and social linkages to Juneau are well-established, with Juneau providing employment, facilities, goods and services, and very limited emergency medical response to outlying areas. There is no scheduled air or marine service to locations within the model borough boundary area for Juneau, such as Funter Bay or Hobart Bay, although air charter services are readily available to destinations throughout and beyond the borough. The economic activity generated by a logging camp, tourist destination, or remote mine could prompt scheduled transportation services in the future. Radio coverage from KINY-AM, KJNO-AM and KTOO-FM reaches some of the model borough boundary area. The only certain means of communication within many areas of the CBJ model borough boundary area is via satellite telephones.

The Juneau ANCSA (Alaska Native Claims Settlement Act) corporation, Goldbelt Corporation, is the primary surface estate owner at Hobart Bay. Goldbelt

employed shareholders at Hobart Bay during its logging operations in that area in the 1980's and '90's. These operations were supported, in part, by personnel, supplies and equipment delivered through Juneau. Goldbelt has considered developing tourism facilities at Hobart Bay and has prepared conceptual plans for a destination-style cruise ship development.

Gary Droubay, Goldbelt's Chief Executive Officer, attended the Commission's meeting on May 3, 2006. He stated that Goldbelt did not want its land holdings at Hobart Bay to be in a borough and that it would oppose a petition to annex or incorporate that property unless the benefits from property taxation could be clearly demonstrated. Goldbelt's property at Hobart Bay is currently located within the model borough boundaries of both Juneau and Petersburg. Mr. Droubay stated that Goldbelt would prefer that its land at Hobart Bay remain in the unorganized borough, but if the land were to be included in a borough by annexation or borough incorporation, it would prefer that the land be in one borough rather than in two.

There is little economic activity at the present time within the Juneau model borough boundary area. Logging was concluded at Hobart Bay about ten years ago and tourism development of the property is now in the early stages. A tourist lodge operates seasonally on Colt Island and tourist excursion activity occurs regularly to Tracy Arm and Ford's Terror. Active mining operations and development occurs within the current CBJ boundaries at Greens Creek and Kensington/Jualin. At least one company, Century Mining, has shown interest in exploring old prospects in the Juneau area, one of which is across Hawk Inlet from Greens Creek, just outside the current borough boundaries.

Commissioners discussed the National Forest Receipts Program as an incentive for annexation. Additional National Forest acreage within the borough boundaries could result in a greater annual forest receipts payment to the CBJ; however, the program was not re-authorized in the recently-recessed 109th Congress. It appears there will be an attempt to re-authorize the program in an omnibus spending bill in February of 2007, and it is possible that the funding formula could be amended if the program is re-authorized. Commissioners did not believe that the prospect of increased payments from the program offered a strong incentive for annexation, particularly given the uncertain future of the program.

3. Research and evaluate the population characteristics of the proposed borough after annexation.

There is almost no year-round population within the Juneau model borough boundary area. According to the state demographer, the 2000 census data shows 10 residents in the model borough boundary area. The 2005 Permanent Fund

Dividend distribution shows seventeen PFD recipients within the model borough boundary area, with the following distribution:

Funter Bay - 6
 Colt Island - 4
 Horse Island - 3
 Hobart Bay - 2
 Windham Bay - 1
 Hawk Inlet - 1

The state demographer has not made an estimate of seasonal population within the model borough boundary area, although it is thought to be higher with seasonal use of recreational property.

4. *Research and evaluate the economy within the proposed borough boundaries, including the human and financial resources necessary to provide essential borough services on an efficient and cost-effective basis.*

The CBJ's economy, while largely based on government employment, is also diversified in the areas of tourism, mining, services, commercial fishing, and seafood processing. The CBJ possesses the human and financial resources to provide not just for essential borough services within the existing borough, but for a comprehensive and sophisticated range of services. As a unified Home Rule municipality, Juneau is efficiently organized and capable of responding to some service delivery needs and issues when required.

There is little economic activity in the CBJ model borough boundary area at the present time. Economic development that might occur in the model borough boundary area, such as tourism or resource extraction, is consistent with Juneau's overall economy and can be managed through existing administrative and regulatory structures.

The relationship of property taxation to services provided was at the heart of property owners' opposition to annexation and of major concern to the Commission. The areawide mill rate currently (FY 07) stands at 7.62 mills (\$762 per \$100,000 of assessed value), of which 6.1 mills (\$610) is used for school operations, 0.91 mills (\$91) is used for debt retirement, and 0.61 mills (\$61) is used for general government, including a portion of emergency medical transport costs. Property owners located off the CBJ road system do not pay for fire, police protection, street maintenance, transit or parks and recreation services that cost 2.55 mills in FY 07.

Local government property taxation is governed by state statute. Under state law, education is specifically identified as an areawide or borough-wide function. The state statutes require that local governments levy areawide property taxes for areawide functions. The tax levy must also be consistently applied to all of the taxable properties with a taxing area. The tax levy for debt service is to cover general obligation bond debt. Under state law, the CBJ Charter, and the CBJ Code, general obligation bond debt is secured by the full faith and credit of the borough and requires areawide voter approval. As such, debt service for general obligation bonds is an areawide liability of the CBJ.

It should be noted that while the CBJ provided 6.1 mills of financial support to the Juneau School District for FY 07, state law also provides for a reduction of state support equal to 4.0 mills of the full and true taxable property value in the borough. Thus, even though the CBJ contributed 6.1 mills, the school district is only benefiting by 2.1 mills (6.1 mills less 4.0 mills). State law requires that the 4.0 mill offset occur even if the CBJ were to choose not to levy an areawide tax in an annexed area. As such, the value of the property in an annexed area, if not taxed, would result in an areawide cost of 4.0 mills to the remaining taxpayers. The State of Alaska also requires local governments to value property at its full and true value.

Given these state statutory requirements, the FY07 areawide mill levy noted above could be restated as follows:

Support to Education	2.10 mills
General Obligation Debt Service	0.91
All Other Areawide Functions	0.61
School District Support Offset by the State	4.00
Total:	7.62 mills

All areas within the borough are subject to CBJ building codes and planning and zoning requirements. Under state law, planning, platting, and land use regulation are mandatory areawide functions.

The Commission believes that a careful balance must be struck between rates of property taxation and levels of service delivery as annexation is considered. Mr. Champion proposed a use-based approach to property taxation in an effort to reduce the tax load on outlying recreational and residential property; however, such an approach is not currently consistent with applicable state law on municipal property taxation. Mr. Champion also noted that the cost to the CBJ of identifying and assessing private properties located within the model borough boundary area (or other remote areas to be potentially annexed), so as to add those

properties to the tax rolls, could be considerable, possibly in excess of the tax revenues that would be generated, at least in the short term.

5. *Research and evaluate whether annexation of the proposed territory to the CBJ is in the best interests of the state.*

The Alaska Constitution calls for maximum local self-government with a minimum number of local governments units. Annexation of the model borough boundary area would fulfill both of these goals by extending unified home rule powers into territory in the unorganized borough already identified as within CBJ's "area of interest." State responsibility for providing education services through a Regional Education Attendance Area would be reduced as additional territory becomes included within a unit of local government. Demands on the State for services within the unorganized borough would diminish, while the opportunities for local service delivery would be enhanced.

The Commission believes that the issues and concerns raised by property owners, such as the practical aspects of service delivery in remote areas, to be significant in the CBJ's consideration of annexation. Based on the public input received, the Commission believes that a lower, or minimal, tax rate for remote areas of the borough, and specifically any territory proposed for annexation, would diminish the resistance of extra-territorial property owners to annexation.

C. Findings and Recommendations

At its meeting on April 5, the Commission discussed boundaries that it might recommend in its report to the Assembly and how to go about the process of developing its findings and recommendations. Chairman Davidson had prepared a memorandum dated March 2 setting out his views for discussion and a map showing a possible boundary configuration.

Chairman Davidson expressed his belief that the Commission was not bound to looking only at the LBC's model borough boundaries for the CBJ. He suggested the Commission also consider and make a recommendation to the Assembly on the boundaries that it determines would make the most sense for the CBJ. The Commission supported Chairman Davidson's approach.

The March 2 memorandum was then posted on the Commission's webpage. It is also included in the attachments to this report because it served as the framework for Commission's decision making process.

At its next four meetings on May 3, May 17, May 31, and July 18, the Commission focused its work on studying and discussing alternative boundary maps presented by members, determining what it concluded would be the most appropriate CBJ boundaries, and formulating the Commission's findings and recommendations to the Assembly.

The Commission posted on its webpage six maps that depict the current CBJ boundaries, the LBC model boundaries, and the Commission's proposed northern, western, and southern boundaries and a map showing the compilation of these proposed boundaries. The maps were posted on June 2, 2006 and the Commission solicited public comments until June 30. The maps are attached to this report as Attachment C.

A public hearing was held on May 17, and the Commission held a decisional meeting on July 18, 2006. At the July 18th meeting, the Commission adopted the boundaries shown on Map 6 as its recommended boundaries for the CBJ. The Map 6 boundaries are referred to below in this report as the ideal boundaries of the CBJ.

The Commission met on December 13, 2006, to review its draft report and provide final comments and amendments. The Commission approved the final report at its meeting on January 10, 2007.

Based on its study over the past year as outlined in this report, the Commission makes the following findings:

1. The LBC's model borough boundaries for the CBJ are largely acceptable, subject to some modification.

The Commission's modifications to the LBC's model borough boundaries for the CBJ, and the rationale for those modifications, are as follows:

- **North Boundary:** Only upon concurrence of the Haines Borough, extend the northern boundary of the CBJ to include the watersheds draining into Berners Bay. See Attachment C, Map 3.

The Commission took this position because Berners Bay is located within the CBJ. The Commission concluded that the watersheds that drain into the Berners Bay should be in the same jurisdiction as the Bay itself. While including the Berners Bay ecosystem within a single unit of local

government makes sense, the Commission would rely on the Haines Borough's consent for the CBJ to annex the area. The Commission also observed that the Juneau Access Road might best be included within the CBJ boundaries. At such time as the CBJ decides to pursue annexation it will be critical to initiate a discussion with Haines Borough community leaders.

- **West Boundary.** Only if the territory is not incorporated within a borough that includes the City of Angoon, extend the western boundary to include central Admiralty Island above Mitchell Bay. See Attachment C, Map 4.

The Commission is aware of the City of Angoon's interest in this area. It is also aware of the conceptual inclusion of this area into a possible Southeast mega-borough reaching from Glacier Bay to Kake. Commission members cited long-time recreational use of this area by Juneau residents. A member of the public, Mr. Al Shaw, provided evidence that Juneau had proposed to annex this area in the late 1960's.

Taking into consideration the interest of other communities in this area, particularly the City of Angoon, the Commission concluded that this area should be considered for future annexation by the CBJ only if it is not, at that time, included in a borough that includes the City of Angoon. At such time as the CBJ decides to pursue annexation it will be critical to initiate a discussion with City of Angoon community leaders.

- **South Boundary.** Extend the southern boundary to include all of Goldbelt's property at Hobart Bay. See Attachment C, Map 5.

Mr. Droubay of Goldbelt Corporation informed the Commission that, while the corporation would prefer that Hobart Bay not be in any borough, it would like even less for its land holdings in the Hobart Bay area to be split between two boroughs. Such a split is conceivable because the LBC's model borough boundaries for Juneau and Petersburg divide the Goldbelt holdings at Hobart, with approximately three-quarters of the holdings in the Juneau model borough boundaries and one-quarter in the Petersburg model borough boundaries.

Extending the southern boundary south by just a few miles would encompass all of Goldbelt's land holdings in the Hobart Bay area.

The northern, western, and southern boundaries described above are shown on the Commission's recommended boundary map attached to this report and identified as Map 6 (see Attachment C).

2. Regional interest in annexation and incorporation makes it important for the CBJ to identify its "ideal" future boundaries.

The CBJ should be prepared to respond to, and if necessary, oppose, municipal boundary petitions or applications presented to the LBC by other municipalities in Southeast Alaska that encroach upon or would otherwise impact CBJ's ability to annex its "ideal" boundaries as identified by this Commission, at an appropriate time in the future.

3. Given the very small population, the lack of substantial economic activity, and the physical remoteness of the areas, there is not now a demand, or a compelling need, for local government services within the LBC's model borough boundary area or the Commission's recommended "ideal" CBJ boundary area. However, this need may arise in the future with the development of commercial enterprises, additional population living in remote areas, or other development.

4. The CBJ areawide property tax rate, together with the prospect of minimal services provided off the road system, are very significant issues for residents and property owners (including Goldbelt Corporation) in locations such as Funter Bay, Windham Bay, Horse and Colt Islands, and Hobart Bay. The perceived disparity between the areawide mill rate and the corollary lack of services is at the "nut" of opposition to annexation. (Even property owners on the Taku River and on Shelter Island have issues with the areawide property tax rate, stating that they do not receive commensurate services from the borough.)

Recommendations of the Commission:

1. The Commission recommends that the CBJ Assembly adopt the Commission's boundary map for the CBJ as shown on the attached Map 6 as the ideal future boundaries for the CBJ. See Attachment C.
2. The Commission recommends that the CBJ *not* file a petition to annex the territory shown on the Commission's Map 6 at this time because such

action is not now necessary or warranted. However, annexation of this territory may be appropriate in the future.

3. The Commission recommends that the CBJ identify its future ideal borough boundaries, advise the LBC of these ideal boundaries, and defend those boundaries as necessary and appropriate.
4. The Commission recommends that at such time as the CBJ may decide to proceed with annexation, that it consider all means available to ensure that the property taxation rate for the area to be annexed is commensurate with services to be provided. This should include a review of property taxation rates in *all* of the non-roaded areas of the borough, as against the services provided by the CBJ in those areas, because all remote areas should be treated similarly.

III. Conclusion

The ideal boundaries of the City and Borough of Juneau, and whether and when the CBJ should petition to annex more territory, are vitally important subjects for the Assembly, the residents of Juneau, the residents and property owners in the areas outside the current CBJ boundaries, as well as other municipalities in Southeast Alaska and the State of Alaska. The Commission carefully considered the issues involved, including the views of interested members of the public and presentations by staff and others with expertise in various areas of municipal government and services, in reaching its findings and recommendations.

The members of the Commission would be pleased to meet with the Assembly to discuss our recommendations and answer any questions you may have. On behalf of the Annexation Study Commission, thank you for the opportunity to serve the City and Borough of Juneau.

Adopted by the CBJ Annexation Commission on January 10, 2007.

George W. Davidson, Chairman
CBJ Annexation Commission

Attachments to Report:

Attachment A	Mayor's Order creating CBJ Annexation Study Commission, December 2005
Attachment B	Commission's meeting Agendas and Minutes: December 21, 2005 January 5, 2006 February 1, 2006 March 1, 2006 April 5, 2006 May 3, 2006 May 17, 2006 May 31, 2006 July 18, 2006 December 13, 2006 January 10, 2007
Attachment C	Boundary Maps 1-6 approved by the Commission
Attachment D	Borough Boundaries Overlay Map
Attachment E	Chairman Davidson's March 2, 2006 memorandum
Attachment F	Southeast portions of the State of Alaska Model Borough Boundary Study, June 1997
Attachment G	Alaska Statutes on Annexation and Detachment
Attachment H	State of Alaska Regulations on Petitioning for Annexation
Attachment I	"Planning and Preparing Proposals for Annexation to Boroughs
Attachment J	Public Correspondence

March 22, 2006

Members of the CBJ Annexation Study Commission

George Davidson, chair
Sandy Williams, vice chair
Errol Champion
Carren Robinson
Steve Sorenson



Dear Members of the CBJ Annexation Study Commission:

Many owners of property in Funter Bay, Horse and Colt Island, and other areas that the City and Borough of Juneau is considering to annex attended the February 21, 2006 CBJ annexation committee meeting. Owners of property under annexation consideration by CBJ for annexation expressed many concerns about the benefits of the proposed property to the respective owners. Some of the responses of the commission members were of particular concerns to some property owners that attended.

When the Commission members were asked why the CBJ was considering the proposed annexation of this property commission members stated it was just a matter of time and this property would be annexed and if not by CBJ then by Hoonah, Haines or some other organized borough. The Model Borough Boundary report and other reports contradict this point of view in several areas.

Model Borough Boundary Report

First - The Model Borough Boundary was completed in 1992 and there has been no real effort to force annexation of the proposed property since that date.

Second - Page 3 of the Model Borough Boundary report makes 2 statements that should lead Committee members to believe just the opposite.

“The purpose of the study was NOT to force the incorporation of new boroughs or to PROMOTE ANNEXATION to existing boroughs”

In the statements made by Committee members that the proposed areas could be annexed by boroughs other than Juneau, The Model Borough Boundary report further appears to contradict this belief.

19 AAC 010.060 (b) provides that “absent a specific and persuasive showing to the contrary, the Commission WILL NOT approve a proposed borough with boundaries extending beyond the Model Borough Boundaries adopted by the Commission”
[effective 10/12/91 register 120]

“absent a specific and persuasive showing to the contrary, the Commission, in its discretion, WILL NOT approve a proposed Borough or unified municipality with boundaries extending beyond the Model Borough Boundaries adopted by the Commission and identified in 1992 interim report on Model Borough Boundaries”{effective 7/31/92, register 123}

These statements in the Model Borough Boundary report clearly state it was not written to promote annexation and if annexation was propose only the areas included in the Model Borough Boundaries could be annexed by any existing Borough. The chance of the proposed areas being annexed by Hoonah, Haines, or some other organized Borough is at best extremely remote and probably non existent.

In the appendix, which was revised in June of 1997 by the Local Boundary Commission, there are 2 significant quotes that further make the case that annexation to an organized Borough was not necessarily the intention of Alaska’s constitution. “A direct reading of article X, section 3 is unambiguous in its application to unorganized Boroughs. The provision states in relevant part, “the entire state shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law...each borough shall embrace an area and population with common interest to the maximum degree possible...”

It is the view of the owners of the property under consideration to be annexed by the CBJ that there are no common interests with the CBJ. The CBJ proposes to annex and tax the owners of the proposed property and not provide any benefit or services to the owners of such property. The appendix continues to state “under the terms of the proposed article, all of Alaska would be subdivided into Boroughs. Each would cover a geographic area with common economic, social, and political interests. Boundaries are to be established by the State...Three classes of Boroughs might be sufficient, but the legislature is not limited to three....The Unorganized Borough would be the THIRD CLASS BOROUGH...”⁴

Clearly the intent of the State of Alaska was to allow and promote Unorganized Boroughs and not to force annexation on areas where boroughs provide no essential services.

Local Boundary Commission Annual Report

In the Local Boundary Commission report to the 2006 legislature, the Commission further address’s the Substantial Disincentives to induce incorporation of organized Boroughs and annexation to existing Boroughs. In subsection A. Statement of Issue the Local Boundary Commission refers to trying to get the legislature to address these issues since 1980. It is apparent in the last 25 years the legislature has demonstrated little or no interest in requiring unorganized Boroughs to organize or be annexed. To the contrary the Local Boundary Commission states “In 1961, the founders of Alaska Local Government opted to make Borough formation voluntary.

The Local Boundary’s number 1 recommendation to the 2006 Legislature was to tax unorganized borough’s (e.g. property, sales, employment, and head tax). Contrary to

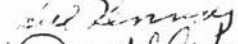


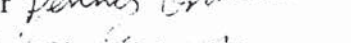
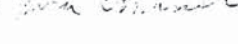
March 22, 2006

Summary

In looking at three different critical reports or actions, it is clear that there is no evidence that the State is pushing local governments to adopting the model borough boundaries. The Model Borough Boundary report itself states that the study was done "Not to force incorporation of new boroughs or to promote annexation to existing boroughs". The Local Boundary Commission most recent report reminded readers that "in 1961 the founders of Alaska Government opted to make Borough formation voluntary." And finally the current Alaska Legislature in two recent actions (SCR 14 and SB 112) are looking at other alternatives rather than model borough formation. Further, even if the evidence showed otherwise because of the small number of property owners in the proposed annexation area it probably would not be in the best financial interest of the CBJ to annex this property even if the facts supported the annexation, which in our opinion they clearly do not.

So, in summary, we would urge the members of the CBJ Annexation Study Commission to recommend against annexation of these rural properties.

Sincerely,

Paul Kennedy 
 Janet Clarke Kennedy 
 Ken Spencer 
 Dennis Grimmer 
 Laura Grimmer 

(Owners of property in Funter Bay)

cc: Peter Freer, CBJ planning supervisor and staff liaison
 Members of the Local Boundary Commission

To: Members of the CBJ Annexation Study Commission

George Davidson, chair
 Sandy Williams, vice-chair
 Errol Champion
 Caren Robinson
 Steve Sorensen

✓ **cc:** Peter Freer, CBJ planning supervisor and staff liaison
 Mayor Bruce Botelho

From: Sixty-one Funter Bay residents and property owners (See signatories on p. 6)

Date: February 19, 2006

Dear Committee Members:

If the City and Borough of Juneau petitions to annex Funter Bay, the Local Boundary Commission must evaluate the petition in terms of specific regulatory standards (3 AAC 110.160-195). A number of us believe the prospect of annexation fails under these standards because the standards are either not met or are irrelevant to Funter Bay. We hope our findings will help in your discussions. You will find specific details supporting these findings in various letters individual residents and property owners have sent or will be sending for your consideration.

Assumptions of the Regulatory Standards

Two assumptions are implicit in the Local Boundary Commission regulatory standards for assessing proposed annexations: (1) that the territory to be annexed has a permanent residential population with a social, cultural, and economic life that can be interrelated with the characteristics and activities of people in the annexing borough; and (2) that the residents of the territory will become integrated into the borough to the extent of receiving essential borough services and paying for them.

(1) Funter Bay has only four permanent residents. The dominant activity at Funter Bay is week-end and seasonal recreation. There are approximately 30 cabins; they are owned by Juneau residents and people who reside in other states or Alaska communities. Access is primarily by boat from Juneau in the summer months. There is also floatplane access that is expensive and used sparingly. Many boaters from Juneau use the Bay as a destination for cruising and for hunting and fishing. Transient boaters cruising the Inside Passage use the Bay as an anchorage and for sport fishing and crabbing. The vast majority of this recreational use occurs in June, July and August.

Funter Bay has no economy of its own, and no significant economic developments are planned. The pattern of weekend and seasonal use by cabin owners and boaters does not constitute a community with its own socio-economic life, nor is it compatible with the largely urban qualities of Juneau. Residents, property owners, and visitors go to Funter Bay, in fact, to get away from the predominantly urban qualities of life in Juneau.

(2) Funter Bay does not receive any significant services from the City and Borough of Juneau, “essential” or otherwise, and it is unlikely to do so. Because of geographical barriers and the difficulties of transportation, it is not feasible for the City and Borough of Juneau to provide usual borough services such as police and fire protection, and Funter Bay people have not asked for them from either the city or the state. Most people, in fact, have consciously chosen to be where these services are not available, either because they are willing to do without them, or because they specifically want to take on the challenges and rewards of doing those things themselves.

Recreational use of Funter Bay does not create any expenses for the City and Borough of Juneau. To the contrary, recreational activity at Funter Bay generates CBJ sales tax revenue from the purchase of fuel, sporting goods, building materials, and groceries by recreational boaters, cabin owners, and the few permanent residents. The users of Funter Bay are not requesting CBJ services. Funter Bay is a rural area where regulations designed for the urban landscape (such as the building code) are inappropriate and would be unreasonably burdensome.

We believe at these basic levels Funter Bay fails to meet the regulatory standards for annexation.

Comments on Specific Standards

Each of the regulatory standards is discussed below.

3AAC 110.160. Community of interests

(a): *The social, cultural, and economic characteristics and activities of the people in the territory must be interrelated and integrated with the characteristics and activities of the people in the existing borough.*

We do not think the rural characteristics of Funter Bay can be interrelated and integrated with the characteristics and the predominantly urban and growth-oriented community vision of Juneau. Annexing us to Juneau would destroy Funter Bay’s rural characteristics and remove a choice of lifestyle that many of us have worked for years to make possible for ourselves and our families.

There are no industrial activities in Funter Bay. The only activity we know of that might approach being “commercial” is a small family-owned bed and breakfast open for only part of the year. A good number of lots, in fact, prohibit commercial activities under local covenants. We know of no hunting, fishing, or other businesses that need borough protection or regulation.

Many individual letters have explained that transportation between Juneau and Funter Bay is expensive and difficult. Travel by boat or chartered floatplanes is expensive and seasonally- and weather-dependent. Many parts of the Bay cannot get Juneau radio stations. We get AM or FM radio from Haines, and the National Weather Service

broadcasts for Haines and Skagway, not Juneau. Cell phones are expensive and work sporadically. We can reach Chatham Strait, but not Juneau, on VHF radio. Mail comes once a week only to permanent residents, and they experience many glitches in service.

(b): The communications media and the land, water, and air transportation facilities throughout the proposed boundaries must allow for the level of communications and exchange necessary to develop an integrated borough government.

Funder Bay fails this standard on its face. Travel by boat to Funder Bay from Auke Bay (when weather allows) takes from 2 ½ to 8 hours, depending on the speed and size of the boat; fuel for such a trip can easily cost as much as \$150. There is no scheduled air service. Hiring a small floatplane (to carry a maximum three passengers and a little baggage) costs over \$400 round trip. To visit Juneau, Funder Bay residents would also have to pay for lodging and food. Similar costs would apply for any city or borough officials wishing to visit Funder Bay and would involve additional plane waiting charges or repeated trips, since there is no consistently available food or lodging for visiting officials. Dollar costs and time spent (especially when there are weather delays) would be unreasonably burdensome for both residents and city officials.

There are no public teleconferencing facilities in Funder Bay. Those who have attempted personal audioconferencing by cell phone have been frustrated by the high costs of cell phone minutes, frequent disconnects, and poor line quality. Most people in do not have any internet connection in Funder Bay.

Communication with CBJ thus far has not been encouraging. Although the Study Commission has welcomed testimony from the few property owners able to attend meetings in Juneau (because they live there and just happened to hear about the Study Commission), all residents and property owners were not advised that the Annexation Study Commission had been formed; and it has been difficult to learn of or confirm dates of meetings where we would like to observe or comment. What information we have, we have had to scramble to find ourselves. Comments and questions that people have sent to city staff have been slow in reaching the study commission, and slow in receiving answers. Perhaps the web site finally set up will help, but it should be noted that many people have difficulty using electronic media, and during summer most people at Funder Bay do not have access at all to the internet, or to timely radio or newspaper coverage.

We feel we would have little, if any, voice in large or small matters as part of the City and Borough of Juneau.

3AAC 110.170. Population

The population of the proposed borough after annexation must be sufficiently large and stable to support the resulting borough.

This standard is irrelevant to proposed annexation of Funder Bay. It speaks to a situation where a small borough is proposing to annex a large geographical area. In that case the

concern is that the expanded borough have sufficient population to support local government services throughout its greatly enlarged boundaries.

Funder Bay is geographically a tiny area with virtually no population that will receive no services. It can be expected to contribute little to the existing City and Borough of Juneau; yet if unexpected costs or liabilities were to arise, it seems fairly certain residents of the existing City and Borough would be obligated to bear them.

3AAC 110.180. Resources

The economy within the proposed borough boundaries must include the human and financial resources necessary to provide essential borough services on an efficient, cost-effective level.

Funder Bay does not have an economy, and it will not receive essential borough services.

3 AAC 110.190. Boundaries

(a): The proposed boundaries of the borough must conform generally to natural geography, and must include all land and water necessary to provide the full development of essential borough services on an efficient, cost-effective level.

On a map or to someone sitting at a desk, Funder Bay may appear to be contiguous with the City and Borough of Juneau. What does not show on a map, however, are the extent to which the geographic barriers of water, the mountains of the Mansfield Peninsula, and hazards of weather and navigation separate Funder Bay from Juneau. As noted above and in various letters from residents, we do not believe borough services can be provided on “an efficient, cost-effective level.” We do not believe they can be provided at all.

3 AAC 110.195. Best interests of the state

In determining whether annexation to a borough is in the best interests of the state under AS 29.06.040 (a), the commission may consider relevant factors, including whether annexation (1) promotes maximum local self-government; (2) promotes a minimum number of local government units; and (3) will relieve the state government of the responsibility of providing local services.

Annexation of Funder Bay would not be in the best interests of the state, and it would interfere with rather than promote maximum self-government. The welfare of residents and property owners would be harmed, not promoted, by inclusion in the CBJ. They would be asked to pay taxes for no services. Permanent residents would be burdened by an urban-oriented building code that is inappropriate for local conditions.

Annexation would do nothing to promote a minimum number of local government units; the number of local government units would be unchanged.

Annexation would not relieve the state government of providing services in Funder Bay. There are no resident school-age children needing education. No one is asking for electricity or heating oil subsidies, and there are no health services, clinics, state

protection officers, communications infrastructure, or other services. Services provided by the state in Funter Bay at the present time (such as maintenance of the State Marine Park, enforcement of fish and game regulations) are statewide services and would not be affected by annexation.

3 AAC 110.200. Legislative review

We believe none of the circumstances for annexation by legislative review apply:

- (1) We see no need for borough government.
- (2) Funter Bay is not an enclave.
- (3) We know of no conditions that threaten the health, safety, or general welfare of Funter Bay or CBJ residents so that CBJ would need to regulate them.
- (4) Funter Bay residents have asked for no services or facilities.
- (5) Residents and property owners of Funter Bay do not receive “free” benefits from borough government. Even permanent residents will lose their former exemption from city sales tax in July 2006. All residents pay the same sales and use fees as does anyone else when they visit Juneau to shop or use public services. Most property owners already pay property taxes in Juneau and their states and communities of residence as well.
- (6) There seems little potential for growth that would need to be controlled in Funter Bay. The amount of private land is small and is almost completely recreational cabins or subsistence homes.
- (7) repealed
- (8) Annexation would add an unnecessary and unwanted level of local government in which local residents and property owners would have little say.
- (9) It does not appear necessary for Juneau to include Funter Bay in any annexation petitions.
- (10) We believe Funter Bay fits with Article X Section 3 of The Constitution of Alaska (Local Government - Boroughs), which states: “The expectation was that areas with insufficient population, wealth, and other prerequisites for local self-government would nonetheless be designated as boroughs but remain ‘unorganized.’”

