1. INTRODUCTION AND PURPOSE

This Alaska Native Relations policy, “Chapter 2”, is supplemental to the U.S. Fish and Wildlife Service (Service) Native American Policy, “Chapter 1”. The Native American Policy is the foundational policy that guides the relationship between the Service and all federally recognized Tribes, including those in Alaska. The Native American Policy provides a framework for government-to-government relationships, which furthers the United States’ trust responsibility to the federally recognized Tribes.

The Service recognizes that Alaska Native people and their Tribes are spiritually, physically, culturally, and historically connected to the land, wildlife and waters. The Alaska Native customary and traditional way of life has sustained their health, life, safety, and cultures since time immemorial. As people of the land, wildlife and waters, this way of life sustains a Native identity experienced through oral tradition of ceremonies, songs and dances, and an economy of sharing. Alaska Natives’ long standing and careful use of coupled with a deep respect for their ecosystem establishes Alaska Tribes as stewards of their environment with unparalleled traditional knowledge acquired over millennia.

Alaska Natives as indigenous peoples have distinct individual and collective human rights that have been affirmed by the United Nations and supported by the United States, recognizing their right to self-determination, lands, territories, resources, culture, language, identity, employment, health, education and other rights.

The Service’s engagement with and Federal trust responsibilities to Tribes, their Alaska Native Organizations (ANOs), and as appropriate Alaska Native Corporations (ANCs), is guided primarily by doctrines of reserved rights, statutes, case law, Executive Orders and Secretarial Orders. This policy was created to provide clarity and guidance for the Service’s application of these legal authorities in Alaska.

The Service, together with Tribal and ANC leaders recognized the need for special consideration of Alaska Natives in the Native American Policy for Alaska. The Service maintains a relationship with Alaska Tribes, their ANOs, and ANCs guided in part by the Congressional mandates found in numerous Acts and their corresponding statutes. These Acts include the Alaska Native Claims Settlement Act (ANCSA), Alaska National Interest Lands
Conservation Act (ANILCA), the Consolidated Appropriations Act of 2004, as amended, Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), and Migratory Bird Treaty Act (MBTA). ANILCA and ANSCA are Acts unique to the state of Alaska, substantiating the need for policy consideration specific to Alaska Native people, their Tribes, ANOs, and ANCs.

The Service as a Federal trustee supports the customary and traditional way of life by Alaska Natives. The Service welcomes the opportunities for collaboration, cooperation and collaborative management with Alaska Tribal governments, their ANOs, and as appropriate, ANCs, to enhance the conservation and management of healthy populations of fish, wildlife and their habitats. The Service also welcomes opportunities for co-management to the extent permitted by law.

The focus of this Alaska Native Relations Policy is specific to Alaska Native peoples, federally recognized Tribes, ANOs and ANCs. Language contained within this policy will provide guidance for relationships with Alaska Natives under specific mandates, and in no way diminishes the Service’s relationship to others who are afforded the same opportunity in these statutes.

For definitions of terminology in the Alaska Native Relations Policy, see Exhibit 1 of the Native American Policy and Exhibit 1 of this Policy. Words defined in the Native American or the Alaska Native Relations policies are in bold text the first time they appear in this document. For Policy authorities, see Exhibit 2, and for overall responsibilities, see Exhibit 3.

The two major unique considerations in Alaska are linked to the numerous statutes listed above. They are: 1.) Subsistence, which represents the customary and traditional way of life for Alaska Native peoples and other rural residents of Alaska; and, 2.) The legal relationship between Alaska Native Corporations and the Service. The following two sub sections further define the need for a specific Region 7 policy for both subsistence and ANCs.

