



Goldbelt

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March 28, 2012

Local Boundary Commission
C/O Brent Williams
Division of Community, and
Regional Affairs
Department of Community, Commerce
And Economic Development
550 West 7th Ave. Suite 1770
Anchorage, Alaska 99501-3510

Re: Comments of Goldbelt, Incorporated regarding the Petersburg Borough Preliminary Staff Report

Dear Sirs:

I have been directed by the Board of Directors of Goldbelt Incorporated (Goldbelt) to submit the following comments to the Preliminary Staff Report identified above. Consistent with our earlier comment submitted on October 10, 2011 Goldbelt objects to having its 30,000 acres of ANCSA land included within the area selected by petitioner for inclusion in a home rule borough to be formed around the nucleus of what would become the former City of Petersburg. Goldbelt also wishes to go on record that it objects to being included in the territory identified by the City and Borough of Juneau (CBJ) for annexation to that municipality.

Goldbelt notes the amendments proposed by staff to the petition, which would remove parts of Tracy Arm and the Whiting River drainage from the area to be included in the new borough. However, Goldbelt requests that the staff consider recommending



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additional changes to the petition. These changes would remove the territory depicted in Attachment #1 containing Goldbelt ANCSA lands from the area included in the Petersburg Borough petition. This territory should be left in the unorganized borough that could be organized to include the territory of Kake, Angoon, and Hoonah, Native communities located in the Chatham – Icy Strait region.

We recognize that the formation of a “Greater Chatham/Icy Strait Borough” would likely take several years, but the proposed annexation by Petersburg provides the impetus. While each of the Native communities would prefer no borough at all, we are convinced that the common bonds of culture, background, and families are far more appropriate together than any possible annexation that would couple these communities with largely non-Native urban areas.

The connections that allegedly tie Goldbelt’s holdings in Hobart Bay with the proposed Petersburg borough are far too weak to justify the boundaries requested in the petition. The fishing effort in this area is insubstantial compared to other areas in Southeast Alaska. Goldbelt tends to agree with the CBJ that fishing is not a sufficient connection to territory to satisfy the incorporation standards. If fishing alone were a valid basis, then Petersburg would have a claim to many other areas in the state that are well outside of the northern Southeast Alaska region. The fisheries in the region are in some cases common property and some cases subject to limited entry, which makes it incongruous and unfair to use as a basis for establishing connection to uninhabited



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territory. While the evidence of fishing activity along the mainland shows some connection with Petersburg, it is tenuous at best and comes with the admission that fishing does not occur within the mainland bays or uplands, which this comment focuses upon.¹

Goldbelt holdings in Hobart Bay are culturally close to Kake, Angoon, and Hoonah, and are in fact contiguous when considering the common seaways that connected these settlements for hundreds, if not thousands, of years. A borough inclusive of Native communities of such antiquity is far more defensible legally and politically than the territory that would comprise the new Petersburg Borough, or be added to the City and Borough of Juneau.²

A brief description of the history of Goldbelt should be set out here to help staff understand our position.³ Goldbelt is one of four urban corporations out of more than 200 formed under the Alaska Native Claims Settlement Act of 1971. The designation recognized the special circumstances of Alaska Native settlements that became, in the modern era, surrounded by non-Native communities, and for this reason the ANCSA urban corporations were allowed to select lands beyond municipal boundaries. The rules

¹ Cathy Tide of the Department of Fish and Game was unable to provide specific landings for Hobart Bay, Windham Bay and Port Houghton because they were so limited in number that it would violate confidentiality rules which protect the information of individual permit holders.

² See *Hickel v. Southeast Conference*, 846 P.2d 38 (Alaska 1992) (land areas with open water between them can be considered contiguous because absolute contiguity of land masses is often impossible in Alaska).

³ According to 3 AAC 110.060(a)(2) relevant factors for the commission to consider in determining boundaries are matters involving ethnicity and culture.