3AAC 110.210. Local action

None of these circumstances apply to Funter Bay.

- (1) Funter Bay is not wholly owned by CBJ.
- (2) Voters and property owners have signed no petition.
- (3) We do not believe a majority of voters would support annexation.
- (4) We do not believe a majority of aggregate voters would support annexation.
- (5) Funter Bay is not uninhabited.

(continued on next page)

Names of Funder Bay residents and property owners who have affirmed that they support this analysis:

Phil and Donna Emerson
Gordon Harrison and Sarah Isto
Marjorie Hermans
Robert and Melody Millard
Joel Bennett and Luisa Stoughton
Paul E. Zaborowski
Dean Stratton
Paul Doyle
Wendy Matheny
Randy Gray
George R. "Pete" Spivey
Gabe Emerson
Richard and Sudie Burnham
Steve Buckley
Mitch Falk
Ron T. Baer
Bill Brent (Wheeler Creek)
Larry Vavra
Dennis and Laura Grimmer
Karey Cooperrider
Kathy Foxley
Bob Emerson
Joel A. Martin

D. Collins and Dottie Martin
Thomas N. Osborn
Joe and Jean Riederer
Mark Riederer
Delbert F. Carnes and Constance M. Carnes
Andrew and Janet Pekovich
Lon and Katrina Matheny
Terry Doyle
Reed Stoops
Jim and Nadine Trucano
Mary E. "Molly" McCammon.
Megan Emerson
Elizabeth Arnold
Sam and Helen Pekovich
Randy L. Baer
Phil Rolfe
Angela Thompson
Ken Spencer
Paul and Janet Kennedy
Joe Giefer
Joe Emerson
Tom Emerson
Patricia A. Woods

For more information contact:

Phil and Donna Emerson, Funder Bay – (907) 209-8131
Marge Hermans, Juneau – (907) 789-1572

RECEIVED

JAN 24 2006

Phil Emerson
Funter Bay
8991 Yandukin Dr.#104
Juneau, AK 99801

Local Boundary Commission

Dear Mr. Brockhorst,

My name is Phil Emerson and I have been a resident of Funter Bay Alaska for 34 years. I have just been informed fourth hand that the Borough of Juneau is considering the annexation of the area I live in. I have many concerns and questions about being placed into an organized borough when I am already in the unorganized borough.

My first concern is that there seemed to be no attempt to notify the residence in the area about these meetings. Prior to these meetings there was no dialog opened with residence as to our wishes and needs. In a country and state that stresses; of the people, for the people and by the people I find this a complete disregard of our rights, let alone just a courtesy. Is there a stipulation that when a borough is attempting to annex an area that some of the meetings must be held in the proposed area?

From what I read, the annexation process is a vote of the residence and land owners in an area. The way a borough gains land is by a vote where there are no residence or land owners. Perhaps I am not reading the rules correctly? Is annexation for the needs of the people or the needs of the borough to expand their tax base?

My family and I live a very remote, self sufficient, subsistence lifestyle in Funter Bay. I receive mail, weather permitting, once a week through Essential Air Service. When I listen to the radio it comes out of Haines and have no way to receive Juneau television stations. Funter Bay is in the Angoon voting district. I am a commercial fisherman and to run my boat to Juneau is 7 hours round trip and is extremely weather dependent.. In other words I do not have much contact with Juneau except through my personal phone service and satellite internet system.

I have gone over all the standards for annexation to a borough and have found very little if anything that applies to the proposed area. For me to even go into Juneau to attend a meeting of any sort would cost airfare, car rental and more than likely a motel room, about \$600 total for one day and that is weather dependent. I cannot afford to teleconference with the cost of my cell phone which is also very weather dependent. I can go on about the fact that my income is from fishing on the outside coast, I sell my fish in Hoonah or to Excursion Inlet, which is part of the Haines borough. I supply all my own services. and live on a very limited income. I see that part of annexation to a borough is the development of essential borough services, do you know what these services would be and what is the time limit for providing them?

As far as the best interests of the state the status quo would be the minimum government. The only thing I can think of that the state has here are two derelict docks that are used mainly by summer boaters, the same found in many rural areas of Southeast Alaska. The only service that was provided to me by the state was the home school program that

was used for our two children, at this time there are no school age children living in Funter Bay. If the Juneau borough should annex Funter Bay and the surrounding area would they be responsible for providing a school here or daily transportation to their schools? Would they take over the responsibility of maintaining the docks?

This new interest in expanding the Juneau Borough has brought about interest in detachment from the borough by other property owners on other islands and remote locations. These property owners have been paying taxes for years without any attempt by the borough to supply services. Can land owners in an area petition for detachment from a borough or does there need to be residents in the area?

Thank you very much for your time and I hope I can ask more questions in the future, it seems that there is minimal criteria for Juneau to even consider annexing Admiralty Island and islands next to it.

Gratefully,

A handwritten signature in cursive script, appearing to read "Phil Emerson".

Phil Emerson
funterbay@starband.net
907-209-8131

From: "domadmin@juneau.org"
To: [Borough Assembly](#)
Subject: New submission from Assembly Contact
Date: Wednesday, January 24, 2018 9:17:34 AM

Select Recipient

Entire Assembly

Your Name

Dave Seng

Contact Information

Comment Only - No Response Required

Subject of Message

Annexation

Message

I don't claim to pay close attention to everything that the Assembly is doing, but I have to say that I was shocked and disappointed to hear on the radio that the Assembly had voted to move forward with the land annexation. This is a BIG deal and it certainly seems, at least to this citizen, that it didn't get much public discussion AND that the assembly voted to do it even in the face of overwhelming public testimony against doing so. I'd hate to think that some on the Assembly believe that the public just doesn't know what it needs or wants and that you folks are just making the "smart" decisions for us who obviously don't know what's best for the community.

Dave Seng

From: "domadmin@juneau.org"
To: [Borough Assembly](#)
Subject: New submission from Assembly Contact
Date: Wednesday, January 24, 2018 1:12:02 PM

Select Recipient

Entire Assembly

Your Name

Erica John

Contact Information

Email

Email

e4_tripp@hotmail.com

Subject of Message

Follow-up questions on Admiralty with some history

Message

A little history: My name is Xudeitsawk, (phonetically sounds like "HOOD ATE SOCK"). My grandfather was Matthew Fred Sr, the chief of the Deisheetaan (Raven/Beaver) on Admiralty. My grandmother, Elizabeth Johnson Fred, came from a long line of chiefs from the drum house in Klukwan. To protect our lands, in the late 1970's, my grandparents (along with many other village elders) made a trip to Washington DC and met with President Carter. President Carter proclaimed Admiralty Island National Monument. My Grandfather fought hard to protect the land. To protect our culture and way of life. They knew long ago that our land was important.

Current Issues: CBJ voted to follow through and petition to annex part of Admiralty. AGAIN. The land you already took to mine and profit from, was that not enough! The new annexation proposal doesn't have "some" opposition, WE OPPOSE big time. From the meeting, it appears that the Local Boundaries Commission previously did a study of possible land boundaries (21 YEARS ago) and was urging CBJ to decide. So, without question, just LAND GRAB!

I chose the field of accounting because I understand numbers better than people; however, I need to venture outside my comfort zone. Need to make a stand and do what I can because WE ARE THE NEXT GENERATION that needs to protect our lands.

What I would like to know, if you can humor me a bit: What swayed your vote (either yea or nay)? What could have been said or done differently by us, who are against it, to have you change your vote? I, personally, feel you went in with your mind set and no amount of testimony was going to sway it. There was NO testimony for this and so much against it, all for very strong, valid concern.

I understand that the decision has been made and it goes to the LBC next. I am trying to understand this new world I am venturing into.

Please, if you can, email me: Erica John e4_tripp@hotmail.com

From: Walter Jack
To: [Laurie Sica](#)
Subject: Re: Annexation
Date: Wednesday, January 24, 2018 11:29:33 AM

Hi Laurie,

My name is Walter Jack. I sent the message from my email address. I would still like to receive an email sent to agn.tribal@gmail.com on the annexation issue, also I have provided an email for Albert Howard:
listed: alclhoward99@yahoo.com

Thank you,

Walter

On Mon, Jan 22, 2018 at 4:05 PM, Laurie Sica <Laurie.Sica@juneau.org> wrote:

Hello Mr. Howard,

We are in receipt of your letter and it is being forwarded to the Juneau Assembly. The Assembly Rules of Procedure do not provide for telephonic testimony from the public. I will add you to the list I have started of persons interested in this annexation topic so we can let you know about any potential future meetings. In the meantime, you are welcome to make comments any time about any topic to the CBJ Assembly by emailing boroughassembly@juneau.org

Thank you for taking the time to comment and provide the Assemblymembers with your thoughts.

Laurie Sica, MMC
Municipal Clerk - City and Borough of Juneau
155 S. Seward St. Juneau AK 99801
PH: [\(907\) 586-0216](tel:(907)586-0216)
www.juneau.org

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Walter Jack, Tribal GAP Coordinator
Angoon Community Association
P.O. Box 328
Angoon, Alaska 99820

C (907) 952-8226
W (907) 788-3411 ext 204
F (907) 788-3412

From: Laura Fleming
To: [Borough Assembly](#)
Subject: Annexation of Admiralty lands
Date: Sunday, January 28, 2018 9:09:17 AM

Greetings, and thank you for serving. I was very disappointed in the assembly's decision to pursue annexation of lands on Admiralty.

It is in my view an inappropriate move for Juneau to make. It infringes on the community and municipality of Angoon, riding roughshod over their objections. It imposes a tax burden upon residents of Funtler Bay for which they receive nothing in return, never mind that most of them pay property taxes in Juneau.

And in my view it is not consistent with the original intent of the Alaska Constitution. When the framers of that document provided for the eventual organization of the unorganized borough they envisioned that significant resources would be provided to the areas that were to become newly organized. Money was supposed to go with it. I base this understanding of the mechanism on a conversation I had a number of years ago with Victor Fischer (a member of the Alaska Constitutional Convention, a former member of the Alaska State Senate for whom I worked, and my friend,) when I was confounded by the Local Boundary Commission's crusade to organize portions of Southeast that remained unorganized, pitting communities against one another, and offering little in the way of resources to support rural communities that had little in the way of a tax base to support the services a borough would be compelled to offer.

If you have a chance to rescind your action, or to put the brakes on this proposal before it is being shredded by Juneau and Angoon residents at the LBC level, please consider doing so.

Thank you,
Laura Fleming
6737 Marguerite St.
Juneau, Ak

Sent from my iPhone

From: Steve and Joan Gilbertson
To: [Borough Assembly](#)
Subject: Annexation
Date: Sunday, January 28, 2018 8:01:33 PM

Mayor Koelsch and Members of the Assembly.

I hope that Assembly members have had time to reflect on the action taken at the January 22, 2018 Assembly meeting on Resolution 2817 to apply for annexation of the northern one-third of Admiralty Island. I was disappointed in the lack of consideration of public input, especially that of the neighboring City of Angoon. The decision was insensitive to the people of Angoon who have very strong ties to Admiralty Island.

The Assembly struggled with a justification for annexing this area except for the weak excuse of getting it before someone else does. This does nothing but erode relations with neighboring communities in Southeast. We should be working together for a common good. The State of Alaska is not requiring the annexation. Twenty-seven years have passed since the model borough boundaries were drawn and the State has done nothing to complete the process. It is obviously not a priority. It should not be yours.

In light of the recession taking place in Alaska, local government should be looking at ways to downsize. Is governing more land a stated goal of the CBJ? Are the outlying areas in need of CBJ regulations? The proposed annexation seems like a ruse for taxing more properties with no commensurate services provided.

The City Manager's explanation that people from Admiralty Island use our hospital, roads, harbors etc is a weak argument. Residents of Gustavus, Hoonah, Haines, Skagway, Angoon, Tenakee, and elsewhere come here to shop and use our health care. Anyone who uses the hospital has to pay for it. The notion that people who live in Juneau and own a cabin on Admiralty Island use more city services than others makes no sense. Juneau property-owners already pay significant taxes on their homes. Having a remote cabin does not put more kids in our schools or put more of a strain on city services. It really amounts to double taxation.

I noticed that there was no notice of reconsideration given at the meeting. It is not too late to change or modify the application. The City Attorney stated that the application could even be amended by the Assembly during the Local Boundary Commission process. I would urge the Assembly consider a new Resolution to amend the application to only apply for Area A which fills in the gap between the boundaries of the CBJ and Petersburg. This would undoubtedly have wide public support.

I was staff to many Assemblies and Planning Commissions from 1973 to 2006 and know what a hard job it can be. I appreciate your public service to make Juneau a great place to live. Thank you.

Steve Gilbertson

9511 Speel Way

Juneau, Alaska 99801

From: Steve and Joan Gilbertson
To: [Borough Assembly](#)
Subject: New Resolution on Proposed Annexation
Date: Sunday, February 11, 2018 5:49:49 PM

Mayor Koelsch and Members of the Assembly,

The following is a comment that Assembly member Rob Edwardson posted on Facebook.

“In the next Regular Assembly meeting, I plan to introduce a motion to Amend the Resolution Previously Adopted. I would like to remove areas B, C, and D from the Annexation petition. This will give the majority the chance to revisit the debate that they would have liked to have. The meeting will be opened to the public. Please share this post. Thank you!”

I want to thank Assembly member Edwardson for continuing the discussion on the proposed annexation.

For the last several weeks since Resolution 2817 was passed by a narrow margin, I have talked to numerous people around town about how they felt about the proposed annexation. I virtually found no one that thought it was a good idea, that we needed a bigger Borough or that any of the property owners included in the annexation would be better off. It is a rare event that you have a packed Assembly Chambers and overflow into the upstairs conference room. And how often do you get so many people who flew into town to testify before you?

It's unfortunate that the Resolution progressed to a vote when the CBJ was not able to conduct any meaningful dialog with the City of Angoon. Much could have been learned in a more informal setting. The fact that Angoon came out late in the process should not diminish from the fact that Admiralty Island is their ancestral home and they feel a strong connection to it. The residents of Angoon should be respected for their view of Admiralty Island.

There is no need for the CBJ to flex its political muscle to pursue a “model” created by the State but never implemented. The model should be revisited in the future if the State were to mandate inclusion of all unincorporated lands into boroughs. Additionally, Angoon is not a threat to our corporate boundaries.

I encourage you to support Assemblyman Rob Edwardson in removing area B, C and D from the annexation application.

Sincerely,

Steve Gilbertson

EXHIBIT I

FAX**Date:** 02/12/2018**Pages including cover sheet:** 2

To:	
Phone	
Fax Number	(907) 586-4552

From:	SHIPPING CORNER LLC
	Shipping Corner LLC
	601 E Third Ave
	Truth or Consequences
	NM 87901
Phone	15758940074
Fax Number	(575) 894-0079

NOTE:

02/12/2018 3:33 PM

EXHIBIT I

To: CBJ Assembly
February 12, 2018

Dear members:

We are opposed to the annexation of areas B C and D by the Borough of Juneau. The reasons given for the annexation by the assembly at the annexation meeting were not entirely correct. Yes, we use the airport, the harbor and the hospital. These

are all enterprises that are supported by user fees, which we already pay.

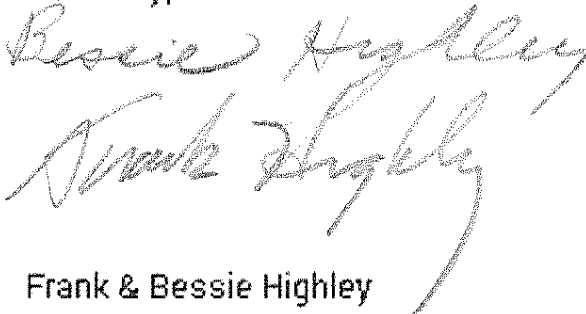
As we stated in a previous letter, we object to paying for services in the Borough that we do not use and have no intention of using.

Traditionally, Angoon has as much right to the land as Juneau has. The assembly seems to be deliberately disregarding a good neighbor's interests to get a few

more dollars in revenue. This would not seem to be a good political move.

None of the letters or testimony have been in favor of the annexation of areas B C and D. It is our contention that the Borough should reconsider the annexation request.

Sincerely,

The block contains two handwritten signatures in cursive. The first signature is 'Bessie Highley' and the second is 'Frank Highley'. Both are written in dark ink.

Frank & Bessie Highley

From: llolmb
To: [Borough Assembly](#)
Subject: Annexation Resolution 2817
Date: Monday, February 12, 2018 4:50:27 PM

Mayor Koelsch and Members of the Assembly,

I am writing in support of Assembly Member Rob Edwardson's proposal to remove area B, C, and D from the Annexation petition.

The overwhelming opposition to the annexation resolution was significant with the City of Angoon requesting no annexation on Admiralty Island. I was personally offended by the assembly action to approve resolution 2817 with no further discussion or explanation despite the articulate and valuable input from the meeting attendees.

Please remove B, C and D from the Annexation petition.

The current provisions for annexation appear to be flawed. When and where is it appropriate to tax with no intent to provide services? Anyone who visits Juneau from outlying areas and uses Juneau services pays CBJ sales tax. Those living in Juneau, with property in these outlying areas, already pay CBJ property and sales tax.

Sincerely,

Linda M. Blefgen
Auke Bay

Beth McEwen

From: Phil Emerson <trollman.phil@gmail.com>
Sent: Monday, February 12, 2018 9:57 AM
To: Borough Assembly; Senator.Dennis.Egan@akleg.gov;
 Representative.SamKito.III@akleg.gov; Representative.Justin.Parrish@akleg.gov;
 jacob@ktoo.org
Subject: Annexation

Dear Mayor Koelsch and members of the Assembly,

"Find out whose land you are on, and honor it. Remember that every inch of the US land was acquired illegally so that is the deficit that organizations need to understand". This from, "21 things you can do to be respectful of Native Americans". As most people know Angoon was bombed and almost destroyed in 1882 due to a misunderstanding of native culture and tradition. Once again even after 126 years there is still no understanding of Angoon's tradition of land. I am surprised the legislature hasn't already told you to please stop the annex. It's one thing that Juneau has the gall to grab land from the people on Admiralty Island but to expect the legislature to help you invade is way beyond me. It would be in the best interest of the state not to even let this annex make its way over the Capital steps. No state, let alone the capital of a state wants to be known for disrespecting its Native Americans.

Juneau wants more land more taxes and control people when it cannot even provide services to the people on its own road system. How long has Juneau had Shelter Island, something like 50 years and have provided no essential services. I am not using the Boundary Commission's definition of these services, in 40 years of living at Funter Bay I did not need a single thing listed by the LBC as essential. Every site I looked at was basically the same as the Cambridge dictionary - essential service is - [basic public needs, such as water, gas, sewer and electricity, that are often supplied to people's houses](#). Part of the tax that would be forced on the people on Admiralty is Juneau's debt service. I do not see any respect at all in making property owners in a newly annexed area pay for a debt they had nothing to do with.

Have you looked at a map of your subdivision on Shelter or Taku River. If everyone has a septic tank or an outhouse on every lot you are going to have an environmental disaster like you had on North Douglas. The state had to give you 1.4 million to fix that mess and Juneau paid 1.4 million. Your last annex was Hawk Inlet. Greens Creek mine from 1989 to 2003 had 391 violations of the clean water act. In 2003 the Alaska Dept. of Environmental Conservation determined clean up would cost 24 million. Add 15 years and you could be at 50 million. Green Creek mine only has a 24 million dollar bond, the state needs to double that or more. The Alaska Department of Natural Resources has the primary responsibility for cleanup. You can google "Mining Truth". Many mines declare bankruptcy and the state is stuck with cleanup. "The U.S. Environmental Protection Agency estimates that the cost of mine cleanup for sites listed as national priorities is \$20 billion. The most significant cost associated with this cleanup is long-term water treatment and management." The consultants for Greens Creek predict it may take 20 to 50 years for mining wastes to begin generating acid mine drainage. Water treatment may be necessary for hundreds of years. What happened to this policy? Policy 2.16 in your Comprehensive plan. "It is the policy of the CBJ to support the development of mineral resources in an environmentally sound manner ..." I read that Juneau makes 2.4 million a year in taxes from Greens Creek and I am sure you are putting this in a special fund for clean up so the state does not have to do it. Most of this information comes from an April 1, 2003 letter from SEACC.

Do you read your Comprehensive Plan? "In areas encompassing sensitive fish and wildlife habitat and other natural resources, subdivisions of less than 40 acre lots may not be appropriate". Look at your subdivision maps of Taku River. What can be more sensitive than the Taku? All I see is that with over 300 small lots on

the Taku and without a proper sewage system you are contributing to the pollution of the Taku River so that you can collect taxes on land and once again provide no services. When are you going to provide sewer and water at Taku River? Your 2008 plan said you should clean up your act on what land you have and not annex more land but once again you ignore it. You should have a buy back program for the Taku if you honestly want to protect it.

I wrote Juneau's head of education and he would not respond to many of my questions. He did tell me Juneau had no plan for education in the proposed annex area. I can see why you have no plan because you can ignore education.

AS 14.30.010. When Attendance Compulsory.

(a) Every child between seven and 16 years of age shall attend school at the public school in the district in which the child resides during each school term. Every parent, guardian or other person having the responsibility for or control of a child between seven and 16 years of age shall maintain the child in attendance at a public school in the district in which the child resides during the entire school term, except as provided in (b) of this section.

(b) This section does not apply if a child

(7) resides more than two miles from either a public school or a route on which transportation is provided by the school authorities, except that this paragraph does not apply if the child resides within two miles of a federal or private school that the child is eligible and able to attend.

How wonderful for Juneau. Part of annexation is the promise of education. You apply the 2 mile limit and ignore it. In 2007 you said you would supply us with home schooling at Funter Bay. Home schooling is not supplying an education, just the tools to do so and as you all know not all parents are capable of home schooling.

In the best interest of the state Juneau should not be given any more land until they can prove they can take care of what they already have in an environmentally correct way. Please reconsider this annex proposal. After looking over all the information above you can see why the people on Admiralty are in fear of Juneau. All I can see is Juneau filling the Mansfield up with one acre lots, Funter Bay's shores covered in houses and no sewer. You have done it before in your other rural areas and like North Douglas, you will wait until the septic gets so bad you will have the state bail you out.

Thank you for your time and thank you Jason Murdock for being a good neighbor. I honestly do not think anyone can meet the rules of annexation for Admiralty.

Phil Emerson

From: Phil Emerson
To: [Borough Assembly](#)
Cc: [Lawrence George](#); harrietmsilva@yahoo.com; senator.dennis.egan@akleg.com; jacob@ktoo.org
Subject: Attn. Deputy Mayor Jerry Nnkeruis and other Assembly members
Date: Thursday, February 15, 2018 11:45:48 AM

Hello Jerry and other Assembly members that read this,

I am sorry the vote on the annex did not leave Admiralty out altogether. I thank you for leaving Mansfield Peninsula out of your invasion. Very odd, Funter Bay got left out of the annex because you got letters from 20 people but ignored the letter from Angoon that represents 450 Tlingits. Is that called racism or discrimination? I looked at an interview you had with KTOO Jerry. You said you would vote against discrimination to the gay community, you let your constituency know with KTOO on how you would vote and then voted the opposite. I would almost say you were a little short on honesty. You also said, "I'm a big advocate of individual rights and personal property rights". The first chance you get to vote on this annex you take advantage of the individual rights of landowners on Admiralty and historic lands of Angoon and want to control the people and property on Admiralty with taxes and building codes. From your Code of Ethics, "

It is declared that high moral and ethical standards among municipal officers are essential to the conduct of free government;"

I can only guess that you believe it is moral and ethical to discriminate against Angoon and ignore their request to please leave their land alone. Have you bothered to check on how much input Angoon was allowed to have on the "Model Boundary"? I lived at Funter at the time and heard nothing about it, little short on newspapers at the local store at Funter. Just like your annexation attempts, all the meetings are held in Juneau and I would imagine the same happened with the model boundaries. Years ago in your last annex attempt it cost me \$1000 to fly round trip, motel room, taxi, food etc. to go to your meetings. History says the Tlingits have been on Admiralty for centuries. They annexed Admiralty Island long ago with their presence, they did not need a Boundary Commission to draw a line around it, they did not need paper work, it was their ancestral land. Jerry, you said Juneau needs to be first to annex Admiralty, you were beat out thousands of years ago.

This from "Indian Times" -
Respect

"Americans respect positions of power. Natives respect the natural power that comes from wisdom and the knowledge elders carry forward. Natives respect the earth mother while Americans respect the money that can be made from developing the land. Some Americans are beginning to pick up on this, but too many businesses and POLITICIANS have no interest in protecting the people and the world around them, because they don't respect the people".

Natives have respect, a few of us believe in "Doing unto others ...". You are annexing Admiralty because you are afraid that someone else might beat you to it. Heaven forbid that Angoon might want their ancestral land and protect it, darn natives just don't know how to destroy an area like Juneau is doing with the Green's Creek mine. Why shouldn't Juneau grab Admiralty there might be another Greens Creek out there for you to tax, supply no services to and add to the destruction of the environment. That Angoon, they just do not understand the American politicians way of greed and destroying land.

Greed, isn't that what this annexation is all about? I would not worry about someone else grabbing this land. I sincerely believe no one else has the gall, greed and disrespect Juneau has. No vote of the people in the annexed area and no vote of the people in Juneau, and no vote from Angoon. You do not want to know how anyone thinks. What happened to being a "Firm believer in Individual rights"? You can ignore the democratic process because you can throw your annex at the legislature and expect them to do all your disrespect. Good luck on that, hopefully the legislature is a tad smarter than the Juneau Assembly.

All this will be sent to the Empire but I'm sure you do not care about the native vote, people that are in support of them and all the people on Admiralty and their friends. Maybe Angoon will boycott your Gold Metal Tournament, get other communities to join in. Would this get you attention? Maybe a website to tell tourists how you treat American Natives and tell them to boycott Juneau and Alaska. Would this get your

attention? Please tell me what it takes for you to respect Angoon's request.

Just got this - glad to see you are getting spanked.

Lt. Gov. Byron Mallott said Juneau is not behaving like a good neighbor. During a Wednesday speech to the Southeast Conference Mid Session Summit, he lambasted officials for trying to annex parts of nearby Admiralty Island.

My Juneau is making a great name for itself. You might get another capital move push out of your actions. who would want Juneau representing the state.

Thanks for your time.

Phil Emerson



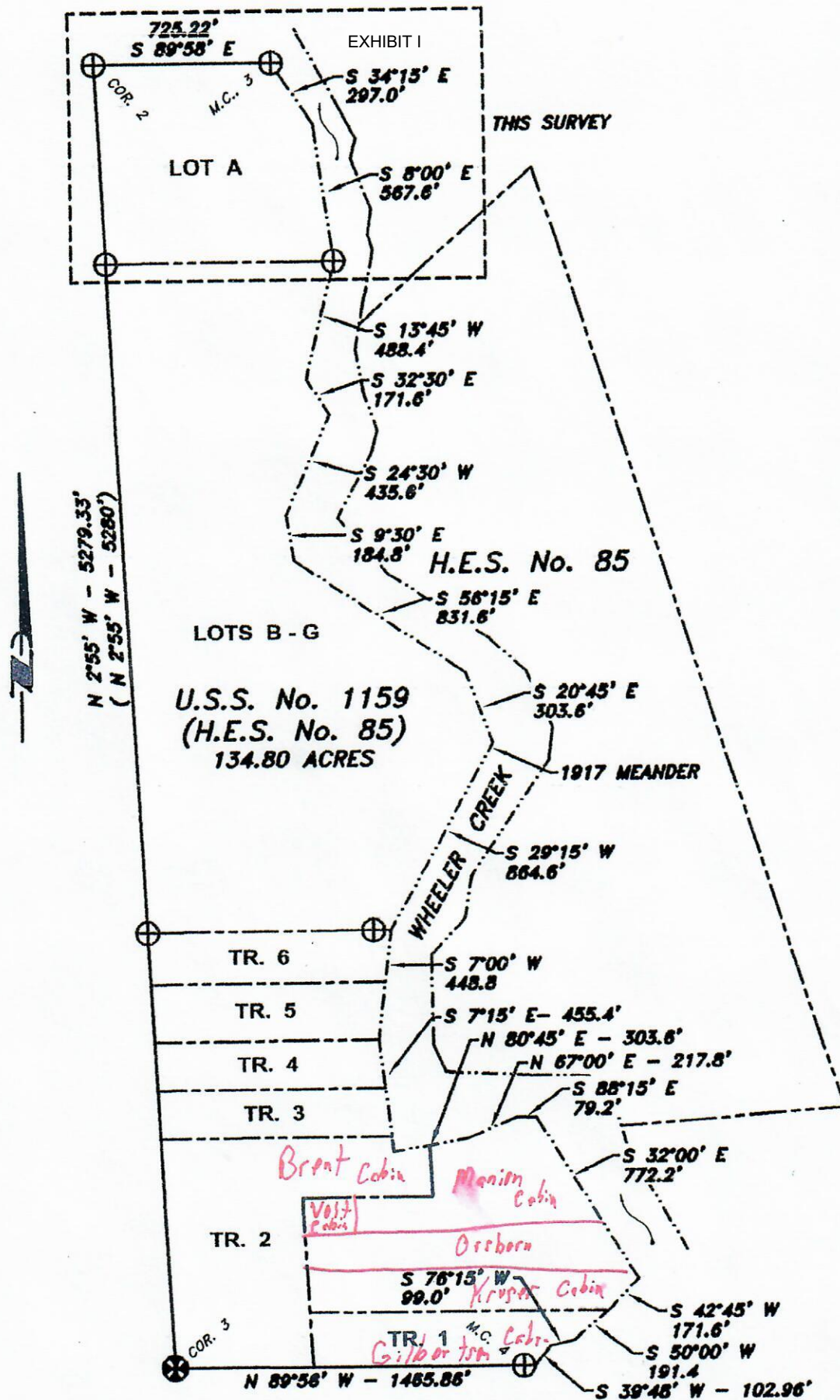
Virus-free. www.avast.com

From: Jerry Reinwand
To: [Borough Assembly](#)
Subject: Map
Date: Monday, February 19, 2018 3:51:42 PM
Attachments: [WCpropertymap.pdf](#)

Mayor/Assembly members:

I failed to include our Lot A property map in my first email. I have attached it to this email
Sorry for the confusion. I have also included an aerial photo of the Wheeler Creek area to
give you an idea of the area's landscape.