Subsistence: ANILCA, ESA, MBTA, MMPA

Subsistence protections are afforded to rural residents of Alaska through Title VIII of ANILCA, to eligible residents in the MBTA, to coastal dwelling Alaska Natives in the MMPA and to Alaska Natives taking listed species under the ESA. While ANILCA
established priority subsistence use for rural Alaska residents, and MBTA established a subsistence spring/summer harvest season for eligible residents residing in the included areas, this Policy’s focus is on the Service’s relationship with Alaska Natives. Draft versions of ANCSA bills included protections for the subsistence needs and rights of Alaska Natives. Indigenous subsistence hunting and fishing rights were extinguished in the final legislation; however, legislative history documents present Congress’ intent that these indigenous rights would be included in a final land claims act, which is ANILCA. ANILCA was offered as a mechanism to fill the gaps left by ANCSA.

The definition provided in ANILCA Section 803 creates a strong link to "customary and traditional uses," which reflects Alaska Native cultural lifeways. The customary and traditional way of life is an inherent right essential to the identity and survival of Alaska Natives. The work of all agencies involved in the Federal Subsistence Management Program attempts to ensure that resource management and associated regulations reflect and facilitate these important practices on-the-ground.

The purpose of ANILCA Title VIII is to provide the opportunity for rural Alaska residents, including rural Alaska Native residents, engaged in a subsistence way of life to continue to do so. Congress acknowledged the importance of subsistence uses on federal public land in ANILCA, stating that “the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on public lands and by Alaska Natives on public lands and by Alaska Natives on Native land is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional and social existence”. See ANILCA, Section 801(1).

The Federal Subsistence Board has delegated authority from the Secretaries of the Interior and the Secretary of Agriculture to implement Title VIII of ANILCA through management of the take of fish and wildlife resources for subsistence uses on Federal public lands in Alaska. The Regional Director of the Service is a voting member of the Federal Subsistence Board, which is comprised of regional directors of the U.S. Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, and the U.S. Forest Service or their designees, as well as a Chair and two public members appointed by the Secretaries. In support of Federal Subsistence Board roles and responsibilities, the Regional Director encourages FWS employees to work closely with Alaska Native Tribes and their ANOs, and ANCs as appropriate, in the development of subsistence resource regulation proposals and management projects. As one of eight voting members on the Federal Subsistence Board, the Regional Director of the Service cannot make decisions autonomously with
regard to the Federal subsistence priority under Title VIII of ANILCA. In addition, the Regional Director maintains Service-specific management responsibilities that seek to balance conservation and subsistence on Federal public lands.

Congress enacted the MMPA in 1972. Section 101(b) of the MMPA recognizes the importance of Alaska Native peoples’ reliance on and connection to marine mammals by prohibiting take and use of marine mammals to all but Alaska Native people with certain qualifications and for certain purposes. Similarly, the ESA, enacted in 1973, allows Alaska Natives to take threatened or endangered species for subsistence purposes.

**Alaska Native Corporations: ANCSA and the Consolidated Appropriations Act of 2004, as amended**

ANCs are the largest group of private landowners in the state, with 45 million acres of land. ANCSA set the terms and areas in which ANCs could make their land selections. There are many parcels of ANC lands within Refuge boundaries, and as such, we share common borders throughout Alaska, setting the course for neighborly relations. There are approximately 9,127,000 acres of ANC lands within the boundaries of National Wildlife Refuges in Alaska. Given the size and nature of ANC lands, including those within and adjacent to refuges in Alaska, and critical inter-dependence of fish and wildlife populations across shared habitats, there is a Service responsibility to collaborate on issues of mutual interest where outcomes may alter benefits to Alaska Natives and their Tribes and ANOs.

The Service recognizes that there is a difference between the government-to-government relationship with federally recognized Tribes in Alaska and our relationship to ANCs. The Consolidated Appropriations Act of 2004, as amended requires federal agencies to consult with ANCs on the same basis as Indian tribes. We will consult with ANCs, but Service policy towards ANCs will not diminish the Service’s trust responsibility, government-to-government relationship or consultation commitments towards federally recognized Tribes, and will not diminish the benefits and opportunities under federal Indian programs of Alaska Native Tribes and their interests. Recognizing this distinction, the Service is committed to fulfilling its ANC consultation obligations by adhering to the framework described in the *Department of Interior Policy on Consultation with ANCSA Corporations (DOI Policy on ANCs)*.
2. SOVEREIGNTY AND GOVERNMENT-TO-GOVERNMENT RELATIONS

Refer to the Native American Policy (Chapter 1), Section 2. In addition, the following applies.