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of enrollment during the start-up phase allowed any Alaska Native residing in Juneau to enroll in Goldbelt. Consequently, unlike most other village corporations, Goldbelt's shareholders represent virtually every one of Alaska's indigenous groups, including those of Kake, Angoon, and Hoonah.

Originally Goldbelt selected ANCSA land on Admiralty Island where tribal members had established customary and traditional use going back before European contact. However, it came to pass that these lands were exchanged for lands in Hobart Bay in order to avoid expensive litigation brought by others to preserve the Admiralty Island Monument. Through this exchange, Goldbelt became a landowner within the territory traditionally belonging to the Kake tribe. Traditional and customary Kake tribal territory was verified by a study of Tlingit and Haida land use conducted in 1946 by Walter Goldschmidt and Theodore Haas.⁴ Kake territory was generally agreed to include the present site of the city of Kake on Kupreanof Island and the Northern part of Kuiu Island. Goldschmidt and Haas further investigated the history of traditional and customary use in the region with a mission 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.⁵

⁴ This study was published in 1998 in *Haa Anni' Our Land Tlingit and Haida Land Use and Rights*, Goldschmidt and Haas (U. of W. Press 1998)

⁵*Id.* at p. xvi.



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They indentified territory beyond the readily established lands of the Kake Tribe that were also claimed by members of the tribe. Goldschmidt and Haas reported that traditional and customary territory of the Kake Tribe extended to the mainland as evidenced by a village located at Port Houghton.⁶ Claims to ownership of Windham Bay were also made by a clan of the Kake Tribe.⁷ Trapping occurred in Windham Bay and herring egg harvesting occurred in Hobart Bay.⁸ This mainland territory was described as follows:

Niblack(1890) on his map of Tlingit territory, indicates a section of the mainland coast from approximately Thomas Bay northward about to Windham Bay as constituting part of the territory assigned to the Kake people. Petrov (1884:31), in his listing of Kake villages, includes one located in Port Houghton. This delineation was apparently acceptable to Krause who reproduces Petrov's listing.⁹

Goldbelt owes a special obligation to help protect and advance the interests of the people of Kake who have acquiesced in our land ownership within their traditional territory. The customary and traditional lands of Kake, including Goldbelt lands, should not be considered a likely tax base for existing municipalities who are not completely invested in our common interests. Goldbelt encourages the development of a Chatham – Icy Strait Borough that would have a predominately Alaska Native population. This borough should include roughly the area encompassed by the existing REAA as adjusted

⁶ *Id* at p. 92.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*



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to include the model borough boundaries for the Chatham region.¹⁰ Respect for these common interests would leave room for some additional boundary adjustments north of Windham Bay and south of Cape Fanshaw to meet the needs of both Petersburg and the CBJ. Goldbelt leaves the precise determination of those boundaries to the sound discretion of the Local Boundary Commission.

Our Native values require us to sustain and improve our way of life in order to honor generations before us who prepared a better world for our use, and provide a brighter future for generations to come. Because we share these values with villages in the Chatham – Icy Strait region, we constantly strive to improve the communities of Northern Southeast Alaska and the economy of the region, provide jobs for Native and non-Native alike, help struggling villages and provide programs of social benefit to tribal member shareholders. The exclusion of the territory indicated on attachment 1 to this letter from the petitions of Petersburg and the CBJ would be an appropriate step toward reserving land area for a population sharing common interests residing in the Chatham – Icy Straits region.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Karen A. Taug', written in a cursive style.