Jerry Reinwand



**ORIGINAL U.S.S. SURVEY No. 1159
AND SUBDIVISION THEREOF
(H.E.S. No. 85)**

SCALE: 1" = 600'




EXHIBIT I

EXHIBIT I

Page 113 of 149

From: Jerry Reinwand
To: [Borough Assembly](#)
Cc: [Rorie Watt](#)
Subject: Annexation
Date: Monday, February 19, 2018 3:35:06 PM
Attachments: [wcproperty1.pdf](#)
[wcproperty1.pdf](#)

Mr. Mayor/Assembly members:

I sent the highlighted email to Rorie Watt shown below this message. Rorie suggested that I send this information to you. I've also included two maps: 1) which shows the location of my family's property, and 2) a map of the meadow area upstream (south) of our property and the pattern of ownership in the upper meadow.

As I've noted in the email to Rorie, I am having a difficult time determining the policy foundation for the decision to exempt Funter Bay property from the annexation, while at the same time keeping the Wheeler Creek area in the annexation proposal.

Jerry Reinwand

Rorie:

My family owns 19-acres at Wheeler Creek on northern Admiralty Island. It appears that our property, and those of other property owners at Wheeler Creek, are part of the proposed annexation to the CBJ.

It is my understanding that the Funter Bay area has now been excluded from the proposed annexation area due to opposition from Funter Bay property owners, but other Admiralty Island lands are still in the proposed annexation.

I am struggling to understand what public policy buttresses the Assembly's decision to eliminate Funter Bay from the proposed annexation area, but which still leaves an area such as Wheeler Creek in the proposed annexation. Is the policy yardstick that the Assembly used to exclude Funter Bay based on public opposition to a particular area being included in the annexation? If so, it is my understanding that some Wheeler Creek property owners voiced their opposition to that portion of the annexation—so shouldn't their opposition carry as much weight as the Funter Bay property owners' opposition to the annexation—as a matter of fairness and public policy?

If the Assembly is using opposition to an area's being annexed, what are the policy criteria underpinning the decision? The decibel level of the opposition? The number of comments—written or verbal--against the proposed annexation area? The number of Juneau residents who own property in the proposed annexation area who are opposed to the annexation? Or is the public policy simply: "we have to grab this land before someone else does?"

Any clarification that you could offer me to clarify the policy driving the annexation, and those lands selected to be included in the annexation, would be greatly appreciated.

Jerry Reinwand
Owner
Lot A, U.S. Survey 1159
Admiralty Island

From: Steve and Joan Gilbertson
To: [Borough Assembly](#)
Cc: [Amy Mead](#)
Subject: A New Annexation Proposal
Date: Tuesday, February 20, 2018 10:06:31 AM

February 20, 2018

Mayor Koelsch and Members of the Assembly,

I'm sure most of you saw the front page of the February 19, 2018 Juneau Empire with headlines "*Mallott Blasts Annexation Bid, Juneau not being good neighbor he says*". This highlights the unnecessary degree of controversy regarding the annexation proposal as presently drawn

I was encouraged at the end of the article that Mayor Koelsch said he would try to set up a meeting with Angoon. This would be a good step to work on a compromise that could satisfy the needs of both communities. The Mayor of Angoon and other residents were present for the last two Assembly meetings so I'm sure it can happen. Sitting down with Angoon and other property owners from the west side of the island and drawing up some maps on an informal basis could accomplish more than a public hearing. A joint proposal from both communities would carry a lot of weight with the Local Boundary Commission.

My proposal is to basically divide Mansfield Peninsula from Pt. Retreat to the Greens Creek Mine. It is clear that the main interest of the CBJ is the eastern side of Admiralty Island and the Greens Creek Mine. Angoon has traditionally used the west side of Admiralty Island and has strong ties to it. This use includes subsistence harvesting activities, commercial fishing, and employment at both the former Hawk Inlet and Funter Bay canneries.

It is not in the interest of either the CBJ or Angoon to draw unilaterally proposed boundaries. A little diplomacy can go a long way to developing a solution to the annexation controversy.

The CBJ could accomplish its goals by annexing only the eastern side of Admiralty Island and any logical expansion of the Greens Creek mine. Angoon can have their traditional use area on the west side of Admiralty Island left intact.

The CBJ does not have the decision making power on the annexation so there is still an opportunity to modify the request as the process goes on. Resolution 2817 is not a legislative act of the CBJ. Much can be done to improve it. I would suggest the City Manager not make the annexation application until a compromise proposal be worked out with Angoon. I would be glad to participate in that effort.

Sincerely,

Steve Gilbertson, Wheeler Creek landowner

cc. Rorie Watt

Amy Mead

From: "domadmin@juneau.org"
To: [Borough Assembly](#)
Subject: New submission from Assembly Contact
Date: Saturday, March 24, 2018 12:55:39 PM

Select Recipient

Entire Assembly

Your Name

Thomas & Marjorie Osborn

Contact Information

Email

Email

marginalaska@gmail.com

Subject of Message

Pending annexation petition

Message

Dear Mayor Koelsch and Assembly Members,
with copy to Juneau Empire Letters

We are writing again to request that you review and amend your latest decision to attempt to annex several parts of Admiralty Island. We have listened to the great amount of discussion and testimony at the Assembly meetings on this issue, and have reviewed additional information researched and presented in letters and comments to you all. On the basis of that testimony and information, we believe CBJ should support the motion presented by Assembly member Edwardson and not attempt to annex any land on Admiralty Island.

We hope you have all read with open minds the arguments for not annexing these areas that have been presented over the last two years and at length by Admiralty Island property owners, Native leaders from Angoon, and other concerned Juneau citizens. Some Assembly members have argued that some other borough will preempt Juneau's "claim" to Admiralty Island, or that some elected official or state agency wants the Unorganized Borough to immediately be replaced by moving all of Alaska into the "model boroughs" that were suggested in the 1990s. Yet, no existing borough has indicated any interest in annexing Admiralty Island, and if one did in the future, Juneau would have plenty of opportunity to argue its case before the Local Boundary Commission. Also, considerable research has been unable to identify any State of Alaska impetus to immediately place all of Alaska into urban boroughs and dissolve the Unorganized Borough—an entity that was specifically established at Statehood to account for the unique geography, economics, and population distribution of areas such as Admiralty Island. We urge those of you who have expressed these opinions to reconsider them in light of the research and information that has come to light during your discussions of an annexation petition.

Many of us who are concerned about this issue, including people with considerable legal expertise, have exhaustively examined the constitutional requirements the Local Boundary Commission can be expected to apply to any proposed annexation petition. As citizens and taxpayers of CBJ, we are extremely concerned that the Borough will face substantial expense to fight the legal challenge(s) that will inevitably be brought if this petition is carried forward in its present form. We are already concerned about the huge amount of staff time and assembly members' time spent pursuing the annexation issue, even though an assembly study group just two years ago concluded that it was not a viable course at that time. We believe it would take years for any income from taxing newly annexed areas to offset that expense, never mind the costs of trying to govern and extend so-called "essential services" to remote areas that do not need or request them.

EXHIBIT I

After attending several Assembly meetings on this issue, we have a newfound understanding of the huge number of issues Assembly and staff members must pursue and understand to keep the Borough running smoothly. We thank you all for that, and we urge you to focus your time and attention on meeting the needs within the present CBJ boundaries—many of which are unfulfilled or unable to be financed in this time of decreased budgets.

Please reconsider the idea of including any parts of Admiralty Island in an annexation petition. It just does not make sense.

Thank you.

Thomas & Marjorie Osborn

P.O. Box 211448

Auke Bay, AK 99821

CITY OF ANGOON

RESOLUTION NO. 18-01.

A RESOLUTION BY THE CITY OF ANGOON TO OPPOSE THE ANNEXATION OF ADMIRALTY ISLAND BY ANY OUTSIDE BOROUGH OR COMMUNITY.

WHEREAS, the City of Angoon located on Admiralty Island opposes the annexation of any portion of Admiralty Island; and

WHEREAS, Article X, sec 3 of the Alaska Constitution requires the state to be divided in boroughs, organized or unorganized. The standards shall include population, geography, economy, transportation, and other factors which encompass an area and population with common interest to the maximum degree possible; and

WHEREAS, In 1978, President Jimmy Carter established the Admiralty Island National Monument in Proclamation 4611 and In 1980, Congress ratified the 1978 Presidential Proclamation and directed that "subject to valid existing rights... [the Secretary of Agriculture was to manage the Admiralty Island National Monument] to protect objects of ecological, cultural, geological, historical, prehistorical, and scientific interests', in addition, congress later changed Admiralty Island again with S.2543 – Admiralty Island National Monument Land Management Act of 1990 placing management rights to Kootznoowoo, Inc. because of its 'superlative combination of scientific and historic objects'; and

WHEREAS, citizens of Angoon have customarily and traditionally used the resources consistent with Article 8 sec 506 of ANILCA on Admiralty Island for time immemorial; and

WHEREAS, protecting Admiralty's fish and wildlife habitat in a natural state is essential to keeping Admiralty Island as a National and International treasure and essential for the health and culture of the Angoon People as per article VIII sec 4 of the Alaska Constitution; and

WHEREAS, regular meetings of the governing body are held in the city and a record of the proceedings is maintained; and

CITY OF ANGOON

P.O. BOX 189 • ANGOON, ALASKA 99820 • (907) 788-3653 • FAX (907) 788-3821

NOW, THEREFORE, BE IT RESOLVED THAT: The City Council of Angoon in cooperation with Kootznooowoo, Inc., the local IRA and residents of Funter Bay by this resolution hereby oppose the annexation of any portion of admiralty island and as the only permanent year round recognized establishment on Admiralty Island the residents of Angoon reserve the rights to claim Admiralty Island as stated in monument language on behalf of the residents of Angoon and Admiralty Island.

PASSED AND APPROVED by the duly constituted quorum of the city council this 19 day of January, 2018

SIGNED: Pauline Jim Mayor

ATTEST: Albert Kohler City Clerk

Angoon City Council;

Pauline Jim *yes* Edward Jack, Sr. *yes*

Jess Daniels *yes* Joshua Bowen *yes*

Albert Howard *yes* Randall Gamble *yes*

Gail Tharpe-Lucero *yes*

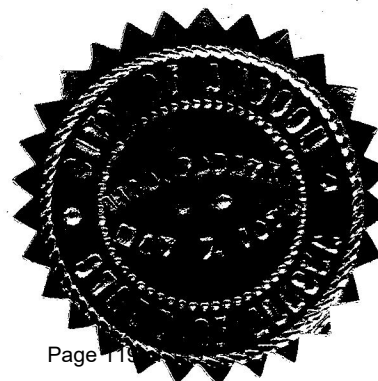


EXHIBIT I-3.

CBJ has attached all the letters received in 2019

From: kim@spoonercontracting.com
To: [Borough Assembly](#)
Subject: Annexation of Admiralty Island
Date: Wednesday, June 5, 2019 7:48:55 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Assembly Members,

I am writing to you about the proposed annexation of Admiralty island by the Juneau Borough. While I understand their concern about the eastern half of the island due to potential lost business tax revenue from the mining activity there I do not understand why there is a desire to annex the western shore area. There is no business activity in that area. The homes there are recreational residences and used only during the summer months. We receive absolutely no government services from Juneau Borough: no mail delivery, no roads, no utilities, no fire services and no police services. I could like to request that the western shore area of Admiralty Island be excluded from the annexation.

Sincerely,
Kim Spooner
Lot 4 Lode Subdivision
Funter Bay, Alaska

(253) 332-4836

From: [Mila Cosgrove](#)
To: [Reid Harris](#)
Cc: [Beth McEwen](#); [Alexandra Pierce](#); [Dan Bleidorn](#); [Megan Costello](#)
Subject: RE: annexation
Date: Thursday, June 6, 2019 4:19:30 PM
Attachments: [Proposed Borough Boundary map.pdf](#)
[Res2817-Final_am-Authorizing_Filing_Annexation_Petition-Legislative_Review-amended.pdf](#)
[image001.png](#)

Hi Reid,

I have attached the map of the proposed borough boundary. I am not sure where the idea originated that CBJ was trying to annex Angoon. There was confusion about that while the Assembly was discussing this issue last year, never by the Assembly, but by the press and public. There was never any attempt to include Angoon or anywhere close to Angoon in the proposed borough boundary. To the best of my knowledge and belief CBJ has never considered annexing Angoon at any point during the current or historical conversations on annexation.

This direction to staff to prepare a petition for Local Boundary Committee consideration was discussed at the January 3, 2018 Committee of the Whole meeting and passed by resolution at the January 22, 2018 Regular Assembly Meeting. The direction is contained in Resolution 2817 also attached here for your reference.

If you want to review packet materials for either of these meetings or review the minutes you can find them on our web page: <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

Once the petition is ready to file with the LBC, we are happy to share a copy with you.

Please let me know if there is any additional information you are looking for.

Mila

Mila Cosgrove
 Deputy City Manager
 City & Borough of Juneau, Alaska
 (907) 586-5240
www.juneau.org



From: Beth McEwen
Sent: Thursday, June 6, 2019 3:57 PM
To: Alexandra Pierce ; Dan Bleidorn ; Mila Cosgrove
Cc: Reid Harris
Subject: RE: annexation

Hi Alix – I'm forwarding this to Mila as she is currently the one working with the Law Department staff on this project and responding to any requests for information about it.

Beth McEwen, MMC

CBJ Municipal Clerk * 155 S. Seward Street, Juneau, AK 99801 * 907-586-5278ph.

Beth.McEwen@juneau.org * www.juneau.org

From: Alexandra Pierce <Alexandra.Pierce@juneau.org>
Sent: Thursday, June 6, 2019 3:55 PM
To: Dan Bleidorn <Dan.Bleidorn@juneau.org>; Beth McEwen <Beth.McEwen@juneau.org>
Cc: Reid Harris <reid.t.harris@gmail.com>

Subject: FW: annexation

Hi Dan/Beth,

I'm not actually sure if this is a Lands or Clerk's question, but hopefully one of you has an answer to Reid's question regarding Annexation below. I'm not aware of any historical attempts at annexation so I don't know where to send him for minutes. Can one of you please get back to Reid with some direction?

Thanks!

Alix

From: Reid Harris <Reid.Harris@akleg.gov>

Sent: Thursday, June 6, 2019 2:50 PM

To: Alexandra Pierce <Alexandra.Pierce@juneau.org>

Subject: annexation

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Alix,

On request of Rep. Kreiss-Tomkins (JKT) I am researching CBJ annexation on Admiralty Island. JKT represents Angoon and the community has some concerns about potential annexation. I just saw the annexation map (attached) from the June 3, 2019 assembly meeting and was hoping to get some clarification from CBJ, perhaps the Lands Dept?

To be clear, the map does not appear to annex Angoon itself, rather the northern portions of Admiralty Island. Can CBJ confirm they are not attempting to bring Angoon into the borough? I'm trying to find minutes (and votes) from the last time CBJ attempted annexation on Admiralty. Could you or someone at the assembly point me in the right direction?

Thank you for your help.

Reid Harris

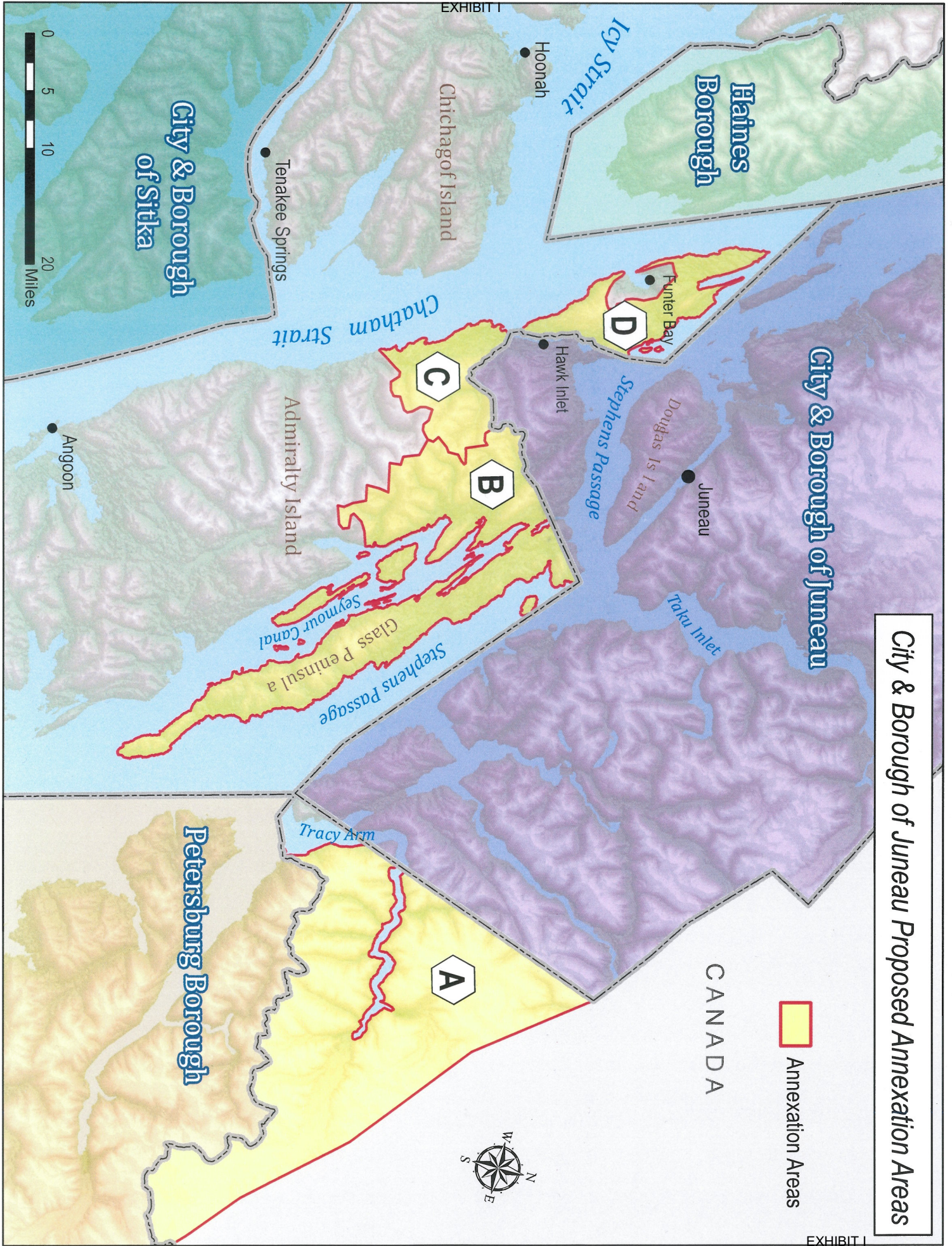
State Affairs Committee Aide

Rep. Jonathan Kreiss-Tomkins

Cap #411

907-465-5446

City & Borough of Juneau Proposed Annexation Areas



Presented by: The Manager
Introduced: 01/22/2018
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2817(am)

A Resolution Authorizing the Filing of an Annexation Petition by Legislative Review before the Local Boundary Commission.

WHEREAS, Article X, sec. 3 of the Alaska Constitution requires the State to be divided into boroughs which encompass an area and population with common interests to the maximum degree possible; and

WHEREAS, Article X, sec. 12 of the Alaska Constitution directs the establishment of a local boundary commission to consider any proposed local government boundary change; and

WHEREAS, the Local Boundary Commission conducted an intensive study, which included public testimony from throughout Alaska, in order to adopt "model borough boundaries" throughout the unorganized borough to be used as a "frame of reference" by the Local Boundary Commission in evaluating future petitions; and

WHEREAS, by Resolution 2587, the Assembly authorized the filing of an annexation petition to annex that portion of land between the CBJ and the then City of Petersburg, an area also sought by Petersburg as part of its borough incorporation petition; and

WHEREAS, in deciding Petersburg's petition and granting Petersburg much of the land identified in the CBJ's annexation petition it became necessary for the CBJ to amend its petition; and

WHEREAS, the City and Borough of Juneau Assembly has carefully considered whether amending its annexation petition to include other areas of the unincorporated borough either previously identified as part of Juneau's model borough boundary, or which, in considering the standards for annexation set by state law, would appropriately and best be served by annexation to the City and Borough of Juneau; and

WHEREAS, at its Committee of the Whole meeting on January 3, 2018, the Assembly directed a resolution be prepared to authorize the amendment of the CBJ's currently pending annexation petition to include the following areas, as amended by the Assembly at its meeting on February 12, 2018, (identified on the map attached as Exhibit A):

- Lands abutting and in Seymour Canal beginning with the Pack Creek watershed and including all lands to the north that drain into Seymour Canal;
- The Glass Peninsula;

- All of the lands on Admiralty Island to the north of Hawk Inlet, including Horse and Colt Islands but excluding those lands that lie with the watersheds that drain into Funtier Bay;
- An area south of the Greens Creek Mine and the existing City and Borough of Juneau boundary that encompasses all lands that drain into Wheeler Creek and lands to the west of the Wheeler Creek basin that drain directly into Chatham Strait.

WHEREAS, the Assembly further directed that the petition be filed as a petition for annexation by legislative review process; and

WHEREAS, state law (3 AAC 110.425) requires that prior to submitting a petition for legislative review, prospective petitioners prepare a draft of the prospective petition, provide public notice, and conduct a public hearing on the annexation proposal.

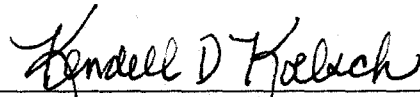
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. The Assembly directs the Manager to amend the City and Borough of Juneau's petition, currently pending (in stayed status) before the Local Boundary Commission by including those lands identified herein and as shown on Exhibit A, and by filing the petition as a petition for annexation by legislative review.

Section 2. The Assembly directs the Manager to initiate the process in accordance with 3 AAC 110.425 by preparing a draft of the prospective annexation petition and providing for the public notice and hearing as required by law.

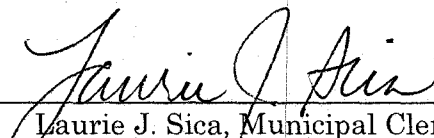
Section 3. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this 12th day of February, 2018.



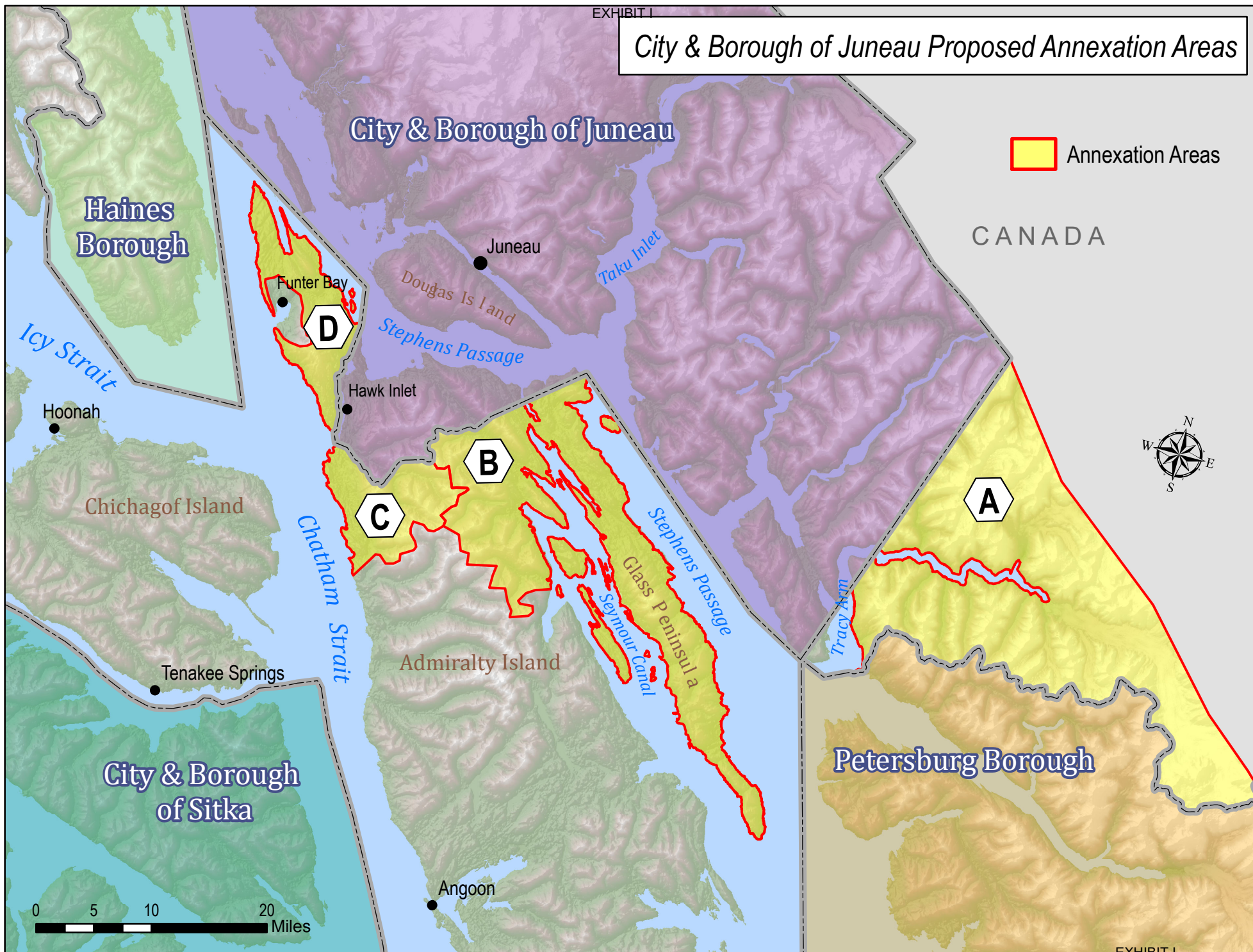
Kendell D. Koelsch, Mayor

Attest:



Laurie J. Sica, Municipal Clerk

City & Borough of Juneau Proposed Annexation Areas



From: [Mila Cosgrove](#)
To: [Megan Costello](#)
Subject: FW: Annexation update
Date: Monday, June 10, 2019 1:59:42 PM
Attachments: [image002.png](#)

Mila Cosgrove
Deputy City Manager
City & Borough of Juneau, Alaska
(907) 586-5240
www.juneau.org



From: Joshua Bowen
Sent: Thursday, June 6, 2019 12:07 PM
To: Rorie Watt
Cc: Beth Weldon ; Albert Kookesh ; Mila Cosgrove
Subject: RE: Annexation update
EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Rorie,
9AM tomorrow will work for me.

I just want to reiterate that the City and its residents are very opposed to any further annexation on the admiralty national monument.

Proclamation 4611 by President Jimmy Carter states, "Admiralty Island has been continuously inhabited by Tlingit Indians for approximately 10,000 years. Archeological sites and objects are plentiful in the areas of Angoon, Chalk Bay, Whitewater Bay and other bays and inlets on the island. These resources provide historical documentation of continuing value for study. The continued presence of these natives on the island add to the scientific and historical value of the area. The cultural history of the Tlingit Indians is rich in ceremony and creative arts and complex in its social, legal and political systems. Admiralty provides a unique combination of archeological and historical resources in a relatively unspoiled natural ecosystem that enhances their value for scientific study."

The proclamation goes on to say, "Protection of the entire island, exclusive of the Mansfield Peninsula, is necessary to preserve intact the unique scientific and historic objects and sites located there. Designation of a smaller area would not serve the scientific purpose of preserving intact this unique coastal island ecosystem."

And finally, "Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof." 3 AAC 110.990 defines contiguous as: with respect to area, territory, or property, adjacent, adjoining, and touching; contiguous area, territory, or property includes area, territory, or property separated by public rights-of-way. I don't think the old petition to cross over Stephens Passage and annex greens creek should have qualified, as it doesn't fall under a "contiguous" land annexation. I had hoped that when this all came up last year, and CBJ saw the response from Funtner bay

residents, Angoon residents, and CBJ residents opposing any continued annexation of admiralty, that you would abandon your efforts on Admiralty and stick to the proposed annexation to the south of CBJ.

Like I said in the last email, we are eager to get to the point to where we can either expand our borders or borough up. We simply do not have the population to do it now, and any success you may have in annexing more of admiralty just means a battle down the road over what should never have been annexed by CBJ in the first place.

In a news article last year, you mentioned that a big part of the effort was due to the proposed model borough boundaries from the 90's. I strongly disagree with how these boundaries were formed, and will be actively lobbying for another boundary study for still unorganized borough lands, and/or a reduction in minimum population to qualify for borough status. These boundaries did not follow the boundaries of the Admiralty National Monument, and for this reason I believe the annexation should not have been allowed to happen.

I have a lot of questions being thrown at me regarding this, and I would appreciate if you could answer some of them for me before we meet tomorrow.

1. Besides following the LBC model borough boundaries and article X of the constitution, which states all of Alaska shall be in a borough, either organized or unorganized,, what reasons do you have for annexing more of admiralty?
2. Do you currently receive PILT revenues from the already annexed portion of admiralty? If so, how much of your PILT payment is from that section of Admiralty, and what kind of increase in PILT funds, if any, do you anticipate if successful in further annexation of Admiralty?
3. If your intention is to follow the Model Borough Boundaries, then why are you attempting to include lands on the Chatham Model Borough?
4. Can you provide the City of Angoon with a copy of your annexation application?

