

ISER Study

A Study of Five Southeast Alaska Communities

Institute of Social and Economic Research
University of Alaska Anchorage

1994

ISER Study

Table of Contents

Executive Summary

Chapter 1: Congress and Alaska Land Claims

Chapter 2: Review of ANCSA Eligibility Criteria

Chapter 3: The Tlingit and Haida Settlement

Chapter 4: Southeast Community Populations

Chapter 5: Comparison of Historical Native Use and
Occupancy in the Study Communities and in Other
Southeast Communities

Chapter 6: Enrollment

Chapter 7: Financial Benefits Generated by Southeast
Village Corporations

Village Eligibility

"Native village" means

- any tribe, band, clan, group, village, community, or association in Alaska
- listed in sections 11 and 16,
- or which meets the requirements of this chapter,
- and which the Secretary determines was, on the 1970 census enumeration date,
- composed of twenty-five or more Natives.

Village Eligibility

Section 11: Village Lists & Eligibility Criteria

- At least 25 residents are Native.
- NOT of a modern and urban character and the majority of residents are non-Native.

A village could be added to the list if:

- At least 25 residents are Native; and
- The village is not of a modern and urban character and the majority of residents are Native.

Village Eligibility

Indian Claims Commission Criteria

- An identifiable group of Native Americans
- Residing within the territory of the US
- Possessing a common claim

S. 2906 Criteria (1968)

- Identifiable group of AK Indians, Aleuts or Eskimos
- Residing in a locality in Alaska
- Which, as such a group, claims Indian title to land in Alaska by virtue of aboriginal use and occupancy at any time

Village Eligibility

Requirement for Minimum of 25 or more Native Residents

- Pre-ANCSA studies (Federal Field Committee; *Alaska Natives and the Land*)
- State law for organizing municipalities
- 1970 census (unincorporated communities)

Village Eligibility

Exclusion of communities “of a modern and urban character”

1. Influential Congressmen insisted on present aboriginal use.

Congressman Aspinall, 1971:

Aboriginal title depends on actual use and occupancy by a recognized aboriginal group. Many Alaska Natives have left the villages of their ancestors and no longer participate in present village use of land. They live in Seattle, Anchorage, Fairbanks, and in other cities. The point is, these Natives no longer use the land.

Village Eligibility

Congressman Aspinall's bill (H.R. 3100):

- “Native village” means a Native group in Alaska that is comprised of 25 or more Natives, who live in a community that is not of a modern and urban character.

Congressman Lloyd Meeds' bill:

- Included Native villages “composed of 25 or more Natives, regardless of whether or not resident in a predominantly Native area.”

Village Eligibility

Exclusion of communities “of a modern and urban character”

2. State of Alaska: communities not primarily Native in character present problems for land conveyances around such cities (Nome, Kenai).
3. Subsistence Provisions in earlier bills: would have allowed closure of land around too many villages.

Southeast Villages

Southeast Communities Listed in ANCSA

Villages (§ 16)

Angoon
Craig
Hoonah
Hydaburg
Kake
Kasaan
Klawock
Klukwan
Saxman
Yakutat

Modern and Urban Communities (§ 14)

Juneau
Sitka

Southeast Villages

ANCSA Miscellaneous Provisions (§ 22)

(l) Land selection limitation; proximity to home rule or first class city and Ketchikan.

Notwithstanding any provision of this chapter, no Village or Regional Corporation shall select lands which are within two miles from the boundary, as it exists on December 18, 1971, of any home rule or first class city (excluding boroughs) **or which are within six miles from the boundary of Ketchikan.**

Urban Communities

ANCSA 14(h)(3): Urban Corporations

The Secretary may withdraw and convey to the Natives residing in **Sitka, Kenai, Juneau, and Kodiak** ... not more than 23,040 acres of land which shall be located in reasonable proximity to the municipalities.

- “Natives in four towns that originally were Native villages but [came to be] ... composed predominantly of non-Natives” (Conference Committee Report)

Eligibility Categories

Summary of Provisions

- ❖ Village Corporations
- ❖ Urban Corporations (special provision)
- ❖ Region-only Shareholders:
 - At-Large Shareholders
 - 13th Region (Non-Resident Shareholders)

Southeast Eligibility Determinations

- 10 villages and two urban corporations were certified to receive ANCSA benefits.
- Appeals of Haines, Ketchikan, Tenakee.
- ANCSA did not include provisions to allow unlisted Southeast villages to be determined eligible as in other regions.
- This failure was interpreted by the Alaska Native Claims Appeal Board as the intent of Congress.
- The conference committee did not explain its omission of the unlisted provision for SE Alaska.
- The reasons for the committee's decision are only conjecture.

