



**Testimony of Byron Mallott  
Board Member, Sealaska Corporation  
March 17, 2010**

**Before the House Committee on Natural Resources  
Full Committee Legislative Hearing on H.R. 2099**

Mr. Chairman and Members of the Committee:

My name is Byron Mallott, and I am a Board Member for Sealaska Corporation, as well as a former President and CEO of Sealaska. I am from Yakutat, an Alaska Native village, and I am *Shaa-dei-ha-ni* (Clan Leader) of the *Kwaashk'i Kwáan*. My Tlingit name is *K'oo deel taa.a*.

Accompanying me today is Jaeleen Kookesh Araujo, Sealaska Vice President and General Counsel. Jaeleen is a young leader in the Alaska Native community and has played a significant role in the formulation of this legislation. Jaeleen carries two clan names from the *L'eeneidi* (Dog Salmon) house in Angoon including *Kajoohain* and *Kinagoo.ut*. She is child of the *Teikweidi* (Brown Bear Clan).

Chairman Rahall, Congressman Hastings, Congressman Young, and Members of the Committee: I want to thank you for the opportunity to testify on behalf of Sealaska, the regional Alaska Native Corporation for Southeast Alaska, regarding H.R. 2099, the "Southeast Alaska Native Land Entitlement Finalization Act," a bill that we refer to as *Haa Aaní* in Tlingit, which roughly translates into "Our Land". "Haa Aaní" is the Tlingit way of referring to our ancestral and traditional homeland and the foundation of our history and culture.

Sealaska is the Alaska Native Regional Corporation for Southeast Alaska – one of 12 Regional Corporations established pursuant to the Alaska Native Claims Settlement Act ("ANCSA") of 1971. Our shareholders are descendants of the original Native inhabitants of Southeast Alaska – the Tlingit, Haida and Tsimshian people. Our ancestors once used and occupied every corner of Southeast Alaska and our cultural and burial sites can be found throughout the region. This legislation is a reflection of the significance of Our Land to our people and its importance in meeting our cultural, social and economic needs.

Forty years ago, as a young man, I traveled to Washington, DC as an advocate for the land claims of Alaska's Native people. Here I am again, forty years later, advocating for completion of Sealaska's land entitlement.

The legislation I speak about today is fundamentally about the ancestral and traditional homeland of a people who have lived for 10,000 years in Southeast Alaska, what is now called

the Tongass National Forest. For 145 years, people from across the western world have traveled to Southeast Alaska with an interest in the rich natural resources of the region – an area the size of Indiana. In the mid-1800s, Americans came to Southeast Alaska to hunt for whales. In the late-1800s, gold miners arrived. In the first half of the Twentieth century, the fishing industry built traps at the river entrances, depleting salmon populations. In the 1950s and 1960s, two pulp mills signed contracts with the United States that gave the mills virtually unlimited access to Tongass timber. In the meantime, Natives from the late-1800's through the 1930's were being moved from their traditional territory to central locations for BIA schooling.

National conservation organizations represent the latest group with an idea about what best serves the public interest in the Tongass National Forest. In fairness, the conservation community has long fought to preserve the Tongass for its wilderness and ecological values, and often I have appreciated the balance that the conservation community seeks for the forest.

What I do not appreciate is environmentalism that does not recognize the human element – that people have to live in this forest. I do not accept environmentalism that does not recognize that the Tongass is a Native place. A recent campaign, implemented by a handful of conservation groups outside of Alaska, is deliberately aimed at destroying the very basis of economic support for the Alaska Native community and the Southeast Alaska region. We welcome people to our homeland – but we do not appreciate the most recent assault on our right to exist and subsist in the Tongass.

This legislation concerns the right of Sealaska to finalize its Native land entitlement under laws of the United States that were enacted to support the cultural, social and economic needs of the Alaska Native community. As discussed below, this legislation permits Sealaska to select its final entitlement lands from within a larger pool of lands in Southeast Alaska. Some in the environmental community have attacked Sealaska's effort to receive its lands as "a Corporate Takeover of the Tongass National Forest." They have resorted to misstatements and outright fabrications about our land management and stewardship practices and over-zealous statements about the impact on the proposal on ecology of the Tongass.