Federal Indian law and policy recognizes the inherent right of Alaska Native Tribes as sovereign tribal governments, and their ANOs, to self-determination through self-governance and the exercise of inherent sovereign powers over their members, communities, territories and their resources.

The Federally Recognized Indian Tribe List Act of 1994 requires the Secretary to continue the current policy of including Alaska Native Tribes. Alaska Tribes have a government-to-government relationship with the United States because of their status as federally recognized Indian Tribes. These Tribes retain responsibilities, powers, limitations and obligations, and are recognized and eligible for funding and services from the federal government by virtue of their status as Indian Tribes.

The Service recognizes that Tribal governments in Alaska may designate ANOs as official representatives of their interests, including, but not limited to: conservation, protection, restoration, and enhancement of fish, wildlife, environmental, and cultural resources, and in government-to-government relations. The Service will work with Tribal governments and ANOs to ensure ANO representation meets tribal standards for consent and is approved by each Tribe.

3. COMMUNICATIONS AND RELATIONSHIPS

Responsibilities in the Native American Policy (Chapter 1), Section 3 apply to Tribes and ANOs, and to ANCs as appropriate. In addition, the following applies.

The Service recognizes and understands the unique challenges of effective communication in Alaska, especially across vast distances, where insufficient media sources, intermittent mail and parcel deliveries, and limited electricity challenge timely communications. The Service acknowledges the value of in-person community visits as beneficial to both the Service and Alaska Native communities. Service representatives will strive to visit the villages and communities, as resources allow, to build rapport and maintain meaningful consultation, communications, and to continue to enhance government relationships. After such meetings or events, the Service commits to following up on action items and results with Tribes, ANOs and ANCs. The Service will use available resources to strengthen communications, such as addressing language barriers, implementing consultation, and documenting progress toward a trust relationship.
Relationships

The Service’s relationship with ANOs may be defined through memoranda of understanding, memoranda of agreement, or other formal statements of relationship. In addition, the Service will share information with ANOs informally as appropriate. The Service may develop agreements with ANOs to work together to exchange personnel, expertise, and information.

The Service will work with individual Alaska Native allotment owners on fish, wildlife and/or habitat conservation projects. Prior to the acquisition of an Alaska Native allotment, the Service will strive to understand and consider the interests of allotment owners, Tribes and ANCs. If the Service proposes to purchase an Alaska Native allotment, the Alaska Native allotment owner requests approval of the sale from the Bureau of Indian Affairs (BIA). Under federal regulations, the allottee requires BIA's approval for the sale due to the restricted status on the Alaska Native allotment. Allottees have the option to sell their allotment and to whom they sell it.

When the Service plans to take an action pursuant to specific requirement(s) that has the potential for substantial direct effect on an ANC, we will initiate consultation in compliance with the DOI Policy on Consultation with ANSCA Corporations.

The Service distinguishes between our federal relationship with ANCs and the government-to-government relationship we have with federally recognized Indian Tribes in Alaska, which are subject to a federal trust responsibility. Our implementation of the Policy will not diminish in any way the Service’s obligations to or its relationship with Alaska Tribes. The Service will fulfill its consultation requirements with ANCs, however it will also continue to uphold the United States unique trust relationship with tribes and related Indian Law principles. The Service’s Native American Policy and the DOI Policy on Consultation with ANSCA Corporations augments to the DOI Tribal Consultation Policy, and are all complementary policies.

