Case Review of
Sealaska Corporation
Integrating Cultural Values

Presented To
Heritage and Community Values, Benefits, and Sustainability
Presidents Dream Colloquium
on Protecting Indigenous Cultural Heritage
Simon Fraser University

By

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Sealaska Heritage Institute

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In honor of my ancestors and in accordance with our cultural protocols, let me begin by identifying who I am within our Tlingit traditions:

Lingít x’eináx Yédiklats’okw ka Kaahaní ax saayí.
Shangukeidí ka Cháak’ naa xat sitee.
Kawdliyaayi Hít áyá xát.
Jilkaat Kwáan áyá xát.
Luкаax.ádi yádi áyá xát.

My Tlingit name is Yédiklats’okw and my ceremonial name is Kaahaní
I am of the Thunderbird Clan and the Eagle Moiety.
I am from the House Lowered from the Sun of Klukwan.
I am a Child of the Sockeye Clan.
Academic Background

Ph.D. in Anthropology from Harvard University
Ph.D. in Sciences Honorary Degree from University of Alaska Anchorage
Social Scientific Studies and Investigations throughout the Circumpolar Arctic & Alaska
Special Staff Assistant to the Honorable Thomas R. Berger, Alaska Native Review Commission
Public & Applied Science
2008 Solon T. Kimball Award
American Anthropological Association
Overview of Presentation

In this review, I will address how the Tlingit, Haida and Tsimshians of Southeast Alaska are integrating their core cultural values in the development of the corporate institution that received legal title to a fraction of their aboriginal land base. I will also focus on Sealaska’s land stewardship practices.
Tlingit & Haida Use of American Legal & Political Institutions to Maintain Land Ownership & Sovereignty

- Indigenous populations have occupied Southeast Alaska for 10,000 years.
- The Tlingit maintain and assert ownership of Southeast Alaska “since time immemorial.”
- 1867 Treaty of Cession: Encroachments and expropriation of Native land and resources by Americans began and intensified with the discovery of gold and development of fisheries and their forests in the late 1800s.
- Tlingit Assert U.S. should buy Alaska from rightful owners
Conflicts between traditional Tlingit and western laws led to the bombing and destruction of three Tlingit villages by the United States military:

- Kake – 1869
- Wrangell – 1869
- Angoon – 1882
1886  *Sah Quah* Tlingit argued in federal court

- They retained independent sovereignty
- They had sovereign right to hold slaves
- U.S. District Court rejected their assertions and ruled Tlingit are subject to U.S. Constitution.

1890  Tlingit retain an American lawyer to defend their rights and bring their complaints to federal authorities.

1922  Tlingit clan leader charged with illegal voting and was successfully defended by his nephew, William L. Paul, Sr. and the right to vote was secured.

1924  William L. Paul, Sr., elected to Territorial House of Representatives followed by three other Tlingit in 1940s
Aboriginal Land Claims

1935  Tlingit sought and obtained passage of Jurisdiction Act to allow Tlingit and Haida to pursue the taking of 17 million acres of their land in U.S. Courts

1939  ANB organized Tlingit and Haida Central Council to pursue land claims in court

1947  *Miller v. United States*
- Tlingit contested condemnation proceedings of their land
- United States argued that their land was “unrecognized” aboriginal title.

1947  Tlingit and Haida land suit for the taking of their lands filed in U.S. Court of Claims
Aboriginal Land Claims

1955  *Tee-Hit-Ton v. United States*

• Tongass National Forest created in 1902 with 16 million acres
• U.S. Forest Service gave contracts to timber industry to large tracts of land to harvest forests
• Tlingit clan claimed the right to compensation under the Fifth Amendment of the United States Constitution for the value of timber taken by the federal government with the creation of the Tongass National Forest
• The Supreme Court held that the clan did not have any permanent rights to land

1957  Tlingit and Haida filed petition in U.S. Court of Claims to determine ownership of Southeast Alaska

1959  U.S. Court of Claims ruled that Tlingit and Haida were original owners of Southeast Alaska
Tlingit and Haida Land Settlements

1966 The Tlingit and Haida join with other Alaska Natives to pursue a land settlement for their remaining aboriginal land claims through Congress.