This handful of conservation groups consistently tells us that we should have our land, but that they get to decide where that land will be. They tell us that if we want to select land outside of our boxes – boxes that were established by those whose interests were fundamentally about keeping Natives in their corner of the Tongass – that they will tell us where to go. We have been asked to place 1-2 million acres of conservation on the back of our legislation as the price for selecting lands that make cultural and economic sense to our people. Native people have always been asked to go second, and we are being asked again to go second by some in the conservation community. Not this time. H.R. 2099 is necessary for the well being of the Native people of Southeast Alaska; special interests have rights, but those rights to public land should be tempered by the federal government's obligation to fulfill the promise of ANCSA.

This legislation involves less than 85,000 acres from the Southeast Alaska region, a region with almost 23 million acres of land; 85% of that land is already in some form of conservation, wilderness or other protected status. Putting the Sealaska legislation in

perspective, Sealaska's remaining land entitlement represents about one third of one percent of the total land mass in Southeast Alaska.

This legislation is an opportunity for the public, environmental organizations and others to get it right in the Tongass. We believe H.R. 2099 presents the best solution to achieving environmental balance, sustaining jobs, ensuring Native people are viable participants in the economy, and returning important cultural and economic lands to Sealaska, which was tasked by Congress to stand up for the Alaska Native people.

H.R. 2099 fulfills the promise of ANCSA because it

- allows Sealaska to finalize its ANCSA land entitlement in a meaningful way;
- redresses inequitable limitations on Sealaska's land selections by allowing it to select its remaining entitlement lands from outside of the 1971 withdrawal areas;
- allows for Alaska Native ownership of sites with sacred, cultural, traditional and historic significance to the Alaska Natives of Southeast Alaska;
- creates the opportunity for Sealaska to support a sustainable rural economy and to further economic and job opportunities for all Southeast Alaska residents; and
- provides a platform for Sealaska to contribute to the Southeast Alaska economy, a region that is struggling overall, especially in our rural Native villages.

As discussed in detail in my testimony below, there is a compelling, equitable basis for supporting passage of this legislation. There is no dispute that Sealaska has a remaining land entitlement, and this legislation does not give Sealaska one acre of land beyond that already promised by Congress. Sealaska has worked closely with timber mills, conservation organizations, Native institutions, and local communities to craft legislation that provides the best possible result for the people, communities and environment of Southeast Alaska.

One thing has become extremely clear in our effort to resolve Sealaska's land entitlement – that every acre of Southeast Alaska is precious to someone. With the vast array of interests in Southeast Alaska, there is simply no way to achieve an absolute consensus on where and how Sealaska should select its remaining entitlement. However, we truly believe that this legislation offers a good solution that builds on our engagement with all regional stakeholders, and we remain committed to work with everyone to refine the selections and the terms of the legislation.

### **Our Dilemma**

Alaska Native Corporations were tasked by Congress in 1971 with supporting the economic future of the Alaska Native community, in part by utilizing lands returned by the United States to Native people as a basis for economic support that would provide the financial resources to advance the social, economic and cultural well-being of our tribal member shareholders; shareholders and employees of Native Corporations are Native people, many of whom are the poorest of the poor in Alaska.

In fact, we believe that Congress' core promise to Alaska Natives in ANCSA was that Alaska Natives would be able to develop sustainable economies so that we would achieve at

least economic parity with the rest of the U.S. Socio-economic parity was a focal point of Alaska Natives and the Land, a congressionally-mandated study published in 1968, which was a foundational predicate for Congress to act on Alaska Native land claims.

