

**ASSEMBLY STANDING COMMITTEE
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

December 4, 2017, 5:00 PM.
Municipal Building Assembly Chambers

I. ROLL CALL

II. APPROVAL OF AGENDA

III. PUBLIC PARTICIPATION

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

IV. AGENDA TOPICS

- A. White Oak Towers of Alaska Lease Application
- B. Juneau Youth Services Cornerstone Facility Closure - Update
- C. Aurora Arms Property Acquisition
- D. Indian Point Comments

V. SUPPLEMENTAL MATERIALS - RED FOLDER ITEM

- A. December 4, 2017 Presentation

VI. STAFF REPORTS

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

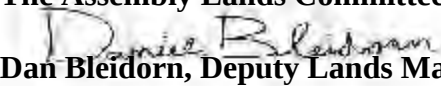
VIII. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan_Bleidorn@juneau.org
(907) 586-5252

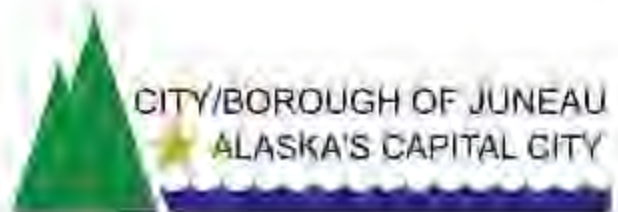
TO: The Assembly Lands Committee
FROM: 
Dan Bleidorn, Deputy Lands Manager
SUBJECT: White Oak Tower Lease Application
DATE: November 30, 2017

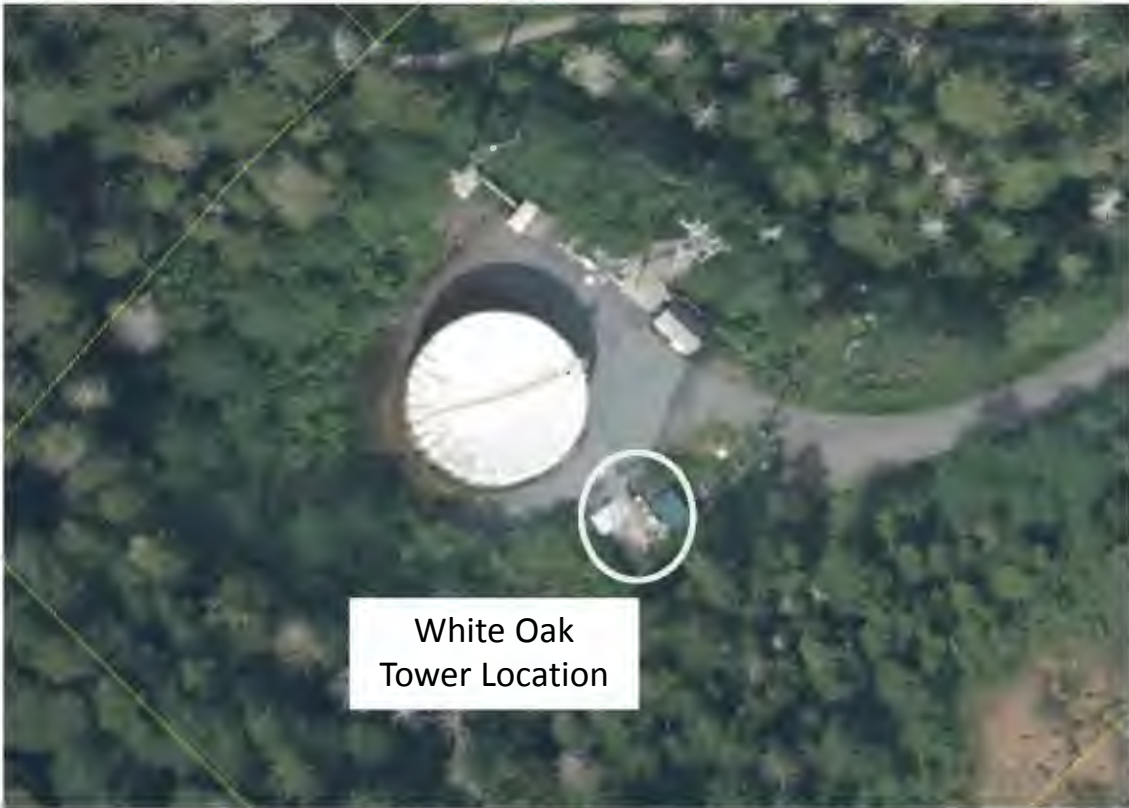
On November 15th 2017 staff received an application from White Oak Towers of Alaska for new lease for an existing communications tower on City property. The tower is located at the end of Jackson Road, in West Juneau, and has 8 years remaining on the current lease. The owner of White Oak Towers has applied for a new lease in order to secure subleases which demand a minimum term of 10 years. A new lease is also desirable for the City to bring the terms and conditions up to date with current City standards. The existing agreement is from 2003 and is between White Oak and the State of Alaska, as it was originated when the State had control of this property.

This item will go before the full Assembly for direction as provided by City code 53.09.260 (a) "The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land." This lease application will also be reviewed by the Planning Commission as per CBJ Code 53.09.260 (b) which states that "after review by the planning commission and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land.

RECOMMENDED MOTION

Staff requests a motion of support from the Lands Committee to the Assembly for the fair market value lease of City property to White Oak Towers of Alaska for the continued use of this site for a communications tower.





MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan_Bleidorn@juneau.org
(907) 586-5252

TO: The Assembly Lands Committee
FROM: Dan Bleidorn, Deputy Lands Manager
SUBJECT: Juneau Youth Services Cornerstone Facility Closure - Update
DATE: November 30, 2017

At the Lands Committee meeting on November 20, 2017 the Lands Committee learned that Juneau Youth Services (JYS) is vacating their lease of the Cornerstone Facility located on City owned property at 9290 Hurlock Avenue. JYS will be vacating this property on December 31, 2017 at which point the City will be responsible for maintenance of the property and buildings. JYS has estimated that maintenance and utility costs are approximately \$5,000 to \$6,000 per month. This unbudgeted expense will be paid by the CBJ until operation of the facility has been transferred to another organization.

Lands Staff are seeking input and direction from the Lands Committee regarding the future use and ownership of this property. Disposal and leasing code provide options which include the following.

- Option 1: Retain this property for City use.
- Option 2: Dispose of this property at fair market value.
- Option 3: Lease this property at fair market value.
- Option 4: Dispose or lease this property at less than fair market.

Overview

Option 1: Lands staff has begun to reach out to City entities such as Bartlett Regional Hospital to evaluate options for retaining this property. So far a CBJ use for this property has not been identified, if a potential use is identified a review of the proposal will be provided to the Lands Committee.

Option 2: Disposing of property for fair market value as described in section CBJ§53.09.200. These include;

- a) Over the counter sale.
- b) Sale by sealed competitive bid or outcry auction.
- c) Sale by lottery.
- d) Negotiated sale.

Staff is currently working on a sealed competitive bid land sale for Lena and Renninger Subdivision lots, this property could be added to that sale.

Option 3: Leasing this property at fair market value is an option that provides continual revenue for the City but there are also challenges with the unknown condition of the buildings, routine maintenance schedules and other challenges associated with being a landlord.

Option 4: Dispose of, or lease property, at less than fair market value. City code states that the City can dispose of or lease City property at less than fair market value “provided the disposal is approved by the assembly by ordinance, and the interest in land or resource is to be used solely for the purpose of providing a service to the public which is supplemental to a governmental service or is in lieu of a service which could or should reasonably be provided by the State or the City and Borough.”

A draft Request for Letters of Interest (RFLOI) for the negotiated sale, or lease, of this property is attached (Attachment 1). This process is setup to identify any public or private entities that could utilize this property that would meet the goals of the Assembly. This would also give service providers the opportunity to utilize this property by acquiring it from the City or leasing from the City at or below fair market value (options 2d, 3 and 4). If no letters of interest are received, or if letters received do not meet the expectations of the Lands Committee and Assembly, this property could then be disposed of at fair market value (option 1a, 1b, and 1c).

Staff Recommendation

Lands Staff recommends that the Lands Committee pass a motion of support for the City Manager to solicit Letters of Interest for potential uses of 9290 Hurlock Avenue and bring the results back to the Lands Committee.

Attachments:

Attachment 1: Draft Request for Letters of Interest

Attachment 2: City code related to leasing or disposing of City property



JYS
Cornerstone
Facility

Location Map



Negotiated Sale or Lease of 9290 Hurlock Ave

Request for Letters of Interest & Application Form

For more information, contact:
Dan Bleidorn, Deputy Land Manager
City & Borough of Juneau
155 S. Seward St.
Juneau, Alaska 99801
Phone: (907) 586-0224
Email: Dan.Bleidorn@juneau.org

Please visit the Division of Lands & Resources Land Sales page for more information:
<http://www.juneau.org/lands/CityLandSales.php>

Applicants are encouraged to consult the [CBJ Assembly Goals \(2017\)](#) the [Juneau Economic Development Plan](#), and [Housing Action Plan \(Draft\)](#) that provide insight into community housing goals.

Due Date: Letters of Interest and Applications are due Friday, January 15, 2017. A Non Refundable Application fee of \$500 is due upon submittal.

Mail application with non-refundable fee to CBJ Purchasing Department 155 S. Seward Street, Juneau, Alaska 99801 or hand-deliver to 105 Municipal Way, Room 300.

Negotiated Sale or Lease of 9290 Hurlock Ave

Introduction

The City and Borough of Juneau (CBJ) is requesting Letters of Interest and applications for a negotiated sale or the Lease of 9290 Hurlock Ave, Juneau Alaska. This property, located at the Corner of Mendenhall Look Road and Hurlock Avenue, has most recently been utilized as the Cornerstone campus operated by Juneau Youth Services (JYS). JYS intends to vacate the property at the end of December 2017, at which point the property will revert back to City management. The zoning for this property is D5 single-family residential.

The CBJ is requesting letters of interest and completed applications from entities with the experience and capacity to develop this site to meet the needs of the community. This property houses a large, aging facility, with four buildings totaling over 6,400 square feet. The operation costs calculated from the past year of the Cornerstone Facility are around \$5,000 - \$6,000 a month, including heating oil and electricity and regular maintenance.

Letters of Interest and Applications due, **January 15, 2017**.

- A Non Refundable Application fee of \$500 is due upon submittal.

Contents of all applications will remain confidential until submission deadline.

Mail application with non-refundable fee to CBJ Purchasing Department 155 S. Seward Street, Juneau, Alaska 99801 or hand-deliver to 105 Municipal Way, Room 300.

If you have questions, email Dan Bleidorn at Dan.Bleidorn@juneau.org

Process Timeline:

- CBJ solicits Letters of Interest and applications for a negotiated sale or lease of 9290 Hurlock Ave.
- Letters of Interest, application, and non-refundable application fee are due **January 15, 2017**.
- CBJ staff will evaluate applications as well as other options for this property and make a recommendation at the **January 29, 2017** Lands Committee meeting.
- The Lands Committee may select a preferred applicant or recommend disposing of the property for fair market value.,
- If the Committee selects a preferred applicant, CBJ staff and chosen applicant will draft terms of sale or lease of the property.
- The Lands Committee motion will be reviewed by the Planning Commission prior to the Assembly public hearing and the ordinance adoption process.
- CBJ Planning Commission comments will be forwarded to the Assembly with the authorizing ordinance.
- Once approved by ordinance, terms of the negotiated sale or lease will be executed.

Negotiated Sale or Lease of 9290 Hurlock Ave

Application Checklist

Check all items that you have included with this application:

- ☐ Letter of Interest
- ☐ Completed Application
- ☐ \$500 Application Fee



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Negotiated Sale or Lease of 9290 Hurlock Ave

1. Property Information

Property Owner: City and Borough of Juneau
 Property Addresses: 9290 Hurlock Avenue, Juneau Alaska 99801
 Legal Descriptions: Fraction of U.S.S. 381

Parcel Code No.: 5-B16-0-102-023-0

Site Sizes: 36,122 square feet

Zoning: D5

Utilities: CBJ Water and Sewer Services

Access: Hurlock Avenue

Existing Land Use: Juneau Youth Services, Cornerstone Facility will vacate the site on December 31st 2017. The main building and 3 outbuildings total 6,400 square feet of living area. There is also gravel parking for roughly 20 vehicles.

Surrounding Land Use:

North: Egan Drive

South: Renninger Skate Park (City Parks & Recreation)

East: Residential

West: Mendenhall Loop Road

2. APPLICANT IDENTIFICATION

Legal Entity: ☐ Non-profit ☐ Public Housing Authority ☐ Ltd./General Partnership ☐ Corporation
☐ LLC ☐ Individual ☐ Other (Describe):

Applicant Name:

Mailing Address: Street/City/State/Zip

Phone:

Fax:

Contact Name/Title:

Email:

Applicant's Federal I.D. or Social Security Number:

If there are other persons or entities have ownership interest in the applicant business entity, please include name, address and phone numbers.

Negotiated Sale or Lease of 9290 Hurlock Ave

3. APPLICANT EXPERIENCE

Provide a description of your real estate and/or facility management experience. Be sure to highlight any projects or programs with buildings similar in scale to this facility. List any past or current development projects or programs that involved the sale of CBJ land or that included CBJ financial assistance. Please provide your organization's relevant building maintenance experience. In the description, please include brief profiles or resumes of key development team members. (Attach additional sheets if necessary.)

Note: Qualification for land sale indicates that applicant must be an individual 18 years of age or older at the time of registering for the sale or a business, licensed to conduct business in the State of Alaska. *CBJ Code- Title 53.09.200(g)*

Negotiated Sale or Lease of 9290 Hurlock Ave

4. PURCHASE AND LEASE PROPOSAL

Proposed purchase price:

Market value will be determined by City-ordered appraisal, if proposing less than market value per CBJ\$53.09.270, please provide justification that the facility will be used solely for the purpose of providing a service to the public which is supplemental to a governmental service or is in lieu of a service which could or should reasonably be provided by the State or the City and Borough.

- ☐ Market Value as determined by City-ordered appraisal; or
- ☐ Stated Price: \$ _____

Justification:

Do you own or control an adjacent property? If so, identify the property by address, describe your interest, and describe its current use.

Project Narrative: Write a brief description of the project. Please provide details about timing, scope of work, intended end-users, unit breakdown of population served, and financing. (Attach additional sheets if necessary.)

Negotiated Sale or Lease of 9290 Hurlock Ave

6. SIGNATURE

I, the undersigned, affirm that the information I have provided in this application is true and complete to the best of my knowledge.

I/we, am/are authorized to apply for purchase of property from the City and Borough of Juneau on behalf of the applicant.

By signing and delivering this application I/we hereby waive any rights to object to or prevent the disclosure to the public of the contents of the application as it moves along the negotiated sales process.

Signature _____ Date _____

Printed Name:

Title:

Applicant:

DRAFT

- **ARTICLE IV. - DISPOSAL**

- **53.09.200 - General.**

(a) *Methods of disposal.* City and Borough land may be conveyed by lottery, auction, over-the-counter sale, negotiated sale, sealed bid, land exchange, or other methods as the assembly may approve by ordinance.

(b) *Inclusion in Land Management Plan.* Except for property acquired by tax foreclosure or reconveyance agreement, real property should not be conveyed prior to inclusion in a land management plan.

(c) *Satisfaction of CBJ 53.09.260(a).* Real property recommended for negotiated sale in management plan adopted by the Assembly not more than two years prior to commencement of negotiations for a negotiated sale shall be deemed to have satisfied CBJ 53.09.260(a) Sales, leases, and exchanges by negotiation or competitive proposal.

(d) *Ordinance.* Terms and conditions for each land sale shall be approved by the assembly by ordinance.

(e) *Sale price.* Except as provided in CBJ 53.09.270, Disposals for public use, the sale price for City and Borough land shall not be less than market value as determined by the manager.

(f) *Sales brochure.* The manager shall prepare, and make available to the public, a sales brochure detailing the terms and conditions of sale for competitive land sales.

(g) *Qualification.* To qualify for a land sale, the applicant must be an individual 18 years of age or older at the time of registering for the sale or a business, licensed to conduct business in the State of Alaska. No person or business entity may apply for, or purchase, a parcel offered for sale if he or she has defaulted on a prior purchase of City and Borough property within the five years preceding the proposed sale. To qualify for a parcel, the registrant or authorized agent must be present at the lottery, auction, bid opening, or over-the-counter sale.

