

July 9, 2004

ALJ Docketing Center
United States Coast Guard
Attn: Gladys Kaitell-Paul
40 South Gay Street
Baltimore, Maryland [21202]

fax #: 410-962-1742

To Whom It May Concern:

RE: Proposed Regulations Governing the Taking of Cook Inlet, Alaska Beluga Whales by Alaska Natives, Docket #0092272-0272-01.

Thank you for this opportunity to comment on these proposed regulations of Cook inlet beluga whale.

1. **I do not agree with the** population base of 780 or even 1300 beluga for Cook Inlet waters and beyond. Since the occupation of military and industrial occupation of Alaska (1873) significant economic and political damages to our inherent sovereign rights, irreparable social cultural and traditional practice damages have occurred to Alaska's first nation aboriginal/original peoples, lands, waters and air of the traditional jurisdictional territories of the tribes of the Cook Inlet. These irreparable damages have occurred in approximately 130 years of occupation by military and industry.
 - a. I believe that these irreparable damages continue today through the economic development of industry/corporations and military who have been supplied "grandfather" rights to pollute in Cook Inlet like nowhere else in the United States and are apparently immune from enforcement. Like Unocal could sell out and "their grandfather rights to pollute" and may be sold to the new company/corporation. Unocal can also pollute and be fined by the state's Commission and also say who will receive their fines. Is it true that the military are allowed to pollute and are exempt from enforcement?

For good cause, these Exemptions should be revoked here in Alaska.
How many Super Fund sites exist in Alaska? How many sites should be on the list?
Around Cook Inlet? Affecting any and all Cook Inlet waters?
Where are the studies for Cook Inlet waters and watershed that includes all lakes and rivers Emptying in Cook Inlet?

The military are using satellites over traditional lands, waters and air of the Cook Inlet tribes.

Where are the aerial photos?

Where are the satellite pictures of Cook Inlet since they have been traveling over Cook Inlet traditional tribal areas?

I understand the satellites are capable of reading a license plate number from out in space!!!

Where are the HAARP pictures/x-rays and studies over the Cook Inlet area traditional Tribal areas since they began their testing???

Has their HARRP testing coincided with dead beluga sightings?

If so, where are the reports In support or denial of the uses that this HAARP is capable of?

Where are the Navy/military tests that have taken place, did their tests coincide with any Death of any Cook Inlet beluga since their tests began?

Can it be proved that their tests Did not harm Cook Inlet beluga?

Where are the sound studies on Cook Inlet beluga? Was there a blind study conducted?

Who owns the sound studies of Cook Inlet waters/watershed/shores?

Is the airline industry also exempt from their sound possibly harming beluga especially as the international airport aircraft go directly over the Big and Little Susitna River drainages that are essential Cook Inlet beluga birthing habitat area?

The sounds from the military and their jet air shows over Cook Inlet especially this last week when the Cook Inlet beluga are known to inhabit (eating and birthing) in the upper Cook Inlet at this time (see NOAA website for most recent studies, maps and tracking device/gps type maps). The birthing is taking place and the Military has an “air show” with all these jets for three continuous days over the known critical habitat of beluga that are just having a bunch of babies. The hooligan/candlestick fish, the king salmon and red salmon are in the Upper Cook Inlet area currently and the beluga are known predators of these food sources!!!

Have any dead baby belugas shown up within the last week now???

Where are the sonic/underground tests from the oil/gas/mining industry?

Did any of their testing Coincide with any dead Cook Inlet beluga sightings?

Can it be proved with satellite/aerial photos or disproved as the case may be???

The Railroad has weighed in on this matter also.

Have any of the railroad run-off materials been found in any dead beluga whale tissue??

If so, where is the report? Beluga eat fish entering the Fishcreek/Railroad yard in Anchorage.

Was any blind study done on any of their tests, where is the report(s)?

The Railroad is creating noise, building, blasting the earth, moving the earth and are they Required to keep track of their noise? Where is the report to support or...?

Where are the reports to disprove or Support the growth and good water that is in the inlet now?

The Anchorage Wastewater Utility/Municipality of Anchorage/Resource Development Council have also weighed in on this matter.

Have any of their “outfall” materials been found in the tissue of dead Cook Inlet beluga?

If so, where are the reports to say it is so or isn’t so?

Was any blind study done on any of their tests? If so, where are the reports?

Are there any clear air reports from the outfall and “south” of the outfall area?

People are warned NOT to BREATHE the fumes from sewage. Beluga breathe and require oxygen also.

Do studies show that the beluga lungs are not being affected by breathing this poisonous air?

Do studies show that more females are being created because of all the hormone pills, medicines, showing up in sewage outfall materials???

What will more females do the pods? Are we in danger of loosing our male beluga?

The Port of Anchorage has weighed in on this matter.

How many ships travel up and down the Inlet utilizing the same channels of beluga and fish?

How many have “self-reported” that their props cut up a beluga into shreds and to warn the villages that it may be showing up on their shores, maybe in their set net sites??

Do the ships use their sonar machines while in the inlet?

Do studies show that this can cause harm to the beluga hearing/sonar, does it cause them to die? Where are those studies?

Does the Port of Anchorage, any of its ships/contractors receive exemption for take of beluga?

Who and what agency/government approved the exemption?

Does this exemption approval Happen yearly?

Where can a list of those commercial enterprises/corporations that are exempted year after year be obtained?

Is it sound science to place a bridge over a known major fault?

Is it sound science to put up a bridge that has to be de-iced and the beluga are known to travel within the inlet during the winter and through the area that the bridge is planned for?

The Oil and Gas committee weighed in on this matter. During the previous ALJ hearing in 2000 their representative stated that for once they are not responsible for the beluga demise of Cook Inlet. I disagree with this statement.

