

ALASKA LEGISLATURE COMMITTEE FILES 20120012

1927 SRES SB 796

1927

4/15/82
page 4

Amendment

9

page 3

LINE 17

ADD AFTER -

"council" and any local fish and game advisory
councils in proposing ...

OK

Amendment

10

page 3 4

line 25 2

DELETE AFTER -

"Laws" (and to municipal selctions made after the
effective date of this act.) ~~Maybe in context?~~

OK

permits future municipal selctions
in the preserve

Amendment

11

Page 4

line 7/3

ADD AFTER -

"firewood." Notwithstanding any prohibition the
utilization of fish and game resources for religious
or cultural purposes by the people of Klukwan is per-
mitted, according to applicable law

NO

Subject of ADPFG- 7 statutes -
not appropriate a govern to this
yill

4/15/82
page 5

Amendment

12

page 4

line 8 ~~11~~ DELETED AFTER -

"shall (be permitted to) continue"

OK

Amendment

13

page 4

line 13

DELETED AFTER -

(Director of the Division of Parks) replace
with "Advisory Council"

Would create Advisory Council
a "regulatory board"

NO

Amendment

14

page 4

line 15

ADD AFTER -

"Land," Native allotments approved or pending,
local governing body selections described in
41.20.507 (b), valid"

Covered under valid occupancy

OK

Amendment

15

page 4⁵

line 26⁴

ADD AFTER -

"State agency," local Governing Body or Federal Agency

OIL

Amendment

16

page 5

line 28⁵

ADD AFTER -

"in written consultation"

OIL

Amendment

17

page 5⁴

line 28⁷

ADD AFTER -

"parcels" with the exception of land selections of a local governing body pursuant to applicable law are designated.

does not make sense

Amendment
18
page 613
line 20
27

ADD NEW PARAGRAPH
Two representatives of the Klukwan IRA Chilkat
Indian village council

(NO)

Considerable compromise has already
been made to Structure Advisory
Council. This would expand Klukwan
representation from 2 to 4 members.

Amendment
19
page 814
line 13

ADD "Timber Harvest, activities referred to in 41.20.507
(G), mining



OK

Amendment
20
page 815
line 14

ADD "rights, Except as provided herein, the

No nonvalid existing rights

(NO)

UNNECESSARY, REZUNING CES

Amendment
21

page ~~8~~ 13
line ~~25~~ 6

ADD Private Land, Native allotments pending and approved, existing

unnecessary - covered under section (c)

Amendment
22

page ~~8~~ 18
line 25 7

ADD "corridors, ^{Municipal:} ~~future land selections made by any other entitled community entity under applicable law and borough~~ selections

Intent is to allow municipal selections in forest. Dick Bradley re-wrote our suggestion.

Amendment
23

page ~~9~~
line 5

ADD after "area." The State hereby removes all objections to any pending allotments, commits applicable survey and adjudication costs to determine valid ownership of allotments within the confines of areas included in this bill during fiscal years 1983 and

(NO)

Amendment
23
Cont'd

1984. The State further quitclaims to the BLM for this purpose all rights to which the State is entitled concerning such valid allotments. All such allotments pending or approved shall be treated as private and under AS 41.15.500 - 41.15.520.

The Department of Transportation is directed to submit for arbitration all trespass claims made by allottees or their representatives for right-of-way taken. All pending and approved allotments located partially or completely within the preserve shall be treated as private land under AS 41.20.506-41.525, including but not limited to rights-of-way acquisition.

Amendment
24
page 9¹⁸
line 9²⁰

ADD AFTER -
"council" and any local fish and game advisory council
to promote...

OK

Amendment
25
page 10 19
line 11 24

ADD AFTER -

"AS 41.15.500 - 41.15.520" Provided however that continued opportunities for traditional uses of the Haines Forest Resources Management Area at levels and by traditional methods and means are guaranteed. These historically compatible uses include but are not limited to hunting, trapping, fishing, berry picking, other subsistence and recreational uses, operation of motorized vehicles and the harvesting of personal use firewood. ~~Notwithstanding any prohibition the utilization of fish and game resources for religious or cultural purposes by the people of Klukwan is permitted.~~
~~according to applicable law~~

OK with deletion

Amendment
26
page 10 20
line 19 3

DELETE AFTER -

"Disposal Laws" (and to municipal selections made)
after...

OK

OK

4/15/82
page 11

Amendment
27

page 10²⁰

line 24³ ADD AFTER -

"Fish and game" and local governing bodies
during the...

OK

OK

Amendment
28

page 10²⁰

line 28¹² ADD AFTER -

"natural resources" and any local fish and game ad-
visory councils, before adopting ..."

OK

OK

Amendment
29

page 11²⁰

line 2¹⁵ ADD AFTER -

"public hearing" in Haines and Klukwan.

OK

OK

4/15/82
Page 12

Amendment
30

page ~~11~~ 20

line 10²³ ADD AFTER -

"of this act" unless the required actions concerning allotments have not been substantially complied with in which case this section does not apply.

NO

NO

Amendment
31

page ~~11~~ 20

line 14²⁷ ADD AFTER -

"of this act". Unless the required actions concerning allotments have not been substantially complied with in which case this section does not apply.

NO

NO

by Docket

AMENDMENT to CSSB 796 F

In sec. 41.20.507 (d), delete the period and insert a comma and add the following:

"subject to the provisions of section 2 of the Bald Eagle Protection Act, 16 U.S.C. 668a, which authorize the Secretary of the Interior to permit the taking of bald eagles for the religious purposes of Indian tribes.

adopted



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

POUCH
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

TO: Billy Berrier DATE: 4/9/82
Director Legal Services
ATTN: Richard Bradley

FROM: Bettye Fahrenkamp
Chairman

RE: Work Draft Committee
Substitute - SSSB 796

I would appreciate you drafting a work draft Committee Substitute for SSSB 796 incorporating the following changes:

Page 1, line 11:

Spacing needed between the words "sectionsto"

Page 1, line 27:

After the word "are" insert "closed to multiple use in conformity with AS 38.05.300 and are"

Page 1, line 29:

Designate a number for "ESTABLISHMENT AND MANAGEMENT"

Page 2, line 1:

Section (a) should read:

"Subject to valid existing rights, land and water presently owned by the state and all land and water acquired by the state in the future lying within the boundaries described in the following parcels shall be entitled "Alaska Chilkat Bald Eagle Preserve" and are assigned to the Department of Natural Resources for control, development and maintenance"

This will be followed by the parcel descriptions to be submitted early next week.

Page 2, line 10:

After the work "Preserve" insert a " . "

Delete the Word "and"

Capitalize the "the" that follows "and" above.

Delete the word "State" and insert "commissioner of the department of natural resources"

Page 2, line 11:

Delete the word "within"

After the word "land" insert "for the purpose of expanding or any other purpose"

Page 2, line 13:

Delete "and" and insert "or" in its place

Page 2, line 15:

After the word "all" insert "lands described"

Page 2, line 16:

Before the word "approved" insert "in"

After the word "approved" insert "or application for"

Page 3, line 3:

After the word "administration" insert "of laws that govern the conservation of Bald Eagles."

Delete the words "of the Bald"

Page 3, line 4, 5 and 6: Delete.

Page 3, line 7:

Delete "natural habitat of the"

Page 3, lines 13, 14, 15 and 16:

Dick you were to develop language regarding "non-fee" disposals.

Page 4, line 27:

Delete "shall" and insert "may" in its place.

Page 5, line 3:

There needs to be space between the words "Act.The"

Page 5, line 7:

Delete the word "No"

Page 5, line 8:

Delete the words "state, federal or private study of the preserve or its resources"

Insert in its place "The State shall not participate or cooperate with any federal or private study of the Preserve or its resources"

Page 5, Line 25 and 26:

Delete and insert the following: "the borough mayor shall recommend to the Governor a resident of the Haines Borough representing commercial or industrial interest:"

Page 5, line 27:

After the word "Haines" insert "serving as an ex officio member;"

Page 5, line 28:

After the word "Haines" insert "serving as an ex officio member;"

Page 5, line 29:

After "Inc." insert "serving as an ex officio member;"

Page 6, line 5:

Delete "a representative of" and insert "the Commissioner of the Alaska Department of Fish and Game or a designee serving as an ex officio member;"

Page 6, line 8:

Delete "a representative of the Alaska Department of Natural Resources, Division of Forestry;

Insert "Director of the Division of Forestry, Alaska Department of Natural Resources or a designee serving as an ex officio member."

Page 6, line 10:

Delete "a representative of the Alaska Department of Natural Resources; Division of Parks."

Insert: "Director of the Division of Parks, Alaska Department of Natural Resources or a designee, serving as an ex officio member."

Page 6, line 19:

Delete "AS 41.15" and insert "AS 41.20" in its place.

Page 6, line 23:

Delete "substantive or procedural"

Page 7, line 2:

Delete "are encourage to" and insert "shall" in its place.

Page 7, line 1 starting with the words "The director" through line 6 - designate as subsection "(b)"

Page 7, line 7 - 15:

Move to "DECLARATION OF PURPOSE" page 1.

Page 7, lines 16 - 17:

Move to page 11, line 6 and change the wording to read "AS 16.20.230(8) is repealed."

Page 7, line 23:

Delete "acquire land and water areas" and insert "all land and water acquired by the state"

Page 8, line 2:

After the word "management" insert ", control, development, and maintenance"

Page 8, line 6:

Delete "the state-owned or"

Page 8, lines 7 - 9

Delete

Page 8, line 10:

Delete "the Office of the Commissioner of Natural Resources,"

Page 8, starting at the end of line 6:

Insert "land and water presently owned by the state and all land and water acquired by the state in the future"

Page 8, line 11:

After the word "area" insert "described as follows"

-- Parcels will be listed later. --

Page 8, line 11:

Delete "and assigned"

Page 8, line 12 - 13:

Delete

Page 8, line 17:

Delete "state" and insert "commissioner of the department of natural resources"

Page 8, line 17:

After the word "land" insert "for the purpose of expanding"

Page 8, line 22:

After the word "all" insert "lands described in"

After the word "approved" insert "or applications for"

Page 9, line 8 - 29:

Rework to outline the department shall develop a management plan for the Haines State Forest Resource Management Area. This section will probably need to be renumbered, etc.

Page 10, line 15:

Delete "existing"

Page 10, line 29:

Delete

Page 11, line 1:

Delete "(a)" and insert "(h)"

Page 11, line 6:

Insert "AS 16.20.230(8) is repealed."

If you have any questions please contact Resa King at 465-3834. When the draft is completed please return to Room 211 Capitol Building. If possible I would like the draft completed and returned by the morning of Tuesday April 13th for use at an early afternoon meeting.

Attachments

Introduced: 3/4/82
Referred: Resources and
Finance

1 IN THE SENATE

BY RAY

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 796

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the management of state-owned
7 land in the Haines area, establishing the Alaska Chilkat
8 Bald Eagle Preserve and the Haines State Forest Resource
9 Management Area"

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 41.20 is amended by adding new sectionsto read:

12 ARTICLE 16. ALASKA CHILKAT BALD EAGLE PRESERVE.

13 Section 41.20.550. DECLARATION OF PURPOSE. The purpose of
14 AS 41.20.550 - 41.20.560 is to establish the state-owned land and water
15 described in AS 41.20.550(a) as the Alaska Chilkat Bald Eagle Preserve
16 as part of the state park system. The primary purpose of establishing
17 the Alaska Chilkat Bald Eagle Preserve is to protect and perpetuate the
18 the Chilkat bald eagles and their essential habitats within the preserve
19 in recognition of their statewide, nationally and internationally
20 significant values, and to protect the natural salmon spawning and
21 rearing areas of the Chilkat and Chilkoot River systems within the
22 preserve. The preserve is also established to provide continued
23 opportunities for research, study and enjoyment of bald eagles and other
24 wildlife and to provide for other public uses consistent with the primary
25 purpose for which the Alaska Chilkat Bald Eagle Preserve is established.
26 The statelands and waters described in section 550(a) of this chapter
27 are dedicated as a special purpose site pursuant to Article VIII, section
28 ^{↑ Closed to multiple use in conformity with AS 38.05.310 and are}
7 of the Alaska Constitution.

29 *Number* ESTABLISHMENT AND MANAGEMENT

1 by the Board of Fisheries or the Board of Game. The Department of Fish
2 and Game and the Department of Natural Resources shall cooperate with
3 the U. S. Fish and Wildlife Service in its administration of ^{laws that govern the conservation of} the Bald
4 Eagle. ~~Protection Act of 1940 and other appropriate laws that govern the~~
5 ~~conservation of bald eagles or implement international treaty obliga-~~
6 ~~tions of the United States.~~

7 (f) The ~~natural habitat of the~~ Alaska Chilkat Bald Eagle Preserve
8 shall be managed by the Department of Natural Resources to sustain the
9 eagle and salmon populations and other wildlife in perpetuity in accor-
10 dance with applicable law and to insure to the maximum extent practi-
11 cable, water quality and necessary water quantity in accordance with
12 applicable law.

13 (g) The State land and water described in (a) of this section are
14 closed to mineral entry and location under AS 38.05.135 - 38.05.180,
15 commercial harvest of timber, conveyance of fee title under State land ^{non-fee disposals}
16 disposal laws and future municipal selections under state law. *Credley*

17 (h) Continued opportunities for traditional uses of the area at
18 levels and by methods and means that are compatible with the protection
19 of the bald eagle population are guaranteed. These historically com-
20 patible uses include but are not limited to hunting, trapping, fishing,
21 berry picking, other subsistence and recreational uses, operation of
22 motorized vehicles and the harvesting of personal use firewood. The
23 level and method or means of traditional use shall be permitted to
24 continue subject to reasonable regulation unless the director of the
25 Division of Parks, after consultation with the Advisory Council, makes a
26 finding that the level or method and means of use is causing significant
27 resource damage which is inconsistent with the primary purposes of
28 AS 41.20.550 - 41.20.560. The director of the division of parks shall
29 hold public hearings in Haines and Klukwan before restricting a tradi-

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BY RAY

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4 TWELFTH LEGISLATURE - SECOND SESSION

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13 Section 41.20.550. DECLARATION OF PURPOSE. The purpose of
14 AS 41.20.550 - 41.20.560 is to establish the state-owned land and water
15 described in AS 41.20.550(a) as the Alaska Chilkat Bald Eagle Preserve
16 as part of the state park system. The primary purpose of establishing
17 the Alaska Chilkat Bald Eagle Preserve is to protect and perpetuate the
18 the Chilkat bald eagles and their essential habitats within the preserve
19 in recognition of their statewide, nationally and internationally
20 significant values, and to protect the natural salmon spawning and
21 rearing areas of the Chilkat and Chilkoot River systems within the
22 preserve. The preserve is also established to provide continued
23 opportunities for research, study and enjoyment of bald eagles and other
24 wildlife and to provide for other public uses consistent with the primary
25 purpose for which the Alaska Chilkat Bald Eagle Preserve is established.
26 The statelands and waters described in section 550(a) of this chapter
27 are dedicated as a special purpose site pursuant to Article VIII, section
28 7 of the Alaska Constitution. *↑ Closed to multiple use in conformity with AS 38.05.310 and all*

29 *Number* ESTABLISHMENT AND MANAGEMENT

1 (a) Subject to valid existing rights, ^{land presently owned by} the state-owned or acquired
2 ~~the state and all land & water acquired by the state in the future~~
3 ~~land and water lying within boundaries and depicted on a map entitled~~
4 ~~lying within the boundaries described in the following parcels~~
5 ~~"Alaska Chilkat Bald Eagle Preserve," and dated February, 1982, and on~~
6 ~~shall be entitled "Alaska Chilkat Bald Eagle Preserve."~~
7 ~~file in the office of the Commissioner of Natural Resources, and hereby~~

8 designated as the Alaska Chilkat Bald Eagle Preserve and assigned to the
9 Department of Natural Resources for control, development and maintenance.