(h) *Agent.* An agent participating for another person or entity shall identify himself or herself as an agent, submit a written agency agreement, power of attorney, or other document showing the agent's authority, and shall identify the agent's principal. This information shall be available to the other participants.

(i) *Disqualification.* The manager may disqualify from participating in a land sale conducted under CBJ 53.09.210—53.09.250 lottery, auction, over-the-counter and sealed bid sales, any person who willfully violates the provisions governing bidder, applicant, or purchaser qualifications.

(j) *Public notice and marketing.* Not less than 45 days before the date of a land lottery, auction, sealed bid opening, or the commencement date of an over-the-counter sale, the manager shall place an advertisement providing notice and a description of the sale in a newspaper of general circulation in the municipality, which shall run one day per week for at least four consecutive weeks. The manager may use whatever additional advertising media, format, or frequency he or she determines will best inform the public of the sale and most advantageously market the property.

(k) *Deposit.* Prior to the close of business on the day of the lottery, auction, or bid opening, the buyer or the buyer's agent shall provide the City and Borough a non-refundable down payment equal to five percent of the purchase price, submit any proof of buyer's qualification, and execute the purchase agreement and other required documentation as stated in the sales brochure. The deposit shall be in cash or by check or similar instrument. If the buyer fails to prove the buyer's qualifications or to tender the required down payment or to execute the necessary purchase agreement or other instruments to close the sale, or if the check does not clear, the sale is void, and all rights of the buyer in the property arising out of the sale are terminated. Unless specifically

provided otherwise by the manager in writing, the buyer shall have no right of possession to the property until all necessary notes, security and other instruments necessary to close the sale have been executed and the sale closed.

(l) *Payment of balance.* The balance shall be paid over a period not to exceed ten years in equal annual, quarterly, or monthly payments of principal and interest with interest on the unpaid balance at a rate established by the assembly by ordinance. The manager may direct loan payments to a bank of his or her choice and establish service fees, the payment of which shall be the purchaser's responsibility. There shall be no prepayment penalty.

(m) *Subordination.* The manager shall not subordinate the security interest of the City and Borough to that of another lender.

(n) *Application form and registration fee.* The application shall be on a form provided by the City and Borough. A nonrefundable registration fee must accompany the application.

(o) *Tax foreclosed land.* Applicable provisions of state law shall govern the disposal of land acquired by tax foreclosure to the extent state law and this chapter are in conflict on such disposals.

(Serial No. 2013-18, § 2, 6-3-2013, eff. 7-3-2013)

- **53.09.210 - Lottery sales.**

The nonrefundable registration fee for each lottery parcel applied for is \$25.00 and must accompany the application. An applicant may not file more than one application on any parcel. The manager shall conduct the lottery drawings in an order based on the number of applications per parcel, starting with the highest.

(Serial No. 2013-18, § 2, 6-3-2013, eff. 7-3-2013)

- **53.09.220 - Reserved.**
- **53.09.230 - Auction sale.**

(a) The auction shall be an outcry auction.

(b) *Registration.* Prior to bidding on any parcel, a bidder or the bidder's agent shall register with the auctioneer or the auctioneer's designee and be given a bidder identification.

(c) *Minimum bid.* The minimum acceptable bid shall be the market value as determined by the City and Borough manager.

(Serial No. 2013-18, § 2, 6-3-2013, eff. 7-3-2013)

- **53.09.240 - Over-the-counter sales.**

(a) *Lands available.* Parcels may be made available for over-the-counter sales under such procedures as the manager may prescribe.

(b) *Sale procedure.* The manager shall establish a method of determining who has first and subsequent chance of purchasing parcels among those who are present at the time over-the-counter parcels are first available.

(Serial No. 2013-18, § 2, 6-3-2013, eff. 7-3-2013)

- **53.09.250 - Sealed competitive bids.**

(a) Registration. The registration fee for participating in a sealed bid sale shall be \$500.00 per application. The registration fee shall be returned to unsuccessful bidders. For a successful bidder, the registration fee shall be applied toward the down payment of the lot for which the fee was paid.

(b) Post bid negotiations. If a significant factor in the award of the bid is to be the development proposal made by the bidder and if the bidders have been so informed either in the advertisement or on the bid form, the manager may negotiate with the best bidder or, in the manager's sole discretion, with the two best bidders.

(c) Assembly approval. The award of a bid in which the development proposal is a significant factor in the award is subject to approval by the assembly.

(Serial No. 2013-18, § 2, 6-3-2013, eff. 7-3-2013)

- **53.09.260 - Negotiated sales, leases, and exchanges.**

(a) Application, initial review, assembly authority to negotiate. Upon application, approval by the manager, and payment of a \$500.00 fee a person or business entity, may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

(b) Planning commission review, final assembly approval. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

(Serial No. 2013-18, § 2, 6-3-2013, eff. 7-3-2013)

- **53.09.270 - Disposals for public use.**

(a) Disposal to governmental agency. The lease, sale, or other disposal of municipal land or resources may be made to a state or federal agency for less than the market value provided the assembly approves the terms and conditions of such disposal by ordinance.

(b) Disposal to nongovernmental agency. The sale, lease, or other disposal of City and Borough land or resources may be made to a private, nonprofit corporation at less than the market value provided the disposal is approved by the assembly by ordinance, and the interest in land or resource is to be used solely for the purpose of providing a service to the public which is supplemental to a governmental service or is in lieu of a service which could or should reasonably be provided by the state or the City and Borough.

(c) The market value, as determined by the manager, of City and Borough land, interest in land or resources, which is granted to a governmental or nongovernmental agency under this section, shall be set forth in the authorizing ordinance. The City and Borough may require the grantee to provide an appraisal to determine the market value.

(Serial No. 2013-18, § 2, 6-3-2013, eff. 7-3-2013)

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
greg.chaney@juneau.org

Voice (907) 586-0205

Fax (907) 586-5385

TO: Mary Becker, Lands Committee Chair

FROM: Greg Chaney; Lands & Resources Manager



SUBJECT: Aurora Arms Offer to Sell Lot at Norway Point
1870 Glacier Avenue

DATE: December 1, 2017



Figure 1. The Subject Lot located at 1870 Glacier Avenue would provide access to approximately 8 acres of CBJ property outside of the mapped hazard zone. PCN 7-B08-0-100-004-0

At the February 27 2017 Lands Committee meeting the concept of purchasing the property at 1870 Glacier Avenue was discussed in detail. See Attached memo. This lot is adjacent to Aurora Arms Condominiums and the condominium association owns the lot. This 9,496 square foot lot is approximately 60 feet wide which would be suitable for providing right-of-way access to the CBJ property above Norway Point.

The CBJ property above Norway Point is within the Urban Service Area Boundary, near the urban core, and Glacier Highway

has both water and sewer utilities. Obtaining access to the CBJ property above Norway Point was included in the Implementation Strategy of the 2016 Land Management Plan.

Tom Mattice, CBJ Program Manager reviewed the natural hazard risks in this location. Mr. Mattice stated that this area was originally considered in 1960, studied in the 1970's, again in 1992, and was reviewed recently by the avalanche hazard evaluation team from Switzerland. All studies agree that this location is outside of an avalanche hazard zone with a 100 year reoccurrence interval. Tom wanted to caution that this area has not been subjected to the same level of review for mass wasting events (landslides) but conceded that there are several ~300 year old trees above this site so that it is unlikely that it would be classified as having a 100 year reoccurrence interval for mass wasting.

As discussed in the attached memo, access is a challenge for this site, so the Lands Division requested CBJ Engineering to evaluate the feasibility of gaining access through the lot at 1870

Glacier Avenue. Mr. Steffert prepared a preliminary design for a road that would connect to Glacier Highway at 1870 Glacier Avenue. It appears that a road could be built that would remain at a maximum grade of 10% or less.

At the February 27 2017 Lands Committee meeting the Committee passed the following motion:

The Lands Committee recommends that Lands Staff to continue to investigate options to purchase the lot located at 1870 Glacier Highway to provide access to eight acres of CBJ owned residentially zoned property outside of the mapped hazard zone.

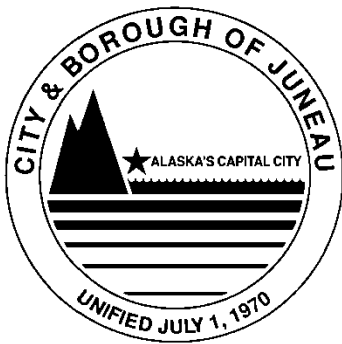
Since February, Lands Staff have been discussing possible terms for purchasing this lot from Aurora Arms Condominiums. An appraisal was completed for the property and \$90,000 was established as fair market value. The property currently has a drainage problem. Surface water from the property runs over the sidewalk and freezes in the winter causing a hazardous situation. CBJ Engineering staff estimated that it would cost \$26,200 to fix the drainage problem. Since the source of the water comes from both the Aurora Arms Condominiums lot and CBJ property upslope, the parties tentatively agreed to split the expense of the drainage improvements. As a result of this tentative agreement the parties have agreed to reduce the sale price by \$13,100 ($\$26,200 \div 2 = \$13,100$).

Therefore the purchase price would be $\$90,000 - \$13,100 = \textbf{\$76,900}$.

Authority to complete this purchase would need to be reviewed by the Planning Commission. At this point, the Lands Division is requesting a motion of support from the Lands Committee to continue to proceed with the purchase of this lot, to be paid for by the Lands Fund.

Recommended Motion

Staff recommends the Lands Committee recommends that the Manager enter into direct negotiations to purchase the lot at 1870 Glacier Avenue.



Memorandum

City & Borough of Juneau
155 S. Seward Street • Juneau, AK 99801

From: Greg Chaney *Greg Chaney*
Lands and Resources Manager

To: Assembly Lands Committee

Date: February 23, 2017

Re: Potential Purchase of Lot to Provide Right-of-Way for Access to Eight Acres of CBJ Property Suitable for Residential Development

The 2016 Land Management Plan identified an area of property listed as LND-1089 near Norway Point that was outside of mapped hazard zones. The Land Management Plan directed that this area be further investigated to determine if this location was suitable for residential housing. The 2016 Land Management Plan Implementation Strategy also identified this site as an area to investigate for appropriate housing proposals (Figure 1).

CBJ's Emergency Program Manager, Tom Mattice reviewed existing hazard studies conducted in this area. It has been determined that there have been four studies carried out investigating mass wasting and avalanche hazards in this location and none have identified this area as hazardous. Therefore it looks probable that a band of residential development is possible on the hillside above Norway Point on CBJ property (Figure 2).

As with most of CBJ's land holdings, access is a significant impediment for residential development. In this case there are two existing rights-of-way that could provide access to the site. Both Ross Way and Behrends Avenue have unbuilt rights-of-way that dead end to CBJ property in the vicinity. Unfortunately both routes would have to cross a significant and well documented avalanche hazard zone. There is an alternative access route located at 1870 Glacier Highway adjacent to Aurora Arms Condominiums. This 60 foot wide vacant lot is currently owned by the Condominiums and is used for overflow parking. This lot is outside of the mapped hazard zone and is located along a straight section of Glacier Highway. This option would provide safe access to the eight acres of CBJ property uphill located outside of the mapped hazard zone.

Lands staff has been working with CBJ Engineering to develop conceptual plans for an access road through this vacant lot. Based on this preliminary work, it appears that a road could be built that would meet CBJ standards and have a maximum grade of 10% (Figure 3).

Land Purchase Proposed

The property at 1870 Glacier Highway is currently owned by the Aurora Arms Condominiums. During the last few months, CBJ Lands and Resources staff have been discussing mutually agreeable terms for the CBJ to acquire this property for a right-of-way alignment. The lot is 60 feet wide and would serve as a right-of-way without reconfiguring the lot. The property is being used for parking by condominium residents. There is an opportunity for the CBJ to negotiate a purchase of this lot with a provision for the property to be leased for parking by the condominiums.

Comprehensive Plan

CBJ 49.10.170 (c) states:

City and Borough land acquisitions, disposals and projects. The Commission shall review and make recommendations to the Assembly on land acquisitions and disposals as prescribed by Title 53, or Capital Improvement Project by any City and Borough agency. The report and recommendation of the Commission shall be based upon the provisions of this title, the Comprehensive Plan, and the Capital Improvements Program.

This proposal complies with Guidelines and Considerations for CBJ Comprehensive Plan Sub Area 6 Map M (Figure 4):

The region is currently designated for Urban Low Density Residential development (ULDR).

Lands and Resources Staff Recommendation:

Staff recommends the Lands Committee pass a motion of support for Lands Staff to continue to investigate options to purchase the lot located at 1870 Glacier Highway to provide access to eight acres of CBJ owned residentially zoned property outside of the mapped hazard zone.



Figure 1. Location of 1870 Glacier Highway.

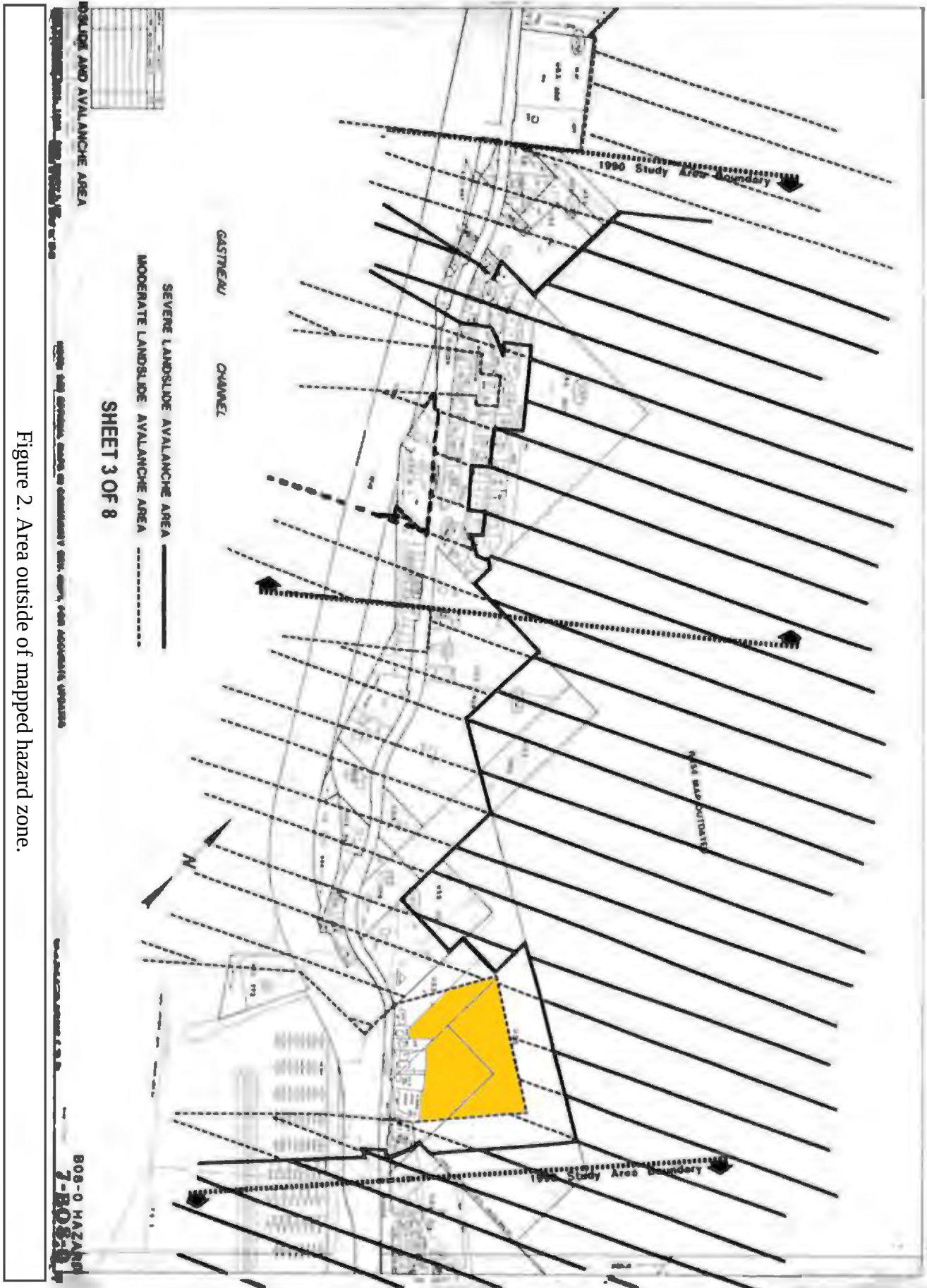


Figure 2. Area outside of mapped hazard zone.