There is no conclusive evidence, nor can there ever be of the health of waters of Cook Inlet because no clean water samples/soil samples/air samples were ever taken before the oil and gas industry started their extraction in 1957 in Cook Inlet. Therefore, no empirical evidence or studies will ever exist. The only studies will be studies of yearly damages accruing.

Is it not true that Dr. Rikki Ott, a professor of the Alaska University, published a report (before Exxon oil spill) Oil and the Environment?

And does this report not explain, like in a nutshell, how the oil and the environment react to each other?

Isn't it true that oil pipelines have been abandoned in Cook inlet waters/left on the bottom of the inlet and have been leaking and that the industry has agreed they don't know how much or for how long they have been leaking?

Is it not true that the oil and gas industry are allowed to pollute, provided exemptions for pollution and these are grandfathered to the industry and that they can sell these rights of pollution?

Is it not true that Cook Inlet is the "hot spot" out of all the oil/gas extraction activities in the United States?

Is it not true that oil tankers have spilled in Cook Inlet?

Is it true that the oil and gas industry is exempt from enforcement by allowing exemption after exemption????

I believe that the condition of the waters of Cook Inlet is a result of this unchecked/corrupt exploitation of Alaska resources of Cook Inlet since the occupation began!

2. The beluga are not being afforded the opportunity of a necropsy, each and every one (i.e., each dead beluga found in the St. Lawrence River area, have a capture of the body and huge necropsies are held: international scientists are invited, doctoral thesis students, doctors, the military, university, the federal fish and game researchers, etc. has an opportunity to participate in the necropsy.)

How much money is being expended on testing by UAF, UAA, USF&G, Military, MMS, Dept. of Commerce/NOAA/NMFS & NML; and subcontractors, et al on Cook Inlet Beluga since 1972?

How many beluga have been provided "exemption" status to be killed/taken By industry and the Military since 1972???

Is it true that funding for Cook Inlet Beluga has been provided to Alaska Eskimo Whaling Committee/Commission? Is it true that AEWC is a state limited liability corporation?

Is it true that funding has been provided to the Alaska Beluga Whaling Committee/Commission for Cook Inlet Beluga?: Is it true that ABWC is a state limited liability corporation?

Is it true that ABWC has no jurisdiction over CIMMC, CITT or their lands, territories, use and occupancy or historical use of the seas?

Is it true that NMFS provided funding to the "outside hunters" to "collect samples"? Is it true that NMFS has provided funding and technical assistance to these "rouge hunters"? "Rogue Hunters" because they are not following tradition from their village and certainly not following tradition of Cook Inlet villages.

Is it not true that species were endangered or extinct by the time the MMPA was ordered in 1972?

Where is the western science reports to support the health of the habitat of Cook Inlet Beluga?

After all this studying do the western scientists know what the Cook Inlet beluga habits are during the summer, fall and winter, what they eat, and are there reports?

Where is the science and reports of 780 population count?
 Where is a study that says there were 1300 beluga in the Inlet, what year was it studied?
 Is it a non-published study or released to the public?
 Does the report state the waters can support the current estimates, support 780 or 1300?
 Where is that report, who wrote it?
 Was there tribal participation on that study?
 Would you believe some New Zealand “math expert” who never saw a beluga before tell you what the numbers of Cook inlet beluga should be and where the population can grow to?
 Would you believe anyone that has not the experienced, lived on Cook Inlet waters, and knows what a beluga looks like, what it acts like, if it’s a mom and baby, if it’s a granddad/alpha male, the Leader of the Pack just like how every pod of whales acts like, just like a Pack of dogs acts like, just like a pack of wolves act like, etc. etc.there is a leader/alpha male of the Pod.
 Have any alpha males been recorded as dead or taken since 1972?
 Who gave that “out-of-towner” his “expert” title?

3. Many reports, studies and audit/compliance reports say that fishery management only began in 1970’s. One said 1980.

What has the United States Dept of the Treasury received from fishing and trade with Alaska natives since the first Report to Congress as noted in the: Department of Interior, Census Office. Robert P. Porter, Superintendent. Report on Population and Resources of Alaska at the Eleventh Census: 1890; Washington, D.C. Government Printing Office. 1893? (see attached)

Page 261 :

The accompanying table embraces the shipping employed in fishing and trade of Alaska in the year 1890, showing an aggregate volume of nearly 35,000 tons. A large proportion of these steamers and sailing vessels made repeated trips during the season, the whole list representing a high degree of commercial activity far beyond that to be naturally expected of a region so remote and comparatively unknown as Alaska.

TONNAGE OF SHIPPING EMPLOYED IN ALASKAN TRADE IN 1890.

STEAMERS			
	TONS		TONS
<i>Geo. W. Elder</i>	<i>1,125</i>	<i>Kate and Ann</i>	<i>30</i>
<i>City of Topeka</i>	<i>747</i>	<i>Queen</i>	<i>1,672</i>
<i>Santa Cruz</i>	<i>360</i>	<i>Arctic</i>	<i>21</i>
<i>Karluk</i>	<i>220</i>	<i>Aleut</i>	<i>19</i>
<i>St. Paul</i>	<i>607</i>	<i>Mexico</i>	<i>1,340</i>
<i>Cosmopolis</i>	<i>267</i>	<i>Chilkat</i>	<i>56</i>
<i>Bertha</i>	<i>450</i>	<i>R.P.Elmore</i>	<i>42</i>
<i>Gertie Story</i>	<i>50</i>	<i>Salmo</i>	<i>35</i>

