

Working Effectively with Alaska Native Tribes and Organizations

Desk Guide

A desk guide for United States Fish & Wildlife Service Employees on Alaska Native cultures, history, federal laws, organizations, consultation and federally recognized tribes.

Table of Contents

- 1. Introduction1**
- 2. Alaska Native Culture and Historical Summary.....2**
 - 2.1 Aleut..... 4
 - 2.2 Alutiiq..... 6
 - 2.3 Athabascan..... 8
 - 2.4 Eyak..... 11
 - 2.5 Inupiat 13
 - 2.6 Tlingit, Haida, and Tsimshian 15
 - 2.7 St Lawrence Island Yupik, Yupik and Cupik..... 17
- 3. Historic Timeline19**
- 4. Alaska Native Claims Settlement Act of 1971 (ANCSA).....27**
- 5. Alaska National Interest Lands Conservation Act of 1980 (ANILCA)28**
 - 5.1 Chronology of Subsistence Management in Alaska..... 30
- 6. Alaska Native Government and Organizations.....32**
 - 6.1 Tribe..... 32
 - 6.2 Federally Recognized Tribe..... 32
 - 6.3 Tribal Governments 32
 - 6.4 ANCSA Corporations..... 32
 - 6.5 Village Corporations 33
 - 6.6 Regional Non-Profit Associations 33
 - 6.7 State-Chartered Government 33
 - 6.8 Statewide Organizations..... 33
 - 6.9 Regional for-profit corresponding non-profit organizations 35
- 7. Status of Alaska Natives36**
- 8. Tribal Sovereignty37**
- 9. Consultation with Tribes and ANCSA Corporations.....39**
- 10. Frequently Asked Questions.....42**
- 11. Protocol and Etiquette47**
 - 10.1 General Preparation Guidance..... 47
 - 10.2 Timing 48
 - 10.3 Protocol..... 48
- 12. U.S. Department of Interior Policies50**
- 13. Acknowledgement.....52**
- 14. References53**

15. Federal Register Notice: Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs..... 54

16. Acronyms.....60

1. Introduction

This information is intended to serve as a reference book for federal employees who work with Alaska Native tribes/governments. As federal employees, we are directed by Congress in various laws to coordinate and work with Alaska Natives. The special legal status of tribal governments requires coordination and consultation be conducted on a government-to-government basis. In managing public lands and subsistence hunting and gathering, we must communicate and work in partnership with Alaska Native people.

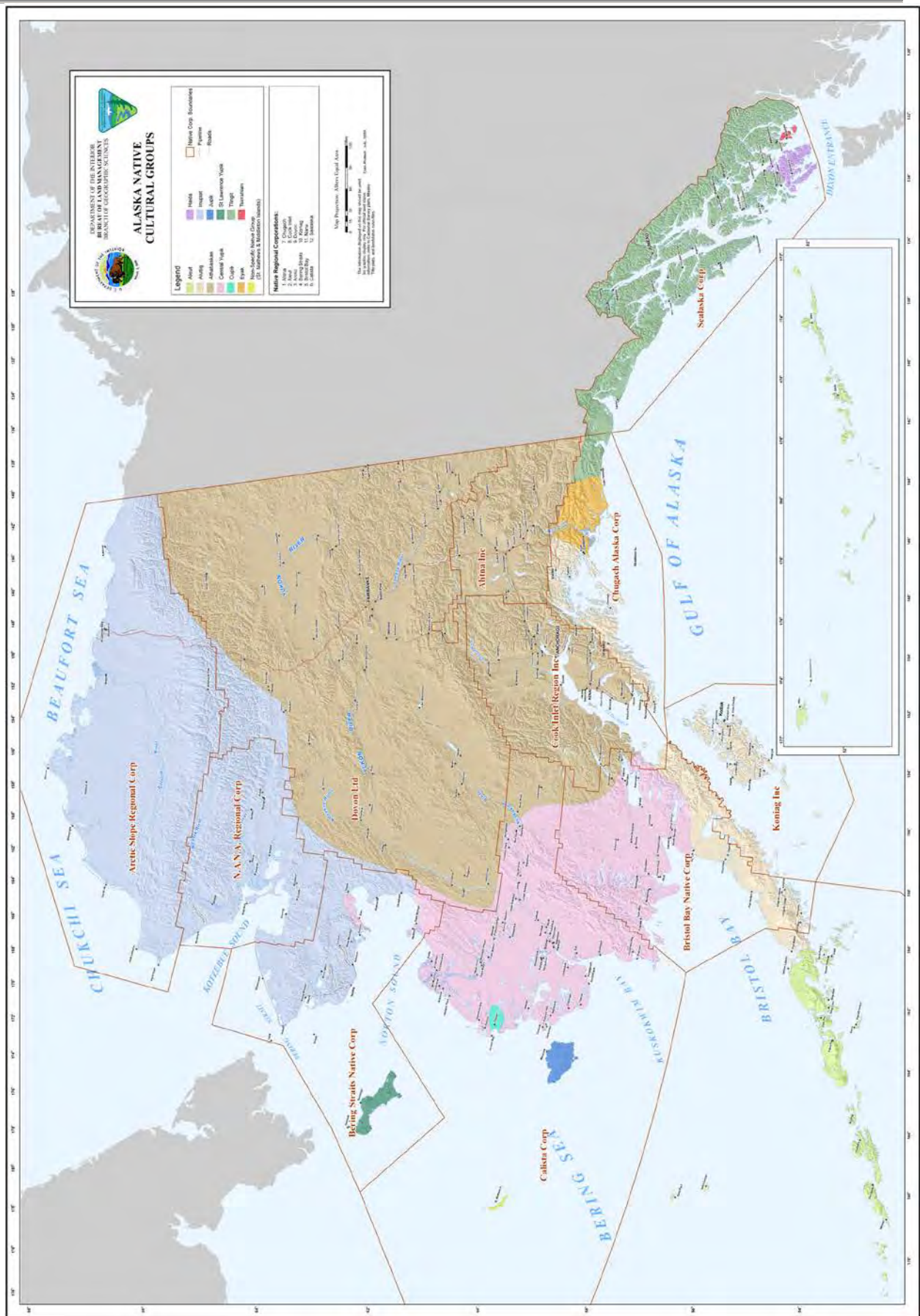
Traditional Alaska Native societies were self-governing and autonomous before European contact. Social and political systems were in place, which varied from group to group, but worked effectively to maintain social order, control individual behaviors, define interpersonal relationships, define spiritual relationships to the environment and wildlife, identify territory, and regulate relationships with other societies. Each society had an identifiable resource use area that could be defended. Use of resources was often coordinated by various groups for the same location, sometimes for totally different purposes. Distribution and exchange of resources was coordinated by these local societies or tribal governments as they are now identified. Land ownership and use were collective.

Today, Alaska Native peoples continue to live off the land. Tribes, clans, and families continue to have an influence over their members' social interaction, property rights, and ceremonies. Alaska Native peoples continue to have extremely strong ties to the land.

A summary of each of the general cultural groups of Alaska Natives, before and after European contact, is provided for an understanding of Alaska Native people.

This desk guide has been developed to serve as a quick reference document, covering such topics as Alaska Native cultures, historical information, and legal summaries of pertinent legislation, subsistence, and consultation.

2. Alaska Native Cultural and Historical Summary



Who are the Alaska Native People?

Inupiat – Arctic Slope, NANA, and Bering Straits regions

Yup'ik – Calista, Bristol Bay, and Bering Straits regions

Tlingit, Tsimshian, and Haida – Sealaska region

Athabascan – Cook Inlet, Doyon and Ahtna regions

Aleut – Aleut region

Alutiiq – Koniag, Bristol Bay, Chugach and Cook Inlet regions

Eyak – Chugach region

Alaska Native cultures and traditions vary according to groups. Lifestyles vary according to terrain, climate, and available resources.

2.1 Aleut People, or Unanga (oo nung' ah)

General Residence

Aleutian Islands, Pribilof Islands, and Lower Third of Southern Alaska Peninsula

Population

At contact – 16,000

1996 – 4,000

Social and Political Organization (Pre-European Contact)

Eight tribes of Aleuts occupied permanent, named villages and had seasonal subsistence sites. They had large communal houses occupied by related families as well as smaller residences. Other Aleut groups needed permission to enter the village territory for use of resources.

Each village had a dominant family that provided the leader, or chief. The chief had the authority to organize economic activities, settle internal disputes, lead in time of war, and direct the protection of group boundaries. Social ranking was important in the Aleut culture; there were two classes which included “free” Aleuts and slaves (war captives).

Specific codes of behavior and social obligations were applied to categories of Aleuts based on age, sex, kinship, and prestige. Individual behavior was channeled toward cooperation, and disregard for valued benefits led to shame and public sanction in the form of loss of esteem or severe chastisement.

Communication patterns tended to avoid personal confrontations. Aleuts followed two rules:

1. If you have nothing worthwhile to say about someone or something, say nothing; and
2. If you have nothing to say, say nothing.

The Aleuts had considerable knowledge of the human body and had surgeons who could perform operations. They also embalmed the dead before burying them in caves.

Eastern Aleutians – A chief was chosen from among the leaders of individual eastern villages to declare war and establish peace. Dispute resolution was directed primarily at reestablishing harmony rather than imposing a punishment. The chief and other elders sometimes directed punishment by death for repeated crimes.

Western Aleutians – Dispute resolution was taken care of by family rather than the community.

Social and Political Organization (Post-European Contact)

The Aleut cultural, social and political organization was almost decimated by Russian and American actions. Ceremonies, storytelling, and dancing became almost nonexistent.

1744-1867 Russian Period

Population: 3,200 (reduction caused by infectious diseases and killing by Russians)

Aleuts from Atka and Unalaska were forced to resettle on the Pribilof Islands in 1786, to capitalize on the fur seal. Other settlements were consolidated and moved to the mouths of rivers. Households were reduced to single family dwellings.

Village chiefs kept their titles because the Russians needed cooperation in organizing local labor. Their families were taken as hostages until seal hunting was completed and later were taken to Russia for education. They returned as mediators between the Russians and Aleuts.

Creoles (mixture of Aleut and Russian) occupied managerial, decision-making positions. Several Aleuts became clergymen in the Russian Orthodox Church. Others became paramedics or assistant physicians.

1867-1910 Early American Period

In the first 23 years, the Americans harvested more otters and seals than the Russians did in 125 years. This led to the 1911 treaty among the United States, Canada, Russia, and Japan which regulated the fur harvest.

1942 – During World War II, most of the Aleuts were evacuated to southeastern Alaska and placed in relocation camps because of war concerns. Only one-half returned to their Aleutian homes after the war and most of their villages/homes/property destroyed. Forty-two Aleut residents from the island of Attu were taken prisoners by the Japanese. Then Attu was bombed by American forces to retake the village. Atka was burned to prevent occupation by the enemy. United States officials discouraged resettlement of remote islands because of administrative problems in delivering educational and other services.

1981 – Commercial slaughter of seals was outlawed

1988 – Reparation of Aleuts and acknowledgement of their situation by the United States government (combined with reparations to Japanese interred during WWII).

Social and Political Organization (Current)

Many villages contain a mix of descendants from formerly distinct Aleut island groups. Much of the traditional knowledge, values, and skills were impacted with the death and displacement of so many people during the war. Village elders now provide traditional authority and there has been a resurgence of traditional activities, practices, and languages.