Parcel descriptions

10 (b) Private land, existing selections by the Haines Borough under
11 State law, and existing transportation and utility corridors lying
12 within the parcels described in (a) of this section are excluded from
13 the Alaska Chilkat Bald Eagle Preserve, and ^{Commissioner of the Dept. N. Res.} The State may not acquire
14 private land ^{For the purpose of expanding or any other purpose} within the Alaska Chilkat Bald Eagle Preserve by eminent
15 domain.

16 (c) Approved ^{or} and pending Native allotment applications located
17 within or partially within the Alaska Chilkat Bald Eagle Preserve shall
18 not be adversely affected by the establishment of the preserve, and all ^{lands described}
19 approved ^{or application for} allotments shall be treated as private land under AS 41.20.550 -
20 560.

21 (d) The Department of Fish and Game is responsible for the manage-
22 ment of fish and game resources in the Alaska Chilkat Bald Eagle Preserve
23 under applicable law and consistent with the purposes of AS 41.20.550 -
24 41.20.560.

25 (e) The Department of Natural Resources shall consult with the
26 Department of Fish and Game, the U. S. Fish and Wildlife Service, and
27 the Advisory Council established by this Act before adoption of reason-
28 able regulations governing public use and protection of the Alaska
29 Chilkat Bald Eagle Preserve. The Department of Fish and Game shall
consult with the Department of Natural Resources and the Bald Eagle
Preserve Advisory Council in proposing regulations governing fish and
game management in the Alaska Chilkat Bald Eagle Preserve for adoption

1 by the Board of Fisheries or the Board of Game. The Department of Fish
2 and Game and the Department of Natural Resources shall cooperate with
3 the U. S. Fish and Wildlife Service in its administration of the Bald
4 Eagle. ^{laws that govern the conservation of} ~~Protection Act of 1940 and other appropriate laws that govern the~~
5 ~~conservation of bald eagles or implement international treaty obliga-~~
6 ~~tions of the United States.~~

7 (f) The ~~natural habitat of the~~ Alaska Chilkat Bald Eagle Preserve
8 shall be managed by the Department of Natural Resources to sustain the
9 eagle and salmon populations and other wildlife in perpetuity in accor-
10 dance with applicable law and to insure to the maximum extent practi-
11 cable, water quality and necessary water quantity in accordance with
12 applicable law.

13 (g) The State land and water described in (a) of this section are
14 closed to mineral entry and location under AS 38.05.135 - 38.05.280,
15 commercial harvest of timber, conveyance of fee title under State land
16 disposal laws and future municipal selections under state law. ^{mon-fee disposal}

17 (h) Continued opportunities for traditional uses of the area at
18 levels and by methods and means that are compatible with the protection
19 of the bald eagle population are guaranteed. These historically com-
20 patible uses include but are not limited to hunting, trapping, fishing,
21 berry picking, other subsistence and recreational uses, operation of
22 motorized vehicles and the harvesting of personal use firewood. The
23 level and method or means of traditional use shall be permitted to
24 continue subject to reasonable regulation unless the director of the
25 Division of Parks, after consultation with the Advisory Council, makes a
26 finding that the level or method and means of use is causing significant
27 resource damage which is inconsistent with the primary purposes of
28 AS 41.20.550 - 41.20.560. The director of the division of parks shall
29 hold public hearings in Haines and Klukwan before restricting a tradi-

1 tional use permitted under this section.

2 (i) If privately owned land, valid mining claims, existing mineral
3 leases, subsurface rights on private lands, or other valid occupancies,
4 are surrounded by State land of the Alaska Chilkat Bald Eagle Preserve
5 or if privately owned land, valid mining claims, subsurface rights, or
6 other valid occupancies or state-owned or federally owned land not
7 designated as part of the Alaska Chilkat Bald Eagle Preserve does not
8 have reasonable, timely, and economically feasible access for economic
9 and other purposes by means other than crossing land designated as part
10 of the Alaska Chilkat Bald Eagle Preserve in (a) of this section, the
11 director of the division of parks shall grant the landowner, holder of
12 valid mining claims, mineral lease or subsurface right, occupant or
13 government agency the rights necessary to assure reasonable, timely and
14 economically feasible access for economic and other purposes. This
15 right of access shall be subject to reasonable regulation and stipula-
16 tions established by the director of the division of parks in consul-
17 tation with the Advisory Committee in furtherance of the purposes and to
18 protect the values for which the Alaska Chilkat Bald Eagle Preserve was
19 established and to minimize adverse environmental impacts in the pre-
20 serve. The director of the division of parks shall give favorable
21 consideration to applications for utility rights of way that are com-
22 patible with the primary purpose of the Alaska Chilkat Bald Eagle
23 Preserve.

24 (j) The director of the division of parks and the Alaska Chilkat
25 Bald Eagle Local Advisory Council established under AS 41.20.560, in
26 consultation with the U. S. Fish and Wildlife Service and the Alaska
27 Department of Fish and Game, ^{may} shall use information gained through the
28 Haines-Klukwan Cooperative resource studies and other pertinent sources
29 in the development of the management plan for the Alaska Chilkat Bald

1 Eagle Preserve and in decisions affecting the management and adminis-
 2 tration of the preserve. The Management Plan shall be developed and
 3 implemented within two years of the effective date of this Act.The
 4 director of the division of parks and the Advisory Council shall in-
 5 vestigate the need for additional research to increase knowledge and
 6 understanding of the natural resources of the area and to enhance
 7 effective management of the Alaska Chilkat Bald Eagle Preserve. ~~The~~
 8 ~~The state shall not participate or cooperate with any federal or~~
 9 ~~state, federal or private study of the preserve or its resources for the~~
 10 ~~private study of the preserve or its resource~~
 11 single purpose of adding or deleting areas from the preserve shall be
 12 conducted without 90 days prior notice to and timely review by the
 13 council except that the director may certify to the council that a study
 14 is required by an emergency which necessitates immediate action or a
 15 shorter period of review.

16 Sec. 41.20.56C. ALASKA CHILKAT BALD EAGLE PRESERVE LOCAL ADVISORY
 17 COUNCIL.

18 (a) An 11 member local advisory council is hereby established.
 19 The members of the local advisory council shall be appointed by the
 20 governor. Members of the local advisory council are entitled to per
 21 diem and travel expenses authorized for members of state boards under
 22 AS 39.20.180.

23 (b) The governor shall appoint individuals to the Advisory Council
 24 representing the following interests;

25 (.) a resident of the Haines Borough representing a conserva-
 26 tion organization;

27 (2) ~~a resident of the Haines Borough representing commercial~~
 28 ~~or industrial interests nominated by the borough mayor;~~ *the borough mayor shall recommend, to the Governor, a*
 29 *resident of Haines representing commercial or industrial interest;*

(3) the Mayor of the City of Haines; *serving as an ex officio member*

(4) the Mayor of the Borough of Haines; " " " " "

(5) a representative nominated by Klukwan, Inc.; " " " "

1 (6) the President of the IRA Council of the Chilkat Indian
2 Village;

3 (7) a representative nominated by the Upper Lynn Canal Local
4 Fish and Game Advisory Council;

5 (8) ~~a representative of~~ *the commissioner of* the Alaska Department of Fish and
6 ~~Game;~~ *or a designee serving as an ex officio member;*

7 (9) a representative of the U. S. Fish and Wildlife Service; *Faucher, Alaska*

8 (10) ~~a representative of the Alaska Department of Natural~~ *the Commissioner Director of the Division of Parks, Alaska*
9 ~~Resources, Division of Forestry,~~ *Department of Natural Resources or a designee serving as an ex officio*
10 ~~Resources or a designee serving as an ex officio member;~~ *Director of the Division of Parks, Alaska Dept. of Natural*

11 (11) ~~a representative of the Alaska Department of Natural~~ *Resources or a designee serving as an ex officio member;*
12 ~~Resources, Division of Parks.~~

13 (c) All appointments to the local advisory council shall be for a
14 term of two years.

15 (d) The Alaska Chilkat Bald Eagle Preserve Advisory Council shall
16 assist the Department of Natural Resources in the development and
17 monitoring of the management plan for the Alaska Chilkat Bald Eagle
18 Preserve. The management plan shall be presented at public hearings in
19 Haines and Klukwan before approval and implementation by the department.

20 AS 41.20.570 MISCELLANEOUS PROVISIONS.

21 (a) Notwithstanding any other provision of this Act or law,
22 establishment by section 550 of this Chapter of the Alaska Chilkat Bald
23 Eagle Preserve shall not be deemed to enlarge, diminish, add to, or
24 waive any ~~substantive or procedural~~ requirements otherwise applicable to
25 the management or use of the adjacent lands of the Haines State Forest
26 Resource Management Area, or other State or private land. Any and all
27 activities allowed under applicable law on lands adjacent to the Alaska
28 Chilkat Bald Eagle Preserve, including but not limited to timber harvest,
29 mining, other resource development, or recreation shall be permitted on
adjacent lands so long as these activities are conducted in compliance

(4)
1 with applicable law. [The director of the division of parks and the
2 director of the division of forestry ~~are encouraged to~~ ^{shall} consult with one
3 another in the preparation of the management plan so as to promote
4 effective, efficient, and coordinated administration of the Forest
5 Resource Management Area and Preserve for the values for which each is
6 established.]

7 (b) It is the intent of the Alaska Legislature in enacting this
8 legislation to provide sufficient protection for the purposes for which
9 the Alaska Chilkat Bald Eagle Preserve is established; accordingly, the
10 establishment of the Alaska Chilkat Bald Eagle Preserve represents a
11 proper balance between the reservation of State public domain lands and
12 waters for bald eagle preserve purposes and those State lands more
13 appropriate for multiple use, and thus the Alaska Legislature believes
14 that the need for future legislation expanding or contracting the
15 boundary of the Alaska Chilkat Bald Eagle Preserve is unnecessary.

16 [(c) The Chilkat River Fish and Game Critical Habitat Area estab-
17 lished by AS 16.20.230(8) is hereby repealed.] ^{move} to page 11, line 6.
18 "AS 16.20.230(8) is repealed."

19 * Section 2. AS 41.15 is amended by adding new sections to read:

20 ARTICLE 3A. HAINES STATE FOREST RESOURCE MANAGEMENT AREA.

21 Sec. 41.15.500. HAINES STATE FOREST RESOURCE MANAGEMENT AREA. (a)

22 The purpose of AS 41.15.500 - 41.15.530 is to establish designated
23 state-owned or ^{all land & water acquired by the State} ~~acquired land and water~~ areas as the Haines State Forest
24 Resource Management Area. The primary purposes of the establishment of
25 the Haines State Forest Resource Management Area are the utilization,
26 perpetuation, conservation, and production of the land and water, in-
27 cluding but not limited to the use of renewable and non-renewable re-
28 sources through multiple-use management, and the continuation of other
29 beneficial uses including traditional uses and other recreational

1 activities.

control, development and maintenance

2 (b) The responsibility for the management of the Haines State
3 Forest Resource Management Area established under AS 41.15.500 - 41.15.-
4 530 is assigned to the Department of Natural Resources.

5 Sec. 41.15.510. BOUNDARIES OF HAINES STATE FOREST RESOURCE MANAGE-

6 *land & water presently owned*
7 *by the state & all land & water acquired by the state in the future*
8 ~~MENT AREA. (a) Subject to valid existing rights, the state-owned or~~
9 ~~acquired land and water located above the mean high tide line and lying~~
10 ~~within the boundaries and depicted on a map entitled "Haines State~~
11 ~~Forest Resource Management Area" and dated February, 1982 and on file in~~
12 ~~the Office of the Commissioner of Natural Resources, are hereby desig-~~
13 ~~nated as the Haines State Forest Resource Management Area and assigned~~
14 ~~to Department of Natural Resources for control, development and main-~~
15 ~~tenance.~~

16 (b) Private land, existing transportation corridors, and borough
17 selection within the Haines State Forest Resource Management Area are
18 excluded from the Haines State Forest Resource Management Area, and the
19 *Commissioner of the department of natural resources*
20 ~~State~~ may not acquire private land within the Haines State Forest
21 Resource Management Area by eminent domain.
22 *for purpose of expanding*

23 (c) Approved and pending Native allotment applications located
24 within or partially within the Haines State Forest Resource Management
25 Area shall not be adversely affected by the establishment of the Haines
26 State Forest Resource Management Area and all approved allotments shall
27 be treated as private land under this title. *lands described in*
28 *or applications for*

29 (d) The Division of Forestry shall consult with the Division of
30 Parks, the Department of Fish and Game, and the Alaska Chilkat Bald
31 Eagle Preserve Local Advisory Council to promote effective, efficient,
32 and coordinated administration of the Forest and the Preserve for the
33 values for which each is established.

(e) To the extent practicable, resource studies undertaken by the

1 Department shall be designed to benefit the management and administration
2 of both the Haines State Forest Resource Management Area and the Alaska
3 Chilkat Bald Eagle Preserve.

4 (f) The establishment of the Haines State Forest Resource Manage-
5 ment Area shall have no effect on the terms and conditions of any exist-
6 ing permits or contracts involving use of the land, water, or other
7 resources of the Forest.

8 Sec. 41.15.520. MULTIPLE-USE MANAGEMENT. (a) Land within the
9 Haines State Forest Resource Management Area shall be managed under the
10 principles of multiple use and sustained yield as defined by AS 38.-
11 04.910 and pursuant to the Forest Resources and Practices Act and other
12 applicable laws and pursuant to a management plan prepared by the
13 Department of Natural Resources. This plan may not be adopted or
14 revised without prior review by the Board of Forestry or without public
15 hearings held in the Haines Borough. The management plan shall be
16 adopted and implemented within two years after enactment of this
17 legislation. The management plan should be based on a current opera-
18 tional level inventory completed within the last ten years and updated
19 as future inventory information becomes available.

20 (b) The Department of Natural Resources shall periodically review
21 the management plan for the Haines State Forest Resource Management Area
22 under AS 41.15.510. The Haines-Skagway Area Land Use Plan adopted by
23 the Department of Natural Resources in 1979 shall be used as the basis
24 for preparation of the management plan for the Haines State Forest
25 Resource Management Area. Prior to approval of the management plan
26 prepared pursuant to AS 41.15., management of the Haines State Forest
27 Resource Management Area shall be conducted pursuant to the land use
28 allocations and their appropriate management provisions of the Haines-
29 Skagway Area Land Use Plan.