We have several reasons to be opposed to your annexation application for admiralty island. Please consider these points I raised, and I look forward to discussing these and more during our meeting tomorrow.

Thanks again,
Joshua Bowen
Angoon Mayor

From: Rorie Watt <Rorie.Watt@juneau.org>

Sent: Wednesday, June 05, 2019 7:07 PM

To: Joshua Bowen <mayor@cityofangoon.com>

Cc: Beth Weldon <Beth.Weldon@juneau.org>; Albert Kookesh <cityclerk@cityofangoon.com>; Mila Cosgrove <Mila.Cosgrove@juneau.org>

Subject: Re: Annexation update

Hi Joshua -

Can you meet Friday morning at 9? Thanks.

On Jun 5, 2019, at 1:34 PM, Joshua Bowen <mayor@cityofangoon.com> wrote:

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Rorie and Beth,

What was the result of the Attorneys report? Did your assembly make a decision to

move forward with submitting the application?

It looks like your proposed annexation would bring you just about in line with the model borough boundaries established in 1992. That being said, I am interested in knowing what the motivation is for annexing any more of admiralty. Is it just to be in line with the model borough boundaries? If that's the case, then wouldn't Funtner bay be included in your annexation? Were they excluded in this round of annexation because of their very vocal resistance to the idea last year? The City of Angoon, as well as citizens across southeast Alaska, would undoubtedly be just as, if not more, vocal in our resistance to the idea of further annexation of Admiralty Island.

I hope that CBJ understands how vehemently opposed we are to any further annexation of Admiralty Island, and any effort to proceed in annexing any more of Admiralty Island would be seen as an extremely aggressive move on the part of CBJ, a large city, against a small rural native community, who were named as stewards of this island by President Jimmy Carter many years ago. Last year when this all came up, I did bring it up on a Juneau FB page, and was surprised to see the level of support for Angoon from your own citizens against CBJ attempting any annexation of Admiralty Island. I was not the Mayor last time this issue came up, but I am now, and I am willing to use my power of publicity as the Mayor of this town to ensure everyone understands how opposed we are.

I will be in Juneau for the day on Friday. I would like to meet with you to discuss this further, and I am requesting that you hold off on any further action in regard to submitting your annexation application.

We are sorting out some local issues, but do plan on starting the annexation process soon, once we decide whether we will be going for a simple boundary expansion, or changing over to a borough. Forcing this issue would in turn force us to attempt to annex more land or "borough up" before we are in the best position to do so.

I look forward to hearing back from you, and hope we can meet sometime Friday to discuss this in person.

Thank you,
Joshua Bowen
Angoon Mayor

From: Rorie Watt <Rorie.Watt@juneau.org>

Sent: Monday, June 03, 2019 12:48 PM

To: Beth Weldon <Beth.Weldon@juneau.org>; Joshua Bowen
<mayor@cityofangoon.com>

Subject: RE: Annexation update

Hi Joshua –

Attached is an overview map that shows the boundaries of our draft petition. If you want to discuss this at some point, we are more than happy to sit down with you. Let us know if that is something that you want to do. Thanks.

From: Beth Weldon <Beth.Weldon@juneau.org>

Sent: Monday, June 3, 2019 12:05 PM

To: 'Joshua Bowen' <mayor@cityofangoon.com>

Cc: Rorie Watt <Rorie.Watt@juneau.org>

Subject: Annexation update

Hi Josh,

We will be getting a report from our Attorney about the annexation tonight at our Assembly meeting. Basically, the report should be that we are ready to submit our application. If you want to listen in, you can hear us on KTOO. The meeting starts at 7, but unfortunately this will be one of our last topics so may be late as we are doing budget items.

If you have any questions, please let me know.

I have also heard about a death in your community. I am saddened for your loss and will keep Angoon in my thoughts and prayers as you deal with losing one of your own.

Best wishes,

Beth Weldon

From: [Mila Cosgrove](#)
To: [Borough Assembly](#)
Subject: City of Angoon Annexation Resolution
Date: Wednesday, June 12, 2019 10:38:59 AM
Attachments: [Annexation Resolution.jpg](#)
[image001.png](#)

Greetings all,

We received the following email today from Angoon Mayor Josh Bowen regarding the CBJ's proposed annexation of portions of Admiralty Island. Rorie and I met with Mr. Bowen, and Ms. Melissa Kookesh, Chairwoman of the Board for Kootznoowoo Inc. last Friday. They let us know this would likely be coming. Their main concern continue to be what they perceive as a further encroachment into the Admiralty National Monument. Rorie and I extended an offer again to meet with them in Angoon or Juneau. They agreed to consider the offer and get back to us about timing. The annexation petition will be filed this week with the Local Boundary Commission for technical review. Following that review there will be an opportunity for Public Comment prior to the submission to the LBC for final review. The petition, as modified by the LBC, will be forwarded to the Legislature for their review and action.

Please let me know if you have any questions.

Mila

Mila Cosgrove
Deputy City Manager
City & Borough of Juneau, Alaska
(907) 586-5240
www.juneau.org



From: Joshua Bowen
Sent: Wednesday, June 12, 2019 9:52 AM
To: Beth Weldon
Cc: Rorie Watt ; Mila Cosgrove
Subject: Annexation Resolution

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Beth,

I have attached a resolution that we passed on Monday in opposition to any effort by CBJ to annex any more of the national monument.

I feel strongly that CBJ is making a mistake by annexing any more of the monument. We are prepared to show our resistance every step of the way during the long public process involved with annexation petitions. There is a peaceful protest scheduled for this Friday in Juneau. I have reached out to state and federal legislators, and have received responses from some saying that they are on our side on this.

It is not too late to amend your petition and remove those areas of the monument that we are so attached to. Mansfield peninsula, colt, and horse islands are not part of the monument, and as such, we would have no opposition to you annexing those areas. This monument is considered to be a

local treasure, one that the elders of this town went and fought for many years ago. I again urge you to reconsider.

Thank you,

Joshua Bowen

Angoon Mayor



**Resolution of the City of Angoon, Alaska
Resolution No. 19-04**

A Resolution in Opposition to any Effort by the City and Borough of Juneau to Annex any Portion of the Admiralty National Monument or Kootznoowoo Wilderness Area

Whereas, The City of Angoon is the local government for Angoon, a City of historical significance to Admiralty Island with multiple indigenous Tlingit Clans having an ancient connection to management of Admiralty Island and the Kootznoowoo Wilderness Area; and

Whereas, in 1978, a Delegation of Angoon Elders, concerned about any future development on Admiralty Island, travelled to Washington D.C. to lobby for federal protections of Admiralty Island, and to ensure continued stewardship of the island by its indigenous people; and

Whereas, the 1978 Angoon Delegation was a major force in establishing Admiralty Island as a protected National Monument through the passage of ANILCA; and

Whereas, Admiralty Island is classified as a unit in the Southeast Alaska Biosphere Reserve by the United Nations Educational, Scientific and Cultural Organization, a designation that merits continued protection of Admiralty Island and it's contiguous environs by the local indigenous population; and

Whereas, Section 202 (2) of Public Law 101-378 (1990) provides for management of Admiralty Island National Monument, "between the Federal Government and the indigenous residents of the island, the people of the city of Angoon and the Native Village Corporation, Kootznoowoo Incorporated."; and

Whereas, the 1997 Model Borough Boundaries adopted by the local boundary commission did not follow the geographic boundary of the Admiralty National monument, and as such, erroneously apportioned a section of the national monument lands to the Juneau Model Borough; and

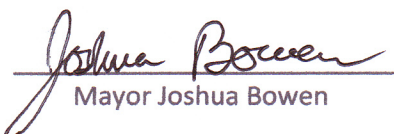
Whereas, on January 22, 2018, the Assembly of the City and Borough of Juneau narrowly approved resolution 2817, a resolution authorizing the filing of an annexation petition with the Local Boundary Commission; and

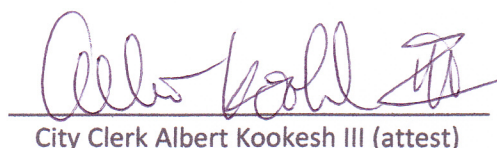
Whereas, the City and Borough of Juneau has only recently decided to act on the 18-month-old Resolution 2817, failing to provide newly elected assembly members an opportunity to vote on this significant and controversial issue; and

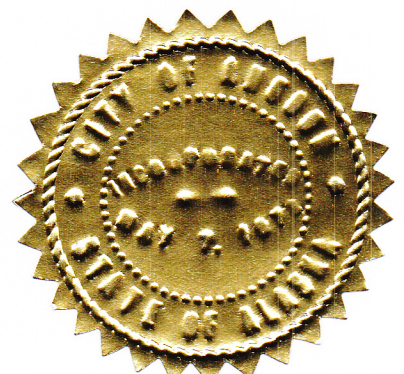
Whereas, any annexation of Admiralty Island by the City and Borough of Juneau would not be consistent with 3 AAC 110.190, Boundary requirements, specifically: ethnicity and cultures.

Now Therefore Be It Resolved: The Angoon City Council, by this resolution, certifies that the City of Angoon fully opposes any attempt to annex any portion of Admiralty National Monument, a land that has been under local stewardship since time immemorial.

PASSED and APPROVED by the Angoon City Council this 10th day of June, 2019.


Mayor Joshua Bowen


City Clerk Albert Kookesh III (attest)



City & Borough of Juneau
Alaska Local Boundaries Commission
Alaska State Legislature

June 12th, 2019

Richard Powers
Angoon, AK Resident

To Whom It May Concern,

As a long term Angoon Resident and the Former largest employer in the region, I wholeheartedly disagree that any additional portions of Admiralty Island should be annexed. Other than greed of the Assembly, there appears to be little support for the approval of this proposal, only negative comments by the few property owners within the proposed annexation boundary or other portions of Admiralty Island.

The village of Angoon could have greatly benefitted from the revenue from Green's Creek mine that was quickly snapped up by Juneau. Apparently now you are looking toward annexing the remainder of North Admiralty.

What's next? All of Admiralty Island and the remainder of Alaska not linked with a Borough? Those of us in Angoon are scared to death of becoming a ward and debtor to Juneau with no apparent benefits. Only the borough, the commission and the Alaska legislature can put a stop to this idiocy.

I can assure you that all of the village of Angoon including myself adamantly opposes further land grabs that benefit no one except city and borough of Juneau who are apparently unable to manage their massive budget.

Sincerely Concerned,

A handwritten signature in black ink, appearing to read "Richard Powers", with a stylized, flowing script.

Richard Powers
Founder of Whaler's Cove Lodge (1970)

CC
City of Angoon
Kotznohoo INC
Sea Alaska INC

From: [Jerry Reinwand](#)
To: [Borough Assembly](#)
Subject: Public Policy Question
Date: Monday, June 17, 2019 10:58:30 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Mayor Weldon/Assembly members:

On February 25, 2018 I sent the highlighted email message below to the Mayor and Assembly members regarding the proposed annexation of portions of Admiralty Island. I have also included an email that I had sent to Rorie Watt after the Assembly took action on the proposed annexation. To date, I have not received a response to the public policy questions that I asked which seem to me to be foundational to any decision that is made on the annexation issue by Juneau's elected officials.

After I sent the mails to the Assembly and Rorie, it appears that the Admiralty Island annexation is creating problems with the residents of Angoon. It seems to me that the last thing Juneau needs is to trigger a debate with a Southeast neighboring community over what appears to be a simple land grab by Juneau—based on no viable policy reasons.

Perhaps it is time for the Mayor and Assembly to step back and review the policy review process that occurred during the compilation of the annexation proposal.

Jerry Reinwand
Juneau resident

Mr. Mayor/Assembly members:

I sent the highlighted email to Rorie Watt shown below this message. Rorie suggested that I send this information to you. I've also included two maps: 1) which shows the location of my family's property, and 2) a map of the meadow area upstream (south) of our property and the pattern of ownership in the upper meadow.

As I've noted in the email to Rorie, I am having a difficult time determining the policy foundation for the decision to exempt Funter Bay property from the annexation, while at the same time keeping the Wheeler Creek area in the annexation proposal.

Jerry Reinwand

Rorie:

My family owns 19-acres at Wheeler Creek on northern Admiralty Island. It appears that our property, and those of other property owners at Wheeler Creek, are part of the proposed annexation to the CBJ.

It is my understanding that the Funter Bay area has now been excluded from the proposed annexation area due to opposition from Funter Bay property owners, but other Admiralty Island lands are still in the proposed annexation.

I am struggling to understand what public policy buttresses the Assembly's decision to eliminate Funter Bay from the proposed annexation area, but which still leaves an area such as Wheeler Creek in the proposed annexation. Is the policy yardstick that the Assembly used to exclude Funter Bay based on public opposition to a particular area being included in the annexation? If so, it is my understanding that some Wheeler Creek property owners voiced their opposition to that portion of

the annexation—so shouldn't their opposition carry as much weight as the Funter Bay property owners' opposition to the annexation—as a matter of fairness and public policy?

If the Assembly is using opposition to an area's being annexed, what are the policy criteria underpinning the decision? The decibel level of the opposition? The number of comments—written or verbal--against the proposed annexation area? The number of Juneau residents who own property in the proposed annexation area who are opposed to the annexation? Or is the public policy simply: "we have to grab this land before someone else does?"

Any clarification that you could offer me to clarify the policy driving the annexation, and those lands selected to be included in the annexation, would be greatly appreciated.

Jerry Reinwand

Owner

Lot A, U.S. Survey 1159

Admiralty Island

From: [John Sisk](#)
To: [Borough Assembly](#)
Subject: CBJ Proposal to annex lands on Admiralty Island
Date: Tuesday, June 18, 2019 7:12:24 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear City & Borough of Juneau Assembly Members:

I am writing you to voice my concern over the CBJ's proposal to the Local Boundary Commission to annex lands on Admiralty Island. I have followed this issue generally from the early CBJ proposals to the protests from Funter Bay and Angoon up to the recent protest rally by Angoon residents and the Angoon Mayor, and the CBJ's formal submittal to the LBC.

I did watch the CBJ Assembly respond to protests from Funter Bay residents and property owners by deleting Funter Bay from the annexation proposal. Angoon protested the annexation proposals further south on Admiralty Island at the same time, yet the CBJ chose to continue pursuing those annexations. I have no quarrel with the Funter Bay preference to remain outside the CBJ; I am concerned that Juneau and Angoon, the community on Admiralty Island (Kotznoowoo) are at odds.

I read that the CBJ may (?) have sought to "lay first claim," through a formal proposal submission to the LBC, to certain lands on eastern Admiralty Island, before the Petersburg Borough submits their own rival proposal to annex those lands. A potential contest between Juneau and Petersburg over annexation of land on Admiralty Island does not seem to justify disregarding Angoon's interests. While the LBC will have to consider the proposals and objections of all concerned communities, I find it unfortunate that the CBJ appears to be taking an adversarial approach to Angoon.

I know that I do not have all the information that the CBJ considered, and I did not participate in the Assembly process. I would welcome information that might shed light on the issue; I think many others would appreciate such information as well.

Thank you for your attention and consideration.

John Sisk

John Sisk
juansisk@gmail.com

From: ["domadmin@juneau.org"](mailto:domadmin@juneau.org)
To: [Borough Assembly](#)
Subject: New submission from Assembly Contact
Date: Wednesday, June 19, 2019 3:26:34 PM

Select Recipient

Entire Assembly

Your Name

Laura Fleming

Contact Information

Email

Email

laura.fleming06@gmail.com

Subject of Message

Annexation proposal Admiralty

Message

Greetings. I contacted Assembly members last year on this topic, however some members are new. I object to the annexation proposal the CBJ is cooking up, and recommend withdrawal of the outdated petition to the LBC and no further action. If anything was to be annexed the most natural fit is Funter Bay with its second homes for Juneau residents. I support the resolution adopted last year by the Central Council of Tlingit and Haida Indian Tribes of Alaska supporting the Community of Angoon in its opposition to the proposal.

The petition explains how the annexation will confer the benefits of organization including local government and services, upon these acres, a miracle that will only require the expenditure of enough funds to send the tax assessor around to size up the property and perhaps dispatch the occasional Privately funded Medevac. A miracle of government that the SIX year-around residents may or may not welcome depending on whether they engage in subsistence harvesting of fish and game resources before annexation. It's really comical to observe the petition presenting the annexation as being in harmony with the letter of the Constitution and Alaska Statute, giving benefits, when it appears to be a product of a desire to fill our coffers, speculating on expansion of mining and high-volume cruise ship tourism: two industries with a proven history of degrading the environment upon which the fish and game, and the people whose lives and livelihoods depend on them, depend.

Thank you.

From: [Dave Benton](#)
To: [Borough Assembly](#)
Subject: Letter from Alaska Lighthouse Association re CBJ Annexation
Date: Friday, July 19, 2019 6:34:11 PM
Attachments: [ALA LETTER RE CBJ ANNEXATION 20190719.pdf](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Mayor Weldon and Assembly members please find attached a letter from the Alaska Lighthouse Association regarding the CBJ proposal to annex lands on Admiralty Island. It is our understanding the CBJ will receive an update on this matter at your upcoming meeting and we wanted to get this to you as soon as we could for your information. Thank you in advance for considering our concerns and comments.

David Benton

President

Alaska Lighthouse Association



July 19, 2019

Mayor Beth Weldon
City and Borough of Juneau
155 S. Seward St.
Juneau, AK 99801

Dear Madam Mayor:

The Alaska Lighthouse Association (ALA) is a non-profit 501(c) (3) corporation dedicated to protecting and promoting Alaska's rich maritime history. The Association is writing to bring to your attention concerns our organization has with the proposed annexation of lands on Admiralty Island by the City and Borough of Juneau (CBJ), and to request that the CBJ Assembly reconsider the petition and withdraw proposals to annex lands on Admiralty Island in order to more carefully consider the costs and impacts of such an action.

As part of our mission, ALA is the owner and steward of the Point Retreat Lighthouse and Reserve on Admiralty Island where we have spent many years rehabilitating Point Retreat lighthouse as well as conserving and protecting the lands and resources of the Lighthouse Reserve. We are a small, all volunteer, non-profit with no paid staff and we are proud of the work we have done to bring the lightstation back to life. We are concerned that CBJ's proposed annexation will have direct and significant impacts on ALA and our work at Pt. Retreat. Our concerns include the following:

1. ALA has had title to Pt. Retreat since 2002 and is one of the larger private landowners in the proposed annexation area. Despite this, the CBJ made no attempt to communicate with ALA to discuss the proposal. It seems that in the interests of good government and transparency the responsible thing would have been for CBJ to reach out to affected landowners such as ALA and discuss the pluses and minuses of the proposal early in the process. ALA has received no such communication from CBJ.
2. The petition is inaccurate and conceals potential impacts on landowners and our organization in particular. Our review of the petition indicates that the CBJ did not include ALA as the owner of the Point Retreat Lighthouse and Reserve. As such, the petition does not include ALA as a private landowner, and does not discuss or address the impacts, such as property taxes or other burdens CBJ might place on a small non-profit such as ours if the annexation

ALASKA LIGHTHOUSE ASSOCIATION
P.O. BOX 240149 DOUGLAS, ALASKA 99824-0149

goes forward. Certainly the Assembly would want to know how its actions might affect entities such as ours. The current petition does not include any such analyses or information.

3. Similarly, there is little to no information regarding any benefits the annexation would provide to landowners on Admiralty Island. Will there be an extension of fire and emergency services? Will the CBJ provide water and wastewater assistance? Has the CBJ set aside funding for any such new services? It would be useful to understand what benefits, if any, ALA will receive from annexation by CBJ.
4. The CBJ has not identified any reason for rushing annexation, and the petition does not present a clear reason or rationale for taking this action at this time. In fact it is clear that there is no emergency or immediacy to annexing additional lands on Admiralty Island. There has been no significant population increase in the area that might argue for annexation. And, while the petition makes vague reference to potential mineral or tourism development sometime in a distant future, CBJ provides no information or specific examples of significant new or expanded mineral or tourism developments for the majority of the areas it is seeking to annex on Admiralty Island. Even in Area C, where CBJ cites the potential expansion of Greens Creek mine, that development appears to be years off and remains subject to numerous state and federal permitting processes.

The CBJ petition states that the annexation proposal should be "simple and non-controversial". It is just the opposite. Annexation of the areas proposed for Admiralty Island has been highly controversial, and is anything but simple. The proposal has raised considerable controversy in Juneau itself, where there has been little if any support for annexing additional lands on Admiralty Island. The petition has increased tensions and created unnecessary controversy between Juneau and neighboring communities such as Angoon and Hoonah. Instead of rushing forward with this petition, ALA believes that it would be in the interests of all parties if CBJ would withdraw its proposal to annex lands on Admiralty Island and take a more thoughtful and transparent approach to any future annexations on Admiralty.

Thank you for considering our comments.



David Benton
President
Alaska Lighthouse Association

ALASKA LIGHTHOUSE ASSOCIATION
P.O. BOX 240149 DOUGLAS, ALASKA 99824-0149

From: ["domadmin@juneau.org"](mailto:domadmin@juneau.org)
To: [Borough Assembly](#)
Subject: New submission from Assembly Contact
Date: Wednesday, July 24, 2019 6:55:45 PM

Select Recipient

Entire Assembly

Your Name

Laura Fleming

Contact Information

Email

Emaillaura.fleming06@gmail.com**Subject of Message**

Annexation of Admiralty Island lands

Message

Thanks to Assemblyperson Rob Edwardson for moving to later consider repealing the resolution approved by the people constituting the Assembly in 2018 pursuing the greedy land grab on Admiralty. As expressed and detailed in my earlier communication to you on this topic, it is highly objectionable to me and many other Juneau residents who decide who serves in the assembly. I also referenced a resolution objecting to it passed by the Central Council of Tlingit and Haida Indian Tribes of Alaska. I will continue to voice objections to this proposal as it works its way through the system.

From: ["domadmin@juneau.org"](mailto:domadmin@juneau.org)
To: [Borough Assembly](#)
Subject: New submission from Assembly Contact
Date: Wednesday, July 24, 2019 6:59:01 PM

Select Recipient

Entire Assembly

Your Name

Phil Emerson

Contact Information

Email

Email

trollman.phil@gmail.com

Subject of Message

Annexation

Message

Thank you for letting me write to comment on your continuing annexation of Admiralty Island. I thought that you had decided to abandon that annex so am now starting to compose a letter to the Boundary Com. and legislature. I am so sorry you do not believe in the democratic process of a vote of the people and must hope the legislature will also ignore the will of the people involved. You seem to want to bypass the Alaska Constitution and proceed with ignoring all the input you have gotten from Angoon, your resident indigenous people and the other land owners on Admiralty. Under the quote of the constitution is my opening statements. This is about the nicest part of my letter. Please, please think again about what you are doing and the cost and time involved in the tyranny you are subjecting on the people of Admiralty.

"All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole".

State law requires certain standards and procedures be followed for annexation. "A petition will not be approved by the commission if the effect of the proposed change denies any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin."

A few years back Petersburg and Juneau wanted to annex the same land and Petersburg got it. The Juneau assembly and Mayor Koelsch commented that they supported this decision. "It's a good neighbor policy and we always try to be good neighbors". Juneau is a good neighbor when it comes to supporting Petersburg, a community that is 82% white. When it comes to the people on Admiralty Island who are 82 % Alaskan Native Juneau decided they could discriminate and ignore being a good neighbor. All the people of Angoon, the indigenous people living in Juneau have asked Juneau not to annex Admiralty. All the other land owners in the annex area on Admiralty Island signed a petition that they did not want to be part of the Juneau Borough. Civil rights are the rights of individuals to receive equal treatment (and to be free from unfair treatment or discrimination). If Juneau is not discriminating they are certainly treating the people on Admiralty Island unfairly.

Thank you for your time, you will love the rest of my letter. By the way, I cut and pasted your email and it was rejected.

Phil

From: [Robert Palmer](#)
To: [Megan Costello](#)
Subject: FW: Letter from Alaska Lighthouse Association re CBJ Annexation
Date: Friday, July 26, 2019 2:50:45 PM
Attachments: [image004.png](#)

From: Mila Cosgrove
Sent: Friday, July 26, 2019 2:32 PM
To: 'Dave Benton' ; Rorie Watt
Cc: Jeff Rogers ; Mary Grant ; Robert Palmer
Subject: RE: Letter from Alaska Lighthouse Association re CBJ Annexation

Hi Dave,

I asked the City Assessor to look over the information you sent to us regarding your 501(c)(3) status and the stated purpose of the Alaska Lighthouse Association. Based on a review of the information sent we believe, preliminary, that the use would qualify for a property tax exemption. If you want further information, you can find information on property tax exemptions as well as the forms and application process at: http://www.juneau.org/financeftp/assessor_exemptions.php.

Mila

Mila Cosgrove
Deputy City Manager
City & Borough of Juneau, Alaska
(907) 586-5240
www.juneau.org



From: Dave Benton <davebenton@gci.net>
Sent: Monday, July 22, 2019 12:02 PM
To: Mila Cosgrove <Mila.Cosgrove@juneau.org>; Rorie Watt <Rorie.Watt@juneau.org>
Subject: RE: Letter from Alaska Lighthouse Association re CBJ Annexation
EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Thanks Mila: As we have pointed out ALA is an all volunteer 501 (c) (3) non-profit organization. . The purposes of the ALA are captured in our mission statement (attached) and the following uses of the lands and structures at Pt. Retreat. Specifically:

1. ALA continues to rehabilitate the historical structures at Pt. Retreat. This is an ongoing project.
2. Pt. Retreat is the only historical lighthouse in Alaska that has personnel on-site on a year round basis. This is necessary and required to operate, maintain, and protect the historical resources at Pt. Retreat.
3. ALA is maintaining these historical resources as a “living museum” which will be used as a learning and education center.
4. ALA has sponsored several scientific research projects, including student led projects from UAS, at the lighthouse. It is our hope to continue such efforts over the longterm as we continue to develop our natural history and maritime history education

programs.

5. Protecting and conserving the Lighthouse Reserve lands are an integral part of our plans. The Reserve is undeveloped conservation lands providing important habitat for the wildlife of the Mansfield Peninsula, and it is part of our mission to ensure their longterm conservation and ecosystem integrity. The lighthouse reserve is currently used by the public on an informal basis for recreational purposes.

I hope this is useful. Please feel free if you need additional information.

D Benton

From: Mila Cosgrove [<mailto:Mila.Cosgrove@juneau.org>]

Sent: Monday, July 22, 2019 8:09 AM

To: 'Dave Benton'; Rorie Watt

Subject: RE: Letter from Alaska Lighthouse Association re CBJ Annexation

Hi Dave,

Thanks for passing this along. To follow up on your question regarding whether or not your organization would be required to pay property tax, I would need more information about how the land is used. Would you please provide a little detail for me so I can run it by the appropriate offices here?

Thanks

Mila

Mila Cosgrove

Deputy City Manager

City & Borough of Juneau, Alaska

(907) 586-5240

www.juneau.org



From: Dave Benton <davebenton@gci.net>

Sent: Friday, July 19, 2019 6:55 PM

To: Rorie Watt <Rorie.Watt@juneau.org>; Mila Cosgrove <Mila.Cosgrove@juneau.org>

Subject: FW: Letter from Alaska Lighthouse Association re CBJ Annexation

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Mr. Watt and Ms. Cosgrove: I wanted to make sure you had copies of this letter. I emailed it to the Assembly and it was not clear if you were included on the email list. Also, I want to again thank Mila for taking time to meet with me today.

D Benton

From: Dave Benton [<mailto:davebenton@gci.net>]

Sent: Friday, July 19, 2019 6:34 PM

To: 'BoroughAssembly@juneau.org'

Subject: Letter from Alaska Lighthouse Association re CBJ Annexation

Dear Mayor Weldon and Assembly members please find attached a letter from the Alaska Lighthouse Association regarding the CBJ proposal to annex lands on Admiralty Island. It is our understanding the CBJ will receive an update on this matter at your upcoming meeting and we wanted to get this to you as soon as we could for your information. Thank you in advance for considering our concerns and comments.

David Benton
President
Alaska Lighthouse Association

From: ["domadmin@juneau.org"](mailto:domadmin@juneau.org)
To: [Borough Assembly](#)
Subject: New submission from Assembly Contact
Date: Monday, July 29, 2019 7:15:32 AM

Select Recipient

Entire Assembly

Your Name

greg capito

Contact Information

Email

Emailgregcapito@hotmail.com**Subject of Message**

Angoon

Message

Please reconsider the proposal to annex Angoon because: 1. Angoon does not support the idea; 2. In a period of fiscal uncertainty annexation will create more problems than it solves; 3. The negative publicity makes the CBJ look like a greedy ogre.

From: [Kathleen Buell](#)
To: [Borough Assembly](#)
Subject: Admiralty Annexation
Date: Wednesday, July 31, 2019 9:45:05 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I am writing to you all today to express my feeling about the proposed annexation . I will keep it simple and clear, THIS IS WRONG, this property does not and should not belong to the City and Borough of Juneau. This is a greedy land grab and is another example of government taking what they want and to hell with the natives. Admiralty should belong to the people of Angoon and that is plan and simple. Juneau can not and will not send police or fire over there in a timely manner, they do not provide water nor electricity. Except for the money that the CBJ will bring in from property taxes why would the city want to do this?

If this goes through I will not vote for anyone that voted for its passage and I will not be silent about my thought on this. Kathy Buell 6729 Gray Street Juneau, AK 99801 Property Owner and Local Business Owner



Virus-free. www.avg.com

Exhibit PP



Haa Aaní **Our Land**

Tlingit and Haida
Land Rights and Use

**Walter R. Goldschmidt
and Theodore H. Haas**

**Edited with an
Introduction by
Thomas F. Thornton**

Introduction: Who Owned Southeast Alaska?