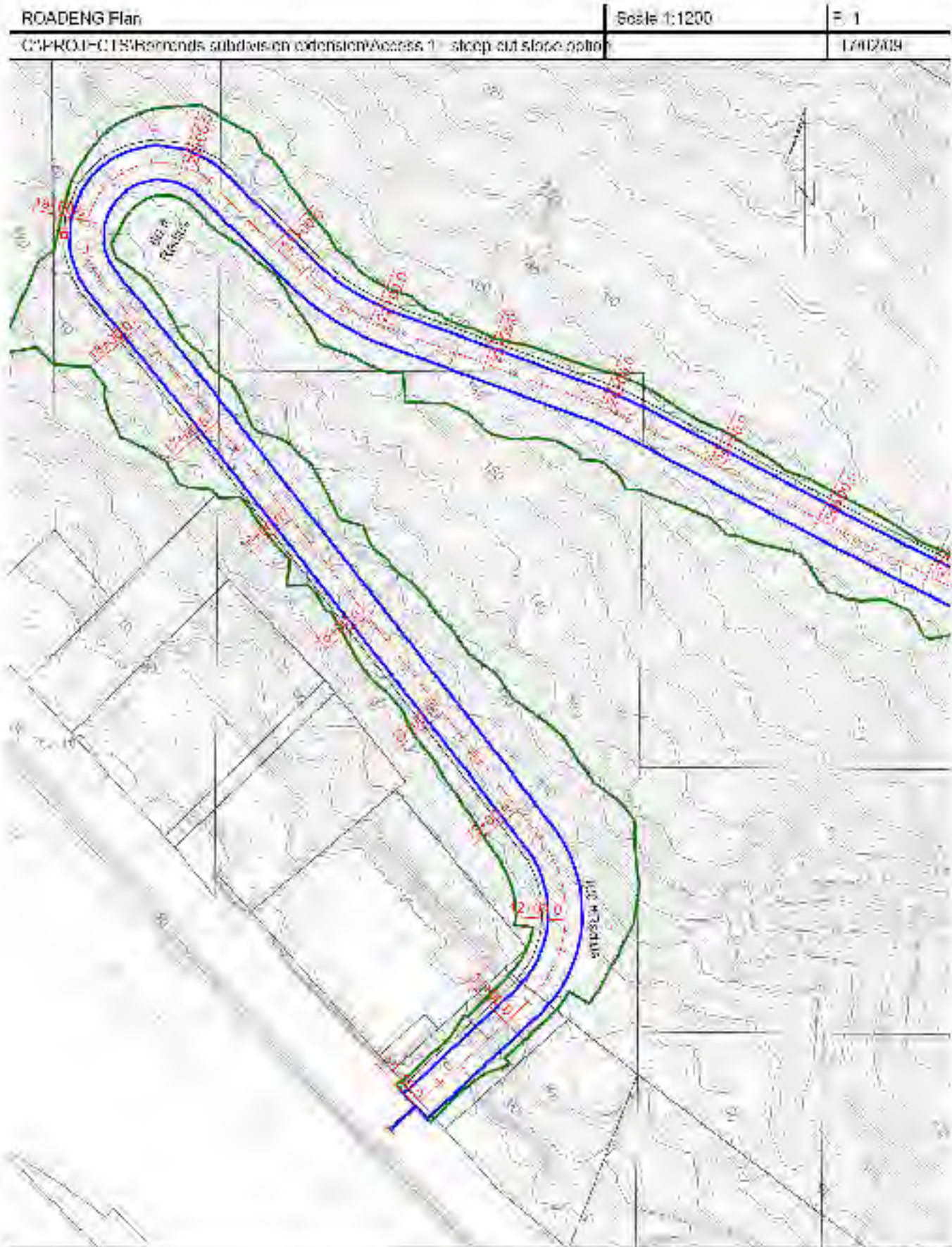


Figure 3. Potential Access Road Alignment.

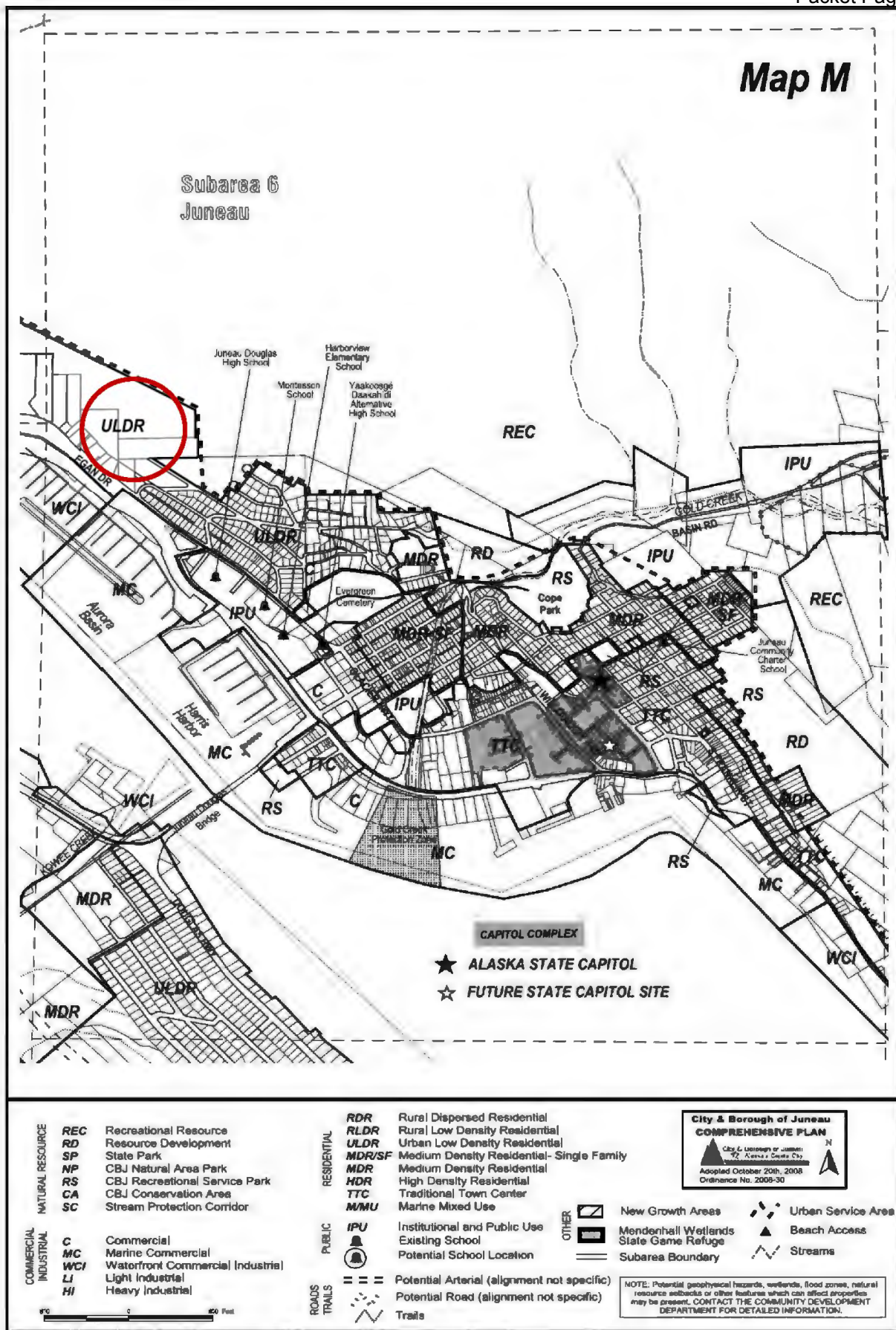


Figure 4. The site has been designated as Urban Low Density residential in the Comprehensive Plan.



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801

Telephone: 586-5240 | Facsimile: 586-5385

DATE: November 30, 2017

TO: Mary Becker, Chair, Assembly Lands Committee

FROM: Rorie Watt, PE, City Manager

A handwritten signature in black ink, appearing to read "Rorie Watt".

RE: Indian Point Comments

At the meeting on October 23rd, the Committee heard an informational update on municipally owned property at Indian Point.

The Lands Committee requested that the public to submit comments on the historical information prepared by staff. The Committee requested that the public submit comments by December 15th and requested that staff provide comments received to date at this meeting.

Comments that have been received as of the close of business on Wednesday 11/29 are attached to this memorandum.

The question of the disposition of the municipal lands at Indian Point will be calendared at the next scheduled Lands Committee meeting on January 29, 2018.

This is an informational item, no action is requested at this meeting.

Beth McEwen

From: Randy Wanamaker <berners@ak.net>
Sent: Friday, September 01, 2017 12:17 PM
To: Borough Assembly
Subject: Indian Point land
Attachments: Auke Village.pdf; Indian Point Letter 8.2017.pdf; Goldbelt Heritage Funding.pdf

Here are three files regarding the proposed Indian Point land transfer. I suggest reading the Auke Village file first, then the Indian Point letter then the Goldbelt Heritage Funding file.

Thank you for your consideration and your service to the community.

--
Randy Wanamaker
Environmental Assessor
Certified Professional Geologist
907 723 2228

Honorable Ken Koelsch, Mayor
And Assemblymembers
City & Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801

September 1, 2017

RE: Indian Point

Dear Mayor Koelsch and Assemblymembers:

On behalf of Marie Olsen and Bob Sam, the cultural bearers from the Wooshkeetaan and L'eneidi Clans of the Auk Kwaan respectively, we are inviting the City & Borough of Juneau to transfer the land at Indian Point to the Goldbelt Heritage Foundation.

The Goldbelt Heritage Foundation is a non-profit 501c3 organization committed to the revitalization and education of Tlingit language, culture, history and traditions in the Juneau Community, which includes Indian Point, the historic village site. Due to the long history of the village and burials at the site, Indian Point was recently placed on the National Register of Historic Places. It is regarded as a sacred place by Alaska Natives and many others.

The City portion of Indian Point consists of approximately 52 acres which were received as a result of a land transfer from the State of Alaska and a three party land exchange. The approved Land Management plan requires that Indian Point be managed in a manner that is sensitive to the cultural heritage of the Auk Kwaan people.

The many cultural and historic characteristics of Indian Point essentially preclude the City & Borough from developing the site to provide beneficial use for the community at large. However, if the title to the site is held by Goldbelt Heritage Foundation it can provide appropriate cultural stewardship and beneficial uses for the Juneau community.

Over the past ten years, the Goldbelt Heritage Foundation has established a proven record of financial stability and administrative efficiency. The Foundation has secured and managed millions of dollars in grants to support their cultural and educational projects. Most of this money has been spent in the Juneau community by the Foundation employees who pay sales and property taxes. This grant funding and spending is certain to increase if the Foundation has title to Indian Point.

Attached is a letter from the Foundation expressing their willingness to own and manage Indian Point in a culturally appropriate manner and a list of grants they received which illustrates their financial stability.

Considering and honoring this request in the sesquicentennial year of 2017 would be particularly poignant as a means of acknowledging the shared history of all Juneau citizens.

If you have any questions please be sure to contact me.

Respectfully,
Randy Wanamaker
9041 9th Ave SW, Seattle, WA 98106
907-723-2228
berners@ak.net



August 15, 2017

Mayor Ken Koelsch
City of Juneau Assembly Members
155 S. Seward Street
Juneau, Alaska 99801

Mayor Ken Koelsch,

Goldbelt Heritage Foundation, a cultural non-profit 501 (c) 3, had previously sent a letter to the City and Borough of Juneau regarding the potential historic offer to return property in the Indian Point region to the Aakw Kwan. Goldbelt Heritage Foundation at that time indicated that as an Alaska Native organization that supports the Aakw Kwaan and Taaku Kwaan people, we would welcome being the cultural keeper of Indian Point on behalf of and in concert with the Aakw Kwaan.

Goldbelt Heritage Foundation welcomes the potential to reestablish cultural stewardship of this ancient Native site supported by the City and Borough of Juneau. As an extension of the GHF vision to support cultural and language preservation for future generations and to expand upon our educational initiatives, we are hoping to support at Indian Point the following endeavors for the continual building and engagement of community in the preservation of historic sites:

GHF seeks to preserve, protect, educate and promote the public awareness of Indian Point as a Resilient and Historic Landscape

In concert with the Aakw Advisory Panel, GHF would pursue the potential goal of a Historic Research Learning Center with the mission to promote research, historical and scientific understanding of this region.

Specific goals include:

- Facilitate research efforts inclusive of an Ethnographic Resource Study and establishing a Museum Resource Center Collections
- Establish a Historic Sites Education Program and Multidisciplinary Curriculum for Youth
- Work towards offering Interpretation, Preservation and Historical Analysis Education Internships

Goldbelt Heritage Foundation, 3200 Hospital Drive, Suite 203, Juneau, Alaska 99801



	Grants	Grant Funds
2007	None	0
2008	First Alaskans Institute	24,737
	ANA Language 1	18,698
		43,435
2009	First Alaskans Institute	22,361
	ANA Language 1	98,434
	TANF	15,733
	JSD Curriculum	7,000
	Youth Grant	2,686
	Path to Excellence	47,682
	Wooch.een	100,874
	ANA Language Through Generations	34,082
		328,852
2010	Expanding on Excellence	9,000
	Youth Grant	7,352
	Path to Excellence	275,778
	Wooch.een	663,318
	ANA Language Through Generations	203,111
		1,158,559
2011	Lingit Tundtancee	34,825
	Path to Excellence	303,859
	Wooch.een	706,772
	Youth Grant	6,796
	TANF	7,318
	ANA Language Through Generations	188,566
		1,248,136
2012	Path to Excellence	273,481
	Wooch.een	401,110
	ANA Language Through Generations	159,004
	Youth Grant	7,299
	TANF	8,909
	Lingit Tuudtancee	251,965
	Aan Yatx'u Saani Deiyi	66,995
		1,168,763

2013	Path to Excellence	197,080
	Wooch.een	97,404
	TANF	6,346
	JSD Cultural Specialists	15,000
	Lingit Tundtanee	170,340
	Aan Yatx'u Saani Deiyi	703,352
		1,189,522
2014	Lingit Tundtanee	208,269
	Tlingit Words	2,500
	Juneau Community Foundation	5,000
	JSD Cultural Specialists	15,000
	Aan Yatx'u Saani Deiyi	745,227
	Lingit yoo X'atangi	40,040
	Haa Tlaagu	42,548
		1,058,584
2015	Lingit Tundtanee	198,788
	Aan Yatx'u Saani Deiyi	415,037
	Lingit yoo X'atangi	299,972
	Haa Tlaagu	499,749
	Time for Healing	48,126
		1,461,672
2016	Lingit Tundtanee	130,753
	Aan Yatx'u Saani Deiyi	167,863
	Lingit yoo X'atangi	299,767
	Haa Tlaagu	539,212
	Time for Healing	380,184
	I Kusteeyi	49,950
		1,567,729
2017	Lingit yoo X'atangi	259,727
	Haa Tlaagu	225,406
	Time for Healing	380,184
	I Kusteeyi	981,075
		1,846,392
	Grant Funds for Continuation Years:	3,377,982
		14,449,626

- Provide access for Elders to visit the site inclusive of handicap access assuring that all can visit the site and learn the historical significance of this site and participate in cultural activities.

GHF would continue to establish partnerships to increase research opportunities and enhance historic and science literacy.

GHF has been working in concert with the Douglas Indian Association, and recently completed a Memorial Healing Totem Pole at the Gastineau Elementary School in recognition of the graves unearthed at this site. As an extension of this first Totem Pole raising which occurred this year, we are also working on the acknowledgement of historic sites including the Taaku Kwaan Douglas Indian Village in collaboration with the Douglas Indian Association, the federally recognized tribe of this area. As a part of our historic sites preservation efforts, GHF would affirm the support of the Aakw Kwaan and the Alaska native people of this area by establishing an advisory panel of Aakw Elders to inform the vision and care of Indian Point.

