



Tribal Relations:

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Overview

Who & Why We Consult/Engage with Tribes:

- Overview of AI/AN Historical Context
- Tribal Legislation/Sovereignty Overview

When We Consult/Engage:

- When to Engage with Tribes
- Nexus to CG Operations
- Subsistence/Food Security Issues

How to Engage/What to Do Tribes/Native Orgs:

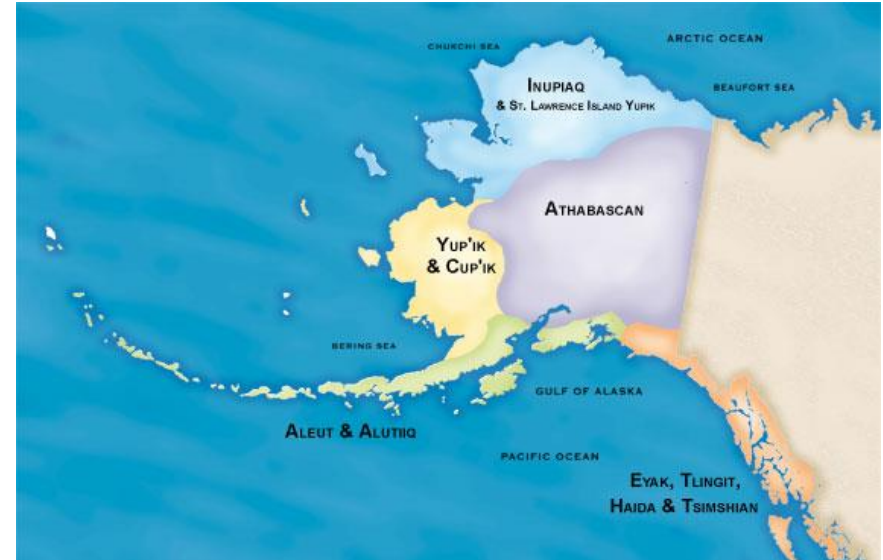
- Cross-Cultural Considerations
- Discussion



American Indians & Alaska Natives

574 Federally Recognized Tribes in U.S.

- Alaska: 229
- Continental US: 345
- Differences in Regions & Ethnic Origins/Subsistence



Pecking Order Requirements

Organization	Consult	Coordinate	Engage
Federally Recognized Tribe	Yes*	Yes*	Yes
ANCSA Corporations	Yes**	Yes**	Yes
Regional Associations	If Delegated***	If Delegated***	Yes
Other Non-profits	No	No	Yes
Other ANOs	No	No	Yes

* EO 13175

** PL 108-199 and 108-477

*** D17INST 5726.1(series)

Federal Indian Policy/Philosophy Eras

- Treaty 1778-1871
- Removal 1830-1850
- Reservation 1850-1871
- Allotments/Assimilation 1887-1934
- Termination 1953-1968
- Self-Determination 1968-Present
- Fed G2G Mandate (EO 13084) 1998-2001
- Fed G2G Mandate (EO 13175) 2001-Present

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

Tribes in Alaska: Background & Organization

- Relevant US/Alaska Historical Events:
 - 1867 Treaty of Cession
 - 1884 Organic Act
 - 1935: Jurisdictional Act (Tlingit/Haida claimed Southeast AK)
 - 1936 Alaska Included in IRA
 - U.S. Supreme Court Upheld Tlingit/Haida Land Claim
 - 1959: Alaska Statehood Land Selection
 - 1969: Oil Discovery in Alaska
 - Alaska Native Claims Settlement Act (ANCSA – 1971)

Engagement Complexity PT. HOPE example

<u>Organization</u>	<u>Type</u>	<u>Sovereign</u>	<u>US Rel.</u>	<u>ANCSA Land</u>
NV of Point Hope	IRA Tribe	Yes	Yes	No
ICAS	IRA Tribe and Reg. Assoc.	Yes	Yes	No
Tikigaq Corp.	ANCSA Village	No	Yes	Surface
Arctic Slope Corp.	ANCSA Regional	No	Yes	Subsurface
North Slope Borough	State Municipality	No	No	No
City of Pt Hope	State Municipality	No	No	No
AEWC	Fed Co-manage	Delegated	Limited	No
EWC	Fed Co-manage	Delegated	Limited	No
Traditional Govts	Historical	No	No	No
Other ANOs	Various	No	No	No