<i>Dora</i>	136	<i>Afognak</i>	37
<i>Ella Rohlffs</i>	36	<i>Pacific</i>	37
<i>Francis Cutting</i>	60	<i>Signal</i>	392
<i>Jeanie</i>	863	<i>Hattie Gage</i>	56
<i>Alaska</i>	23	<i>Yaguina</i>	253
<i>Polar Bear</i>	29	<i>Elsie</i>	37
<i>Thistle</i>	65	<i>Haytian republic</i>	779
<i>Arago</i>	620	<i>Olga</i>	7
<i>Puritan</i>	14	<i>Novelty</i>	75
<i>Chinook</i>	10	<i>Jennie</i>	52
		<i>Jessie Freeman</i>	510
TOTAL:		
11,232			

SAILING VESSELS

SUMMARY:	SHIPS:	TONS
		3,668
	<i>BARKS</i>	13,311
	<i>BARKENTINES</i>	562
	<i>BRIGS</i>	189
	<i>SCHOONERS</i>	6,035

TOTAL **23,765**

SHIPS	TONS	BARKENTINES	TONS
<i>Mermom</i>	1,158	<i>Tam O'Shanta</i>	562
<i>Gatherer</i>	1,436		
<i>Oneida</i>	1,074		
TOTAL:	3,668		

BRIGS
Percy Edwards 189

BARKS

<i>Portland</i>	469
<i>Highland Light</i>	1,265
<i>J.D. Peters</i>	1,030
<i>Coryphene</i>	771
<i>Nicholas Thayer</i>	555
<i>Annie Johnson</i>	947
<i>J.A. Borland</i>	670
<i>WW. Case</i>	555
<i>Newsboy</i>	559
<i>Electra</i>	939
<i>C.C. Funk</i>	512
<i>Henry Morse</i>	1,313
<i>Wanderer</i>	303
<i>Hunter</i>	355
<i>F.A. Barstow</i>	391
<i>W. H. Myers</i>	269
<i>Reindeer</i>	357
<i>Eliza</i>	269
<i>Bounding Billow</i>	239
<i>S.H. Franks</i>	310
<i>Hope</i>	758
<i>Corea</i>	565
TOTAL	13,311

SCHOONERS

<i>Czar</i>	137
<i>C. H. Wright</i>	82
<i>Dashing Wave</i>	141
<i>Alice Kimball</i>	102
<i>Antelope</i>	118
<i>Mayflower</i>	86
<i>Beulah</i>	339
<i>Kodiak</i>	97
<i>Matthew Turner</i>	71
<i>Pearl</i>	83
<i>H. C. Wright</i>	276
<i>Amethyst</i>	70
<i>Premier</i>	296
<i>Robert Searles</i>	570
<i>Queen</i>	264
<i>Frances Alice</i>	125
<i>Louis</i>	820
<i>H. N. Kimball</i>	183
<i>Sadie F. Caller</i>	393
<i>Undaunted</i>	65
<i>Glen</i>	121
<i>Bessie Rutter</i>	30
<i>C.T. Hill</i>	133
<i>Herra</i>	369
<i>St. Paul</i>	46

<i>Dare</i>	246
<i>Viking</i>	140
<i>Olga</i>	44
<i>Seventy-six</i>	37
<i>Ed. E. Webster</i>	138
<i>F. F. Feeney</i>	11
<i>Norwest</i>	8
<i>Spencer F. Baird</i>	7
<i>Three Brothers</i>	19
<i>Olga</i>	21
<i>Flying Dutchman</i>	7
<i>James H. Lewis</i>	37
<i>Lydia</i>	31
<i>Trapper</i>	19
<i>San Diego</i>	38
<i>Ung</i>	20
<i>C. N. Smart</i>	8
<i>Alexandria</i>	8
<i>Nellie Martin</i>	16
<i>H. Blume</i>	66
<i>Mary H. Thomas</i>	97

TOTAL..... 6,035

How much whaling commerce was from resources from Cook Inlet? Not only beluga were taken from Cook Inlet.

The 1890 Census On Page 263: Chapter XVII: Historical Review of the Decade from 1880 to 1890 says:

“ The same period has witnessed the marvelous development of Alaska’s mines and fisheries. In 1880 both these industries were insignificant in volume and completely overshadowed by the fur trade, then practically controlled by a single firm: but by 1890 the mines and salmon canneries had shipped products to the value of \$15,000,000 or more...”

Pg. 226 records:

“Among the marine mammals, aside from the fur seal, previously discussed, we find the beluga or white grampus, which attains a size of from 16 to 20 feet and yields from 75 to 100 gallons of oil. These mammals frequent the waters of Cook inlet, Bristol bay, and the estuaries of the Kuskokwim and Yukon rivers, ascending these streams to a distance far beyond tidewater and sometimes from 300 to 400 miles from the seacoast. The oil and blubber of the beluga are in great demand among the natives inhabiting the coast adjoining, and the oil has to a certain extent become an article of intertribal commerce. The skin of this mammal is also utilized by natives for making straps and lines, boot soles, etc.

No attempt, however, has yet been made to place any of the products obtained from the beluga on the general market.:”

Pg. 227 notes the *Estimated Value of the Pacific Whaling Fleet from 1874 to 1880:*

<i>“Oil, 306,039 barrels.....</i>	<i>\$2,853,351</i>
<i>Bone, 4,202,043 pounds.....</i>	<i>\$ 8,204,067</i>
<i>Ivory, 284,395 pounds.....</i>	<i>\$ 147,047”</i>

What is the percentage of village communities that are self-supporting after over 100 years of millions and billions being extracted from Alaska?