Information Sharing and Tribal Knowledge

The Service will share information and data with Tribes, and ANOs, and as appropriate ANCs. Information sharing includes but is not limited to respecting and valuing traditional knowledge received from Alaska Native Tribes through elders, hunters and fisherman, research and scientific data collection. The Service commits to considering
traditional knowledge into the design of research projects and in communicating results to the Tribes public outreach.

The Service will prioritize communication with the Tribes, ANOs, and as appropriate with ANCs to identify appropriate and most effective opportunities for consultation prior to Service decision. Prior to initiation of major projects including scientific research, the Service will provide opportunities for an open exchange of information with Alaska Natives, Tribes and their ANOs, and if applicable with ANCs. When resources allow, the Service will make on-the-ground visits to Tribes, ANOs, and as appropriate ANCs, to share critical information. Information sharing will continue throughout the duration of major projects.

For applicable urgent Service management decisions (e.g., emergency special actions or in-season management actions related to public safety, fire and conservation concerns) when formal consultation is not possible, a feasible effort will be made to establish two-way communication before decisions are implemented. Follow-up discussions will address the reasons that immediate management actions were required and any follow-up actions required moving forward.

When Tribes and ANOs, or ANCs, raise concerns over issues which the Service does not have jurisdiction, to the extent practicable, the Service will suggest the state or Federal agency that can address the issue.

4. RESOURCE MANAGEMENT

The Native American Policy (Chapter 1), Section 4 applies to Tribes and ANOs, and ANCs as appropriate. In addition, the following applies.

**ANILCA**

Title VIII of ANILCA establishes a priority for subsistence uses of fish and wildlife on federal public lands in Alaska. ANILCA Section 803 defines subsistence uses as the “the customary and traditional uses by rural Alaskan residents of wild, renewable resources,” including Alaska Natives “for the direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for person or family consumption; for barter, or sharing for personal or family consumption; and for customary trade”. The Service is committed to carrying out the purposes that Congress established in Title III of ANILCA for Alaska National Wildlife Refuges: (i) to conserve
fish and wildlife populations and habitats in their natural diversity; (ii) to fulfill the international fish and wildlife treaty obligations of the United States; (iii) to provide the opportunity for continued subsistence uses by local residents, consistent with (i) and (ii); and (iv) to ensure water quality and necessary water quantity within the Refuges. Some Refuges have additional purposes for recreation, education, and research. The ANILCA Section 804 subsistence priority applies to all national wildlife refuges in Alaska.

Congress prefaced Title VIII of ANILCA with a declaration that “the continuation of the opportunity for subsistence uses by rural residents of Alaska … is essential to Native physical, economic, traditional, and cultural existence ….” 16 U.S.C. § 3111(1)

In ANILCA Section 801(5) Congress further declared its finding “…that the national interest in the proper regulation, protection and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence [customary and traditional uses, §803] way of life by residents of rural Alaska require that an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.” The meaningful role is implemented under the Alaska subsistence resource regions and corresponding Subsistence Regional Advisory Councils established under Section 805 of ANILCA, and the Federal Subsistence Board Government-to-Government Tribal Consultation Policy.

Under the Federal Subsistence Management Program, Congress expressed its commitment to implementing Title VIII of the ANILCA and involving subsistence users, including Alaska Natives in the management of fish and wildlife. The Federal Subsistence Board Tribal and ANC consultation policies and associated implementation guidelines adopted by the Board reflect the legislative history. The Alaska Native Relations Policy broadly covers resource management actions within the jurisdiction of the Service that have Tribal or ANC implications.