As affirmed in prior correspondence, we welcome the technical support of Randy Wanamaker, who has extensive experience with the oversight and facilitation of land transfers as well as CBJ processes. At the right time in the future, we would welcome meeting with you about plans for the area which will be guided by the Aakw Elders Advisory Panel. Thank you for your kind consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dionne Cadiente-Laiti".

Dionne Cadiente-Laiti
Executive Director

cc: Randy Wanamaker
Greg Chaney

Beth McEwen

From: Allen Shattuck <alshattuck@gci.net>
Sent: Thursday, October 26, 2017 7:12 AM
To: City Clerk
Subject: Indian Point

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Focus Group

Keep the land or swap for comparable value--no gift.

Sent from my iPhone

Beth McEwen

From: Daniel Cornwall <danielcornwall@gmail.com>
Sent: Thursday, October 26, 2017 5:21 AM
To: City Clerk
Subject: I support returning Indian Point to the Aak'w Kwáan

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Focus Group

In response to the request for comment posted at <https://beta.juneau.org/newsroom-item/cbj-seeks-public-comments-as-it-considers-action-on-indian-point>, I support and urge the city to return Indian Point to the Aak'w Kwáan people. It belonged to them. It's past time to give it back. – Daniel Cornwall, Douglas Alaska.

Daniel Cornwall, Project Coordinator
State Agency Databases Project
danielcornwall@gmail.com
<http://godort.libguides.com/statedatabases>

Beth McEwen

From: Gary Miller <gmiller.juneauak@gmail.com>
Sent: Friday, October 27, 2017 8:26 PM
To: Borough Assembly
Subject: Indian Point

If the Tlingits sold Indian Point originally, then there should be a land swap. If the land was taken from them, then it should be returned to them for free.

Gary Miller
20135 Cohen Dr
Juneau, AK 99801-8211
(907) 789-3757

Beth McEwen

From: David Russell-Jensen <drusjen@live.com>
Sent: Sunday, October 29, 2017 6:58 PM
To: City Clerk
Cc: Greg Chaney
Subject: Re: Indian Point memorandum

Hello,

My name is David Russell-Jensen and I am writing today in my capacity as a Lingít language student in regards to the October 19 Indian Point memorandum.

I have a few suggestions to incorporate future publications using Lingít spelling:

Pg. 1: Indian Point is X'unáx̄i not X'unáxi — if the x̄ cannot be incorporated, you can use xh (X'unáxhi).

Pg. 2: Áak'w Kwáan not A'ak'w Kwa'an and also T'aakú kwáan (not Taku). The underlined K and k can also be Khwáan or T'aakhú.

Aanchgaltsóow ("The Village that Moved") not Aanchgaltsoow — the g should be underlined, or can be Aanchghaltsóow.

General comments on the memo:

“Prehistory” is a very loaded term and is used twice in the document — the archaeologist Madonna Moss uses the term “deep history” to describe the thousands of years of civilization among cultures with no writing system. I would recommend avoiding use of the term “prehistory” and using either “deep history” or another term. Lingít people here are not “prehistoric” and while “prehistory” is a common parlance in archaeological lingo, it is patronizing to the richness, complexity, and accuracy of oral history.

It might be worth noting in the section on ANCSA that qualifying-cultural sites could only be selected under the provisions of section 14(H)(1) by the twelve land-owning regional corporations — not village/urban corporations like Goldbelt. If Lot 2 of Indian Point was claimed as a 14(H)(1) site of cultural-significance, it would have been transferred to and protected by Sealaska Corporation. Goldbelt, Inc. had no avenue to claim X'unáx̄i as a site of cultural significance via 14(H)(1).

Gunálchéesh!

David

Beth McEwen

From: Mary Richey <Mary.Richey@sealaska.com>
Sent: Monday, November 06, 2017 3:25 PM
To: Mayor; Maria Gladziszewski; norton.gregory@juneau.com; Mary Becker; Loren Jones; Jesse Kiehl; Jerry Nankervis; Rob Edwardson; Beth Weldon
Cc: City Clerk
Subject: Indian Point: A Spiritual & Shamanic Landscape
Attachments: Comments to Assembly re Indian Point 11.1.17 w attachments.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Honorable Mayor and Assembly Members,

Please see attached letter from Dr. Rosita Worl regarding Indian Point.

Sincerely,

Mary Richey



Mary Richey Sell | Art Program Manager



105 S. Seward St. Suite 201 | Juneau, AK 99801
 direct 907-586-9257 | main 907-463-4844 | fax 907-586-9293

www.sealaskaheritage.org

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November 1, 2017

Mayor Ken Koelsch
The City and Borough of Juneau Assembly Members
155 S. Seward St.
Juneau, AK 99801

Re: Indian Point: A Spiritual & Shamanic Landscape

Honorable Mayor and Assembly Members,

The Sealaska Heritage Institute supports the conveyance of Indian Point to the Aak'w Kwáan or an appropriate Native entity to be protected in perpetuity as a Spiritual and Shamanic Landscape without any development that would violate its sacredness.

The Native community has for decades worked to protect Indian Point and to oppose any development despite the offer of \$1 million to drop our opposition as reflected by the attached documents.

Sealaska Heritage Institute remains grateful to the City and to many citizens of Juneau who have historically supported the efforts of the Tlingit to protect Indian Point.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosita Worl".

Rosita Worl, Ph.D.
President

cc: CBJ Lands and Resources Committee
CBJ Historic Resources Advisory Committee

Attachments:

Historical Efforts to Protect Indian Point
Q&A with Rosita Worl: What is the history behind Indian Point in Juneau and why have Native people fought to protect it? (SHI Blog, 10/9/17)

Indian Point as a Spiritual and Shamanic Landscape
Greater Juneau Borough Ordinance Serial No. 69-3
Excerpt from Auke Bay Area Plan, Chapter 3: Cultural and Historical Significance and
Resources
Location Map of *X'unáxi*





Historical Efforts to Protect Indian Point

The Juneau Tlingit have worked diligently to protect Indian Point from the intrusions of modern development for over 50 years.

The recorded efforts of the Auk people and other Juneau Tlingits to protect and preserve Indian Point as a traditional cultural landscape:

1959, when the ANB/ANS objected to the transfer of Lot 1 to the NPS

1969, when the Juneau Indian community objected to a proposal by the local municipality to subdivide Lots 3 and 4 and sell the land as residential lots.

1990s, when the Tlingit united in opposition to the construction of a marine laboratory.

1959

In 1959 the National Park Service sought to acquire a portion of Indian Point for use as an administrative headquarters. Their selection included Herring Cove (now called Indian Cove), an area used traditionally by the Juneau Indian community for harvesting herring.

The local Alaska Native Brotherhood and Sisterhood, on behalf of the Auk Kwáan, objected to the proposed transfer, stating that Herring Cove was their campsite for fishing and preparing of foods for generations down to the present. The ANB and ANS identified an area approximately 300 feet back from the beach all along the westerly side to be designated for the exclusive use by the Natives in their customary manner.

NPS made no objection and the public land order reserving this tract for the NPS includes a provision that it ***“shall not be construed to affect or to impair any rights or privileges the natives of the area may have to the use and enjoyment of their established campsite on the south shore of Herring Cove in their customary manner.”*** This provision remains in effect today.

1969

In 1968, the State of Alaska transferred 24 acres of undeveloped land on Indian Point (Lots 3 & 4) to the Greater Juneau Borough for \$1.00. The area was zoned for residential development. The Auk Kwaan, Native organizations, local Indian residents and borough citizens initiated a campaign of letters and public testimony to protect Indian Point and maintain it in its natural state and preserve the traditional cultural practices associated with it. At a public hearing in May of 1969, eight members of the Auk Kwaan and representatives of the ANB and Tlingit and Haida tribes stated that the Tlingit have always utilized this area for harvesting herring eggs, catching herring and smoking fish, as well as a picnic area. They pointed out that this is the last area in Juneau where herring eggs may be obtained.

Rosita Rodriguez [now Worl] stated, “Indian Point is more than an issue of land, or a possible source of revenue. It represents to us a link to our past, our forefathers, and our way of life. Perhaps you may understand this feeling if you think of the many historical sites and monuments, such as Plymouth Rock where the Pilgrims first landed, or of Abraham Lincoln’s humble one-room log cabin, or of the Statue of Liberty. The Federal government has seen fit to designate these and many other areas historical sites. Indian Point is all this to us.”

On July 2, 1969, the Greater Juneau Borough passed an ordinance (No. 69-3) converting Lots 3 & 4 from a residential to a public use district and classified the area as “recreation land to be used in its natural state” that “shall be kept open and clear” for public access and enjoyment. Furthermore, any recreational improvement was prohibited except as may be expressly authorized by the Assembly in the future.

1992-98

In 1992, NOAA/NMFS received 26 acres of land at Auke Cape (Lot 2) from the U.S. Coast Guard to construct a facility. In letters and public comments, members of the Auk Tlingit community and regional tribal organizations (Sealaska Heritage Institute, Sealaska Corporation, Central Council of Tlingit and Haida Indians, Alaska Native Brotherhood and Alaska Native Sisterhood) requested that NOAA remove Indian Point/Auke Cape from further consideration as a proposed site for the facility, stating that Auke Cape has considerable historic, archaeological, cultural, religious and national significance under various federal laws and executive orders, and that it has continuing cultural, religious and sacred significance to the Tlingit community. In a separate letter, Goldbelt, Inc., expressed agreement with this position and referred to “the highly significant cultural, religious and sacred values of the local Tlingit people that are inseparably entwined with the Auke Cape area.”

NOAA offered \$1 million and land within the Auke Recreation Area to the Indian community if they would drop their opposition. The Clan Mother of the Auk Indians adamantly opposed the destruction and desecration of their sacred site, and the Auk immediately rejected the offer. Although some individuals were not in agreement with this position, all of the local and regional Native organizations in Juneau stood solidly behind the Auk decision. Sealaska was prepared to go to court to defend the site. The rationale for this sentiment was expressed by Worl in these terms: “The Auk have lost all of their traditional territory to those of us who have moved into Juneau. Today all of us enjoy the bounty of this land. We felt it was imperative that the Auk and the Tlingit people be allowed to maintain this sacred site” (Worl 2009:62).

NOAA/NMFS eventually selected a location at Lena Point due in large part to the social action of the greater Juneau Indian community to express and advocate for the high cultural and historical value placed on the property by the Auk Kwáan, and the determination of Sealaska Corporation to oppose the construction at Indian Point in court if needed.

The Traditional Cultural Property investigations reported that Indian Point is a shamanic landscape associated with Indian burials, including shamans, and is considered a spiritual place and a ceremonial area which has ongoing sacred significance associated with religious practices of the Juneau area Indian community. Indian Point was the first home of the Auk Tlingit in this area and was the site of a significant event in Auk history during which the leader of the principal clan defended Auk



ownership of the area. The southern tip was the site of a fort or lookout station from which the local community defended its territorial claims, and was the locale of houses, smokehouses and Indian graves. In another location, documented Indian burials are situated in close proximity to four canoe runs and a midden dating to A.D. 1160-1345. Indian Point was a highly productive locale for subsistence resources and is most noted as a source of herring and roe until the run collapsed in the 1970s. Finally, the landscape is largely undisturbed by Euro-American development and its environmental and cultural integrity has been maintained.



Indian Point as a Spiritual and Shamanic Landscape¹

Tlingit beliefs and practices concerning death, life after death, and shamanism are well documented in the anthropological literature (see de Laguna 1972; Kan 1989; Emmons 1991). In pre-contact times, Tlingits practiced cremation with the exception of shamans (*Ixt'*) who were laid in state in prominent locations or structures. The ashes of high-caste Tlingit also were sometimes put in ornamented boxes and either buried or laid in state in special places such as grave houses. Beginning in the mid-1800s Christian-style burials became common. As a consequence of changing mortuary practices, today we find a number of graves and monuments on the landscape, including conventionally marked graves, unmarked graves, boxed or sheltered cremated remains, and uncremated remains of shamans together with their ritual paraphernalia. While cemeteries ordinarily are considered ineligible for the National Register, the effects of the presence of shamans and other ancestors on the *X'unáxi* landscape are very relevant to an evaluation of the site as a Traditional Cultural Property, as this particular locale has been and continues to be significant in the traditional beliefs and practices of local Tlingit.

Emmons, a US Navy Lieutenant who was stationed in Alaska in the 1880s and '90s, reports:

Cremation was practiced by the Tlingit for everyone except the shaman... The charred bones were placed in a chest which was deposited in the family [clan or lineage] gravehouse directly in the rear of the dwelling. The body of the shaman was laid away intact in a gravehouse, a short distance beyond the village, near the water and, circumstances permitting, on a bluff point, as seen at the Sitka, Chilkat, Auk, and [Angoon] villages, or on opposite and adjacent islands as at Hoonah... Or, the deceased shaman might have selected some distant prominent headland, to which the occupants of passing canoes would offer sacrifice in the form of a pinch of tobacco or food, which they believed would be received by him in a material, rather than a spiritual sense.
(Emmons 1991:394)

Shamans were also sometimes laid to rest in caves or at the bases of trees (Emmons 1991: 394).

Shamans were treated separately both in life and in death because they were viewed as mediators of the spirit world, who could transcend the boundaries of ordinary human perception and physical capacity. As religious practitioners, shamans served as intermediaries between the natural and supernatural worlds, communicating with and manipulating the many spirits that inhabited the Tlingit cosmos. Their “in-between” status as intermediaries was reflected generally in their unique lifestyle, dress and habits. Shamans were especially sought in times of stress, such as sickness and war. Shamans could be of either sex, and, though some trained to acquire their spirits through a strict regimen (e.g., fasting, continence, quests, etc.), it was also partly the spirit’s prerogative whether or not to inhabit a would-be shaman. Powerful shamans controlled multiple spirits and were celebrated for their superhuman feats. Because of their

¹ Abstracted from National Register of Historic Places Registration Form for *X'unáxi* (Indian Point, Auke Cape), with portions redacted to protect locations of sensitive sites.

power and status, shamans were both respected and feared; consequently, in death they required special treatment.

Tlingits believed that shamans' bodies did not decompose, but rather became dry and hard (Kan 1989), and that their spirits remained active in the immediate environs around the grave site. The Tlingit held dualistic beliefs about the fate of his spirit: the shaman's spirit was believed to remain in the vicinity of the grave, but also that it goes to the land of the dead. Emmons (1991:395) notes, "The shaman's spirit after death was believed to go to the land of the dead.... But the body was believed to be guarded always by the spirits belonging to him in life, or friendly to him. In some cases carved figures represent these spirits, or in fact possess the spirit itself, and these were placed in contact with the gravehouse or near it. ..." So great was the respect for the shaman's spirit power, "that years after his death when remains had crumbled away to dust, no one would approach [the] depository" (Emmons 1991: 396-97). Part of this respect was a fear of possibly being involuntarily possessed by a shaman's spirit seeking a successor (George Jim, pers. comm. to Tom Thornton, 1997). There was also a belief that the land immediately around the shaman's grave became charged or polluted, such that if one consumed the food from its soils or beaches, it would make you "sick" or "crazy" (Edward Kunz 1966, in Thornton 1997). While shamans lost influence as a result of contact and the introduction of competing modes of healing and religion, and were even persecuted by Christian missionaries, beliefs and practices concerning the nature of shamans' graves persist into the present.



Wooshkeetaan Shaman Grave at Point Louisa, Auke Bay (1916). Identified by Willis Peters, Walter Soboleff and David Katzeek as that of a Wooshkeetaan shaman named Glokateese (Thornton 1997:42). Courtesy of the Alaska Historical Library, James Simpson MacKinnon Collection, James Simpson MacKinnon, PCA 14-132.