Answers in Goldschmidt and Haas

Thomas F. Thornton

Working as an applied anthropologist researching rural Southeast Alaskans' subsistence harvest patterns with the Alaska Department of Fish & Game, Division of Subsistence, in the early 1990s, I had many occasions to consult Walter Goldschmidt's and Theodore Haas's land claims report entitled "Possessory Rights of the Natives of Southeastern Alaska." Whenever there was a question as to "customary and traditional" uses of a particular area or resource, this remarkably useful study was almost always the starting point for further research. I remember perusing it one day, looking for information on subsistence brown bear hunting in Southeast Alaska (Thornton 1992), and as always finding numerous references. Several of the key references were drawn from the statements of Tlingit elders, the full texts of which were not included in my copy of the report. I decided to try to contact Dr. Goldschmidt, now professor emeritus at the University of California at Los Angeles Department of Anthropology, to see about obtaining the full statements. After solving this problem, we got to talking more generally about the report. Dr. Goldschmidt was surprised to learn how much it was still in use, and we began discussing the possibility of publishing it. That was the genesis of this project, and, with the assistance of Dr. Goldschmidt and many others and the generous support of Sealaska Heritage Foundation and the Alaska Humanities Forum, it has now become a reality.

It is an especially great pleasure to introduce Goldschmidt's and Haas's landmark study on Tlingit and Haida possessory rights to the general public on the fiftieth anniversary of their land claims investigation. Written in the fall of 1946 after a summer of field work in the Tlingit communities of Angoon, Haines, Hoonah, Kake, Ketchikan, Klukwan, Juneau-Douglas, Saxman, Sitka, Wrangell, Yakutat, and the Haida community of Kasaan, the report immediately became a key document in Tlingits' and Haidas' efforts to obtain a just settlement for their aboriginal land and property rights. Though the sun has all but set on the land claims era, which reached its climax with the Alaska Native Claims Settlement Act of 1971 (discussed below), the unpublished report has endured as an extremely valuable reference work. Natives and non-Natives alike have continued to consult it in their endeavors to answer basic questions about the relationships between Southeast Alaska Natives and their lands and re-

sources. And for the "landless" Tlingit communities of Haines, Ketchikan, Petersburg, Tenakee Springs, and Wrangell, the Goldschmidt and Haas study remains a critical piece of evidence in their quest for a just land claims settlement. At last those of us possessing a faded, dog-eared crumpled copy of the old, mimeographed report can replace it with this handsome expanded edition, with a new retrospective essay by Dr. Goldschmidt himself, and those for whom this fine piece of research heretofore has been hidden may now enjoy it for the first time.

The Unique Contribution of Goldschmidt and Haas

The publication of this report is significant for three reasons: (1) it marks the fiftieth anniversary of the historic 1946 investigation; (2) the report fills an important gap in the literature on Southeast Alaska Natives; and (3) it brings forth the words and wisdom of respected culture-bearers now deceased. The timing, focus, and methodology of the report and its embodiment of Native voices make it a unique and important contribution to the ethnographic literature of Alaska Natives.

The year 1946 was a very important one in the development of Alaska and the Native land claims movement. The efforts of Goldschmidt and Haas were part of a progressive federal Indian policy launched in the 1930s with the Roosevelt Administration. John Collier, Roosevelt's Commissioner of Indian Affairs, initiated an "Indian New Deal" marking a conscious shift away from assimilation and missionary endeavors toward preservation/revitalization and scientific approaches to Native American cultures. In 1934 the Indian Reorganization Act (48 Stat. 984) was passed, establishing provisions for Native Americans' political self-government and economic self-determination. In 1936 Alaska Natives successfully lobbied to extend the law to meet the needs of Alaska's aboriginal peoples. Reformers believed that the mistakes of the Lower 48 could be avoided in Alaska, where encroachments had been comparatively minimal and traditional land and resource bases were still largely intact. Among other things, the Alaska Reorganization Act allowed the Secretary of the Interior to designate lands used or occupied by Natives (i.e., lands to which they had aboriginal title) as reserves. Given the

problems that plagued reservations in the Lower 48, however, not everyone agreed that this was the best policy.

There was also the issue of conflicts with non-Native interests. When Interior Department under Secretary Harold Ickes proposed a major reservation at Venetie in 1943, many were alarmed by its size (some 1.5 million acres) and the fact that some one hundred other proposed reservations would encompass nearly half of the Alaska Territory. Opposition to the reservation policy within the territory became so strong that Ickes eventually had to scale back his plans considerably. The reservation issue was especially sensitive in Southeast Alaska where significant non-Native settlement and commercial development had already occurred. Territorial Governor Ernest Gruening and others appealed to the Secretary to have impartial observers study the issue and consider other solutions besides land withdrawals, including financial compensation. This dispute provided one impetus for investigations like those of Goldschmidt and Haas (in Southeast Alaska and their unpublished research of the Interior villages of Northway, Tanacross, and Tetlin) seeking to determine the nature and extent of Alaska Native land rights.

Tlingit and Haida leaders, of course, had been communicating their land claims since first contact through peaceful means, as well as by confrontation. During the last half of the nineteenth century, however, it became clear that the Natives were losing ground fast. Although the Organic Act of 1884 (23 Stat. 26) had guaranteed that Alaska Natives "would not be disturbed in the possession of any lands actually in their use or occupation or claimed by them," it provided them with no means of securing legal title, reserving the decision for "future legislation by Congress." Meanwhile, the expanding salmon industry was threatening fish stocks and the lure of gold was attracting prospectors from the south by the boatload. Tlingit leaders made concerted appeals to government officials for protection from these invaders but to no avail. Those with sympathetic ears, including Ensign Niblack (1890) and Jefferson Moser (who surveyed the fisheries on behalf of the government in 1897), recognized the pressing need to address Native land rights and the tragic consequences that would ensue if nothing was done. Moser remarked:

Whenever the *Albatross* anchored near any locality either permanently or temporarily inhabited by Natives, a delegation of the older men or a chief came on board and requested an audience. The powwows which followed invariably took the form of relating the oppression of the white man. . . .

. . . These streams, under their own administration, for centuries have belonged to certain families or clans. . . . No

Indians would fish in a stream not their own except by invitation, and they cannot understand how those of a higher civilization should be—as they regard it—less honorable. . . . They claim the white man is crowding them from their homes, robbing them of their ancestral rights, taking away their fish by shiploads; that their streams must soon become exhausted; that the Indian will have no supply to maintain himself and family and that starvation must follow. . . .

. . . My own sympathy is with the Indians and I would gladly recommend, if the way were clear, the establishment of ownership in streams; but it is impracticable, and I can only ask. . . . whatever law is framed, that a liberal balance be thrown in his favor. (Moser 1899:43)

But when Tlingit leaders carried their complaints against white encroachment and other grievances to those in power, the reception was often less than sympathetic. The meeting of Tlingit leaders with territorial Governor John Brady in December, 1898 is a case in point. Emphasizing his knowledge, occupancy, and use of the landscape, Kadashan, a clan leader from Wrangell, argued, "Ever since I was a boy I have heard the names of different points, bays, islands, mountains, places where [we] get herring, [hunt] and make camps, that is why I think this country belongs to us" (Hinckley 1970:270). Unfortunately, he and his cohorts received an arrogant and patronizing dismissal from the paternalistic Governor, who insisted that the Natives were "better off" than they had ever been and that if they wished to progress and become more "civilized" they should follow the white man's lead. Almost mockingly, he suggested if they did not want to assimilate, they could abandon their traditional lands and move to an island and seek federal protection under reservation status (as the Annette Island Tsimshian had in 1891).

When Goldschmidt and Haas arrived in Southeast Alaska a half-century later, justice had progressed little. Natives were still seeking their land rights in the face of intensifying encroachments. Fortunately, this time they had better listeners.

By 1946 the Second World War was over, but in its wake Alaska had been transformed. Thousands of troops had poured into the region and a major infrastructure—docks, wharves, railroads, airfields, and roads (including the Alaska-Canada or Alcan Highway), along with improved communications and services—had been installed to support the country's defense against the Japanese threat. Because of their coastal orientation and proximity to the continental U.S., Southeast Alaska communities played a major strategic role in this effort. As an economic boom, the war far exceeded the Klondike gold rush of the 1890s, and

the region was primed for continued development despite the exodus of troops. Plans for large scale commercial timber harvesting and a \$20 million pulp mill were in the works for the Tongass National Forest. In the face of expanding development, loss of land and access to resources, Native people intensified their efforts to resolve the long-standing issues over aboriginal rights.

The year also brought gains in Native political enfranchisement. Frank G. Johnson of Kake was elected to the territorial House of Representatives, only the fourth Southeast Alaska Native to win a seat, while Frank Peratrovich of Klawock won a seat in the Senate after having served two years in the House. In addition, Congress passed the Indian Claims Commission Act in 1946 (60 Stat. 1049), authorizing Native tribes to sue the United States for land claims previously excluded. It was indeed a pivotal year and an auspicious time for Goldschmidt and Haas to take stock of Southeast Natives' traditional land occupancy and use patterns. For, although a new era of post-war development was about to begin, there were still numerous Native elders alive who could attest first-hand to traditional Tlingit and Haida land ownership and use.

In addition to its historical perspective, another distinguishing feature of the Goldschmidt and Haas study is its contribution to the ethnographic literature of the region. It is an original and substantive contribution in both its methodology and results. Keep in mind that Goldschmidt, an anthropologist on loan from the Department of Agriculture, and Haas, chief counsel with the Office of Indian Affairs, were an unlikely combination. It was unusual to pair a professional anthropologist and a lawyer in a primary investigation of a non-Western culture. Anthropologists typically engage in fieldwork among other cultures alone, gathering copious data on various topics, analyzing the results, and then interpreting these results for a Western audience through the medium of ethnography—articles, monographs, and books about the people they studied. Lawyers, on the other hand, usually advocate in the courtroom, though in the process of gathering facts, affidavits, witnesses, and other evidence to support their case, their work occasionally takes them into the field. In this case, however, the unlikely combination produced an innovative research strategy and impressive results. The skills of these two men, combined with a high level of community cooperation and the yeoman efforts of Joseph Kahklen, the talented young Tlingit translator and cultural liaison, ensured the success of the investigation.

A key feature of the team's research design was its regional scope. Southeast Alaska comprised both a distinctive cultural and geographic environment within the larger Alaska Territory. Geographically, Southeast is marked by

its temperate rain forest climate, sprawling archipelago, narrow, rugged coastline, and its designation as the nation's largest National Forest—the Tongass. Culturally, the region was predominately Tlingit, but Haidas and Tsimshians also held significant lands in the south. A measure of unity had been achieved among these disparate peoples through the founding of the Alaska Native Brotherhood in 1912 (and the Alaska Native Sisterhood shortly thereafter) to promote advancement of Native peoples in the face of continuing discrimination and dispossession of lands and resources by whites. At their 1929 convention, the organization set in motion a formal legal effort to determine their land claims (see Dauenhauer and Dauenhauer 1994). This effort was boosted in 1935 by Congress's passage of legislation authorizing the U.S. Court of Claims to hear the Tlingit and Haida land suit.¹ Their claims covered nearly the entire region of Southeast Alaska. Given these geographic, cultural, and political conditions, a coordinated regional approach to the investigation of land claims made sense. Southeast was to be the first ethnogeographic region surveyed, followed by the Interior Athabaskan communities (see Goldschmidt 1946), and finally the Eskimo-Aleut territories.

From an ethnographic standpoint, the regional approach was innovative. With the exception of Niblack's (1890) ethnographic survey, Swanton's (1908) monograph on the Tlingit, and Emmons's (n.d. [1916]) unpublished "History of Tlingit Clans and Tribes" (which the investigators were unable to consult), prior ethnographic studies of the Tlingit had largely been confined to one or several villages with only passing observations on the rest (e.g., Krause 1956 [1885], Oberg 1973 [1937], Olson 1967). Indeed the community study was one of the hallmarks of anthropology. Thus, Goldschmidt's and Haas's comprehensive regional approach to Tlingit and Haida ethnogeography and land use filled an important gap in the literature.² It continues to fill that niche today, complementing the more recent community studies of de Laguna (1960, 1972), general works on the Tlingit and Haida (e.g., Swanton 1905, 1908; de Laguna 1990; Emmons 1991, W. Olson 1991), as well as the thematic studies of Garfield and Forrest (1948),

¹ Because of their status as a reservation (established by Congress in 1891), the Tsimshians of Annette Island chose not to join the suit.

² Significantly, the communities of Hydaburg and Klawock were omitted from the investigation and Kake was only partially treated. This is because these groups had decided to pursue their land claims separately by petitioning the Department of Interior for reservations in the early 1940s. The results of these petitions and other land claims are summarized below.

Newton and Moss (1984), Jonaitis (1986), Kan (1989), Dauenhauer and Dauenhauer (1987, 1990, 1994), and others.

Another key feature of the study was its tight focus. In contrast to standard ethnological works of the period, which tended to be encyclopedic in scope, covering everything from whaling to witchcraft, the Goldschmidt and Haas report had a more limited objective. Their mission was to "determine what lands the natives of Southeastern Alaska now have in their possession in actual use and occupancy which they similarly possessed or claimed in 1884" when the Organic Act was passed guaranteeing that their possession of such lands would not be disturbed. The limited scope of the investigation, however, did not produce narrow results. On the contrary, nearly every aspect of Tlingit culture is reflected through their relationships to the lands and resources of Southeast Alaska.

The investigators' methods were equally focused. They were to interview the most knowledgeable leaders of each property-owning social group (clans and house groups) concerning their group's possessions and land use and synthesize the results into a summary narrative with maps and supporting testimony for each community. Elders generally spoke to the issue of historic possessory and use rights while younger witnesses testified about contemporary use patterns. While structured key informant interviewing is a common technique employed by anthropologists, because of the nature of their investigation Goldschmidt and Haas treated their Native experts not simply as informants but as legal witnesses. Their testimony was converted into formal "statements" which were signed by the interviewees and attested by one or more witnesses. Processing the information this way, a bow to U.S. legal culture, was an enormously time-consuming task for the investigators. They not only had to gather the statements but type them up and have them affirmed, signed, and witnessed all within their short stay (three to seven days) in each village.³ Fortunately, the team was up to the task, and now we are all the beneficiaries of their hard work.

Likewise, in compiling the final report in the succeeding months, Goldschmidt had an impressive amount of information to pull together, including all of the eighty-eight witness statements concerning land occupancy and use and the pertinent ethnographic and legal data from the literature. That he pulled it off so expressly and expertly is testimony not only to his diligence but to his skills as anthropologist and writer. The narrative is not only crisp and well-written, it is well-organized, carefully sup-

ported, and even dramatic at times (unusual for a government report). In addition, his overview of Tlingit culture, written with an interest in highlighting patterns of land and resource tenure, remains one of the finest basic introductions available.

Thus, the Goldschmidt and Haas report has much to offer scholars and lay persons alike. Historians and social scientists will continue to find it invaluable, but so will Tlingits interested in researching their ancestors' territories and subsistence lifestyles, and agency planners charged with protecting cultural resources or mitigating impacts on Natives' food collecting areas. These are a few of the reasons why the report is still very much in demand today and why its publication is long overdue. Finally, Dr. Goldschmidt's new essay, "Remembering Alaska," adds yet another dimension to this volume through his very candid reflections on the fieldwork and the beauty and stress of village life, and his firsthand accounts of the racism and cultural conflicts that existed in Alaska in 1946.

Perhaps the greatest gift of this study, however, is the voice it gives to the Tlingit and Haida of a bygone era. Goldschmidt and Haas let them speak in their text, and their collected statements constitute a unique body of oral literature that will now stand alongside existing collections of Southeast Native oral literature (e.g., Swanton 1909; Cogo and Cogo 1983; Dauenhauer and Dauenhauer 1987, 1990, 1994; Eastman and Edwards 1991, Nyman and Leer 1993) for readers to savor. Of particular importance is the moving and detailed portrait the witnesses' narratives paint of the profound relationships Southeast Natives have to their landscapes and the tragic consequences they suffered in the face of white incursions.

Tlingit and Haida ties to the lands and waters of Southeast Alaska are indeed rich and deep. For them the landscape serves not only to forge history and identity but to hold them in place. As de Laguna (1972:58) points out for the Tlingit:

The human meanings of the landscape are more than the mythological dimension. . . . They involve not simply places visited and transformed by Raven in the mythical past, but places hallowed by human ancestors. For individuals, of course, the world has special meanings, for there are places about which their grandparents and parents have told them, spots they have visited in their youth, or where they still go. None of these personal associations are completely private; all are intermeshed through anecdote or shared experiences.

Names, crests, and other key symbols are often derived from natural features of the lands and waters. For example, the Chookaneidí ("People of Chookanhéeni") clan, cen-

³ In some cases, statements had to be affirmed and signed later.

tered in Hoonah, takes its name from a stream in Glacier Bay (Berg Creek) called Chookanhéeni ("Beach Grass Creek," see Thornton 1995a). In this context, the invocation of the place name implicitly evokes the clan name and vice-versa. There is also a story behind the Chookaneidi settling there and an even more dramatic narrative of their exodus from Glacier Bay in the wake of an advancing glacier (see Dauenhauer and Dauenhauer 1987). Such stories continue to be told and referenced in songs, dances, regalia and other cultural icons known as *at.óow* (lit. "owned things") in Tlingit. Thus, the connections between the social group and the geographic place, including territorial claims, are continuously articulated, reinforced, and validated. Allusions to clan histories and stories detailing foundational ties to the landscape are found throughout the Goldschmidt and Haas study, though most remain unelaborated, as the informants knew that material ties rather than symbolic ones were the thrust of the investigation. Still they are enough to evoke, as in Angoon Deisheetaan clan leader Billy Jones's (statement #62.1) pithy reminder: "It's a long story, about how we [the Deisheetaan] got the place [Kootznahoo Inlet]. Beaver led us here." Not any beaver, of course, but Beaver, the emblem of his clan.

Similarly, the report and the witness statements contain a wealth of information on Native material relationships to the landscape. They tell us *who* (i.e., what clan or house group) possessed various streams and bays in the region and which families used them. They tell us also *what* people did at these sites along with the *when*, *where*, and *how* of the seasonal cycle of production. And if use of an area was discontinued, they typically tell us *why* it was stopped. In the Goldschmidt and Haas report, this discussion is organized in a logical, geographic way. But in the informants' minds it is organized in an experiential way. A typical theme in the testimony is for a witness to describe a locale, the path to get there, and the activity which took place there. Listen to James Lee (statement #7) trace his family's spring and summer routine:

There was also a hooligan camp around Haines for smoking hooligan in spring after the first run. This camp was at Taiyasanka Harbor. Toward the end of May or the beginning of June, the people camped and put up hooligans at the Four-mile and Ten-mile camps. There was a village and camp at Berners Bay where fish was smoked. We hunted and fished there and gathered berries during the summer.

He emphasizes the seasonal occupation of camps where groups moved in accordance with the availability of key resources, a fundamental aspect of traditional Southeast Native subsistence production. Notice too that in follow-

ing the temporal path of production, the witness must make a spatial jump from the hooligan production camp at Taiyasanka Harbor to the salmon smoking camp at Berners Bay, more than forty miles to the south. This is revealing not only of the wide range of territory Tlingits covered in their seasonal round, but also of their conceptualization of the environment itself as a mosaic of productive locales linked by pathways of travel.

This emphasis on production is reflected more generally in Tlingit conceptions of space. As de Laguna (1960:17-20) has observed, unlike Westerners who feel their geographic knowledge to be incomplete "so long as there remain blank spaces on the map," Tlingits do not refer to areas or measures of space, but rather "to specific spots: fishing streams, coves, berry patches, or house sites, etc., and the terrain or waters between these places are simply the relatively undifferentiated landscape through which one travels in going from one to the other." Like their clan and kin affiliations, the seasonal round of production traditionally coordinated Tlingits' sense of geography (and history), giving it a logic and unity more compelling than a purely spatial (or temporal) framework.

This sense of space pervades the Goldschmidt and Haas study. What clan had this place? Which families stayed there? How was it used? In every statement these questions are answered, not in a dry or mechanical way, but in a Tlingit way that shows how their lands and waters were conceptualized and experienced, not just who owned and utilized them.

Another theme on which the voices of the elders speak clearly is the record of non-Natives usurpation of Native lands and resources. The encroachers came in waves: first the commercial fishers, then the miners, loggers, homesteaders, and fox farmers. But the majority of lands aboriginally used and occupied by Southeast Natives were actually appropriated by the U.S. government with the creation of the Tongass National Forest beginning in 1902 and Glacier Bay National Park in 1925. Although there were instances of violent confrontation, the usual pattern was one of being driven out due to intimidation or competition. For example, Henry Denny (statement #71) recalls:

My people owned the area at the mouth of the Unuk River. I have used that area all my life, and before me, my father and uncles hunted and trapped and fished in that area. Now, however, it is closed to me because there are homesteaders in there. This homesteader tells me he has wolf traps out, and makes me go away. I have four boys, and they don't go there either. The cabin I have there is deteriorating, and I

haven't been there for about five years because this homesteader won't let me.

And in another instance, Charles T. Johnson (statement #75) notes:

... My father's brother had a smokehouse at the mouth of Shaax Tá River. Now whites are taking up homesteads in that area. We also gather crabapples up there and just recently a homesteader has taken over the place where we got the crabapples.

The government too could intimidate, often treating Natives as trespassers on their own lands as if these lands had been abandoned or ceded. Government appropriation and restrictive regulation of traditional Native lands remain a source of tension. Goldschmidt's 1946 observations about Hoonah Tlingits' relations with Glacier Bay still ring true today. He notes that Glacier Bay was "the Hoonah breadbasket" (or "icebox"), considered "the main place for the Hoonah people. From it was obtained nearly every item in the economy of the Hoonah people, and their summary expulsion remains a matter of concern and disappointment." This concern and disappointment has continued, and in 1992 old wounds were reopened when a young Hoonah Tlingit hunter was cited and prosecuted by the Park Service after he took a seal in Glacier Bay as food for a memorial potlatch. Although the case against the hunter was eventually dropped, the larger issues concerning subsistence rights in the park have yet to be resolved (cf. Culp, et al. 1995; Schroeder 1995).

While parks set aside productive Native lands as "pristine wilderness," elsewhere the government abetted industries' efforts to redefine Tlingit communal property as common property so that access to it would be unimpeded (cf. Langdon 1989). Ralph Young (statement #57) of Sitka tells of an incident in which he and his relatives:

put up a sign at the mouth of a sockeye stream at Klag Bay saying that the place belonged to us, and the others should keep out. Some Government officials and men from the Dundas Bay cannery said we had no right to keep others out. So we had to take the sign down, although the place belonged to us from way back, and this was our one sockeye stream that gave us all the sockeyes we needed.

As commercialization of the fisheries intensified, the traditional place-bound economy was replaced by a regional and global one characterized by "flexible accumulation" (Harvey 1989) where the fish targeted were those that could be taken most efficiently with commercial gear. Natives continued to protest against overfishing, particularly by the indiscriminate commercial floating fish traps, but to little avail; by 1953 Southeast fisheries were declared a di-

saster area by President Eisenhower, yet traps were not banned until 1959 (Price 1990). The effect of this economic change was to further restructure Southeast Natives' productive relationships to their traditional territories. One Native fisherman with aboriginal rights to Kegan Cove summed up the changes this way: "We never used to go anywhere else but fished only in this bay [Kegan Cove], but now I have to run all over with my gas boat to catch fish" (George Kegan Williams #77).

To succeed in the competitive commons, commercial fishermen had to "prospect" for fish in areas outside of their traditional territories. But prospecting in others' territories was basically contradictory to Native property law. One way to justify this contradiction, at least intellectually, was to distinguish between *commercial* fishing for market and *subsistence* fishing for one's own use. The following statement by Walter Young of Kasaan is illustrative: "I have fished up Dolomi when purse seining *but never put up fish there for my own use*" (Walter B. Young #86, emphasis added). Such a distinction maintained the concept of a home fishery, to which one laid claim and used for food, against the more impersonal commercial fishery to which one did not lay claim but exploited for money.

Ironically, today the situation has come full circle. The tragedy of the commons engendered by common property law, which supplanted Tlingit communal property tenure, has now been replaced by a new form of communal property rights known as "limited entry," in which only a fixed number of permit holders can fish in a given area. Tlingits and Haidas, of course, had this figured out long ago and made it implicit in their social organization.

The testimony on the impact of fox farms and homesteads, as with commercial fishing, is full of tragic ironies. Natives' communal rights to hunting grounds on islands were similarly usurped on the basis of the common property principle, only to then be leased exclusively by the government to non-Native fox farmers, who exercised territorial prerogatives against them. In many cases these islands were traditional settlement sites or hunting and gathering places. For example, a Haines resident noted that "Battery Point was formerly an important source of tideland foods, especially seaweed," but that "a fox farm at this place now . . . prevents its being used" (Mrs. Mildred Sparks #17). Fox farmers and homesteaders not only ran Natives off but tore down their cabins and smokehouses. When two elders who lived on Drake Island in Glacier Bay were run off and their houses torn down, members of the T'akdeintaan clan protested, but the farmer "told the people the Government had given him permission" (Mrs. Lonnie Houston, Mrs. Oscar Williams, and Mrs. Eliza Lawrence #47). Similarly, in Kelp Bay the Native camp on

Crow Island was taken over by a fox farmer: "The Natives tried to tell the farmer to leave the place, but he told them that the island belonged to the government" (Ike James #59). This pattern was repeated throughout Southeast Alaska, with the forces of the U.S. government aiding and abetting the usurpation of lands and the imposition of new property rights.

Property inheritance under U.S. law, based on patrilineal descent and widow's rights, also stood in direct opposition to the traditional Native rules based on matrilineal descent. This created confusion with regard to the control of productive lands. Instead of being transferred from mother (or mother's brother) to son according to Tlingit and Haida custom, land and stewardship rights were transmitted from father to son, in effect transferring the property to another clan and moiety. The confusion and contradiction surrounding inheritance are evident in the elders' 1946 testimony as well. The case of the Situk River in Yakutat is illustrative:

Situk River is now claimed by the Kwáashk'i Kwáan, but it really belongs to the Teikweidi. Situk Harry turned it over to his own children (John Harry, Sampson Harry, and Mrs. Emma Peterson). John is really a L'ukna_x.ádi, because that is what his mother was, but the other two children had a mother who was a Kwáashk'i Kwáan. There is a big tribal house there called Xoots Hít. There is another house up the river called Xutskudi Hít. These are the houses which were formerly property of the Teikweidi. (Helen Bremner #31)

The alienation of traditional property through patrilineal inheritance and the individualization of land use served to further undermine the Tlingit clan-based system of tenure.

The adoption of patrilineally-inherited English surnames in place of or alongside of Tlingit names muddled things further. In the early American period, however, it appears that Tlingits developed an English naming strategy to combat this confusion over property and inheritance and to symbolize more clearly person-place ties. Like the traditional form of social group naming, this method of individual naming followed the principle of naming Tlingits after places. It worked by combining the name of the place to which a person was tied (through Tlingit property law) with his or her first name in English. Patrilineally-biased English surnames were dropped. The results of this process were names like Situk Jim, Salmon Creek Jim, Sheep Creek Mary, Fish Creek Jim, Gambier Bay Jim, Killisnoo Jake, Sumdum Charlie, Yes Bay Joe, Kanlku Joe, and Dry Bay George, which permeate the literature of the late nine-

teenth to mid-twentieth century period, including the Goldschmidt and Haas report.

To acknowledge the changes wrought by alien economic, social, and regulatory structures, then, is not to suggest that traditional land ties and resource use patterns were destroyed. On the contrary, today traditional socio-economic structures continue to play a strong role in Tlingit relations of production as well as in their political discourse about lands and resources. Although under present subsistence law, harvesting privileges are accorded to residents of geographically localized communities that meet the race-blind criteria established by state and federal laws, clan, house group, and other social organizational ties continue to be emphasized by Southeast Natives in evaluating subsistence and territorial rights (cf. Thornton, et al, 1990, Thornton 1995b). It is these social ties which motivate large numbers of urban-dwelling Natives in Southeast Alaska to return to their ancestral lands each year to hunt, fish, and gather food for their families. Thus, "Our Land" still refers to the territory of one's clan.

The Rest of the Story

Publishing the Goldschmidt and Haas study a half-century after its completion begs the question of how Native land claims were finally resolved. With the completion of the Goldschmidt and Haas investigation and the passage of the Indian Claims Commission Act in 1946, it seemed that Tlingit and Haida land claims might soon be resolved after a century of neglect. Unfortunately, the process dragged on for a quarter-century. Nevertheless, the Goldschmidt and Haas report continued to play a significant role in the land claims adjudication process right through its final settlement with Alaska Native Claims Settlement Act (ANCSA, 85 Stat. 689) in 1971 (Borbridge 1996).

The resolution of Alaska Native claims involved all three branches of the federal government, but prior to the legislative settlement embodied in ANCSA (see below), the main forum for establishing the validity of Native claims and determining appropriate compensation for damages due to loss of land was the U.S. Court of Claims. The major suit, enabled by the Tlingit and Haida Jurisdictional Act of 1935 (49 Stat. 388), was filed in Court of Claims on behalf of the Tlingit and Haida Indians by attorney James E. Curry on October 1, 1947. The Goldschmidt and Haas report is referenced several times in the original petition, and years later as the proceedings wended their way through the court, Goldschmidt was called to testify concerning lands exclusively used and occupied by the Tlin-

git and Haida since time immemorial. A decision concerning the validity of the Tlingit and Haida claims was rendered by the Court of Claims on October 7, 1959. The Court's findings of fact supported the findings of Goldschmidt and Haas and the court concluded as matter of law that the plaintiffs were entitled to recover damages. However, determinations concerning the extent to which lands and waters were "abandoned or relinquished" in the historic era and the issue of compensation were left for further proceedings.