**ESA**

The ESA specifically allows Alaska Natives to take listed species if that taking is for subsistence purposes and is not accomplished in a wasteful manner (ESA Sec. 10(e)). If the Service is concerned that subsistence take allowed under the ESA may be materially and negatively affecting a listed species, we will work collaboratively with Tribes and ANOs to craft agreements that will conserve the species, fulfill the subsistence needs, and preclude the need for restrictions (S.O. 3225 *Endangered Species Act and Subsistence Uses in Alaska* (Supplement to S.O. 3206)).
MBTA

The Service is committed to working closely with the Alaska Migratory Bird Co-Management Council (AMBCC) to ensure an effective and meaningful role for Alaska Natives in the conservation of migratory birds. These management actions on subsistence migratory birds may include, but are not limited to: emergency closures, addressing high mortality events, endangered species actions, or policy decisions that affect the subsistence harvest of migratory birds.

The Protocol amendment to the Migratory Bird Protection Treaty with Canada, Article II, Section 4 (b) (ii), articulates that there will be a meaningful conservation role provided for “indigenous inhabitants of the State of Alaska”, where subsistence hunting of migratory birds is customary and traditional, by participating on relevant management bodies.

MMPA

Coastal dwelling Alaska Natives, who reside in Alaska, make take marine mammals for subsistence or for creating and selling Alaska Native handicrafts and clothing as long as that take is not done in a wasteful manner. The Service is committed to working with the Tribes, ANOs and ANCs to carry out the purposes of this provision.

In accordance with these authorities, and other relevant statutes and regulations, the Service commits to: engage in regular and meaningful consultation and collaboration with federally recognized Tribes, and their ANOs and as appropriate ANCs; collaborate with Tribes, and ANOs and ANCs as appropriate to identify research priorities and implement research; and respect and include traditional knowledge where appropriate in its research and management decisions.

Co-management and Collaborative Management

In the spirit of S.O. 3342, Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources, the Service supports and encourages collaborative efforts with Tribes, and ANOs, and as appropriate, ANCs through many creative methods to protect, conserve, use, enhance, or restore natural and cultural resources. The Service will respond to petitions from Alaska Native Tribes and their ANOs for Indian Self-
Determination and Education Assistance Act of 1975 (ISDEAA, as amended), Title I 638 contracts, and Title IV self-determination agreements. The Service will also be responsive to petitions from Tribes, ANOs, and ANCs as appropriate, for co-management agreements, ANILCA cooperative agreements, and collaborative management agreements.

The Service will continue working with its existing co-management partners, such as the AMBCC and Alaska Native marine mammal commissions, for the conservation of migratory birds and marine mammals to sustain healthy species populations for continued subsistence use.

The Service may enter into cooperative agreements with Alaska Native organizations to conserve polar bears (*Ursus maritimus*), sea otters (*Enhydra lutris*) and Pacific walrus (*Odobenus rosmarus*) and provide co-management of subsistence use by Alaska Natives, thereby meaningfully working together to implement Title I, Section 119 of the MMPA.

Through its role on the Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils the Service commits to continued collaboration in the management of wildlife and fish on Federal lands and waters with Alaska Native subsistence users, Tribes, and their ANOs and ANCs as appropriate.

The Service will implement measures (e.g. employee training on Alaska Native relations) to understand how cultural differences between Service managers and Alaska Native cultures impact meaningful participation in collaborative management.

The Service recognizes the importance of working with neighboring landowners within and adjacent to National Wildlife Refuges to conserve and protect wildlife and their habitats. The Service will actively consider entering into cooperative management agreements under ANILCA Section 304 (f) and 809 with Tribes, and their ANOs, ANCs as appropriate and Alaska Native allotment owners within, adjacent to, or near National Wildlife Refuges in order to manage such lands in a manner compatible with purposes of the Refuge and supportive of continued rural Alaska Native subsistence uses.

**Easements and Allotments**

**ANCSA Section 17(b)** authorizes the Secretary of the Interior to reserve public easements on lands conveyed to ANCs to guarantee access to publicly owned lands and waters. ANCSA 17(b) easements are rights reserved to the U.S. to allow the public to cross private property to reach public lands and major waterways. Typical 17(b)
easements across ANC lands include 60- and 100-foot wide roads, 25- and 50-foot trails, and one-acre sites and airstrip sites for short-term uses. These rights are reserved when the BLM conveys land to an ANC under ANCSA.