Village Eligibility Regulations

- 25 or more Natives had to reside in the village on April 1, 1970, but residence was presumed if a Native was properly enrolled to the village.
- The village had to have an actual physical location evidenced by the occupancy of at least 13 Natives during 1970. However, no village “which is known as a traditional village” would be disqualified, if occupancy could be shown sometime during the 10 years preceding 1970.
- A village was modern and urban in character if it possessed all of the following attributes:
 1. Population over 600;
 2. Centralized water and sewer system serving a majority of residents;
 3. Five or more established businesses;
 4. Organized police and fire protection;
 5. Private resident medical and dental services;
 6. Fully maintained streets and sidewalks

(Adopted May 30, 1973)

Conference Committee Actions

- Added provision for 4 urban corporations (modern and urban communities)
- Added provision for optional 13th Regional Corporation for non-resident Natives
- Omitted provisions for recognizing the eligibility of unlisted Southeast villages or urban communities
- Omitted subsistence provision

Enrollment

- 22% (nearly 3500) of Southeast Indians enrolled to the 5 study communities;
- Many people in the study communities were not aware that their villages were not listed;
- It is not clear how enrollment to the study communities was affected;
- People enrolled to the five communities were not allowed to re-enroll in other communities (permitted under 1976 amendments, not implemented, ANILCA).

Community Enrollment

Table 6.1. Community Enrollments in the Sealaska Region

Sealaska Corporation—Region 12 By Village/Corporation Name	Public Law 92-203	Public Law 92-204	Totals As Of 12-31-85
020 Angoon — Kootznoowoo, Inc.	628	1	629
108 Craig — Shaan-Seet, Inc.	317	0	317
128 Douglas	19	0	19
186 Haines	319	2	321
198 Hoonah — Huna Totem Corporation	867	9	876
211 Hydaburg — Haida Corporation	552	13	565
212 Hyder	1	0	1
228 Juneau — Goldbelt, Inc.	2,655	67	2,722
229 Kake — Kake Tribal Corporation	551	7	558
238 Kasaan — Kavalco, Inc.	120	0	120
248 Ketchikan	1,801	61	1,862
257 Klawock — Klawock Heenya Corporation	507	1	508
259 Klukwan — Klukwan, Inc.	251	2	253
311 Metlakatla — Annette	17	16	33
377 Pelican	56	2	58
380 Petersburg	423	5	428
393 Port Alexander	5	0	5
427 Saxman — Cape Fox Corporation	196	0	196
442 Sitka — Shee-Atika, Inc.	1,809	54	1,863
443 Skagway	15	0	15
481 Tenakee	62	2	64
532 Wrangell	737	10	747
533 Yakutat — Yak-Tat Kwaan, Inc.	340	2	342
537 Kuiu Island	6	0	6
538 Thome Bay	3	0	3
539 Auke Bay	10	2	12
551 At Large — Sealaska	3,020	183	3,203
552 M I Point	1	0	1
559 Washington Bay	1	0	1
596 Hidden Inlet	23	0	23
617 Loring	1	0	1
619 Funter Bay	1	0	1
621 Excursion Inlet	10	0	10
639 Dotys Cove	1	0	1
642 Klinkwan	1	0	1
645 Halibut Bay	6	0	6
648 Portland Canal	1	0	1
661 Dyea	3	0	3
800 Knight Island	0	7	7
9** Region 12 — Totals	15,336	446	15,782

Study communities; not certified under ANCSA

Community Comparisons

Summary Comparisons

Table 5.1 shows a summary comparison, under the criteria discussed throughout this chapter, of the five study communities and the Southeast communities recognized under ANCSA.

	Haines	Ketchikan	Wrangell	Juneau	Sitka	Petersburg	Craig	Tenakee	Kasaan
Settled Prior to Arrival of Whites	X	X	X	X	X	X	X	X	X
Occupancy of Area in Early Town	X	X	X	X	X	X	X	X	X
Land Reservation or Exclusion	X	X					X	X	X
Indian Possessions in Townsite	X	X	X		X	X			
BOE Government Indian School	X	X	X	X	X	X	X		X
Church or Mission Serving Natives	X	X	X	X	X	X		X	
Alaska Native Brotherhood/Sisterhood	X	X	X	X	X	X	X	X	X
IRA Government Organization	X	X	X	X	X	X	X		X
Tlingit and Haida Central Council Chapter	X	X	X	X	X	X	X		X
Native Cemeteries, Graves or Totems	X	X	X	X	X	X	X	X	X
Identified in Tlingit and Haida Settlement	X	X	X	X	X	X			
Identified in ANCSA				X	X		X		X