All in all, the judicial process proved both slow and costly, with only modest returns. After one dismissal and three decades in the courts, the Tlingit and Haida land suit was finally settled in 1968. The Court of Claims awarded the Natives \$7,546,053.80 for the value of lands that had been taken without compensation—less than 10 percent of the \$80 million they had sought based in part on valuations of the aboriginal land holdings delineated in Goldschmidt and Haas. The court also held that Indian title to some 2,634,744 acres of Alaska had not been extinguished, but these claims were carried over to the Alaska Native Claims Settlement Act of 1971 (cf. Worl 1990:156).

Kake, Klawock, and Hydaburg, which were exempted from the Goldschmidt and Haas investigation (Kake was partially treated) because they had pursued reservation status through a judicial hearing process in 1944, did not fare any better. The hearings, held before special examiner Judge Richard Hanna, generated more than 2,700 pages of testimony and supporting material. Like the Goldschmidt and Haas witness statements, the Native testimony is full of priceless information; but, unfortunately, it is not nearly as eloquent or accessible because the judicial proceedings themselves, with their examinations and cross-examinations and legal tangents, get in the way. Moreover, despite the strong case put forth by Theodore Haas, who this time played the role of attorney (as opposed to investigator) for the Tlingits and Haidas against the canneries, Hanna upheld only 8 percent of the communities' claims, specifically those areas closest to their settlements. In addition, Hanna rejected the Natives' exclusive claims to waters, instead recognizing their right to hunt, fish, trap, and gather in the greater area claimed "so long as such areas remain in public ownership." Perhaps most important was his finding concerning abandonment of aboriginal rights which he defined as occurring "when the aboriginal claimants have acquiesced in the penetration of others or the possession ceases to be exclusive." Hanna concluded that the Natives had more or less "accepted the situation and made the best of it." But as the Goldschmidt and Haas study clearly shows, making the best of a situation of (often hostile) encroachment did not

translate into "accepting" it. Finally, Hanna recommended further investigations to determine the exact boundaries of the Indian claims (Hanna 1945; Ickes 1945). Natives of the three villages were not satisfied with the results and petitioned for a rehearing but succeeded only in obtaining a slight adjustment to the original findings. Later, a federal court held that the Hydaburg reservation had been established illegally with the judge finding that Haidas "had not only abandoned their primitive ways of life, but are now fully capable of competing with the whites in every field of endeavor" (Gruening 1954:379) and that such a withdrawal would unduly harm whites. Ultimately, none of the reservation petitions was upheld. The failure of these contentious hearings to produce satisfactory determinations was one impetus for the Goldschmidt and Haas study, which pursued the question of aboriginal and contemporary land rights through a systematic, field investigation rather than in the courtroom.

In 1951 James C. Peacock and well-known Tlingit attorney William L. Paul tried a different tack by bringing suit against the government in the U.S. Court of Claims on behalf of Paul's clan, the Teeyhitta, arguing that the clan's aboriginal title had not been extinguished by the 1867 Treaty of Purchase or the creation of the Tongass National Forest (*Tee-Hit-Ton Indians v. United States*, 348 U.S. Stat. 372). The case ultimately ended up in the U.S. Supreme Court in an unsuccessful appeal. It was a partial victory for Alaska Natives, however, for the Court's decision implicitly recognized that aboriginal title existed and had not been extinguished in most of Alaska. This case and the legal history of Alaska Natives and their land between 1867 and 1959 are examined in detail by Mitchell (1997).

Threats to Native land claims multiplied after Alaska became the forty-ninth state in 1959. Under the terms of the 1958 Alaska Statehood Act (72 Stat. 339), the new state was to select and receive title to approximately 30 percent of public lands in order to boost its economic independence. The federal government retained control over some 60 percent of Alaska's lands. The Alaska State Constitution, like the Organic Acts of 1884 and 1912 before it, disclaimed rights over Native lands but put the onus on Congress to settle the issue. In 1963 the U.S. Department of Interior's Alaska Task Force on Native Affairs warned that the issue of aboriginal claims was continuing to be "side-stepped" and that a speedy and just resolution was in order. It made specific recommendations for solving Native land claims including individual and community land grants and the protection of use rights on additional lands for traditional food harvesting activities. But this solution was opposed by Native groups because it lacked cash com-

pensation for lands lost and mineral and other rights for lands gained. Meanwhile, Natives filed formal protests to state land selections on the basis of aboriginal claims, and in 1966 Secretary of the Interior Stewart Udall imposed a "land freeze" preventing additional transfers until the question of aboriginal claims was settled. In 1967, a statewide coalition of Native groups, the Alaska Federation of Natives (AFN), was formed as part of a more concerted effort to secure the rights and benefits to which Alaska Natives were entitled.

When oil was discovered at Prudhoe Bay on Alaska's North Slope in 1968, pressure to settle Native claims intensified, as otherwise development of this lucrative resource would not proceed. After years of negotiations, hearings, recommendations, and proposals, efforts to resolve the issue finally culminated in the Alaska Native Claims Settlement Act (ANCSA) of 1971. Considering its complexity, however, the bill was rather hastily drawn-up and pushed through Congress, for it constituted not only a major cash and land transfer but also a radical piece of social engineering. Among its major provisions are the following:

1. Aboriginal land title was permanently extinguished. Except for Annette Island in Southeast Alaska, existing Native reserves were revoked.
2. As compensation for loss of 90 percent of Alaskan lands, Natives were compensated at \$3.00 per acre, a total of \$962.5 million.
3. Natives received title to approximately 10 percent (44 million acres) of Alaska.
4. Twelve regional Native corporations (a thirteenth was later added for Alaska Natives residing outside of the state) were established to control the settlement lands and money. Eligible Natives became stockholders in these for-profit corporations. Southeast Alaska Natives were enrolled in Sealaska Corporation and each received one hundred shares of stock. Those born after 1971, the so-called "afterborns," did not receive stock. Villages also formed corporations and secured a title (but not mineral rights) to a portion of the lands according to the number of eligible shareholders enrolled. Because ANCSA distributed the settlement money on a per capita basis, Southeast Natives, 20 percent of the state's Native population, received some \$250 million.
5. Aboriginal hunting and fishing rights were extinguished.

Notwithstanding ANCSA's seemingly generous terms of the settlement, its extinguishment of rights was very much consistent with earlier treaties negotiated with tribes of the Lower 48 states. McBeath and Morehouse (1994:112)

rightly characterize ANCSA as the "equivocal product of the overlapping termination and self-determination eras of federal Indian policy" because, "It speaks the language of self-determination, but it does so with a distinct accent of termination and assimilation."

As a consequence, the implementation of ANCSA has proven to be a mixed blessing at best. Despite the unprecedented quantities of money and land, some villages received little or nothing, and the imposition of the corporate structure was viewed by many as divisive, alien, and ultimately assimilationist. The corporate structure often did not mesh well with, and in some cases severely undermined, traditional tribal and village leadership. Because of lack of experience, many Native corporations had to hire outside personnel to manage their enterprises. Some, like Sealaska, have been profitable, but others have struggled. Correlatively, the need to generate profits necessitated the adoption of "corporate American values" that typically emphasize development, expansion, and the conversion of natural resources to dollars through intensive extraction. Such values are generally at odds with those engendered by the sustainable, low-impact subsistence economies that characterized traditional Native communities. Congress wrongly assumed that as the modern economic sector expanded, the traditional sector would be quietly absorbed and transformed. It was not. On the contrary, many Natives expressed dissatisfaction and frustration with ANCSA, some of which was documented by the Alaska Native Review Commission (Berger 1985) in poignant testimony reminiscent of that in Goldschmidt and Haas. Some felt that it would have been better to obtain reservations as the Metlakatla Tsimshians had done.

Perhaps the most astonishing feature of ANCSA was its extinguishment of aboriginal hunting and fishing rights, as this was hardly necessary for the permitting of industrial development. ANCSA provided no explicit protections for subsistence rights, although the Conference Report supporting the legislation made clear Congress's concern for Native subsistence and its expectation that both the Secretary of the Interior and the State of Alaska would "take any action necessary to protect the subsistence needs of Natives." Suggested actions included the withdrawal or reclassification of land to protect Native subsistence needs and providing for a subsistence priority among user groups. However, it was not until 1980 that these recommendations were addressed in federal law through the Alaska National Interest Lands Conservation Act (ANILCA, 94 Stat. 2371). ANILCA established a *priority* for subsistence uses of wild resources over sport and recreational uses and an allocation *preference* for rural residents over urban residents

on federal lands in the state. Efforts to legislate a Native preference failed largely because of opposition from non-Native groups and the state. Today subsistence production continues to be a vital sector of the economy in rural Alaska, but questions of who should qualify for subsistence and how it should be managed remain flashpoints of controversy.

As the state's population continues to grow, resource conflicts remain a constant threat to Native lands and subsistence. Today all Southeast Native communities have organizations to help protect and maintain their natural and cultural resources, and regional organizations, such as the Alaska Native Brotherhood and Sisterhood (ANB, ANS) and the Southeast Native Subsistence Commission (SENSC), assist in endeavors to safeguard traditional lands and use rights. For all of these groups and all of these efforts, the Goldschmidt and Haas report continues to be a key reference document.

Whatever became of Goldschmidt and Haas? Tragically, Haas, who continued his work on Indian affairs with the federal government after 1946, came to an early and unfortunate death by suicide in 1959. Haas will be remembered for his tireless work on behalf of Native American justice. A member of the New York and District of Columbia bars, he was chief counsel of the Bureau of Indian Affairs from 1944 to 1950 and later served as Editor in Chief of the *Federal Bar News*. In addition, he played an instrumental role in the production of Felix Cohen's (1942) landmark *Handbook of Federal Indian Law*. In his Acknowledgments, Cohen wrote: "Of those who aided in the actual preparation of this handbook I owe a special debt to my chief collaborator, Theodore H. Haas, but for whose indefatigable energies a large part of this work must have remained unwritten."

Goldschmidt left government service in 1946 after completing his assignment and took a teaching position at the University of California at Los Angeles (UCLA) which he held for thirty-seven years, retiring in 1983. There he has pursued a long and distinguished academic career in anthropology, publishing numerous books and articles on issues ranging from social theory (Goldschmidt 1959, 1966, 1990) to

African ethnology (e.g., 1967, 1969) and many topics in between. Employing the innovative research strategy he terms "holistic controlled comparison," Goldschmidt contributed to many subfields in anthropology, including ecology, cultural evolution, economics, psychology, and applied anthropology. Although he did not return to Alaska for fifty years—East Africa became his primary culture area—Goldschmidt never lost interest in the rights of indigenous peoples or in matters of public policy. He also exhibited great leadership within his field, directing several large research projects, serving as President of the American Anthropological Association and editing several major anthropological journals.

We were honored to invite Dr. Goldschmidt back to Southeast Alaska in June, 1996 after a fifty-year hiatus, to reunite him with his old friend and translator Joe Kahklen (now retired in Juneau from a career in secondary school teaching and administration), to revisit some of the original study communities, and, above all, to celebrate this early gem in his career by finally bringing it to publication. As with the traditional seasonal round, there is a certain symmetry to the way things have come full circle on this project that surely would have pleased the old witnesses—for Goldschmidt, Haas, and Kahklen took care of their words, and now they live again.



Walter Goldschmidt (foreground) reads from his 1946 letters home from Angoon at a forum commemorating the fiftieth anniversary of the Goldschmidt and Haas report, June 1996. Clockwise from lower left, Joe Kahklen, Vivian Kahklen, Bessie Fred, Marlene Zuboff, Maxine Thompson, Alan Zuboff (hidden), Lydia George, Walter Jack, Marty John Fred, Edward Gamble, Dan Johnson Jr., Dennis Demmert, and Matthew Fred Sr. Photo by Tom Thornton.

Remembering Alaska

Walter R. Goldschmidt

I want to share the memories of the trip I made to Alaska with Ted Haas to learn the details of Native American land rights just half a century ago in 1946; to tell you our purpose, our experiences, our methods and above all our relationships with and feelings about the community of Alaskan Indians, mostly Tlingit, who accepted and trusted us with their knowledge and whose words make up most of the text of this book.

Let me set the stage. It was the dawn of a new era; everyone was aware of this but unsure as to what it would bring. The war had just ended; a few Tlingit soldiers had already returned when we arrived. I watched Archie Demmert coming home and described it as follows:

Shortly after I arrived the Demmerts' oldest boy arrived, returning from two years overseas. Archie is a rather handsome fellow of about forty with a manner that I found immediately attractive. It took him quite a while to get up to the house. As a matter of fact he hadn't got there after lunch when Joe and I left, but was valiantly making his way with one kid holding one hand and two lined up on the other. We met him repeatedly during the day; he was going from house to house and greeting slowly every person in the village. He had been in India, and there was something amusing about an Indian in India telling about their native customs.

Statehood was in the offing for Alaska and was soon to come. I think we were all dimly aware that the race prejudice and exploitation that was still a major problem throughout the country and especially Alaska was going to have to end. Certainly both Ted and I were concerned over what was going to happen to the Native Americans here and elsewhere.

It was also a period of transition for me. I was at the time an employee of the Bureau of Agricultural Economics, a no-longer-existing social research agency of the Department of Agriculture, stationed in Berkeley in a regional office about to be decommissioned. I was therefore a bit of a lame duck, not knowing whether I was to go to Washington or to leave the Bureau, and so I was seconded to the Bureau of Indian Affairs (BIA) for a period of three months to engage in a study of the land rights of the Indians of Southeast Alaska. I do not know if I had any choice in the matter, but I know I had mixed feelings about it, for

I knew I would find the study both exciting and interesting and yet it was a bad time for me to be away from home. We had four-year-old son about to be hospitalized and a four-month old that needed a lot of attention. We were also having to make hard, life-changing decisions about our future—ones that eventually ended with my coming to UCLA. My wife had always before aided in my research and was particularly eager to take part in this one but it was not to be. More the pity, as she was always a great help and personal asset. Her absence has, however, now proven to be a boon, for to make up for leaving her (and to serve as a log) I wrote some two dozen letters describing in detail my experiences. They were written late at night, mostly by hand, some running to fourteen pages. They evoke for me the sights and sounds and smells of the slice of Alaska I was privileged to visit and now make it possible to convey to you what Southeastern Alaska seemed like half a century ago as I quote from them.¹

Purpose and Method of Research

The purpose of our study was to determine Native rights to land with the aim of preserving the Indians' continuing access to the resources for which they qualify according to law. This was in anticipation of two events: the hearings of the Indian Land Claims Commission that were taking place nation-wide, and Alaskan statehood, with the attendant likelihood of creating reservations. The Land Claims Commission was held many years later in the late 1950s, and I was called to testify. Hearings had already been held regarding the establishment of reservations in Hydaburg, Kake, and Klawock, so those communities were omitted or only partially treated. I knew only as much about these legal and technical matters as I had to, for my major task was to get the information from the Natives in the traditional anthropological manner. We departed from standard anthropological practice only in that we typed

¹ The originals of these letters are in the archives at UCLA. A typed and edited version (eliminating the more personal matters) has been placed in the archives of the Sealaska Heritage Foundation. I have taken the liberty to make minor editorial changes and unmarked internal elisions.

up the statements received and had the respondents sign them. The statements themselves, as distinct from my use and analysis of them, could thus be treated as evidence at hearings, which I think it was Haas's intent to do.

Southeast Alaska was to serve as a model for more such research elsewhere in Alaska and there was some discussion the following year as to whether I would undertake more. (I could not, and I do not think any more was done.) However, we were ordered to make a pilot investigation among the Athabaskans in the Interior. I was opposed for two reasons: lack of time and the extreme difficulty in getting the data. The Interior Indians did not have so clear a concept of land rights as Southeastern Alaskans and so could not be as explicit about traditional rights and boundaries. Furthermore, it would be very hard to locate on a map those topographical features that defined such rights as they did recognize on the flat terrain of the region. The Bureau won out and we spent a very difficult and sometimes harrowing ten days in three villages near the Alcan Highway—only to learn after we were done that the order to go had been rescinded. (As the original report did not include the investigation of the Interior, I am leaving out that part of the trip here. I prepared a brief paper setting forth our findings, but it has not been published.)

Our procedure was simple. We went from village to village on an itinerary that is outlined in the front material of the Report. We made contact with the leaders in the village, tried to hold a meeting in which we explained the purpose of our work and the data we needed and asked for volunteers to give us this information. The pressure of time did not permit us to seek out individuals. As indicated in the original preface, we sought two kinds of data: the aboriginal use and rights to lands and waters and the continuing and current use of such rights. Both kinds of information were required, for the law held that it was necessary to establish their "continued use and occupancy from time immemorial." In legal practice, "time immemorial" meant from 1884.

We worked as a team, though from time to time either Haas or Joe Kahklen were not present. For the most part, I collected the information on aboriginal use, for Ted did not have the background to understand the problems and was unable to record Native terms, so he took most of the interviews dealing with contemporary usage. Joe did the interpretation but occasionally took interviews when an interpreter was not needed.

The report was written by me and the maps were prepared under my supervision after I returned to Berkeley. It was forced draft all the way, as I had taken an appointment at UCLA, for which I was to report for duty on September 16, 1946. I worked at the BAE office with the car-

tographic and secretarial help it provided. It was not an easy time and I do not now understand how I managed to accomplish what I did: packing and moving and renting out our Berkeley house and getting housing in crowded, post-war Los Angeles, choosing textbooks and preparing lectures for my first stint of teaching and, I must add, making the decision to take the appointment, spending time in the library to learn the details on Tlingit culture and customary ownership rules, taking a trip to Washington for consultation and writing nearly two hundred pages of text. Using the typed statements from informants, I dictated the text island by island, cove by cove and stream by stream. A draft of the report went to the BIA before I left Berkeley in mid-September. The Report is dated October 6, 1946, but it was not actually released until January of 1947.

Reading back over the correspondence among myself, Haas, John Provinse (Assistant Commissioner of Indian Affairs at the time, a personal friend and an anthropologist) and others involved, I get the strong impression that I was a difficult employee being subjected to impossible demands and treated in a most inconsiderate manner. The report I originally submitted did not include the concluding section of each chapter, for I felt that this involved making legal judgments for which I was unqualified and therefore should be supplied by Haas. In an undated letter written some time in the fall of 1946, I raised this issue, saying in part, "I am willing to undertake a determination of the possessory rights of the area under two conditions. First that your legal staff give me specific answers to the questions [I had raised earlier in the letter] and that I am compensated for the time. . . ." Later in the letter I apologized for the tone but said: "it is my understanding that I may have to go before a hostile lawyer. I visualize his examining me on my training in law." In the end I did prepare these concluding sections, which were then vetted by Haas. And I did have to appear before a hostile lawyer, though I don't remember that he made any in-roads on my credibility.

That the study was made in such great haste and under such pressure had its drawbacks. I have in my files only one clear indication; a letter from William L. Paul Sr., written on the letterhead of the Grand Camp of the Alaska Native Brotherhood and addressed to Haas. It reads in part:

Considering the time you had and the effort you made, you did very well. You had available right at Wrangell two of the very best witnesses on the holdings of the Wrangell federation (Shgut-quan), Mr. and Mrs. William Tamaree, why didn't you consult them? These two people are the informants of both Willis Hoagland and Tommie Ukas, and

yet you consulted these two and not their source. Willis is about the poorest source of the "old people." I was within fifteen miles of Wrangell but you didn't come to see me. You had the money and time!

He included a map showing a number of suggested changes.²

I wish only that we had had the time. The letter shows the cost of too much haste—a cost I was all too aware of while in the field. It is a source of surprise to me that we managed as well as we did, and of great pride that the Report is seen fifty years later as of such value that its republication is sponsored by the Tlingit people themselves.

The Research Team

The report on the possessory rights of the Natives of Southeastern Alaska was produced by a team of three people: Theodore H. Haas, a lawyer who was Chief Counsel for the Bureau of Indian Affairs; Joseph Kahklen, a Tlingit Indian who at the time had just been promoted to a two-teacher school in the Bureau of Indian Affairs; and myself, an anthropologist on loan from the Bureau of Agricultural Economics.

Haas – I first met Theodore Haas in Seattle when on the way to Juneau on a Pan-Am flight. That I had not even been briefed on the project is clearly shown by what I wrote from the plane: "Haas has been trying to explain the job, but I am not sure I get it yet."

Haas and I shared the all-important basic outlook on matters social and political: the liberal position that race was irrelevant and that the Indian culture and capabilities were just as good as our own, that the Native Americans were being exploited by the white settlers and the canners and that we needed to have laws and other ways to protect their interests. We saw our task as a contribution to this end and agreed on its value. Because of these shared sentiments, we respected one another and worked well together. But we were very different. Ted was a very uptight, dedicated, intense man highly trained in the law and well established in the Indian Service, an urbanite Easterner with little of the common touch. I was an anthropologist used to waiting for a ceremony to begin, more in tune with the ordinary man; not just a Westerner, but a Texan, to boot. I did not like the pace we were forced to maintain but I liked the purpose and accepted it. Ted, for

his part, learned to take the hardships and delays that go with anthropological field work with good grace. It worked.

From time to time I made comments about Ted and our relationship. At the outset I wrote: "Haas is a very nice guy but somewhat wearing. He is forty-one, a bachelor, very nervous, quite affable and friendly. He is full of his work, past and present, and seems to have a good mind." A few days later, I said, "Ted is indefatigable and knows how to put the pressure on effectively. I am anxious to get the job done, but feel that it is suffering from the pressure. It will be an experience I will never forget though." Our differing temperaments brought clashes though none was serious, and I recorded only one instance. I wrote:

Ted and I got into a long discussion that wasn't pleasant. Ted is really a good guy but is very tiring. He made up his mind that the situation here was such that no lands could be claimed, since there was clear evidence that it had been abandoned. I maintained that I wanted to fulfill my part of the job, whether or not it was a necessary part of the immediate legal problem. We both said more than we meant and I believe that most of the argument resulted from being tired and somewhat frustrated. Ted is very impatient of detail. He bangs in on the Natives and after a very short time he fires questions at them. Joe seems to feel that they don't like Ted. He talks about himself (among us only of course) at a rapid rate, and I begin to believe his stories are highly built up—at any rate I'm getting tired of listening to them. But he is really interested in Native welfare and works hard at it, and he is generally an intelligent person. The discussion ended without ill feeling and some elimination of steam, and after supper we went back to [work].

It is the only real outburst we had; this between two men who had been total strangers before we undertook this task and faced many frustrations, hardships and indignities together.

Ted's intensity and compulsive work ethic drove him very hard. I was deeply saddened but not surprised when a few years later I learned he had committed suicide. This piece of research could not have been done without him and I and the Tlingit people are in his debt, as are many other Native Americans, I am sure.

Kahklen – If Ted was essential to the success of this study, Joe Kahklen was equally so. He was an excellent interpreter, as I came to appreciate when from time to time I had to use somebody else. He was also a wonderful advance man. I have often told how, whenever we came to a new village, the first question Joe had to answer was: "Who is your mother?" This is so Tlingit! And so unlike the first question we Anglos usually ask: "What do you do?" And thanks

² See p. 161 in Appendix A for the accompanying map and full text of the letter—Ed.

to the family and clan to which Joe belonged, his response never failed to open the doors. When I returned to the Lower Forty-eight and told people like Viola Garfield and Erna Gunther how much we had done in less than two months, they were astounded. It could not have happened without Joe's personal qualities and social background.

I first met him at Haines when he and his wife Vivian and their four stair-step children came to drive us to Klukwan. Joe and I, born the same year, were friends from the outset. Here is my first impression of him and his family:

Joe Kahklen and his wife are charming people with a thorough love of life and a devotion to their work. Joe is a Tlingit from Kake and Vivian a Tlingit from Klawock, also in the south. She, however, has a strong mixture of white blood. Joe is full blood with an interesting heart-shaped face. He is serious minded and thoroughly involved in the effort to improve his people, so that in addition to teacher he is social worker and general factotum to the community. She is the center of attention for all the younger girls and children who are constantly walking through her kitchen. She manages very well in a strictly modern sense, and at the same time engages in a lot of activities such as berrying, etc. Since we eat at the Kahklens' table three times each day, we are in an excellent position to watch the daily process of getting things done.

I remember quite well that first evening; unused to the long northern days in June and fascinated with our discourse, I had no idea of the passage of time. I am sure our hosts had long been tired and ready for bed. But the conversation was also important, dealing with issues of land ownership and control of the fish canneries.

Joe and I were 24-hour-a-day companions from May 30 to July 1, 1946, sharing meals, sharing beds, sharing experiences and thoughts. He will reappear in this chronicle as my guide and mentor. Joe left us when we went to Yakutat and on to the Interior, and I was sorry to see him go. I wrote:

I felt very bad over the parting for he is one of the sweetest people I have ever known. I think, however, he will be much the better for our association. I often wondered how he felt about this strange new species he saw in me and Ted—I know he was fond of us but wondered at the intellectual reaction. When we got to Juneau, we prepared a letter to Foster thanking him for delegating the services of Joe to us, and praising Joe to the skies, as he deserved. I wrote the let-

ter and got the bright idea to say, "We predict for Joe a successful future," or words to that effect. Copies of the letter are to go to the Commissioner. The next morning I engaged Dale (head of education) in conversation, and fell to discussing Joe's service. Dale asked if I thought Joe could take on "greater responsibility," and I (and later Ted, when he came in) managed to say in person that we thought Joe ought to be groomed for a supervisor's job, pointing out that we (the Native service) would have the advantage of Joe's fine relationship with his people, that it would be an inspiration to other Natives, and that it would please the Commissioner. We also stressed Joe's virtues. We were pleased with the morning's work.

I like to think what we said was of help in getting Joe's career going, but I am sure that it was not necessary; he had the quality about him that was sure to make for success.

Goldschmidt – I had received my doctorate in anthropology from Berkeley in 1942. My thesis, on the culture of the California farm town of Wasco, was sponsored by the U.S. Department of Agriculture. I had earlier done research on two Indian tribes: the Nomlaki of central California and the Hupa of northwestern California. Like all anthropologists of the time, I was generally aware of the rich and fascinating culture and economy of the Northwest Coast, but had no direct experience of it and thus came to Alaska with a good background in anthropology and a general



Attorney Theodore Haas poses with Joe Kahklen, chief interpreter, and his family near Klukwan, June 1946. Back row, left to right: Theodore Haas, Joe Kahklen, Vivian Kahklen, and babysitter Elsie Klaney. Front row: Joe Jr., Albert, Archie, and Toni. Courtesy of Walter Goldschmidt.

awareness of the character of its cultures, but without any specialist's knowledge.

I had been a controversial figure at the BAE. After I had completed the field research for my thesis, I joined its staff. While there, I made a study of the effects of large-scale farming on the quality of rural life, a study that showed the deleterious effects of corporate agriculture on California rural society. For this I had been vilified in the press. In Alaska I found myself confronting some of the same corporate interests.

I was to leave the BAE in mid-September to take an appointment at UCLA, where I have spent the rest of my academic career. I have always taken pride in the fact that this piece of research was carried out in less than forty days in the field and less than two months in writing. It could not have happened without the quality of my collaborators, both Ted and Joe.

Issues and Confrontations

My letters contain some recurrent themes that characterize the conditions and circumstances of the study. Some of these were personal, such as my urgent desire to have my wife come share the wonderful experience. Another one was my dismay over the sad plight of the Native people and especially the loss of their own rich culture, particularly its expression in the arts. I suppose nothing made this clearer than that so knowledgeable a person as Vivian Kahklen did not know what the old "coppers" were and meant. Two of these recurrent themes are politically and socially significant and should be looked at a bit more closely. They are the related themes of economic exploitation and racial prejudice.

Exploitation – The first evening with the Kahklens we were unaware of the passage of time because we were so caught up in discussing attitudes and learning about the confrontation between whites and Indians. I wrote that, "there is considerable hostility to the idea of reservation so we have avoided the term and discuss only aboriginal rights. There is a hostile element [among the Tlingit, as well]. At the same time there is real fear that the lands will be taken from the Indians. Many claims have been filed."

I made a comparison with the California situation when I was at Hoonah:

As [Lincoln] Steffans said, "it's always the same situation." Instead of Associated Farmers, it's the United Canneries. Instead of farm labor, it's Natives. And there is the same kind of propaganda, the same kind of deluding the people,

etc. We ran into a lot of trouble at Hoonah, because those of the Natives who should be leaders are frightened of the canners, who tell them that we want to create reservations which would merely be another term for concentration camps or prisons. Actually, reserves cannot be created without a vote of the Natives themselves. We are really trying to determine what lands they have rights to. But it is as hard to tell some intelligent people that as it is to tell some people that [Congressman] Elliot wasn't trying to help the small farmers.

Elsewhere I said:

The canneries have done a good piece of propaganda against reservations, and though technically we are not concerned with reservations, those whose interests are aligned with the canners (such as the mayor who is foreman) are pretty dubious of us. Actually this village wouldn't be much affected by a reservation and probably can not, under the rulings established, get one. What they need is more competition among canneries or, better yet, the elimination of fish traps, which constitute unfair competition and which the Natives insist ruin the run of fish.

The solution to these problems is by no means simple. The effort at a model community at Metlakatla, established by the missionary Duncan in 1887 shows that just providing ownership is not enough; there must be involvement. I said:



Walter Goldschmidt after his arrival at UCLA in 1947. Courtesy of Walter Goldschmidt.

Metlakatla owns its own water and power plant and the cannery, which is leased out. The people are universally well off, and there is no doubt that the effect of land ownership and paternalism has been advantageous. But the people are apparently ridden with dissension and at all sides we heard evidence of disharmony and bickering. On the return voyage I talked to the superintendent of the cannery. He has made it one of the two best canneries in Alaska. He complained about the lack of spirit in the community and the unwillingness of the Natives to participate in things. He struck me as a very good guy, though strictly a business man, but Ted tells me he belongs to the canners' association and refuses to work for the Natives. It's a great shame that the cannery isn't run by the people themselves.