1 (c) A copy of a management plan and any revision to it prepared by
2 the Department of Natural Resources, reviewed by the Board of Forestry
3 and adopted by the Department after public hearings required under (a)
4 of this section shall be provided to the Legislature within 30 days of
5 its adoption or revision or within the first 10 days of the first
6 session of the Legislature to convene after its adoption or revision.

7 (d) The Department of Fish and Game is responsible for the manage-
8 ment of fish and game resources in the Haines State Forest Resource
9 Management Area under applicable law and in a manner consistent with the
10 purposes and provisions of this section.

11 (e) The control of highway access and roadside structures within
12 the Haines State Forest Resource Management Area is the responsibility
13 of the Department of Natural Resources except that the Department of
14 Transportation and Public Facilities is responsible for the repair and
15 maintenance of all ~~existing~~ public roads in the Haines State Forest
16 Resource Management Area.

17 (f) The state land and water described in section 510(a) of this
18 Act are closed to conveyance of fee title under state land disposal laws
19 and to future municipal selections under state laws.

20 (g) The Department of Natural Resources shall consult with the
21 Department of Fish and Game during preparation of a management plan
22 under (a, and (b) of this section and formulation of regulations
23 governing the public use of the Haines State Forest Resource Management
24 Area. The Department of Fish and Game shall consult with the Department
25 of Natural Resources before adoption of regulations governing fish and
26 wildlife management in the Haines State Forest Resource Management Area.
27 Regulations may not be adopted by either department without prior review
28 at public hearings.

29 ~~Sec. 41.15.530. COOPERATIVE MANAGEMENT AGREEMENT.~~

(h)

1 ~~(a)~~ The Department of Natural Resources may enter into cooperative
2 management agreements with persons who hold title to or have a valid
3 entry on land within the boundaries of the Haines State Forest Resource
4 Management Area or adjoining the boundaries of the Haines State Forest
5 Resource Management Area.

6 *AS 16.20.230(f) is repealed*
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Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

TO: Senate Resources Committee

FROM: Senate Resources Committee Staff

RE: SSSB 796
Providing for the management of state owned land
in the Haines area, establishing the Alaska
Chilkat Bald Eagle Preserve and the Haines State
Forest Resource Management Area.

DATE: April 13, 1982

Please find attached further background information,
just received today, outlining points raised during
the recent Committee hearing on SSSB 796.

This bill is scheduled for hearing Wednesday,
April 14, 1982 at 1:30 p.m. in the Beltz Room.



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
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POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RF: Committee Meeting, 4/14/82
DATE: April 12, 1982

Please find attached background information for
Wednesday's hearing on the following bills:

- SB 794 Establishing certain areas as units of the
Alaska Marine Park System.
- SB 795 Relating to outdoor recreation and historic
projects.
- SSSB 796 Providing for the management of state owned
land in the Haines area, establishing the
Alaska Chilkat Bald Eagle Preserve and the
Haines State Forest Resource Management Area.
- SB 872 Relating to sanitation, sanitary practices,
and quality assurance in the seafood
processing industry.

The meeting will be held at 1:30 p.m. in the Beltz Room.

SB 796



Alaska State Legislature

SENATE Resources Committee

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
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Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

TO: Senate Finance Committee
Members

DATE: 4/19/82

FROM: Bettye Fahrenkamp
Chairman

RE: CSSSSB 796
Background Information

CSSSSB 796 - Providing for the management of state owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area - has passed out of the Resources Committee and has a further referral to the Finance Committee.

Attached for your information is background materials on the bill.

Attachments

MEMORANDUM

State of Alaska

TO: Reed Stoops, Director
Division of Research & Development
Department of Natural Resources

DATE: April 20, 1982

FILE NO:

TELEPHONE NO: 465-2400

FROM: Frank Ruby *FR* Planner V
Division of Research & Development
Department of Natural Resources

SUBJECT: Chilkat Bald Eagle
Preserve Legal
Description

The Division of Technical Services did a final proofing of the legal description for the Alaska Chilkat Bald Eagle Preserve and found one minor error. They also found several places where using an existing survey would be much clearer than an aliquot part description. The attached legal description contains the corrected legal description. A check mark indicates where a change was made.

Attachment

4/19/82

PROPOSED ALASKA BALD EAGLE PRESERVE
LEGAL DESCRIPTION

Township 26 South, Range 55 East, Copper River Meridian

- Section 12: that portion within USS 3708;
- Section 13;
- Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4, S1/2SE1/4;
- Sections 24 and 25;
- Section 26: E1/2;
- Section 33: SE1/4SE1/4SE1/4;
- Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4, E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4;
- Section 35;
- Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4, N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, NW1/4SE1/4SW1/4, NW1/4SE1/4.

Township 26 South, Range 56 East, Copper River Meridian

- Section 7: SW1/4NE1/4, S1/2NW1/4, S1/2;
- Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that portion of the S1/2NE1/4 within USS 3708;
- Section 17: W1/2NW1/4;
- Section 18;
- Section 19: W1/2, SW1/4SE1/4;
- Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4, W1/2SW1/4.

Township 27 South, Range 55 East, Copper River Meridian

- Section 2: NW1/4, W1/2NE1/4SW1/4, NW1/4SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, NW1/4SE1/4SW1/4, except USS 3744;
- Section 3;
- Section 4: NE1/4NE1/4NE1/4, S1/2NE1/4NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4, E1/2SE1/4SW1/4, SE1/4;
- Section 8: SE1/4SE1/4SW1/4, S1/2S1/2SE1/4, N1/2SE1/4SE1/4;
- Section 9: E1/2, E1/2NW1/4, N1/2NE1/4SW1/4, SE1/4NE1/4SW1/4, NW1/4SW1/4SW1/4, S1/2S1/2SW1/4;
- Section 10: W1/2W1/2NE1/4, W1/2;
- Section 15: NW1/4NW1/4NE1/4, S1/2NW1/4NE1/4, SW1/4NE1/4, W1/2, W1/2SE1/4;
- Section 16: E1/2, NW1/4, N1/2SW1/4, NW1/4SE1/4SW1/4, E1/2SE1/4SW1/4;
- Section 17: N1/2NE1/4, NE1/4SW1/4NE1/4, SE1/4NE1/4, E1/2NE1/4NW1/4, N1/2NE1/4SE1/4, SE1/4NE1/4SE1/4;
- Section 21: E1/2, E1/2E1/2NW1/4, SW1/4SE1/4NW1/4, E1/2SW1/4, SE1/4SW1/4SW1/4;
- Section 22: SW1/4NE1/4NE1/4, W1/2E1/2, W1/2SE1/4NE1/4, W1/2, W1/2E1/2SE1/4;
- Section 26: NW1/4NW1/4NW1/4, S1/2NW1/4NW1/4, SW1/4NW1/4, W1/2E1/2SW1/4, W1/2SW1/4;
- Section 27;
- Section 28: E1/2, E1/2W1/2, E1/2W1/2W1/2;
- Section 33: N1/2NE1/4, E1/2SW1/4NE1/4, NW1/4SW1/4NE1/4, SE1/4NE1/4, E1/2NE1/4NW1/4, NE1/4SE1/4, E1/2NW1/4SE1/4, N1/2SE1/4SE1/4, SE1/4SE1/4SE1/4;
- Section 34;
- Section 35: NW1/4NW1/4NE1/4, S1/2NW1/4NE1/4, SW1/4NE1/4, NW1/4SE1/4NE1/4, S1/2SE1/4NE1/4, W1/2, SE1/4;
- Section 36: W1/2SW1/4SW1/4.

Township 28 South, Range 55 East, Copper River Meridian

- Section 1: S1/2SW1/4NW1/4, SW1/4;
- Section 2;
- Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4, SE1/4NW1/4,
NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4;
- Section 4: E1/2NE1/4NE1/4;
- Section 10: that portion of Mosquito Lake;
- Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4, SE1/4SE1/4, except USS
3431;
- Section 12;
- Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4, NW1/4NW1/4NW1/4,
NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4;
- Section 15: that portion of Mosquito Lake;
- Section 19: Lot 13;
- Section 24: E1/2E1/2, NE1/4NW1/4NE1/4;
- Section 25: Lots 9 through 11 and 16;
- Section 26: that portion of Lot 5 and NE1/4NW1/4 south of the Haines
Highway and Lots 1, 12 and 17;
- Section 27: Lots 5 through 8, 10, 13, 18, 19 and 22;
- ✓ Section 28, except S1/2S1/2, the south 660 feet of Lots 5 through 7 and
that portion north of the Haines Highway;
- Section 29, except S1/2S1/2S1/2, NE1/4SE1/4SE1/4 and Lots 9, 14, 15 and
18;
- ✓ Section 30: Lot 11, Lot 6 except the south 660 feet;
- Section 33: S1/2SE1/4SE1/4;
- Section 34: S1/2S1/2S1/2;
- Section 35: Lot 1;
- ✓ Section 36, except SW1/4NW1/4, S1/2 and the south 660 feet of Lots 3 and
4.

Township 28 South; Range 56 East; Copper River Meridian

Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4, SW1/4SE1/4NW1/4,
W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4, NW1/4SW1/4, S1/2SW1/4,
SW1/4SW1/4SE1/4;

Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4;

Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4, SW1/4SE1/4NE1/4, W1/2, SE1/4;

Section 19;

Section 20: W1/2W1/2;

Section 29: Lots 8 through 11;

Section 30, except Lots 1, 4, 5, 8, 15 through 17 and the NE1/4SW1/4;

Section 31;

Section 32, except USS 991, USS 2455 and Lots 1, 2 and 24;

Section 33: S1/2 except USS 2455 and Lots 18 through 21;

✓ Section 34: Lots 1, 2, S1/2NE1/4SW1/4, W1/2SW1/4SE1/4, SE1/4SW1/4SE1/4.

Township 28 South, Range 57 East, Copper River Meridian

Section 22: NE1/4SW1/4, E1/2SE1/4SW1/4, W1/2NW1/4SE1/4, SW1/4SE1/4,
NW1/4SE1/4SE1/4, S1/2SE1/4SE1/4;

Section 26: W1/2SW1/4NW1/4, W1/2W1/2SW1/4;

Section 27: E1/2E1/2, N1/2NW1/4NE1/4, SE1/4NW1/4NE1/4;

Section 34: NE1/4NE1/4, NE1/4SE1/4NE1/4;

Section 35: SW1/4SW1/4NE1/4, NW1/4NW1/4NW1/4, S1/2NW1/4NW1/4, S1/2NW1/4,
E1/2SW1/4, NW1/4NW1/4SE1/4, S1/2NW1/4SE1/4, S1/2SE1/4,
SW1/4NE1/4SE1/4.

All of the above are subject to federal power site
withdrawals.

Township 29 South, Range 55 East, Copper River Meridian

Section 1: S1/2NE1/4NE1/4, E1/2SW1/4NE1/4, N1/2SE1/4NE1/4,
SW1/4SE1/4NE1/4, NW1/4NE1/4SE1/4, NE1/4NW1/4SE1/4.

Township 29 South, Range 56 East, Copper River Meridian

Section 1;

Section 2: N1/2NE1/4, E1/2SE1/4NE1/4, NE1/4NW1/4, E1/2NE1/4SE1/4,
NE1/4SE1/4SE1/4;

Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4, SW1/4,
W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4, W1/2SE1/4SE1/4,
SE1/4SE1/4SE1/4;

Section 5: E1/2, N1/2NW1/4, SE1/4NE1/4SW1/4, E1/2SE1/4SW1/4;

Section 6: N1/2N1/2NE1/4, NE1/4NE1/4NW1/4, S1/2NE1/4NW1/4,
S1/2NW1/4NW1/4, N1/2SW1/4NW1/4, NW1/4SE1/4NW1/4;

Section 8, except SW1/4SW1/4 and S1/2SE1/4SW1/4;

Section 9;

Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4, S1/2NW1/4, S1/2

Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4, N1/2SE1/4NW1/4,
S1/2;

Sections 12, 13, 14;

Section 15: N1/2, N1/2N1/2SW1/4, E1/2SE1/4, NW1/4SE1/4, E1/2SW1/4SE1/4

Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4, NW1/4SW1/4NE1/4,
N1/2N1/2NW1/4, SE1/4NE1/4NW1/4, NE1/4SE1/4NW1/4;

Section 17: N1/2NE1/4NE1/4;

Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4;

Section 23: that portion of the N1/2NW1/4 lying west of Chilkat Lake

HAINES STATE FOREST RESOURCE MANAGEMENT AREA
Legal description of that portion west of Chilkoot Inlet.

All lands encompassed by:

U.S. Survey 3708, Tracts A, B and C; excluding U.S.M.S. 2206.

Those Mental Health Lands (MH-153) approved in the State Selection letter from BLM dated August 26, 1974, described as follows:

Beginning at corner No. 1 of this tract which is common to angle point No. 5 of U.S. Survey 3708, thence north $02^{\circ}13'51''$ west 52.639 chains along the survey line to corner No. 2 of this tract which is common to angle point No. 6 of U.S. Survey 3708, thence north $12^{\circ}01'18''$ west 13.346 chains to corner No. 3 of this tract which is common to angle point No. 7 of U.S. Survey 3708, thence north $53^{\circ}57'42''$ west 537.070 chains to corner No. 4 of this tract which is common to angle point No. 7-A of U.S. Survey 3708, thence south $0^{\circ}0'30''$ east 63.06 chains to corner No. 5 of this tract, thence south $53^{\circ}57'42''$ east 542.00 chains to corner No. 1 of this tract and angle point No. 5, U.S. Survey 3708, the point of beginning.

Township 28 South, Range 56 East, Copper River Meridian

Section 29: that portion of the N1/2 lying East of U.S.S. 3708;

Section 34: NW1/4, SE1/4.

Township 28 South, Range 57 East, Copper River Meridian

All.

Township 28 South, Range 58 East, Copper River Meridian

All.

Township 29 South, Range 57 East, Copper River Meridian

Section 36: That portion of Lots 1, 5, 6 and 10 lying east of U.S.S. 3708.

Township 29 South, Range 58 East, Copper River Meridian

All.

Township 29 South, Range 59 East, Copper River Meridian

All.

Township 29 South, Range 60 East, Copper River Meridian

Sections 19 through 36.

Township 30 South, Range 57 East, Copper River Meridian

Section 1: That portion of Lot 1 lying east of U.S.S. 3708.

Township 30 South, Range 58 East, Copper River Meridian

That portion lying east and south of U.S.S. 3708.

Township 30 South, Range 59 East, Copper River Meridian

Sections 1 through 10: All;
Section 12: All;
Sections 14 through 23: All;
Section 27: That portion lying west of the Haines
Corporation Boundary;
Sections 28 through 31: All;
Section 33: All.

Township 31 South, Range 58 East, Copper River Meridian

All.

Township 31 South, Range 59 East, Copper River Meridian

Sections 6 through 8: All;
Sections 16 through 22: All;
Sections 27 through 34: All.

Township 32 South, Range 59 East, Copper River Meridian

Sections 3 through 33: All;
Sections 34 through 36: That portion lying north of the
Tongass National Forest Boundary.

EXCEPTING therefrom the "Alaska Chilkat Bald Eagle Preserve" established
by AS 41.20.550.

