



Douglas Indian Association Tribal Government

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Heidi Firstencel
Supervisor, Juneau Office
US Army Corps of Engineers
8800 Glacier Highway, Ste. 106
Juneau, Ak 99801-8079
January 26, 2010

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Alaska District Corps of Engineers

Hello Ms. Firstencel:

The Douglas Indian Association is the federally recognized Indian tribe for the Tlingit People who come from Douglas Island, the Taku River and Stephens Passage shorelines (refer to the enclosed map for the Tribe's Traditional Territory). Sometime in the 1880s, a tribal village was established in the vicinity of Sandy Beach on Douglas Island, and this became known as the Douglas Indian Village. When the Tribe registered their Constitution with the US Government in 1941, this was the tribal center of government and was also where they met as Camp 2 of the Alaska Native Brotherhood/Sisterhood. There are many exchanges in written record of Tribal Leaders speaking to various government agencies, beginning in the 1800s. A census of the village, published in 1899, recorded the population of the village at 600.

Although the village was destroyed twice in fires (1926 & 1962), the area between the Mayflower School (built by the BIA for the village students) and Mayflower Island remains, today, as an area of considerable interest to the Tribe. This, of course, includes the site of the Douglas Boat Harbor. I am including an article that appeared in the Juneau Empire in 2002 which references an exchange that took place at that time with the U.S. Army Corps of Engineers about the boat harbor. (Please refer to the last three paragraphs in this article.) I know that there have been other exchanges with the Corps before and since, but suffice it to say that there remains an interest and concern about the Douglas Boat Harbor.

The U.S. EPA has funded an Environmental Program at the Douglas Indian Association since 1997, and we have been investigating the environmental impacts to our membership since that time by employing environmental scientists. Currently, our Environmental Planner is Douglas Dobyns. We would like him to advise us on the technical aspects of the project (Ref. 2000-495) as the project review proceeds, and we would like to ask that this project receive a Public Hearing. For discussion of this request you may call Mr. Dobyns at (907) 364-3567.

Sincerely,

Andrea Cadiente-Laiti
Tribal Administrator



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Tribal group seeks payback for land

BIA to review burning of Douglas Indian homes in '62

By ERIC FRY
THE JUNEAU EMPIRE © 2002

John Morris remembers watching the city of Douglas burn down his home in the Douglas Indian Village in 1962. The fire trucks were there to keep the fire in, not put it out.

Douglas, at the time an independent city with its own government, razed the village to build the Douglas Boat Harbor. The beach homes of Morris and other Natives were cleared to make room for material dredged from Gastineau Channel.

Juneau residents now play ball, barbecue and soon will ice skate on what some Douglas Natives consider to be stolen property.

"This was a piece of property they had to have and took it by hook or crook rather than the letter of the law," said Morris, 61.

The Douglas Indian Association, buttressed by a recent review of public records and federal law, has renewed its long-standing call for compensation from the federal government and the city. The tribal government says the U.S. Bureau of Indian Affairs had jurisdiction over the village and shouldn't have let the city burn it.

"There's never been a satisfactory answer to the questions we raise," said Harold Frank, acting tribal administrator of the 414-member Douglas Indian Association, a federally recognized tribal



BRIAN WALLACE / THE JUNEAU EMPIRE

Lost neighborhood: John Morris stands about where his childhood neighborhood once stood at what is now Savikko Park on Saturday in Douglas. The Douglas Indian Association is asking the federal and city governments to compensate it for destroying the Douglas Indian Village in 1962 to make room for the Douglas Boat Harbor.

government. "There's been a lot of folks willing to say it's been 40 years ago."

The report by the Indian Law Resource Center, based in Helena, Mont., and publicly released by the tribe last week, said one member of the Douglas Planning and Zoning Commission was an employee of the BIA's realty office when the city was trying to acquire the tidelands and village site from the

state and seeking to get a harbor built by the U.S. Army Corps of Engineers.

Another zoning commission member worked for the Department of Interior, the BIA's parent agency, the report says.

Those employees eventually cited a conflict of interest and resigned from the zoning commission while the city was

Please see Land, Page 11

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police say the married couple
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today, pulling the Dow Jones in-
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aid Joseph Keating, chief invest-
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percent, at 7,591.58, according to
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11, or 1.5 percent, to 815.26, hav-

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decline of 17.9 percent; the Nas-
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ners increased their spending in

Land...

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trying to acquire the village land,
city records show. But the new re-
port, by attorney Andrew Huff,
said the BIA's "willingness to
abandon the Natives may be
linked" to the two men's dual po-
sitions.

Niles Cesar, Alaska director for
the BIA, today said the report rais-
es questions and the agency will
investigate them fully.

"Did we do due diligence for
Douglas back in the '60s?" Cesar
said. "Is there a conflict of interest
and did that have an effect on the
process?"

