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HC6415

#### Comments on the Forest Service's Plan to Exempt the Tongass National Forest from the Roadless Rule

We are opposed to any Forest Service plans to exempt the Tongass National Forest from the Roadless Conservation Rule; we support *Alternative One; No Action.*

Both the City of Hydaburg and the Hydaburg Cooperative Association are on record as being in support of *Alternative Three: Logical Extension.* The Mayor of Hydaburg attempted to explain his reasoning for choosing *Alternative Three,* but this Alternative fails to address the need to protect subsistence resources and uses within our traditional Haida territories.

We are the descendants of the Haida who resided at Howkan, Klinkwan, Koiaglas, and SUkkwan, and other sites throughout Cordova Bay, we speak for the continued protection of these lands under the *No Action Alternative.* The areas which are of concern to the Haida tribe include the following:

*504* Dall Island 105,800

*502* Suemez 19,900

*504* Sukkwan 44,400

*505* Soda Bay 78,000

*507* Eudora 195,000

*519* Polk Inlet

*531* Nutkwa 53,700

*533* Hydaburg 11,200

*534* Twelvemile 37,900

Total 545,900

Subsistence resources used by the community of Hydaburg includes, but is not limited to the following:

1. Salmon berries
2. Thimble berries
3. Blue berries,
4. Salal berries
5. Redcurrants,
6. Grey currants,
7. Beach asparagus

8. Eel grass
9. Sea Cucumbers - Yanu
10. Clams
11. Cockles
12. Geoduck
13. King salmon
14. Coho salmon
15. Sockeye salmon
16. Chum salmon
17. Pink salmon
18. Cutthroat trout
19. Rainbow trout
20. Steelhead
21. King crab
22. Dungeness crab
23. Tanner crab
24. Scallops
25. Abalone,
26. Herrings
27. Five species of shrimp
28. Deer
29. Harbor seals
30. Sea lions
31. Sea otters;
32. Ducks
33. Geese
34. Cranes
35. Seagull eggs
36. Red cedar
37. Yellow cedar

38. Yew Wood

39. Cedar bark for weaving

40. Hudson's Bay tea

41. All kinds of ferns

42. Nettles

Sealaska Corporation, Klukwan, Inc., absentee landowners, and Haida Corporation have each harvested the timber on their property, without the benefit of a realistic sustained-yield plan and in many cases have harvested timber to the detriment of the salmon fisheries. Sealaska Corporation continues developing their timbered Prince of Wales Islands at Keete Inlet at this time.

#### Hydaburg Coastal Management Program

The \* Hydaburg Coastal Management Program \*[Text italicized for emphasis] was approved by the State of Alaska in July of 1983, and with the entire Alaska's Coastal Zone Management program, was terminated in 2005 by the Governor Murkowski. Yet, the purpose and the contents of this program document still relevant to the community of Hydaburg to this day. The purpose of the City of Hydaburg's involvement in the Alaska Coastal Management Program was stated as:

The City of Hydaburg's involvement in the Coastal Management Program enables it to have a voice in the resource planning of an area vital to the culture, heritage, and traditions of the Haida people. The knowledge and understanding of resource values held by Hydaburg's people are reflected and expressed in this program. The Hydaburg Coastal Management Program demonstrates to both present and future generations the importance of protecting traditional and customary uses, will also planning for the uses of the future.

The "Planning Area" as described in the \*Hydaburg Coastal Management Program\*[Text italicized for emphasis] is acknowledged by the State of Alaska as an area important to the people of Hydaburg. The community underwent a three-year process of developing this program. The city conducted community surveys and individual interviews of elders and tribal and community members.

From time immemorial the Haida have attempted to defend their territory against intruders who thought no one owned this place and took the whatever resources they desired.

#### Previous Claim to Cordova Bay

The Hydaburg's Planning Area has been indigenous territory since prior the July of 1774 and continued throughout our history as evidenced below:

In 1938, Hydaburg went through a process to gain the Federal government's acknowledgement the Haida's aboriginal rights to their homeland. The community leaders submitted the following Statements by the Natives of Hydaburg In Justification of their Application for a Reservation:

##### 1. Location

The reserve we justly request is an infinitesimal part of the huge Territory of Alaska. It is located in the southeastern end of the Prince of Wales Island. All the territory east of an imaginary line from the extreme head of Hetta Inlet south to the extreme end of Prince of Wales Island or Cape Chacon to an imaginary line drawn from Cape Muzon following the eastern shore of Dall Island north to the middle of Mears Passage. It is bounded on the north by a line drawn from the middle of Mears Passage to the extreme head of Hetta Inlet and on the south by an imaginary line drawn from Cape Muzon to Cape Chacon. The reserve is to include all water extending three thousand (3,000) feet from the shore line.

##### 2. Historical Background and Occupancy Right

Many historians disagree as to the possible origin of the "Haida" tribe. While some say we came from the north others say we migrated from the south. Our traditions also differ on this point. Some speak of a great flood or possibly a tidal wave on which we were carried into this country. There seems to be a general agreement that we came by the way of the ocean with a group settling in Kaigani another group going around Cape Chacon and settling in the head of the West Arm of Cholmondale Sound eventually crossing at the portage and settling in Hetta. One group settled in Klinkwan.