PROPOSED ALASKA BALD EAGLE PRESERVE
LEGAL DESCRIPTION

Township 26 South, Range 55 East, Copper River Meridian

- Section 12: that portion within USS 3708;
- Section 13;
- Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4, S1/2SE1/4;
- Sections 24 and 25;
- Section 26: E1/2;
- Section 33: SE1/4SE1/4SE1/4;
- Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4, E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4;
- Section 35;
- Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4, N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4 SW1/4, NW1/4SE1/4SW1/4, NW1/4SE1/4.

Township 26 South, Range 56 East, Copper River Meridian

- Section 7: SW1/4NE1/4, S1/2NW1/4, S1/2;
- Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that portion of the S1/2NE1/4 within USS 3708;
- Section 17: W1/2NW1/4;
- Section 18;
- Section 19: W1/2, SW1/4SE1/4;
- Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4, W1/2SW1/4.

Township 27 South, Range 55 East, Copper River Meridian

Section 2: NW1/4, W1/2NE1/4SW1/4, NW1/4SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, NW1/4SE1/4SW1/4, except USS 3744;

Section 3;

Section 4: NE1/4NE1/4NE1/4, S1/2NE1/4NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4, E1/2SE1/4SW1/4, SE1/4;

Section 8: SE1/4SE1/4SW1/4, S1/2S1/2SE1/4, N1/2SE1/4SE1/4;

Section 9: E1/2, E1/2NW1/4, N1/2NE1/4SW1/4, SE1/4NE1/4SW1/4, NW1/4SW1/4SW1/4, S1/2S1/2SW1/4;

Section 10: W1/2W1/2NE1/4, W1/2;

Section 15: NW1/4NW1/4NE1/4, S1/2NW1/4NE1/4, SW1/4NE1/4, W1/2, W1/2SE1/4;

Section 16: E1/2, NW1/4, N1/2SW1/4, NW1/4SE1/4SW1/4, E1/2SE1/4SW1/4;

Section 17: N1/2NE1/4, NE1/4SW1/4NE1/4, SE1/4NE1/4, E1/2NE1/4NW1/4, N1/2NE1/4SE1/4, SE1/4NE1/4SE1/4;

Section 21: E1/2, E1/2E1/2NW1/4, SW1/4SE1/4NW1/4, E1/2SW1/4, SE1/4SW1/4SW1/4;

Section 22: SW1/4NE1/4NE1/4, W1/2E1/2, W1/2SE1/4NE1/4, W1/2, W1/2E1/2SE1/4;

Section 26: NW1/4NW1/4NW1/4, S1/2NW1/4NW1/4, SW1/4NW1/4, W1/2E1/2SW1/4, W1/2SW1/4;

Section 27;

Section 28: E1/2, E1/2W1/2, E1/2W1/2W1/2;

Section 33: N1/2NE1/4, E1/2SW1/4NE1/4, NW1/4SW1/4NE1/4, SE1/4NE1/4, E1/2NE1/4NW1/4, NE1/4SE1/4, E1/2NW1/4SE1/4, N1/2SE1/4SE1/4, SE1/4SE1/4SE1/4;

Section 34;

Section 35: NW1/4NW1/4NE1/4, S1/2NW1/4NE1/4, SW1/4NE1/4, NW1/4SE1/4NE1/4, S1/2SE1/4NE1/4, W1/2, SE1/4;

Section 36: W1/2SW1/4SW1/4.

Township 28 South, Range 55 East, Copper River Meridian

- Section 1: S1/2SW1/4NW1/4, SW1/4;
- Section 2;
- Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4, SE1/4NW1/4,
NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4;
- Section 4: E1/2NE1/4NE1/4;
- Section 10: that portion of Mosquito Lake;
- Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4, SE1/4SE1/4 and that
portion of Mosquito Lake in the SW1/4, except USS 3431;
- Section 12;
- Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4, NW1/4NW1/4NW1/4,
NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4;
- Section 15: that portion of Mosquito Lake;
- Section 19: Lot 13;
- Section 24: E1/2E1/2, NE1/4NW1/4NE1/4;
- Section 25: Lots 9 through 11 and 16;
- Section 26: that portion of Lot 5 and NE1/4NW1/4 south of the Haines
Highway and Lots 1, 12 and 17;
- Section 27: Lots 3 through 8, 10, 13, 18, 19 and 22;
- Section 28, except S1/2NE1/4SW1/4, S1/2S1/2, S1/2N1/2SE1/4 and that
portion north of the Haines Highway;
- Section 29, except S1/2S1/2S1/2, NE1/4SE1/4SE1/4 and Lots 9, 14, 15 and
18;
- Section 30: Lot 11 and N1/2NE1/4SE1/4;
- Section 33: S1/2SE1/4SE1/4;
- Section 34: S1/2S1/2S1/2;
- Section 35: Lot 1;
- Section 36: N1/2N1/2, N1/2SW1/4NE1/4, NE1/4SE1/4NW1/4 and Lot 5.

Township 28 South, Range 56 East, Copper River Meridian

- Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4, SW1/4SE1/4NW1/4,
W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4, NW1/4SW1/4, S1/2SW1/4,
SW1/4SW1/4SE1/4;
- Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4;
- Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4, SW1/4SE1/4NE1/4, W1/2, SE1/4;
- Section 19;
- Section 20: W1/2W1/2;
- Section 29: Lots 8 through 11;
- Section 30, except Lots 1, 4, 5, 8, 15 through 17 and the NE1/4SW1/4;
- Section 31;
- Section 32, except USS 991, USS 2455 and Lots 1, 2 and 24;
- Section 33: S1/2 except USS 2455 and Lots 18 through 21;
- Section 34: Lots 1, 2, S1/2NE1/4SE1/4, W1/2SW1/4SE1/4, SE1/4SW1/4SE1/4.

Township 28 South, Range 57 East, Copper River Meridian

- Section 22: NE1/4SW1/4, E1/2SE1/4SW1/4, W1/2NW1/4SE1/4, SW1/4SE1/4,
NW1/4SE1/4SE1/4, S1/2SE1/4SE1/4;
- Section 26: W1/2SW1/4NW1/4, W1/2W1/2SW1/4;
- Section 27: E1/2E1/2, N1/2NW1/4NE1/4, SE1/4NW1/4NE1/4;
- Section 34: NE1/4NE1/4, NE1/4SE1/4NE1/4;
- Section 35: SW1/4SW1/4NE1/4, NW1/4NW1/4NW1/4, S1/2NW1/4NW1/4, S1/2NW1/4,
E1/2SW1/4, NW1/4NW1/4SE1/4, S1/2NW1/4SE1/4, S1/2SE1/4,
SW1/4NE1/4SE1/4.

All of the above are subject to federal power site
withdrawals.

Township 29 South, Range 55 East, Copper River Meridian

Section 1: S1/2NE1/4NE1/4, E1/2SW1/4NE1/4, N1/2SE1/4NE1/4,
SW1/4SE1/4NE1/4, NW1/4NE1/4SE1/4, NE1/4NW1/4SE1/4.

Township 29 South, Range 56 East, Copper River Meridian

Section 1;

Section 2: N1/2NE1/4, E1/2SE1/4NE1/4, NE1/4NW1/4, E1/2NE1/4SE1/4,
NE1/4SE1/4SE1/4;

Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4, SW1/4,
W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4, W1/2SE1/4SE1/4,
SE1/4SE1/4SE1/4;

Section 5: E1/2, N1/2NW1/4, SE1/4NE1/4SW1/4, E1/2SE1/4SW1/4;

Section 6: N1/2N1/2NE1/4, NE1/4NE1/4NW1/4, S1/2NE1/4NW1/4,
S1/2NW1/4NW1/4, N1/2SW1/4NW1/4, NW1/4SE1/4NW1/4;

Section 8, except SW1/4SW1/4 and S1/2SE1/4SW1/4;

Section 9;

Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4, S1/2NW1/4, S1/2;

Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4, N1/2SE1/4NW1/4,
S1/2;

Sections 12, 13, 14;

Section 15: N1/2, N1/2N1/2NW1/4, E1/2SE1/4, NW1/4SE1/4, E1/2SW1/4SE1/4;

Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4, NW1/4SW1/4NE1/4,
N1/2N1/2NW1/4, SE1/4NE1/4NW1/4, NE1/4SE1/4NW1/4;

Section 17: N1/2NE1/4NE1/4;

Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4;

Section 23: that portion of the N1/2NW1/4 lying west of Chilkat Lake.

Township 29 South, Range 57 East, Copper River Meridian

- Section 4: NW1/4NW1/4SW1/4, S1/2NW1/4SW1/4, SW1/4SW1/4, NW1/4SE1/4SW1/4
S1/2SE1/4SW1/4;
- Section 5: SW1/4NE1/4, NW1/4SE1/4NE1/4, S1/2SE1/4NE1/4,
SW1/4NE1/4NW1/4, W1/2NW1/4, SE1/4NW1/4, S1/2;
- Sections 6, 7, 8;
- Section 9: W1/2W1/2NE1/4, SE1/4SW1/4NE1/4, SW1/4SE1/4NE1/4, NW1/4, S1/2;
- Section 10: Lot 1, W1/2E1/2SW1/4;
- Section 14: that portion west of Haines Highway;
- Section 15: W1/2NE1/4, W1/2, SW1/4SE1/4, Lots 11 and 12;
- Sections 16, 17, 18;
- Section 19: NE1/4NE1/4NE1/4;
- Section 20: NE1/4, E1/2NW1/4, NW1/4NW1/4, E1/2SW1/4NW1/4, NE1/4SE1/4,
N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4;
- Sections 21 and 22;
- Section 23: that portion west of the Haines Highway;
- Section 25: that portion west of the Haines Highway;
- Section 26: that portion west of the Haines Highway;
- Section 27;
- Section 28: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4, N1/2SE1/4NW1/4,
NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4;
- Section 34: NE1/4, NE1/4NW1/4, NE1/4SE1/4NW1/4, NE1/4SE1/4,
NE1/4NW1/4SE1/4, E1/2SE1/4SE1/4;
- Section 35;
- Section 36: that portion west of the Haines Highway.

Township 29 South, Range 58 East, Copper River Meridian

Section 3: S1/2SW1/4NW1/4, SW1/4NE1/4SW1/4, W1/2SW1/4, SE1/4SW1/4, S1/2SW1/4SE1/4;

Section 4: SW1/4NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4, NW1/4, NE1/4SW1/4, SE1/4;

Section 9: NE1/4NE1/4;

Section 10: N1/2, E1/2SW1/4, E1/2W1/2SW1/4, NW1/4NW1/4SW1/4, SE1/4.

All of the above subject to federal power site withdrawals.

Township 30 South, Range 57 East, Copper River Meridian

Section 1;

Section 2: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4, SE1/4NW1/4NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4, N1/2SE1/4, N1/2SE1/4SE1/4;

Section 3: NE1/4NE1/4NE1/4;

Section 12: E1/4, NE1/4NW1/4, NE1/4NW1/4NW1/4, NE1/4SE1/4NW1/4, W1/2NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2E1/2SE1/4, NW1/4SE1/4SE1/4;

Section 13: NE1/4NE1/4NE1/4.

Township 30 South, Range 58 East, Copper River Meridian

Section 6: that portion west of the Haines Highway;

Section 7: that portion west of the Haines Highway;

Section 8: that portion west of the Haines Highway;

Section 16: that portion west of the Haines Highway;

Section 17: that portion west of the Haines Highway;

Section 18: E1/2, N1/2NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4.

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PUBLIC HEARINGS

PROPOSED NATIVE RESERVATION
FOR

THE INHABITANTS OF THE VILLAGE OF KLUKWAN
Held at
Klukwan, Alaska
October 15, 1946

Meeting called to order - 10:30 o' clock A. M.
Adjourned - 6:30 o' clock P. M.

Hearings held at Klukwan, Alaska, October 15, 1946, before Presiding Officer Irwin W. Silverman, Chief Counsel, Division of Territories and Island Possessions, Department of the Interior, on Land Order No. 324, 11 FR 9142, pursuant to notice published on August 22, 1946, 11 FR 9144 and Petition of Natives of Klukwan for a reservation.

Representatives of the Office of Indian Affairs and the Natives:

Don G. Foster, General Superintendent, Alaska Native Service,
Juneau, Alaska

George W. Folta, Counsel at Large, Interior Department, Juneau,
Alaska

Representative of the Canned Salmon Industry, Inc.:

Peter F. Gilmore, Juneau, Alaska

MR. SILVERMAN:

My name is Irwin Silverman, Chief Counsel, Division of Territories and Island Possessions, Department of the Interior. I have been designated by the Secretary of the Interior as examiner to conduct hearings to determine whether a certain area of land as described by Public Land Order No. 324 should be withdrawn from the public domains for use by the Natives of Klukwan and vicinity. I should like to read the proposed order. This order appeared on the Federal Register August 22, 1946.
(Reads the Land Order.)

We have a list of persons who wish to testify. I should like to hear from those first. I should also like to reserve this day as a day for the residents of Klukwan.

MR. GILMORE:

My name is Peter F. Gilmore, and my address is, Alaska Salmon Industry, Inc., Juneau, Alaska. I am authorized to appear and do appear in this proceeding on behalf of the Alaska Salmon Industry, Inc. as an observer and possible protestant. The Alaska Salmon Industry, Inc. is a non-profit trade organization composed of concerns and individuals engaged in the business of catching and processing salmon in the Territory of Alaska. We are not familiar with the boundaries of the proposed reservation or the legal basis for its creation except that we understand the general authority for its creation is to be derived from the Alaska Amendment to the Wheeler-Howard Act which was adopted on May 1, 1936. If the purpose of this hearing is to assist the Secretary of the Interior in determining matters of policy in his own Department we offer no protest but we do not think that the Secretary of Interior is authorized by law to create any reservation pursuant to the Act of May 1, 1936, which includes (1) navigable waters (2) beds

of navigable streams (3) tide-lands or ocean bottoms situated below the line of mean high tide (4) exclusive fishing rights. Nor do we think the Secretary of the Interior has any legal authority pursuant to Act of Congress or otherwise to recognize any Indian title in the natives of Alaska to any up-lands, tide-lands, or navigable waters, based on aboriginal use and occupancy. If any of these things are contemplated we desire to enter a protest.

MR. FOLTA:

First I offer in evidence the statement of James King, one of the witnesses, taken in June 1946 with reference to the use of land by the Natives of Klukwan and vicinity. Now, in addition to offering a copy of that statement, I'll examine the person making the statement on the need of the proposed or some reservation. This offer is made with the reservation of the right to substitute for the copies of the statements which will be placed in evidence, the originals of those statements now on file in the Office of Indian Affairs in Chicago or Washington and the right to withdraw the copies upon such substitution so that the copies may be returned to the files of the General Superintendent, Alaska Native Service at Juneau. Accordingly, I offer in evidence a copy of the statement of James King.

(See Exhibit "B" attached hereto. The statement was examined by Mr. Gilmore.)

(CYRUS PECK, representing the people of Klukwan, was introduced at this time.)

MR. SILVERMAN: Any questions, Mr. Peck?

MR. PECK: No questions.

MR. SILVERMAN: Any objections?