1968 U.S. Court of Claims award $7.5 million for the taking of 17 million acres to create the Tongass National Forest and Glacier Bay National Park
• The Tlingit & Haida also sought compensation for the historic loss of their rich fisheries, but the court ruled that the Tlingit and Haida did not own the fisheries

1971 Alaska Native Claims Settlement Act (ANCSA) enacted.
• Alaska Native leadership had rejected reservation lands that are held in trust by the Secretary of the Interior and instead pursued “fee simple title” to be held by corporations that would own and control land
ANCSA

Twelve Regional Alaska Native Corporations
Retribalization of ANCSA

• Congress viewed ANCSA as a vehicle for the economic assimilation of Alaska Natives with fee simple title, cash and a corporate structure with Natives enrolled as individual shareholders, but ironically it also imposes corporate socialism through Section 7 (i) revenue sharing.

• Alaska Natives saw ANCSA as a means to resolve their land ownership and to gain full control of their lands

• In the 1980s, Alaska Natives came to the realization that they could lose their lands with the lifting of restriction on the sale of stock in 1991. They also realized that aspects of ANCSA conflicted with the traditional cultural values
ANCSA

• Alaska Natives went to Congress and secured the ANCSA Amendments of 1987 with the following provisions:
  – To provide for automatic protections for land and Native corporation stock
  – To allow for the enrollment of Natives born after 1971
  – To authorize special benefits for Elders
  – To create settlement trusts for the health, education, and welfare of tribal shareholders
Sealaska

• Sealaska is the regional corporation for the Tlingit and Haida of Southeast Alaska (Tsimshian have a reservation)

• It is a profit-making corporation, but takes great pride in its assertion that it is a “Native” organization that:

  • provides social and economic benefits to its tribal constituents
  • supports the culture of the Tlingit and Haida, and
  • advocates politically to advance the welfare of its tribal member shareholders and communities
Core Cultural Values

Haa Aaní: Our Land

The basis of our collective identity and culture

Utilizing the land while protecting for future generations

Sustainable relationship with our lands

Sustainable community economies
Core Cultural Values

Haa Shuká: Our Past, Present, Future

Our collective identity reaches across generations

Sanctity of ancestral cultural and sacred sites and heritage

Social and financial benefits for current and future generations
Core Cultural Values

Haa Latseen:
Our Strength of Body, Mind, and Spirit

Our collective identity gives us strength,
discipline, resilience, perseverance and adaptability

Education and training for leadership

Healthy families and communities
Core Cultural Values

Wooch.Yax: Balance, Respect, and Reciprocity

Our collective identity relies on spiritual and social balance

- Institutional partnerships and collaboration

- People, tribes, and organizations working together
Sealaska

- Sealaska adopted a formal strategy to integrate their core cultural values into its operations.
# Cultural Values

## Sealaska Values in Action

### Alaska Native Values

<table>
<thead>
<tr>
<th>Value</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haas Aamí: Our Land</td>
<td>The basis of our collective identity and culture. Utilizing the land while protecting our future generations. Sustainable relationship with our lands. Sustainable community economies.</td>
</tr>
<tr>
<td>Wooch Yax: Balance, Reciprocity and Respect</td>
<td>Our collective identity relies on spiritual and social balance. Institutional partnerships and collaboration. People, tribes, and organizations working together.</td>
</tr>
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### Operating Goals

- These are our Operating Goals.
  - They are shaped by our Alaska Native values.
  - Achievement of these goals allows us to fulfill our Mission.

### Mission

<table>
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<tr>
<th>Mission</th>
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<tr>
<td>This is our Mission.</td>
<td>It is built upon the foundation of our Alaska Native values, and represents what our operating goals seek to achieve. Our Mission is an articulation of our Purpose and our Method.</td>
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### Vision

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<td>This is our Vision.</td>
<td>Our Vision inspires us to achieve our Mission, and unites us to reach the aspirational goals of our people and our communities.</td>
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### ANCSA Purpose

<table>
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<td>To forever preserve Alaska Native land, rights and ways of life.</td>
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### SEALASKA Purpose