The 1890 Census On page 266: Population and Resources of Alaska:

“During ownership of Alaska by the United States, it was not practicable for individuals to obtain title to land until the passage of an act entitled “An act to repeal timber culture laws, and for other purposes”, approved March 3, 1891. Certain sections of this act applicable to Alaska are as follows:.....

*Sec 14. That none of the provisions of the last 2 preceding sections of this act shall be so construed as to warrant sale of any lands [:] belonging to the United States which shall contain coal or the precious metals [the trading sites inherited in the Treaty of Cession, a commerce document], or any town site, or which shall be occupied by the United States for public purposes, or which shall be reserved for such purposes, **or to which the natives of Alaska have prior rights by virtue of actual occupation,** [land, territories and seas] or which shall be selected by the United States Commissioner of Fish and Fisheries on the islands of Kadiak and Afognak for the purpose of establishing fish culture stations.*

[signed by:] *The principal officers in Alaska, appointed by President Harrison, are Lyman E. Knapp, governor; John S. Bugbee, judge of the United States district court; Orville T. Porter, marshal; Robert C. Rogers, William R. Hoyt, James Sheakley, and Louis H. Turpley, United States commissioners.*

(Highlighted areas have been added as well as a few semi-colons that add the proper emphasis and other enlightening details added for further explanation.)

President Harrison acting under his powers obtained through the 1861 War Powers Act.

Is it not true that the War Powers Act of 1861 is in effect today?

Is it not true that Commissioners only came into play with the War Powers Act also?

5. Administration of Fisheries in Alaska.

I do not believe that there is any co-management of the fisheries of Alaska with Alaska’s tribal governments on a government to government basis. I believe that NOAA/NMFS/NMML and their commission/committees have constituents and partners that are state limited liability corporations and foreign corporations. I do not believe that government to government consultations policy is apparent when every corporation that NMFS assists in their economic development is able to sit and say what the laws should

be and what should reviewed and agree to take tribal input as “advisory comments from the private sector”. Tribal Council and Chief communications are summarized as such. Is it not true that the National Academy of Public Administration was “asked”/required by Congress to prepare a report on NOAA/NMFS/NMML, a study on its fisheries management system, it’s regulatory processes, response to litigation, constituent relations, as well as NMFS’ program budget and science activities?

Is it not true that the title is: Courts, Congress and Constituencies: Managing Fisheries by Default: July 2002, National Academy of Public Administration?

Did the National Research Council work in cooperation with a Committee of the National Academy of Sciences on this report/audit (see attachment)?

Where is this separate report of the National Research Council?

Has a copy been provided to Cook Inlet tribes?

Were Cook Inlet tribes asked to participate in this overview/audit, if you will?

Is it not the policy to ask how you have done your presentations at conferences/workshops etc. to the ones on the receiving end?

Were the tribes consulted on this review of the mismanagement of our fisheries/whaling/harvesting and gathering?

Is it true that the Indian Self-Determination and Education Assistance Act of 1975 authorizes Indian tribes to take over the operation of many programs operated by federal agencies, using the same federal funds these agencies are spending?

Is it not true that the Indian Mineral Development Act of 1982 provides federal assistance to Indian tribes in developing and marketing mineral resources? Isn’t it true the mining act has been utilized in Alaska before statehood?

Is it true that 64 federal and state agencies have been meeting on the Kenai River management and have admitted that their micromanagement of the Kenai River has failed?

Is it true that many fisheries around Alaska have suffered the same micro-management failures and have spent billions on this process/mismanagement?

Is it true that the 200 mile Economic Zone was established to consider the ocean travel of the tribes and countries that have used and occupied the seas for commerce and trade with each other?

6. Traditional Knowledge parallel to Western Science:

Traditional Knowledge will always be parallel with white men-western science. “The white man will travel in his boat and the Indian will travel parallel in his canoe...as long as the sun shall rise in the east and set in the west.” That’s noted in the Iroquois Confederacy. What is sound science is to work along with the Traditional Knowledge Keepers who are holders of information passed from generations that have dated back to over 10,000 B.C. The Iroquois Confederacy notes that our relations will take place on a government to government basis.

Is it true that several Executive Orders exist regarding government to government relations and consultation?

Is it true that Department of Commerce does not have a government to government policy on consultation with Indian tribes in place?

The following is A document off the Iroquois website and it notes that it can be reproduced with permission:

“The following was published in Akwesasne Notes New Series, Fall -- October/November/December -- 1995, Volume 1 #3 & 4, pp. 62-63. and is reproduced here with permission.

Dating the Iroquois Confederacy
by Bruce E. Johansen

The Haudenosaunee (Iroquois) Confederacy, one of the world's oldest democracies, is at least three centuries older than most previous estimates, according to research by Barbara Mann and Jerry Fields of Toledo University, Ohio.

Using a combination of documentary sources, solar eclipse data, and Iroquois oral history, Mann and Fields assert that the Iroquois Confederacy's body of law was adopted by the Senecas (the last of the five nations to ratify it) August 31, 1142. The ratification council convened at a site that is now a football field in Victor, New York. The site is called Gonandaga by the Seneca.

Mann, a doctoral student in American Studies at Toledo University of Ohio; Fields, an astronomer, is an expert in the history of solar eclipses.

The Senecas' oral history mentions that the Senecas adopted the Iroquois Great Law of Peace shortly after a total eclipse of the sun.

Mann and Fields are the first scholars to combine documentary history with oral accounts and precise solar data in an attempt to date the origin of the Iroquois League. Depending on how democracy is defined, their date of 1142 A.D. would rank the Iroquois Confederacy with the government of Iceland and the Swiss cantons as the oldest continuously functioning democracy on earth. All three precedents have been cited as forerunners of the United States system of representative democracy. The Haudenosaunee Confederacy functions today in Upstate New York; it even issues passports.....”