MR. PECK: No.

MR. FOLTA: We will call James H. King

MR. KING was introduced as a witness and testified as follows:

MR. KING:

We were raised and born here, right off in the beginning. We didn't come from Europe or any other place. We aren't foreign people. We were born here on Alaskan soil. Our fathers didn't come from Europe, Russia or Finland or any other place. We are the people raised on this soil. That is the reason we call this village Klukwan. Klukwan means from generation to generation. It is Alaska. We don't come from foreign countries. I want you people to understand that we were raised here. The first whitemen to come to Alaska were the Russians. They were the first people to discover Alaska. They sold their rights to the United States--their rights to rule. They didn't sell the land to the United States. They sold the rights. For one reason this thing came up. We knew that we were losing out. Every individual of Indian finds out for themselves they are losing

their rights. Now this is our land today. We know we are losing our hunting grounds and we are losing our fishing rights. That is the only thing we make our living from-- our hunting, fishing and trapping and we get our living from the land. There are several of our people who have been chased off the land where we used to get our berries and game. This place is close to us but we can't get nothing out of there. It is because the Wildlife Service has closed that part of our hunting ground and you people all know that. That is one reason the Indians of Klukwan asked what is left to have put aside by the Congress for us to use. Isn't that right?

MR. FOLTA:

That is right.

MR. KING:

There is a place right around here at 28-mile post. There is good timber ground there. The homesteaders got in there. They are setting up homesteads on the best part of our timber land. We can't get a stick out of there for ourselves to burn. One of our men went up there last year. There was a dead tree and he got that wood for himself. When that homesteader found out that he was taking some wood he warned him not to take a piece of wood out of that homestead. Why does this homesteader chase us off? Because the Land Office has given the rights to own that land to the homesteader, and that is why. He isn't entitled to it as he claims. Why not give us the same as the whiteman when we ask for a piece of land? You people can see for yourself. (Mr. King examined the map, Exhibit "A".) There is the Chilkat running up to the boundary of British Columbia. This part of Klukwan River has been closed to us. This part is already taken up. This part is what we want today. We want that for a reservation for the people of Klukwan.

MR. SILVERMAN:

MR. KING:

How much land is that?

Twenty-eight miles up to the Canadian border. The people of our earlier generation have been doing trapping up this river. On the other side of the river the Indians from Haines have been doing their trapping. On the main Chilkat here and up to the lake here (still pointing to the map) our grandfathers and forefathers have been dependent on that ground for their living and fishing. They get the most for their winter supply and they get their berries for their winter supply. Up on the mountains we get our best blueberries. Therefore, we are asking for that. If the whiteman comes and takes that, where can we get our winter supplies? There is just one simple reason we are asking for that ground to be reserved for the Indians. Supposing we lost that ground. Where can we get our wood for our winter supply? Where can we get our meat? Where are we going to get our other supplies? We can't live on cold and hot air. You all know that. Why not give us the rights to put that land aside so that the people of Alaska can use it? This is what we are asking for today. We are not stingy with any man that has Indian blood in him, even from Haines. They are entitled to come up here and hunt with

with us. The same with us, we can be done with them. That is about all I can say just now.

MR. WASHBURNER, interpreter, asked the following questions:

MR. WASHBURNER: I would like to ask, supposing the Klukwan asks for a certain portion of land regardless of size, will it come to the Congressmen to say that is the proper thing for them to claim that much land? Will the Congressmen let it pass and have the whole land that is wanted by our people for a reservation?

MR. SILVERMAN: This is a proceeding here for the Secretary of the Interior. It is to determine whether the land as proposed, about 12,000 to 13,000 acres be put aside for the exclusive use of the Natives. This is not a proceeding for the Congress to decide. For that reason I am holding the hearing.

MR. WASHBURNER: Does the Secretary have power to grant that?

MR. SILVERMAN: Yes, he has.

MR. FOSTER: Mr. Silverman, I would like to put a statement in here.

MR. SILVERMAN: That would be quite proper.

MR. FOSTER: I am Don C. Foster, General Superintendent, Alaska Native Service, headquarters in Juneau. I want to make a statement explaining what a reservation is, and to clear up some of the ideas concerning reservations which are wrong. Under the treaty by which the United States purchased Alaska from Russia a section in the treaty states that the rights of the Native people of Alaska to their lands and possessions should be protected. In 1834 the Congress passed another act which provided for the protection of the land rights of the Natives of Alaska. In 1900 there was still another law passed which provided for certain protections and rights to the land rights of the Natives of Alaska. In 1936 the Indian Reorganization Act which first provided certain protections and rights and privileges of the Indians of the United States was amended to give the same rights and protections to the Natives of Alaska. Under this Act the Secretary of the Interior was given the power to set aside certain lands for the protection and rights of the Natives of Alaska. Now, unfortunately, those land areas that have been set aside for the use of Native groups have been called reservations. Actually, what that term reservation is is simply setting aside and giving to your people a security title collectively and not individually for the land that you say is yours. That security title gives that land the protection of the Federal Government to your people as a whole and simply means that no outsider can come along and kick you off. A reservation does not affect the liberties of the people of that reservation in a way to change their method of living as it is today. The people can go where they please, when they please and how they please, and the only Indian Service employes that will be in charge of that reservation will be your school teacher, and whenever you don't want that school teacher all you

have to do is say so and we will move him out and you can have a territorial school. A reservation does not mean that there will be an Indian Service agent in charge. We have a number of reservations scattered all over Alaska and there isn't a single one of these reservations with a Government agent in charge. The only Federal employee there is the school teacher. Under the Reorganization Act, or even where the people are not organized, under that section you have that right to select your own council and handle your village affairs as you have been doing at the present time. It will effect that procedure in no manner whatsoever. Now the matter of controlling your own lands is actually why you have that reservation set aside. It is a matter of protecting those lands which actually have belonged to you from time immemorial. The establishment of a reservation does not mean that you can't allow outsiders to build hotels or other businesses. It simply means that your council would have control over any business that would come in on your reservation. Mr. Wananaker, it just comes down to what James King said a while ago. James King said, "We want to handle our own land. We want to control our own land." That is just what it means. You'll still have the right to vote as you have today. You'll have the right to enter into territorial government and, we hope in the not too distant future, into statehood government just as you have today. My last statement is simply this. It gives you a security title to lands which are rightfully yours. It gives you a free opportunity to manage that land and anyone outside of your people that want to put up businesses or commercial activities of any kind.

CYRUS C. PECK was introduced as a witness and testified as follows:

MR. PECK:

My name is Cyrus C. Peck. I am a layman of the Presbyterian Church. There is one question that arose in my mind and I know that it arose in the minds of all the people. As we talk along the line of this reservation we want you to know that we were very much in the dark about the light of this hearing. We didn't know about this hearing until about two days ago. I believe the people here in Klukwan are as much up in the air as I am. Concerning this word reservation-- I know it can be interpreted in many ways. We stood the ground that we didn't favor any reservation that would hinder the rights of our people and our children. We didn't favor any reservation that would prevent the progress of the Territory. If Klukwan is reserved, will it prevent any business from coming into Alaska?

MR. FOSTER:

Your Council would have the final say on businesses which would be established on the reservation. It wouldn't change the legal aspect of your Council here whatsoever.

MR. PECK:

We would be under the direction of the Office of Indian Affairs?

MR. FOSTER:

Only to a limited extent. As far as the Office of Indian

Affairs is concerned, that is merely a formality.

MR. PECK:
MR. FOSTER:

The payments for the land go to the Juneau office/
That is correct.

MR. PECK:

We stood on the ground of the resolution, 24-A and 24-B, of the Alaska Brotherhood Convention held at Eke in the year 1944. If we do go on a reservation and if we should want to lease our land out and if the Office of Indian Affairs says no, that is stopping the advancement of Alaska, is it not? can

MR. FOSTER:

No, you have the right of appeal over our head. You go right to the Commissioner of Indian Affairs or even to the Secretary of the Interior.

MR. PECK:

Another question I would like to ask. If this country becomes a state, what will the reservation mean?

MR. FOSTER:

It doesn't change it at all.

MR. PECK:

Will the Natives have to pay a tax to the state?

MR. FOSTER:

On a reservation?

MR. PECK:

Yes.

MR. FOSTER:

No.

MR. FOSTER:

Apparently the question has come up that if the people have a reservation, the old people would lose their pensions. That is not true. It in no way effects your pensions.

MR. GILMORE:

May I ask you a question, Mr. Foster?

MR. FOSTER:

Certainly.

MR. GILMORE:

What pensions are you discussing? Is this a matter of a territorial pension?

MR. FOSTER:

No, I am talking about the social security pension.

MR. FOLTA:

Mr. King, do you understand the boundaries of the proposed reservation? Have you seen a map or sketch of the proposed reservation?

MR. KING:

No.

MR. FOLTA:

You have never seen it before?

MR. KING:

No.

MR. FOLTA:

(Pointing to the map.) The proposed reservation boundaries are shown here in red. Is this area too small?

MR. KING:

It is too small.

MR. FOLTA:

Do you think the people of Klukwan should have an area that would include Chilkat River?

MR. KING:

That is just exactly the way it should be. Here is our main hunting and trapping ground beyond the lake on the south side of the lake. There is plenty of good berries that grow up and around here. This area is something like an island. Therefore, we are asking for this on the south side of the lake on both sides.

MR. FOLTA: Mr. King, what I want to find out is just what you think the western boundary should be. Would you follow the Kishini River?

MR. KING: That is what we want.

MR. FOLTA: How many people live at Klukman and in this area that you think they ought to have?

MR. KING: Probably about a hundred.

MR. FOLTA: Do you know about how many people live in Klukman?

MR. KING: All you see here today.

MR. FOLTA: This area that you want, is that the area that your people, your fathers and ancestors used all the time?

MR. KING: Yes, sir, from generation to generation they used this area for hunting and trapping and fishing and berrying.

MR. FOLTA: You mean to say that now you can't hunt as much; you can't fish as much; you can't pick berries as much?

MR. KING: Yes, sir, because there are so many homesteaders that got in the way of our trapping.

MR. FOLTA: You mentioned these homesteaders along the river. Just tell the judge how their being along the rivers and streams has effected you.

MR. KING: My statement is going to be this. During our trapping season we don't travel on the mountains. The fur follows the foot of the mountains. Therefore, the homesteaders are right at the foot of the mountains where they have the cabins. That is where we used to trap. Therefore, when the homesteaders come there they entirely shut off the hunting there.

MR. FOLTA: Do you still get as many fish as you used to?

MR. KING: Not as many as we used to on account of the Southeastern Alaska traps.

MR. FOLTA: Can you tell us about how many homesteaders there are in this area? Not in the proposed area but in the area that you claim you want?

MR. KING: At least about ten homesteaders up on Kishini.

MR. FOLTA: Have some of these just come in lately?

MR. KING: They are coming in lately too.

MR. FOLTA: Are you afraid that there will be other homesteaders coming in?

MR. KING: We know that they are coming in right along.

MR. FOLTA: Mr. King, is it harder for your people to make a living now than it was?

MR. KING: It is.

MR. FOLTA: The more white people that come in, the harder it will be?

MR. KING: Yes, sir. The more homesteaders coming, we will soon be chased out of our own lands. For that reason we are asking for the reservation.

MR. FOLTA: Is the population smaller now than it used to be?
 MR. KING: Smaller, yes.

MR. FOLTA: Why?
 MR. KING: We don't know why. The death rate is higher.

MR. FOLTA: Are some of the young people leaving Klukswan?
 MR. KING: There are some leaving to go to southeastern Alaska to make a living.

MR. FOLTA: The old people stay here?
 MR. KING: That is right.

MR. FOLTA: Mr. King, do you know how the proposed boundaries were decided upon?
 MR. KING: I do not know.

MR. FOLTA: Did you sign the petition?
 MR. KING: I never signed the petition. The only time I saw it was when it was in Juneau at the Office of Indian Affairs.

MR. FOLTA: You never signed the petition?
 MR. KING: No.

GUS KLANEY was introduced as the next witness and made the following statements:

I haven't gotten very much to say but there are two particular things you mentioned. Those are the lake and the size of the area. That is what I would like to talk about. We do not try to fool around with our land. We like to see anything living on it to be increased for our own benefit. If we have to say anything about it we want the people to listen to our request if we are making it. A good many of them have been trying to claim the Salween Lake across here. We are trying to protect our own right and our own land as far as we know how and as far as we understand. The lake across here we have been always trying to protect it as much as we can and the river as a whole and when the highway was being built through here it was built along the river and that disturbed many things. The fish recognize many things. They know when they are going in their own river. When the road came through the fish didn't recognize their own place. A rock fell in the river when they were building the highway. These things and many others hurt the salmon spawning. All these things here we have been trying to protect as much as we know how and just the way God created it and things go on in a natural way. Two surveyors have been coming into this country surveying any land they want to, any place they want to. Any person coming in here exploring gives his own name to his discoveries. We have our own names. Many things are being changed. We don't understand your map but we know our own land we have names for our own land. All these commercial and fishing regulations have been in the hands of the white people and they have regulated any way they think for their own benefit. It is just your people who make things that way. You don't try to protect the salmon but are looking out for your own commercial benefits and not for the benefit of the fish as they spawn in a natural way. When the commercial people say that they want fishing this year, the salmon has already come to the spawning ground and shouldn't be disturbed. That is where the whole mistake is--to have fishing for commercial purposes. I'll have just this much. I have many things to say but I can say just this at present.

JOHN SHERTY was introduced as a witness and testified as follows:

We have been wondering just how we can go about this. We have been hearing about it for many years now and we just don't know how we are going to get possession of anything. That is why I am glad that you are here to hear us. I will explain my own feelings, what feeling I have about this business. I have been hearing different things about this reservation. I am now 56 years old. Ever since I have been a boy I have heard all this rumor going about. I haven't the least idea about what this occasion is. I have poor hearing. I never went to school and I understand our way so I think I have the right to express my own opinion on what we have to speak on today. You are here for that purpose--to hear from Indian himself, to hear what he has to say for himself. You want to get a full understand of what an Indian really wants and that is the purpose you are here to hear. You want to take with you when you leave this place just how much claim we want to make so that you will have in your hands what you really wanted. Everything should be formed in a proper way, in a way that will help and benefit us. We have no authority to help us to get our claims as we want it. We have been trying for many years to get our claim in the proper way, the way we should really have to claim it. We never get it right. We understand the way you explained to us and we think it is going to be a good thing. We have been here for many years, for generations and we have been on our own land. We know our own land, how it is situated and everything else. There are about six different branches of the river which comes to the main river and runs to salt water. All our ancestors and forefathers have claims on those branches. That is the way they made their living. They got berries and animals from the mountains. Today we can't go out just as we used to because of this Game Law and other things. We can't go out any time we want and get the meat we want. Everything is closed to us and we are not free as we were to get meat as we once did. For generations our people have had their own trials and troubles. There was no law then. They settled their own troubles. They have their own weapons. They have their own ways of settling their own troubles. That is our way of doing of our grandfathers. This is the whole reason of our putting in our claim so that nobody can crowd us out of our own land. We want to make the same claim as our forefathers have made. We are trying to protect it in many ways, the hunting ground and many things that we used to do on it. We don't try to fence out anything or make any survey lines. It is the way our forefathers make their claim. The two mountains on both sides are our fence. The area inside is ours. The surveyors come here, probably Canadian, and mark out their land. We never had it like that. Our boundaries are the range of mountains on either side of the valley. People are free to go ahead and get what they want from anywhere in the land whether it is berries, salmon, furs, or animals. They get it whenever they want. I have a trapping ground up here which somebody mentioned. That is my brother's trapping ground. He was killed there by a snow slide. I used to have a little shack there and I wanted to trap in that trapping ground. I had a shack there and I trapped there steadily for four years. I work in the C.C.C. and for four or six years I didn't trap at all. Now I would like to have it as the way it has been to me through my forefathers. We all have a trapping ground in the whole valley and each family had their own claim to the trapping ground. Chilkat Lake is really our source of our food supply and where we get our fish. We don't want any people running around here with outboard motors or any kind of power motor on that lake. Airplanes can land on any lake they want to. We don't want anything like that. It will spoil the spawning of the fish in the lake. The salmon have to spawn in a natural way; above anything else, salmon must spawn in a natural way.

