

Tetlin ANC Responds to “*OPINION: Manh Choh mining project gives Tetlin a path to self-sufficiency*” by Michael Sam

I am David Flenaugh and I have proudly served as the General Manager of the Tetlin Native Corporation, the ANCSA village corporation to the Native Village of Tetlin since 2011.

Having read Nov. 4th “*OPINION: Manh Choh mining project gives Tetlin a path to self-sufficiency*” by Michael Sam, I found his “opinion” to be the same puffery almost verbatim from promotions spewed by the KINROSS partners who control the Manh Choh project on Tetlin tribal and disputed, Tetlin Native Corporation ANCSA land.

I will address Michael Sam’s “opinion” with facts. In 2016 Michael Sam, Tetlin’s new Chief, officially met with me and our research specialist to review the Mineral Lease that was recorded in 2015. Chief Sam (then 2nd Chief) told us he attended the 2008 meeting with John Juneau from Juneau Exploration of Texas. He said, except for Chief Adams, no council member present wanted Juneau mining on Tetlin land. Sam further said the Council never voted on giving Juneau permission or for Chief Adams to sign any agreement with Juneau. Chief Sam also told us he had never seen the Mineral Lease until we showed it to him, and that Chief Adams signed the Mineral Lease without the Council’s knowledge or consent. We told Sam we held signed declarations from other council members who said the same. In closing, Chief Sam said, “*it was his preference to see the Miners leave.*” One wonders what has changed his mind today.

Chief Sam, “*whose primary job is to look out for the physical, social and financial well-being of the tribal members*” praises the Manh Choh mining project for the utopian opportunities it will bring the tribe in the future. Since 2008, the KINROSS partners from Canada, Texas, and Colorado are enjoying hundreds of millions of dollars raised from investors while they have let local Tetlin residents continue to live in oppressive conditions without running water, using outhouses or other means for waste disposal, with no cell service, and high unemployment.

Chief Sam says “*They have been diligent about keeping us informed and at the table every step of the way. We are respected and valued.*” Violating tribal law, the Mineral Lease was signed without the Council or the tribe’s knowledge or approval by Chief Adams and John Juneau, claiming rights to 780,000 acres of land of which Tetlin doesn’t own (the Council publicly claims ownership to 643,147 acres). Is that keeping the tribe informed or showing respect?

Chief Sam says “*...they [the KINROSS partners] even asked us to name the project...*”. They, unknown to Tetlin’s Council and the impoverished tribe, violated Tetlin law and paid Danny (Donald) Adams over \$250,000 to work for them as Tetlin’s Chief. Is this showing respect and value?

Certainly, Chief Sam knows a few tribal members who have gained favor from the KINROSS partners. However, those few should not flaunt their favors and say the whole tribe praises the Manh Choh. In fact, an ad hoc committee of Tetlin tribal members has formed a petition for financial information about the Manh Choh mining project. In a village with less than 100 adults, almost half of the tribal members signed the petition in one day, with more calling to sign—all expressing their dissatisfaction and distrust with the project. The fact is, the Native Village of Tetlin should be cozy if Chief Sam is paying dividends from all the money, he says the Manh

Choh has brought since 2008 to *help improve the quality of life and financial well-being* of tribal members. According to 'USAspending.gov', the Council has also received over \$21,000,000 in federal funds since 2009. From 2020 to 2021 alone, they received over \$5,000,000 in COVID-19 Relief money to distribute among tribal members. It is apparent financial questions should be answered to explain the economically distressed conditions of Chief Sam's tribal members.

Finally, the Alaska Native Claims Settlement Act of 1971 (ANCSA), is a critically important federal policy for Alaska Natives, Tetlin included. I, therefore, must correct false statements made by Chief Sam regarding ANCSA.

Chief Sam: *"It is important to note that Tetlin opted out of ANCSA decades ago."*

Flenaugh: FALSE. Tetlin Native Corporation was established under the state of Alaska in 1973 as the ANCSA village corporation to the Native Village of Tetlin.