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<td>Create opportunities for the Tlingit, Haida, and Tsimshian and strengthen Alaska Native land, culture, and communities through business excellence grounded in Alaska Native values.</td>
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### SEALASKA Way

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<td>Embed Alaska Native values in daily operations and achieve operating excellence.</td>
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### SEALASKA Vision

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<td>Be the global leader of values in action.</td>
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Sealaska Initiatives

- **Haa Aaní/Haa Shuká**
  - Strategic Measures for Green Initiatives in Operations & Compensation
  - Biomass Energy
  - Dedication of Arts Parks for Monumental Art
  - Haa Aaní LLC
  - Protection of Subsistence
  - Tree Ceremony First Harvest
  - Bear Policy
Sealaska Initiatives

• Haa Latseeni/Wooch Yax
  • Sealaska Heritage Institute
  • Sealaska Heritage Walter Soboleff Center
  • Scholarship Endowment
  • Intern Program
  • Employment: Shareholder/Spouse Hire & Reflection of Community Population
  • Sacred Sites
Sealaska

- Because the Tlingit and Haida had received $7.5 million for the taking of land by Congress to create the Tongass National Forest and Glacier Bay National Park, and the Tsimshian Reservation Sealaska was allowed to receive only one percent of the ANCSA lands.

- Sealaska has received 291,000 acres to date. In December 2014 Congress enacted legislation to allow Sealaska to receive its final land entitlement of 70,000 acres.

- The Sealaska land legislation includes 150,000 acres of conservation lands, but ironically, members of the conservation community opposed Sealaska’s land entitlement.
Conservation Refugees and Subsistence

- Subsistence hunting and fishing continues to be a significant aspect of Native culture and an important aspect of the economy in rural villages.
- During the past decades, Sealaska and other Native corporations have expended a reported $20 million advocating for the protection of Native subsistence rights.
Conservation Refugees and Subsistence

- The 1980 Alaska National Interest Land Conservation Act (PL 96-487) enacted a “rural” rather than a “Native” subsistence priority and designated 120 million acres in Alaska as conservation lands.

- Ironically, the Tlingit & Haida have become “conservation refugees” in their own homeland through conservation land designations, governmental laws and regulations that prevent or restrict their access to their land and natural resources.

- They have become paupers in their own homeland although they live in a land with rich resources.
Sealaska Tribal Member Shareholders

• As part of the assimilation objectives, ANCSA allowed those Natives who were alive in 1971 to receive 100 shares in the ANCs. Those who were born after December 1971 were not allowed to become shareholders.

• Under traditional values, members of the clan/tribe have ownerships rights to land based on their membership in the group rather than through inheritance.

• As an objective indicator of cultural persistence, Sealaska shareholders voted in 2007 with more than 57 percent of the outstanding shares to enroll Alaska Natives who were born after 1971 based on the cultural value of Haa Shuká that recognizes a bond among past, present and future generations. Moreover, this right was extended in perpetuity.
• In 2009, Sealaska tribal shareholders voted by an overwhelming 76 percent of outstanding shares to give each Elder 100 shares in addition to the 100 shares they already owned. This followed on an earlier action to give each individual, $2,000 upon reaching the age of 65 years.
Sealaska Land Legislation

• Economic Sustainability
  – Sustainable Harvests: Second Growth
  – Monetization of Resources without Harvesting
  – Carbon Sequestration

• Economic Diversity
  – Future Sites
  – Small Scale Development – Ecotourism
  – J/V with Tribes/Village Corporations

• Cultural Sustainability
  – Sacred Sites
  – MOA Management of Site by Tribes
Historical Sites

- ANCSA allowed regional ANCs to select historic and cemetery sites. To date, Sealaska had received conveyance to 82 sites encompassing 1,200 acres and another 5 sites are pending.

- As part of its final land entitlement legislation, Sealaska initially sought 3,500 acres of land as historic and sacred sites based on its cultural value of Haa Shagóon. The federal government opposed the transfer of Tlingit and Haida sacred sites to Sealaska and the acreage was reduced to 490 acres for 76 sites.