7. Enforcement: I believe that the enforcement of the occupiers are an instrument in the suppression of our rights.

How much was spent on enforcement during the 2000-2003? Where are the enforcement reports for the period that the “outside hunters” were being paid by National Marine Fisheries Service to collect samples?

Is it true that National Marine Fisheries Service has an office for Law Enforcement? By what authority and what laws are they enforcing? Are these paramilitary? Do they have to identify themselves before boarding a boat that has identified itself as Alaska Eskimo, Indian or Aleut?? Are their vessels identified as NMFS Office for Law Enforcement? Who are they licensed to? Are they exempt from misprision of treason?

Is it true there are no co-management agreements in the area of enforcement with the Cook Inlet tribes?

Are Tribal Government laws provided Full Faith, Credit and Comity by these Patrolboats/NMFS Office for Law Enforcement et al? Do these officers have an Oath? What law are they upholding? Maritime? Martial? International Law of the Sea? Are these officers bonded? Where may the bond be found?

8. Human Rights, Mental Anguish and Healthy by economic deprivation? Living?

How many Alaska natives have been arrested and put into jail for subsistence fishing, hunting and gathering?

How many were released from jail and had a successful family life afterwards?

Is it true that their assets were seized and made to pay huge fines?

Is it true that the IRC Section 7873: Income derived by Indians from exercise of fishing rights says that no tax shall be imposed by a member of an Indian tribe directly or through a qualified Indian entity or by a qualified Indian entity from a fishing rights related activity of such tribe?

Is it true that Section 7878 says no tax shall be imposed on remuneration paid for services performed in a fishing related activity by an Indian tribe, by a member of such tribe, for another member of such tribe or for a qualified Indian entity?

Is it true that a Federal Grand Jury was conducted in Bethel and the file/case is still suppressed?

Is it true that a follow-up Special Grand Jury investigated the ineffectiveness of law enforcement in Bethel? Is it true that this one is closed also?

How many families have gone without their traditional and customary practice of fishing, hunting, gathering and trading rights since the occupation began in 1873 or near there?

Is it true that campaigns such as MK-ULTRA are to vertically integrate the corruption into the communities, towns, cities and boroughs?

Is it true that these MK-ULTRA activities are to keep the public drunk and drugged?

Is this activity called Mind Control?

Is it true that earlier mind control activities were conducted by keeping villages drunk during pre-territorial and territorial times to keep them from fishing, getting their traditional practices done?

Were the military exempted from the law not to provide alcohol or its makings to natives?

How many families were starved out/pushed out/removed from their traditional fishing, hunting and gathering areas? How many Native Allotments have been rejected? How many are still pending:?

Is it true that these Native Allotments have full title rights? Is it true that the submerged lands are also lands included in our ancient and historical use and occupancy rights?

Are traditional use and occupancy areas noted and put into plans for the federal/state government plans in Alaska? Are Alaska Eskimo, Indian and Aleuts made to pay licenses and fees for hunting and fishing on any land or water?

Do State and Federal land use/watershed and coastal zone management plans limit our access to traditional use and occupancy areas?

Is it not true that the Alaska Bar Association is a limited liability corporation of the state/STATE OF ALASKA/this State, etc. and et al?

Are judges members of the State Bar?

Does Esquire mean that the person is registered to Brittain registry of the bar?

Is it not true that Alaska is not a state with all rights of the original states?

Is it not true that Social Security Act, Section 1101 [42 USC 1301] (8)(D) says that Alaska shall not be included as part of the “United States”?

Is it not true that the Alaska Bar Attorneys cannot argue or defend Constitutional law/Alaska native rights in these state courts/district courts/commission type courts?

Is it not true that Alaska natives are citizens of their tribes/villages and subject to their own respective tribal governments?

Is it true that Executive Orders order government to government relations with Tribes and not with individuals, state limited liability corporations, organizations, or corporations?

Is it not true that PL 280 says that the consent must be given, by a Vote of every Alaska Native eligible to vote in every community (village) and each Village’s vote is to be certified by the Secretary of Interior?

Is it not true that Alaska is still covered under the 1945 United Nations Charter, Chapter 11, Article 73?

Is it not true that Palmer Colony in Alaska is a colonization project of the United States/national/federal government?

Is it not true that decolonization rights extend to Alaska as secured by the 1945 United Nations Charter, Chapter 11, Article 73?

Is it true that Alaska is covered by United Nations General Assembly Resolution 66 I; 1946: Regarding the list of non-self governing territories in accordance with Article 73 E?

General Assembly Resolution 67 I; 1946: Regarding establishment of a committee on information to be composed of equal balance of representatives (i.e., 6 of Alaska Natives and 6 others?)

Is it not true that the military were paid to vote for Alaska statehood?

How many other states were admitted by the military voting for their statehood?

Is it not true that the military is consigned to forts and posts and other necessary buildings?

Where are those federal boundaries, from this latitude to that latitude and back to the beginning?

Where is that document stating the exact and complete list of federal boundaries in Alaska?

Is it not true that Robert E. Price produced a report in 1982 on the Status of Alaska Natives outlining several options for the rightful/original/aboriginal titleholders for the Federal Land Field Committee?