MR. FOLTA:

I want to cross-examine the two witnesses.

MR. SILVERMAN:

You may do so if you wish, but I believe that Mr. Katsck would like to speak first and then you can examine the three witnesses

after Mr. Katzek is through.

DAN KATZEK was called as a witness and testified as follows:

The name that applied to us is Indian. We have our own way of living and we do not understand your way. We understand the people who made this so-called map which you spread before us are educated in their own way. They understand their own way of living. We understand ours. Governor Brady was the first governor of Alaska to come around here. Our chief then had a talk with him. This chief asked him what nation is the strongest in the world, Russia or Great Britain. Governor Brady showed us the power we now have in the Government. He wanted my people to be under the influence of the Government at Washington, U. S. If a white man is honest with us, we are willing to take his part. We have power in our own way so that we are not afraid to talk to anybody. The reason why we say we have power is because we are under the United States. One great reason we are great is because the United States is behind us so when they call upon our young men to take part in this last war they were willing to go any place. They promised to go and fight and protect their own land and were willing to be killed like any other soldier. You are here to help us and for this reason we want to tell you our own part of it. We are not afraid to commit ourselves with the Government because we are Americans too. I say just this much now and if I make any mistake in my statement, just pardon me.

Cross-examination of GUS KLANEY by MR. FOLTA:

Q. Gus, you understand the testimony given by Mr. King that the reservation was too small?

A. Yes, I think it is too small.

Q. Did you sign the petition for this proposed reservation?

A. Yes.

Q. Why did you sign it if it is too small?

A. I didn't know the size of the proposed reservation.

Q. Nobody explained to you how small this proposed reservation was going to be, is that correct?

A. No, nobody explained it to me.

Q. Do you know how the boundaries of this proposed reservation shown in red on the map were decided upon?

A. No.

Q. When did you find out what the proposed boundaries were?

A. They told us in a hurry that if you don't hurry with this reservation, somebody is going to make a claim.

Q. You haven't answered my question. When did you first find out that these were the boundaries of the proposed reservation?

MR. KING interrupted at this point and said:

Mr. Folta, I think I can answer that for him. Nobody knows anything about this reservation until this fall when I went to the Indian Office at Juneau.

John Willard, Frank Lee and myself were in Juneau at that time. Those were the only three people that ever saw that reservation. That was in September, on the third day of September. That was the only time that anybody knew anything about that red line around the lake. Therefore, I suggested to Mr. Foster that I did not agree with the idea at the time. Nobody in Klukwan has seen that. As far as I understand on the north and south side of the lake is what the people want. The man that made that map made a great mistake in taking only the north side of the lake.

Q. Mr. King, did you tell the people of Klukwan when you came back from Juneau what the proposed reservation's boundaries were?

A. Not all of them. Just the young people.

Q. I am just trying to find out now when these people found out this proposed reservation was too small.

A. Right now.

Q. Just now?

A. Yesterday when we had our meeting.

Q. Mr. Klancy, do you know whether the people of Klukwan want a reservation?

A. No, I don't agree because I had never seen the proposed reservation.

Q. That is not my question. Do you think the people of Klukwan want a reservation of any kind?

A. I cannot answer you yes because I do not understand.

Q. Do you favor a reservation? If so, how big do you think it should be?

A. If I should agree on size of reservation, it goes up to the Interior beyond the boundary line to the cannery.

Q. Mr. Klancy, you think the reservation should be larger than that proposed by Mr. King?

A. Yes.

Q. Don't the Haines people claim the land on this side of the point?

A. No.

Q. It is necessary for the Klukwan to have a reservation that large in order to make a living?

A. Yes.

Cross-examination of JOHN SHORTY by MR. FOLT

Q. Mr. Shorty, you heard Mr. King's statement here this morning, didn't you?

A. Yes.

Q. Do you agree with him that any reservation should be as large as he has said?

A. Yes.

Q. Do you agree with him for the same reasons that too much of the land is being taken up in homesteading and the hunting, fishing and trapping are being interfered with?

A. Yes, I want to extend the reservation lines so that I can use my trapping grounds as I used to.

Q. When did you first find out that the proposed boundaries were those indicated on this map?

A. I have never seen the map.

MR. KING: I don't think any of these people have seen that map. This is the first two hours that the map has been shown to the people.

Q. Mr. Shorty, when did you first find out what these proposed boundaries are?

A. I have never known about this where you have made a drawing with the red lines or anything about it.

Q. You didn't hear Mr. King explain it sometime after he returned from Juneau?

A. No, I have never heard it.

Q. Do you know whether the people of Klukwan are against the proposed reservation because it is too small?

MR. KING: I think it is very clear there what I have suggested to the people. Nobody has ever seen that map before this morning. As far as that goes they ask for a reserve of the whole lake, north and south sides, because it is of benefit to them.

MR. SILVERMAN: If the land is reserved as proposed, of what benefit would it be?
MR. KING: It will be of little help. There is little game there.

MR. SILVERMAN: Is there any fish there?

MR. KING: Not on the hill.

MR. FOLTA: After you found out what the proposed boundaries of this reservation were to be and you told the people, did the people take any action at any meeting?

KING: I did. I told some of them after I came from Juneau what the reserve ground was as I did point out to you this morning. It is of no benefit to us and so I will not agree with the reserve grounds but I side with the Indians of Klukwan. We should have the south side of Chilkat Lake, the whole south side, including the north.

MR. FOLTA: Will you indicate the minimum requirement so that the people of Klukwan would be able to live at a standard of living that they now enjoy?

MR. KING: Yes, sir, if we had the reservation as was suggested earlier.

MR. FOLTA: With that they could have a standard of living as they have now?

MR. KING: Yes.

MR. FOLTA: Mr. Shorty, before you put your name on the petition did anybody explain what the boundaries were?

MR. SHORTY: Nobody told me the size.

MR. FOLTA: Mr. Katsok, I notice your name is also on this petition. Did anybody explain the boundaries of this reservation before you signed it?

MR. KATZEK: It was drawn out on the blackboard over there. (Points to blackboard in schoolroom where hearing was conducted.)

MR. FOLTA: Did you understand the boundaries as they were explained to you, as they are now shown on Exhibit A?

MR. KATZEK: I can read for myself and see the figures.

MR. FOLTA: Will you step over here and see if the map here corresponds with the picture drawn on the blackboard?

MR. KATZEK: I don't know how it is. All I could see was what was on the blackboard.

MR. FOLTA: Did you think that the sketch on the blackboard showed a reservation that would be big enough?

MR. KATZEK: Mrs. Perkins was the woman that made the sketch. She told the people that they would have no chance on any land unless we have a reservation.

MR. FOLTA: Did you understand, Mr. Katsok, that the reservation would be bigger than it appears on this map?

MR. KATZEK: This woman (Mrs. Perkins) was married to a Native man. She did take the issue rather personal. Afterward we understood that she wasn't doing the right thing when she took action.

MR. FOLTA: Do you mean that you just didn't understand the area that was described by her?

MR. KATZEK: I understood what she explained to us then. She said that the reservation they would make now would be added to later.

MR. FOLTA: Then I am to understand that she clearly described the area but that it was supposed to be a temporary arrangement and would be added to later?

MR. KATZEK: Yes.

MR. FOLTA: How big a reservation do you think the Klukwan people should have?

MR. KATZEK: I don't even know how many miles the proposed reservation was.

MR. FOLTA: How big a reservation should the people of Klukwan have?

MR. KATZEK: It isn't big enough. It should extend farther up.

MR. FOLTA: Do you agree with the area described by Mr. King?

MR. KATZEK: Yes, I agree.

MR. FOLTA: Mr. Katsok, after the people understood from Mrs. Perkins' statement that this was to be temporary and there would be an addition made, when did you find out that that was not correct?

MR. KATZEK: I never heard anything else but what I heard this morning.

MR. FOLTA: When Mrs. Perkins explained this, did she call a meeting or did she call you in one by one?

MR. KATZEK: Many of the people were away at the time and they were all busy. All the people never really understood what it was all about.

MR. SILVERMAN: It was on that basis that the petition was signed?
MR. KATZEK: Yes.

MR. FOLTA: Besides the reasons stated by Mr. King that the people here should have a reservation because of interference with your hunting, trapping and fishing, do you know of any other reason why the people should have a reservation?

MR. KATZEK: For one reason that we cannot trap minks the way we used to. Someone was in the business of mink farming. The people seem to recognize that the whites don't care if we starve or not. These mink farmers are getting all the salmon they want.

MR. FOLTA: Are you referring to mink farmers within the land the Klukwan people claim?

MR. KATZEK: No, the outside.

MR. FOLTA: Mr. Katzek, as I understand it, an additional reason why you think the people of Klukwan should have a reservation is mismanagement of the canneries. Have you any additional reasons to give why the people of Klukwan should have a reservation?

(The question was unanswered because the interpreter explained that the witness did not understand the question. Mr. Folta then restated his question.)

What I want to ask is this additional question to make it clear. Do I understand it that an additional reason is mismanagement of the fisheries; the failure of the Fish and Wildlife Service to control the fishing?

MR. KATZEK: No.

MR. FOLTA: Then as I understand it, you have no other reasons for saying the Klukwan people should have a reservation in addition to the reasons given by Mr. King.

MR. KATZEK: Yes.

MR. WILLIAM H. SPARKS interrupted the proceedings and made the following statement:-

Mrs. Perkins did explain this reservation idea to the people here, but not too clearly. When this road went through the back here they got in a hurry about this proposed reservation. What was drawn up is of no value to the Native people.

MR. FOLTA: Somebody made it up in haste?

MR. SPARKS: There were three teachers here in a short time after Mrs. Perkins quit. This all came up in the middle of that.

MR. FOLTA: Do you know who prepared this petition?

MR. SPARKS: Mrs. Perkins might have signed.

MR. FOLTA: It was said that this was done here at a meeting of the people.
MR. SPARKS: I spoke to Mrs. Perkins in Haines last night and she said that she didn't know anything about it.

MR. FOLTA: Did she tell you that?

MR. SPARKS: Yes.

MR. FOLTA: Did she tell you last night at Haines that she misinformed the people?

MR. SPARKS: She didn't know anything about it. Mrs. Lando, one of the teachers, got a piece of paper in here to sign. She had to get it out in a hurry. This piece of land here isn't of any value to the people.

MR. SILVERMAN: What is there on the land?

MR. SPARKS: Nothing but gravel.

MR. SILVERMAN: All that area proposed?

MR. SPARKS: All that area proposed.

JOSEPH M. KARKLEN was called as a witness, making the following statement:-

When I first came to Klukwan in 1944 the old people were very much upset about the Chilkat Lake. The old people came to me with all their troubles. They came to me saying that they wanted something done about this lake because it meant so much to them. A man by the name of Sherbeck was up here from Washington, D. C. Jimmy Lee asked that a meeting be called and it was held here in the schoolhouse. They explained the whole thing to the people of Klukwan. They wanted the lake reserved. The understanding that the old people had was that the whole Chilkat Lake was to be reserved for them.

MRS. SPARKS: This hearing is quite an attack on us. I understand that we are supposed to have a thirty-day notice before this hearing takes place. We just heard it from Mr. Karklen when he came in Friday. Besides that, we are supposed to have a copy of the rules and regulations. When the Government schoolteacher was reading this order to us we favored the reserved land. About four years ago when Dr. Dale was here the people of Klukwan asked for an extension of the reservation. That notice that was given James King was the first time we knew about it. We had several meetings here among the Alaska Native Brotherhood and the Alaska Native Sisterhood.

MR. SILVERMAN: The official notice that I have here in my hand is dated August 14, 1946. A telegram was sent to the Governor and the Governor was asked to notify the villages of Barrow and Klukwan.

MRS. SPARKS: I am the President of the Sisterhood. I didn't see any message delivered to us and so our people are just lost today.

MR. SILVERMAN: When do you suggest that I hear who is not here today, tomorrow, or the next day so that I can have their opinion as to whether the land should be set aside for a reservation?

MRS. SPARKS: Mrs. Perkins is in Haines.

MR. SILVERMAN: She know there was going to be a meeting.

MRS. SPARKS: She is not a Native.

MR. SILVERMAN: Is there anybody here in this room now who should be heard on this question? I don't see that the notice is too important at present.

(No response to this question.)

JAMES LEE was called as the next witness and testified as follows upon questioning by MR. POLTA:

- Q. Did you understand all that was said here this morning about this proposed reservation?
- A. I heard all that has been said but I didn't understand all that was said.
- Q. Mr. Lee, here is the proposed reservation marked in red. (Points to the map.)
- A. I had never seen it and didn't know anything about it until this morning.
- Q. Are you able to identify this place shown on Exhibit A from your familiarity with this section of Alaska?
- A. Yes, I would recognize it.
- Q. Are you in favor of this for a reservation for the Klukwan people?
- A. No.
- Q. Why?
- A. I don't favor it unless it is marked out so that it will help us and we will get some benefit out of it.
- Q. Why aren't you in favor of it?
- A. The way the area is marked out doesn't suit me.
- Q. How big do you think it should be?
- A. It will help us if it is clear up to the Canadian border.

MR. SILVERMAN: As proposed is it of much value? What can be done with it?

MR. LEE: It will help us because of the size of the reserve but the way it is now it is too small.

MR. POLTA resumed the questioning:

- Q. Are you a Native of Klukwan?
- A. Yes, I was born here. My mother was born here too.
- Q. How old are you?
- A. Seventy years.
- Q. What occupations have you followed?
- A. I used to be a trapper, hunting and shooting. I don't do anything any more because I am past the age. I am too old.
- Q. You say the reservation should extend to the Canadian border. Will you tell us how far you think it should extend in other directions?
- A. As far as Berner's Bay.
- Q. How far east should it extend? As far as the Chilkat River?
- A. Up to Skagway.
- Q. Did the Klukwan people use that area alone in years gone by or did they use it with the Haines people?
- A. This is our land. We claim it with our nearby neighbors.

