

Testimony of
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Alexander Creek Incorporated

Hearing
Committee on Natural Resources
Congressman Nick Rahall, II, Chairman
Rep. Don Young Ranking Member

HR2445
"To Amend the Alaska Native Claims Settlement Act to
recognize Alexander Creek as a Native Village, and
for other purposes".

Room 1324
Wednesday, November 14, 2007
Longworth House Office Building
Washington, DC

Chairman Rahall, Ranking member Young and distinguished members of the committee, Thank you for the opportunity to appear before you today on behalf of Alexander Creek. To talk about recognizing Alexander Creek as a village, a great injustice that needs to be resolved.

My name is Stephanie Thompson I am testifying today in my capacity as President of Alexander Creek, a position that I have held for 21 years. For the last two years I have served on the Alaska Federation of Natives Board representing the Cook Inlet Region Villages. In this capacity I serve on the legislative and convention committees.

LOCATION

Alexander Creek is located across Cook Inlet 27 miles northwest of Anchorage Alaska. Lying right below Mt. Susitna, Alexander Creek empties into the Susitna River just a few miles from its mouth in Cook Inlet. To this day Alexander Creek is only accessible by boat, plane, snowmobile, or ATV.

HISTORY

Alexander Creek Village was first reported by George H. Eldridge in 1898.

Eldridge was tasked with conducting an extensive exploration of the geological, topographical, and other features of Alaska, which was authorized by Congress.

Alexander Creek had a thriving population until the whooping cough, measles and the influenza epidemics of the early 1900's decimated the Native population. By 1939 Alexander Creek was reoccupied by Native families.

ANCSA

On December 18, 1971 Congress enacted ANCSA to settle Alaska Native Land Claims. Under ANCSA, Village Corporations were to receive from 69,120 acres to 161,200 acres depending on how many people lived there. As part of it's original selections Alexander Creek was the first in the Cook Inlet Region to select lands. These lands were rich in fish, wildlife, and natural resources. Because of these things and of its easy accessibility from Anchorage there was much interest in the lands that were selected.

INITIAL ELIGIBILITY DETERMINATION

My Aunt, Flora Thiele was actively involved helping with registration. Flora is a native from the Village of Seldovia. She informed us that we met the qualifications for a village and that we needed to register.

In order to be eligible a village needed to have 25 residents. The Bureau of Indian Affairs, which was charged

with establishing the Village rolls, determined that there were 37 Natives properly enrolled to the Alexander Creek Village and that it should be certified as a Village for purposes of receiving ANCSA land and monetary benefits. Certification as a Village would have entitled Alexander Creek to 69,120 acres. However, most of the land that would have normally been available to Alexander Creek had already been conveyed to the State, and much of this already promised to the Matanuska-Susitna Borough. This created a conflict over land rights and the State of Alaska and the Mat-Su Borough protested Alexander Creek's eligibility.

INTERIOR DEPARTMENT DECISION

A hearing was held before an Administrative Law Judge to resolve the protests starting on July 11, 1974. However, a number of villagers were not called in to testify. My father who was Vice President at the time had just gotten home from flying when they called him in to testify. He went in his flight uniform and they put him on the stand unprepared.

In a "secret review procedure" The Interior Secretary's designee, the Alaska Native Claims Appeals Board (ANCAB) issued its decision on November 1, 1974 that there were only 22 natives properly enrolled to the village - 3 short of the required 25. ANCAB's decision was reversed on appeal by the United States District Court on November 14, 1975 and Alexander Creek's village eligibility was ordered reinstated. This was appealed by the State of Alaska. One year later the Court of Appeals affirmed the District Court's ruling on the unconstitutionality of the secret proceedings.

ANCAB's stated reason for the refusal to recognize some of my Aunts, Uncles, cousins and friends that had been removed from our village rolls, was that they had not testified at the hearing. Immediately after learning this Alexander Creek requested ANCAB to let these villagers be heard, but ANCAB refused. In this way Alexander Creek lost their Village.

These people didn't go anywhere we include them with us still to this day, because of course they are part of Alexander Creek and they always will be - they are family.

CONCLUSION

The Alaska Native Claims Settlement Act of 1971 was the largest Native land settlement in the history of the United

States. The complexity of the Act which ran many, many pages, and consumed the time of hundred upon hundreds of dedicated people - from within the federal government and state government - not to mention from within the Native community - from Barrow to Ketchikan. But passage of this settlement was just the start.

Next came the implementation of a very complex piece of legislation.

This was an unprecedented implementation phase full of complexity and difficult work. It would be unreasonable to assume that everything went smoothly or was done correctly. There are many errors which occurred and the Congress has systematically corrected them with amending legislation as the Members became aware of the errors.

In fact the history of the Alaska Native Claims Settlement Act, is that the federal law has been amended in every Congress since 1971. A package of technical amendments, and sometimes major policy changes have occurred. We in the Alaska Native community consider the Alaska Native Claims Settlement Act to be living legislation - that is intended to remain responsive to the real needs of Alaska Native people over time. The error that occurred to the people of Alexander Creek must be corrected and we have remedial legislation which can do this.

Mr. Chairman for the reasons that I have stated, our village corporation strongly supports H.R. 2445. Congressman Young has listened to our concerns and is seeking to correct a wrong, a wrong which Congress can correct. The federal courts have heard our concern, and have stated that this wrong should be corrected. The most significant aspect of the legislation is that it correctly recognizes Alexander Creek as what it has been for hundreds of years: an Alaska Native Village. The bill would recognize Alexander Creek as a village, not a group corporation, and provide a means for the village to receive the value it is due under ANCSA as a recognized village. These are our most important goals. We have worked with Congressman Young and staff on a potential substitute that would meet these two goals and provide more for land conveyances than for just compensation. We would be happy to work with the committee and the State of Alaska on either approach, both of which would exclude any land conveyance in conservation units.

We have been recognized as a group corporation, but we are not we are a Village.

We've received support from everyone we contacted, the Villages, Cook Inlet Region, Alaska Federation of Natives, the Matanuska Susitna Borough, and the State of Alaska.

The time to act is now.

I will be leaving a briefing document and a DVD entitled "These Voices Must Be Heard", which tells the story of Alexander Creek in the words of our elders.

I'd like to thank you in the language of our people Quyana.