



## **SAN FRANCISCO COMMUNITY COUNCIL OF TLINGIT & HAIDA INDIANS**

### **CENTRAL COUNCIL OF TLINGIT & HAIDA INDIAN TRIBES OF ALASKA**

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#### **ANNUAL PICNIC AT OAKLAND ZOO ON SATURDAY, JULY 28 Camel Creek picnic area below the Zoo at 11:00 a.m.**

This year we moved the picnic back to July because it was convenient for more people to attend. We will be setting up at 10:30 with festivities from 11 a.m. to 5 p.m. Please bring POTLUCK FOOD TO SHARE. Tlingit & Haida Community Council supplies the paper plates, utensils, hamburgers and hotdogs with the fixings and flavored soda water. Because of the large numbers of Native People with diabetes, the Community Council decided we should change from sugar filled sodas to flavored bubble water. Perhaps you all will follow suit. If you bake a desert, maybe you will consider cutting down the sugar content.

Please don't be shy about introducing yourself and ask what villages in Alaska we have relatives in. It is incredible how many have discovered that we are related to in some way. Please bring spouses, children, significant others & guests.

We need prize donations for our College Fund Raising raffle, tickets are \$1 each or 6 for \$5.00 and the winning ticket will be drawn at 4 p.m. That will give families time to bring their children to see the Zoo and return. If you have folding chairs or picnic blankets, bring them. We could also use a folding picnic table. Call Kathy at 415 887 9315.

The "Camel Creek" picnic area is BELOW THE ZOO in the grassy meadow, FIRST LEFT IMMEDIATELY AFTER you pay for parking. DO NOT GO UP THE HILL. Ask parking attendant for the Tlingit & Haida group or look for our red button blanket banner. You get a discount on zoo tickets if you say that you are part of the Tlingit & Haida picnic group. There is a charge for parking. The directions off Highway 580 in Oakland from both directions are: Take the Golf Links Road exit and turn toward the east and look for Golf Links Road and the Zoo signs. Or can go to the Website: [www.oaklandzoo.org](http://www.oaklandzoo.org).

#### **CALENDAR OF EVENTS**

**JULY 28 at 11a.m. to 5:30 - Picnic at the Oakland Zoo**

**AUGUST – Planning sessions for the Culture Celebration later this fall.** To volunteer, please email Kathy Paddock, [haidawoman1@yahoo.com](mailto:haidawoman1@yahoo.com). We have 3 Chairpersons, Scott Fulton, Zoey Holder and Melissa Miller.

**SEPTEMBER 9 – Final Volunteer Planning session for Culture Event.** Potluck at President Kathy Paddock's house.

**SEPTEMBER 29 - CULTURE CELEBRATION TENTATIVE DATE.** We have a dance group coming from Seattle.

**DECEMBER – CHRISTMAS PARTY, DATE, LOCATION AND TIME TO BE DETERMINED.**

#### **DELEGATES REPORTS FROM THE 77<sup>th</sup> TLINGIT & HAIDA GENERAL ASSEMBLY IN JUNEAU IN APRIL**

##### **General Assembly Report - Loy Arandela Jr. Vice President S.F. Community Council**

Thank you very much for your votes and confidence in me to represent you as a Delegate at the 77<sup>th</sup> Annual Tribal Assembly and the Central Council of the Tlingit and Haida Tribes of Alaska. During the 5 day conference I was able to participate in many open discussions regarding Federal and State affairs pertaining to the health and welfare of the Alaska native.

It is an essential organization which represents us as native of Alaska. The experience was more than expected. They were professional in all aspects, rules of order and official proceedings. The elected Officials were extremely knowledgeable in policy and procedures, in conducting meetings. There were so many items to be discussed, they voted on health, education, housing, and culture heritage, just to name a few. They moved like clockwork and yet anytime someone had something to say they took the time to listen and respond. The villages were just as organized and presented themselves in the same professional manner which allowed the agenda to move right along.

We are very fortunate to have Will Micklin (our own hometown boy) who was just re-elected as 1<sup>st</sup> Vice President. He is knowledgeable, professional, and has great leadership qualities.

We, as out of state villagers, are very much an official part of Alaska. We must do our part to support our elected officials in all their endeavors. You can accomplish this by becoming involved with your local Tribal Council "*the San Francisco Tlingit & Haida Community Council*". You too can become a delegate to the General Assembly.

### **General Assembly Report - Eileen Baustian- Delegate**

When the Tlingit-Haida 77th Annual Tribal Assembly convened in Juneau in April, the first important business being the election of officers, it was noted that it was the first time all the officers from the previous term were re-elected to serve another two-year term. This happened much faster than any election we've seen over the past few decades.