Language – Aleuts speak two distinct dialects of the Unangam language which is remotely related to the Eskimo language. Eastern Aleut is spoken in Atka; Western Aleut is spoken in other villages. A written alphabet was developed in the 1800s by the Russian Orthodox Church, along with Aleut scholars. Some Aleuts speak English with a Norwegian accent.

Other Significant Points of Interest:

Russian surnames

Russian Orthodox religion

Finely woven grass baskets

Skin-covered kayak craft

2.2 Alutiiq

Also known as Sugpiaq (a real person) or Koniag for Kodiak Islanders, or Chugach for Prince William Sound

The Native people in this area were called Aleut by the Russians although they were not related to them. In 1985, they were informed by an anthropologist that they were related to Yupik people, rather than the Aleut.

General Residence

South Alaska, including Kodiak and surrounding islands, Prince William Sound, Lower Cook Inlet area, and portions of the Alaska Peninsula from Egegik south to Kamishak Bay (across from Kodiak Island).

Population

1796 – 6,206

1880 – 1,943 (Kodiak and surrounding islands)*

1996 – 3,000

*A decrease in the population was caused by disease, a measles epidemic in 1832, and extensive utilization of Alutiiq men for hunting by the Russians

Social and Political Organization (Pre-European Contact)

Each Alutiiq village in the Kodiak area had a communal house, the kazhim, for plays, dances, and meetings. Three, four, or more families lived together. Each village had a leader (by inheritance) whose power was limited to punishing slaves and family members. A chief did not have much authority, as the people followed a person who was either well-to-do or a good hunter/provider. The chief acted as a primary counselor or advisor in war and peace.

In the Alaska Peninsula area, each village had a community house, or qasiq, for storytelling.

In the Prince William Sound area, each group had a chief and an assistant chief; the chief represented the group and led in decision-making.

Families were responsible for managing their own affairs and resolving disputes. Social control was maintained partly by community gossip, ridicule songs, joking and ostracism.

Social and Political Organization (Post-European Contact)

1744-1867 Russian Period

The Alutiiqs fought the Russians unsuccessfully and were proclaimed Russian subjects in 1788. The Russians were impressed with Alutiiq hunting skills and, in 1818, the Alutiiqs were hired as hunters of waterfowl, sea otter and other furbearing animals. The Russian American Company nominated chiefs; prior to that they were inherited positions. Many of the customs and rites were abandoned with the introduction of Christianity.

Intermarriage between Alutiiqs and Russians produced another social class. Creoles were a mix of Russian and Alutiiq and received special treatment in education and employment.

1867-1940s Early American Period

Fur-trading between Alutiiqs and Americans occurred through the village chief who was chosen with great input from the Russian Orthodox priest. In 1912, Novarupta volcano erupted (known as the Katmai eruption) and many Alutiiq relocated from Katmai, Douglas, and Old Savonoski and founded the village of Perryville. Another group settled in the coastal village of Kanatak during the winter and moved to Egegik and Ugashik during the summer. In the late nineteenth century, village councils were established and were composed of teachers, missionaries, and representatives of the federal government (Bureau of Indian Affairs (BIA) employees) The councils acted as a rule-making and law-enforcing body; however, traditional leadership patterns prevailed, including traditional control through the elders.

Fish canneries replaced fur trading, which brought into the area many non-Natives, Filipino, Japanese, and Chinese laborers. Also, Scandinavian fishermen settled in this area and adopted Alutiiq customs. Native people were refused employment in the canneries and did not become involved in the commercial fishing industry until the early 1900s. The Alutiiqs continued fur trapping and fox farming until the 1940s.

The Alutiiqs were forbidden to speak their language because they were to be assimilated into western culture.

Creoles were no longer categorized as a separate class. They were called Russians by Alutiiqs but were considered “insiders” rather than foreigners.

Social and Political Organization (Current)

Since 1989, the Alutiiq people are actively rebuilding and reassembling their culture.

Language

Sugcestum – part of the Aleut-Eskimo linguistic family, closely related to Yup’ik. The Chugach dialect is spoken in the Prince William Sound area; the Koniag dialect is spoken on the Alaska Peninsula and Kodiak Island. English dominates.

Other Significant Points of Interest:

Alutiiq Culture Center and the Alutiiq Museum in Kodiak were established and administered by the Alutiiq. The Sun’aq (Shoon’aq) Tribe received federal recognition in 2000.

2.3 Athabascan

Tanana – Tanana River area

Tanaina/Denaina – Cook Inlet area, north of Kachemak Bay

Koyukon – Yukon River and Koyukuk River areas

Ingalik – lower Yukon River and Anvik River areas

Ahtna – Copper River area

Kutchin – Yukon River, Porcupine River, and Chandalar River areas

Gwich'in – Yukon River and Yukon Flats areas

General Residence

Interior Alaska

Population

At contact – 13,000

1996 – 11,700

Social and Political Organization (Pre-European Contact)

The basic social and political unit was the band, made up primarily of persons related by blood and marriage; a band included several clans, members of which were related to clan members of other bands. The local band defined the boundaries of the subsistence-use areas which were closed to other groups unless permission was granted. In the Koyukon area, beaver houses and pond, muskrat swamps, and other subsistence-use areas were privately held; although if the sites were vacated, they were open to others.

While Athabascans migrated for subsistence activities, each band had a settlement for social and ceremonial activities. Each band had a recognized leader based on demonstrated ability. He was expected to be wise and generous and often had shamanistic powers. In some areas, leadership was associated with certain families.

Leadership was more formal and elaborate among the Ahtna and Denaina people. Chiefs maintained peace, commanded the labor of their followers and slaves, and redistributed resources within their society. The Ahtna chief was responsible for enforcing the traditional law and for defending his people. Among the Ingalik, both men and women elders participated in resolving disputes.

Ahtna clans defined reciprocal duties and obligations between different but cooperating social groups, defined one's relatives and which individuals a person could marry, and organized labor and duties at times of life crises.

Social control was primarily a family matter and was achieved subtly; leaders played a role in internal dispute resolution and acted as negotiators with chiefs from other societies. Deliberate murder and theft were punishable by death and carried out by members of the family group, except among the Ahtna. There, the chief could order execution unless the person escaped to relatives in another place.

The Ahtna taught their children that their words would travel far and that they should think carefully before speaking. Social avoidance acted to prevent confrontation or disharmony among closely related people. If there was a dispute between two people, their families simply moved until the problem was less important.

All Athabascans in Interior Alaska had a traditional governing body (Dena Hena' Henash) and a traditional chief.

Social and Political Organization (Post-European Contact)

1744-1867 Russian Period

Contact did not occur until the late nineteenth or early twentieth century. Traditional leaders were appointed as chiefs by trading company managers and Russian Orthodox priests in the Tanaina/Denaina area.

1867-1915 Early American Period

The population of the Athabascans was decimated by disease. Chiefs functioned as middlemen between the white traders and Athabascan trappers. Territorial officials and church representatives introduced election of chiefs and councils. The Tanana Chiefs Conference (TCC) succeeded the Dena Hena' Henash and is the nonprofit Native association that provides many services for its tribal members including health, education, employment, community needs, natural resource programs, and family services.

Social and Political Organizations (Current)

Chief Peter John of Minto was the Traditional Chief of all Interior Athabascans and it is a lifelong position. The chief is elected by the board of directors of the Tanana Chiefs Conference.

Before and after European contact, a successful traditional leader, or the chief, has much influence. In addition to having a traditional chief, some clans also have a "working chief" and a council elected to represent the community. This was done at the request of the white community.

Language

Athabascan languages extend from villages in the Doyon region, through Canada to the Mexican border, and include the Navajo and Apache Indians of the Southwest. There are eleven Athabascan languages:

- Ahtna
- Dena'ina
- Deg Hit'an
- Holikachuk
- Koyukon
- Upper Kuskokwim
- Tanana
- Tanacross
- Upper Tanana
- Han
- Gwich'in

Other Significant Things of Interest:

Gwich'in and Koyukon have a distinct style of fiddle playing. Fiddles, along with French-Canadian and Scottish tunes, were introduced by Hudson Bay Company fur traders from Canada in 1847.

Athabascan people are well known for their elaborate beadwork.

2.4 Eyak

General Residence

Cordova area between Aleut and Tlingit territories.

Population

1880 – 400

1900 – 60*

1997 – 120

* Reduced mainly by epidemics and poverty

Social and Political Organization (Pre-European Contact)

Historically related to the Athabascan people, the Eyak occupied the Gulf of Alaska coast between present-day Cordova and Yakutat. They were “raided and squeezed” by the Chugach Alutiiq of Prince William Sound and the Tlingit who claimed some of the same territory. Inter-marriage with the Tlingit people contributed much to the near disappearance of the Eyak.

Based on the choice of the men, Eyak people lived in single and/or communal dwelling houses, in three main villages – Eyak, Alaganik, and Old Town. The village chief and his family occupied the rear of the communal house. There were two potlatch houses in each village, one for each moiety (tribal subdivision). The shaman and any attendants occupied a small house, in the middle of the village. Although there were fish camps, there were no family, moiety, or village rights over them.

The social structure of the Eyak was similar to the Tlingit. Within each village there were two moieties, the Eagles and the Ravens. Each moiety had a chief, one of which was also the chief of the entire tribe, and a subchief. The chief was usually the richest and strongest man in the village. His role included leading war and hunting parties, performing duties at potlatches, and giving to the poor. The oldest son in a family had authority over, and responsibility for, his brothers and sisters; discipline was very strict and complete ostracism was practiced whenever rules were broken. Disputes resulted in singing “contests” by the two men involved, or related to those involved; or, by the village peacemaker. The Eyak kept Eskimo slaves, who were war captives.

Social and Political Organization (Post-European contact)

The Eyak was a small tribe, recognized by the Russians as a separate and distinct culture. Americans did not recognize the Eyak as a distinct Native group until recently. The last Eyak chief died in 1930 and was not replaced until recently.

Social and Political Organizations (Current)

The Eyak are trying to revive their language and cultural practices and to gain back usage of their ancestral lands in Cordova.

Language

Eyak has distant links to Athabascan and Tlingit languages. Today, Eyak is spoken more widely, due to the efforts of the late Marie Smith Jones.

Other Significant Things of Interest:

Like the Tlingit, the Eyak are known for their wood-carved totem poles.

2.5 Inupiat (the “real people”)

General Residence

Bering Straits, Northern and Arctic Areas

Population

At contact – 6,000

1990 – 12,650

Social and Political Organization (Pre-European Contact)

There were at least twenty-five distinct Inupiat societies; each occupied a territory with well-defined boundaries. Each unit was referred to as a munatqatigiit, meaning “people who are related to one another through their common ownership of land.” Each group, made up of large extended families, had a major settlement with permanent dwellings and a qarigi or “men’s house” used for men’s activities and meetings. Each group had seasonal fishing, hunting, and trapping areas. They were self-sufficient economic and political units, each with a chief who worked with elders to establish social obligations, resolve disputes, receive visitors, decide penalties for theft, crimes, and lead ceremonial events. The chief usually attained this position through inheritance.

The societies were distinguished by differences in dialect and clothing styles. Each group had a group identity that emphasized its superiority over others. The boundaries between these groups were either geographic or areas of low resource potential.

During times of peace, Alaska Natives and Siberians were involved in trade activities.

Social and Political Organization (Post-European Contact)

A loss in population occurred from diseases such as measles, small pox, and flu epidemics, alcohol, and a heavy depletion of resources by whaling crews and miners.