Sealaska has utilized some of its land base for its timber resources. Of the 290,000 acres Sealaska has received, Sealaska has harvested timber on 189,000 acres, of which less than half (81,000 acres) have been clear cut. Sealaska's timber business has supported the regional village economy for 30 years, and seventy percent of all timber revenues have been shared with all of Alaska's Native community, as required under section 7(i) of ANCSA. Sealaska would, in fact, utilize some of the last 65,000 - 85,000 acres of its entitlement to continue to support the regional economy. This remaining acreage would allow Sealaska to support a sustainable timber rotation in perpetuity utilizing a mixed of mature and second growth timber.

ANCSA provides a land allocation to Sealaska pursuant to Section 14(h)(8) of ANCSA. Based on Bureau of Land Management projections for completion of the 14(h)(8) selections, and our own estimates, the total entitlement is between 65,000 and 85,000 acres of land remaining to be conveyed to Sealaska. The only remaining issue is where this land will come from.

Unlike the other eleven Regional Native Corporations, Sealaska was directed to select entitlement lands only from within small boxes drawn around just ten of the Native villages in Southeast Alaska. Forty-four percent of the ten withdrawal areas is salt water, and multiple other factors limit the ability of Sealaska to select land within the boxes. No other Regional Corporation was treated in this manner under ANCSA.

Under ANCSA, Sealaska has an unfettered right to select its remaining entitlement from within the original ANCSA withdrawal boxes. However, land remaining within the ANCSA withdrawal boxes does not meet Sealaska's traditional, cultural, historic and economic needs, and if selected and harvested would pose significant environmental issues. In fact, the remaining valuable timber areas within the selection areas, including the City of Craig municipal watershed, are predominantly old growth, roadless areas with important public interest values.

ANCSA was and remains a congressional experiment, and as a statute, is organic. As observed by Senator Mark Begich at a hearing on this bill before the Senate Subcommittee on Public Lands and Forests, Congress has, on multiple occasions, deemed it appropriate to amend ANCSA to address in an equitable manner issues that either did not exist or were not anticipated by Congress when ANCSA passed in 1971. H.R. 2099 addresses problems associated with the unique treatment of Sealaska under ANCSA, and presents to Congress and to this Administration a legislative package that will result in public policy benefits on many levels.

### **H.R. 2099: A Legislative Solution with Significant Public Policy Benefits**

This legislation is in symmetry with the objectives of the Administration, which has established a goal of protecting roadless areas and accelerating the transition away from forest management that relied on old growth harvests, to harvesting exclusively second growth. The Administration also has been clear that it wants to help struggling communities in rural Alaska. This legislation supports the transition to second growth as well as rural economic development.

Without legislation to amend ANCSA, Sealaska would be forced to shut down all timber operations and negatively impact rural communities, the economy of Southeast Alaska, and our tribal member shareholders. This legislation proposes an alternative: H.R. 2099 would permit Sealaska to select its remaining entitlement lands from outside of the ANCSA withdrawal boxes. The alternative land pool from which Sealaska could select under H.R. 2099 does include forestland suitable for timber development. However, the bill commits Sealaska to select a great deal of second growth, in lieu of old growth. In fact, the legislation ultimately would preserve up to 30,000 acres of old growth timber, and even more roadless acreage.

H.R. 2099 would also permit Sealaska to select 3,600 acres of land as sacred and cultural sites, and 5,000 acres of land as “Native futures sites”. No timber development would be permitted on sacred sites and Native futures sites. Because Sealaska would be permitted to select these sites in lieu of timberlands, the legislation reduces overall timber development by 8,600 acres. Despite these “economic” losses, under the proposed legislation, the Alaska Native community will benefit because 206 sacred sites will be returned to the Native community.

The Alaska Native community will also benefit from the 40+ Native futures sites that will be made available for development as green energy (tidal or run-of-river hydro) sites, bases for ecotourism or cultural tourism, or simply as sites (several of which are traditional village sites) to have under Native ownership. By permitting Sealaska to select Native futures sites, H.R. 2099 helps to preserve Native culture in perpetuity, ensures that the Tongass grows as a Native place, and provides the catalyst for creating new sustainable economies in the Native community.