The Service is available to consult with Tribes, ANOs and ANCs on ANCSA 17(b) easement concerning jurisdiction inside Refuge boundaries, and/or abutting Refuge boundaries on a case-by-case basis where mutual interest exists. As new easements are created, or existing easements are modified, the Service will collaborate with landowners to ensure easements are appropriately sized for public access while minimizing impact on Native lifestyles and subsistence use.

The Service cooperates with Alaska Native allotment owners within or adjacent to National Wildlife Refuges on conservation projects for fish, wildlife or habitat where there is a mutual agreed upon interest. There are approximately 1,900 Native Allotments within Refuge lands that were acquired under either the 1906 Native Allotment Act or the Alaska Native Veterans Allotment Act of 1998 as amended by the Alaska Native Veterans Allotment Equity Act of 2000. The Service will consult with Tribes, their ANOs and ANCs as appropriate concerning refuge-specific interests towards purchase or acquisition of allotments to seek opportunities of mutual interest within fiscal realities. The Service, along with the Alaska Native allottee makes the final decision as to whether or not an allotment is purchased.

**Alaska Native Corporations, ANCSA and ANILCA**

The Service will facilitate, consistent with applicable federal law and regulation, the meaningful consultation with ANCs in the development and implementation of policies that could potentially implicate or have substantial direct impact on their interests. As stated in ANCSA, ANCs are mandated to protect and advance the economic, social, and cultural interests of Alaska Native shareholders.

ANILCA’s legislative history references that where-ever possible, conservation unit boundaries were drawn to include whole ecosystems as an opportunity to manage these areas on a planned ecosystem-wide basis with all of their pristine ecological processes intact. ANCs own 9,127,000 acres of for-profit, private lands within the boundaries of Alaska’s National Wildlife Refuges. ANILCA’s legislative history makes it clear that inclusion of these ANC and allotted lands within the boundaries of conservation units is not intended to affect any rights which the ANCs may have under ANCSA. Accordingly, ANILCA guarantees adequate and feasible access to privately-owned lands within or effectively surrounded by a conservation unit, as described in ANILCA Section 1110(b),
codified as 16 U.S.C. § 3170(b) “Right of access to State or private owner or occupier” and 43 C.F.R. § 36.10 “Access to Inholdings”.

ANCSA’s legislative history also makes clear that Congress contemplated that land granted under ANCSA would be put primarily to three uses—village expansion, subsistence, and capital for economic development (H.R. Rep. 92-523 at 5, 1971 U.S.C.C.A.N. at 2195). This distinction, in the land ownership and purpose for use, is recognized and understood by the Service as it may potentially impact land management policies and relationships.

Recognizing and respecting the ANCs’ ownership and access rights to ANCSA lands is consistent with the Service’s mission and with ANCs charter to pursue the economic development of their lands and resources for the economic, social and cultural benefit of ANC shareholders.

5. CULTURE/RELIGION

The Native American Policy (Chapter 1), Section 5 applies to Tribes and ANOs, and ANCs, as appropriate. In addition, the following applies.

The Service supports protection of Alaska Natives’ traditional and spiritual way of life. This includes obligations derived from treaties, Executive Orders, Presidential Memoranda, statutes, regulations and court precedent. The Service also upholds its obligations to Tribes and their ANOs and ANCs as appropriate for sacred site protection where there is religious or historical significance as well as places of archeological interest.

The Service acknowledges and embraces Congress’ passage of ANILCA for the continuance of customary and traditional uses by rural Alaska residents, including Alaska Natives. ANILCA provides meaningful opportunities to practice the subsistence way of life on Federal public lands while protecting the viability of fish and wildlife populations to ensure the continuation of subsistence priority uses.