1732-1867 Russian Period

History shows that Russians actually discovered portions of the Bering Straits region in 1732, and that relations with the Inupiat were not friendly. The Russians raided and took prisoners. Trading among the Natives and the English, and other foreigners, began in the late 1770s. Beginning around 1848, hundreds of commercial whaling ships sailed through the Arctic Ocean and Bering Straits, taking whales for their oil. There were also many independent trading ships with all sorts of goods, including firearms and liquor.

1867-1910 Early American Period

From 1866 to the late 1870s, commercial whalers killed thousands of walrus each year for oil and ivory after whales became scarce. From 1883 to 1890, galena ore was mined on the Seward Peninsula, and the mine was patented in 1894. The gold rush (1898-1900), mission schools (1890), missionaries, and the reindeer industry (1892) brought about the most changes in Alaska Natives’ lives in the Bering Straits area. Subsistence areas were disturbed and patented to non-Natives; they faced a new authoritarian government; they began their journey into civilization, speaking a new language, learning various religious beliefs. In the late nineteenth century, village councils were established and were composed of teachers, missionaries, and

representatives of the federal government (BIA employees). The councils acted as a rule-making and law-enforcing body. The qarigi ceased to be used; however, traditional leadership patterns prevailed.

Social and Political Organization (Current)

There is a mix of traditional governments and elected councils throughout the Inupiat areas; also, some villages are organized as municipalities under state law.

Language

Inupiaq, however most speak English.

Other Significant Things of Interest:

Inupiat people are known for their elaborate ivory carvings and engraving.

2.6 Tlingit, Haida, and Tsimshian

Tlingit – Cape Fox to Yakutat Bay

Haida – migrated from Queen Charlotte Islands in Canada to the southern portion of Prince of Wales Island; today they live mainly in Hydaburg, Craig, Ketchikan, and Klawock.

Tsimshian – migrated from British Columbia to Annette Island in 1887, establishing Metlakatla; Congress created the Metlakatla reservation in 1891.

General Residence

Southeastern Alaska

Populations (in Alaska)

At contact last quarter of 18th century (Tlingit) –10,000

Tlingit in 1996 – 9,800

Haida – 1,100

Tsimshian living in Metlakatla – 1,500

Social and Political Organization (Pre-European Contact)

The Tlingit belonged to one of two moieties (Tribal subdivisions), the Raven or the Wolf (later changed to Eagle), which were broken down into numerous naa (clans) named for characteristic animals. Membership in a moiety and clan was matrilineal, or determined by ancestry through a person's mother. Clans were made up of one or more housegroups or houses (also referred to as hits). A housegroup was composed of ten to forty related individuals sharing a large house. Housegroup members owned and shared large canoes, ceremonial objects, and utensils; they harvested resources together and provided food and goods that were consumed communally. The men had rights to specific portions of land.

Each Tlingit also belonged to one of about twenty kwaans, which are large territorial groups. Examples: Chilkat Kwaan (Haines and Klukwan) and Auke Kwaan (Juneau). Within each kwaan, the clans and houses lawfully owned specific sites for hunting, fishing, ceremonial objects, and slaves (prisoners of war or purchased). They sold lands and resources with the consent of clan members. Other clan members were expected to ask permission to use kwaan lands.

The social groupings functioned to formally regulate marriages, distribute inheritance, resolve disputes, and to define ceremonial activities. Under Tlingit custom or law, the ultimate source of political power was in the clan. Marriage could occur only outside of a person's specific clan. Dispute resolutions within a clan and between clans were the prerogative of clan leaders, usually the eldest males, and their decisions were final. The Tlingit did have a "peacemaker" who possessed a ceremonial canoe paddle, and whose role was to settle disputes.

Social ranking of clans and houses according to wealth was very important among the Tlingit people. Those members of the highest ranked clans were considered "noble" so competition was very prevalent.

Note: The Haida and Tsimshian had a similar social and political organization as the Tlingit, except that the Tsimshian leader in some villages was the village chief.

Social and Political Organization (Post-European Contact)

A significant population loss occurred between 1836 and 1840 due to a smallpox epidemic.

1744-1867 Russian Period

The Tlingit resisted colonization by Russians and destroyed the Russian forts at Yakutat and Sitka. Later, the Russians made Sitka the capital of Russian America but failed in establishing political control over the people. The Tlingit traded profitably with English, Spanish, American, and Russian explorers and became “middlemen” in fur trading between the Europeans and Athabascans.

1867-1920 Early American Period

Contact with Americans was unfriendly; the Americans destroyed Indian houses, canoes and forts in 1869 as a reprisal for the alleged murder of two white men. Americans also destroyed the village of Angoon in 1882 because of a disagreement over the death of two Indians in an explosion at a fish cannery. New settlements, an increased non-Native population, missionary schools, the development of commercial fisheries, mining and timber industries, and the establishment of the Tongass National Forest brought rapid changes to the Indians’ lives between 1870 and 1890. The Indian clan leaders then saw change as inevitable, and that education would help them survive; therefore, they cooperated with the Americans.

Social and Political Organization (Current)

The Tlingit, Haida, and Tsimshian have retained the same clan organizations established prior to European contact. However, the laws of traditional marriages between people of opposite moieties are not as strictly observed today.

Language

Languages of the Tlingit, Haida, and Tsimshian are all different. The Tlingits share definite linguistic similarities in verb structure with the Athabascans.

Other Significant Things of Interest:

The Tlingit, Haida, and Tsimshian are widely known for their woodcarving of massive totem poles and canoes as well as for their huge clan houses with carved panels, bold crests, and intricate weavings.

2.7 Yup'ik (the “real people”)

Central Yup'ik

Cup'ik – Chevak, Hooper Bay, and Mekoryuk

Saint Lawrence Island Yupik – also known as Siberian Yup'ik

General Residence

Southwest Alaska

Calista, Bristol Bay, and Bering Straits areas

Population

At contact – 20,000

1996 – 20,000

Note: the population at the time of contact included the people now known as Alutiiq

Social and Political Organization (Pre-European contact)

Yup'ik societies were organized very much like those of the Inupiat. There were a large number of distinct Yup'ik societies distinguished by differences in dialect, clothing styles, and ceremonial life. Each unit occupied a territory with well-defined boundaries and was referred to as nunakutellriit, meaning “those that share an area.”

Each group, made up of large, extended families, had a major settlement with permanent dwellings and a qasgiq or men's house where men lived, worked, taught, and directed the community's political, social, and ceremonial life. They were self-sufficient economic and political units, each with a leader or leaders, and had seasonal fishing, hunting, and trapping areas. In a smaller community, the oldest male was the leader; in larger communities, several men functioned as leaders and decision-makers. Yup'ik leaders didn't have the power of dispute resolution between local families, which were responsible for managing their own affairs. Families had considerable power over the behavior of their members. Social control was maintained partly by community gossip, ridicule songs, joking, and ostracism.

Social and Political Organization (Post-European Contact)

1744-1867 Russian Period

Russians established a trading post on the Nushagak River in 1818, “discovered” Nunivak Island and the Yukon River in 1821, and established a trading post on the Kuskokwim River in 1832. They founded Fort Saint Michael in 1833. Most of the Yup'ik people were not contacted until the late 1800s. The Russians had little effect on Yup'ik culture and political organization; they did recruit some traditional leaders for employment in fur trading.

1867-1920 Early American Period

The Yup'ik population was reduced by about one-fourth in 1901 due to severe measles and influenza epidemics. This resulted in considerable reorganization of sociopolitical units. Also, Moravian and Catholic missions and schools were established along the Kuskokwim and lower Yukon rivers, respectively. Qasgiqs disappeared due to missionary coercion.

In the late nineteenth century, village councils were established; the chief and council members were elected. The councils acted as rule-making and law-enforcing bodies; however, this

resulted in confusion among village members concerning the duties of the various leaders. Later, traditional leadership patterns prevailed, including traditional control through the elders.

Social and Political Organization (Current)

There is a mix of traditional governments and elected councils throughout the Yup'ik areas; also, some villages are organized as municipalities under state law. Changes in type of governments are occurring in some areas.

Language

Central Yup'ik – There are many dialects in this Yup'ik language which is the most widely spoken; it is taught to children as their first language.

Siberian Yup'ik – Saint Lawrence Island people speak Siberian Yup'ik; this is mostly unintelligible to speakers of Central Yup'ik. Siberian Yup'ik is also spoken by a small group of Natives on the southern tip of the Chukotsk Peninsula in Russia.

Cup'ik – The Cup'ik people of Chevak are the Qissunamiut tribe, whose main historic village was on the Kashunak River. There is one other Cup'ik tribe—the Cup'ik people of Mekoryuk on Nunivak Island. The Qissunamiut Cup'ik dialect differs from the more widespread Yup'ik dialects, but it is understood throughout the Yup'ik region.

Other Significant Things of Interest:

Yup'ik people are known for their mask making, grass baskets, and dance fans.

3. Historical Timeline

Selected Dates from Time Immemorial to 2000

8000 BC to late 1700s

The land provided for the Alaska Native people in every aspect. The people lived in harmony with the land, and had respect for the wildlife and all the food, fuel, clothing, tools, and shelter the land had to offer. The social and cultural values were based on the resources of the land, which provided them a means of subsistence. The people had a general recognition of lands used and occupied by other tribes or groups. Territorial wars between tribes occurred when land and its resources became an object of dispute. Permanent villages did not exist until the establishment of schools and churches beginning in the late 1800s and continuing through the 1950s.

1741

Discovery of Vitus Bering, a Danish sailor, on the shores of what is now Alaska
There were less than 1,000 Russians that settled in Alaska, establishing trading posts and trading glass beads and other “riches” for furs. They killed Aleuts and Koniags if they resisted becoming their slaves, until the 1820s. The Russian-American Company made no attempt to introduce a system of land ownership, but it did recognize use of the lands by the Native in “perfect freedom, without any foreign interference or restrictions.”

1789

United States Constitution states, “The Congress shall have power ... to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.”

1850s

The U.S. government established its policy to set aside reservations for Indian tribes. Assimilation efforts or “civilizing” the Indians by destruction of their cultures and social systems was carried out by the military, schools, and churches. Indians were required to build wooden houses, wear white man’s clothing, and cut their hair.

1867

Russia sold Alaska to the United States of America. The Treaty of Cession concerning the cession of Russian possessions in North America, March 30, 1867, United States – Russia, 15 Stat. 539, T.S. No. 301, stated, “. . . The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes in that country.”

All lands and waters became public domain under the control of the federal government.

1878

Beginning of salmon industry; first canneries established

1880

First important gold discovery in Alaska (Juneau).

1884

Organic Act of 1884, Ch. 53, 23 Stat. 24

The Organic Act makes Alaska a District with an appointed governor and other officers. Protection for lands used and occupied by Natives is promised.

“. . . The Indians or other persons in said district (Alaska) shall not be disturbed in the possession of any lands in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.”

The Act provided specific protection to claims of miners and lands used by missionaries.

1885

Dr. Sheldon Jackson, General Agent for Education in Alaska, met with several representatives of churches to divide the territory so as to further the educational missionary work effort.

1887

The United States government established its policy of making the allotment of land to individual Indians and breaking up tribal landholdings. The General Allotment Act was also known as the Dawes Act and was developed using the Homestead Act as a template. The purpose was to give every Indian a tract of land; this “would allow him to experience the pride of possession felt by white settlers, and hasten the process of civilization.” After tracts were allocated, the remaining tribal lands were declared surplus and put up for sale by the government, reducing the Indian land inholding from about 156 million acres to about 78 million acres by 1900.