It should be noted that the benefits of this legislation extend far beyond Sealaska and its shareholders. Pursuant to a revenue sharing provision in ANCSA, Sealaska distributes more than half of all revenues derived from the development of its timber resources - more than \$315 million between 1971 and 2007 – to the other Alaska Native Corporations. Sealaska provides critical support to the broader Alaska Native community. For that reason, Sealaska has the strong support of the Alaska Federation of Natives, the Regional Corporation CEOs, and the Tlingit and Haida Indian Tribes, among other important Native entities.

Sealaska’s land legislation strategy was also driven in part by conservation organizations’ stated public goals of “protecting roadless areas”, “protecting old growth reserves”, “accelerating transition to second growth” and creating alternate economies for Southeast Alaska.

Finally, movement toward completion of Sealaska’s ANCSA land entitlement conveyances will benefit the federal government. This legislation allows Sealaska to move forward with its selections, which ultimately will give the Bureau of Land Management and the Forest Service some finality and closure with respect to the settlement of ANCSA in the region.

### **H.R. 2099, Consistent with this Administration’s Plan for the Tongass**

The U.S. Forest Service has, at times, expressed concerns that H.R. 2099 could impact its ability to maintain second growth to support Southeast Alaska mills, and could impact other goals laid out in the 2008 Amendment to the Tongass Land Use Management Plan.

We believe Sealaska's offer to leave behind roadless old growth timber in the Tongass is significant; it is a proposal we believe this Administration should support.

Moreover, regardless of whether Sealaska selects within the existing ANCSA withdrawal boxes or outside of those boxes, Sealaska must select its remaining entitlement lands from within the Tongass. In other words, by selecting Native entitlement lands, whether under existing law or the proposed legislation (H.R. 2099), Sealaska's land selections will incorporate lands suitable for timber development and will require the Forest Service to adjust the implementation of the land use plan for the Tongass to account for such selections. The ability to make such minor adjustments to the Plan is built into the revised Tongass Land Management Plan, and it is our understanding that the alternative land selection pool established by H.R. 2099 contains less than 10 percent of the Forest Service's available second growth timber base in the Tongass.

H.R. 2099 is consistent with and compliments the Forest Service's plans to emphasize management of second growth in the Tongass for future harvest and/or ecological values. Sealaska's future, like that of the remaining regional timber mills, is dependent on the ability to develop a second growth industry and markets for second growth products. Sealaska has 30 years of experience developing and distributing Southeast Alaska wood to new and existing markets around the world. A partnership between Sealaska and the Forest Service, collaborating to build new markets based on second growth, will have a better chance of success.

Sealaska is uniquely situated to continue to engage in market development for second growth. This legislation, which moves Sealaska into some older second growth, ensures that Sealaska will engage as an early partner with the Forest Service in second growth market development, while continuing to provide local jobs and supporting the local economy.

#### **Local Impact: H.R. 2099 is Critical to the Economy of Southeast Alaska**

The Southeast Alaska region lost about 750 jobs in 2009, the largest drop in at least 35 years. *See Alaska Economic Trends, Employment Forecast for 2010 (Jan. 2010)*. Employment is expected to fall further in 2010. While jobs in Southeast Alaska are up over the last 30 years, many of those jobs can be attributed to industrial tourism, which creates seasonal jobs in urban centers and does not translate to population growth. In fact, the economy has not supported populations in traditional Native villages, where unemployment among Alaska Natives ranges above Great Depression levels and populations are shrinking rapidly.

We consider this legislation to be the most important and immediate "economic stimulus package" that Congress can implement for Southeast Alaska. Sealaska provides significant economic opportunities for our tribal member shareholders and for residents of all of Southeast Alaska through the development of our primary natural resource – timber. Sealaska and its subsidiaries and affiliates expended over \$45 million in 2008 in Southeast Alaska. Over 350 businesses and organizations in 16 Southeast communities benefited from spending resulting

from Sealaska activities. We provide over 363 full and part-time jobs with a payroll of over \$15 million. Including direct and indirect employment and payroll, Sealaska in 2008 supported 490 jobs and approximately \$21 million in payroll.