The Service also supports the development of regulations for the subsistence harvest of fish and wildlife that reflect the cultural and spiritual traditions of Alaska Native people. This support is demonstrated through the Service’s commitment to work closely with its AMBCC partners in revising proposals, when necessary, for review by the Service Regulations Committee.
6. LAW ENFORCEMENT

The Native American Policy (Chapter 1), Section 6 applies to ANOs. In addition, the following applies.

The Service will collaborate with Tribes, ANOs, and AMBCC, to the extent practicable, to assist in reviewing proposals and providing law enforcement technical assistance when developing regulatory language, and to develop and implement cross jurisdictional agreements.

7. TRIBAL CAPACITY BUILDING, ASSISTANCE, AND FUNDING

The Native American Policy (Chapter 1), Section 7 applies to Tribes and ANOs, as appropriate. In addition, the following applies.

Under Section 119 of the MMPA, the Service may enter into cooperative agreements with Tribes and ANOs addressing marine mammal population data, subsistence harvest monitoring, research, and development of co-management structures.

The Service may enter into partner/cooperative agreements under Section 50 CFR 92.1(b) including funding to regional migratory bird management bodies. The Service also commits to providing administrative and technical support under Section 50 CFR 92.10 (e), to the AMBCC, including the management of migratory bird subsistence harvest monitoring programs.

The Service will implement the above commitments in collaboration with Tribes and their ANOs and as appropriate, ANC.

Indian Self-Determination and Education Assistance Act

To the extent practicable the Service will negotiate Indian Self-Determination and Education Assistance Act (ISDEAA) Title I contracts and Title IV compacts with Tribes and ANOs, and ANCs when petitioned to do so, and will consider discretionary requests for annual and multi-year funding agreements where opportunities exist where programs, functions, services and activities can be accomplished to meet the mutual needs of Tribes or ANOs and the Service. We will work with Tribes and ANOs to determine that capacity is sufficient to carry out the programs, functions, services and activities requested.

8. IMPLEMENTATION AND MONITORING
The Native American Policy (Chapter 1), Section 8 applies to Tribes and their ANOs, and as appropriate ANCs. In addition, the following applies.

The Service, in collaboration with Tribes and their ANOs, and as appropriate ANCs, will develop an implementation plan to guide the application of this Policy. As referenced in the Native American Policy, we will form a regional team comprised of Service and Tribal, ANO, and ANC representatives to carry out this plan.

The Service supports working with Tribes, ANOs, ANCs and other Native owned companies to achieve shared conservation objectives, within applicable laws and regulations, through the use of contracts and agreements.

**Employee Training and Education**

Region 7 of the Service has implemented a training program on Alaska Native relations to cultivate respect and understanding for the diverse indigenous cultures in Alaska, their history, the laws that impact them, traditional knowledge, cross cultural communication, and our relationship with Tribes and their ANOs, and ANCs as appropriate. The Alaska Native Relations training will be mandatory for all Region 7 employees. The training program will include the sharing of information from Alaska Natives with traditional knowledge and knowledge of the unique Alaska Native organizational structures and interests.

**Workforce Diversification**

Through collaboration with Tribes, and their ANOs and as appropriate ANCs, the Service will encourage qualified Alaska Native applicants to apply for field and management positions.

Subject to ANILCA’s Section 1308 Local Hire Program, the Service collaborates with Tribes, ANOs and ANCs to assist in recruiting Alaska Natives for all Service positions, especially where Service-managed public lands are within traditional tribal territories or adjoining tribal, ANC or allotment land. Through the enactment of ANILCA legislation Congress recognized that local residents often have special knowledge or expertise that can benefit the agency in its management responsibilities for the lands and resources within a conservation unit. ANILCA Section 1308 authority allows the Service to hire local residents with special knowledge non-competitively.
Under 50 CFR § 18.23(f), the Service will work with and through Tribes to hire local residents of coastal communities as our representatives to tag sea otter and polar bear hides and skulls and Pacific walrus tusks as required. The same personnel or contractors may also assist in harvest monitoring programs.