1890

Suit filed by Tlingit Chief Johnson against whites who built a dock in Juneau on his property.

1891

Congress established the Metlakatla reservation for a group of Tsimshians who had migrated to Alaska from Canada.

Congress opened land for town, trade, and manufacturing sites, and authorized the President to set aside timbered areas as public reserves. Millions of acres were then set aside to establish the Tongass and Chugach National Forests, and Mt. McKinley National Park.

1900s, in general

The federal government set aside large blocks of land for various purposes, including parks, wildlife refuges, forests, military withdrawals, and the National Petroleum Reserve.

1905

Congress passed the Nelson Act, which provided a means for providing public schools for white children. It also stated that Alaska Native children shall have the same rights to attend any Indian boarding school as the Indian children in the United States.

1906

Native Allotment Act allowed Alaska Natives to obtain land under restricted title. The motive of the government was to protect the indigenous population from encroachment by the fringe element of western civilization (compared to assimilation in the General Allotment Act of 1887 in the lower 48 states).

1912

The Alaska Native Brotherhood (ANB) was founded by one Tsimshian and nine Tlingits. The goals were to win citizenship, education for Indian people, and abandonment of aboriginal customs which were seen by white as “uncivilized.”

Alaska becomes a territory with a two-house legislature; the capital is located in Juneau.

1915

Alaska Native Sisterhood (ANS) was organized “to complete the organization of the ANB.”

First Native Rights conference held in Fairbanks. The Athabascans made it clear that they did not want reservations created and requested Alaska’s Congressional delegate, James Wickersham, do something so that the Alaskan Indians could be left alone, “to be able to live here all the time.” Wickersham told the chiefs that “as soon as they have established homes and live like white men, and assume the habits of civilization, they can have a vote.”

Territorial Legislature adopted an act similar to the Dawes Act, to allow Natives to become citizens. A few Natives did.

1924

The Citizenship Act of 1924 allowed Natives to become citizens with the right to vote.

Tlingit William Paul was the first Native elected to the Alaska Territorial Legislature.

1926

Native Townsite Act allowed Alaska Natives to obtain restricted deeds to village lots (repealed in 1976 by the Federal Land Policy and Management Act (FLPMA)).

1929

First formal claims of aboriginal title by Tlingit and Haidas.

1934

Congress passed the Indian Reorganization Act (IRA) to decentralize the enormous discretion and powers exercised by the Department of the Interior and the Office of Indian Affairs and to move that power to tribal governments.

1935

Legislation allowed Natives to sue the federal government for land taken by the United States. Tlingit and Haida Indians filed the first Native land claim lawsuit against the federal government.

1936

Congress extended the Indian Reorganization Act of 1934 to Alaska; the Department of the Interior was authorized to establish reservations for the Natives in Alaska.

1941-1946

Reservations established for indigenous people of the communities of Venetie, Arctic Village, Elim, Unalakleet, Akutan, Diomedes, Hydaburg, Karluk, and Wales.

1950

An additional 80 villages submitted petitions to the Secretary of Interior requesting reservations. Officially, no action was taken.

1958

Congress approves the Alaska Statehood Act, 72 Stat. 339; state's right to Alaska Native land is disclaimed; State chose 103 million acres.

1959

The U.S. Court of Claims upheld claims of aboriginal title by the Tlingits and Haidas who, the Court rules, were entitled to compensation for lands the United States wrongly took or failed to protect.

1960

In Barrow, John Nusungingya was arrested for shooting ducks outside of a hunting season; 138 other men shot ducks and presented themselves to federal game wardens for arrest.

Federal Government transfers authority to manage fish and wildlife in Alaska to the new State government.

1961

Inupiat protested the proposed Project Chariot at Cape Thompson; the U.S. Atomic Energy commission planned to set off a nuclear device to create a harbor.

Village of Minto protested the State's intent to establish a recreation area in the Minto Lakes region where the Athabascans hunted, fished, and trapped.

Inupiat Paitot established. This organization of northern Native people coalesced around the resistance of Barrow residents to hunting restrictions imposed by an international migratory bird treaty. Inupiat Paitot was not the first regional Native organization, but it was the first organized to defy national or international attempts to restrict traditional land and resource use.

1962

Tundra Times is established with Inupiat Eskimo Howard Rock as editor.

1963

Proposed Rampart Dam is protested by Stevens Village and other Yukon River villages.

Alaska Task Force (ATF) calls upon U.S. Congress to define Native land rights.

The ATF was a committee made up of deputy assistant secretaries, assistant secretary of agriculture, and chaired by departmental counsel, responsible for coordinating the interior department's effort in implementing ANCSA (from NPS website).

The ATF was a three-man group appointed by Interior Secretary Stewart Udall (from Alaska Native Land Claims). ATF report to Congress called for individual land grants, village withdrawals, and communal, traditional food-gathering activity areas. Opposition from Natives prevented these recommendations from being implemented. No provision for cash payment for lands lost and no minerals rights were guaranteed for titled land to be received. Another opposition reason was that only small tracts were proposed. Small areas would not be sufficient to maintain traditional lifestyles.

1966

Statewide conference of Alaska Natives leads to organization of Alaska Federation of Natives (AFN)

Interior Secretary Stewart Udall imposes a "land freeze" to protect Native use and occupancy.

1967

First bills introduced in Congress to settle Native land claims

Native protests and claims to land reach 380 million acres (more than the total acreage of Alaska, which is 365.5 million acres).

1968

Alaska Land Claims Task Force, established by Governor Hickel, recommends 40 million-acre land settlement.

Government study effort (Alaska Native and the Land) asserts Native land claims to be valid and provides an outline for settlement legislation.

1969

North Slope oil lease auction produces \$900 million for the State of Alaska.

1970

A land claims bill is passed by the Senate, but Natives are disappointed in its land provisions.

1971

The Alaska Federation of Natives, in convention, voted to accept the final land claims bill, which was signed into law by President Nixon on December 18 (Public Law 92-203). The Alaska Native Claims Settlement Act (ANCSA) extinguished aboriginal hunting and fishing rights in exchange for 40 million acres and nearly \$1 billion in compensation to Alaska Natives through their status as shareholders in the newly established corporations.

1972

U.S. Congress enacted the Marine Mammal Protection Act, with a provision authorizing Alaska Natives to continue the traditional taking and use of marine mammals, and a section addressing co-management by the Fish and Wildlife Service and Alaska Native individuals.

1973

U.S. Congress passes the Trans-Alaska Pipeline Reauthorization Act. Salmon fisheries limited-entry program becomes law.

1975

Indian Self-Determination Act is passed, extending contracting opportunities to tribal councils and organizations to provide health, education, and welfare services to Alaska Natives.

The “Molly Hootch” (Tobeluk v. Lind) case is settled with the commitment by the State to provide local schools for Alaska Native communities.

1977

Trans-Alaska Pipeline completed from Prudhoe Bay to Valdez.

1978

Indian Child Welfare Act is passed by the U.S. Congress.

State subsistence law creates a priority for subsistence use over all other uses of fish and wildlife, but does not define subsistence users.

1980

Alaska National Interest Lands Conservation Act (ANILCA) passed by the U.S. Congress with Title VIII, the subsistence title, providing for subsistence uses for rural Alaskans.

1982

The Alaska Board of Fisheries and Game adopts regulations creating a rural subsistence priority. The State program is in compliance with ANILCA.

1986

The State Legislature passes a new bill regulating subsistence hunting/fishing.

1989

The Exxon Valdez grounds on Bligh Reef, spilling 11 million gallons of North Slope crude into Prince William Sound.

The Alaska Supreme Court overturns Alaska’s rural preference law for subsistence.

1990

Federal authorities take over subsistence management of hunting, trapping, and fishing on federal public lands and non-navigable waters in Alaska.

1992

Federal authorities adopt final subsistence management regulations for federal public lands.

1993

Federal Regional Advisory Councils (RACs) are established.

1994

President Clinton issues an Executive Memorandum – Government to Government Relations with Native American Tribal Governments

Indian Entities Recognized and Eligible to Receive Services from U.S. Bureau of Indian Affairs (BIA) published pursuant to Section 104 of the Act of November 2, 1994 (Listing of Federally Recognized Tribes).

1995

The Ninth Circuit Court of Appeals rules that the Federal Subsistence Board should expand its management of subsistence fisheries to include all navigable waters in which the United States holds a reserved interest, such as waters on or next to wildlife refuges, national parks, and national forests. Congressional rulings prevent this from taking effect until October 1, 1999.

1997

U.S. Senate ratifies protocols amending the Migratory Bird Treaty Act (treaty with Canada and Mexico) to regulate subsistence harvest of migratory birds.

1998

In May, an estimated 4,000 marched in Anchorage to show solidarity as a gesture and to bring focused attention to Native Rights' issues.

The U.S. Supreme Court ruled that the approximately 1.8 million acres owned by the Native Village of Venetie does not qualify as "Indian Country" with regard to taxation.

1999

In Anchorage, the Alaska Native Heritage Center, a 26-acre cultural park, opened its doors. Financially supported by the 13 for-profit regional corporations, it offers a glimpse into the diverse Alaska Native cultures and provides a learning experience for visitors.

Federal subsistence management expands to include fisheries on all federal public lands and waters.

2000

President Clinton issues an Executive Order (13175) on Consultation and Coordination with Indian Tribal Governments to direct federal government to engage in regular and meaningful consultation and coordination with tribal officials on federal actions that have tribal implications.

2004

National Museum of the American Indian opens its doors as a new Smithsonian Museum on the National Mall in Washington, D.C.

2004, 2005

A mandate by Congress for Federal agencies to consult with Alaska Native Corporations was passed into law in the 2004 and 2005 appropriations act.

2009

President Obama reaffirms E.O. 13175, Government to Government Relations with Native American Tribal Governments, asking the Cabinet heads to plan and implement according to each Department's mission. President Obama also established a White House Indian Affairs Advisor and held annual Tribal Nations conference. This was the largest and most widely attended meeting between Tribes and the President in history.

2011

Policies on consultation with tribes and consultation with ANCSA corporations are being developed by the Department of Interior. A protocol for the Federal Subsistence Management Program to consult with tribes and ANCSA corporations is also in development.

4. Alaska Native Claims Settlement Act of 1971 (ANCSA)

The Alaska Native Claims Settlement Act (ANCSA) was signed into law by President Richard M. Nixon on December 18, 1971, 87 years after the first U.S. Constitutional promise to resolve the land claims of Alaska Natives, and following more than five years of intensive lobbying by Alaska Natives in Washington, D.C. and Juneau, Alaska. Unprecedented in its magnitude and complexity, the U.S. Congressional settlement of long-disputed land rights of Alaska's Indian, Eskimos, and Aleuts extinguished their claims of Aboriginal Title for which they receive fee simple title to 44 million acres and compensation of \$962.5 million through their status as shareholders of the newly formed regional corporations.

In a departure from the past, in which Indian land settlement assets were received by tribal governments, ANCSA provided for the formation of 13 regional, 4 urban, and more than 200 ANCSA village for-profit corporations to be charged with the administration of vast acreage, untold resources, and nearly one billion dollars.