The "Haidas" seem to have been a prolific tribe. As they increased in one community friction would develop, possibly two chiefs would vie with one another and eventually cause the community to divide, one chief with his followers deserting and forming another community. Different groups seeking better hunting and fishing grounds moving and settling elsewhere. Eventually we had Haidas all over the southeastern end of Prince of Wales Island. Wherever separate groups settled they left their totem poles which today offer mute testimony justifying our claim.

True to human nature the lucky clan first discovering easily accessible salmon streams claimed these as their own and handed them down to their descendants. In order that clans not affluent may have a right to also earn their subsistence, certain areas were set aside for common use where no one could claim priority. These claims have been handed down to their descendants. In order that clans not affluent may have a right to also earn their subsistence, certain areas were set aside for common use where no one could claim priority. These claims have been handed down to the present date in the order they are listed:

Beginning at the north end of our reserve the north shore of Tlevak Narrows including Soda Bay to Halibut Nose is claimed by John High.

The district from Halibut Nose through North Pass including Hydaburg Bay, South Pass, and Sukkwan Strait to Eek Point is claimed by two parties, John Wallace's family and the family of Nix's and Natkong's.

The district from Eek Point to Lime Point including Hetta Inlet was claimed by Mose Kookeet a descendant of group that crossed the portage at Sulzer. He is now dead and the place has no claimants.

From Lime Point to Hassiah Inlet including Nutkwa Inlet and Keete Inlet is claimed by Ben Duncan and Robert Cogo.

Hassiah Inlet, Mable Bay, Kassa Inlet to Shipwreck Point was considered common property. Further explanation for this being that there are no real good salmon streams in this district.

From Shipwreck Point south to Klinkwan.

**\*September 18, 1944\*** - Hydaburg Reservation- Hydaburg Reservation Petition Amended - The Hydaburg Cooperative Association amends its petition for a reservation to include "the whole western shore of Dall Island."

**\*November 30, 1949\*** - Hydaburg Reservation - Order Designating Reservation for the Indians of Hydaburg - The Hydaburg Indian Reservation is established, comprising land and navigable waters of the Pacific Ocean. Secretary of the Interior Julius A. Krug issued an order (14 F.R. 7318) pursuant to Section 2 of the Act of May 1, 1936 (49 Stat. 1250).

Order of the Secretary: Pursuant to the authority vested in the Secretary of the Interior by Section 2 of the Act of May 1, 1936 (49 Stat. 1250, 48 U.S.C., 1946 ed., Sec. 358a), it is ordered that the following described area, including the town reserve established for the Native village of Hydaburg by Executive Order 4712 (August 30, 1927), shall be, and the same hereby is, designated as a reservation for the use and occupancy of the Indians of Hydaburg, Alaska:

"beginning at a point at the head of Soda Bay, approximately latitude 55 [deg] 17'N., longitude 132 [deg] 55'W.; from the initial point, at lowest low tide on the south shore of Soda Bay to a point opposite Halibut Nose; southeasterly along the line of lowest low tide on the north shore on North Pass and the east shore of Sukkwan Strait to Eek Point; northerly along the line of lowest low tide on the west shore of Hetta Inlet to a point one mile above Deer Bay; northerly and westerly along the divide at the head of the drainage into Sukkwan Strait and North Pass to the point of beginning; and Sukkwan Island, and including the rocks and islets within 3,000 feet

from such shores; and further including all lakes within the foregoing areas, all islets where the distance from shore to shore is less than 1,000 feet, all streams, and waters within 500 yards of the mouth of each such stream as defined pursuant to the act of April 16, 1934 (48 Stat. 594,48 U.S.C., 1946 ed., secs.232, 233), and also including the waters and submerged lands adjacent to such uplands and extending 3,000 feet from the shore line at mean low tide; and also including the cemetery on islands outside of Hunters Bay, Prince of Wales Island, the cemetery on center island between Howkan and Dall Island, the cemetery on the east side of Sukkwan Narrows, Sukkwan Island, the cemetery on south end of Jackson Island, south of Sukkwan Island, the cemetery at Klinkwan, Prince of Wales Island, the cemetery at Howkan, Long Island, and the cemetery at Cape Muzon, Dall Island, the exact boundaries of each cemetery site to be determined at the time of survey by the Bureau of Land Management and the cemetery sites not to exceed in the aggregate 160 acres; and Provided, however, that any patented lands are excluded from the reservation designated in this order; and Provided, further, That if the Supreme Court of the United States shall decide in the pending case of *Frank Hynes v. Grimes Packing co., et al.* [Text italicized for emphasis] that the waters and submerged lands below low tide cannot be properly be reserved for Alaskan natives under section 2 of the act of May 1, 1936, supra, the phrase "and also including the waters and submerged lands adjacent to such uplands and extending 3,000 feet from the shore line at mean low tide" in this order shall be ineffective."

October 7, 1952 - *Hydaburg Reservation* [Text bolded for emphasis] - *United States v. Libby, McNeill, & Libby* [Text italicized for emphasis] (107 F. Supp. 697) - Judge George W. Folta issues a fatal below to the Hydaburg Indian Reservation in HCA's attempt to assess a rental fee to their fish traps within the Hydaburg Reservation.

Invoke the Protections Inherent in ANILCA

"[T]he continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened [hellip] by the increased accessibility of remote area containing subsistence resources [hellip]" and will be jeopardized by the exemption of the Tongass National Forest from the Roadless Rule.

[Signature]

[Position]