We are proud of our collaborative efforts to build and support sustainable and viable communities and cultures in our region. We face continuing economic challenges with commercial electricity rates reaching \$0.61/kwh and heating fuel costs sometimes ranging above \$6.00 per gallon. To help offset these extraordinary costs, we work with our logging contractors and seven of our local communities to run a community firewood program. We contribute of cedar logs for the carving of totems and cedar carving planks to schools and tribal organizations. We are collaborating with our village corporations and villages to develop hydroelectric projects. We do all of these collaborative activities because we are not a typical American corporation. We are a Native institution with a vested interest in our communities.

We have been attacked because we are a “for-profit Corporation.” Yet it was the United States Congress that settled the claims of Alaska Natives to the land they once owned by utilizing the corporate model. All of our shareholders are Alaska Native people. The profits we make from our timber program support causes that strengthen Native pride and awareness of who we are as Native people and where we came from, and further our contribution in a positive way to the cultural richness of American society. The proceeds from timber operations on our lands have allowed us to make substantial investments in cultural preservation, educational scholarships, and internships for our shareholders and shareholder descendants. Through these efforts we have seen a resurgence of Native pride in our culture and language, most noticeably in our youth. Our scholarships, internships and mentoring efforts have resulted in Native shareholder employment above 80% in our corporate headquarters, and significant Native employment in our logging operations.

### **Local Impact: Diversifying Economies**

The proposed conveyance of sacred and cultural sites and the Native Futures sites offers new economic, cultural, and educational opportunities for our region. Our legislation would allow Sealaska to pursue a more diversified economic strategy and would support new jobs by empowering Sealaska to preserve and share with others the richness of Southeast Alaska’s natural and cultural history. Both the forest ecosystem and the people it supports define the Tongass, which has supported the Native people for 10,000 years.

Sealaska is embracing a healthy, alternative paradigm for the cultural and economic revitalization of our Native and rural communities by selecting sacred and cultural and Native Futures sites as part of this legislation. As part of our commitment, Sealaska has established the following principles for the use and management of these sites:

- Sacred sites. These sites will be selected and managed to ensure an active Native role in the preservation and celebration of the rich Native fabric and history of Southeast Alaska. The sites are purely for sacred, cultural, historic and anthropologic preservation, research and education. Any site improvements would be in alignment with the historic and cultural purpose for which a site was selected, and such improvements must be consistent

with the management plans for adjacent public lands. Public access would be preserved, as appropriate, under sections 17(b) and 14(g) of ANCSA.

- Native Futures sites. These sites will be selected and managed to promote activities with minimal land use impacts. A few of these sites could be developed for their tidal or small hydroelectric potential, as sources of much needed alternative energy for the region. Some would be preserved as Native places supporting culture camps and traditional subsistence activities. Sites could be used as a base for ecotourism and cultural tourism activities. Public access would be preserved under sections 17(b) and 14(g) of ANCSA.

### **Setting the Record Straight: Haa Aaní Sustainable Forest Management Program**

Sealaska has a responsibility as a Regional Corporation to ensure the cultural and economic survival of our communities, shareholders and future generations of shareholders. Sealaska also remains fully committed to responsible management of the forestlands for their value as part of the larger forest ecosystem. At the core of Sealaska's land management ethic is the perpetuation of a sustainable, well-managed forest to produce timber and to maintain forest ecological functions. Significant portions of Sealaska's classified forest lands are set aside for the protection of fish habitat and water quality; entire watersheds are designated for protection to provide municipal drinking water; and zones for the protection of bald eagle nesting habitat are established for every nesting tree. To be very clear, Sealaska has harvested 189,000 of the 290,000 acres of land it owns; of which 81,000 acres have been clear cut over the last 30 years. These are very different numbers than those disseminated by The Wilderness Society – they accuse Sealaska of clear-cutting 320,000 acres, which is more land than we own!