NOTICE TO AGENT IS AGENT TO NOTICE

1. I have been working with Cook Inlet Marine Mammal Council as their secretary since 1997.
2. Cook Inlet Marine Mammal Council is chartered by tribes of Cook Inlet that formed a treaty amongst themselves in 1994. Kenaitze Indian Tribe signed onto the document this year. The Cook Inlet tribes recognize their ancient and historical jurisdictions and territories and that some boundaries are overlapping and in the interest of peace, security, economic development, protection of cultural, traditional practices and beliefs and history by working together and protecting each others "back". This treaty of peaceful relations between the Cook inlet tribes also recognizes the former treaties of peace that have taken place within Alaska traditional territorial boundaries:

Prior Treaties and Agreements reached before Russia and the United States created their quitclaim on Alaska:

A long time ago, before Spain/England/Russia presence, there was a gathering of the tribes at Iliamna Lake, all the villages had their own site around the lake. It took years to get everyone to come together for this Peace Making Treaty. This treaty took about three months and it established peaceful relations, to quit fighting with each other, trade with each other, and recognized traditional use areas for fishing, hunting and gathering and each others laws and customs (full faith, credit and comity).

The other treaty recognized by Alaska tribes/villages is the one with the Russians after they were wiped out three times by the Nulato Indians. A Peace Treaty was signed for peaceful relations and to do trade/commerce with each other. A set of dueling pistols were given to Chief Larion as a symbol of the treaty.

There were wars between the Eskimos and the Russians also.

Where are those treaties or education about them???

Is it not true that these prior treaties were recognized during the treaty of Cession negotiations?

Is it not true the United States and Russian Treaty of Cession is a commerce document – to trade and commerce WITH US????!!!!

Is it not true that the United States trading presence was eventually OUT OF HERE by 1873????!!!!

Is it not true that Those seven years are not taught to our children, these peace treaties are not taught, the complete accurate history of Alaska is not being taught in the public school system?

3. The Cook Inlet Treaty Tribe organization is a political subdivision of the tribes and has 501(a) status, recognized governmental status.
4. The other Alaska Natives that are not tribal members of the Cook Inlet tribes and hunting/harvesting Cook inlet beluga have the opportunity to register with

CIMMC and participate in beluga harvest, conservation and recovery. The “outside” hunters have no authority to “represent” the tribal interests of the Cook Inlet tribes. The recent Supreme Court decision on U.S. v. Lara notes the criminal and civil jurisdiction of tribes over their tribal members as well as the other natives within their jurisdiction.

- 5 The other entities that have received funding for Cook Inlet Beluga or who have provided testimony about Cook Inlet Beluga do not have the authority or permission by Tribal Council Resolution to “represent” Cook Inlet Beluga, its environment/habitat or Surrounding Habitat. These entities are state limited liability corporations: Alaska Eskimo Whaling Commission (AEWC); Alaska Beluga Whaling Commission/Committee (ABWC); Indigenous Peoples Council on Marine Mammals (IPComm). These state limited liability Corporations Are not to limit/replace/take over the Cook Inlet tribes ancient and historical use and occupancy of the seas. Any entity that continues to “represent” Cook Inlet beluga without CITT approval can be interpreted as interference in the Cook Inlet tribes peaceful relations.

Is it not true that These acts by entities/organizations are state of Alaska/STATE OF ALASKA/this State limited liability corporations?

Is it not true that these state limited liability corporations are interfering/stopping/limiting with Including but not limited to: tribal domestic components of international law, international law of remedies, (domestic law differs and agrees in places); environmental law, human rights law; international economic law; law of the sea; law of diplomatic relations, international dispute settlement and cooperation in law enforcement that can be interpreted as acts of apartheid and genocide?

The traditional Tnaina/Dena’ina, Sugpiaq and Athabascan peoples of the Cook Inlet area have been practicing peaceful relations and occupying and using traditional lands and territories and seas and wish to continue relations on an international and local level with full faith, credit and comity provided their traditional and cultural laws and practices

The Cook Inlet Treaty Tribes have been respectful of the traditions of the Inupiat and Yupik whaling activities and would no more go into their lands, territories and seas to hunt, fish or go whaling. This is not their tradition. Nor do I believe that the “outside hunters” are practicing traditional and customary practices of their people.

I believe that the tribal governments of the “outside hunters” have a right and responsibility to have their members, hunters, fishers and gatherers respect the laws of the lands they are “visiting” or have a current residence in!!! This is the comity we afford each others laws!

My personal disclaimer: The Eskimos, Indians and Aleuts of Alaska were not allowed to vote and Section 5 of Alaska Constitution was “removed” only months before President Nixon signed the land claims “act” in December 1971. Section 5 said that we had to read and speak English in order to vote.

Where is apportionment for our political world in this venue: STATE OF ALASKA/State of Alaska/this State?

Were our political rights as noted in the 1945 United Nations Charter Chapter 11, Article 73 protected/managed/overseen during the Statehood activities/voting?

Is it true that the Supreme Court decided in US v Alaska that the Treaty of Cession is merely a quitclaim? That Russia could not sell what Russia did not own?

Is it true that Any deeds based on this quitclaim are without merit or substance?

Is it true that the Robert E. Price wrote a report to the Federal State Land Commission on the Status of Alaska Natives in 1982?

We have never treated with the United States! We have maintained peaceful occupation of our lands and territories and Use of the seas, shorelines and lands has been forbidden by the occupying military and industry.

Are treaties the supreme law of the land?

Alaska Natives have never signed any treaty giving up any of the lands of Alaska, or given up our historic and ancient use of the sea or rights to clean air or any right to our use of the shorelines or our right to travel unmolested on the sea or land to anyone, ever. Our votes on giving up on such matters are to be certified by the Secretary of Interior by the United States standards and under the United Nations Resolution 66I and 67I in regards to the 1945 United Nations Charter, Chapter 11, Article 73 e.

The United States is signatory to another Treaty: the Genocide Treaty or Proxmire Act. Our rights, our social conditions, our political conditions have been irreparably harmed. The media, education and political system assist this misinformation, racism isn't the half of it – what is happening is apartheid and genocide.