While ANCSA, as amended, establishes a business-for-profit format, its tribal roots shaped such provisions as:

- the selection by ANCSA village corporations of much of their lands from those located in traditional subsistence areas
- the requirement that the Alaska Native applicant be born on or before December 18, 1971, and able to prove one-quarter Alaska Native ancestry for original eligibility for stock ownership in the regional corporations
- the extension of original stock ownership to Alaska Natives residing outside of Alaska
- the extension of protection for undeveloped ANCSA corporation lands
- the protection of continued Alaska Native ownership of the ANCSA corporations by ensuring ANCSA stock was not alienable for 20 years after 12/18/71 (1991 amendments further addressed this provision)
- the inclusion of Section 7(i) requiring that regional corporations share 70 percent of their resource revenues with other corporations
- provision for additional benefits for Alaska Native elders

Source: Alaska Native Claims Settlement Act of 1971 – A 2004 Perspective by John Borbridge, Jr.

ANCSA summary:

- established state-chartered regional and village corporations
- provided for \$962,500 in cash payments to shareholders of ANCSA corporations
- provided for 44 million acres to shareholders of ANCSA corporations
- revoked reservations in Alaska, except Metlakatla
- revoked the Native Allotment Act of 1906
- required up to 80 million acres of federal lands in Alaska be studied for inclusion in National Parks, Refuges, and National Forests.

5. Alaska National Interest Lands Conservation Act (ANILCA)

This Act designates certain public lands in Alaska as units of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Wilderness Preservation System, and the National Forest System. The act also provides for comprehensive land management for all Alaska federal lands.

In 1980, after years of congressional debate, President Jimmy Carter signed ANILCA into law. Often called the most significant land conservation measure in the history of our nation, the statute protected over 100 million acres of federal lands in Alaska, doubling the size of the country's national park and refuge system and tripling the amount of land designated as wilderness. ANILCA expanded the national park system in Alaska by over 43 million acres, creating 10 new national parks and increasing the acreage of three existing units. With the enactment of ANILCA, the U.S. Congress attempted to confront the longstanding, unresolved issues of Alaska Native land claims, the subsistence lifestyle, energy development, economic growth, and transportation planning by enacting solutions that were meant to be compatible with each other.

From the time it was introduced in the U.S. House of Representatives in 1977 until it was enacted in 1980, the ANILCA legislation was considered in over a dozen versions. The final act is a painstakingly crafted compromise that reflects the struggle for balance between development and conservation of public lands in Alaska. Over twenty years later, battles are being waged in Congress and the courts over the interpretation of key provisions in ANILCA.

To better understand ANILCA's complexity, it is useful to know what necessitated the law. When Alaska became a state in 1959, virtually all of its land mass was federally-owned. Under the Statehood Act, Alaska was granted the right to select 104 million acres of land, which it could manage as a revenue base. During the first eight years of statehood, Alaska identified 26 million acres for selection. As the state staked out more and more land, it was inevitable that lands the Alaska Natives had a traditional interest in were identified for selection by the state. The Alaska Native community argued that without a treaty or an act of Congress extinguishing Aboriginal Title, the state should not continue to make selections. The Secretary of the Interior agreed and declared a freeze on any additional state land selections.

The Alaska Native community would have been hard-pressed to obtain a lands claim settlement in the Congress if it hadn't been for the discovery of oil at Prudhoe Bay in 1968. Because of the land freeze, the state couldn't proceed with development. Suddenly, the oil industry, the Nixon Administration, and the State of Alaska were advocating on behalf of the Alaska Natives. Enacted in 1971, the Alaska Native Claims Settlement Act (ANCSA) created thirteen Alaska Native-owned regional corporations, granted 962 million dollars in seed money, and authorized twelve regional corporations to select 44 million acres of federal lands in Alaska.

The environmental community was also involved in the ANCSA debate. That effort is reflected in Section 17 (d)(2) of the Act, which directs the Secretary of the Interior to withdraw 80 million acres of significant federal lands from development. These lands, referred to as "d-2" lands, were to be available for potential congressional designation as national parks, wildlife refuges, wild and scenic rivers, or national forests. The "d-2" provision set a deadline for Congress to

respond; if it did not act to designate these lands earmarked for special protections by 1978, the withdrawal would expire and the lands would be reopened to development.

Six years after ANCSA was enacted, Congress began to address the “d-2” lands issue, resulting in the introduction of the first version of ANILCA. In addition to the overarching controversy between development and environmental interests, ANILCA gave rise to debates about reconciling Alaska Native and rural lifestyles with the changing demographics and technologies in Alaska. The issue of access was central to this debate. Questions arose regarding an acceptable means of access and became a situational discussion. Compromises were made and many tough questions were left to be answered later.

As numerous versions of ANILCA were considered, the ANCSA deadline for addressing “d-2” lands was approaching. The Carter Administration responded in 1978 by withdrawing over 100 million acres of federal lands from development: 40 million acres withdrawn under the authority of the Secretary of Interior, and 56 million acres were designated as National Monuments. The 40 million acre withdrawal was to be rescinded with the passage of a lands bill. In November 1980, Congress passed a final version of ANILCA that President Carter signed into law on December 2, 1980.

More than twenty years since the passage of the Act, many challenges face the federal agencies responsible for its administration. Increases and shifts in population, new technologies, new interpretations of access, commercial tourism on public lands, and increased awareness of the population are contributing factors in the controversy.

Title VIII of ANILCA addresses subsistence.

The term “subsistence” refers to the hunting, fishing and gathering activities which traditionally constituted the economic base of life for Alaska Native people. At the time ANILCA was passed, approximately 50 percent of rural residents were Alaska Native. Title VII of ANILCA affords a harvesting preference to rural Alaska residents. Subsistence patterns follow a seasonal cycle of harvestable resources. Availability of fish, land animals, marine animals, and plant resources strongly influenced Alaska Native cultural groups. Throughout the years, the technologies of Alaska Native subsistence have changed as people adjusted to the use of modern instruments of harvest, transportation, and storage. Through modern subsistence practices, old patterns of behavior and values continue to be passed along to the next generation. Since the passage of ANILCA in 1980, rural residents have witnessed major changes in population, development, and competition for fish and game. The subsistence harvest amounts to less than five percent of the entire fish and game harvest in Alaska. Harvesting preference is given to rural residents.

5.1 Chronology of Subsistence Management in Alaska

Pre-1867

Alaska Natives harvest fish and wildlife resources.

1867-1959

Following the Alaska Purchase, the federal government manages Alaska's fish and wildlife resources.

1960

Federal government transfers authority to manage fish and wildlife in Alaska to new State government.

1971

Congress passed the Alaska Native Claims Settlement Act (ANCSA) which conveys nearly \$1 billion in compensation. ANCSA also extinguishes aboriginal hunting and fishing rights. In Conference Committee reports, there was an expectation that the Secretary of the Interior and the State of Alaska would take the action necessary to protect the subsistence needs of Alaska Natives.

1978

State subsistence law creates a priority for subsistence use over all other uses of fish and wildlife, but does not define subsistence users.

1980

Congress passes the Alaska National Interest Lands Conservation Act (ANILCA) which protects the subsistence needs of rural Alaskans.

1982

The Alaska Board of Fisheries and Game adopts regulations creating a rural subsistence priority – state program in compliance with ANILCA.

1989

Alaska Supreme Court rules that the rural residency preference violates the Alaska Constitution.

1990

Federal government begins managing subsistence hunting, trapping, and fishing on Alaska's federal public lands and non-navigable waters.

1992

Federal government adopts final subsistence regulations for federal public lands.

1993

Federal Regional Advisory Councils (RACs) are established.

1995

The Ninth Circuit of Appeals rules that the Federal Subsistence Board should expand its management of subsistence fisheries to include all navigable waters in which the United States holds reserved water rights, such as waters on or next to wildlife refuges, national parks, wild and scenic rivers, and national forests. Congressional moratoriums prevent this ruling from taking effect until October 1, 1999.

1999

Federal subsistence management expands to include fisheries on all Federal public lands and waters.

2010

Secretaries of Interior and Agriculture undertake a full review of the federal subsistence program in Alaska to ensure that the program best meets the letter and spirit of Title VIII of ANILCA.

Resulting changes included:

- The addition of two public members representing rural subsistence users on the Federal Subsistence Board (FSB);
- Increased deference to the recommendations of the Regional Advisory Councils (RACs);
- Review of current processes governing customary and traditional uses and rural/nonrural determinations;
- Involvement of the FSB in the subsistence budget process; and
- A review of minority and diversity hire issues.

2011

A protocol for the Federal Subsistence Management Program to consult with tribes and ANCSA corporations is in development.

6. Alaska Native Government and Organizations

6.1 Tribe

A community constitutes a sovereign tribe if it can show that it is either recognized as a tribe by the federal government or that it satisfies the traditional common law definition of a tribe. The common law definition requires a body of Indians to be of same or similar race, united in a community under one leadership or government, and inhabiting a particular, although at times, ill-defined territory. Additionally, sovereignty flows from the self-governance of tribes before contact with the Europeans. Therefore, contemporary tribes may have to show that they are the modern-day successors to a historically sovereign entity. Established Indian tribes retain sovereign authority over both members and territory. Tribes in Alaska retain sovereign authority over their members, since the land issue was mitigated with passage of the Alaska Native Claims Settlement Act.

6.2 Federally Recognized Tribe

A legal term meaning the United States government recognizes a government-to-government relationship with a tribe and that a tribe exists politically in a “domestic dependent nation status.” A federally recognized tribe is one that was in existence, or evolved as a successor to a tribe, at the time of original contact with non-Indians.

6.3 Tribal Governments

The federal government recognizes two types of tribal government in Alaska – traditional councils and councils organized under the authority of the Indian Reorganization Act of 1934 (amended for Alaska in 1936). Traditional governments are those organized according to the customs and traditions of the Indian community, but without a federal or state government approved constitution. Traditional governments still exist in many areas of Alaska. Size and population of the tribe do not matter. It is the choice of the people how they choose to be recognized. For example, the Navajo Nation (population approximately 170,000) did not choose to be organized under the authority of the Indian Reorganization Act (IRA), but as a traditional government. The 1934 IRA originally permitted a tribe or several tribes residing on the same reservation to organize by adopting a constitution and bylaws. Because there were few reservations in Alaska, the IRA was amended in 1936 to permit Alaska Natives to organize on the basis of commonality (common bond of occupation, association, or residence). Alaska may be the only state in which there are regional tribes recognized by the federal government. Regional tribes are multiple tribes not restricted to a single village location: Central Council of the Tlingit and Haida Indian Tribes of Alaska (southeast) the Inupiat Community of the Arctic Slope, and the communities of St. Paul and St. George known as the Pribilof Islands Aleut Communities.

6.4 ANCSA Corporations

Under the terms of ANCSA, 13 regional corporations were created. One of these corporations, the 13th, was created to include Alaska Natives not living in Alaska at the time of the passage of ANCSA in 1971. Alaska Natives who were approved for enrollment in the corporations became shareholders, receiving 100 shares of stock in these for-profit corporations. Lands conveyed to

Alaska Natives as part of the settlement were conveyed to these regional and village state-chartered business corporations for them to administer. The corporations were intended to be profit corporations for the purposes of development and payment of dividends to their shareholders. Regional corporations own the subsurface rights to the lands selected for the village corporations under ANCSA, along with any surface and subsurface rights to the lands selected for the regional corporations. As always, there are exceptions and it is difficult to make a blanket statement about land status.

6.5 Village Corporations

Approximately 200 for-profit village corporations were created under the authority of ANCSA. Amendments in 1976 authorized the village corporations within a region to merge with each other, or with their regional corporations, and some took advantage of this provision to consolidate operations. Village corporations own the surface title to their lands, but the subsurface rights are held by the regional corporation.