The presence of human remains on Indian Point was documented in the 1960 survey by the Bureau of Land Management, which specifically identified three Indian graves in one location on Auke Cape, and which was confirmed in the testimony of local Natives.² Cecelia Kunz, Rosa Miller, Dixie Hayes and others testified that there are multiple graves on the Cape (Thornton 1997:39). Cecelia Kunz was able to provide the name of one person believed to be buried on Indian Point (*G'is'aóosh*), who was not a shaman (Thornton 1997:39). A local non-Native, Bill Spaulding, described gravehouses associated with the burials: "There were some old Native graves at Indian Point. They had little log cabins about four-foot high around them --- a log frame" (Mobley 1996:21). There is strong evidence from oral history that these Indian burials included shamans' graves. The late Bessie Visaya, until her death the eldest leader of the Auk Kwaan, told Mobley (1996:21) that the Indian Point graves "were of a shaman and his family, but I do not know who." Rosa Miller, Mrs. Visaya's daughter, stated unequivocally that a shaman is buried at this location. She described how she placed rocks around the trees next to the burials during the consultations with NOAA (NOAA 1998:C-61). At a cultural resource consultation meeting in December 13, 1996, she stated that "the medicine man's [shaman's] remains have been at Indian Point from time immemorial; that Indian Point is sacred." Charles Johnson, who maintained a fish camp on Indian Island (which is part of the nominated property) for many years, made reference to a "Crow [Raven] Indian doctor" who was laid to rest near "where the ferry boat anchors now on the mainland side of Auke Cape" (Thornton 1997:39). Others, including Marion Ezrre, were certain that shamans' graves were present on the Cape but did not know where.

Another area of Indian graves was identified in a location of the sort favored for shamans' graves, and suitable for a fort or lookout during a NPS survey in 1989. Cecelia Kunz pointed out this location of graves that was associated with houses and smoke houses, comprising a settlement area which she said was established in conjunction with herring fishing and other subsistence activities. In separate interviews conducted in 1974 and again in 1995, George Jim (Auk *Wooshkeetaan*) stated that there were shamans graves called *Yeik Ch'eenák'w* in this whole area, referring both to Indian Point and a nearby island, the latter of which he identified as that of a *Wooshkeetaan* shaman. The presence of archaeological evidence on this site was later confirmed during an investigation by an archaeologist.

Because shamans' graves are of special cultural significance, their presence on a property constitutes a unique cultural value with powerful implications for how Tlingits interact with that landscape. Thornton (1997:43) has employed the term "shamanic landscapes" to distinguish these unique environments from other values and features of a particular geographic area or site: "a shamanic landscape may be defined in general as any area where a shamanic spirit is believed to be active." The presence of shamans' graves affects contemporary Native perceptions and values of Auke Cape and significantly shapes their interaction with the property. Most importantly, the belief that shamans' graves are highly charged environments potentially inhabited by powerful spirits capable of invading, injuring, or otherwise bringing misfortune to a person, leads most Tlingits to want to minimize disturbances and maintain a respectful distance from the graves and their immediate surrounds. During an investigation of Indian Point as a TCP, no respondents reported having encountered a shamans' spirit at Indian Point, but several

² This location remains under the jurisdiction of the BLM.

had heard stories from their elders about adverse consequences suffered by those who did encounter them (Thornton 1997:45). The potency of shamans' spirits is widely attested in Tlingit oral history and literature (cf. Swanton 1908, 1909), and these beliefs continue to this day.



Tlingit Shaman (possibly Auk), with paraphernalia (c. 1900), courtesy of the Alaska State Library, Winter & Pond Collection, PCA 87-243.

Evidence of contemporary beliefs and practices related to the spirituality of shamanic landscapes is provided in descriptions of present-day Tlingit experiences and practices. Specific evidence of the ongoing cultural significance of the spiritual and shamanic landscape at Auke Point is provided in a written statement of Tlingit elder Rosita Worl:

Traditional Tlingit people believe that when we die, our spiritual being divides, with one part going to a supernatural abode and the other remaining at the site where our physical remains are interred. We respect the burial grounds inhabited by the spirits of our ancestors. Sacred grounds, such as Indian Point, bond us to the land, they unite us with our ancestors, they unify us with our living Tlingit brethren, and they ensure our survival as Tlingit people through future generations. The spirits of shamans remain powerful even after their death and can also bring both harm and good will and fortune depending on whom and the manner in which his or her spirit is approached. Burial sites embody the Tlingit cycle of life-death-life. Even to this day as I fly into Juneau and pass Indian Point, I call for spiritual assistance, and I reach to my heart to throw out any illnesses I may have. This site is sacred to the Áak'w Kwáan. Indian Point is sacred to the Tlingit [a reference to those who are not from the Juneau area]. (Worl 2009:59)

Indian Point continues to be a sacred place where Tlingit people are able to express respect for their ancestors by conducting special ceremonies and leaving offerings of food. As described above, Rosa Miller reported that she put rocks around trees at a shaman's burial at Auke Bay point. She states that a person must prepare and purify himself before going to a shaman's grave (Thornton 1997:45). Encounters with shaman's graves and other burials were generally avoided, and if they did occur might need to be mitigated through offerings. Thornton (1997:45) further reported,

When I accompanied Frank Miller to the grave sites [location redacted], I observed that he began to leave offerings of food along the trail as soon as we turned the corner toward [the location] though still quite a distance (perhaps 150 meters) from the grave site. When questioned about it, he said the offerings were a way of showing respect to the ancestors who are buried on the Cape. Rosa Miller also stated that she had conducted "purification ceremonies" in the vicinity of the Auke Cape graves to "create a balance" among the spirits, although she would not discuss the details of the rite with me. I did witness a separate attempt to promote a "spiritual balance" with the shamanic landscape at Point Louisa through songs and drumming.

As recently as 2012, Rosa Miller and her brother carried out a purification ceremony for the benefit of the NPS as it carried out improvements to the house and dock on Lot 1 of Indian Point. The ceremony included singing, drumming and leaving offerings of food on the beach at Indian Cove. According to the NPS, she explained that, "The land needed to be blessed, and she was also blessing our work" (Jespersion, telephone conversation with the author, September 16, 2013).

Indian Point is known as a spiritual place by the Tlingit who live in Juneau, and continues to provide an opportunity for local Tlingits to communicate with the spirits of their ancestors in the contemporary time period. Donald Gregory (*Deisheetaan*) described that after his brother died recently, he visited Indian Point because of its known spiritual qualities:

After my brother died...that was the only place that was spiritual in the [Juneau] area. I talked to him. I sang songs; brought my drum. ... Ravens came and were sitting in the tree. Maybe it was him. I heard there were shamans buried there. [It is] the only place I knew I could go that our people used to go to. ... I was born and raised here in Juneau, even though my clan is from another area --- I acknowledged the Auk people, and thanked them. ... It was within the 40 days; he was still walking, he was still around.
(Gregory pers. comm. 2013)

The site continues to be used for the transfer of food to the spirit world. After memorial ceremonies, individuals often go to Indian Point to burn the food as a means to transfer food to the spirits of those for whom the ceremonies were held. This was also reported during the consultation meeting with NOAA.
(Worl 2005)

These statements by Donald Gregory and Rosita Worl indicate the persistence of beliefs in the potency of shamanic landscapes as spiritual places, and they provide evidence that the teachings of elders concerning the power of shamans, shamans' spirits, and shamanic landscapes carry great force, even for those who have never witnessed the power of a shaman directly. Respect for the veracity of elders is widespread among oral cultures, where ancestral knowledge is not treated as hypotheses to be tested, but rather as wisdom to be heeded. Furthermore, respectful avoidance of shamanic landscapes was actually a way of maintaining the sanctity of those landscapes.



Tlingit Grave House, Juneau (c. 1900). Some respondents recall similar structures at Lot 2A. Courtesy of the Alaska State Library, Case & Draper Collection, W.H. Case, PCA 39-790.

The continued cultural importance of shamanic landscapes among the Tlingit is also related to a basic respect for the dead that permeates Tlingit religious traditions and motivates people to protect grave sites of shamans and lay persons alike. Although shamans were traditionally the only persons laid to rest in a way that permitted their spirits to actively inhabit and animate the local landscape, the cremated remains of non-shamans were also treated with

respect to insure a smooth passage to the next world. Moreover, to the extent that a transition in mortuary practices --- from cremation to burial --- has occurred for non-shamans in the historic period, it seems that all burial grounds are treated with a degree of sacredness once reserved exclusively for shaman grave sites. This is the context in which contemporary Native statements about the sacredness of Indian Point must be emplaced.

Note on the boundaries of the Indian Point property as a shamanic landscape:

Beliefs that shamans' graves are highly charged environments leads one to the question of the geographical extent of the avoidance that is commonly practiced in the vicinity of such graves. For those who identified specific shaman grave sites on Indian Point, Thornton (1997: 44-45) specifically inquired about boundaries of avoidance. Several tribal members suggested that it was necessary to avoid the immediate area around the shaman's grave for a radius of perhaps 20-30 meters at minimum. Such boundaries extended offshore as well. A zone of avoidance was identified for Indian Point [and nearby islands], with the boundaries generally following the natural boundaries of the landforms themselves. Beyond this, if one passed within a certain distance or line of sight of shaman's grave (a line of sight, off a promontory, for example, might extend beyond 30 meters), or if one violated the zone of avoidance, it was considered appropriate to pay respects to the shaman's spirit(s) in certain ways.³ One way an encounter with a shaman's grave could be mitigated is through offerings. As described above, tribal members said that the offerings were a way of showing respect to the ancestors who are buried on the Cape, and a way to "create a balance" among the spirits (Thornton 1997:45).

Thornton suggested that 20-30 meters might constitute a minimal zone of avoidance, and reported that in practice he discovered a range of boundaries among respondents for the shamanic landscapes at Auke Cape. "Significantly, some of the younger Auk Kwaan, presently in their 30s or early 40s, remember being instructed as children to avoid large segments of the Cape, including what presently constitutes Lots 2, 3 and 4; only Auk Nu Cove, Indian Cove, Indian Island, and the area around Lot 1 were considered "safe"" (Thornton 1997:45). While it may be that parents outlined larger zones of avoidance for children as an extra measure of precaution, it is interesting to note that Auk Nu Cove, Indian Cove, Indian Island, and the area around Lot 1 correspond with the major subsistence use areas and camping sites. Thornton continues, "...for most subsistence harvesters with intimate knowledge of Auke Cape, the shamanic landscapes were more narrowly circumscribed, often limited to the areas identified with Indian graves. Beyond this perimeter, respectful interaction with the landscape (subsistence activities themselves being one example of respectful interaction) rather than avoidance was the norm. One elderly respondent, who was a regular camper at Indian Island, recalled that the bulk of the upland areas, particularly on the Auke Nu Cove side (i.e., Lots 2 and 3) were associated with the shaman spirits and were thus to be avoided" (Thornton 1997:45).

An example of "respectful interaction" with the shamanic landscape at *X'unáxi* was observed by Charles Smythe in 1990, prior to and independently of any evaluation of Indian Point as a TCP. Smythe was with a party from the Smithsonian Institution and *T'akdeintaan*

³ George Jim noted that traditionally only those who ritually prepared themselves to meet (i.e., inherit) as shaman's spirit would consciously seek out a shaman's grave as part of their initiation; and even this was risky as there was no guarantee that the spirit would accept him. Similarly, Rosa Miller states that a person must prepare and purify himself before going to a shaman's grave (Thornton 1997: 44-45).

clan members en route to Swanson Harbor on a ferry boat from Auke Bay. As they were approaching Indian Point, Richard Dalton, Sr., the now deceased clan leader for the Hoonah *T'akdeintaan* clan, quietly identified it as the location of a shaman's grave to those around him (Dalton pers. comm. 1990). This form of recognition was an expression of respect, delivered as the party passed within a certain zone of unspecified extent by someone from a community other than Juneau. It indicates the traditional cultural significance of this landscape to Tlingit Indians from neighboring communities, in addition to those from the Juneau area.



SEALASKA HERITAGE

Q&A with Rosita Worl: What is the history behind Indian Point in Juneau and why have Native people fought to protect it? (SHI Blog, 10/9/17)

Indian Point in Juneau is considered to be a sacred site to the Auk People and other Juneau Tlingits, and numerous Native people and organizations have fought to protect it for many decades. Indian Point is as important to Native people as Plymouth Rock, Abraham Lincoln's log cabin and the Statue of Liberty are to Westerners. The battle to protect Indian Point began in 1959 and seemingly ended in 2016 after Sealaska Heritage successfully petitioned to have the 78-acre site listed in the National Register of Historic Places, making it the first traditional cultural property in Southeast Alaska to be placed on the register.

In response to this question, I want to tell of my personal experience with this issue, as it has had a profound impact on my life and was the first time I advocated for Native people in a public arena.

Shortly before my mother Bessie Quinto's death in the 1960s, the Alaska Native Sisterhood ceremonially transferred to me her ANS *kookéínaa*, which is a ceremonial sash worn by members of the ANS and Alaska Native Brotherhood. Through this ceremony, the ANS announced to the Tlingit world that I was to assume my mother's role as an advocate for Native people after her death.

Bessie had worked tirelessly to secure political and economic equity for our people on multiple fronts. She worked as a union organizer for the salmon cannery workers and attended a continuous round of political meetings. She challenged the openly discriminatory practices towards the Tlingit that were prevalent throughout the 1940s and 1950s.

I had been selected to assume her role because I had been under her formal training since the age of ten. My mother was a demanding teacher who observed my every action. She even ensured that when I stood or sat, I held my head in the proper Tlingit manner. Her teaching also involved bringing me to her meetings.

After I received her *kookéínaa*, I returned home and sat on the beach in the front of our house reflecting on her contributions to the Tlingit People. Through her work and noble deeds, she had given my brothers and sisters a great gift. I wondered to myself what would I leave behind for my children.

I hadn't thought my responsibilities would begin so soon. The protection of Indian Point was to be my first public challenge.

I had grown up knowing that Indian Point was a Tlingit sacred site. I don't think I understood what the term "sacred" meant. However, I knew that it was a significant site and special to the Tlingit. I was quite aware that I didn't have formal ties to Indian Point. We were always reminded that we were "Chilkats" or Tlingits from the Haines and Klukwan area. I recall a prominent Auk Elder, Cecilia Kunz, repeatedly telling us that we were not "Juneau People" or Auks and that Juneau belonged to them. However, the Auk People were gracious in allowing us to use their land for subsistence hunting, fishing, and gathering. One of our favorite activities was gathering herring eggs at Indian Point.

Indian Point is significant to the Tlingit community. It is important to the Tlingit of the past, the Tlingit of the present, and the Tlingit of the future. It is a place where Tlingit People worked, played, laughed, and sang. It is a place where the Auk greeted their visiting neighbors. It is a place where our warriors and shamans conducted their purification and spiritual rites. It is a place that contains healing medicinal plants and powers. It is a place where our brothers and sisters, the Raven and Eagle, abound. It is a place where we buried our dead. It is a place where some day soon the Auk may reinter the remains of ancestors who were taken away in the name of science and now may be reclaimed under the Native American Graves Protection and Repatriation Act. It is the place where the spirits of the ancestors of the Aak'w Kwáan inhabit. It is a place where we sing our songs to our ancestors and call for spiritual assistance. It once was an important subsistence area until it was polluted after the non-Tlingit began to develop the northern shores of Indian Point. It is also a place that is highly coveted by others, but Indian Point is a sacred site to the Tlingit.

While we may dress as White People and speak the language of the White Man, our hearts remain true to our old ways. Tlingit People have been reluctant to speak openly about our beliefs and our spiritual relationships to our ancestors lest they unleash the wrath of the proselytizing agents who sought to eradicate Native spiritual beliefs. We, people who grew up during a period when Tlingit culture was repressed and were punished for speaking our language, have been hesitant to openly discuss our beliefs lest we subject ourselves and our children to ridicule. However, we ultimately came to realize that we had to explain our spiritual beliefs so that non-Natives would understand our opposition to the construction of a governmental facility or other development at Indian Point.

Tlingit People are culturally different than the larger society simply because we have different cultural beliefs and practices. We conceive of space, time, life, and death in a different way than non-Tlingit.

Indian Point is a burial site, but it is unlike a Western cemetery. As I understand when Westerners and those who adhere to their beliefs bury their dead, they believe that their souls go to a place called Heaven or Hell. They do not seem to mind if their graves have to be moved to make way for progress and development. I respect the rights of those who espouse such beliefs, but their beliefs are unlike traditional Tlingit ideologies.

Traditional Tlingit People believe that when we die our spiritual being divides, with one part going to a supernatural abode and the other remaining at the site where our physical remains are interred. We respect the burial grounds inhabited by the spirits of our ancestors. Sacred grounds, such as Indian Point, bond us to the land, they unite us with our ancestors, they unify us with our living Tlingit brethren, and they ensure our survival as Tlingit People through future generations. The spirits of shamans remain powerful even after their death

and can also bring harm and good will and fortune depending on who and the manner in which his or her spirit is approached. Burial sites embody the Tlingit cycle of life-death-life. Even to this day as I fly into Juneau and pass Indian Point, I call for spiritual assistance, and I reach to my heart to throw out any illnesses I may have. This site is sacred to the Aak'w Kwáan . Indian Point is sacred to the Tlingit.