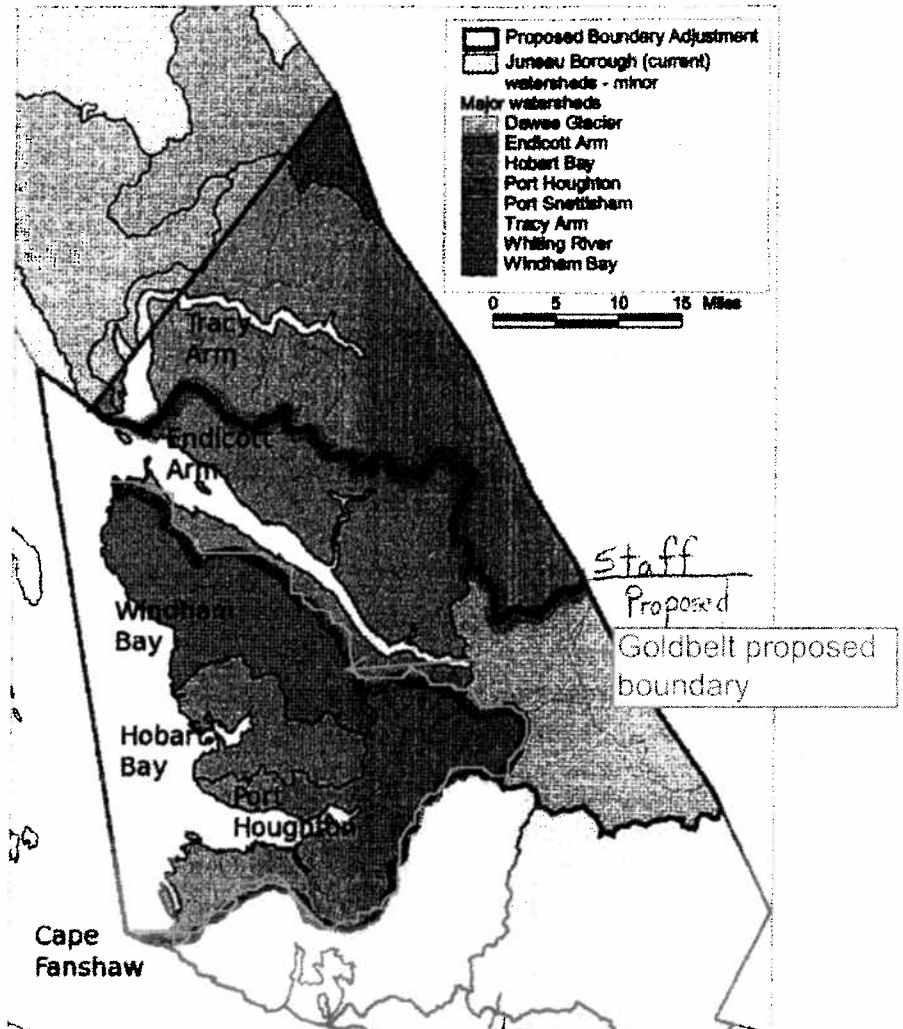
Karen Taug
Chairman of the Board of Directors

¹⁰ According to 3 AAC 110.060(b) the commission may consider regional boundaries including existing boundaries of regional educational attendance areas. A map of the Chatham REAA is included as attachment #2 and a map of the model borough boundaries adopted for the Chatham region is included as Attachment #3.

Areas Proposed to be Annexed

The areas proposed to be annexed by the City and Borough of Juneau are shown in the following map. A brief description of each area follows.