6.6 Regional Non-Profit Associations

There are regional non-profit organizations in each of the 12 regions, corresponding to the boundaries established under ANCSA. Many of these non-profit corporations were the advocacy organizations that pursued the settlement of the Alaska Native land rights and later served as the ANCSA-designated incorporators of the newly-organized regional profit corporations. As the self-determination policies were implemented in Alaska, regional Alaska Native non-profit organizations became service delivery agencies for federal programs in Alaska. The governing bodies of these organizations are made up of tribal representatives from each tribe in the region who usually meet yearly in convention. Official functions are overseen by an Executive Board/Council/Committee.

6.7 State-Chartered Government

Borough

Boroughs are units of government formed for the purpose of providing services to people residing in a large geographic area or region. They resemble counties in other states. Currently, there are 16 boroughs in Alaska. The remaining area is considered a single unorganized borough.

First and second class boroughs must perform three area-wide powers: education, planning/platting/zoning, and tax assessment/collection.

Municipal Government

There are two types of general law cities provided for by the Alaska Constitution: first class and second class. General law cities can do only what the law says they can do. A city has only those powers given to it by the state. These include general governmental powers (financial, administrative, and legal), powers to provide public facilities and services, and regulatory powers. These powers can allow a city to provide a wide range of community services and facilities. In practice, populations and fiscal constraints serve to limit the number of services provided by many cities.

There are provisions for first class and second class cities. A community must have a minimum population of 400 in order to incorporate as a first class city. The mayor of a first class city is elected by the voters and is not a member of the council. The mayor of a first class city may vote only in cases of a tie or a veto action of the council. If a first class city is located in the unorganized borough, it must also provide education, planning, and zoning services for its residents.

Second class cities are the most common form of municipal government found in Alaska. Communities with less than 400 residents can petition the state to incorporate as a second class city in order to provide services and facilities to their residents. Larger communities such as Bethel and Kotzebue have chosen to incorporate as second-class cities.

6.8 Statewide Organizations

Alaska Federation of Natives

In October 1966, representatives of 17 Alaska Native organizations gathered for a three-day conference primarily to address Alaska Native aboriginal land claims. During this historic conference, Alaska Natives formed the first statewide organization to present a unified position on Native land use and occupancy in Alaska. The delegates, who also addressed many other issues important to them on a local, regional, and statewide bases, chose to name the new organization the Alaska Federation of Natives (AFN). Between 1966 and 1971, the AFN worked to attain passage of ANCSA. As Alaska Natives began the process of implementing ANCSA, the AFN offered technical assistance and managed a number of statewide human service programs. As the regional associations grew, the human service programs were transferred to these associations. Today a primary function of AFN continues to be the representation of Alaska Native concerns before the U.S. Congress, the Alaska State Legislature, and federal and state agencies. The AFN is an advocate for Alaska Natives on issues ranging from the implementation of ANCSA to subsistence protection; from tribal rights to the delivery of health and social services; from education to preserving cultural practices.

Alaska Inter-Tribal Council

The Alaska Inter-Tribal Council (AITC) is a statewide, tribally-governed, nonprofit organization that advocates on behalf of tribal governments throughout the state. The AITC promotes indigenous self-determination by providing technical assistance to tribal governments, facilitating inter-governmental and inter-agency communication and collaboration, offering public education regarding Alaska Native cultures and tribal governments, and advocating on behalf of tribal initiatives and self-governance.

Rural Alaska Community Action Program

The Rural Alaska Community Action Program (RurAL CAP) provides services in rural Alaska to communities which are predominantly Alaska Native. One of about a thousand national “community action” agencies, it is a private, non-profit corporation whose goal is to promote maximum participation by village residents in overcoming all forms of poverty. The RurAL CAP operates such program as Alcohol Prevention, Housing, Energy Conservation, Child Development, Head Start, Homeward Bound, and AmeriCorps programs.

Alaska Native Health Board

The Alaska Native Health Board (ANHB), established in 1968, is recognized as the statewide voice on Alaska Native health issues. The purpose of ANHB is to promote the physical, mental, social, and cultural well-being of Alaska Native people. The Board is a 22-member entity, consisting of one elected or selected representative to the Board of Directors or health committees of the each of the regional health organizations. Quarterly meetings serve as a forum for discussion of health issues affecting Alaska Natives. Issues are identified and strategies developed, providing a unified voice on health matters affecting Alaska Natives, statewide.

First Alaskans Institute

First Alaskans Institute is a statewide, non-profit foundation. Its mission is to help develop the capacities of Alaska Native people and communities to meet educational, economic and social challenges, while fostering positive relationships among all segments of our society. First Alaskans is a catalyst, convener and supporter of work done throughout the Native community.

6.9 Regional for-profit and corresponding non-profit organizations

Regional ANCSA for-profit corporations	Regional Non-profit organizations
Sealaska Corporation	Central Council of the Tlingit and Haida Indian Tribes of Alaska
Chugach Alaska Corporation	Chugachmiut, Incorporated
Ahtna, Incorporated	Copper River Native Association
Cook Inlet Region, Inc.	Cook Inlet Tribal Council
Koniag, Incorporated	Kodiak Area Native Association
The Aleut Corporation	Aleutian Pribilof Islands Association
Bristol Bay Native Corporation	Bristol Bay Native Association
Calista Corporation	Association of Village Council Presidents
Bering Straits Native Corporation	Kawarek, Incorporated
NANA Regional Corporation, Inc.	Maniilaq Association
Doyon, Limited	Tanana Chiefs Conference, Fairbanks Native Association, CATG
Arctic Slope Regional Corporation	Inupiat Community of the Arctic Slope, Arctic Slope Native Association

7. Status of Alaska Natives

Tribal Members

Alaska Natives may be members of one of the federally recognized tribes in Alaska. To be a tribal member, an individual must be recognized by the tribe and included on the tribal membership list. It is up to the tribe to determine its membership.

United States Citizens

Alaska Natives are citizens of the United States and Alaska under the Citizenship Act of 1924.

ANCSA Shareholders

The ANCSA is historically the largest and one of the most complex aboriginal land settlements ever enacted by the U.S. Congress. The ANCSA provided that all U.S. citizens with one-fourth or more Alaska Indian, Eskimo, or Aleut blood living as the date of passage of the Act and enrolled to one of the 13 regions established under the Act, were qualified to become shareholders in one of 13 regional Alaska Native corporations and over 200 village corporations. This settlement directed the payment of \$962.5 million as compensation for lands previously lost and for those to which Aboriginal title was being extinguished by the Act, and confirmed fee simple title to 44 million acres to the corporations. Both the compensation and the land are administered by the corporations established by ANCSA. Collectively, Alaska Native shareholders are the largest private landowner in Alaska.

8. Tribal Sovereignty

Many of us have not had an opportunity to learn the facts about the unique political relationship between the United States and the American Indians/Alaska Native tribes. Sovereignty is the foundation upon which this relationship is built. The purpose of this section is to provide the reader with a basic understanding about the sovereign status of American Indian/Alaska Native tribes.

What is Sovereignty?

Sovereignty is an internationally recognized concept. A basic tenet of sovereignty is the power of a people to govern themselves.

Tribal Sovereignty

American Indian/Alaska Native tribal powers originate with the history of tribes managing their own affairs. Case law has established that tribes reserve the rights they had never given away.

Treaties

Treaties formalize a nation-to-nation relationship between the federal government and the tribes. Formal treaty-making ended in 1871.

Trust Responsibility

In treaties, tribes relinquished certain rights in exchange for promises from the federal government. Trust responsibility is the government's obligation to honor the trust inherent to these promises and to represent the best interests of the tribes and their members. It is important to understand the difference between the ethnological term "American Indian" and the political/legal term "American Indian." The protections and services provided by the United States for tribal members flow not from an individual's status as an American Indian in an ethnological sense, but because the person is a member of a tribe recognized by the United States, and with which the United States has a special trust relationship. This special trust relationship entails certain legally enforceable obligations and responsibilities.

United States Constitution

The U.S. Constitution recognizes tribes as distinct government. It authorizes the U.S. Congress to regulate commerce with "foreign nations, among the several states, and with the Indian tribes."

Court Precedence

Three 19th century U.S. Supreme Court opinions serve as a cornerstone to understanding the sovereign status of tribes. These cases are the most widely cited with respect to tribal sovereignty:

Johnson v. McIntosh concerned the validity of a tribal land grant made to private individuals; provided that tribes' right to sovereignty are impaired by colonialization but not disregarded.

Cherokee Nation v. Georgia involved an action brought against the state of Georgia by the Cherokee Nation which sought relief from state jurisdiction on tribal lands; described tribes as

“domestic, dependent nations,” and maintained that the federal-tribal relationship resembles “that of a ward to his guardian.”

Worcester v. Georgia concerned the application of Georgia state law within the Cherokee Nation; held that tribes do not lose their sovereign powers by becoming subject to the power of the United States; maintained that only Congress has plenary power over Indian tribes; and established that state laws do not apply in Indian Country.

Modifications in the Nation-to-Nation Relationship

Public Law 280 (1953)

Provides for states to assume general criminal and some civil jurisdiction over Indian reservations within their boundaries. Tribes retain limited criminal and general civil jurisdiction but because of a lack of resources have generally not fully assumed these responsibilities.

Indian Child Welfare Act (1978)

Establishes procedures state agencies and courts must follow in handling Indian child custody matters. Creates dual jurisdiction between states and tribes and defers heavily to tribal governments.

Indian Gaming Regulatory Act (1988)

Should a tribe decide to engage in casino gaming, this act requires the state to negotiate in good faith with the tribe to form a compact setting forth the terms of operation.

9. Consultation with Tribes and ANCSA Corporations

The Federal Trust Responsibility to Tribes

The “Tribal Trust Responsibility to American Indians and Alaska Natives” provides the basis for a relationship between the federal and tribal governments and references the United States Constitution, Congressional Acts, case law, Presidential Memorandums, Secretarial Orders, as well as policies across the federal government.

Some of these references include:

- Articles of Confederation: Article IX. The United States in Congress assembled shall also have sole and exclusive right and power of regulating ... the trade and managing all affairs with the Indians ...
- U. S. Constitution: Article I. Section 8 – Congress shall have Power ...to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.
- U.S. Constitution: Article 6 ... This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made under the Authority of the United States, shall be the supreme Law of the Land ...
- U. S. Supreme Court Decisions: The Marshall Trilogy- Johnson v Macintosh (1823); Cherokee Nation v Georgia (1831); Worcester v Georgia (1832)
- Executive Memorandum: Government-to-Government Relations with Native American Tribal Governments (1994)
- Executive Orders: 12875 – Enhancing the Intergovernmental Partnership; (1993) 13175 – Consultation and Coordination with Indian Tribal Governments (2000)
- Secretarial Order 3225 – Endangered Species Act and Subsistence Uses in Alaska (Supplement to Secretarial Order 3206) (2001)
- The Native American Policy of the U.S. Fish and Wildlife Service (1994)
- DOI-Alaska Government-to-Government Policy (2001)
- Draft DOI Consultation Policy (Expected final by November, 2011)

Consultation Basics

Government-to-Government consultation is between the federal government and Federally Recognized Tribes. It encompasses a federal-tribal relationship - which involves verbal dialogue, various means of communication, teamwork, leadership on the part of both governments, and an agreed-upon process. This document answers 3 basic questions: 1) What is the definition of consultation; 2) What triggers consultation; and 3) How is meaningful consultation accomplished?