- Sealaska is developing formal agreements with tribes to allow tribes to manage historic and sacred sites within their traditional territorial boundaries.
Sealaska Forests and Timber Harvest

• The forests of Southeast Alaska are coastal temperate rain forests that for centuries have been free of catastrophic forest fires creating a relatively stable carbon storage unit.

• However, these forests do more than store carbon. They provide clean air, clean water, wildlife habitat, stream habitat, erosion control, soil protection and ecosystems and have significant ecological functions.

• The forests also support and provide the natural resources that have sustained the Tlingit and Haida for thousands of years. They play a critical role in our cultural and spiritual life and is our spiritual homeland. When a Tlingit or Haida dies, it is said that he or she “has walked into the forest.”
Sealaska Land and Timber Harvest

• Sealaska land and resources provide the foundation to promote the social and economic welfare of Alaska Natives. After it received its land conveyances, Sealaska initiated commercial harvests of its timber resources.

• Contrary to popular thought, Sealaska does not engage in deforestation practices. It does not convert the forest lands to other uses, but has instead developed policies and practices to ensure the sustainability of its forest lands and tree production to provide benefits for its future generations.
Sealaska Land and Timber Harvest

• Of the 290,000 acres Sealaska owns, it has initiated
  – selective harvest of 115,155 acres or 41% of its lands, and even-aged harvest of 81,934 acres or 28% of its lands

• Seven percent of Sealaska’s forest lands are in environmentally sensitive areas and have not been harvested.

• Twenty-four percent of its lands are non-forest lands that are muskegs, bogs or in high altitude areas.

• Of the 23 million acre land base in Southeast Alaska, the 13 ANCs in Southeast Alaska have harvested a total of 347,000 acres or 1.5 percent of the total land base.
Sealaska Forests and Timber Harvest

Large Tree Habitat
IN THE TONGASS NATIONAL FOREST

Pre-Industrial Large Tree Habitat*
2,299,369 Acres

13% U.S. Forest Service large tree habitat harvested
11% Available for development by U.S. Forest Service
76% Large tree habitat protected by Congressional designation and the Tongass Land Management Plan (TLMP)
0.6% Native land entitlement legislation net increase

NOTES
Under the 2001 Roadless Rule and congressionally protected areas, more than 1.7 million acres will remain protected.

- Large tree habitat includes the following Stand Density classifications:
  - SD3N: Moderately productive older upland forests. Stand volume is moderate to high. Canopy characteristics tend to be variable, with moderate canopy closure and course canopy texture.
  - SD6: Highly productive forest. Stand volume is high. Canopy characteristics tend to be uniform, with moderate to high canopy closures.
  - SD6/7: Highly productive forests associated with riparian areas, alluvial fans, colluvial toe slopes, karst geology, and wind-protected uplands. Stand volume is high. Stand age can vary. Canopy closure is low to moderate and canopy texture is coarse.
Stewardship for the Future

• Sealaska’s land and resource use and stewardship are guided by their Native values
  – Haa Aaní: Honor and Utilize the Land
  – Haa Shuká: Sustainability, just as their ancestors cared for the land for this generation, the current generation has responsibilities to care for the land for future generations. Example: Spruce Roots and Basketry.
  – Haa Latseen: Today need to apply education and science to care for and manage the land.

• The Tlingit and Haida believe that everything has a spirit including trees
Stewardship for the Future

• Each year, Sealaska begins its harvest season with the Tree Ceremony. In this ceremony, food is first transferred to the Spirit of the Trees through fire to the Spirit World. The Spirit of the Tree is then acknowledged and thanked for the benefits its use will provide.

• The Chief Executive Officer identifies what benefits the harvest of trees will provide:
  - employment and economic benefits for tribal members and villages
  - income to support
    - Native languages, culture and heritage programs
    - Scholarships and internships
    - Political advocacy for tribal members and communities
    - Management of lands and forests
    - Scientific studies of our ecosystem
  - Sharing profits with other Alaska Natives throughout our state
Sealaska leaders at a tree ceremony in 2011

Each harvest season begins with a “first tree ceremony” to honor the spirit of the trees.
Stewardship for the Future

Between 1992 and 2010, Sealaska invested $19 million in forest management practices to ensure that its timber harvests are sustainable. These management practices have also provided jobs for tribal member shareholders.
Stewardship for the Future

Tree Thinning
Sealaska has implemented a thinning program to allow more sunlight to reach the forest floor

- To create a greater abundance of diversity of undergrowth
- To enhance the availability of food for wildlife
- To improve the growth, quality and health of trees

To date Sealaska has thinned more than 44,204 acres of harvested forest areas.