Native Governance & Consultation: Tribal Consultation is a Mandate – Executive Order 13175 (2000)

- 2000: Federal Recognition of Tribal Sovereignty & Govt-to-Govt Relationship
- Mandates Consultation on Matters that may Impact Tribal Rights, Resources, or Interests
- 2003: ANCSA Corps included for consultation under Public Law not EO (controversial issue)
- Potential Consequences of not engaging (operational & political)



Consultation and Engagement With Tribes and Alaska Native Organizations

- Formal Consultation:
 - Federally Recognized Tribes (not Native Orgs)
 - Letter of Invitation to Consult (or respond to request)
 - Establish Meeting Time/Location/Attendees
 - Meaningful Input Opportunities
 - Follow-up/Response/Documentation
 - Memorandums of Agreement (MOU)
- Engagement w/ Tribal-Related Stakeholders:
 - Federally Recognized Tribes (Engage & Consult)
 - Native Organizations
 - Native Advocacy Groups (Local and National)
 - ANCSA Corporations (Alaska)
 - Alaska Native Villages (Local Village Governments)

Tribal/State/Local Government & Other Stakeholder Input



Alaska Community Concerns – Food & Cultural Security:

- Vessel Traffic Issues
- Infrastructure Development
- More Spill Planning/Response
- Subsistence Hunter Safety
- Food Quality & Availability
- “Vessels are operating in our pantry”



Consultation and Tribal Impacts: Potential Triggers



- Air Ops
- Vessel Ops
- Law Enforcement Ops
- Sacred/Cultural Sites
- Contingency Planning
- Exercises/Spill Response
- Waterways Management
- Shipping Lanes, Etc.



Regulatory & Non-Regulatory Policy-Related Solutions “Before”

- Initiatives to Address Issues:
 - Polar Code
 - Port Access Route Study (PARS)
 - Arctic Waterway Safety Committee
 - Seasonal CG Arctic Operations

Tribal Engagement During Incident Response

- Generally Engagement rather than formal G-2-G Consultation during incidents – May not be time for formal process
- Engagement may include the entire Unified Command
- Federal Agencies will generally lead if there is a G-2-G issue

Engagement Process:

- Call or email the tribe regarding the incident
- Establish a Point of Contact
- Give your name/number/email to contacts
- Find out how/if/how often tribe wants to be kept in the info loop
- Keep tribe up to date on incident response activities
- Find out tribal input – sensitive areas, subsistence activities, etc.

Be Flexible & Responsive

Building Competency in Tribal Engagement

Foundational Engagement Competencies:

- Ask how mission/activity could affect subsistence and their perspective on ways to minimize impacts
- Give clear information you know, Don't try to get them to ask the "right" question
- Understand that tribal members may discuss issues in their own language.
- Be comfortable with long periods of silence.
- Re-state the tribal concern to confirm your understanding of it.
- Don't speak loud, fast, argue, or point.
- Don't put others down.
- PRACTICE and consider what issues or concerns might arise BEFORE the meeting happens.

General Village Information: Know Where You are Going!

- Populations: ~ 100 – 5000 populations
- Alaska has been occupied by Alaska Natives for thousands of years.
- Alaska communities are very different from each other – some based on salmon, others on whaling, others on walrus, others on reindeer herding, or fishing and hunting, etc.
- Check village characteristics on State of Alaska website:
<http://commerce.alaska.gov/cra/>
- Check local Tribal/Community websites.
- Use Google and/or other search engines!
- If doing community projects, pick small projects or do stages of a project so we can accomplish what we start!

The D17 Tribal Liaison is a resource for information

Questions & Discussion

USCG D17 Tribal Liaison

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