The village, which tribal mem-
bers said was lived in continuous-
ly since the 1880s, consisted of
about 20 buildings, including 10 to
12 houses, on the beach that is now
the site of Savikko Park. But like
Natives throughout Alaska, the
villagers spent part of the year at
fishing and hunting camps.

"Our lifestyle was from the last
day of school in the spring we
would go to the Taku River and
stay there continuously through
the summer and the fall until two
weeks into the school season,"
said Morris, who said he grew up
on the Taku and in the Douglas In-
dian Village in the 1940s and '50s.

"We gillnetted and fished.
Went hunting. Go get the moose
and the berries and put up all the
food for the wintertime," he said.
"We smoked and canned salmon.
Everything that you could live off
the land was there on the Taku."

Douglas Natives in the mid-
1940s asked the federal govern-
ment to build a harbor in front of
their homes. The Natives couldn't
get loans for new boats because
they couldn't insure them without
having a harbor to dock them in.

The Alaska Native Service, a
federal agency, said the city of
Douglas would provide new
homes for Indian village residents
on the area to be filled by dredged
material, Huff's report says.

But that project came to north-
ing. When the city in the early
1960s renewed efforts to build a
harbor, it said the village was on
city land. The state transferred
the site to the city and the BIA did-
n't object.

In compensation, the Douglas
Indian Association now wants the
federal government to give it
Mayflower Island, the islet at the
harbor connected by a road-
topped causeway to Savikko Park,
tribal administrator Frank said.
The islet contains offices for the
Federal Bureau of Land Manage-
ment.

The tribe also wants to receive
the former Douglas Indian School
on St. Ann's Avenue. It is now
owned by the city and used by a
private Montessori school.

The association wants the BIA
to investigate, with the city's coop-
eration, the destruction of the vil-
lage and explain its reasons for
not protecting it.

Cesar of the BIA said the
agency is reviewing the land-sta-
tus question.

Juneau Interim City Manager
John Mackinnon today said it was
too early for city officials to com-
ment on the report, which they re-
ceived late last week.

Juneau, Douglas, Auks Bay
and the rest of town voted to unify
fully as a combined city and bor-
ough in 1970.

Huff's report says the Native
village should have been consid-
ered a federally protected en-
clave, based on the 1884 Alaska
Organic Act, which established
civil government in the territory of
Alaska. Later federal laws reaf-

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than the letter of the
law.

— John Morris

firm the state didn't have rights
to property held by Natives or by
the federal government in trust
for Natives, Huff said.

Cesar said he wasn't aware of
any documents that show the vil-
lage officially was a Native town-
site or allotment protected by
specific federal laws, but the
agency will review whether the
site nonetheless should have been
under federal oversight.

A U.S. Survey map from 1915
shows the Indian village wasn't
part of the Douglas Townsite.

In 1961, though, the city said
the village was no longer on tide-
lands, but on uplands created over
time as waves left sand behind.
Following a land-ownership prin-
ciple called accretion, the city said
the village was part of adjacent
uplands, which the city had seized
from the Treadwell mining corpo-
ration for nonpayment of taxes in
the 1920s. Most of Douglas' mines
closed in 1917 following a collapse
and flood.

Soon after hearing the city's
reasoning, the BIA told the city
the BIA and the Interior Depart-
ment didn't have jurisdiction over
the "Indian-owned improve-
ments" in "the Douglas Indian
Village."
The last sentence of the two-

sentence letter to the city, the only
known explanation of the BIA's
position at the time, reads: "It is
hoped that any action taken by the
City of Douglas to force the re-
moval of these Indian people from
their homes in the village will be
done without causing them undue
hardship."

It's not clear from existing pub-
lic records how many village resi-
dents were compensated for their
homes, attorney Huff said. A let-
ter from the city of Douglas' attor-
ney to some villagers said they
were entitled to very little.

"They were always bitter over
it, saying they were never com-
pensated for the land or the hous-
ing," said Morris, the former
village resident.

Huff said the question of
whether the village was on tide-
lands or uplands is irrelevant. Any
continuously used Native sites
should have been considered fed-
erally protected land. The state
also is at fault, he said.

The tribe's report comes as the
U.S. Army Corps of Engineers con-
siders building wave barriers at
the harbor, which the city is ex-
panding. The Douglas Indian As-
sociation has asked the Corps of
Engineers to include the recent le-
gal report in the agency's analysis
of the new project.

"There is a need for justice,
and the Tribe seeks answers to
our question," tribal President
Dorothy Owen wrote to the Corps
of Engineers.

Corps of Engineers spokesman
John Killoran said it was too soon
to say whether the association's
request would affect the proposed
harbor project. The site of the In-
dian village is not within the pro-
ject's boundaries.

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