Sealaska re-plants, thins and prunes native spruce and hemlock trees on its lands, thereby maintaining a new-growth environment that better sustains plant and wildlife populations, and better serves the subsistence needs of our communities. In fact, Sealaska has invested a great deal of resources in improving its forest sustainability program, including investing in ongoing silviculture research, and reaching out to organizations like the Forest Stewardship Council to ensure best possible management practices. All of Sealaska's even aged second-growth forest that is ripe for precommercial thinning is managed accordingly, creating healthy young forests that provide wildlife habitat. Sealaska maintains a silviculture program that rivals the best of programs implemented by the Forest Service or private landowners. Our harvesting program as well as thinning and planting investments provide jobs for our shareholders and others in the region, and help maintain the ecological value of our forests.

In asking for your support for this legislation, we implicitly agree to assume a major economic risk by foregoing assured revenue from the harvesting of old growth timber on original withdrawal lands. We are also removing 8,600 acres from our timber base by selecting cultural sites and Native futures sites subject to timber harvest restrictions. We are committed to investing the time, money and hard work in progressive management of second growth stands, to capture alternative economies from forest management and to ensure that our place in the timber industry remains a sustainable, although realigned, component of the region's economy.

Finally, Sealaska is committed to using its land base to create alternative economies, revenues, and jobs through forest management strategies that include engagement in markets for the purchase of ecological services. To that end, we are monitoring developments related to carbon sequestration and incorporating this effort into our forest management and strategic plans.

### **Glacier Bay National Park**

In 1971, Congress tasked Alaska Native Regional Corporations with selecting and managing sacred sites on behalf of the Native community. Legislation introduced on Sealaska's behalf during the 110<sup>th</sup> Congress proposed the conveyance to Sealaska of a handful of sacred, cultural, traditional and historic sites in Glacier Bay National Park, based on precedent for such transfers to Indian Tribes in National Parks in the lower 48 states. As a result of concerns expressed regarding these potential conveyances, Sealaska asked the Alaska Congressional delegation to adjust the legislation to provide merely for "cooperative management" of the sacred and cultural sites located within Glacier Bay.

Cooperative management agreements would ensure Native use and management of the handful of very significant sacred and cultural sites identified within Glacier Bay, regardless of future changes in Park management. This language does not propose to negate the existing Memorandum of Understanding between the Park and the Huna Indian Association. As with all elements of this legislation, Sealaska remains open to a continued dialogue on this matter.

### **Recent Conservation Concerns Addressed**

We have been disheartened that a handful of national and local environmental groups have disseminated blatant misinformation about this legislation. This handful of groups views this legislation as a part of a larger battle between development and conservation, and by publishing misinformation and using fear tactics – headlining "Stop the Corporate takeover of the Tongass" – these groups have chosen to ignore the Native and public benefits of this legislation. This only hurts our communities and the people who live there.

I urge every Member of this Committee to fully understand this legislation. This is not only a bill about timber. This is not a bill about how much land Congress chose to give to the Native people in Southeast Alaska. (Sealaska received less than 1 percent of all Native lands conveyed to the Alaska Native people by the United States, despite having more than 20 percent of the Native population when ANCSA was passed.) We are not here to ask for one acre more than that to which we were entitled by law in 1971. This legislation is about recognizing the Tongass National Forest as a Native place, not just a public place or a wilderness reserve.

Recently, some members of the "Green Group", consisting of several environmental organizations, expressed their opposition to the Sealaska bill. In fact, they suggested that Congress should kill the bill. The Green Group's letter targeted the lands that Sealaska has proposed to select outside of the existing "boundaries", as they call the lines that constrain Sealaska's Native entitlement. Specifically, the Green Group members express their opposition to the legislation, as drafted, because it would "alter the terms of the original settlement

legislation and effectively eliminate previous boundaries . . .” “[T]he ANCSA legislation”, they say, “required a complicated balancing of public and private interests.”

