

Statement by Gail Schubert, Chief Executive Officer, Bering Straits Native Corporation to the Committee on Natural Resources, U.S. House of Representatives, on H.R. 2340, the Salmon Lake Land Selection Resolution Act

April 21, 2010

Chairman Rahall, Congressman Hastings, Congressman Young and other Members of the Committee on Natural Resources, I am Gail Schubert, Chief Executive Officer of the Bering Straits Native Corporation (BSNC), a regional Alaska Native corporation authorized by the Alaska Native Claims Settlement Act (ANCSA). I am an Inupiaq Native who grew up in the village of Unalakleet, a village in the Bering Straits region. I am also an attorney and a board member of the Alaska Federation of Natives, the umbrella Native organization for all Alaska Natives whose membership includes 178 villages, including tribes and village corporations, 13 regional Native corporations and 12 regional nonprofit and tribal consortiums.

Thank you for holding this hearing today on H.R. 2340, the Salmon Lake Land Selection Resolution Act. This bill would resolve several outstanding land issues involving our Native corporation's land selections under ANCSA, as well as several land selections of the State of Alaska (State) by ratifying an agreement between the United States, the State, and the Bering Straits Native Corporation. As you know, a hearing was held on October 8, 2009 in the Senate Energy and Natural Resources Committee on a companion bill, S. 522, with no objection being raised. That bill was reported out of Committee, with a few minor edits to the text of the bill as introduced by Senators Murkowski and Begich, with which we certainly concur.

As a regional Native Corporation, BSNC received entitlement under ANCSA to 145,728 acres of land under Section 14(h)(8) of that Act. The ratification of the agreement by enactment of H.R. 2340 would fulfill a critical component of that entitlement by conveying 1,009 acres in the Salmon Lake area, 6,132 acres of land at Windy Cove and 7,504 acres of land at Imuruk Basin to BSNC. The bill would also convey 3,084 acres in the Salmon Lake area to the State of Alaska. As part of the agreement, BSNC will relinquish 3,084 acres of land from its original Salmon Lake selection. Passage of the bill would avoid further costly and counterproductive administrative appeals or litigation and is, all of the parties to the agreement believe, an equitable and reasonable resolution to some difficult land issues that have faced the parties for many years caused in part by the competing land selections of the State and BSNC. We urge this Committee to favorably consider and pass this legislation during this Congress.

By way of background, our Native region encompasses a large geographic region around Nome, Alaska, Norton Sound, and the Bering Strait, which is the body of water located directly between the United States and Russia. Maps and other information relevant to the legislation are contained in a Briefing Booklet, entitled, “Salmon Lake Area Land Ownership and Consolidation Agreement,” provided to the Committee previously.

The Bering Straits region historically is icebound for about seven months of the year. What few local roads that have been built over time are truly local and not connected to the state highway system, whose closest point is approximately 400 miles away. Our region is the terminus for the famous Iditarod dogsled race each year. In the summer, rivers and the ocean are prime means of transport for the people of our villages. In the winter, once these water bodies are frozen, they become transportation links for people to travel to and from villages in the region by snow machine or dogsled. Travel to the larger cities in the state requires travel by air.

The lands of our region are central to maintaining our cultures, traditions, and health. Our people have long harvested salmon and other fish, caribou, moose, and small game, and picked berries and greens to feed their families. Activities related to food gathering still dominate much of the everyday life of each of our communities. The period when we harvest some resources is very short: for instance diamond leaf willow greens or “sura” can be gathered for only a very few days when the young willow shoots first show themselves. Salmon and caribou, both migratory species, are likewise available for only a short time and people must travel to where the resources are.

The lands subject to the Salmon Lake agreement are significant for the history they contain and the resources that thrive there. Salmon Lake has, for centuries, been an area for salmon and caribou harvests as evidenced by the ancient camps and village site there. It still is important for exactly the same reasons, and many residents, shareholders and non-shareholders alike depend on regular trips there to harvest caribou and salmon, and pick the abundant blueberries and greens. Imuruk Basin lands are a huge swath of wetlands where the Agiapuk River delta empties into the Imuruk Basin. Waterfowl, moose, musk ox, and berries abound here and have been harvested for many generations by the people of Mary’s Igloo and Teller. Windy Cove, on the south side of Imuruk Basin, is an area used to access the uplands of the north flank of the Kigluaik Mountains, for moose hunting and berry picking.

The BSNC region is an area typified by rolling tundra, alpine tundra, and mountain ranges, as well as small spruce forests at its eastern limit. Reaching toward eastern Eurasia, the Seward Peninsula is the westernmost extension of the North American continent. Residents of the region have lived off the land for millennia, and while the modern era has brought significant change to

this way of life, the lands are still the basis for BSNC's shareholders identity as they continue to use the lands for subsistence purposes as well as for recreation. It is the importance of these lands, both in the past and for the future, that guided BSNC in its original ANCSA land selections during the 1970's.

BSNC, established as the regional Native Corporation for the communities of the Seward Peninsula, Bering Strait, and Norton Sound, is seeking to finalize all land entitlements granted through ANCSA. The process of land selection, prioritization, adjudication by BLM, and finally, the transfer of land to the Alaska Native Corporations, has taken almost 40 years. This process is still ongoing, though the 2004 Alaska Lands Transfer Acceleration Act (P.L. 108-452) reported to the Senate by your Committee, provided the impetus and tools for resolving regulatory bottlenecks in ANCSA and expediting transfers to the State of Alaska and Alaska Native Corporations. H.R. 2340, the subject of today's hearing, is one of the direct results of that action by Congress to help expedite the conveyance of lands as part of the settlement of Alaska Native aboriginal land claims.