- Q. Now we are not inquiring about how much the Haines people should have, but how much the Klukwan should have. Do you think the Klukwan people alone should have this area just described?
- A. The Klukwan people should have that much land.
- Q. Without paying any attention to the Haines people?
- A. This is our land.
- Q. Why do you want a reservation?
- A. It is our land and to help us earn a living.
- Q. You can still use the land. Isn't there some other reason?
- A. If we don't make our claim now, white people are coming to the land. This land is going to be flooded with white people all over. If we don't make our claim now, we will lose everything.
- Q. Explain what changes have taken place since you were a small boy which make it necessary now for you to protect your land.
- A. This was our land when I was a boy. Our land was plenty full of fish, game and everything. There was no hardship at all; no regulations or anything. You could do anything at any time. Today we can't do that any more. There is regulation for fishing and regulation for game.
- Q. What else has made it harder since you were a boy to get game, fish and anything you use to get?
- A. We use to be able to get our berries and other things and since this highway has been put through, we don't get our food as we use to in the early days.
- Q. You mentioned the regulations or laws governing game and fish that make it harder for you to get game and fish, and also the highway. Is there anything else that has made it harder for you to get game?
- A. What makes it harder for us is the people coming in and taking up homesteads. They take the places where we did our hunting and berrying. If we go there as we did before, we have to stay off that land. That is what makes it difficult for us to get our game and berries and whatever we did on that land.
- Q. Do you expect anything else to happen in the near future to make it more difficult for you to make a living?
- A. If we don't establish anything for ourselves right now, it will be harder for us to do so later on. Therefore, we have to have something to help us in the future.
- Q. Then you think it is necessary to have this land reserved for your use in order to make a living in the future?
- A. Yes.

MR. FOLTA:

I offer the statements of the witness made in June 1946 with the right of substituting the original and to a return of this copy.
(See Exhibit "C").

CHARLES JAMES, age 74, Klukwan Native, was called as the next witness.

Q. What occupations have you followed during your lifetime?

- A. I used to hunt by shooting game.
- Q. Have you noticed the area of the proposed reservation that is marked on Exhibit A7
- A. No, I have never seen it. It seems to have been undercover all the time. They just asked us on the outside whether we have seen it or not.
- Q. Do you understand what land is included in this reservation?
- A. Yes, I don't understand the proposed reservation too well but according to what I hear it is too small.
- Q. Do you understand that, roughly speaking, it runs between Chilkat River and Chilkat Lake and Salmon River? Is that what you understand to be the proposed reservation?
- A. Yes, I understand that part of it.
- Q. And that is too small?
- A. Yes.
- Q. How big do you think it should be?
- A. From the Canadian border right down to Searser's Bay.
- Q. What about the west?
- A. On the top of this mountain. The tops of the mountain on the south side and the north side on the Chilkat River.
- Q. Is that the land that the Klukwan people used and your ancestors?
- A. Yes.
- Q. Didn't the Haines people use the same country?
- A. Yes.
- Q. Are you in favor of reserving that much land for the Klukwan people?
- A. Yes.
- Q. Why do they have to have that much land?
- A. There isn't much timber on the proposed reservation.
- Q. Do you think that the people of Klukwan could not make a living in the future if this area weren't reserved for the Klukwan people and the Haines people?
- A. Yes.
- Q. Explain why you feel that a reservation is necessary.
- A. Right now we have no place to get our wood supply and berry supply. Homesteaders are taking the best part of our land. We can't get our wood. The homesteaders are on the land where we used to get our wood and berry supply. Especially right now as older people we have less and we have to tell somebody else to get our wood for us and wherever they go for the wood they are being driven out by the homesteaders.
- Q. You are afraid that it will get worse from now on?
- A. There is no marker that we have a claim on this land and it will be harder for us.

Q. Will it be harder because it looks like more white people are coming in or what is it that makes it harder for you?

MR. KING interrupted the proceedings and made this statement:

Ladies and Gentlemen: I have given you the whole explanation. The reason was as the people understand it right now. When the question is asked, they are entirely lost. We know that the white people are coming into Alaska and there will be more in the next few years. That is the reason we are asking for the reservation right now.

MR. FOLTA: We understand that. However, we want to hear from everybody here and hear everything they have to say. That is why we are calling all these witnesses.

MR. FOLTA resumed his questioning of Mr. JAMES.

Q. If a reservation is not granted for your people, do you think it will be hard or impossible for the people to make a decent living?

A. Yes.

MRS. MARY WILLIAMS was called as a witness and testified as follows:

Q. State your name, age and address.

A. Mrs. Mary Williams, 70, Klukwan.

Q. Mrs. Williams, do you understand what land is included in this proposed reservation?

A. I do not know until I hear from the discussion going on this morning.

Q. Mrs. Williams, it includes the land bounded by the Salmon River on the north, the Chilkat River on the east and the Chilkat Lake on the west.

A. I know. They say so.

Q. Has that any value, particularly to the Klukwan people?

A. Yes, it is valuable for us because we make our living from it.

Q. Has it more value than land used anywhere else by the Klukwan people?

A. Yes, the whole land as a whole is of value to us.

Q. I think she misunderstood the question. Is there any other place, any other piece of land of this area that would be worth more to you than this?

A. Yes, it was to us but there were no survey marks in those other days.

Q. Is that enough for a reservation?

A. Yes.

Q. You have lived in Klukwan all your life?

A. I was born and raised here.

Q. You have heard others of your people say that that proposed reservation was not enough. Do you agree with that?

A. It is not big enough and we expect you people to help us in getting more land. I think that is the purpose of your coming here.

Q. What on this land could be of value to the people of Klukwan?

A. We do not see anything that would benefit us.

Q. You mean it won't be of any benefit at all?

A. No, the land is much bigger.

MR. FOSTER: Do the old people ever go up to Chilkat Lake?

MRS. WILLIAMS: Yes, they go there to get hides.

MR. FOSTER: Do they ever get any fish up there?

MRS. WILLIAMS: Yes, they get fish there.

MR. FOSTER: Do they dry those fish?

MRS. WILLIAMS: Yes, they dry the salmon.

MR. FOSTER: Do the people ever go up to Chilkoot Lake?

MRS. WILLIAMS: Yes, the people always go there.

MR. FOSTER: What do they get up there?

MRS. WILLIAMS: Salmon, berries and blueberries.

MR. FOSTER: Do they get any fish?

MRS. WILLIAMS: Yes.

MR. FOSTER: Do they dry or smoke any of those fish for use in the winter?

MRS. WILLIAMS: No, we don't dry salmon because it is too far away from our area.

MR. FOSTER: Do they catch any fur between Chilkat Lake and Chilkoot River?

MRS. WILLIAMS: As a woman I do not know. You ask the question of these men. They will tell you all about it.

Questioning resumed by MR. FOLTA:

Q. Mrs. Williams, do you think the reservation should be larger?

A. Yes.

Q. How much land do you think should be included? Describe it as to the boundaries.

A. As far as our lands are concerned--all the way even extending beyond the Canadian boundary and as far as things go now, it would be better if it would be extended to the Canadian border.

Q. How about the other side?

A. As far as Ferner's Bay. That is what we asked for in the first place.

Q. Do you think it is necessary for the Klukwan people to have a reservation?

A. Yes.

Q. Why is it necessary?

A. The white man coming now can pick up any land he wants. If it is reserved for us people we would know it is ours.

- Q. As I understand it, it is necessary to have a reservation and it is necessary to have one as big as you describe.
- A. Yes, it is necessary to have a larger area.
- Q. Is it becoming harder for the Klukwan people to make a living?
- A. Yes, it is harder.

MR. FOLTA: I want to offer Mrs. Williams' statement made in June 1946 in evidence with the stipulations previously made.
(See Exhibit "D").

MRS. SUSIE KING (WASOOK) was called as the next witness and testified as follows:

- Q. State your name, age and address.
- A. Mrs. Susie King, Klukwan.
- Q. You are a Native and lived in Klukwan all your life?
- A. Yes.
- Q. Are you familiar with the land bounded on the north by the Salmon River, on the east by Chilkat River and the west by Chilkat Lake which was included in the proposed reservation discussed here all morning?
- A. No, I didn't understand.
- Q. Do you understand what area this is?
- A. I know the land here or north of the land.
- Q. Is that particularly valuable or do you think some other land should be included in the reservation?
- A. There should be more land than proposed.
- Q. How big should the area be that is reserved for the Klukwan people?
- A. Whatever our people decide.
- Q. Do you think the reservation should be big enough to include all the land your people have been using all your life?
- A. All the land should be included.
- Q. Why is it necessary for the Klukwan people to have a reservation?
- A. Whatever the people want and whatever they decide. It is up to them.
- Q. Is it harder for the people of Klukwan to make a living now than it was in the past?
- A. It is harder now.
- Q. Why is it harder now?
- A. The white man has the surveyor lines around the land. We can't go about as freely as we used to. We don't know anything about boundary lines.
- Q. If more white people come in it will be harder to make a living?
- A. Yes.

MR. FOLTA: In connection with this testimony, I offer as stated in the other cases the statement made by her in June 1946.
(See Exhibit "E").

VICTOR NOTCH was called as a witness and testified as follows:

Q. How old are you?

A. Forty-nine years old.

Q. You are a Klukwan Native?

A. Yes.

Q. You have lived here all your life?

A. Yes.

Q. What occupation have you followed?

A. Fisherman, trapper and hunter.

Q. Go ahead and make any statement that you see fit to make about this reservation.
A. I was opposed to this movement because of this land suit which is coming up and we cannot do anything outside of our Alaska Native Brotherhood Convention. I was opposing this reservation because I never make any statement about this reservation but always depended upon our convention of the ANB here in south-eastern Alaska. I have never signed my name to it. Whenever we discuss this among our people I always speak against it. Whenever I have a chance, I always speak against it. I don't want to answer any questions right now. I would like to see this go to the Alaska Native Brotherhood Convention and I can't answer any question right now.

LEE DONNELLY was the next witness asked to testify and he made the following statement:

I haven't got anything to say. I am not answering no questions.

Q. Have you been here for the past year or two?

A. Yes.

Q. You haven't heard about this reservation during that time?

A. No.

Q. You haven't heard about it during the time you were here and after hearing these witnesses this morning you still aren't able to make up your mind?

A. No.

ARCHIE WATSON, age 70, Klukwan, was called as a witness and testified as follows:

Q. Did you understand what was said here this morning about the land included in this proposed reservation?

A. You don't mind if I ask a question or two? The way this proposal was made was by man or woman and if you want the details you'll have to go to them to get the details. I have heard all the questions you asked and you just listen to me. I am going to tell you people who are representing the Government. These things come through the Government and your surveyors come in. You have surveyors--we don't know what they are. It was through the whiteman's work that this surveyor's line came into our land. The Government men come any time they see a chance and do anything they want to do. I listened to all the questions and statements this morning and as far as my knowledge of our land goes, this boundary is just like a door to our other nations and down the other

way to Berner's Bay. That is the claim that we had been thinking about all this time. There was a little trouble about it according to the surveyor's mark and when that trouble came up they told us that the whole thing was going to be surveyed over. What surveyor did that, I ask you. These surveyors put in marks along here and I wonder if that is what is called a proposed reservation. I understand all the questions you have been asking. You people are educated as lawyers. I do not know anything about that. You have been asking us questions and now I am going to ask you a question. Are you going to grant us all the land that we want, that you have been asking us about? Are you ready to grant us all this reservation?

12. FOLLA: Nobody here has the authority to say that. That is up to the Secretary of the Interior. Now we would like to ask you some questions. That is why this is being written down--so that it can be sent to the Secretary and he can determine from what has been said here what can be done.

Q. Are you in favor of a reservation or against it?

A. I am in favor of that. I am not thinking of myself any more. I am thinking of future generations.

Q. Are you in favor of this particular proposed reservation, or do you think it should be bigger?

A. I told you the story already. The reason why things have been slowed up is because of the World War. Things haven't been done as quickly as they would have been done if there wasn't a war.

Q. How big do you think the reservation should be?

A. Up to the boundary line and down to Berner's Bay. It is our land that is going to be taken over by someone else. The reason we want it that big is for future generations.

Q. Is it harder for your people to make a living now than it was when you were a boy?

A. I have been listening to the questions that you have been asking all these witnesses and I tell you how big I want the land. I tell you this and ask you if you are ready to grant that land.

JOHN WILLARD, age 50, Klukwan was the next witness called to testify:

Q. Are you familiar with the land included in the boundaries of Exhibit A?

A. Why is it called that way?

Q. It is bounded by Salmon River on the north, the Chilkat River on the east and Chilkat Lake on the west. Are you familiar with that land?

A. I know where the river runs.

Q. Are you familiar with the land described?

A. Yes, I am familiar with it.

Q. Are you in favor of having the land reserved for the Klukwan people?

A. I would like to say this about what you have proposed on that map. Who makes this proposal and leaves this lake out?

- Q. That is what I have been trying to find out all morning.
- A. We do not favor the proposed area as you have it here. I don't think the Klukwan people agree with that.
- Q. Because it is too small or because it isn't of any value to your people?
- A. This proposed area is of no value at all. You can't even kill rabbits in that area.
- Q. You don't know any more than the others who it was who decided on these boundaries?
- A. No.
- Q. It is a mystery here in Klukwan, is it?
- A. As for me, I do not know.
- Q. Are you in favor of a larger reservation?
- A. Yes, if the ground is bigger we can make a living from it.
- Q. How much bigger do you think it should be?
- A. From south Berner's Bay because in that lake we can fish; all the way up the Chilkoot up to the marker where the fish canneries have their markers.
- Q. My question was not what the area was used for, but how big an area should be included in the reservation.
- A. The land will be valuable to us. That is what I am telling you. It should be all the way from Berner's Bay up the valley to Chilkat Lake.
- Q. On both sides of the Chilkat River up to the mountain tops?
- A. Yes, up to the boundary line.
- Q. Why is it necessary for the people of Klukwan to have a reservation?
- A. It is going to help us to make our living here and the whiteman will not bother us.
- Q. Is it harder for you to make a living now than in the past?
- A. It is harder now since the whiteman began to come into our land, make trails and highways and things.
- Q. Are you afraid that more whitemen will come and make it still harder?
- A. Yes.
- Q. This land that you have described that should be in the reservation, is it the land that you and your people from time immemorial have used?
- A. Yes, this is our land from the time of our great-grandfathers.
- Q. The Haines people used the same area with the Klukwan people?
- A. Yes.
- Q. Do you want to add to anything that was said?
- A. I want to ask this question. Just what kind of a reservation do you want us to have?
- Q. We are not trying to compel you to take any reservation. We are trying to find out from you whether you want a reservation.

A. We don't understand this reservation. Among you white people you just don't jump to conclusion to anything that you don't understand at all. When you get the understanding, then you take the action.

MR. FOSTER: We would like to make it clear here, Mr. Willard, that as far as we are concerned we are trying to force nothing on you. We are not trying to sell you a bill of goods at all.

PAUL WILSON: Mr. Chairman, may I speak a minute?
MR. SILVERMAN: Certainly.

MR. WILSON: What is a reservation?
MR. FOSTER: A reservation is an area of land set aside from the lands which have been occupied from time immemorial by your ancestors down to your own people, an area set aside from land that is naturally yours until the Federal government extinguishes the title. That land is set aside for the exclusive use of you and your people, all your people, but not as one individual person.