Sealaska is the only regional Alaska Native Corporation that was forced to select its allotment of lands from within Congressionally-designated boxes drawn around only those traditional Native villages that were politically convenient to designate. The great irony of the Green Group statement regarding the balancing of public and private interests is that, in Southeast Alaska, ANCSA balanced the “public” interests of the U.S. Forest Service of 40 years ago, and the “private” interests of two pulp mills that exercised political dominance over the Tongass at the time. There was very little balancing of Native interests in Southeast Alaska, or at least the balance was not in our community’s favor.

In attempting to resolve Sealaska’s unfortunate dilemma in an equitable manner, the Alaska Congressional delegation has been careful to draft legislation to be in alignment with the current Administration’s stated objectives for the Tongass National Forest and other national forests; specifically, to protect roadless areas, reduce harvesting of old growth, and accelerate transition to second growth management. But we are also asking Congress to reconsider the inequitable and insensible situation that Sealaska finds itself in as a result of 1971 politics.

Moreover, while original withdrawal limitations make it difficult for Sealaska to meet its traditional, cultural, historic and – certainly – economic needs, these original withdrawn lands are not without significant and important public interest value. For example, approximately 85 percent of those lands now designated for withdrawal by Sealaska are classified by the Forest Service as designated roadless areas. A significant portion is Productive Old-Growth forest (some 112,000 acres), with over half of that being Old Growth Reserves as classified under the 2008 Amendment to the Tongass Land Use Management Plan. H.R. 2099 allows these roadless old growth lands to remain in public ownership, to be managed as this Administration sees fit. On the other hand, if forced to select from the existing withdrawals, Sealaska will find itself in the insensible position of having to build expensive roads into sensitive watersheds and pristine areas in order to continue its timber operations, an action contrary to our principles.

When the Green Group says that “the lands that Sealaska proposes to select . . . are located within watersheds that have extremely important public interest fishery and wildlife habitat values”, they are correct in a sense, because all lands in the Tongass National Forest are valuable. The Green Group letter fails to acknowledge, however, that H.R. 2099 permits Sealaska to select up to 8,600 acres of its existing entitlement as sacred sites and Native futures sites (the latter to be utilized for Native culture and education, green energy, and ecotourism) and that Sealaska has committed to accepting a covenant on these lands prohibiting any timber or mineral development. The Green Group letter fails to recognize that this bill would prevent timber harvest on more than 30,000 acres of roadless old growth forestland.

The Green Group letter laments the “scores of small parcels” that Sealaska would take “throughout the Tongass National Forest . . . resulting in widespread user conflicts, including . . . established guiding and outfitting businesses, lodges, and the general public.” The implication of this statement, quite frankly is shocking. Sealaska has offered to take 5,000 acres – or about 45 Native futures sites – that could be used for ecotourism and green energy development, instead

of timber. Yet the conservation community apparently would oppose the bill on behalf of guides and private in-holders that currently enjoy a unique position in the Tongass.

The Green Group letter alludes in several places to the transfer of public lands to a private corporation. Congress, not the Alaska Native people, created the system in Alaska under which Alaska Native lands are managed by “corporate” entities. But Alaska Native Corporations are not just corporations – Alaska Native Corporations are Native institutions, which measure success by how well they preserve Native culture, education of the youth in the community, and advancement of Native social, cultural and economic needs. When Alaska Native Corporations succeed, all of Alaska wins.

The Green Group letter observes that “The legislation is extremely controversial within Southeast Alaska . . . and despite claims to the contrary, there has been no public process to engage communities in Southeast Alaska that would be directly impacted by the proposed land transfers.” We would disagree. The Sealaska bill has been through two hearings in Congress, and a third today. Sealaska has attended more than 200 public meetings throughout Southeast Alaska, and has visited every single community that has an interest in this legislation numerous times. Recently, Senator Murkowski sent staff to Southeast Alaska to record the concerns of community residents in 7 communities in southern Southeast Alaska.

Sealaska also has participated religiously in the Tongass Futures Roundtable, which works on developing a consensus approach to management issues in the Tongass.