The delegates were again uplifted by the amazing dancing and singing of a huge group of young Tlingit, Haida and Tsimpshian dancers who opened the Convention and also appeared at the Dinner. Seeing the proof that our culture is thriving and the pride in the young people has been a highlight of this gathering and kept us all on our feet.

The show of support for the Tribe's dealing with issues of domestic violence and other family-related issues was very encouraging. Our Tribal Court system continues to get stronger, meeting these considerable challenges. We are fortunate to have so many qualified, concerned tribal members willing to serve on the Court.

### **General Assembly and Subsistence Report - Will Micklin**

At the 2012 Tribal Assembly last April I was honored to be re-elected as 1<sup>st</sup> Vice President to the Tlingit & Haida Executive Council. However, the Tribal Assembly event I wish to highlight is a new development in Subsistence. The Federal Subsistence Board is identifying for the Secretaries of Agriculture and Interior those submerged lands within the Tongass National Forest that did not pass to the State at statehood and that are subject to Title VIII of ANILCA. The Bureau of Land Management (BLM) has commenced the review of pre-statehood (January 3, 1959) withdrawals of submerged lands in the marine waters of the Tongass National Forest following the Court's May 31, 2011 and October 17, 2011 orders in *Peratrovich v. United States*.

Lincoln Peratrovich challenged the failure to include as public lands, subject to the priority under Title VIII of ANILCA, certain marine waters in the Tongass National Forest. In its May 31, 2011, order, the Court stated that "*it is the duty of the Secretaries [Agriculture & Interior] to identify any submerged lands (and the marine waters overlying them) within the Tongass National Forest to which the United States holds title.*" Because, if such title exists, it "*creates an interest in [the overlying] waters sufficient to make those marine waters public lands for purposes of [the subsistence provisions] of ANILCA.*" In previous regulations, the Secretaries excluded the marine waters within the Tongass National Forest as public lands subject to the subsistence priority since marine waters within the exterior boundaries of a National Forest are not subject to reserved water rights.

Franklin H. James on behalf of the Shakan Kwaan Tlingit Nation and Joseph K. Samuel on behalf of the Taanta Kwaan Tlingit Nation in 1992 [my clan and family] sought a motion to intervene in the Peratrovich case to assert their subsistence rights in these waters overlying the submerged lands under Title VIII of ANILCA. In 2001 the Court denied the motion to intervene because the Shakan Kwaan and Taanta Kwaan are not federally recognized Indian tribes, but reserved a ruling on James' and Samuels' rights in this case.

When the United States assumed control over the subsistence program in Alaska in 1990, the Secretaries stated that "the United States generally does not hold title to navigable waters and thus navigable waters generally are not included within the definition of public lands." That position was changed in 1999 when the subsistence priority was extended to waters subject to a Federal reserved water right in the Katie John litigation. *Alaska v. Babbitt*. Later the Secretaries identified certain submerged marine lands that did not pass to the State where the subsistence priority applied. The regulations recognized that additional marine waters might subsequently be determined to be public lands subject to the subsistence priority. The court acknowledged in its order that inventorying all these lands could be an expensive undertaking, but that it is a burden "*necessitated by the 'complicated regulatory scheme' which has resulted from the inability of the State of Alaska to implement Title VIII of ANILCA.*" In its October 17, 2011, order, the court "*enjoined*" the United States "*to promptly initiate regulatory proceedings for the purpose of implementing the subsistence provisions in Title VIII of ANILCA with respect to submerged public lands within Tongass National Forest.*"

The BLM review process is proceeding. In addition to BLM, the U.S. Forest Service has started its review of records to identify lands filled in, built up, or otherwise reclaimed by the United States for its own use prior to Alaska statehood, and other areas that may not have passed to the State at statehood.