We Tlingit, who are from other areas outside of Juneau, acknowledge the aboriginal tie of the Auk to Juneau and Indian Point irrespective of the fact that the Auk no longer hold legal title to the land. We stood unified with the Auk People because of this recognition and because we share the same beliefs and concerns. We knew that if the desecration and destruction of this sacred site could occur, it would occur elsewhere.

Shortly after receiving my mother's *kookéinaa*, I learned that the City of Juneau intended to rezone and subdivide Indian Point and to sell residential lots. The Native community was extremely upset. We all knew the significance of Indian Point. I called my fellow brothers and sisters from ANB and ANS to testify at the city council meeting in opposition to the proposed action. I was joined by several other Tlingit People. I thought we should have a greater representation, and I ran out of the meeting onto the street and asked those Tlingit People who I saw to join us and to testify against the action. I also called my friend, Tommy Richards, who was a reporter with the Tundra Times, the statewide Native newspaper, to help us by bringing attention to our plight.

We were successful in persuading the city of the importance of Indian Point to the Tlingit, and they tabled their action to sell the residential lots. In retrospect, I can see that we were quite naïve in thinking that Indian Point would be forever protected.

When I assumed my second term as Interim President of the then Sealaska Heritage Institute¹ (SHI), I was startled to find amidst the mounds of paper on my desk the draft Environmental Impact Statement (EIS) on the proposed development of Indian Point. Nearly 30 years after my first episode with Indian Point, the federal government proposed to build an office complex and research center there. I immediately held a meeting with our SHI Board of Trustees. I briefed them on the proposed action, and **one Trustee who was also a clan leader told me in no uncertain terms that we would die to protect the burial sites of our shamans.** I quickly reviewed the EIS and noted that the legally required "consultation" with the Native community had not occurred. I instantly wrote a letter to that effect and cited compliance other cultural, historical, and archaeological resource laws.

An archaeologist who had been under contract to assess Indian Point visited me. He advised me that he had met and consulted with a number of Tlingit Elders to discuss the project. I reminded him that discussions with individual Elders did not constitute consultation.

The federal National Oceanic and Atmospheric Administration (NOAA) organized a series of meetings with myself and with the community. One meeting in particular stands out in my memory. We met in the Centennial Hall and a number of Tlingit People testified to the representatives of the federal agency about the importance of Indian Point. We cried as young Tlingit woman and men tried to hold back their tears as they spoke about the

¹ SHI formerly was known as Sealaska Heritage Foundation.

significance of Indian Point and their concern about the potential desecration of the site. A young man from Angoon told of burning food there to transfer the food to his deceased relatives.

One of the federal agency officials asked me what could be done to "mitigate the adverse impacts." I recall thinking to myself for a moment and then offered that I didn't know if spirits could be contained to a specific area if a fence were to be constructed to keep the spirit contained and the public away. I also emphasized that our sacred sites were unlike that of non-Natives, whose sites could be deconsecrated such as a church that was transformed into a meeting hall. I told them, however, that I would think about their question.

NOAA offered us \$1 million and 50 acres of land if we would drop our opposition to the construction project at Indian Point. They offered that we could use the funds to build a village at another site. We were indignant with the offer. We sadly recognized that some of our People might not hold Indian Point in the same regard as we and could well be tempted by the \$1 million offer.

The powerful governmental entity wanted the Auk and the Tlingit to redefine and restructure their culture and ideologies to meet its need. The Clan Mother of the Auk, Rosa Miller, adamantly opposed the destruction and desecration of their sacred site. She did not believe that the sanctity and spiritual attributes of Indian Point could be transferred to another site to satisfy the federal agency. The Auk immediately rejected the offer.

The Tlingit community stood solidly behind their decision. The Native community, including the Aak'w Kwáan, Douglas Indian Association, ANB, ANS, Central Council of Tlingit and Haida Indians of Alaska, Sealaska Corporation, and SHI opposed the construction of a building at Indian Point. One Tlingit, who had lived away from home for decades, however, urged her fellow Auk to accept the offer and warned that they would probably lose anyway, and the powerful government would eventually build on the sacred site.

Clan Mother Rosa Miller knew that if her People accepted the money, they stood to lose intangible treasures of their heritage that no amount of money could buy—least of all their honor. This Clan Mother, who was trained through her lifetime in the ways of her ancestors, stood her ground against the federal government.

We asked NOAA to consider the other two sites that had been identified in the Juneau area as possible sites for the facility. We understood that some within their ranks viewed one of the sites as acceptable. I also asked that a Traditional Cultural Property (TCP) evaluation be conducted. I had attended a Keepers of the Treasures meeting sponsored by the National Park Service in the Southwest and learned about TCPs. I thought that Indian Point was a perfect candidate for a TCP.

Although I am an anthropologist and was thoroughly familiar with the history of Indian Point, I knew full well that the government would not ask me to conduct the study. I suggested a number of possible anthropologists who were familiar with the Tlingit culture. A colleague at the University of Alaska was contracted to do the study. Additionally, NOAA also contracted with a traditional Tlingit leader to meet with the Auk People. I interpreted his retention as a measure to divide the Tlingit community.

I was called into the office of the chief executive officer (CEO) of Sealaska Corporation. Sealaska Corporation is the regional Native corporation established under the Alaska Native Claims Settlement Act of 1971, which settled our aboriginal land claims with the government. Sealaska Corporation, in turn, had created an affiliate organization, the Sealaska Heritage Institute, whose mission was to protect and perpetuate the Tlingit, Haida, and Tsimshian cultures of Southeast Alaska. The CEO advised me that the powerful Senator Ted Stevens of Alaska had called him and asked why the Tlingit were opposing the construction of the NOAA facility. The Senator conveyed that he was trying to help the economy of Juneau. Our CEO responded that when it came to cultural matters, he was required to yield to the traditional leaders and Elders. I also reminded our CEO that very few of our tribal members had jobs with NOAA. I was also to learn later that the new facility would be named after our Senator Stevens.

Those who supported the construction of the NOAA facility at Indian Point blamed the Native community for the delay of the construction project. They claimed that we would be responsible if the funds for the NOAA facility were lost. From my perspective, the delay in construction could not be attributed to the Native community. Had NOAA met the federal requirements of consultation, they would have learned that Indian Point is a sacred site. They would have known that the Tlingit community would oppose the development on these grounds, and perhaps they would have known that they should have selected an alternative site for their facility.

I was at a loss to understand why it was expected that Indians must allow one of our sacred sites to be put in jeopardy and to sacrifice our beliefs because a governmental entity wanted to build an office facility on our sacred lands. I was exasperated that the federal employees who rejected another possible site for the construction of the facility as "not acceptable" because the 45 minute drive was too far for the employees to travel.

At this point in my life, I was somewhat more knowledgeable of the laws that might offer us some protections. However, I also fully understood that we could go through the required legal process, and ultimately a decision could be made that was adverse to our Tlingit interests. I met privately with the NOAA officials and conveyed to them that we would use all the resources available to us to halt and delay the construction of the facility at Indian Point even if it meant going to court. We recognized that we could lose Indian Point to a powerful government agency, however, we were determined, as our Trustees had directed, "to die to protect a shaman's burial site."

The Auk People had lost all of their traditional territory to those of us who have moved into Juneau. Today we enjoy the beauty and bounty of this land. We felt that it was imperative that the Auk and the Tlingit People be allowed to maintain this sacred site.

The Tlingits' fight to protect Indian Point finally paid off. The battle with NOAA ended in 1998, when the federal agency selected a different site outside of Indian Point to construct its facility.

In 2002, we nominated Indian Point for inclusion in the Federal Register and submitted the nomination to the Alaska State Historic Preservation Office (SHPO). Subsequent to the nomination, we continued to respond to the seemingly unending questions posed by SHPO. I attended a Historical Commission meeting in Anchorage to request the status of our

nomination and was advised that approval was imminent. However, when I attended a follow-up meeting in Juneau in 2006, we were again asked for additional information, which again we provided. We contacted the office several times asking about the status of the nomination. I had been advised that the federal government determined Indian Point to be eligible as a TCP and eligible for inclusion in the National Register of Historic Places. However, we continued to await the SHPO decision. Native People have had a strained relationship with the State of Alaska over the protection of our subsistence rights under federal law. Later, I wrote yet another letter to SHPO asking for its decision.

As a member of the Board of Directors of Sealaska Corporation, I reported to the board that we had been actively working on a TCP nomination for more than ten years. I conveyed that we needed another mechanism to protect our historical and sacred sites in view of the time and energy we had expended to try to protect **one** sacred site. I reported to the board that we were preparing to publish a cultural atlas which included more than 3,000 Native place names, and I felt that we had to do something different to protect our sacred sites. I proposed that we look at the possibility of creating a Tongass Heritage Area. At the same, we were working to finalize Sealaska Corporation's land entitlement in Congress, which would require an amendment to the Alaska Native Claims Settlement Act. The board of directors decided that we would include in the proposed legislation 4,000 acres for sacred and historic sites. Corporations do not generally own nor seek the ownership of non-productive or non-economic lands. We, as a Native corporation, however, viewed our cultural survival and the protection of our sacred sites as major objectives along with our financial considerations. At that time, we had legislation in Congress to amend ANCSA to allow us to select and to maintain ownership of a significant number of our sacred sites. We also continued to advance the notion of Heritage Areas as another mechanism to protect our historical and sacred sites.

Indian Point offers a clear lesson that can be learned or affirmed that we as Native Americans view the protection of our sacred sites as essential, and we will avail ourselves of every mechanism to protect them. We are not apologetic that our cultural beliefs may conflict with Western values, stand in the way of progress, nor halt construction of a new facility. Our cultural values must be interpreted and applied on their own merits and must not be defined nor structured in the context of national laws or needs.

Dr. Rosita Worl is an Eagle of the Thunderbird Clan and House Lowered from the Sun of Klukwan. She is a child of the Lukaax̂.ádi. She serves as President of the Sealaska Heritage and was a former board member of the Sealaska Corporation and the Alaska Federation of Natives. Dr. Worl recently received the Solon T. Kimball Award for public and applied anthropology from the American Anthropological Association.

Indian Point: A timeline of historical efforts to protect this sacred site¹

The Juneau Tlingit have worked diligently to protect Indian Point from the intrusions of modern development for over 50 years.

The recorded efforts of the Auk people and other Juneau Tlingits to protect and preserve Indian Point as a traditional cultural landscape:

1959, when the ANB/ANS objected to the transfer of Lot 1 to the NPS

1969, when the Juneau Indian community objected to a proposal by the local municipality to subdivide Lots 3 and 4 and sell the land as residential lots.

1990s, when the Tlingit united in opposition to the construction of a marine laboratory.

1959

In 1959 the National Park Service sought to acquire a portion of Indian Point for use as an administrative headquarters. Their selection included Herring Cove (now called Indian Cove), an area used traditionally by the Juneau Indian community for harvesting herring.

The local Alaska Native Brotherhood and Sisterhood, on behalf of the Auk Kwáan, objected to the proposed transfer, stating that Herring Cove was their campsite for fishing and preparing of foods for generations down to the present. The ANB and ANS identified an area approximately 300 feet back from the beach all along the westerly side to be designated for the exclusive use by the Natives in their customary manner.

NPS made no objection and the public land order reserving this tract for the NPS includes a provision that it ***“shall not be construed to affect or to impair any rights or privileges the natives of the area may have to the use and enjoyment of their established campsite on the south shore of Herring Cove in their customary manner.”*** This provision remains in effect today.

1969

In 1968, the State of Alaska transferred 24 acres of undeveloped land on Indian Point (Lots 3 & 4) to the Greater Juneau Borough for \$1.00. The area was zoned for residential development. The Auk Kwaan, Native organizations, local Indian residents and borough citizens initiated a campaign of letters and public testimony to protect Indian Point and maintain it in its natural state and preserve the traditional cultural practices associated with it. At a public hearing in May of 1969, eight members of the Auk Kwaan and representatives of the ANB and Tlingit and Haida tribes stated that the Tlingit have always utilized this area for harvesting herring eggs, catching herring and smoking fish, as well as a picnic area. They pointed out that this is the last area in Juneau where herring eggs may be obtained.

Rosita Rodriguez [now Worl] stated, “Indian Point is more than an issue of land, or a possible source of revenue. It represents to us a link to our past, our forefathers, and our way of life. Perhaps you may understand this feeling if you think of the many historical sites and monuments, such as Plymouth Rock where the Pilgrims first landed, or of Abraham Lincoln’s humble one-room log cabin, or of the Statue of Liberty. The Federal government has seen fit to designate these and many other areas historical sites. Indian Point is all this to us.”

On July 2, 1969, the Greater Juneau Borough passed an ordinance (No. 69-3) converting Lots 3 & 4 from a residential to a public use district and classified the area as “recreation land to be used in its natural state” that “shall be kept open and clear” for public access and enjoyment. Furthermore, any recreational improvement was prohibited except as may be expressly authorized by the Assembly in the future.

1992-98

In 1992, NOAA/NMFS received 26 acres of land at Auke Cape (Lot 2) from the U.S. Coast Guard to construct a facility. In letters and public comments, members of the Auk Tlingit community and regional tribal organizations (Sealaska Heritage Institute, Sealaska Corporation, Central Council of Tlingit and Haida Indians, Alaska Native Brotherhood and Alaska Native Sisterhood) requested that NOAA remove Indian Point/Auke Cape from further consideration as a proposed site for the facility, stating that Auke Cape has considerable historic, archaeological, cultural, religious and national significance under various federal laws and executive orders, and that it has continuing cultural, religious and sacred significance to the Tlingit community. In a separate letter, Goldbelt, Inc., expressed agreement with this position and referred to “the highly significant cultural, religious and sacred values of the local Tlingit people that are inseparably entwined with the Auke Cape area.”

NOAA offered \$1 million and land within the Auke Recreation Area to the Indian community if they would drop their opposition. The Clan Mother of the Auk Indians adamantly opposed the destruction and desecration of their sacred site, and the Auk immediately rejected the offer. Although some individuals were not in agreement with this position, all of the local and regional Native organizations in Juneau stood solidly behind the Auk decision. Sealaska was prepared to go to court to defend the site. The rationale for this sentiment was expressed by Worl in these terms: “The Auk have lost all of their traditional territory to those of us who have moved into Juneau. Today all of us enjoy the bounty of this land. We felt it was imperative that the Auk and the Tlingit people be allowed to maintain this sacred site” (Worl 2009:62).

NOAA/NMFS eventually selected a location at Lena Point due in large part to the social action of the greater Juneau Indian community to express and advocate for the high cultural and historical value placed on the property by the Auk Kwáan, and the determination of Sealaska Corporation to oppose the construction at Indian Point in court if needed.

The Traditional Cultural Property investigations reported that Indian Point is a shamanic landscape associated with Indian burials, including shamans, and is considered a spiritual place and a ceremonial area which has ongoing sacred significance associated with religious practices of the Juneau area Indian community. Indian Point was the first home of the Auk Tlingit in this area and was the site of a significant event in Auk history during which the leader of the principal clan defended Auk ownership of the area. The southern tip was the site of a fort or lookout station from which the local community defended its territorial claims, and was the locale of houses, smokehouses and Indian graves. In another location, documented Indian burials are situated in close proximity to four canoe runs and a midden dating to A.D. 1160-1345. Indian Point was a highly productive locale for subsistence resources and is most noted as a source of herring and roe until the run collapsed in the 1970s. Finally, the landscape is largely undisturbed by Euro-American development and its environmental and cultural integrity has been maintained.

¹The National Register of Historic Places Registration Indian Point Form

Introduced: May 7, 1969

Hearing: May 7, 1969 - June 18, 1969

GREATER JUNEAU BOROUGH ORDINANCE

Serial No. 69-3

AN ORDINANCE AMENDING GJB 49.25 BY AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING OF LOTS 3 & 4 OF U.S. SURVEY NO. 3811 FROM R-12 RESIDENTIAL DISTRICT TO P-PUBLIC USE DISTRICT AND CLASSIFYING SAID LAND AS RECREATIONAL LAND TO BE USED ONLY IN ITS NATURAL STATE.

