



# Tyonek Native Corporation

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An Open Letter to the Tyonek Native Corporation Shareholders and Fellow Alaskans.

Subject: Response letter to Commissioner Tom Irwin

Dear TNC Shareholders:

On April 20<sup>th</sup>, the Alaska Department of Natural Resources (DNR) publicly accused Tyonek Native Corporation (TNC) of violating state laws and ordered that TNC cease and desist from continuing what it perceived to be illegal acts. The first accusation was that TNC was publicly claiming ownership of the “Entire Chuitna River” and had hired armed security to illegally interfere with the public’s right to access public easements and fish below the mean high-water line on the Chuitna River. The second accusation was that TNC was advertising “Exclusive Fishing Rights” on the Tyonek Lodge website. It is TNC’s position that both accusations are inaccurate.

It appears that DNR based its accusations on information that was provided in a manner that did not fully disclose to the Commissioner all the information he needed to make a fair and reasonable decision that was in the best interest of the State and its citizens.

Based on what we know today, it appears that the Commissioner was not informed that:

1. TNC had, from 2006 through 2009, readily acknowledged the existence of all documented public easements along the Chuitna River.

2. TNC instructed its security contractors that they were:
  - a. not to interfere with the public's right to legally access the river and fish.
  - b. to greet, in uniform, visitors to the area and respectfully inform them of what was private land and what was public access in and around the Chuitna.
  - c. not to assume that they had any enforcement authority whatsoever, and that to the extent enforcement was required, they were to call the Alaska State Troopers.
  - d. to avoid creating or participating in any verbal or physical confrontation of any kind.
  - e. to videotape all visitor contacts made and archive them for future use.
  - f. permitted to carry a gun for bear protection only.
  
3. The security contractor management was instructed that due to threats of violence made against Alaska Natives, they were not allowed to place a security contractor of Alaska Native descent to be the first point of contact when greeting visitors.
4. All security contractor management and staff were individuals with prior law enforcement experience, many of who are in fact, retired Alaska State Troopers, and all whom know the law and are duty bound to obey the law.
5. During the past 4 years, not a single official complaint was ever filed against TNC or any of its contractors.
6. There is no documented evidence of any kind indicating that TNC, at any time, claimed to own the "Entire Chuitna River." TNC has asserted, based on federal common law, that if BLM continues to view the Chuitna River as nonnavigable, that as the upland property owner, TNC would consequently own the riverbed on portions of the lower river where it has already been recognized by the State and Federal governments as the riparian property owner.
7. Neither TNC nor Tyonek Lodge has ever claimed "Exclusive Fishing Rights" on any website owned or controlled by TNC.

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TNC met with DNR Commissioner Irwin this past Thursday to discuss TNC's response to DNR's April 20<sup>th</sup> letter. The meeting was cordial, and while both parties agreed that there remain some issues that DNR and TNC may disagree on, there are many more critical wildlife issues for which we agree on that need resolution for the benefit of all Alaskans.

At the meeting's conclusion, Commissioner Irwin accepted TNC's invitation to visit Tyonek. TNC has also invited the Governor's office to Tyonek and enlisted its support and assistance in the resolution of these and other critical issues, important TNC shareholders and all citizens of Alaska.

Sincerely,

Tom Harris