Chief Sam: *"...because the tribe had surface and subsurface rights to their land,"*

Flenaugh: FALSE. The Tetlin tribe never held surface or subsurface land rights before or pursuant to ANCSA. As reported by the US Department of the Interior, State of Alaska Department of Law, University of Alaska Tribal Governance, and other ANCSA authoritarians "*Congress provided no land directly to tribes through ANCSA...*" and "*The Alaska Native Claims Settlement Act did not grant land to the tribes in Alaska.*"

Congress granted a land patent of 743,147 acres with surface and subsurface rights in 1985 to the Tetlin Native Corporation to be held by its shareholders.

Chief Sam: *"...therefore tribal members are not eligible for scholarships or dividends that help improve the quality of life for many villages."*

Flenaugh: FALSE. Tetlin Native Corporation shareholders are tribal members and are eligible for dividends and other benefits. Blood descendants of the original shareholders (born prior to December 1971) acquire shares through transfers. It is unfortunate due to mismanagement and fiduciary wrongdoing of earlier leaders that the Corporation is insolvent. Current management has maintained licensing and good standing for the Corporation for economic growth.

For some reason, Chief Sam, echoing the KINROSS partners, attempts to rewrite the role of ANCSA in Tetlin's history. Chief Sam can be excused for his ignorance of ANCSA since he is not a Tetlin Native Corporation shareholder. Sam, born after 1971, was not eligible to receive shares and has no family transfers. He may therefore hold little interest in this monumental part of Tetlin's history. There is, however, *no excuse* for the KINROSS partners who maintain a plethora of attorneys and researchers, to disrespectfully continue promoting such blatant misinformation about Alaska and the significance of ANCSA.

For instance, in show of misrepresentation and disrespect, the Manh Choh's purported Mineral Lease reads in several places...

THIS MINERAL LEASE is made effective the 15th day of July, 2008 ("Effective and entered into as of the Effective Date by and between the TETLIN VILLAGE COUNCIL, a/k/a the TETLIN TRIBAL COUNCIL ("Tetlin"), an Alaska Native Village corporation organized pursuant to the Alaska Native Claims Settlement Act, 43 U.S. C. §§ 1 601-1 629 ("ANCSA"), whose address is XXX XXX XXXX, and JUNEAU EXPLORATION, Texas limited partnership, d/b/a JUNEAU MINING COMPANY, [Mineral Lease recorded 1/8/2015].

No part of ANCSA law has ever designated a tribal government or a tribe as an "ANCSA village corporation". This damaging misrepresentation dishonoring the Tetlin Native Village is found in magazines, promotional materials, online, and even recorded within federal Securities and Exchange Commission filings by the mining partners.

Then recently, *Contango ORE, Inc. - Manh Choh Project Technical Report Summary - May 12, 2023* incorrectly states...

There are additional neighboring villages on or near the road system from Delta to Tok, which include the communities of Dot Lake, Healy Lake, Mentasta, Northway, and Tanacross. These villages are like Tetlin in many ways, however, unlike Tetlin, they opted in to ANCSA and benefit from revenue sharing between native corporations embedded in Alaska's unique structure.

The Tetlin Native Corporation is a separate entity, formed at the time when Tetlin village decided not to incorporate.

Again, FALSE

There is so much more to be learned about Tetlin Native Corporation's opposition to the KINROSS partners' questionable methods in acquiring Tetlin's land for the Manh Choh. For details, you are invited to visit —

- **Tetlin Native Corporation information regarding the KINROSS partners and the Manh Choh Mining Project**
<https://www.tetlincorp.com/news>
- **Tetlin Community Plans (Land Ownership & Land Management)**
<https://www.tetlincorp.com/community>
- **Public information about Manh Choh Mineral Lease**
<https://www.sec.gov/Archives/edgar/data/1502377/000119312510259067/dex101.htm>

11.4.2023

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