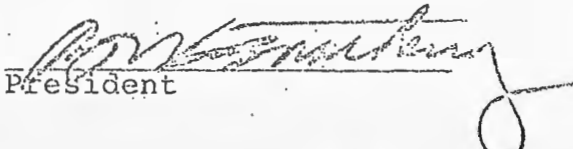
Sec. 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Sec. 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

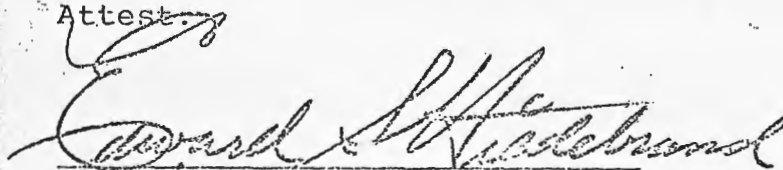
Sec. 3. Amendment of Zoning Map. The Greater Juneau Official Zoning Map is hereby amended to change the zoning of Lots 3 & 4 of U.S. Survey No. 3811 from R-12 Residential District to P-Public Use District.

Sec. 4. Classification of Land. Lots 3 & 4 of U.S. Survey 3811 are hereby classified as recreation land to be used in its natural state. This land shall be kept open and clear for unrestricted public access and enjoyment. Recreation development including campgrounds, picnic areas, trails and other improvements shall not be permitted on said land except as expressly authorized by the Assembly by ordinance.

Adopted July 2, 1969.


President

Attest.


Clerk


Chairman

Auke Bay Area Plan

Chapter 3: Cultural and Historical Significance and Resources



"Auk Village" Two men standing by large buildings on berm; beach in foreground. Present site of U.S.F.S. Auke Recreation Area, Juneau. Alaska State Library ASL-P226-206

Existing Conditions

The Auke Bay area has been the home of the Áak'w Kwáan for hundreds of years. While archaeological documentation indicates that the Auke Bay area has been inhabited for as long as 750 - 900 years, traditional sources suggest use and habitation of this area for much longer. About a dozen sites are documented in the greater Auke Bay area that are directly associated with the Áak'w Kwáan. The Áak'w Kwáan takes its name from Auke Lake (Áak'w, "Little Lake"), and its original settlement was located at X'unáxi (Indian Point)¹. Auke Bay is a Tlingit name referring to the lake of the same name, "Little Lake Bay." The area was rich in resources,

¹ See Auke Bay Boundary Map..

which attracted and sustained the Áak'w Kwáan for hundreds of years. The area was also known by other Tlingit communities that travelled through the bay.

Although this plan is not the place to reiterate the detailed history of the Auke Bay area in Tlingit culture, it is important to note that the area contains many sacred sites and features which should be protected from interference, including intentional and unintentional destruction as well as culturally-insensitive "improvements."

Many sites of cultural significance have been documented in the Auke Bay area, but due to the threat of vandalism, the location of most of these sites must remain confidential. The CBJ recognizes that the unintentional destruction of significant cultural features and artifacts, which can result from a simple lack of information, would threaten the sustainability of traditional values and relationships to the land in this area.

Europeans arrived to the area because of the fur trade. Gold prospecting also brought people to the area during the American period as it was found south of Auke Bay around 1880. The Auke Bay Salmon Company, owned by John Carlson, built a cannery in 1916. His son built a second cannery just to the south of the first one. Financial difficulties caused the buildings to be sold during the mid-1920s. Remains of the buildings can still be found in the area.



"Auke Bay Cannery, 1920" Alaska State Library ASL-P01-2339

Vision

The Vision Statement for the Auke Bay Area Plan speaks directly to the importance of the Auke Bay area to the original inhabitants of the area, the Áak'w Kwáan:

Auke Bay Community Offers: Gateways to many outdoor activities, including fishing, kayaking, boating, hiking, and bicycling; study and programs at the University of Alaska Southeast; and historical and cultural significance for the Áak'w Kwáan who have made Auke Bay their home for millennia.

The vision of this plan regarding the cultural significance of the Auke Bay Area to not only the Áak'w Kwáan, but to all Tlingit and Alaska Native people, must be to protect the sacred sites in the Auke Bay area and surrounding environs.

An example of a culturally significant area to protect is Indian Point/Auke Cape. The Juneau Native Community has engaged in long term efforts to protect this sacred site from both government and private development, and has nominated the site to the National Register for inclusion.

Native concerns are compounded by conflicting policy stances like that of *Comprehensive Plan* Guideline and Consideration 13 for Subarea 3. It states:

The Parks and Recreation Comprehensive Plan, Chapter 8, recommends a number of parks, trail, community garden, and stream corridor improvements for this subarea. Those recommendations include: (a) develop a cultural park at Auke Cape/Indian Point that would include trails, interpretative panels and other low-impact structures; ...

This conflicts with Ordinance Serial Number 69-3 which rezoned the Auke Cape properties from R-12 Residential to P-Public Use, with Section 4 of that ordinance classifying and restricting the use and development of the subject lots:

Lots 3 and 4 of U.S. Survey 3811 are hereby classified as recreation land to be used in its natural state. This land shall be kept open and clear for unrestricted public access and enjoyment. Recreation development including campgrounds, picnic areas, trails and other improvements shall not be permitted on said land except as expressly authorized by the Assembly by ordinance.

Following the adoption of the 1984 *Comprehensive Plan*, the entire Land Use Code, CBJ Title 49, was re-written using an entirely new set of zoning designations. In this borough-wide rezoning, the Public Use zone district was eliminated with the thought that public uses should be located in areas where their impacts were appropriate for the surrounding zone. In this process, the Indian Point/Auke Cape area was rezoned to D3(T)D5, single-family/duplex residential zoning districts with respective densities of three and five dwelling units per acre².

While the rezoning ordinance appears to have only changed the zoning designation, it did not clearly carry forward the restrictions on development codified in CBJ Ordinance 69-3. This raises concerns that the area has been left vulnerable to damage by residential development and park improvements.

² See Auke Bay Zoning and Comprehensive Plan Designations Map.



Historic Auk Village - Courtesy of Douglas Indian Association

Recommended Tools

Indian Point has been determined eligible for listing on the National Register of Historic Places based on its associations with:

- 1) The original habitation site of the Áak'w Kwáan;
- 2) The location of events important in Áak'w history;
- 3) As a spiritual landscape important to the Tlingit community;
- 4) Historical herring fishing and other subsistence activities;
- 5) Efforts by the Native community to preserve the site's integrity since 1959;
- 6) The lives of persons significant in Áak'w Kwáan history; and,
- 7) Information important in prehistory or history of the Tlingit people.

The Sealaska Heritage Institute, with support from the Áak'w K̓wáan community, the Douglas Indian Association, Central Council of Tlingit and Haida Indian Tribes of Alaska, Alaska Native Brotherhood, Alaska Native Sisterhood, Sealaska Corporation, Goldbelt Inc., City and Borough of Juneau, and the Alaska State Historic Preservation Office, has nominated Indian Point (Auke Cape) to the National Register of Historic Places, an important step in protecting this area. Designation of this area, and any other important sites, as locally-recognized historic resources would also provide a level of protection from encroaching development, such as destruction of archaeological sites and fill on private tidelands that destroys herring rearing areas or canoe runs which are located throughout Auke Bay.

Guideline and Consideration 13 for Subarea 3 in the 2013 *Comprehensive Plan* seems inconsistent with Alaska Native concerns, as the development of this area as a cultural park would be culturally insensitive, and such development is opposed by the people it was intended to honor.

It should also be deemed beneficial that the Indian Point/Auke Cape properties subject to ordinance 69-3 be re-zoned from D3(T)D5 to RR (or an equivalent restrictive zoning district) and should be protected through recording of development restrictions such as a no-disturbance public access easement.

Title 49, the City and Borough of Juneau's Land Use Code, could be amended to include a review for historic sites and structures during the permitting process. Currently, such a review process does not exist.

The City and Borough of Juneau has a draft *Historic Preservation Plan*³. If this plan is formally adopted, it will give it official status and thus help provide a clear direction for historic preservation borough-wide through the identified goals.

Interested parties such as the Áak'w K̓wáan, Douglas Indian Association, and Sealaska Heritage should be invited to provide the CBJ Community Development Department with a listing of sites which should be protected, or at least which should require notification to those agencies when development proposals are made for those properties. Such information would have to be maintained in confidentiality by the CBJ. This would help ensure that important sites would not be negatively impacted or destroyed through carelessness and a lack of information. The proposed goals and policies seek to address the historical and cultural issues and opportunities that have been identified in the Auke Bay area.

³ 1996 Draft Preservation Plan can be found at www.juneau.org/history

Goals & Policies

Goal 1 Identify Auke Bay's historical sites and structures.

Policies

- 1.1 Conduct a detailed, historic survey of the Auke Bay plan area to identify cultural and historic sites and structures.

Goal 2 Preserve and protect Auke Bay's history.

Policies

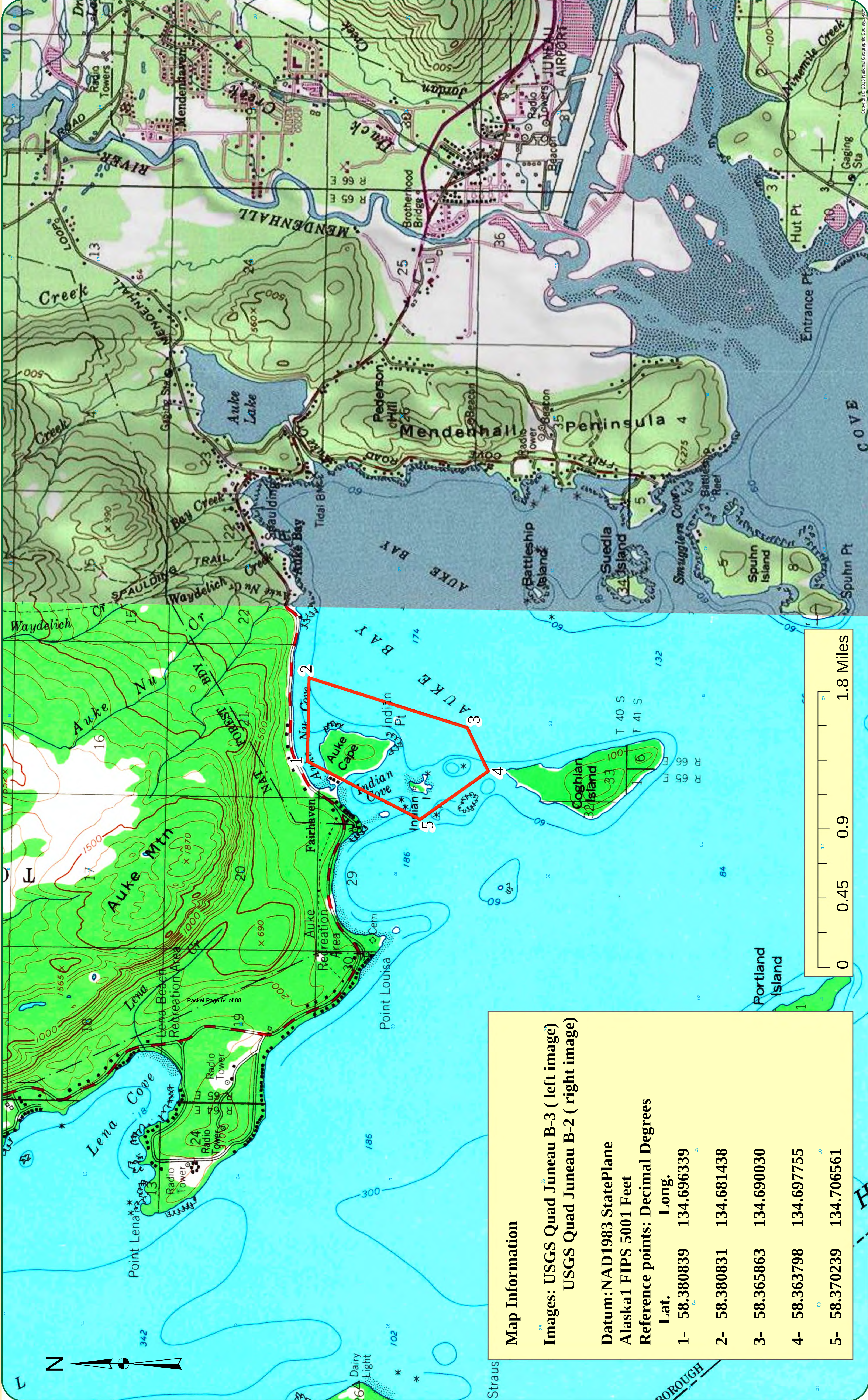
- 2.1 Preserve Indian Point through rezones, easements, or other preservation methods which limit activities allowed on the site, and amend the CBJ *Parks and Recreation Comprehensive Plan* to further limit activity at Indian Point.
- 2.2 Seek National Register recognition for significant sites.

Goal 3 Promote Auke Bay's rich culture and history.

Policies

- 3.1 Include culturally compatible elements into Auke Bay's gateway design.
- 3.2 Consider bilingual signage in the Auke Bay plan area.
- 3.3 Include interpretive signage along the Seawalk that details Auke Bay's history and sites.
- 3.4 If an Auke Bay neighborhood committee is formed, include a cultural representative.
- 3.5 Consider the development of a cultural center at Auke Bay to promote the protection of Auke Bay's rich culture and history, including its relationship to fisheries and sea life in Auke Bay, and resource management.

Map 1. Location of X'unáxi Traditional Cultural Property



Beth McEwen

From: W Coogan <wdc@cooganalaska.com>
Sent: Tuesday, November 14, 2017 12:39 AM
To: City Clerk
Subject: Indian Point Land Disposal

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Beth

Juneau Assembly,

This responds to the request for public comment regarding the disposition of the Indian Point parcel.

I reviewed the Manager's 2017-Oct-19 memo with attachments to the Lands Committee referencing Indian Point Update.

The history of the native community in this parcel is truly interesting and captivating. Moreover, the desire of native organizations to protect and preserve this asset for cultural purposes is very compelling. It is noted in the attachments, that due to circumstances of the time, this property was not included in the ANCSA settlement signed by President Nixon in 1971. Obviously, it is fair to say, much effort was exerted to arduously balance the myriad concessions and considerations needed to finalize ANCSA. Because Indian Point was omitted, other lands were selected alternatively; had Indian Point been included originally, the other selections would be lesser.

Accordingly, it is only logical that an equivalent portion of the alternative selections be provided in trade for Indian Point. Specifically, an equivalent parcel of West North Douglas waterfront would seem the most logical.

I believe this proposed conveyance should be equitable, respectful, and logical to both the native community and Juneau taxpayers.