Where is the fiduciary responsibility, what political representation have we had from the Beginning of the Statehood negotiations?

Is it not true that Senator Stevens worked for the BIA, during the era known as the Termination/assimilationist era?

Isn't ANCSA known as a "social experiment"? (Arthur Goldberg admitted it to the AFN Convention on its 20th Anniversary of ANCSA.)

Where is the justice in a social experiment that provided only Five hundred Million dollars (\$500,000,000) for giving up our rights forever for our resources, Political rights, social and Traditional practices, taking over our land, seas, and air, and all the access to our traditional resources, practices and instruments, arts and crafts, regalia, taking away our trading and commerce, taking over our Right to travel freely, taking over our Management over the land and animals??

I believe that the industry should have been cut off after they made their profit of \$500,000,000!

Is it true that there were no hearings during the land claims negotiations on "taking away"/eliminating our fishing rights, free travel on the seas, use of the shorelines, free travel on land that are ancient and historical rights to the use and occupancy of the seas, shorelines and land travel?

Is it true that copies of ANCSA were not provided for 18 months after the Act was signed by President Nixon?

Is it true that “this experiment” is representative of the types of legislation of the “termination era”?

What kind of representative says that there are too many of you, that you threaten statehood and calling some of us “ghost villages”.

Senator Stevens does not Represent me, my family, or my resources. I believe that he can only represent corporate matters/”individuals”/interests only!

- a. My ancestral village was not assisted after the 1964 earthquake and tidal wave wiped out Afognak Island remaining communities. Since 1964 the displaced inhabitants of Afognak Island have had to settle elsewhere. We are not “ghosts”. I am from a large family, I am oldest of 8; my mom was one of 6; my grandmother was one of 16 and that’s only one side of my mom’s family.)

Page 161: *“The villages, settlements, stations, vessels, etc. enumerated in Alaska for the census of 1890, number 511....” but for purposes of enumeration “the number of distinct localities reduced to 309.”*

Today the Federal government has “recognized” 230 villages out of the original “511”.

By What Authority?

The state/this state/STATE OF ALASKA etc. has not implemented the disclaimer clause: Article 12, Section 12 of the Alaska Constitution original document. The State and its subdivisions continually mix terminologies: i.e., communities vs. cities, boroughs and towns.

When President Jimmy Carter signed ANILCA he changed and irreparably damaged our inherent rights, our status as peoples to mere “rural and urban” terminology. Our inherent rights to hunt and fish have been changed to where we live, regardless of who we are, regardless of our status as distinct independent peoples with inherent rights. Alaskas’ tribes have not consented to the switching of our inherent rights from who we are to where we live. I claim and aver: my rights travel with me wherever I am, I do not leave them somewhere else!!! I don’t live/reside or exist in this State/the State/STATE OF ALASKA et al. I live in sovereign Athabaskan lands and territory at the moment!!!

The Lake Clark trade court case was in full progress when President Carter signed ANILCA. Lake Clark was made a park when those lands should not have been included as they were part of the ANCSA land selections. These lands should not have been included in ANILCA.

Was there not a “land freeze” in Alaska?

Were the tribes to have their lands recognized first, before any other Federal/national or State Land grabs were “recognized” after ANCSA was signed?

I believe that these actions are fraudulent, deceptive practices that are continuing to be perpetuated today. The entire native communities of the Inlet and Copper River area would travel to Tuxedni Bay for the clamming, fishing and whaling available there. There are hyroplyphics/ancient writings on the cliffs. There are traditional tribal community stories about that area.

Alaska Statehood Act, the Alaska Constitution, the Organic Act, the Alaska Native Claims Settlement Act; ANILCA – are Acts done by Presidents I believe since the War Powers Act of 1861. President Nixon proclaimed his Act, then Alaska Federation of Natives held a ceremony at Alaska Pacific University where some people signed on that had no authority to sign from any village or village council or by any referendum vote by any tribal community! AFN was not made up of Tribally authorized representatives by every village in Alaska. (I was a secretary for AFN in 1971-72, my very first job as a secretary.)

AFN is a State Limited Liability Corporation that does not **represent** the sovereign first nation peoples/original sovereign titleholders of Alaska natives. All Alaska Natives Are Not shareholders of ANCSA corporations. I can be a member of AFN for \$15 a year but I do not get to vote!

Our trading stories go back a long way. Fishwheel technology comes from the Chinese. They have been trading with Alaska to way back in the 1500's! The Hawai'ian peoples traded with Alaska, the Alaska Southeast villages/tribes have traded with the Canadian, Washington, Oregon, California coastal villages before 1776!!! The Swedes, Irish and Scot Irish, Norwegians and Spanish were "visitors" before 1776! Our international trading rights are recognized in the Vienna Convention!

MISRepresentation of our inherent Rights: I keep reading that the North Pacific Fishery Council/International North Pacific Fishery Council and the Southcentral Fishery Board/Council "represent" the Alaska Natives fishing rights. Those members of these fisheries council are assuming a lot. If they **represent** us, I want to see the vote of every village voting them into a public office, I want a copy of their bonds/putting their personal assets up for non-compliance of their **public office duties** and a **description of what that public office is and what the public officer duties are** and I want to see the commission of their "office" being set up by the original/sovereign Constitution of the United States, as opposed to the corporate "United States Constitution" and a copy of **their oath for their public office.**

I believe that every single "member" is A FEDERAL EMPLOYEE/and or contractor/free agent. I believe that the NPFC or the International NPFC "members" all have a conflict of interest. Isn't what they do called job security?

