

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IN THE SUPREME COURT OF THE STATE OF ALASKA**

*In Re* 2011 Redistricting Cases ) Supreme Court case no. S-15201  
) Superior Ct. case no. 4FA-11-2209-CI  
)  
)  
)  
\_\_\_\_\_)

**BRISTOL BAY NATIVE CORPORATION’S AND CALISTA CORPORATION’S MOTION TO PARTICIPATE AS AMICI CURIAE AND MEMORANDUM IN SUPPORT THEREOF**

**I. INTRODUCTION**

Bristol Bay Native Corporation (“BBNC”) and Calista Corporation (“Calista”) hereby move, in accordance with Appellate Rule 212(c)(9), to participate as amici curiae in order to respond to the Redistricting Board’s petition for review.

BBNC was granted amicus status in the underlying case by the Superior Court on December 21, 2011, and BBNC and Calista were granted amicus status by the Supreme Court in an order dated February 22, 2012. However, that order pertained to case number S-14441, and although it involves the same series of redistricting cases, what is now before the Court is a new petition and case number. Therefore, out of an abundance of caution and in deference to the rules of appellate

1 procedure BBNC and Calista submit this second motion to participate as amici  
2 curiae in the new case number S-15201.

3 **II. INTEREST OF AMICI**

4 BBNC is an Alaska Native regional corporation formed under the Alaska  
5 Native Claims Settlement Act of 1971 (“ANCSA”). BBNC has approximately  
6 9,000 Indian, Eskimo and Aleut shareholders, the majority of whom reside in the 29  
7 Native villages in the Bristol Bay region. BBNC’s stated mission is to “enrich[]  
8 our Native way of life,” and its primary objective is to protect the best interests of its  
9 shareholders. In this capacity, BBNC has closely followed and participated in the  
10 2001 and 2011 redistricting processes and participated as an amicus in both the  
11 Superior Court and Supreme Court and filed several briefs on numerous issue since  
12 December 2011.  
13  
14  
15

16 Calista, also an Alaska Native regional corporation formed under the  
17 ANCSA in 1971, is based in a region that is the traditional home of the Alaska’s  
18 indigenous Yup’ik, Cup’ik and Athabascan people. The Calista region  
19 encompasses 57,000 square miles—roughly the size of New York state—it is the  
20 second largest ANCSA region in terms of land size. It encompasses nearly 10  
21 percent of Alaska’s land area and is comprised of 56 federally recognized tribes.  
22 There are no roads that connect it with the rest of Alaska. The majority of Calista’s  
23 shareholders still speak their indigenous languages (Yup’ik, Cup’ik and Siberian  
24 Yup’ik) and still practice a subsistence lifestyle. Calista’s mission is to protect the  
25  
26

1 interests of its shareholders and, in furthering this objective, Calista has also  
2 participated heavily in this redistricting process and previously filed briefs objecting  
3 to past plans.

4 Together, BBNC and Calista have an interest in seeing that their respective  
5 shareholders continue to have a voice in the outcome of this lengthy redistricting  
6 process. Both corporations represent regions that are home to Alaska Native  
7 populations that speak a language other than English and experience significant  
8 barriers to participation in the electoral process. BBNC and Calista seek to  
9 participate in this specific motion to ensure that qualified voters in their regions  
10 maintain the right to object to any final redistricting plan as provided for in the  
11 Alaska Constitution.

14 Finally, although the *Shelby County* case has altered the Board’s process and  
15 the application of Section 5 of the Voting Rights Act (“VRA”), BBNC and Calista  
16 seek to participate to ensure that the remaining mandates of the VRA—specifically  
17 the prohibition against vote dilution found in Section 2 of the Act—are followed  
18 scrupulously.

21 **III. CONCLUSION**

22 BBNC and Calista respectfully request that this Court grant this motion to  
23 participate as amici curiae in order to submit the accompanying Opposition to the  
24 Board’s Petition for Review. Their participation will not delay the proceedings nor  
25 cause inconvenience to any party as they intend to abide by all deadlines and orders

1 of this Court along with the parties.

2

3 Respectfully submitted this 5th day of July 2013 at Anchorage, Alaska.

4

5

By: 

6

Natalie A. Landreth (#0405020)  
NATIVE AMERICAN RIGHTS FUND  
745 West 4<sup>th</sup> Ave., Suite 502  
Anchorage, Alaska 99501  
Phone: (907) 276-0680  
Fax: (907) 276-2466

7

8

9

10

11

Counsel for  
BRISTOL BAY NATIVE CORPORATION  
and CALISTA CORPORATION

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Certificate of Service

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The undersigned hereby certifies that the on the 5th day of July 2013, a true and correct copy of the **BRISTOL BAY NATIVE CORPORATION'S AND CALISTA CORPORATION'S MOTION TO PARTICIPATE AS AMICI CURIAE AND MEMORANDUM IN SUPPORT THEREOF** was sent by first class mail to:

Michael White  
Nicole Corr  
Patton Boggs, LLP  
601 W. 5<sup>th</sup> Ave., Suite 700  
Anchorage, Alaska 99501

Joseph N. Levesque  
Walker & Levesque, LLC  
731 N St.  
Anchorage, Alaska 99501

Jill Dolan  
Fairbanks North Star Borough  
P.O. Box 71267  
Fairbanks, Alaska 99707

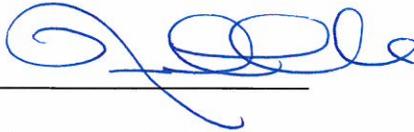
Scott A. Brandt-Erichsen  
Ketchikan Gateway Borough  
1900 1<sup>st</sup> Ave., Suite 215  
Ketchikan, Alaska 99901

Thomas E. Schultz  
715 Miller Ride Road  
Ketchikan, Alaska 99901

Joseph H. McKinnon  
1434 Kinnikinnick St.  
Anchorage, Alaska 99508

Michael J. Walleri  
Jason Gazewood  
Gazewood & Weiner, PC  
1008 16<sup>th</sup> Ave., Suite 200  
Fairbanks, Alaska 99701

1 Thomas F. Klinker  
2 Birch, Horton, Bittner & Cherot  
3 1127 W. 7<sup>th</sup> Ave.  
4 Anchorage, Alaska 99501

5 By:  \_\_\_\_\_

6 Natalie A. Landreth

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28