Definition

According to Webster’s dictionary, Consultation means to consult or confer. Consult means to ask for advice or to seek an opinion. It does not mean obtaining consent. As a working definition of Consultation for the purposes of USFWS guidance, consultation is defined as: A mutual, open, and direct two-way communication, conducted in good faith, to secure meaningful

participation in the decision-making process, as allowed by law. (USFWS Draft Tribal Consultation Guide 2/7/2010)

Activities That Initiate Consultation

The Department of Interior Policy on Consultation with Indian Tribes is currently being written and due for the Secretary of Interior's signature this August. In the meantime, we must draw from several sources to help guide us.

- Proposed federal actions that will have a substantial, direct effect on the resources or rights of the Tribe(s). When assessing what is subject to consultation, the Agency shall take into account the cultural and traditional activities of the Tribe that may be affected by the proposed action. (DOI Policy on Government to Government Relations with Alaska Native Tribes, 2001)
- Departmental regulations, rulemaking, policy, guidance, legislative proposal, grant funding, formula changes, or operational activity that may have a substantial direct effect on an Indian Tribe, including but not limited to:
 - Tribal cultural practices, lands, resources, or access to traditional areas of cultural or religious importance on Federally managed lands; or
 - The ability of the Indian Tribe to govern its members; or
 - The Indian Tribe's relationship with the Department; or
 - The distribution of responsibilities between the Department and Indian Tribes. (DOI Draft Tribal Consultation Policy, March 2011)

Basic Consultation Process

1. Offer the Tribe(s) the opportunity to consult, early (preferably before a document is drafted), in writing.
2. Provide ample information, if Tribe(s) is interested in consulting.
3. Have a meeting or series of meetings where the dialogue occurs.
4. Document in your own case file and track the consultation on the USFWS Region 7 Share Point site.
5. Cooperatively create decision memorandums OR simply notify the Tribe(s) of final decisions on a proposed action within a reasonable time.

10. Frequently Asked Questions

Tribes in Alaska

Q: What are the powers of a tribal government in Alaska?

A: Tribal governments have the power to: adopt and operate a form of government of the tribe's own choosing; define conditions of tribal membership; regulate domestic relations of members; prescribe rules of inheritance; levy taxes on members; regulate tribal property; and control the conduct of tribal members.

Q: How many federally recognized tribes are there in Alaska?

A: Of the 564 recognized by the federal government in the nation, 228 are in Alaska (as of 2010).

Q: Where can the listing of federally recognized tribes be located?

A: The Act of November 2, 1994 (P.L. 103-454; 108 Stat. 4791), confirmed the Secretary's authority and responsibility to establish a list of Indian tribes and mandated that the list be published annually. The list is published in the Federal Register (Sec 14) in response to that mandate.

Inclusion on the list does not resolve the scope of powers of any particular tribe over land or non-members. It only establishes that the listed tribes have the same privileges, immunities, responsibilities and obligations as other Indian tribes under the same or similar circumstances including the right, subject to general principles of Federal Indian law, to exercise the same inherent and delegated authorities available to other tribes.

The latest list was published in 2010, and is included as the last section of this deskguide.

Q: What is Indian Country?

A: This phrase has a long legislative history dating back to the early trade and intercourse acts and is now defined by a comprehensive federal statute as the land within: Indian reservations; dependent Indian communities; or Indian allotments. All three definitions have some application to Alaska, but the dependent Indian community concept is the one that has the most significance. Criteria developed for defining "dependent Indian community" includes: nature of the area; relationship of area inhabitants to Indian tribes and the federal government; established practice of government agencies providing services to inhabitants of the area; degree of federal ownership of and control over area; degree of cohesiveness of the area inhabitants; and the extent to which the area was "set aside" for the use, occupancy, and protection of dependent peoples.

Q: What is the significance of the Venetie Case?

A: Briefly, in 1943 the Secretary of Interior created a reservation for the Neets' aii Gwitch' in Indians on approximately 1.8 million acres surrounding Venetie. In 1971, ANCSA revoked the Venetie Reservation and all but one of the other reserves set aside for Native use by legislative or executive action; completely extinguishing aboriginal claims to Alaska land, authorized the transfer of money and land to state-chartered private business corporations. These corporations received fee simple title to the transferred land and no federal restrictions

applied to subsequent land transfers. In 1973, the two corporations established for the Neets'aii Gwitch'in elected to make use of the ANCSA provision allowing them to take title to former reservation lands in return for forgoing the statute's monetary payments and transfers of nonreservation land. The U.S. conveyed fee simple title to the land constituting the former Venetie Reservation to the corporations as tenants in common. The land was then transferred to the tribal government.

In the early 1980s the Native Village of Venetie imposed a tax against a state-funded building contractor. This resulted in years of litigation over the issue concerning Venetie's standing as a tribal organization occupying Indian country and whether it had the authority of a government to levy taxes. In 1994 a district court judge decided: ANCSA extinguished the Indian country status; ANCSA terminated the federal government's "superintendence" over Indian tribes in Alaska; Venetie does not qualify as a dependent Indian community because it does not occupy lands specifically "set aside" for the use of Indians as such.

Venetie appealed the judge's decision, disputing two points: the exclusive focus on the "set aside" and federal superintendence criteria, and the failure to apply the fundamental rule of construction that statutes passed for the benefit of Indians must be liberally construed with doubtful expressions resolved in favor on Indians, and that congressional intent to extinguish Indian country must be reflected by "clear and plain" language.

Subsequently, in 1998, the Ninth Circuit Court of Appeals decided that the tribe's land is not Indian Country. The tribe lacks the power to impose a tax on nonmembers.

Q: What is TERO?

A: The acronym "TERO" has been used to describe:

- Tribal Employment Rights Office
- Tribal Employment Rights Officer
- Tribal Employment Rights Ordinance
- Tribal Employment Rights Opportunity

Regardless of the title, the purpose of the "TERO" is to promote employment for tribal members. The federal government, through the BIA, recognizes 228 tribes within the boundaries of the State of Alaska. Regardless of their land base, each tribal government has the inherent sovereign power to pass laws to protect the interests, health, and general welfare of their members. Tribes exercise their authority in the form of employment ordinances, establishment of training programs, and cooperative agreements with various interested parties. The majority of tribal concerns relate to hiring preferences and most tribes have hiring preference spelled out in their constitution and/or bylaws. Typically, tribes or tribal consortia (groups of tribes agreeing to function together for a specific purpose) will establish a TERO by means of a tribal ordinance. The TERO usually acts as an employment office for the tribe and negotiates with outside interests to provide their members with employment opportunities. Sometimes, TEROs negotiate professional fees that are based upon services they can provide that save the prospective employers both time and money. TEROs can be utilized to assist in local recruitment (usually as part of a contract negotiation) and perform the services of a local human resources office. The TERO usually has the ability to identify and assemble local talent that is qualified to support an organization's mission or project.

Most tribes have identified a high rate of unemployment among their members as a reason for establishing a TERO program in their area. The Equal Employment Opportunity Commission (EEOC) has reaffirmed the same goals within the federal government and formed partnerships with TEROs to further emphasize support for the program. Generally, TEROs strive to accomplish the following:

- develop quality local workforce and provide employment/training opportunities;
- establish a business environment that is conducive to future economic opportunities; and
- strengthen and stabilize tribal governance.

Along with employment referral services, some TEROs negotiate with labor unions, contractors and subcontractors for construction projects and coordinates with the Small Business Administration to work with the disadvantaged minority business program (8a minority contractor assistance). Other functions of the TERO are to provide assistance on alleged discrimination issues in employment. Title VII of the 1964 Civil Rights Act – requires recipients of federal funds to operate all programs without discrimination and with affirmative inclusion of all persons.

TEROs ensure an Indian preference, rather than a particular tribal preference. More than 300 tribes (including some Alaska Native tribes/consortiums and Native corporations created by ANCSA) have established a TERO in their community. The following are some examples in Alaska (however, this is not an all-inclusive list):

- Tanana Chiefs Council has a TERO under their Employment and Training office.
- (Jerry Woods from TCC is an ANCET/TERO national board representative)
- Tlingit/Haida Central Council has a TERO.
- Association of Village Council Presidents (AVCP) has a TERO.
- Bristol Bay Native Association (BBNA) has a TERO.
(Ingrid Ramos from BBNA is an ANCET/TERO national board representative)

The following legislation concerns TEROs and what they do:

All the regional and village corporations created by the Alaska Native Claims Settlement Act (ANCSA) are considered 8a (minority disadvantaged) businesses. The Alaska Native Coalition on Employment and Training (ANCET) was created after the passage of ANCSA and is made up of representatives from regional and village corporations interested in addressing employment opportunities. A brief historical mention of three laws is appropriate:

- **1973 Comprehensive Employment and Training Act (CETA)** provided the first opportunity for Alaska Native organizations to receive direct federal funding to provide job training services to Native people throughout the state. The US Department of Labor utilized the regional nonprofit groups (and Metlakatla) as the primary service delivery system for the Native CETA program in Alaska.
- In 1981, CETA was replaced by the **Job Training and Partnership Act (JTPA)**. The regional nonprofits and Metlakatla continued to serve as the primary service delivery system for JTPA-funded Native services.

- In the mid-90s, the JTPA was replaced by the *Workforce Investment Act (WIA)* and the basic service delivery system remained the same.

Tribes and regional/village non-profit corporations are allowed more control and direct contracting of funds and services in Alaska through the passage of the Indian Self-Determination Act, as amended (ISDA or Public Law 93-638). The ISDA also created the legal foundation for TERO in Alaska, with regard to a preference for employment of local Alaska Native people. Preference is not race, but based on the political relationship between the federal government and tribe(s). The ANCET is made up of about 16 regional, non-profit Native organizations that operate employment and training programs. ANCET operates employment and training programs in both urban and rural areas. The Trans-Alaska Pipeline Service (TAPS) presented another opportunity for ANCET to locate, screen, transport, house, equip, and employ Alaska Natives on the pipeline. Synonymous with ANCET is the legislation, PL 102-477, which provided a collaborative framework for working with DOL, HHS, and DOE on developing procedures for progressive and proactive solutions focusing on education and employment issues. The PL 102-477 legislation has not applied to BLM in the past.

TERO History

In 1977 several federal agencies sponsored a conference on Indian employment in Oregon. As a result of this conference, 12 tribes formed TEROs. In 1978 these tribes formed the Tribal Employment Rights Planning Committee to help other tribes form TEROs. Since then, the organization has been restructured into the Council for Tribal Employment Rights (CTER). This council is an Indian-owned and operated non-profit corporation, governed by a 14-member board of directors representing seven TERO regions: Alaska, Pacific Northwest, Dakota Coalition, Rocky Mountain, Southwest, Southern Plains, and Eastern. The council provides training and implementation assistance and publishes reference manuals (Alaska Native Preference in Employment and Contracting). The Cook Inlet Native Association was the first Alaska Native organization to initiate an Alaska Native Employment Rights Office in the early 1980s. Currently about 150 Alaska tribes are covered by TERO ordinances. Ordinances usually provide for an Indian preference in employment, contracting, subcontracting, and the purchase of goods and services. It generally applies to all employers for all private employment and all federally-funded or federal aid contracts (usually on reservations). Most continental U.S. tribes are located on reservations and charge a TERO fee which pays for recruiting, screening, referrals, job counseling, compliance work, and cultural diversity workshops. Authorities are usually variations/combinations of the following:

- PL 93-638 Section 7(b)
- Buy Indian Act (25 USC 47) (applies to BIA and Indian Health Service (IHS) only)
- Title VII of the Civil Rights Act, Section 703(i)
- Executive Order 11246 (discrimination in federally funded contracts)

In the mid-1990s, the Alaska Native Medical Center was constructed in Anchorage. This was the largest single Indian-preference project in the history of the IHS. Since the facility was designed to serve Alaska Natives throughout the state, the preference provisions were applied on a statewide basis. Arrangements were secured with the major building and trade

unions to honor the Indian preference provisions statewide. The TERO was designated to monitor and implement these provisions.