Tribal governments are not constituents (as noted in the July 2002 National Academy of Public Administration Report: Courts, Congress and Constituencies: Managing Fisheries by Default) nor are the Tribal Governments "partners". This was very apparent

with the last government-to-government meeting with two NOAA employees at Native Village of Eklutna Community Hall meeting.

I believe that this mismanagement of the first nations peoples/Alaska Eskimo, Indians and Aleuts land, inherent rights to our cultural and traditions and practices, our political and social rights are mismanaged to the point that we have been irreparably damaged. I believe that misprision of treason with felonies are in full progress and I refuse to be held complicit to the crimes that have been taking place on Alaska Eskimos, Indians and Aleuts and lands and territories, and their ancient and historical use of the seas and air and resources therein!!!!

Is it not true that studies show that our ancestors have lived here 10,000 B.C. approximately by your own western scientists/archeologists and their tests?

Treaties and Executive Orders and Acts regarding Fishing, Hunting, Gathering and Trading Rights (not privileges):

- 1) The 1972 Marine Mammal Protection Act (MMPA) and all amendments (16 USC 1388);
- 2) the Endangered Species Act (ESA) (16 USC 1531 et seq);
- 3) the 1945 United Nations Charter, Chapter 11, Article 73 and the International Law of the Sea;
- 4) the 1947 Whaling Convention Act and the International Convention for the Regulation of Whaling, 1946; and the Whaling Convention Act of 1949 regarding aboriginal subsistence whale hunting.
- 5) the 1824 Russian/American Treaty that recognizes our occupancy and use of the seas, right to travel, undisturbed use of seas, travel on the seas, occupancy and use of shorelands of Alaska; (Not to be interpreted as “privileges”.)
- 6) the 1790 Nootka Sound Convention;
- 7) the Senate Concurrent Resolution 76: Iroquois Confederacy of Nations: Hearing before the Select Committee on Indian Affairs, United Sates Senate, One Hundredth Congress, First Session: S. Con. Res. 76: **To acknowledge the contribution of the Iroquois Confederacy of Nations to the Development of the U.S. Constitution** [the sovereign document: "Constitution of the United States"] **and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution;** December 2, 1987, Washington, D.C
- 8) Executive Order 13175.of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments.
- 9) Executive Order 13084 of May 14, 1998 on government-to-government, consultation with tribes (63 CFR 27655).
- 10) Presidential Memorandum of April 29, 1994 on government to government Relations with Native American Tribal Governments; 59 FR No. 85.
- 11) U.S. Department of Commerce Memorandum on American Indian and Alaska Native Policy of the US Department of Commerce; March 30, 1995.

- 12) Memorandum of Agreement for Negotiation of Marine Mammal Protection Act, Section 119 Agreements; August 1997.
- 13) Proclamation of Statehood, 1959 and Constitution of Alaska, Section 12, Article 12, the disclaimer clause and the only time the words “Eskimos, Indians, Aleuts, communities” .

I believe that Alaska’s First Nation peoples, the “Eskimos, Indians and Aleuts” are prisoners in our own land!! I believe that this is not the first time that this has been said either!!!

I reserve my right to amend this comment letter.
All Rights Reserved!

Delice Calcote, non-treaty Sugpiaq of Afognak Island
Natural woman, mother and grandmother
Secretary for Cook Inlet Marine Mammal Council
P.O. Box 4491
Palmer, Alaska
[99645]

P.S. I apologize for the length of this comment letter. When documents were submitted during the 2000 court proceedings and approved by the ALJ Judge to be included for the record – after the opposing industry et al were provided an opportunity to review them – why are they not included on the internet with this case and its other attachments? Yet the “industry” was allowed to enter their attachments—which are on the internet -- as a “matter of housekeeping” the Judge said. The tribes were not provided an opportunity to review and approve them for the record!!! No transcript of those court proceedings have been provided to CIMMC – we were told we have to pay for it. I am compelled to provide elucidation of these matters in much greater detail as I cannot trust the process of the ALJ who promised to have his decision out in 3 months and it took over 2 years and he then allows an “incidental taking of 12 beluga” when that was not requested or presented during those testimonies!!

cc:

- 1) Cook Inlet Marine Mammal Council
- 2) Secretary of Commerce: Donald J. Evans: 1401 Constitution Ave NW, Washington 20230; email: devans@doc.gov
- 3) International Whaling Commission, Secretariat, The Red House, 135 Station Road, Impington, Cambridge, UK CB4 9NP: email: julie.creek@iwcoffice.org
- 4) Senator Robert Byrd, 311 Hart Senate Office Bldg, Washington DC 20510
- 5) Congressman(woman) Nancy Pelosi, 2371 Rayburn House Office Bldg., Washington DC 20515: email: sf.nancy@mail.house.gov
- 6) Senator John McCain, Commerce, Science & Transportation and Indian Affairs, 508 Senate Office Bldg. Washington, DC 20510
- 7) Senator Pete Domenici, 364 Dirksen Office Bldg. Washington DC 20510
- 8) Senator Richard Lugar, Energy and Natural Resources, Dirksen Senate Office Bldg,

Washington DC 20510

9) Senator Joseph Biden Jr., Foreign Relations, Dirksen Senate Office Bldg Washington DC 20510

10) Senator Daniel Inouye, Committee on Indian Affairs, 836 Hart Office Bldg. Washington DC 20510

11) Senator Ben Nighthorse Campbell, Committee on Indian Affairs, 836 Hart Office Bldg Washington DC 20510

Please feel free to make copies and pass this comment letter along to your constituencies/partners/Other corporations that have been complicit in matters to subvert/remove/eliminate Alaska Natives inherent rights, political, social and cultural rights, and customary practices and have negated our security and peaceful existence to one of poverty and irreparable damages.

Attachments: See attached list