The whites, of course, would say that they are incapable of running such a thing, but the nature of aboriginal Tlingit culture makes it clear that they do have the ability. What kept them from having attained this competence is the subject of the other major theme.

Prejudice – Prejudice toward the Indians ranged from outright discrimination, through various forms of derogation to subtle expressions and unspoken assumptions about their capacities. As every student of human behavior knows, the result of such attitudes is self-fulfilling, refueling the original prejudice. My letters give evidence of this in various ways. Perhaps its most pernicious form was within the Indian Service itself, the agency that was supposed to be promoting and furthering their welfare.

It pained me to see the way a man of Joe's caliber was treated by the people in the Indian Service at the time. At one point we had an interview with the head of the education system, one Dr. Dale (who seemed inordinately proud of the title), and I watched him give Joe the run-around.

Ted and I feel pretty blue at what we have seen of the Alaska Native Service. Foster turns out to be a pretty characteristic agent with no real sympathy for the Natives. We are particularly disgusted with the head of education *Doctor* Dale. [The emphasis here is poking fun at his insistence in using his title.] He gave Joe the run around today, the first time in a year Joe was in the Juneau office. When he did see Joe, he made him feel it was so urgent the poor guy forgot to ask if his wife was going to be able to work at their new post. Dale spent all his time talking about his own child, it turned out. Joe didn't even seem to realize the implications of this kind of business.

I wrote of another conversation with Dale:

We fell to talking to Dale, the head of the education system. Ted, who gets into everything with what he conceives to be subtlety, mentioned that some of the people he had been talking to found it difficult to go from the Native Service school to the public schools. There are no Native Service high schools. Dale jumped as if he had been kicked in a particularly tender spot and started talking as fast as he could, saying that their system was not geared to be coordinated to a single pattern, but was intended to be "geared to local conditions" [a euphemism for teaching Natives the skills for local work]. He also blamed the fact that the Natives had "the handicaps of a distant culture." He then got to talking about the number of Natives [teaching] in the school system, another particularly tender spot. You must remember that Ted is Chief Counsel in the Washington office, and that whatever they may think of him, they know that he can have the ear of the Commissioner, etc. Dale called in a couple of his supervisors, one a well-scrubbed Utah man who was quite nice, the other an Eskimo girl who was raised in the States and had been a home economics teacher in one of the schools here for five years. They then went through the list of schools, showing how many Natives were hired. The record was far from impressive. The Eskimo girl had the highest rating of any Native and she didn't yet have the rating that was called for in the job description. One Sioux was the principal of a larger school, and except for Joe in his new position, the rest were at one-teacher schools, and not too many of them. The Eskimo was pretty and quiet, and I'm sure quite competent. It was an amusing conversation, but the implications weren't too good.

At the Fourth of July dance in Yakutat, I had plenty of time to talk to students who were still in school, or had recently been, and it shows how prejudice feeds back through expectation of performance and then on to the failure to provide the resources for proper development. I wrote:

I entertained myself with asking people what they do for recreation and got some pretty heart-rending replies. Imagine, for instance, a reasonably bright college student (fourth rate college to be sure) without a book except grammar school reading. There is a recreation evening one night a week, but aimed at the younger level, and presided over by the lethal shoe-clerk-turned-preacher.

I had earlier had to listen to a lot of racist talk from the teachers in Yakutat and later remarked that I thought that "the teacher's racism seemed particularly ill-advised in terms of the program that these people had and the behavior they displayed."

Travel Diary

The remainder of this reminiscence records the events as we experienced them over the weeks of our study, omitting only the period we spent researching land rights and uses among the Athabaskan Indians in the Interior villages of Northway, Tanacross, and Tetlin.

Juneau – Our safari began in Juneau. I wrote:

The weather was nice the day we came with foginess occasionally but no rain. Yesterday there was a lot of water coming down, but not unpleasant. Today it is crystal clear, like an early spring day in Berkeley, so that it was warm walking with my field jacket on, and the sky is a bright blue with a few cumulus clouds. The mountains rise all but sheer from Juneau, which clutches at their base to keep from falling into the water. Higher in the mountains, snow clutches at the crevices but comes down in streams so steep as really to be waterfalls—crystal clear snow water. The streets are narrow—two cars can usually pass—and crooked and lined with very ugly wooden buildings. There are a few larger buildings, but none that fail to be ugly. The Juneau gold mine dominates the man-made landscape—though a mine, it is really rather graceful from a distance.

We spent a couple of days in Juneau, “reading tons of briefs” and trying to get a hold on the task ahead. I prepared a long memorandum on research methods and procedures, but most of what I laid out in it was disregarded. We just went from place to place, talked to the Native men and women, the old ones for traditional uses and the younger ones for current uses. I had left Berkeley on May 27, arrived in Juneau on the 28th, and we were in Klukwan on the 30th. That was a foretaste of the pace we were to maintain over the two months—a pace hardly in keeping with my own predilections or the laid back character of rural Alaska.

Klukwan and Haines – We left Juneau by plane for Haines and went on to Klukwan. I was dismayed at my first glimpse of a Tlingit village and wrote:

After a knowledge of the rich sense of beauty of the Northwest Coast Indians’ architecture, the row of tawdry houses surrounded by ramshackle outbuildings and weeds gives one something of a shock. The houses are lined up for a quarter mile or more on the uphill side of the road, about a hundred feet above the swift flowing river. The houses themselves for the most part want paint. They are large, rectangular two-story houses, plain and severe, except for an occasional piece of fretwork. Between the larger ones and across the road are smaller houses in various stages of dis-

repair. The larger houses are the “tribal” houses, that is, houses which serve the old family made up of man and wife and wife’s sisters’ and brothers’ children and their children or nephews and nieces. For the most part these no longer serve as dwellings, but are kept up in deference to custom and ceremony. They are abandoned in favor of houses more fitting to the needs of single families calculated after our own fashion, especially houses less difficult to heat.

We left Juneau on Thursday, May 30; on Friday we were busy getting across the purpose of our trip and recording information. We went to Haines to announce a meeting for three that afternoon, but,

in strictly Indian fashion, the talk went on one place and another so that we ourselves didn’t return [to Klukwan] until 4:00 p.m. We had picked up two men and a load came up from Haines so that when we arrived there was quite a representation—somewhere between twenty and thirty. When we finally started, Ted spoke and later I, all our words being translated by Joe into Tlingit. It took a long time before we finally got discussion from them, but there were fine speeches made and long discussions of their efforts to keep commercial fish traps and the road away from their doors. The meeting was generally declared a success.

The next day we went to a spot on the river to see the harvest of hooligan and have a picnic.

We piled into Joe’s car—Ted and I and the Kahklens (all six) and one of the several girls who are around helping Vivian. We had told the people at the hooligan camp that we would call, and as a result of our meeting we managed to get a pretty complete account of our purpose spread around. A hooligan camp is a place where the Natives camp when the hooligan are running. They dip these up in great numbers, put them in pits about 4’ x 2’ x 2’ and ripen them about a week, and then cook them. The oil is released and skimmed off and used as a supplement to food. For instance, cranberries are preserved in the oil, and it is used as a condiment to dip fish and other food in, etc. Some of the hooligan are dried as are salmon caught at the same time. The Natives do not like to have whites come to the eulachon camp, as they are sensitive to the smell it creates.

Our party was sent for in a larger canoe by two girls. When we got across the hundred-yard-wide Chilkat where the camp was, the smell did indeed hit us in the face with a sharp smack, and stayed the evening out. I took pictures of the process of drying and rendering the oil and we visited around with all the old people. Four separate families were camped at this place. Each included an old couple and some that were young. We engaged one old couple in conversa-

tion and were soon hard at work with our notebooks. About 8:00 p.m. we stopped and got our supper. After our supper all of us crowded about a smoky fire and got back to work. There must have been at least six old folks not to mention various ones of assorted lesser ages who crowded about. There were many discussions and arguments over proper naming and ownership of places. But we gathered considerable evidence of the nature we want. Finally about 11:00 p.m., I found myself getting irritable and the people more and more involved in conflict so we called it off. It had by then also managed to get too dark to make writing comfortable.

Our number was augmented by one on the return trip. We had the service of an expert Native oarsman and a good canoe of Native manufacture (but not old). We first pulled the boat upstream several hundred yards so as to be almost across the place where the car was parked. The boys got that loaded canoe across the swift river in the dusk with beautiful ease, probably more hindered than helped by the paddling that Ted and I did. We sang all the way home, but very few Native songs. Joe sang a hymn in Tlingit and one or two Native songs. We were equally tired, dirty and smelly when we got in.

The next day we went to church at Joe's insistence and then took a long ride up the Klehini to see some places we had discussed and to get interviews with people now using a place at the confluence of the Klahini and Chilkat and another after supper. I wrote that, "I decided that if I were ever to get anything done on paper, I'd just have to sit down after Ted gave up and work into the night. Since I do most of the note taking (because eventually we always come to the Native word and Ted can't write it and because his writing is even worse than my own), I find it difficult to stop for this kind of account at the end of the day." I also expressed my amusement at the "humor of graveyards combining the worst in Greek Orthodox stone-cutting with the best in primitive art" and my excitement "at the two house-posts (now inside) eaten away by bugs through the centuries, house-posts with realistic carving of a bear enfolding a human and another with the human in the throes of death."

On Monday we went to Haines, "where we spent the morning with a most wonderful old guy named Paddy Goenette. He had hunted, fished, and trapped throughout Chilkat and Chilkoot sounds, was sound of mind and body, and in great good humor. He dramatized with his hands so well I could sometimes figure what he said before Joe had made his interpretations." Then we took a taxi to the cannery and made a couple of interviews while the cab waited. On Tuesday, "we had an equally good in-

terview with Susie Nasook, also in her eighties and toothless, who said, 'Walter talks Tlingit very good,' and I was pleased at the undeserved complement and the first name."

I tried to sneak in as much sightseeing as possible. Vivian Kahklen took me to see Helen Hotch, the expert moccasin maker of Klukwan, and I ordered some for the family, trimmed with the fur of a beaver that Vivian had shot. At another time, Joe took us to the "Tribal House" (belonging to his clan) and showed us some of the old regalia.

The Chilkat art is as far superior to the totem pole art as oriental rugs are to Montgomery Ward's, in my opinion. The house posts here (there were four) were crouched figures with carved faces about five feet wide, above which was a representation of a copper and a figure which I couldn't identify. There was a gorgeous Chilkat blanket that antedated the period [in the history of Northwest Coast art] in which they had to fill every space. It was remarkable—and so superior. But the masks really sent me. I nearly tried to run out with one. . . . There were beautifully woven hats (the kind with rings on the crown) which were about the best basketry I have ever seen—including Pomo. Later we went to Haines and there we visited some old graves, marked with stone. Vivian and one of her friends didn't even recognize the reproduction of a copper, which made me sad, so I told them about coppers.

Transportation was a constant source of difficulty for us, and we used every device available to make our way through and across the fiords. I think we could have done the study in half the time if we had simply had our own planes and boats—but it would have been less fun. We had problems getting back to Juneau.

A plane had been due out Monday but didn't come because of the weather. We knew that there were two passengers waiting, so we went back to Haines [on Tuesday] to try to catch the plane. We had ordered one for Wednesday, but hoped for the luck of an earlier one [which we didn't have]. Wednesday morning we went to Haines to get our plane. It was scheduled for two (we learned that the day before) and the schedule was confirmed. When 3:00 came, and no airplane, we went back to Haines and learned that the flight had been canceled without reason (the weather was perfect). Meanwhile, we had seen the *SJS II* come in and greeted her. *SJS II* is a small boat belonging to the Presbyterian Sheldon Jackson (missionary) School at Sitka, which does church business during the year and fishes in season. When we were stood up, we were so mad that we looked up the skipper who said he would be glad to bring us down, and that they were leaving at 8:00 the next morning. We went back to Klukwan feeling that precious time was lost. We pulled out of Klukwan (for the third time) at about 7:00

a.m. and got our baggage aboard the *SJS II*. She was a pretty white boat about thirty feet long, with an excellent motor. She had been returning "young people" from a young peoples' conference in Sitka.

We shoved off at 8:30 for the seventy mile run down to Juneau. There were about a dozen people aboard beside Joe, Ted, and myself. The skipper was a young man named Nelson, who had a three-year-old girl and a one-month baby with him (plus wife, of course). There were two or three men from school with respective wives. Also a field worker from the Mission Board, who was a perfect job of casting—"sweet, southern and full of pious non-sense." But everybody was really very nice and friendly. I took the helm for a spell, which was fun, though not exciting. We saw several schools of porpoises, cavorting to no porpoise, and black cormorants which dive after fish as long as you can keep your eye on the place—maybe they just stay under forever.

The weather was perfect. Hot and sunny, with a slight breeze, so that I am quite red of face. I sneaked my shirt off when I felt no Presbyterian eyes were cast my way. We were put ashore at Auke Bay, about fourteen miles north of Juneau. We had a long wait for the bus, so we went up to a little glacial lake which was beautiful and back in time to be picked up by two cars of people known to one or another persons who had been on the boat. The trip took until 3:00 p.m.; we had lunch in the little galley. The fellow Ted and I rode with was a Republican big wig (name of White) in Alaska, and we had an interesting, if somewhat guarded, chat.

Hoonah – This comedy routine was to follow us around Southeast Alaska. When we were to leave Juneau for Hoonah, the plane scheduled for ten finally got away at three, a pontoon single-motor that was so crowded we didn't think she was going to make it off the water, but we had a beautiful clear sky and blue water below, looking down at the controversial fish traps and the *Estebeth* that was taking mail from Juneau to Sitka. We went across Admiralty Island to a mining camp on Hawk Inlet where we deposited a red-faced and bleary-eyed miner with two bags and two bottles and then went on to Hoonah.

Hoonah was a discouraging sight. It suffered a fire just two years ago this month that burned to the ground all the tribal houses and a good portion of the dwelling quarters. Naturally, practically every piece of Native art was destroyed, and [the Tlingit] place high value on their own things. A housing project was started with surprising rapidity, and there are eighty brand new houses, all alike and all crowded into a narrow place about ten feet apart. They are all finished—wiring, plumbing, sewers, and everything. But

there is a great dispute over the price, and until they are accepted and prices agreed upon nobody can move in. So the people are crowded into the shacks that didn't burn and the few extra houses that were built out of army prefabricated units.

We were met at the dock by Fisher, the local school teacher. A number of people greeted us as we went up to the school. Joe had been here years before but people really greeted him because he belongs here, by Native reckoning. His mother came from Hoonah, and the place is full of uncles and aunts, etc. We were quartered in the nurses' house, a comfortable abode with three separate beds (though on the toss I got the army cot). There turns out to be a restaurant here, housed in the building that was used to feed the construction gang; and after you get used to its rough appearance it turns out to be a very nice place to eat. It is clean and plentiful, and the salmon steak we had this evening couldn't have been beat.

Hoonah seems to have been dominated by its large cannery, and there was evidence of hostility to our concerns with Native rights. This did not keep us from getting material of value. Joe and I gathered up three old women and started to get the information on local usage. They were excellent informants, and in all I had three separate sessions with them and got most of my material in that way. It was after 10:00 before I decided we were all tired; the poor little cross-eyed child who had wandered about drinking soda pop and eating crackers had long since fallen to sleep in the arms of what must have at very least been his great-grandmother. Pop is the hallmark of Hoonah, and I gather of all the Native villages. Everybody drinks the stuff at all times of the year—sickly pink and green and undoubtedly calculated to ruin a healthy digestive system in a very few years.

The mayor, who was part Tlingit, kept promising to get a meeting, but it never took place. It turned out that this was because there was hostility toward our study and the implications that we were concerned with furthering Native rights. The transportation charade continues; here is how we left Hoonah:

Planes had been coming into Hoonah daily until the rain set in, and after that none came. We got ready to go as early as Tuesday afternoon. No plane. Wednesday came, and no plane. At about 7:00 one sneaked in and out of the overcast but wouldn't take us—loaded. But we learned that the *Estebeth* was due in at 3:00 a.m. this morning, so we planned to board her. She's nearly thirty years old and not in too good of shape, but she plows along through sound and inlet, stopping at every village and cannery. It was an early hour to shoulder duffel bag and brief case—an incon-

gruous combination. But we got up (Joe had heard the whistle) and watched while they unloaded dozens of cases of pop and a few miscellaneous things. We were showed bunks aft, and it wasn't long before I decided to drop into mine. I slept through the breakfast gong. . . .

I went up on board and talked for a long time with the purser, who was an old Alaska hand and very interesting. The skipper was an old Scandinavian who had, since she was commissioned in 1918, run the ship between Juneau and Sitka, but he still called it "Yuneau." The cook was an amusing happy-go-lucky sort who put out excellent meals with good humor. It was a beautiful day and we had an interesting ride, stopping at canneries along the way.

Angoon -

From the boat Angoon looked trim and pleasant and we anticipated our trip with pleasure. Angoon has no harbor, so we were met at Killisnoo, a deserted village inhabited by an unused herring cannery and a single man named Oscar who had bought it and lived there with his garden, his little dog, and the memory of days as a seaman. The boat that met us was the *Down Easter*, a small, smelly boat without shape or paint, piloted by a lean old man who ran the local store at Angoon. After the mail, our bags, and ourselves had been transferred to the *Down Easter* and plowed the three miles, we climbed up a ladder to our new village. Joe had spent a year at Killisnoo with evacuated Aleuts from Atka, and so he was known to the people there. I shouldered the duffel, and we started over a little hill by the short cut to the school. Halfway across we met our host, the teacher, who had only the vaguest idea that somebody was to come at some time. He had not received our wire for the simple reason that the wireless was out of commission and the only word that could reach him was via the boat that we were on, which stops there twice a week, once going and once coming.

He and his wife (the Arnolds) are pleasant people of about our age, and they took our sudden arrival with calm and good nature. It was by then after 7:00 p.m. They showed us to the nurses' quarters—an apartment upstairs in the school, which had great French windows overlooking the water and the snow-covered mountains of Baranof Island on the far side. Joe and I then went to the store to pick up the mail and some bread that had come in on our boat. We walked down the rickety board-walk that is both street and sidewalk (there are no land vehicles at Angoon) and the houses were less neat and sweet smelling than they appeared from aboard the *Estebeth*. We ran into Andrew Gamble, a forty-ish Native who is a lay minister and fisherman, and arranged to see him the next morning, into some other Natives who

arranged to meet with us at 1:00 p.m., and picked up the mail.

The next morning, Friday, we met Gamble, and I had an interview with another Native. At 1:00 we went to our meeting and nobody showed up. Here, however, the main reason was that everybody was out trolling for halibut or salmon. We got statements from those who came and by dinner time my arm was tired from writing.

By now I am part of Alaska culture, and I go through similar gymnastics just to send some mail. We missed meeting the *Down Easter* to get our mail on the return of the *Estebeth*, but Arnold offered to take us, so:

We dashed down to the village, rowed out to his *Vagabond* with its broken-down Model T engine, and chugged out of Killisnoo Bay down to where the *Down Easter* and the *Estebeth* met. We were less than a mile away when we saw them part company. Not having shots to fire across her bow, we zig-zagged across it. She slowed down to about half speed and we came alongside of her parallel. Arnold hung alongside of our boat and one of the hands to the side of her, and thus my last letter (and a couple from Ted) was sped on its way midst shouts of greetings and laughter. Mission accomplished.

Among the special sights of Angoon was Oscar, the hermit of Killisnoo. He was pleased to see company and showed us his very successful garden. Gave Mrs. A some onions and asked us in. His house was one of the many ramshackle buildings, but inside it was neat and pleasant. We examined the pipe his father had been given after thirty years of faithful service as captain of a ship by a Danish company, a ship model he made, etc.

Of course at all these places most of our time was devoted to the work of getting information and the drudgery of typing the voluminous notes. Sometimes this was frustrating, as I noted that, "the sad part of this work is that when they start telling you interesting things you have to shunt them back to the main subject."

One of the more memorable afternoons was the Sunday in Angoon, which we celebrated in classic American style with picnic and fishing trip, but with a distinctly Alaskan accent. At about 3:30 in the afternoon:

We boarded the *Vagabond* with fishing tackle and the makings for supper and trolled about in front of the village for king salmon. After they seemed unwilling to help our picnic, we exchanged tactics, dropped anchor inside the bay and fished the bottom for halibut. It wasn't long before we had four fish averaging about five pounds. I caught two of them, but they aren't game fish so it's not much of a sport, more like harvesting. One small, weird-looking fish that

looked something like the King of Hearts in the Tennial illustration Ted dubbed the Irish Lord. It was reputed to be good eating but we didn't sample it. We then went up Favorite Bay where we landed by a big flat rock. Joe started a fire in jig time. Mrs. A gathered goose tongue, a very nice native green that grows along saltwater beaches. But we found we had no water, so a couple of us went across to fetch it from a stream across the bay. We all had good appetites at 8:30 when finally the halibut was fried, and it tasted good beside the fire and the water, with goose tongue and potato salad and hot coffee. It was beautiful and pleasant. We got in about 11:00, very tired and dirty and ready for bed.

The Alaska transportation service seemed to be playing games with the rookies from down below. Just as we thought we had learned to reel with the punches, we get a right jab to the chin.

None of us expected the plane that had so frequently held us up before, but in the midst of an interview Joe and I heard it buzzing overhead. We dashed out of the house, dog trotted across the board walk to the school, to be met by our baggage coming down the walk by the school with Ted and Arnold under it. I shouldered my forty pounds and we started back. Angoon has no regular landing platform. The tide was running swift and was out so the plane landed way up the bay. We walked for what seemed like miles, fearing that the plane would give us up before we got there. Finally we reached the beach and the only boat, way up. We got it launched, slopping through the mud, and with water up to the gunwales paddled out to the plane slowly. We were greeted with a curt, "thought you'd be in a boat wait'n." Rather fantastic, since we didn't know if, when, or where the plane would stop.

Sitka -

After a half-hour very beautiful ride across snowy mountains, we landed at Sitka. Sitka, like all Southeast Alaska towns, is beautifully located. As you come up from the dock you are greeted by a large totem pole. Behind it is the biggest building in Sitka, an old folks home for Alaska pioneers amidst a well-clipped lawn. The business street is a narrow one, lined with low stucco houses. Northward along the waterfront is a narrow street with docks on one side and high clapboard houses, whose battleship gray paint has long since given up the battle, which are the size of the Native clan houses.

After lunch we took the first real bath since we left Juneau (no hot water in Hoonah and no running water at Angoon because of the dry weather). We took a cab out to visit the oldest Sitka Native, a nonagenarian who remem-

bered answering a lot of questions for [my old professor, Ronald] Olson. From her we called on a perfectly swell guy named George Lewis, head of the major clan here. He was bright and amusing and his English-speaking wife had a good sense of humor. He showed us a beautiful bow which came from Queen Charlotte Island seven generations ago. He told us Sitka was full of history and would be an excellent subject for an autobiography, I'm sure. Unfortunately I had to take up each bay, island, and stream and ask the same questions about them. I got twenty-four pages of notes from him. We went to the Alaska Native Brotherhood Hall to a meeting. They were trying to organize forces to get rid of a saloon in their neighborhood which was having a bad influence on the children. We told them what we were doing and they were very friendly.

After lunch we went over to the Sheldon Jackson School, the Presbyterian school for Natives which has been a boarding school for small children but which is being converted to a junior college for whites and Natives together. We started with the museum, which is a cluttered one, but has a wonderful collection of masks, many large and small ones from Eskimo country. Also the most remarkable Raven hat (Tlingit) with a sly expression both in eye and beak. Then we took a conducted tour of a very drab institution, including Native arts and crafts, dormitory, dining hall and shop. They have their own sawmill and build their own boats (remember the *SJS II*). I interviewed a fine old man that evening; I've got enough informants in Southeast Alaska to make a career of.

While we were at Sitka, Ted got a wire saying that there was a suit being filed in Karluk, near Kodiak Island, regarding reservation rights to off-shore waters, and it was decided that Ted should go there, leaving me not only to the work, but also to some of the efforts to get Indians to petition for a reservation. So we were going to go to Kake, and Ted would go on to deal with Karluk.

But this time, Alaska transportation threw us a new curve. Before we got on the plane out of Sitka we were told that "the weather was bad so we couldn't land at Kake and we would have to go to Juneau, and wrote our travel requests accordingly. It was not until we landed at Kake that we realized the pilot hadn't been informed of all this (the weather had meanwhile cleared) and that he was dropping us three there. So Joe and I climbed out sans the last minute instructions I had hoped for."

Kake -

Kake turned out to be virtually deserted. One youngish man was helpful, but a meeting was impossible because only three or four men were in town and one of those was leav-

ing for a funeral. I discussed the reservation problem with them and got some information from two of the older men. Joe was raised in Kake so he had a lot of visiting to do. It is a nicer town than the others. The teachers were off midwestern farms and had just spent four years in the north. They had grown sons and looked like *Saturday Evening Post* pictures of grandparents. But they had a quality of hardness and narrowness more reminiscent of what we have seen in the States. There was a very New England nurse there just out from the States who recited ancestors but not with too much pride. The young lay preacher (Native) was very nice and had a pleasant home. We stayed there from late Wednesday to early (this) Friday morning, when we were picked up by chartered plane and flown to Klawock.

Klawock – This was one time that the transportation met its obligation, much to our surprise.

It was a plane that seats a pilot and three passengers, and Joe and I enjoyed a pleasant, bright and sunny day. We arrived at Klawock at about 10:30 a.m. Vivian's parents are leaders here. We were told that there are two clans in this town—and they didn't mean Eagles and Ravens, but the Demmerts and the Peratrovitches. Each has stores, a cannery, and slews of children and grandchildren. They are often at cross purposes, and I was forewarned that the Demmerts would be favorable and the others unfavorable to the reservation idea. We called on the Demmerts first, naturally. Of course it took a while to get there, for Joe was greeted at every turn and had to be asked about all the children. Charles Demmert and his wife are big heavy people living in a great house high up over the water. People come and go and children run and cavort around. [This is where we were when Archie Demmert came back from the army, which I described earlier.] After a lot of necessary preliminary talk, Charlie had asked what I had come about. He had been active in the hearings on Native rights held here two years ago, and he quickly let me know his own and others' feelings on this subject. We had a big lunch, with hors d'oeuvres of smoked hooligans and smoked halibut.

I had found a more favorable reception than I had hoped. We arranged a meeting for 7:30 of the council and other interested parties. Then I called on the nurse (Miss Leak) and arranged to be put up in the lovely nurses' quarters. (I hasten to add that it is the quarters that are lovely, not the nurse. She is a pleasant old girl who has spent twenty-one years in the Arctic and retires this year.) After supper I arranged one of my rare baths and went to the meeting at 8:00. By 9:00 it was underway, and very much to my surprise, it went off well. Both factions (if indeed they exist) agreed to petition for a reservation and tomorrow I help them draft it.

After the meeting, Joe and I walked around the village (which is the biggest and best yet) and up to the clearing above the village where there are about a dozen totem poles standing as if in conference. They are the first I have seen up outside a Native village. They were refurbished and reset in this way during the CCC [Civilian Conservation Corps] period and are exquisite. A Native, now dead, appears to have done the reconstructions. They are very tall and much simpler and more realistic than the standard kind. One has a rather tall bear vertical with a long killerwhale balanced horizontally. Another is a simple white pole with two ravens side by side on a perch at the top. Another has a killerwhale at the bottom and a kind of jack knife. The dorsal fin (which is the sign of the killerwhale) extends upwards for most of the pole and there is a raven on top. You would like Klawock with its homey Demmerts, with a person like Archie for serious talks, with its totem poles, with blue islands and water in every direction.

Saturday was largely devoted to the funeral. Tlingit funerals are still complex affairs, combining Christianity (in the form of the Salvation Army) and Tlingit (in the form of potlatch). Unfortunately I got involved in the former rather than the latter. It's not really a rip-snorting potlatch, but only a feast and speeches and people taking home the spare food. Mr. Demmert was heavily involved. It seems the deceased was really from Kake, but because of a feud there requested she be buried at Klawock. This was calculated to create hard feelings, so the speeches had to be long. Joe told me about their purpose: they are to assure everybody that everything was fine. There is also a lot of money changing hands in the old spirit of [potlatch]. Always to the opposite phratry. I went to the very dull services in the Brotherhood Hall and later on the boat over to the island where she was buried. The soil is so shallow that they boxed her in cement. The coffin is covered with garish paper flowers. It's a hell of a mixture. Most of the young people disapprove of the hocus-pocus, too. I had a chat with a few who were anxious for the proceedings to end. They were still going strong at midnight when I gave up.

Sunday morning we had the session over preparing the petition that I'd been waiting to hold. Mrs. Demmert prepared a dinner for us and the smells were filling the house and my juices were running when we heard the plane roar overhead and had to dash out with an apple and a bar of candy and hop over to Ketchikan. I hated to leave Klawock. It is far from the perfect village, but both young and old seem more alert and cleaner, houses were bigger and better, and I enjoyed my stay. Some fellows were building a fifty-eight foot boat and it was a beauty.

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Saxman and Ketchikan – I wrote from Kasaan about our trip to the southern end of Southeast Alaska as follows:

We are enjoying the hospitality of a missionary-nurse here—a character for a book if ever there was one. She has been a missionary in India and then in the far north of Alaska. She's quite an old salt, independent, and rugged and talks with each word sep a rate ed so odd ly. She uses rather odd locutions and would be a rather good addition to a movie of the right kind. Joe and I arrived at Ketchikan just a week ago today. We got acquainted with the government teachers at Saxman, the Native village about five miles down the road from Ketchikan. They were a wry sort and I didn't like them—rather over accommodating on the verbal level, but not having any real sympathy for the people. We were taken around and introduced to most of the people we were to see and learned incidentally that the Ketchikan and Saxman people were two separate groups.