This case is important because it may represent a significant opportunity to improve the failed implementation of Title VIII of ANILCA by the State of Alaska. This opportunity is perhaps the last remaining under the current Title VIII of ANILCA unless amended by Congress. The limited options under current law began with a fateful decision of T&H in 1968. Following the October 7, 1959 Court of Claims decision in favor of the Tlingit & Haida lawsuit against the United States, the hearing officer report held that for the loss of timber the T&H were entitled to \$7.5 million, and for the loss of fisheries the T&H were entitled to \$8.8 million. On January 18, 1968, the full Court upheld the timber money but ruled that T&H Natives had not ever owned their fisheries, and that part of the award was canceled. The Court's decision to cancel the fisheries award was wrongly decided as a matter of law and could have been appealed. On March 1 and 2, 1968 T&H held a convention in Juneau to discuss current issues, including the Court's decision. Andrew P. Johnson moved, seconded by Steve Hotch, that T&H appeal the Court of Claims decision to cancel the fisheries award. On a roll call vote, the convention voted 34 to 5 to accept the Court decision and not appeal. Those voting to appeal were Steve Hotch and Edith Jacquot from Klukwan, and Sarah J. Hanbury, Richard Rinehart and Edith Stevens from Wrangell. Although victory in an appeal was not certain, and taken in hindsight, the decision should have been appealed since substantial authority to prevail on the fisheries question was available to preserve our aboriginal reserved right to own our fisheries that is the basis for our culture. That is history. Today, the T&H President and administration, the Tribal Assembly and its Executive Council are determined to improve subsistence rights for all Native Alaskans, and we are leaving no stone unturned in our efforts.

### **General Assembly and Resolution Committee Report - Scott Fulton, Delegate**

I would like to express my appreciation for the votes of support to represent the San Francisco Tlingit and Haida delegation at the 77<sup>th</sup> Tribal Assembly. The obligation of a delegate is critical especially due to the pressures being put on our people, villages and Tribe. The assembly business was compounded by the fact this was an election year. I would like to congratulate the delegates for an overwhelming show of support for the tribe's leadership, re-electing incumbent president, Edward K. Thomas, and the six incumbent vice presidents to additional two-year terms. This is the first time ever for the executive board to be re-elected.

I was added to the Resolution Committee by Robert Sanderson 2<sup>nd</sup> Vice President. The committee reviews the Resolutions submitted by the 21 community councils. A "resolution" in definition is asking assistance from Central Council to: Take action on an issue, Determine and decide which governmental body is responsible. This year the committee enacted a report card system for following up on progress of each resolution. After the assembly all resolutions approved by the delegation are sent to the appropriate branch of government (local, State, Federal). The progress will now be tracked to ensure the hard work of our tribal members is achieved.

The Tribal assembly operates at the highest degree of professionalism and parliamentary procedure. I am always impressed with the pace and understanding of the delegates in regards to: main motion, second motion, amend a motion, debate a motion, vote motions and motions out of order. Impressive is the agility of the speaker to conduct, control and manage the new business, unfinished business, announcements, special orders and reports from committees. All this is done efficiently and effectively to make best use of time and ensure "business of the day" is completed before anyone is allowed to leave.

Thank you again for the opportunity to represent the San Francisco Tlingit and Haida Community Council as Delegate. I am committed to economic development, tribal communications and cultural history for Tlingit & Haida people.

### **San Francisco Tlingit & Haida Scholarship Award**

To be eligible for the SFT&H Scholarship Award one must be **enrolled** with Tlingit & Haida Central Council in Juneau and **registered** to the San Francisco T&H Community Council. The award is for College (4 years), Jr. College (2 years) or Trade school. Our local deadline around June 1<sup>st</sup> of each year.

A different scholarship award comes from the Central Council Tlingit & Haida Indian Tribes of Alaska in Juneau, Alaska offers scholarships to **all enrolled** T&H members. For applications/information go online to [www.ccthita.org](http://www.ccthita.org), deadline for completed applications is around March 1 of each year.

Sealaska Heritage Institute in Juneau, Alaska is accepting applications for college, voc-tech scholarship. To qualify you must be a Sealaska shareholder or decedent. For information go online to [www.sealaskaheritage.org](http://www.sealaskaheritage.org) deadline for completed applications is around March 1 of each year.

Please contact Estella "Jackie" Clark, Scholarship Chair, 812 Lombard Way, Rohnert Park, CA 94928, (707)795-2317  
[Declar02@earthlink.net](mailto:Declar02@earthlink.net)

**GENERAL MEETING FOR VOLUNTEERS FOR PLANNING THE CULTURE EVENT**

**SEPTEMBER 9, 11 A.M. AT PRESIDENT KATHY PADDOCK'S HOME**

We will be holding an open Community and Board meeting at the 11 A.M. TO 3 P.M. at Kathy Paddock's home at 153 Tomales Street, Sausalito, Ca. We usually share a small potluck lunch so bring a small dish to share or just come.

We will also be making final plans for the Culture Celebration which will be held this fall. We need as much help as possible with these events. At all of our gatherings, we find family that we didn't even know.

**ANNUAL PICNIC AT OAKLAND ZOO ON SATURDAY, JULY 28**

**Camel Creek picnic area below the Zoo at 11:00 a.m.**



San Francisco Tlingit and Haida Community Council

Roberta Martorella, SFTH Membership Chairman

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*Address Correction Requested*