The TERO Is There to Help

The Alaskan TERO's are able to reach out to the Alaska Native community and are a valuable recruitment source. They are also able to provide lists of qualified applicants to meet the immediate employment needs of contractors and businesses. They are there to provide services that assist potential employers in identifying and hiring well qualified talent within Alaska.

It is important to remember that TEROs are tribally initiated programs. Tribes have their own agendas/mission which are usually different than that of the federal government. Just as there are over 200 federally recognized tribal governments located within the state of Alaska, there are over 200 potential different and unique methods to implement this concept. Usually, tribes focus on protecting their members' employment rights on federally-funded contracts or subcontracts. TEROs assist with monitoring and enforcing local tribal ordinances to ensure employment or applicable training is provided for their members. Tribes utilize their TEROs to engage the applicable organizations that are affected by the Indian Preference legislation. The USFWS is not affected by Indian preference or Buy Indian Act provisions. Those legislations only apply to BIA or IHS contracts.

A good source of Alaska-specific TERO information can be found at www.ANCET.org. The ANCET directory lists the various groups currently employing active TEROs. This is a dynamic list and it should be verified for accuracy that the particular tribe, indeed, has an active TERO instead of blanketing all organizations listed. At the time of this writing, there are twelve participating members in the ANCET directory and five affiliated partner organizations. It should also be noted that TEROs may not necessarily want to be solicited by the federal agencies. It is their choice to seek out non-tribal partners in their contract negotiations.

11. Protocol and Etiquette

Protocol: a code prescribing strict adherence to a correct etiquette or precedence.

Etiquette: the forms prescribed by authority to be observed in social or official life.

11.1 General Preparation Guidance for Visiting or Working in Rural Alaska

Be prepared for distinct cultural differences. Depending upon where you go, expect to see or experience the following:

- Poverty and lack of sanitation in some areas, outhouses and honey buckets – about 130 villages do not have running water or sewer systems.
- Native foods – depending on the time of year, you may see meat or fish drying on racks. Some of the odors will be unusual. Do not react in a negative manner, verbally or in expression, to different foods.
- Walking, waiting, silence – hear a lot of silence
- Review literature on the community you will visit. Published material and website can provide valuable information. Check out the state’s community database on its website www.commerce.state.ak.us/dca/commdb/CF_COMDB.htm.
- Find out which governing body has the leadership role concerning your assigned task. Some of the villages have dissolved their municipal governments. In such cases, you will work with the local tribal government. Always contact the local tribal government to let them know your plans to do business in their area.
- Ask if you need to hire an interpreter. This will be an area-specific concern. To locate these services across the state, contact the respective regional corporation and/or the Alaska Native Heritage Center in Anchorage.
- Advance contact should be made with all parties. Send a letter stating who will be traveling to the area, the dates of the visit, and the specific purpose. Send maps and/or appropriate information in advance of your trip to allow time for meeting preparation. Be specific about the information or help you are requesting. Ask parties to identify any traditional leaders or practitioners that should be notified. Call at least two days before your trip to confirm your plans. If a meeting is not in your plans, ask if they need one.
- Plan your logistics, including travel, lodging and food. If commercial lodging is not available, you may be able to make arrangements to sleep in the school, community hall, or locally used federal facility. You should always bring a sleeping bag, any medications you need, and an emergency food and water supply (always be prepared in case you are stranded by inclement weather). Know where to get treated water. Bring your own toilet

needs. If you have extra supplies when your mission is complete, contact the local tribal office about leaving the extras with a charitable organization in the village.

- Check the land status and do not trespass. Much of the land is privately owned.
- Check the weather forecast and bring appropriate outer wear. You may need rubber boots, rain gear, and insect repellent.
- Dress casually; no ties, high heels, or umbrellas.
- Know which villages practice search and seizure procedures for drugs and alcohol. Do not attempt to bring inappropriate items to rural villages.
- Churches are very important in some villages. Leave your religious preferences behind.

11.2 Timing

- Be aware of perceptions of time. Remind yourself that “time” is a western concept. You may have a more difficult time finding individuals to work with at certain times of the year. Find out the seasons for fishing, berry picking, hunting, migratory bird hunting/egging, and the local seasons for harvesting land animals.
- Schedule business meetings in the afternoon and any community meetings in the evening. Prepare to stay as long as you are needed. Most people do not like to make snap decisions.
- Know that all activities and meetings could be postponed without notice because of subsistence activities or tragic events.

11.3 Protocol: Practical information to help you work with Alaska Native communities:

- Work with the tribes. Even if your business is with the ANCSA corporation, make contact with the tribal official. Tribes expect a significant level of consultation on all issues which relate to their members or indirectly affect their use of subsistence resources.
- Not all Alaska Native people have adjusted to the changes created by the ANCSA and ANILCA, and you will hear some opposition. Listen, but remain neutral.
- Recognize there are cultural differences which can have a negative impact on communication. Respect these differences. You have your own communication style unique to you. Realize that each Alaska Native community will have a slightly different communication style and method and respect those differences.
- Many Alaska Natives appear to be bashful and some may not make eye contact with you right away. In some areas, if you do not make eye contact, they may believe you are not

telling the truth and are not to be trusted. In other areas, if you make too much eye contact, you may be perceived as too aggressive or demanding. Learn about the area you plan to visit.

- Greet people. Get acquainted. Walk around. Go to the post office or local store. Get to know the people before you begin your business. Tell people who you are, where you're from, and why you are in their village. When you willingly talk about your family you establish yourself as a family person. Everyone has family. Be courteous to others, including the children. Be honest. Avoid jokes. Humor tends to be subjective. If you are invited to share a meal or a steambath, accept it as an honor. If you are invited for a boat ride (or other motorized transport), insist on paying for part of the gas.
- Do not take pictures, tape recordings, or copy Indian crests or other Alaska Native designs without obtaining permission. Many objects are viewed as sacred.
- Do not assume that a person who speaks broken English is not intelligent. Do not assume that silence means acceptance. Nodding of the head does not necessarily mean agreement. Sometimes it means an acknowledgement that you are speaking and nothing more.
- Do not make promises you cannot keep. If you cannot make a commitment, say so and give your reason. Follow up with appropriate information when you get back to your office.
- Go with an open mind and enjoy your opportunity to experience another culture.



12. U.S. Department of Interior Policies

Reference website with Departmental and USFWS Policies. See 512 DM2 and 512 DM3.

Departmental Manuals

303 DM 2, Principles for Managing Indian Trust Assets

Formerly Secretarial Order 3215, Part 303 Departmental Manual Chapter 2, issued under the authority of the American Indian Trust Fund Management Reform Act of 1994, provides Department-wide guidance for carrying out the Secretary's trust responsibility as it pertains to Indian trust assets. The manual states that it is the DOI policy to discharge, without limitation, the Secretary's Indian trust responsibility with a high degree of skill, care and loyalty and provides thirteen trust principles for persons managing Indian trust assets.

512 DM 2.1, Departmental Responsibilities for Indian Trust Resources

Establishes policies, responsibilities, and procedures for operating on a government-to-government basis with federally recognized Indian tribes for the identification, conservation, and protection of American Indian and Alaska Native trust resources to ensure the fulfillment of the Federal Indian Trust Responsibility. Agencies must identify impacts from federal plans, projects, programs or activities on Indian trust resources and must address such impacts in planning, decision or operational documents and consult with tribal government who assets are potentially affected.

512 DM 3, Sacred Sites

Establishes policy, responsibilities and procedures to accommodate access to and ceremonial use of Indian sacred sites and to protect the physical integrity of such sites consistent with EO 13007.

Executive Orders

Executive Order No. 13007: Indian Sacred Sites

In managing Federal lands, each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, and not clearly inconsistent with essential agency functions: 1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and 2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites.

Executive Order No. 13175: Consultation and Coordination with Indian Tribal Governments

This order supercedes the previous Executive Order No.13084 of the same title. E.O. 13175 provides fundamental principles for agencies to follow when formatting or implementing "policies that have tribal implications", referring to regulations, proposed legislation, other policy statements or actions that have substantial direct effects on tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

USFWS references can be found at: http://www.fws.gov/nativeamerican/L_T_History.html

Alaska Specific Government-to Government Policy:

http://alaska.fws.gov/external/pdf/DOI_ak_govt_to_govt_policy.pdf

Tribal Leaders' list and Federal Register Notice (from BIA):
http://alaska.fws.gov/external/pdf/bia_tribes_list_2010.pdf

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**15. Federal Register Notice:
Indian Entities Recognized
and Eligible to Receive Services
from the United States
Bureau of Indian Affairs
*August 2010***

16. Acronyms

AEWC	Alaska Eskimo Whaling Commission
AFN	Alaska Federation of Natives
AITC	Alaska Inter-Tribal Council
ANCSA	Alaska Native Claims Settlement Act
ANB/ANS	Alaska Native Brotherhood/Sisterhood
ANHB	Alaska Native Health Board
ANHC	Alaska Native Heritage Center
ANILCA	Alaska National Interest Lands Conservation Act
ANKN	Alaska Native Knowledge Network
ANSC	Alaska Native Science Commission
ANCET	Alaska Native Coalition for Employment and Training
ANTHC	Alaska Native Tribal Health Consortium
AVCP	Association of Village Council Presidents (Yukon-Kuskokwim villages)
BIA	Bureau of Indian Affairs
CATG	Council of Athabascan Tribal Governments (Yukon Flats tribal consortium)
CCTHITA	Central Council of the Tlingit Haida Indian Tribes of Alaska (Juneau area regional tribe)
DOI	Department of the Interior
DOD	Department of Defense
EVOS	Exxon Valdez Oil Spill
FLPMA	Federal Land Policy and Management Act
ICAS	Inupiat Community of the Arctic Slope (North Slope tribal consortium and regional tribe)
IGAP	Indian General Assistance Act (Environmental Protection Agency)
HIS	Indian Health Service
IRA	Indian Reorganization Act
ISDEA	Indian Self-Determination and Education Assistance Act (Public Law 83-638)
JPO	Joint Pipeline Office (consortium of federal/state agencies – administers pipeline)
NAGPRA	Native American Graves Protection and Repatriation Act
NALEMP	Native American Lands Environmental Mitigation Program
NANA	Northwest Arctic Native Association (ANCSA regional corporation)
NCAI	National Congress of the American Indian
NSB	North Slope Borough
NWAB	Northwest Arctic Borough
OSM	Office of Subsistence Management (DOI Fish and Wildlife division in Alaska)
OST	Office of the Special Trustee (DOI)
RAC	Resource Advisory Council (DOI)
RAB	Restoration Advisory Board (DoD)
RurALCap	Rural Alaska Community Action Program
SHPO	State Historic Preservation Officer
SRC	Subsistence Resource Council (DOI National Park Service)
TCC	Tanana Chiefs Conference
TERO	Tribal Employment Rights Ordinance (Office/Officer/Opportunity)
THPO	Tribal Historic Preservation Officer