Saxman is a sad sight. Nearly every house is in bad condition, and the worst are so bad one is afraid to walk into them for fear they will tumble down, and when one gets inside, the air is so fetid that one is convinced an oxygen mask should be standard equipment. But there are many that are quite nice inside, and a number of the people that we met were very fine. I was particularly impressed with one man who was refurbishing his boat for trolling with his son to get ready for the season. Boats are, of course, far more important than houses, and they lavish paint on them when their houses are innocent of any.

After getting acquainted in the village we returned to town, and we were introduced to a perfect Hollywood casting for local labor leader in a fishing town. He was Walter McCall, half Eskimo and half white, a husky cocksure guy, very rough and proud that he was known all over town. But a good guy, with what seemed real intelligence and a real interest in the worker and the Native. He gave a line on the people we should see in Ketchikan and proved very helpful.

It was nearly 10:00 p.m., but we went out for a visit to one of Vivian's sisters and her Swedish husband Johansson. They were a very pleasant pair. She is educated and very middle class, and moved to Ketchikan to get her children into Territorial schools and away from the Natives. They like their house because it was "in a good neighborhood," which I suspect had the same implications. He is a shipwright but wants to buy a boat. It seems he has his eye on one which he doesn't want to pay the \$18,000 for, but he probably will if he can. It doesn't sound like bad business since they are chartered at \$100 per day plus all costs of operation.

On Monday we started work with an excellent informant, Jim Starrish, and continued most of the day and into the night. The Saxman and Ketchikan people are a rather mixed lot, and apparently some areas were occupied by people now completely gone. The Ketchikan people were called Tongass, after which the National Forest is named, and they migrated from one place to another over the past hundred or so years. I don't think they have any Native rights. The Saxman people were moved in at the bequest of missionaries so the children could go to school, but it was a sad mistake, I'm sure. The repetitious story of whites taking away their land, and burning or occupying their trapping cabins and smoke houses was heard more often in that area than in any other area we have been. We met a man who worked at the *Ketchikan Fishing News* and as a result got our names in the paper. He was a very nice Native with whom Joe was acquainted from some earlier period. We learned that the Metlakatla boat would be willing to take us over there at noon.

Metlakatla – We had no reason to go to Metlakatla, as there are no questions about Native rights there, but it was something we wanted to see, and we managed to get a boat over.

Metlakatla is the reservation [that] Father Duncan talked the U.S. Government into establishing on the whole island, including a half-mile of water around it, for the Tsimshian whom he imported from B.C. He was quite a guy and attempted to get these people up in fairly good style, though under a kind of paternalism that was unfortunate. We visited there on a boat owned by the cannery, a nice boat with a Native skipper and engines and a crew of white boys from the States ("down below" they call it here). As we approached, the twin spires of the Duncan church and the great dome-shaped roof of the community hall could be seen long before the rest of the town could. As we got into the bay, the great white and green cannery, with a large dry dock for boats and a more dilapidated sawmill, greeted us. We got off and walked around, meeting the mayor, Roy Murcheson and the clerk, a married-in half Tlingit, and associated others. We also visited the church, which is a bright white wooden structure, very large, with two great turrets in front. Inside the whole thing had recently been redone and it was impressive. The walls were of yellow and red cedar in alternate vertical boards and it was very effective. The ceiling was also of yellow cedar and the altar of inlaid woodwork in the two woods.

Metlakatla owns its own water and power plant and the cannery, which is leased out. The people are universally well off, and there is no doubt that the effect of land own-

ership and paternalism has been advantageous. But the people are apparently ridden with dissension, and on all sides we heard evidence of disharmony and bickering. We couldn't get back that night so bunked and ate in the stateroom of the little boat and returned the following morning. The cook was pretty drunk but was friendly so long as appeased by soft words and managed to put out very nice food for us. On the return voyage I talked to the superintendent of the cannery. He has made it one of the two best canneries in Alaska. He complained about the lack of spirit in the community and the unwillingness of the Natives to participate in things. He struck me as a very good guy, though strictly a business man, but Ted tells me he belongs to the canners' association and refuses to work for the Natives. It's a great shame that the cannery isn't run by the people themselves.

Kasaan – When we got back, we learned that Ted was back and he rejoined us and the three of us went to Kasaan that afternoon.

Kasaan is a sad village, like Klukwan in size but with no large houses. The shacks are surrounded by brush and are far from picturesque. As our plane circled there, we saw an old house with a totem pole in front and visited it that evening. It had been hand hewn according to old custom by the CCC. We got there late, and it was so dark inside we could hardly see the eerie forms of the house posts. Outside were a totem pole in front and others in a little park outside, including one old supine one, over which I climbed.

The evening before leaving, when we were eating supper on the *Annette* at Metlakatla, the radio announced our coming to Kasaan. We were greeted there by a committee that had been appointed to help us. A teacher in Ketchikan told them of our coming and they had formed the committee. and would inform them of our coming. It was her message to Kasaan we had heard. She was a charming tall and lean woman with a little black-eyed boy, half Athabaskan from the Interior married to a Tlingit. Only one white teacher we met measures up to her and Joe, in my judgment.

We arranged to hold a meeting after we got settled and called on the missionary. She was prepared to take us in and was undaunted that there were three of us. I am sorry I am incapable of putting her on paper. About sixty, very mannish in a way—teaches anything—very direct, with her odd slow speech and strange locutions.

After the meeting we each started interviewing Kasaan in Haida, so Joe couldn't translate, but he did some of the interviewing. I found the information very poor and the situation depressing. They have largely given up their old ways, are badly decimated, and live for nothing at all. The

missionary, of course, doesn't really help that and the sorry painting of Christ was a miserable piece of art compared to the carvings that have come from this area.

We managed to get through by Saturday night, but about noon a wind blew up and the plane we ordered via radio couldn't make it, and so we were put up another night at the mission. I acquired a new name and a daughter. An old blind woman I was interviewing asked me what my Indian name was. When I said I didn't have one, she thought a minute and bestowed her father's name on me. I couldn't get the story connected with it, but it has to do with "luck baby." I am to address her as daughter.

Wrangell – Our next stop was Wrangell.

Our plane left Ketchikan at about 3:30 and by 4:20 we were on the dock at Wrangell. The weather was clear and warm, but about half an hour after we had landed, a storm hit with thunder and lightning and a strong wind, and I was glad we were on the ground. Apparently such storms are very rare, though a similar one had happened the night before. The rain was coming down sideways. People are complaining about the lack of rain, which is threatening the water system.

Wrangell is real frontier—an old town with old buildings and backward ways. There is a tribal house of the sort at Kasaan with totem poles, also constructed by Natives under the CCC. I am going to try to get in there. The hotel is dreadful, with dirty Johns, etc. The lobby was lined with old men who were sitting and looking like extras for any movie of the West. We had a hell of a time raising anybody to get us rooms and got the last two in the place.

Later, we went out to Wrangell Institute, a high school (boarding) for Alaska Natives. We were shown around the very pleasant place by a man named Ripley and made an inspection of the buildings. It was nearing noon when we got to the mess hall and our guide suggested we get reindeer steaks and "jungle us up" some food. So we did. He was alone (his family was down below) and he was a wonderful cook. Meanwhile we had picked up the principal, a half Choctaw named Earl Intolub, who was youngish, handsome, and very pleasant and who forsook his family in favor of Ripley's reindeer steaks, believe it or not. We also had biscuits made by a miner's recipe: a hand full of flour, as much lard as you can scoop up in three fingers, baking powder—as much as you can pinch up in three fingers—salt in two fingers and sugar likewise. I hope I have that right for they were good.

After lunch Intolub took us back to town and helped us try to round up informants. First he took us to Chief Shakes's, a CCC Native house surrounded by reconstructed

totem poles. The best was a pole with a bear crouched horizontally on top and his foot prints up the pole. The house is made of cedar and smells deliciously of a giant cedar closet. We had trouble finding informants, for the Natives are as depraved as the whites and two possible ones were dead drunk. We had some supper and I had a man who was good and took him to the hotel, where we worked for several hours. While we were working we were interrupted three separate times by what appeared to be a body hurling against our door. It was one of three drunks trying to get by and falling and I was relieved upon opening the door to find there wasn't a stack of bodies over which we would have to climb. I think I described briefly the hotel, with its frieze of old prospectors around the lobby, its so-called bell-boy, who had one palsied hand that netted him the nick-name of "Shaky," with its pulsating motor just outside the window which was reputed to serve as some kind of beam for fishing boats when there was fog, for the pounding could be heard way out at sea and was used as a guide. The room itself was not too bad, though the rope hanging by the window, which I presume was to serve as a fire escape, I at once took it to be for those who despair of longer life in these environs. None of the literature on the John walls added to my repertoire.

A few days later we met a Mrs. Kuh (pronounced *Cue* or *Q*), who was studying totem poles for the improvement of arts and crafts programs. She was a curator at the Chicago Museum of Art with a good sense of humor and a favorable outlook, a bit over-awed by her new bureaucratic role. The Forest Service man responsible for the reconstruction of totem poles just destroyed them after they had been copied, and she was to try to find the ones left to see what could be done with them. She also had experienced the Wrangell hotel, where she had spent a couple of weeks five years earlier. (Intolub told us we hadn't experienced anything until we had spent Saturday night there.) It seems the frieze was already in place then, and when she walked in nobody was in attendance, as with us. Finally Shaky worked his way to the desk, and when she asked for a room he asked, "With a key or without a key?" She didn't get the meaning until a member of the frieze said, "I think you better give her one *with a key* and you better give her one with a bath." Later, she said she got acquainted with some of the frieze and found them pretty nice, and also with the women who took rooms without a key.

We left Wrangell the next morning even though we didn't have the information we needed because our two informants were still drunk and the rest out fighting, and because our housing was not conducive to cleanliness or rest. The plane we boarded for Juneau had to go to Sitka first so we got double the ride for our money, also stopping at Pe-

tersburg, a pleasant town in a beautiful setting. The weather was lousy so the ride to Sitka was exciting; our pilot had to find a pass through the mountains that was not blinded by fog and suddenly—I was reading at the time—he banked for a sharp turn to get out of the fogged-in pass. It was a queer sensation to look out the window and see the jagged ground just a few feet away. We were safe and sound in Juneau by 4:00 p.m.

Yakutat – We left Juneau on the afternoon of the Fourth of July on

a plane that seemed immense after the bush planes we had been moving about in, and a hostess with gum and worrying if you were strapped in seemed unnecessary after flights where there was no strap. It was not the best of weather, but we did get a glimpse of the glaciers and icebergs of Glacier Bay, and the outside coast was beautiful and I was sorry to leave the comforts and beauty of the place for the desolate field at Yakutat. Soon an Army truck took us the five miles to the village of Yakutat on a cold and bumpy ride.

Yakutat is a small group of unpainted houses, one of which has somehow come to be at a crazy angle, around a cove dominated by the big cannery building belonging to Libby, McNeil, and Libby. The people and the economy are both subtly different, despite the same fish and cannery business. In the first place, it is very isolated from the rest, and I suspect the old culture was not quite the same, though it had all the same elements. The men here all fish, but they fish in streams and coves with much smaller gillnets and therefore rarely own power boats. They seem to have a kind of provincialism, though I am not sure that they have any more of old Tlingit culture than elsewhere. They're all currently very active, fishing five days a week (the conservation program shuts them down on Saturday and Sunday) and camping at their fishing grounds. Very few of them were in the village when we arrived. Of all the places, Yakutat has greatest possibility for establishing Native rights.

The teacher here (Nagel) is a little overly cautious in his talk and is quite racist, though he hides it under a mask of "seeking to understand." Last night, after I got through with my interview, I went back up to his place for coffee. Ted was feeling bad and went to bed, but I felt that a lecture in anthro and sociology was necessary and I condensed a couple of courses in a two-hour discussion. The teachers were innocent of any knowledge of Tlingit culture—even what a potlatch really is or the social significance of the totem pole. They had no notion of the nature of acculturation problems or why Natives drink, and couldn't see why these people failed to meet our standards of living. (They have made good money the past few years.) You can see

that I would feel the missionary's spirit under such circumstances, and I think I made a small dent. At any rate it made me feel that there clearly was a need for an anthropologist or two in the service.

This afternoon we went out to a fishing camp on the Yakutat and Southern Railroad, about ten miles of the wobbliest, rustiest track you could imagine through jungle growth for half its distance and over a kind of peat swamp known as muskeg the rest. It is operated by the cannery to bring fish and fishermen from the village to the camps. We didn't actually get to the camp, but we waited for the fishing people (at least 80 percent of the whole town) to come in and unload their fish into a kind of flat car and rode back with them. It took a lot of waiting and we got back after 8:00 p.m. One place where I waited there was a riot of wild flowers, and I picked a bouquet of lovely wild iris and assorted other plants including magnificent lupines for the teacher's wife. After dinner we held a meeting in the Brotherhood Hall. It was well attended and the people showed real interest. The long tales of depravity which the teachers had given me were belied by the sober attitudes of the Natives at the end of a hard week of work. I was particularly impressed with a humpbacked fellow, who is something of a leader. I believe a community like this could really be made into something with the proper kind of integrated program.

Nagel, the school teacher, had regaled us with the horrors of drunkenness and dissipation among the Natives the night we arrived. I was there at a good time to see the spectacle first hand as they put on a Fourth of July celebration after they came back from fish camp. Saturday night Nagel and I went to the dance at the Alaska Native Brotherhood (ANB) Hall, a large barn-like, dusty building vagrantly festooned with red, white, and blue paper bunting in honor of the day. In keeping with the sun, the affair didn't get started until nearly midnight. I spent the earlier hours explaining to the cannery man who was sharing the guest-house the purpose of our work, which he probably knew in greater detail than I.

In the afternoon we had seen quite a bit of drunkenness, while the sober ones were pretty ashamed. When we got to the dance it looked rather dull but certainly not disorderly. I danced with a few girls as I met them, while the teacher didn't dance at all.

This is when I learned such things as the content of the college library that I mentioned earlier. The racism seemed so ill-advised considering the kind of programs that are made available to these young people and the behavior that most of them showed.

The next afternoon there were races for our Fourth of July celebration and all of the village turned out for them. A young Samoan who works for the Fish and Wildlife Service, handsome as a Greek god and very charming, liked by both Natives and whites, did well in the running and won a short race in the water by at least three lengths (the Tlingits swim very little and I must say the water is uninviting). I had been preaching a recreation program to Nagel, and I could see the obvious wisdom in it displayed, for the spirit of the day was very good—the only sports contests the whole year.

Departure – The following day I took a plane for Fairbanks, to which Ted had preceded me. After getting maps and doing other chores there, we went by bus down the Alcan Highway to research the land rights and uses among the Athabaskan Indians there. Interesting and challenging as our experiences were, they do not relate to the present research, and so I will pick up the narrative with our flagging down an intercontinental flight (arranged by telegraph) for the return to Juneau. "We had a brief stop at Whitehorse, but didn't get to see the town except from the air. Then over a gorgeous pass which came out at Skagway, near Klukwan, and we were put down in Juneau about 2:00 p.m. Juneau time, or four hours later. We had our first bath in six days, and a mighty needy one."

We worked in the Juneau area for a few days, but nothing very eventful happened, though my last letter entry is perhaps a fitting valedictory, for it gives something of both the nobility and the tragedy of Alaska Native life a half century ago:

I have interviewed several of the older people and a few young ones. One young fellow [whose name, I regret, is not in my records] I met is very much like Joe Kahklen. He has gone around helping me with the people simply as a matter of kindness, and because he is interested in the cause. He has a lovely, quiet wife and a cute little kid, six years old and in school, but no bigger than a mite. His life has been a very tragic one, though he doesn't exactly view it that way. He lost his father, and just when he was making financial arrangements to care for his mother and the other children so he could continue to school, his mother died, and he had to give up all his ambitions and take over the duties of parents. He nearly lost his wife, lost his best pal, and lost one of his children. I find that there is a terrible amount of this tragic and harsh personal situation and it makes one appreciate the advantages of civilization and her protections.

A Report to the Commissioner of Indian Affairs*

Possessory Rights of the Natives of Southeastern Alaska

A detailed analysis of the early and present territory used and occupied by the Natives of Southeastern Alaska (except the Natives of the Village of Kake, partially treated, Hydaburg, and Klawock).

By Dr. Walter R. Goldschmidt and Theodore H. Haas

*This report was originally completed on October 3, 1946 and released in early 1947. The report has been edited minimally for this publication to eliminate infelicities and errors, to clarify matters that were obscure, by altering the Tlingit spelling to conform to the popular orthography, by converting references to the Native witness statements from footnotes to parenthetical citations within the text, and to make other minor changes to conform with modern printing conventions and style—Ed.

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Foreword¹

This report contains numerous references to and quotations from statements made by Alaska Natives in the summer of 1946. The parenthetical numbers refer to the numbers which have been assigned to the statements. These statements are on file at the Office of Indian Affairs, Merchandise Mart, Chicago, Illinois.²

The charts and illustrations accompanying the report have been reproduced in only limited quantities and therefore do not accompany each copy of the report. These are likewise on file at the Office of Indian Affairs, Merchandise Mart, Chicago, Illinois.³

While a diligent attempt was made to secure the statements of the most informed Natives, in some of the villages important Natives were not at their homes at the time the investigators visited. Some of them were away fishing, others were working in canneries or tending to other business. For this reason, *inter alia*, certain of the smokehouses, cemeteries or other areas which are used and occupied at the present time, and in the early days, may not have been mentioned to the investigators. In some cases, the examiner will have to obtain additional data in order to delineate exactly the boundaries of the possessory rights of the Natives to certain areas.

Prior to the proposed hearings on possessory rights of the Natives, provided for in the Rules of Practice adopted June 12, 1946, the Natives should be offered an opportunity to read and study the portion of the report devoted to their village and the accompanying map.⁴ An explanation of the procedure and other pertinent facts concerning Native possessory rights should be explained to them by officials of the Alaska Native Service. The Natives should be advised that if they disagree with any portion of the report, they will be afforded an opportunity to testify at a

hearing before the examiner appointed by the Secretary of the Interior, pursuant to the Rules of Practice. This procedure would help prevent further impairment of the possessory rights of the Natives.

The data secured by the investigators for the three Interior villages of Tetlin, Northway, and Tanacross have not yet been written up. It is intended that similar studies of Interior communities and of Eskimo and Aleut villages will be made during the next few years and that soon after the completion of these studies hearings will be set by the Secretary, under the Rules of Practice. In this way it is planned that the Federal Government, after a long delay, will determine the possessory rights of all of the Natives of Alaska. It is regrettable that such a long delay has elapsed before such a determination was undertaken and brought to conclusion.

Toward the end of the nineteenth century an attempt was made by a Commission, acting pursuant to a Congressional act passed on May 17, 1884, to make such a study, but the difficulty of the undertaking, and of traveling in the Territory of Alaska at that time, prevented more than a beginning to this work. Ensign Niblack of the United States Navy, writing in 1890, saw the desirability of such an investigation and in his book urged an immediate investigation of Native rights. The Government's delay in following this recommendation has undoubtedly resulted in the Natives' abandoning or losing in some other way much of the land that was used and occupied by them in the early days.

The authors acknowledge with thanks the assistance of members of the Liaison staff of the Indian Office in Washington, D.C., who have worked indefatigably in performing many of the arduous tasks required in preparing the manuscript. Thanks are also extended to the Fish and Wildlife Service and the Bureau of Land Management, both of the Department of the Interior, for their cooperation in inserting on the maps the locations of fish traps and withdrawals of public land.

¹ This Foreword has been slightly emended by rewording a few phrases referring to style, format, and the location of the Native statements—Ed.

² These statements are reproduced here in Appendix A—Ed.

³ The maps are reproduced in Appendix C. Original and supplemental photographs and illustrations are incorporated into the text—Ed.

⁴ This opportunity was afforded and some individuals and tribal organizations did respond with corrections, additions, and clarifications. These responses are included in the Native testimony (Appendix A)—Ed.

Summary

The Tlingit and Haida Indians have continuously used and occupied the lands and waters of Southeastern Alaska since before the first exploration in the area. They used all the bays, inlets, islands, and streams from a little south of the mouth of the Copper River to the southern tip of Alaska. Without knowledge of writing, hard metals or machinery, they developed one of the highest forms of civilization in aboriginal America north of Mexico. It was rich in ceremony and creative arts, and complex in its social, legal and political systems.

The abundant resources of the area supported one of the largest concentrations of population found outside the areas of high civilization in Native America.

The Tlingit and Haida utilized all the major resources in the area, except gold, which was of no value to them. The Native economy utilized the teeming fish, including salmon, halibut, hooligan, and herring, the great variety of berries and many other edible plants, the sea and land mammals, the shellfish and seaweed of the tidelands, the forest timbers of cedar, spruce, hemlock, and cottonwood, and also stone and copper.

The Natives had a well-defined system of property ownership not unlike our own, except that the land was generally held in the name of a clan or house group, with

joint usage by such an extended family. Title to land was obtained by inheritance or as legal settlement for damages; it was never bought or sold. It was recorded in the minds of all interested parties by elaborate ceremonials and the distribution of goods among the guests (potlatches). These acts were necessary in order that land ownership could be publicly recognized. Rights were sometimes also recorded in the form of carvings on the famous totem poles.

Two hundred years of contact with civilization has not left the Native society and economy unaffected. Epidemics brought by the whites exterminated many Natives. Many of their waters were depleted of fish, and they often failed in their efforts to prevent the whites from using the lands and waters that had been Native property when the United States purchased Alaska.

The Southeastern Alaska Indians have made an adjustment to modern conditions that preserves many of their Native ways, while at the same time they contribute to the American economy as fishermen, fur trappers, and in many other ways. The portion of these lands still used and occupied by the Natives should be safeguarded without further delay.

Part One: General Overview

I. Nature of the Investigation

Personnel and Itinerary

The investigators sought to determine what lands the Natives of Southeastern Alaska now have in their possession in actual use and occupancy that they similarly possessed or claimed in 1884. The investigation was made pursuant to the 1884 Organic Act by Congress which reads as follows:

... That the Indians, or other persons in said district, shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress. . . (23 Stat. 24).

The analysis is based upon information obtained from the Natives of the villages involved, from ethnographic and historic research, and such other sources as proved fruitful.

The field investigations involved visits to 12 communities of Native people by one or more members of the team assigned to the study. That team consisted of:

Mr. Theodore H. Haas, Chief Counsel, Office of Indian Affairs;

Dr. Walter R. Goldschmidt, Anthropologist, on loan to the Office of Indian Affairs from the United States Department of Agriculture;

Mr. Joseph M. Kahklen, Alaska Native Service teacher, Klukwan, a Tlingit Native, born in Kake, Alaska, interpreter.

This team, or parts of it, as circumstances dictated, started field investigations on May 30, 1946, and completed them on July 24, 1946. The itinerary of the team was as follows:

May 30 – June 6 Klukwan
 (all members)

June 8 – June 13 Hoonah
 (all members)

June 13 – June 17 Angoon
 (all members)

June 17 – June 19 Sitka
 (all members)

June 23 – June 28 Saxman and Ketchikan
 (Goldschmidt and Kahklen)

June 28 – June 30 Kasaan
 (all members)

June 30 – July 2 Wrangell
 (Goldschmidt and Haas)

July 4 – July 8 Yakutat
 (Goldschmidt and Haas)

July 9 – July 16 Interior villages
 (Goldschmidt and Haas) not included in present report.

July 17 – July 22 Juneau and Douglas
 (Goldschmidt, assisted by Mr. Herbert Mercer, who acted as volunteer interpreter)

In the field investigations as many Native persons as possible were interviewed. These witnesses may be classed into: (1) Those who because of age and experience were informed about ancient customs and property rights among their people, and (2) those who were currently engaged in hunting and fishing. It was the common practice of the investigating group to bring together the Natives in a meeting and to explain the nature of the problem and the kind of information required, and to determine what members of the community could best serve to give honest, accurate, and detailed information. Occasionally, circumstances prevented holding such a meeting, and in these cases an effort was made to reach all Native leaders and discuss the same matters. Frequently, information of value was obtained at these meetings.

After each meeting, interviews were held with Natives. Wherever necessary an interpreter was used, occasionally one from the community. Goldschmidt, being an anthropologist, generally sought those witnesses most likely to give information on ancient usage; and Haas generally worked with the younger men on modern uses. This was not the invariable rule, and no effort was made to maintain this distinction.

Each interview was recorded before the responding witness. It was later typed, read back to him, by an interpreter if necessary, corrected if he found errors, and then signed before witnesses. The procedure was generally to ask about the ownership, use, name, etc., of every place used by the people, using a detailed map of the local area as a guide.

The witness frequently pointed to the location of buildings, etc., on the map at the time of the interview. An effort was made to secure early ownership and use rights and the more recent uses, plus physical evidence of continuous use and occupancy, and the witness's source of information.

Most of the traveling of the investigators was done by plane, but some was done by boat. Much of the terrain covered by this report was, therefore, seen by the authors. They also saw graves, smokehouses, berrying places, fishing camps, and community houses in or near some of the villages.

Reliability of Information

A word must be said as to the accuracy and reliability of information obtained in the manner just described. First, it must be recognized that this means of securing information is established as a principal technique of anthropologists engaged in the study of Native law and custom. As a check to the misinformation or cupidity of informants, the usual method is to check between persons giving separate testimony. Such corroboratory information was obtained wherever possible. In the unlikely event that Natives would endeavor to give identical misinformation by collusion, the use of Native names serves as an especial check.

One of the strongest indications of the personal integrity and reliability of Native witnesses is the fact that they consistently refused to offer any information on territory which they did not know of through their own personal knowledge. Thus, witness after witness, when asked about ownership, use and occupancy of each bay, stream, and island, would come to a point where he would say, "I don't know about that; you will have to ask ____; that is out of my territory." Occasionally in such circumstances the witness would say, "I believe that is ____ territory," but without exception they separated known information from speculation. These statements generally were made at that point where the territory of another village was reached. Furthermore, data obtained were, where possible, checked against written accounts, some produced at the very beginning of American occupation of Alaska and all by unbiased observers.

It must be remembered that matters of Native use, and even the activities of individual Natives, are general knowl-

edge among the people of a community so small, homogeneous, and interrelated as that of the Southeastern Alaska villages. Therefore the informant frequently stated that certain information, such as the ownership of certain areas, the dispossession of Natives by whites newly come to the area, or the hunting and fishing activities of individuals, were a matter of general knowledge. Information dealing with old customs and rights is handed down from older people to younger ones. It was the custom for the head of the house, during winter evenings and other appropriate times, to talk to his people who were busy at sedentary tasks in the house or who were resting. In these talks he would recount the exploits of ancestors, tell of the rights and duties of individuals, moralize on behavior, etc. Under such circumstances, the people would absorb the spoken literature, history, moral philosophy, and legal and practical knowledge of their society.

It would be too much to expect perfect agreement on all details among all witnesses. Areas of doubt and conflict have been found, and specific differences in detail were reported. Such differences result from the following factors:

1. The different experiences and knowledge of the particular individual reporting.
2. The different interpretation placed upon the question by the witness.
3. The variations in the situation in the course of time, which make conflicting statements true at different times. Despite every effort to determine to what period information referred, such error crept into the reporting.
4. Unclear situations with respect to ownership and occupancy as a result of Native legal transactions, intermarriage, and the confusion resulting from the divergent modes of inheritance among the Natives from those common to Western civilization.

Wherever possible, conflicting claims have been analyzed and a determination of the proper claim indicated; elsewhere the conflict has been left unresolved either as a conflict or as joint use. The total area thus affected is a negligible portion of the territory covered by the Tlingit and Haida peoples and generally occurs in those sections no longer intensively used by Native people and therefore not properly allocated to any village as land held by it according to the doctrine of possessory rights.

Exhibit QQ

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TELEPHONE: 907-586-1400 FAX: 907-586-3065

March 13, 2024

VIA EMAIL ONLY

Alaska Local Boundary Commission
550 W. 7th Avenue, Suite 1640
Anchorage, AK 99501
LBC@alaska.gov

Re: City of Hoonah Borough Incorporation Petition

Dear Members and Staff of the Commission:

The following responds to comments provided to the Alaska Local Boundary Commission (“Commission”) by City of Hoonah residents Ronda and Robert “Cheyne” Blough (herein together, the “Bloughs”). I am the city attorney and as such have knowledge regarding the matters herein.

In November of 2021, the Bloughs filed a lawsuit against the City of Hoonah (“City”) to quiet title real property in Hoonah and for damages. The City referred the matter to its insurance carrier, who represented the City on most of the claims. At issue in the lawsuit was whether the Bloughs should be entitled to quiet title to, and permitted to subdivide, a large lot (74,399 sq. ft.) that had been acquired from a third-party through a defective deed. The City acknowledged that it had erroneously deeded the wrong real property to the third-party several years ago, who then deeded the real property to the Bloughs, but argued that the third-party and Bloughs knew or should have known of the error. Both parties moved for summary judgment, and in October of 2023, the superior court sided with the Bloughs. The City settled with the Bloughs by allowing title to the real property to be quieted in their favor and paying the Bloughs’ attorney’s fees.

Prior to entering into the settlement, the City’s insurer’s attorney petitioned the Alaska Supreme Court for review of the superior court’s order. That petition was ultimately denied by the Alaska Supreme Court in November of 2023, after the settlement had gone into effect.

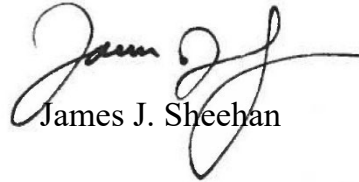
During the lawsuit with the Bloughs, the City discovered an error related to a subdivision that was not a part of the lawsuit, caused by an engineering firm the City hired to assist with a subdivision plat. The City informed the engineering firm of the error, and the engineering firm is currently working to fix the error. The City expects no liability as a

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result of the engineering firm's error. The Bloughs own a lot within the subdivision. If the Commission has any concerns regarding these issues, please advise.

Sincerely,

SIMPSON TILLINGHAST SHEEHAN, P.C.



James J. Sheehan

cc: Bill Miller, Mayor
Dennis Gray, Jr., City Administrator
Jon Tillinghast, Co-Counsel