

Testimony of

Marjorie Merry

President/Chair

Baan o yeel kon Corporation

Alaska Native Claims Settle Act Official Village Corporation for Rampart Village

House Natural Resources Committee

Subcommittee on Indian and Insular Affairs

1331 Longworth House Office Building, Washington, DC 20515

Chair: Harriet Hageman

Ranking Member: Teresa Leger Fernandez

Hearing on H.R. 6489

Alaska Native Village Municipal Lands Restoration Act of 2023

Date: July 24, 2024

Chairwoman Harriet Hageman, Ranking Member Teresa Leger Fernandez, and members of the Subcommittee on Indian and Insular Affairs, thank you for the opportunity to provide written testimony for the hearing record in support of H.R. 6489, the “Alaska Native Village Municipal Lands Restoration Act of 2023”.

My name is Marjorie Merry, and I am the President and Board Chair of Baan o yeel kon Corporation, the ANCSA Village Corporation for the federally recognized tribe – Rampart Village, and a tribal member of Rampart Village. Pursuant to ANCSA, each qualified Alaska Native who enrolled with the Department of the Interior to the Village of Rampart, Alaska, was entitled to 100 shares of stock in Baan o yeel kon Corporation. 174 qualified individuals enrolled to Rampart Village, and we now have more than 200 shareholders, many who still reside in Rampart Village. The Rampart Village Council serves as the governing body of our community and maintains the community power plant, washeteria, school, health clinic, communications equipment, road service, landfill, and all other services that a typical municipality would assume in any city or town across America. Baan o yeel kon Corporation supports the Rampart Tribal Council in every way that we can to improve and enhance the health, safety, and well-being of our ancestral community, as all shareholders are members of the Rampart Tribe.

Rampart is located along the banks of the Yukon River approximately 125 air miles North of Fairbanks, just downstream from Minook Creek, the culmination of the drainage of one of the richest mining districts in the state, the Minook Valley was the center of the Yukon River gold rush in the early 1900s. The gold rush transformed the little village of Tinneh into a boom town with a population of over 10,000 miners who mostly disappeared as quickly as they appeared over the course of 10 years. That gold mining past left a legacy of private landholders in the town center, and later, a ring of Native Allotments around the privately held lands.

As a result, our Baan o yeel kon Corporation land selections were limited to parcels on the hillside above the town, up the Minook Valley, across the river, downriver, and upriver surrounding our ancestral hunting grounds of Hess Creek and Chicago Creek. The formula provided for in ANCSA Section 14(c)(3) has proved problematic to our corporation since passage of the law. Baan o yeel kon Corporation has always supported the Rampart Village Council, but our lands lay far outside the city center, with the exception of a small number of acres along the riverfront. Fifty years ago, it was difficult for us to envision where and what bona fide municipal use of our lands would be required by a “future municipality” and as a result, we have not completed our selection of ANCSA Section 14(c)(3) lands.

That is not to say that we have not provided lands to our Village Council for bona fide municipal use, instead, Baan o yeel kon Corporation chose to provide those lands through leases directly to the Council or with transfer of deed via Quit Claim.

The first lease originated in the late 1980s, when ALASCOM needed a site in the village to site a satellite communication dish. One parcel of Baan o yeel kon Corporation land was situated perfectly to access the satellite. We explored the option of placing this parcel in the Municipal Trust but were informed that the rent payments for use of the land by the telecom company would be paid directly to the trust, but the Village Council would be required to maintain the site. We opted to lease the land to the Council and allowed them to sublet the land directly to ALASCOM, (now GCI) so the Council would receive modest monthly lease payments to cover their costs and expenses. Over the years the Council has been able to rely on those payments to help offset the cost of ever increasingly high energy costs. We have no road into Rampart, as the road work was interrupted 15 miles outside of our village when the earthquake hit Anchorage in April of 1964 and all the road equipment that was deployed and scheduled to complete our road was requisitioned back to Anchorage. We continue to fight for the last 15 miles of our road to be completed to this day but are left with two options to bring diesel heating fuel into the village: via air transport in the winter, or by barge in the summer.

I am aware of other villages who have struggled with the Municipal Trust withholding funds in the trust for expenses incurred by Village Councils as the trust holds not only the land, but any funds received from use or sale of those lands.

Most recently, we attempted to support the Rampart Village Council with 10 acres of land, selected with the assistance of the State Department of Environmental Conservation, for the development of a new community landfill. The Rampart Village Council has struggled to provide a safe and sanitary landfill for our community for many years. They used to be able to burn waste at the existing landfill, but the State of Alaska extended the runway at the airport out within proximity to the landfill and FAA regulations restrict our ability to burn our waste. Instead, bears and ravens, foxes and wolverines cross the end of the runway to feast on items we are unable to incinerate. The current landfill is now at maximum capacity, and we are in dire need of a new landfill. Three years ago, the Rampart Village Council was able to obtain EPA IGAP grant funds that would have built the road four miles out to the new site. I contacted the Municipal Trust Department and worked out a plan to transfer those 10 acres into the trust for that “bona fide municipal” purpose, but unfortunately, a new governor changed that process. Just as we were about to obtain municipal trust approval, the trust employees were transferred to other departments and all the trust activity landed on the desk of a person who was unfamiliar with the trust process, and the new attorney general refused our request for transfer of the land for our new landfill into the trust. After years of fruitless negotiation, excessive legal costs and meeting expenses, Baan o

yeel ko Corporation had no other recourse except to transfer the deed via Quit Claim directly to the Council, as well as a portion of land we held adjacent to the airport that would allow the Council access to a gravel site and the development of a new baseball park, since State DOT and FAA regulations would not allow us to utilize the gravel access road from the airport or play baseball on the apron anymore. The Rampart Village Council is attempting to renew their grant funds to develop the new landfill, since the original grant funding has now expired.

Baan o yeel ko Corporation is also providing the Rampart Village Council with land for a new fuel tank farm, with a modern containment field with Federal Department of Energy funding support, and design by the Alaska Industrial Development & Export Authority.

While Baan o yeel ko Corporation wishes to comply with all the terms of ANCSA, our primary duty is to our shareholders and to our community. The municipal trust department has always been understaffed and underfunded. Over the years, trust management employees have repeatedly communicated that the trust is designed for the needs of a “future” municipality, not for the people who live in the community now. Leases for lands placed into trust for Village Council uses have taken six to nine months to be written and approved. Land selections take years to be accepted into the trust and drain corporation and councils’ meager resources. The Municipal Trust department’s actions caused the loss of significant grant funding for our community. In my opinion, the municipal trust has been a major impediment to Rural Alaska Economic Development.

Baan o yeel ko Corporation urges full consideration of H.R. 6489 before Congress and ultimately its passage into law. If the legislation passes, Baan o yeel ko Corporation will continue to follow the spirit of ANCSA, and work hand in hand to fulfill the land requirements of our tribe for the betterment of our community, without the additional constraints and lackadaisical management of the municipal trust thwarting the growth, health, safety, and well-being of the people who live in rural Alaskan communities today.

Thank you for the opportunity to submit this testimony for the record, as I remain,

Respectfully yours,

Marjorie Merry