Map of Proposed Annexation Area by the City & Borough of Juneau



Source: City and Borough of Juneau



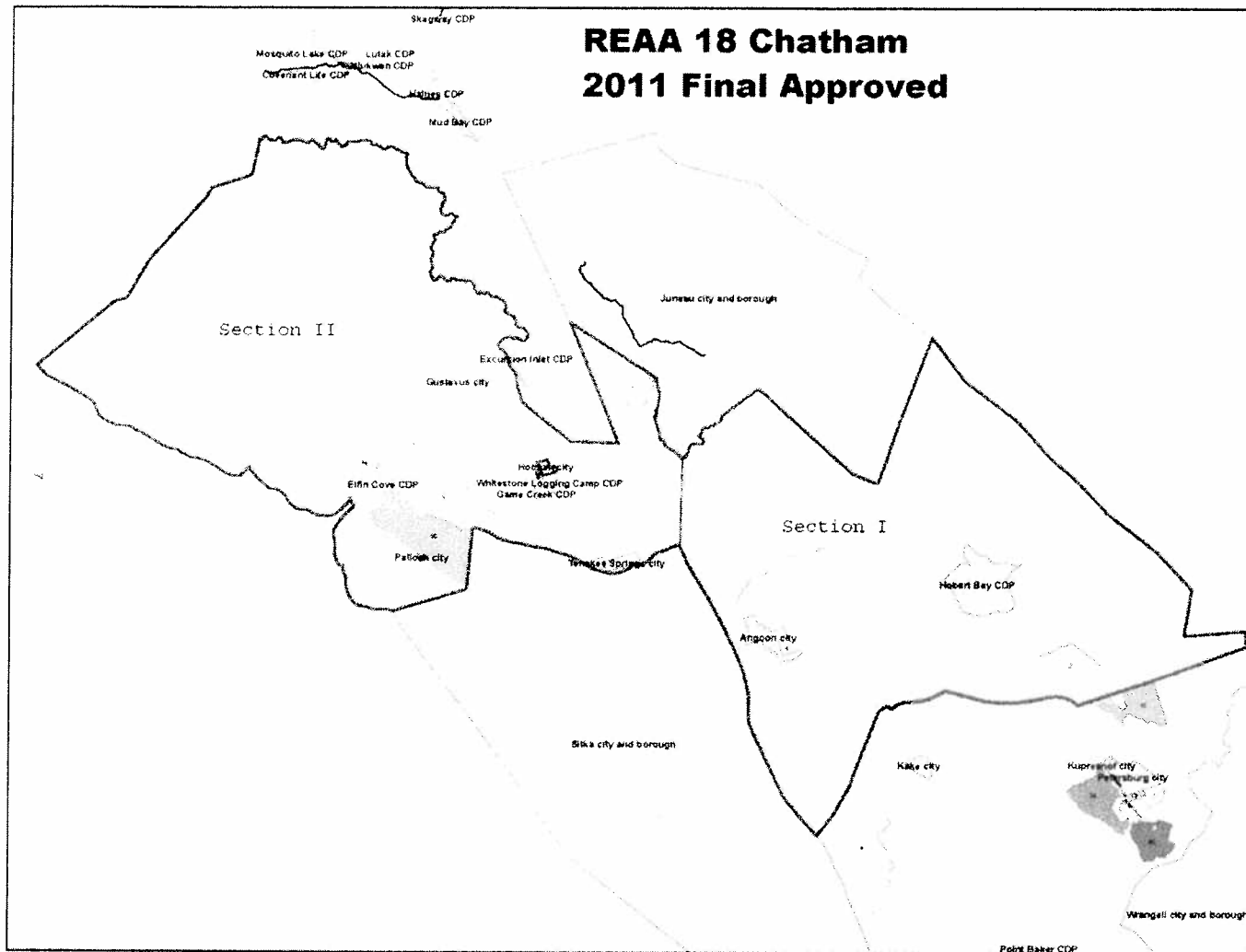
REAA #18 – CHATHAM

Nominates and Elects by Section

2 Sections, 5 Seats:

Section I – 2 seats: A, B

Section II – 3 seats: C, D, E



COMMUNITIES IN EACH SECTION

Section I	Section II
Angoon (city)	Elfin Cove CDP
Area (W of Angoon)	Areas (E of Elfin Cove)
Hobart Bay CDP	Areas (N of Elfin Cove)
Area (SE of Hobart Bay)	Game Creek CDP
Klukwan CDP	Gustavus (city)
	Whitestone Logging Camp CDP
	Tenakee Springs (city)
	Area (E of Tenakee Springs)
	Areas (SW of Juneau)

Chatham Region. In November 1990, the Commission conducted public hearings throughout the central portion of Southeast Alaska. Individuals in Gustavus, Haines, Skagway, Yakutat, Tenakee Springs, Pelican, Sitka, Elfin Cove, Port Alexander, Angoon, Hoonah, Kake and Cube Cove participated. On May 8, 1992, the Commission adopted model boundaries for the Chatham region encompassing Kake and Angoon. In 1990, the area had a population of 1,663.