The history of BSNC's ANCSA 14(h)(8) selection of Salmon Lake began in 1977 when BSNC filed selection number F-33819. In 1997, BLM determined that the application would be rejected because the lands were not withdrawn under Section 11(a)(1) of ANCSA. BSNC appealed this decision to the Interior Board of Land Appeals, and the decision was remanded back to BLM. By this point in time, BSNC had already spent well over \$100,000 in legal fees related to the Salmon Lake appeal. Additional 14(h)(8) selections at Windy Cove (F-33833) and Imuruk Basin (F-33834) were to be similarly adjudicated, and further appeals might need to be pursued, resulting in additional legal and litigation costs. In short, there was an acute need for a resolution to be negotiated that would deal with the respective interests of all parties equitably and not expend more precious time, effort and money in the process of trying to conclude land transfers authorized pursuant to ANCSA.

With the passage by Congress of The Alaska Land Transfer Acceleration Act, the mechanisms for negotiating land selection conflicts were streamlined. That Act also provided the opportunity for Native corporations to negotiate directly with the BLM for final settlement.

In 2004, representatives from BSNC, BLM, and the State met to discuss the possibility of resolving issues through a negotiated settlement. Over the course of the next three years, the parties met on an annual or semi-annual basis, and were eventually able to reach an agreement that served all of their interests. Through the agreement, titled the "Salmon Lake Area Land Ownership Consolidation Agreement," the State and BSNC will each receive a portion of Salmon Lake. The lands BSNC would receive are contiguous with and adjacent to lands previously conveyed to the

Native corporation. Likewise, the lands the State would receive are immediately adjacent to other State-selected lands. Access to State waters and other public lands has been assured through the reservation of public easements over the lands to be conveyed. All lands granted to the parties through the Agreement will be counted against their remaining entitlements. Regarding the lands BSNC would receive, the total acreage subsumed under the Agreement would be subtracted from BSNC's remaining ANCSA 14(h)(8) entitlement. For the State of Alaska, the lands would be counted against the State's entitlement under 6(a) of the Alaska Statehood Act.

The basic terms of the agreement are by way of an overview as follows: On the lands in question, the public interest is protected through easements which allow the public to cross Native-owned lands to access state waters, public lands, or private lands. Legally-owned private in-holdings, such as Native allotments, within these tracts are also protected. The lands were appropriately selected by BSNC in 1977 and subsequently prioritized. BSNC does not receive any additional acreage above what was originally allocated for this section (14(h)(8)) of ANCSA. And finally, this Agreement does not alter the entitlements contained in ANCSA.

BSNC seeks to avoid further delays caused by litigation and/or the need for re-selection of 14(h)(8) lands. This Agreement forged between the parties is not a land exchange nor does it modify or waive any section or regulatory mandate of ANCSA.

Salmon Lake is currently one of the westernmost red (sockeye) salmon spawning lakes in North America. The Lake is surrounded by a landscape of glacial moraines which contain evidence of use that spans countless generations. At the east end of the lake is a small, ancient settlement of two or three house pits, while along the shore near the mid-center of the lake is an old village site of perhaps twenty semi-subterranean house remains. Old burial sites are located between the Nome-Taylor road and the lakeshore. Stretched along Fox Creek, which empties into the Lake on its north shore, is a caribou drive line, stone tent rings and shooting blinds left by hunters over two centuries ago.

Today, residents of the region and BSNC shareholders visit the Lake for the same reasons our ancestors did. An abundantly rich salmon resource is harvested along the Pilgrim River, just below the eastern outlet to the Lake. Caribou returned to the Seward Peninsula in 1996 after a hiatus of well over 100 years, and people have camps near the Lake that they use to access the herd when it crosses or is near the Nome-Taylor road. Clearly this area has been and remains important to our shareholders as a place for securing subsistence resources, and it will continue to be an important place in the history and lives of the people of the region.

The other lands subject to this Agreement lie on the north and south shores of Imuruk Basin. Windy Cove lies at the base of the north flank of the Kigluaik Mountains. Oral tradition maintains that it is in this mountain range where an ancestor to our shareholders encountered a giant eagle that taught him the songs, dances, and ceremonies that have come to be known throughout the region as the Eagle-Wolf messenger feast. In the past this ceremony brought villages together to trade, feast, and perform the necessary rituals to ensure the return of the spirits of the animals they hunted so that a balance was maintained between the human and animal worlds.

The lands called the Imuruk Basin lands in the Agreement encompass the delta of the Agiapuk River on the north shore of Imuruk Basin. This area contains old camps and village sites, some dating back 2000 years. One village on the Agiapuk River was virtually wiped out by the 1918 influenza epidemic, a tragedy that nearly halved the Native population of the region stretching from Unalakleet to Shishmaref, because indigenous people living there did not have immune systems that could deal with such diseases.

The Imuruk Basin lands are essential resource procurement/subsistence use areas to this day. Salmon are harvested as they return to the Agiapuk River, moose are taken for winter supplies on the lands, and the area swarms with waterfowl in the spring and fall of every year. Situated between the lands of the villages of Mary's Igloo, Teller, and Brevig Mission, this land is of central importance for the continuation of our peoples' culture, history, and ongoing subsistence lifestyle.

The people of the Bering Straits region will be deeply grateful to this Committee and to the Congress for ratifying the Salmon Lake Area Land Ownership and Consolidation Agreement, thereby sensibly and equitably resolving some of the critical remaining lands issues in our region. Thank you for this opportunity to provide the Committee with our views on this important piece of legislation.

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