Many of the critics of this bill want to shut down this legislation because it might mean that Sealaska selects entitlement lands on “their” islands, in “their” backyard, near “their” favorite spots. This is understandable. But every acre of the Tongass is precious to someone and we need somewhere to go to fulfill our entitlement. Sealaska has been careful to select lands that are already part of the Forest Service’s timber base. Sealaska has compromised and adjusted its legislation several times on the basis of community and even individual concerns.

Sealaska met recently with one of the groups that signed the Green Group letter. The spokesperson for the organization had a very clear message for Sealaska: “Stay in your boxes... a deal’s a deal.” Congress has the ability to change any deal made by Congress in the past – and has amended the ANCSA “deal” many times. In 1980, Congress passed the Alaska National Interest Lands Conservation Act, which protected more than 100 million acres of land in Alaska. Sealaska has supported the efforts of the conservation community at the Tongass Futures Roundtable to identify new conservation lands for the Tongass and has not held them to the ANILCA “deal”. We respectfully request similar openness to our proposal.

Finally, the Green Group letter states, “It should also be recognized that, S.1738/H.R.3692 ‘The National Forest Roadless Area Conservation Act of 2009’, which would provide permanent protection for large portions of the Tongass, conflicts substantially with the land transfers envisioned in H.R. 2099.” The great irony of this statement, of course, is that the Sealaska bill would conserve over 30,000 acres of roadless, old growth forestland. There are 273,000 acres of roadless lands inside the boundaries of Sealaska current withdrawals, of which,

under current law, Sealaska would select 65,000 to 85,000 acres. Under H.R. 2099 Sealaska would select less than 24,000 acres of roadless lands.

The letter signed by some members of the Green Group is unfair to Sealaska, and to the 20,000 Tlingit, Haida, and Tsimshian shareholders that Sealaska represents. Alaska Natives in the Tongass were asked to stand down in 1971 because the timber corporations that once exercised political power in Southeast Alaska claimed that logging in the Tongass – the highest public interest at that time – trumped the Native claims to an equitable land settlement. Alaska Natives are being asked to stand down today because a handful of conservation groups claim that additional conservation in the Tongass – the highest public interest today – trumps the claims of the Alaska Native people to an equitable settlement.

### **Time is of the Essence**

Timing is critical to the success of the legislative proposal before you today. Without a legislative solution, we are faced with choosing between two scenarios that ultimately will result in dire public policy consequences for our region. If H.R. 2099 is stalled during the 111th Congress, either Sealaska will be forced to terminate all of its timber operations within approximately two years for lack of timber availability on existing land holding, resulting in job losses in a region experiencing severe economic depression, or Sealaska must select lands that are currently available to it in existing withdrawal areas. If forced to select within the existing boxes, development will inevitably occur in many undisturbed intact watersheds and inventoried roadless areas replete with old growth forests. We believe that Sealaska's land entitlement legislation is consistent with President Obama's commitment to preserving more roadless areas, while immediately stimulating the rural economy in a severely impacted region.

If Sealaska were to terminate all timber operations, Sealaska, admittedly a for-profit corporation, which serves as the largest regional private employer in Southeast Alaska, would be forced to eliminate jobs that are critical to Alaska's village economy, and this in the middle of the greatest recession since the Great Depression. We think this result would be in exactly the opposite direction from where President Obama and the Congress seek to move the national economy.

### **Our Future in the Region**

Our people have lived in the area that is now the Tongass National Forest since time immemorial. The Tongass is the heart and soul of our history and culture. We agree that areas of the region should be preserved in perpetuity, but we also believe that our people have a right to reasonably pursue economic opportunity so that we can continue to live here. H.R. 2099 represents a sincere and open effort to meet the interests of the Alaska Native community, regional communities, and the public at large.

It is important for all of us who live in the Tongass, as well as those who value the Tongass from afar, to recognize that the Tlingit, Haida and Tsimshian are committed to maintaining both the natural ecology of the Tongass and the Tongass as our home. We therefore

ask for a reasoned, open, and respectful process as we attempt to finalize the land entitlement promised to our community 40 years ago. We ask for your support for H.R. 2099.

Gunalchéesh. Thank you.