15 Years After Harvest

Thinned Stand

Unmanaged Stand
Stewardship for the Future

Regenerating the forest
Sealaska has supplemented the natural forest life cycle in harvest areas by hand-planting 1.6 million seedlings to assist in the regeneration of the forest in areas where natural regeneration will take longer.
Stewardship for the Future

Basal Pruning
• Sealaska conducts basal pruning or trimming of the lower branches of trees to allow room to grow (leaving 60% of the tree’s crown).
• Basal pruning allows the trees to grow strong and healthy and allows sunlight to reach the undergrowth to maintain a healthy wildlife habitat for deer and other animals.
Landscape View of Age 20-25 Year Managed Stand
Carbon Sequestration

• Given our substantial forest land holdings, Sealaska sees many opportunities to contribute to the global efforts to address global warming and while creating economic benefits for present and future generations.

• Forests can be managed to sequester carbon and to be part of a combination of solutions needed to solve the climate change crisis.

• Sealaska understands that carbon sequestration using trees cannot absorb the huge influx in carbon emission that needs to occur to stabilize climate change.
Carbon Sequestration

- Sealaska strives to implement carbon sequestration strategies and to preserve the earth’s ecological functions.
- Sealaska has embarked on an effort to document how management of the temperate rainforests of Southeast Alaska sequesters carbon and provide other co-benefits. Sealaska is able to calculate the amount of carbon its forests grow over time for a variety of management regimes and prescriptions.
- Sealaska has concluded through its studies and modeling that keeping forest lands in tree production is an important component of carbon sequestering strategy.
Carbon Sequestration

• Sealaska has further concluded that managing a forest purely for maximum sequestration may cause a deterioration of the ecological functioning of forest lands:
  
  – A tree canopy that is dense will block sunlight reaching the forest floor, significantly retarding growth of ground vegetation important for forest diversity. This is the best strategy to maximize carbon sequestration in Sealaska’s forests.
  
  – Conversely, a tree canopy that is managed to create open spaces allows sunlight to reach the forest floor enhancing brush, shrubs and forbs production that serve as food for wildlife and other important ecosystem functions. This is the best strategy to optimize carbon sequestration and ecological functions.
  
  – Unmanaged forest shades all sunlight to the forest floor.
  
  – Managed forest allows the sunlight to reach the forest floor.
Carbon Sequestration

- Sealaska has also initiated a program to use forest material to reduce carbon emissions in the energy sector. Sealaska is promoting the use of pellet fuel wood produced biomass that is currently waste in the forest, or from the manufacture of wood productions as a means of savings in carbon over alternate fossil fuels.

- Southeast Alaska’s forests generate a broad spectrum of ecosystem goods and services. Forest management practices directed to sequester carbon can provide a wide array of economic opportunities that are important to the public and especially to the Tlingit & Haida in our villages.
Carbon Sequestration

- Sequestering activities can create new commerce and job opportunities in some of the poorest rural, predominantly Native inhabited areas of Southeast Alaska, while enhancing the forest ecological functions.

- Sealaska is ready to do its part to benefit the global climate and our tribal members.
Protecting and Utilizing Native Lands

• Sealaska adopted a comprehensive land policy based on its cultural values to guide its protection, ownership and use. It outlines key factors in land stewardship and the factors that must be met prior to development.
Conclusion

• The Tlingit and Haida are utilizing the Western institutions and science to protect their traditional values and lifestyle.

• The Tlingit and Haida are attempting to protect their culture and subsistence hunting and fishing through the special legal rights they have because of their unique political status recognized by the courts and Congress.

• The Tlingit and Haida both utilize and revere their forest lands and they are using their forest lands in a new way along with other investments to provide economic benefits for their tribal members.

• They are applying both their cultural values and western science in managing their forest lands for future generations.
Gunalchéesh