MR. WILSON: Can that individual get a title to that area of land? The title is still with the Government?

MR. FOSTER: The title is with your people.

MR. WILSON: It is still government property?

MR. FOSTER: Yes.

MR. WILSON: All you have is the use of it?

MR. FOSTER: Yes, you have control of the use of it.

MR. WILSON: That is what these people have been trying to ask. What is the qualification of a witness here?

MR. FOSTER: It is a public affair and if you so desire, you can appear as a witness.

MR. WILSON signified his desire to appear as a witness and was examined by MR. FOLTA:

Q. Mr. Wilson, is this the first time that the meaning of a reservation has been made known to you?

A. It is the first time that it has been made public. It has never been held in public before.

Q. For the purpose of the record, will you give us your name, age and address?

A. Paul Wilson, age 50, native of Klukwan.

Q. What occupations have you followed since you were a boy?

A. For 20 years I was working on the railroad. Since three years ago I made my living here.

Q. Did you ever go out fishing and hunting in this area?

A. These people have been making their living here, hunting, fishing, berry picking and trapping.

Q. You are familiar with the country that is included in this reservation?

A. This has been the first time I heard of it.

- Q. Is this land particularly valuable to the Klukwan people or are there other tracts that are more valuable?
 A. It is valuable because they get their fish there.
- Q. Have you ever fished or trapped around here?
 A. I have.
- Q. Are you in favor of this reservation?
 A. I am not in favor of any reservation at all.
- Q. Do you think it is necessary to have a reservation to assist the people of Klukwan in making a living?
 A. My own personal opinion is this. If you can't hold title to a piece of ground, what good is it? My stand is this. If you want to sell it, take a part or give it away, as was explained, you can't do it, so I don't see where there is any value in a reservation.
- Q. Also because you can't sell it?
 A. Not only because you can't sell it, but because you can't own it yourself.
- Q. Do you think it will become pretty difficult to make a living if more whites come in?
 A. You can make a hard time of it yourself. It is up to the individual. If he has the guts, he can make a go of it.
- Q. Do you believe then that the Natives are ready to go out and compete with the white people for a living?
 A. We have been doing it right along. We pay our own taxes, school taxes and any other taxes. Whatever laws are produced by the whites we must obey them and have to have them too. If a man can't make a living, that is his own bad luck.
- Q. Of course you understand that a person doesn't have to stay on a reservation?
 A. Yes, but my point is that if you can't hold title to it there is no point in staying there. You can see for yourself these people do not understand what is going on here today.
- Q. Were you here when Mrs. Perkins explained the reservation?
 A. This is the first time I have been here.
- Q. Have you been to any meeting about a reservation?
 A. I have never been at a meeting or discussion about this reservation. That is what the people don't know; who is responsible for that particular staked out reservation?

MR. WAKAMAKER asked:

- Q. How much reservation has Hyaburg and Kake proposed?
 A. They haven't made up their minds yet.

MR. WAKAMAKER: Then I think Mr. Hotch is right when he says this should be through the Alaska Native Brotherhood.

MR. FOSTER: As far as we are concerned, we are not trying to sell you a bill of goods at all. We assumed that this was the request of your own people made back in 1943, according to the record. As far

as I am concerned as your General Superintendent, I am here to explain these things. All you have to do is ask for it and we will walk out as quickly as possible. We want that made perfectly clear.

MR. WILSON:

I believe the question which was just asked was never understood by our people. They have the idea that you are trying to give us a bigger piece of land than we now have. That is why they come out with this question. The whole idea is that they have an idea that you are trying to enlarge the reservation.

MR. ALLEN:

I offer subject to the conditions previously stated, the statements of the following as evidence: Mrs. Patsy Davis (Exhibit "A"); Austin Hammond (Exhibit "B"); Mrs. Mildred Shanks (Exhibit "C"); Paddy Coanette (Exhibit "D"); Laura Ketch (Exhibit "E"). These statements were given at the time and place stated in connection with the previous statements offered.

MR. KING:

Mr. Foster, you are the first person to explain the reservation to us. This morning you stated that anybody on a reservation has the right of land. You didn't bring that point out until just now that he has no title to the land. The only thing we have is the right to vote as was brought out here today. Therefore, I don't think anybody would favor the reservation.

(You seen because you can't get the title?

A. That is right.

Q. Because each individual can't get the title?

A. That is right.

MR. KING:

The way it was in the minds of the people that the Government would give title eventually when the land was cut up. Now I don't think there is a man here who wants a reservation under those conditions which you have set forth.

MR. FOSTER:

Mr. King, I am surprised at your memory. On September 3 when you and representatives of this community were in our office excited over the fact that the hearing was to be held on September 15, excited because you had not received proper notification of this hearing and at this time you made the statement that the people were out fishing and there would be no one at the hearing—apparently you have forgotten all about your conversation at that time for during our discussion of the proposed hearing I explained to you and John Willard in detail what a reservation was and it was made clear to you that you could not get title to your land as individuals but that this land was held in trust for your people as a whole by the Federal Government so that no one could take it away from you; so that the people would always have a home, a place where they could hunt, trap and fish and not be molested. I explained to you at this time that in the States the Indian Office had established many new Indian reservations whereby the people were given land assignments. The tribal councils had complete control of these land assignments. Now a land assignment, Mr. King, is a piece of land that is turned over to a family for their exclusive use as long as they make good use of it. That land stays in the hands of that family from then on as long as they properly use it. If the husband dies, the land still remains in the hands of the wife and she in turn can arrange for some other member of the family to use the land. When she passes on her will can definitely state which member of the family is to continue to occupy that land. The people never get a free title to the land to the point where they can sell it or dispose of it, but as long as they properly use it no one in any way can molest them or cause them any trouble. The tribal council controls the use of all land on a reservation. I want to state again, Mr. King, that both Mr. Coeslin and myself told you plainly that your people would never get individual title to the land set aside in the Klukwan reservation.

MR. SILVERMAN: Anybody else who would like to be heard?

MR. ROSTER: Mr. Silverman, I would like to call to the attention of the Klukwan people that they have been living on a reservation ever since 1913. This reservation consists of 1121-5/10 acres. The people have been living here in complete freedom as far as any domination is concerned by wardship and Indian agent or action by the Indian Office. They have had their Indian Service teacher here consistently. Some of the terrible things that presumably come from a reservation has happened to these people since 1913. They have not been deprived of their right to vote. They get their old-age pensions and have every right that every citizen has with the exception of a title to a piece of this land that they could sell or dispose of without the approval of the Government. Mr. King, the only difference between the proposed reservation and the reservation that you have been living on since 1913 is simply the size. The proposed reservation is many times as large as your present reservation.

MR. SILVERMAN: (To the interpreter). Will you indicate that anybody who favored a reservation earlier today and didn't know that they would not get free simply title to it, that they now indicate any change?

MR. WILLARD: This reservation business, I am not in favor of it. I don't like to work for anybody for nothing at all. Therefore, I am not in favor of this reservation business the way it was explained to us.

MRS. WASSER made the following statement:

The older people have been living on this reservation in the past and now we are opposing this reservation because we don't want our younger people to live on reservations. I want my children to be educated. I want them to be educated as well as any whites of our country. I am looking after my own children, raising my own children. Some of them are supporting themselves now. One of them is working in a Government school. When the boy was in Wrangell Institute he was sent to pick up 100-pound packs. It was too much for him. The boy strained himself. The Government schools claim they are trying to help us, yet they want us to live on reservations. I sent my other boy to the Sitka School and I wanted him to continue his fight for his own people. We want to be independent just like yourselves. We want to be able to support ourselves and to be able to educate our children. For this reason I don't want this reservation. I want my children to be educated and free people like real American citizens.

Statement by MR. ROSTER:

This is what we are fighting for and we have an organization among our own people and our constitution says for us to go forward and not to look back at all. I am fighting against reservations. I was the first one to oppose this move that the Government wanted us to make. I was the second person today to do this the way I did. That is why I want my people to continue to go forward and it is our aim in the Alaska Native Brotherhood. I want you to bear in mind, my friends, that we shall continue to march forward from now on and don't lay down at all. Let us continue to go forward!

Statement by MRS. WILLARD:

What is the matter with the Government management? Nobody seems to know what reservation is at this hearing. Nobody seemed to know anything about it. Somebody proposed a reservation which nobody knows anything about. We never knew what was proposed until today. We never knew what was proposed and what was given to us. I had never heard anything like that until today. I have children and many grandchildren. I am against the reservation. We had a reservation but yet the Government took our young people and we paid school taxes and every other kind of taxes. This is Klukwan. The river is called Chilkat. I was raised here. We have never known anything about whitemen. We have lived on our own land. Whitemen came to us in recent years. Supposing we went down to the States and claimed land there. We were born here. We never asked for whitemen. When whitemen steals our

land we never ask for titles. Nature provided for us and we live right in it. The rage of mountains on both sides fence us off. Is this the first time that we have been around here that we should be put on reservations? This has been our home for generations. The people know their own trails from the very beginning of time. White people have just come and they have followed our trails. We never knew anything about Government and we were self-supporting Indians in our own community. The Indian people are here. They are paying taxes, whatever taxes that are imposed upon them. We might have said when the whiteman came, "This is our land," and driven them away. Now we are told that the land belongs to the Government. We never sell anything like that to the whiteman. Some of our young people have joined the Army and fought for a good cause--to protect our land. White people and children have been in the Army to protect their old lands. Why should they put us on a reservation? We are free people.

Statement by Mrs. ZILVERMAN

This is not my land or country. I was married to a man from Klukwan. I know what has been going on ever since I have married this community. My father-in-law has been telling me what has been going on and I am quite familiar with all those Klukwan questions. As I listen I begin to understand what is being proposed and what is being put forth to our people. We never understand or hear details of things. The Government wanted to help us and do what is right. Now they want to put us on a reservation. Things were easier before. It is hard to make a living now. Whitemen are coming in and are driving us out. They are giving new names to our places and we had our own names for this land. I give up my son in this World War and he was in the Army. We take part the same as any whiteman but yet they limit us to our claims. The people themselves are asking and discussing that. We seem not to make any progress. We just circle around in one place when our young people attempt to progress.

The question was again asked if anyone desired to present any additional statements or depositions; to which there was no response.

MR. SILVERMAN, the Presiding Officer, announced that the hearing was adjourned.

EXHIBITS

April 27, 1943, issued pursuant to authority contained in the Act of May 31, 1933 (52 Stat. 593), containing 320 acres; and,

The area described as: Beginning at a point on the divide between the stream flowing into Chilkat Lake and the stream flowing into the Saklin River, approximate latitude $135^{\circ}26'30''W$, approximate longitude $59^{\circ}17'06''N$. This point is approximately 1-3/4 miles south from the right bank of the Chilkat River as shown on sheet No. 9, International Boundary between United States and Canada, 1923 Edition. Thence, following down right bank of stream to Chilkat Lake; thence along easterly shore of Chilkat Lake and stream to the Salmon River; thence along right bank of Salmon River to the Chilkat River; thence southeasterly along right bank of said river to a point due north of the place of beginning; thence south approximately 1-3/4 miles to initial point, containing approximately 12,300 acres.

(Sgd.) Oscar L. Chapman
Acting Secretary of the Interior

August 14, 1946

NOTE

Land Order quoted above appeared in 11th Federal Register, 9142, August 22, 1946.

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS; INTERIOR

Chapter I--Bureau of Land Management
Appendix--Public Land Orders

Public Land Order 324

ALASKA

WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION AND PROPOSED
DESIGNATION AS NATIVE RESERVATIONS FOR INDIANS
OF THE VILLAGES OF RABROH AND KLUKWAN, AND
VICINITY.

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9397 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights and to existing withdrawals, the following described public lands in Alaska are hereby temporarily withdrawn from settlement, location, sale, or entry and reserved for the purpose of classification and proposed designation under section 2 of the act of May 1, 1936, 49 Stat. 1250 (U.S.C., Title 43, sec. 333a), as a native reservation for the use and occupancy of the native inhabitants of the native village of Klukwan, and vicinity, Alaska:

The tract of land at Klukwan, near the mouth of the Chilkat River, near latitude $59^{\circ}30'$, longitude 136° , that was reserved and set apart for educational purposes by Executive Order of May 4, 1907, containing approximately 0.16 of an acre;

The lands on the left bank of Chilkat River included in Sec. 32, S $\frac{1}{2}$ Sec. 33, S $\frac{1}{2}$ Sec. 34, T.28 S., R. 56, E.; NW $\frac{1}{4}$ Sec. 5, NE $\frac{1}{4}$ Sec. 6, T.29 S., R. 57 E., Copper River Base and Meridian, that were reserved for the use of the natives of Alaska residing then or thereafter at the Village of Klukwan by Executive Order No. 1764, of April 21, 1913, as modified by Executive Order No. 3673, of May 15, 1922, containing approximately 800 acres;

The E $\frac{1}{2}$ Sec. 33, T. 28 S., R. 56 R., Copper River Base and Meridian, that was reserved for school, health, and other purposes by Secretarial Order of

(APPENDIX A)

ALASKA

NOTICE OF HEARING AND PROPOSED DESIGNATION
OF NATIVE RESERVATIONS

Notice is hereby given that public hearings will be held at Juneau and Fairbanks, Alaska, from September 16-21, 1946, the time and place to be announced, for the purpose of determining whether Public Land Order 326, dated August 14, 1946, withdrawing public lands for classification and proposed designation as native reservations for inhabitants of the villages of Barrow and Kluksan, and vicinity, should be rescinded, modified or let stand and whether the lands described in that order should be designated, under section 2 of the act of May 1, 1936, 49 Stat. 1250 (U.S.C., Title 48, sec. 352a), as native reservations for the use and occupancy of the native inhabitants of the native villages of Barrow and Kluksan, and vicinity, Alaska. Persons having cause to object to the terms of the public land order or to the proposed designation may present their objections at such hearings.

Joseph T. Flackas, Chief of the Alaska Branch, Division of Territories and Island Possessions, is hereby designated to hold said hearings as the immediate representative of the Secretary, and Irwin H. Silberman, Chief Counsel of the Division of Territories and Island Possessions, shall act as alternate. A designation of the foregoing lands as native reservations will not be made until after such hearings and will not become effective until approval by a majority vote of the natives residing in the area described above, voting in the manner prescribed by section 2 of the act of May 1, 1936, 49 Stat. 1250 (U.S.C., Title 48, sec. 352a).

August 14, 1946.

(Sgd.) Oscar L. Chapman
Acting Secretary of the Interior.

NOTE

Notice quoted above appeared in the 11th Federal Register, 944, August 22, 1946.

(APPENDIX B)

I, the undersigned, hereby certify that I attended the public hearings relative to the proposed native reservation for the inhabitants of the village of Klukwan, held at Klukwan, Alaska, on October 15, 1946; that I took down the proceedings in shorthand; that I thereafter transcribed said shorthand, and the foregoing pages, numbered 1 to 29, inclusive, constitute a true and correct transcript of the proceedings had thereat.

ROBERT J. DAVIS
Reporter