--

Wayne Coogan, cel-907-723-7634 Coogan Alaska PO 34499 Juneau AK 99803 ofc tel-907-780-6000

December 4 2017

CBJ Assembly
Lands Committee



White Oak Towers Of Alaska Lease Application



White Oak Towers Of Alaska Lease Application

- Existing tower and infrastructure
 - Bring to fair market value
 - 8 Years remaining, outdated State easement
-
- Planning Commission Review
 - Assembly-New business



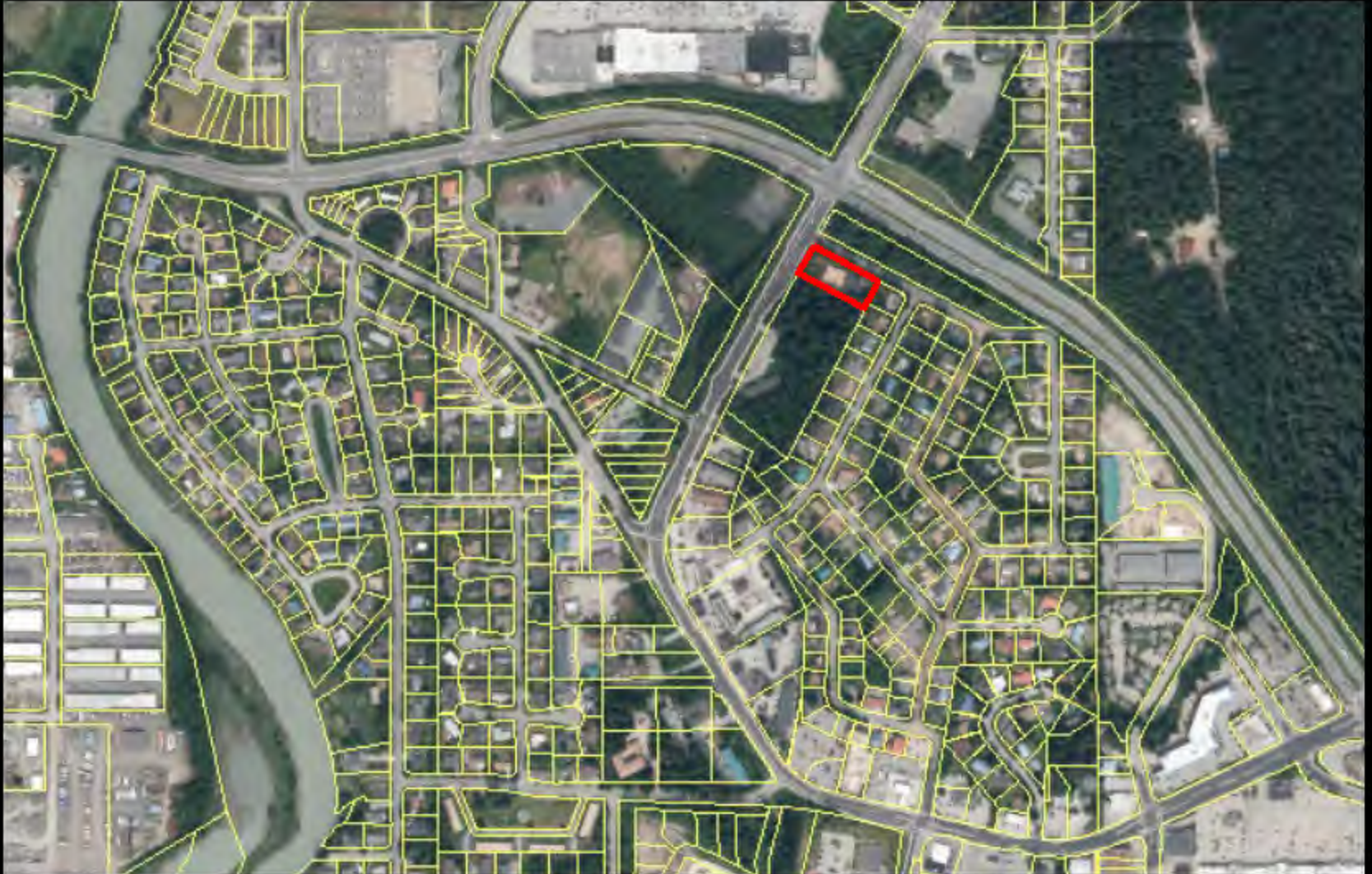
White Oak Towers Of Alaska Lease Application



Staff requests a motion of support from the Lands Committee to the Assembly for the fair market value lease of City property to White Oak Towers of Alaska for the continued use of this site for a communications tower

Juneau Youth Services

9290 Hurlock Ave



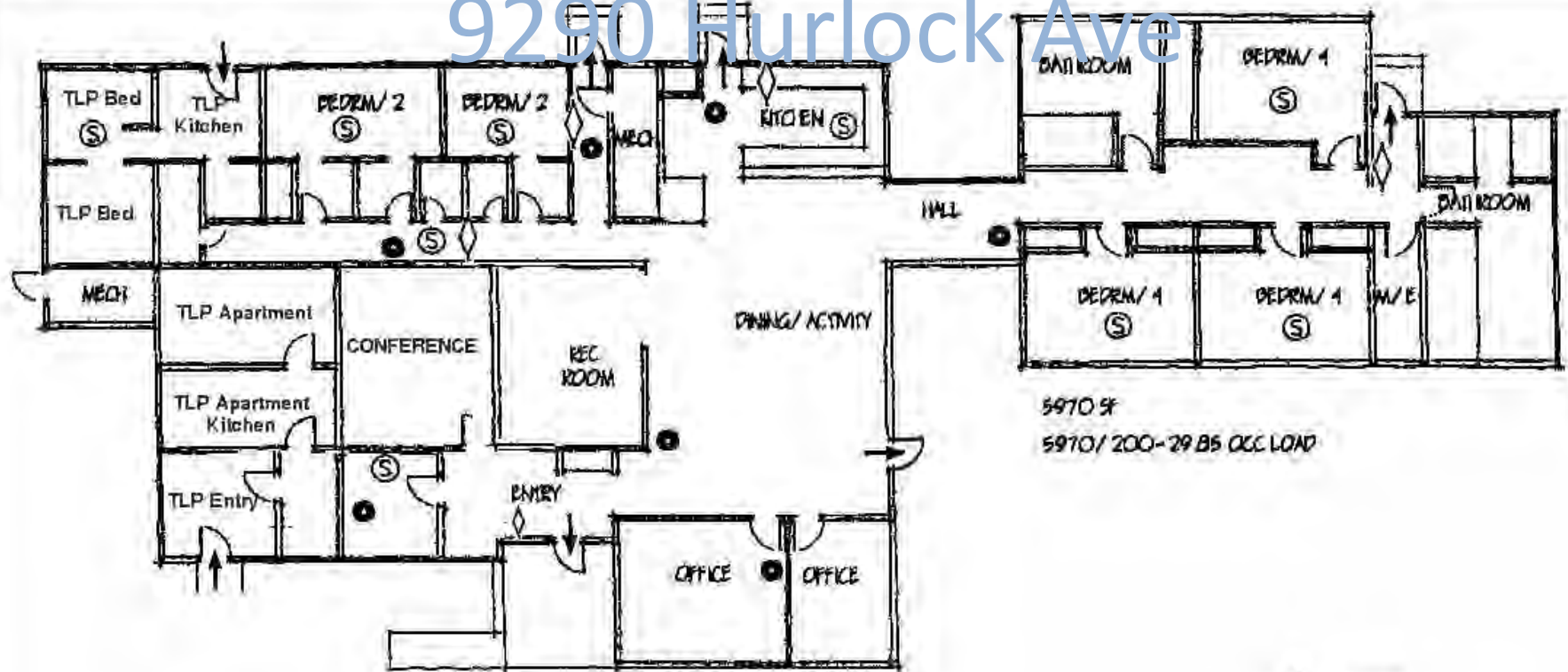
Juneau Youth Services

9290 Hurlock Ave



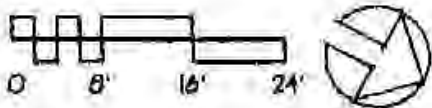
Juneau Youth Services

9290 Hurlock Ave



5970 SF

5970 / 200-29 BS OCC LOAD



SCALE

- ↑ EXITS
- ◇ PULL STATIONS
- FIRE EXTINGUISHERS
- ⊙ SMOKE DETECTORS

Cornerstone

FLOOR PLAN

Juneau Youth Services 9290 Hurlock Ave

At the November Lands Committee meeting the Committee was informed that JYS is vacating their lease.

Beginning January 1, 2018 the City will be responsible for maintaining these buildings and property.



Juneau Youth Services

9290 Hurlock Ave

Four options for disposal or leasing this property:

1. Retain this property for City use
2. Dispose - fair market value
3. Lease - fair market value
4. Dispose/lease for less than fair market value

Juneau Youth Services 9290 Hurlock Ave

Option 1: Retain for City use



Juneau Youth Services

9290 Hurlock Ave

Option 2:

Disposing of property for fair market value as described in section CBJ§53.09.200.



Juneau Youth Services 9290 Hurlock Ave

Option 3: Leasing this property at fair market value.



Juneau Youth Services

9290 Hurlock Ave

Option 4: Dispose/lease for less than fair market value
“for the purpose of providing a service to the public
which is supplemental to a governmental service or is in
lieu of a service which could or should reasonably be
provided by the State or the City and Borough.”
CBJ§53.09.270



2008

Juneau Youth Services

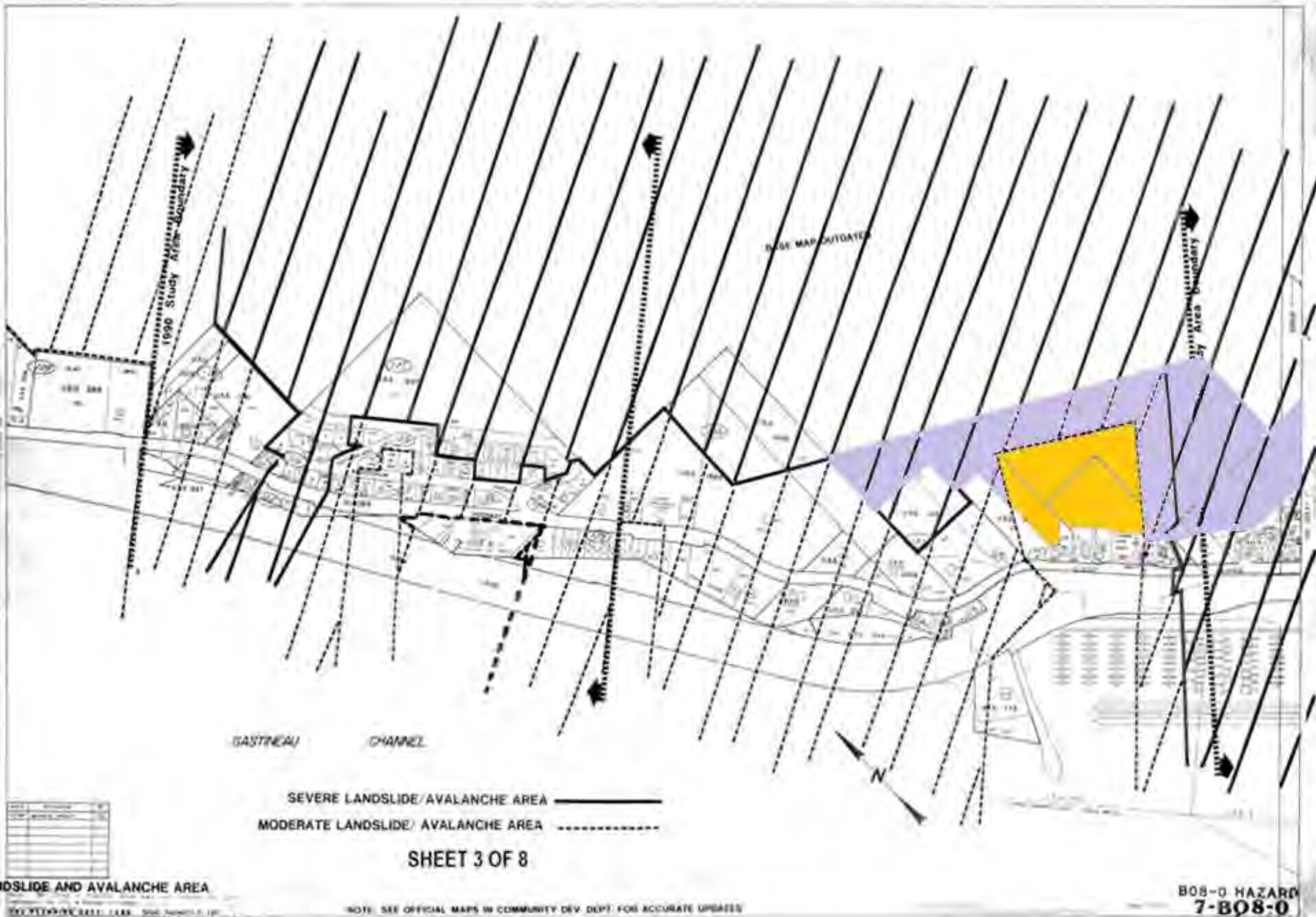
9290 Hurlock Ave

Lands staff recommends that the Lands Committee pass a motion of support for the City Manager to solicit letters of Interest for a potential uses of 9290 Hurlock Avenue and bring the results back to the Lands Committee

Potential Purchase of Lot
For Right-of-Way Access to
CBJ Property Near Norway
Point

Aurora Condominiums







~ 8 acres

CBJ Lands Outside of Mapped Hazard Zone



CBJ Property

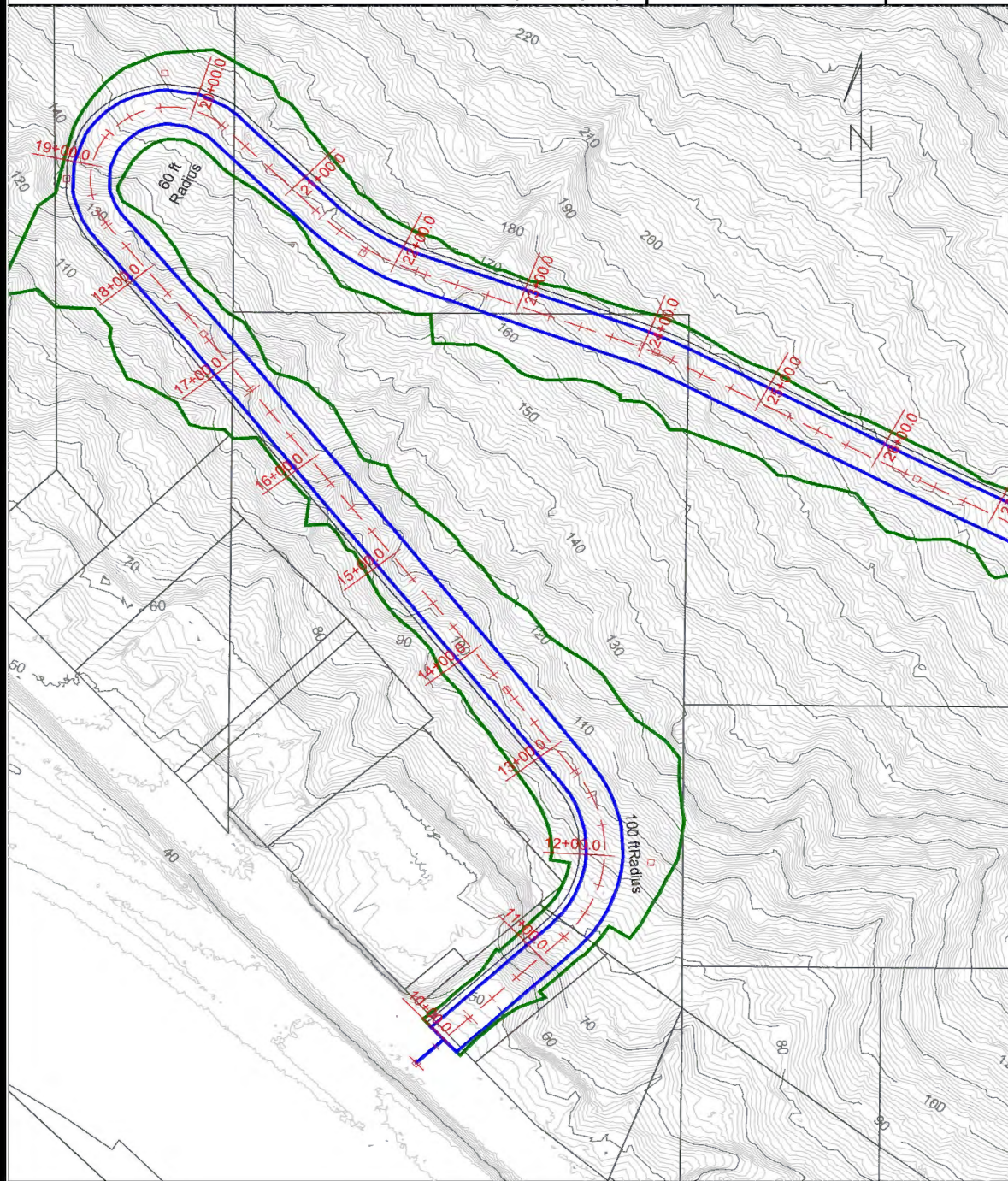
**Aurora
Arms
Condominiums**

Subject Lot

1870 Glacier Avenue

**Glacier
Highway**

Aurora Harbor



Drainage



Price Negotiation

\$90,000

Appraised Value

\$26,200

Correct Drainage Problems

$$\$26,200 \div 2 = \$13,100$$

$$\$90,000 - \$13,100 = \$76,900$$

Suggested Motion:

The Lands Committee recommends that the Manager enter into direct negotiations to purchase the lot at 1870 Glacier Avenue.