9. SCOPE AND LIMITATIONS

The Native American Policy (Chapter 1), Section 9 applies to Tribes, ANOs, and ANC with adjustments as appropriate given the unique status, structure, and interests of ANCs.
Exhibit 1

DEFINITIONS

In addition to definitions in the Native American Policy, the following definitions help to clarify this policy:

**Action with Tribal Implications**—Any regulation, rulemaking, policy, guidance, legislative proposal, grant funding formula changes, or operational activity that may have a substantial effect on a Tribe on matters including, but not limited to: 1) Tribal cultural practices, lands, resources, or access to traditional areas of cultural or religious importance on federally managed lands; 2) The ability of a Tribe to govern or provide services to its members; 3) A Tribe’s formal relationship with the Service; and 4) The consideration of the Service’s trust responsibility to Indian Tribes.

**Action with ANC Implications**—Any Service regulation, rulemaking, policy, guidance, legislative proposal, grant funding formula changes, or operational activity that may have a substantial direct effect on an ANC, including: 1) Any activity that may substantially affect ANC land, water areas, or resources; and 2) Any activity that may impact the ability of an ANC to participate in Service programs for which it qualifies.

**Alaska Migratory Bird Co-Management Council**—a state-wide body established in 2000 to develop, implement, and promote a co-management program between Alaska Native, Federal, and the State governments for the subsistence use and conservation of migratory birds in Alaska. The Council was formed to ensure the recognition of subsistence hunting and the conservation of migratory birds, promote the co-management of migratory birds, and develop regulatory recommendations for spring and summer subsistence seasons.

**Alaska Native Allotment**—a parcel or parcels of land, totaling up to 160 acres, conveyed by restricted deed to an Alaska Native under the terms and conditions of the Alaska Native Allotment Act of 1906 and 1956 amendment; and the Alaska Native Veteran Allotment Act of 1998. 43 U.S.C. §§ 357, 357a, 357b. Native allotments are restricted lands that cannot be sold, leased or otherwise encumbered without the approval of the Bureau of Indian Affairs.

**Alaska Native Claims Settlement Act of 1971 (ANCSA)**—act through which indigenous peoples released title to their aboriginal use and occupancy land claims and aboriginal hunting and fishing rights that may have existed in exchange for 44 million acres of land held in fee simple title and a monetary settlement of $962 million. Public Law 92-203, approved December 18, 1971. (43 USC 1601 et seq.)
Alaska Native, for the purposes of the Marine Mammal Protection Act - indigenous peoples of Alaska, United States: Inupiat, Yupik, Aleut, Eyak, Tlingit, Haida, Tsimshian, and a number of Northern Athabaskan cultures. They are often defined by their language groups. Alaskan Natives are enrolled in federally recognized Alaska Native tribal entities, which in turn belong to 13 Alaska Native Regional Corporations that administer land and financial claims.

ANCSD Section 17(B) Easements- easements reserved on lands conveyed to Native corporations to provide public access across privately owned Native lands to reach federal public lands and waters. Reserved easements could be roads, trails or site easements. 43 U.S.C. § 1616(b)

Conservation System Unit- means any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument including existing units, units established, designated, or expanded by or under the provisions of ANILCA, additions to such units, and any such unit established, designated, or expanded hereafter.

Federally Recognized Tribe- an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations and obligations attached to that designation, and is eligible for funding and services from the DOI Bureau of Indian Affairs.

Federal Subsistence Board- the decision-making body that oversees the Federal Subsistence Management Program. It is made up of the regional directors of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, the U.S. Forest Service as well as three public members appointed by the Secretaries of the Interior and Agriculture: two represent rural subsistence users and one is the Federal Subsistence Board chairman. The Secretaries have delegated the authority to manage fish and wildlife for subsistence uses on Federal public lands and waters in Alaska to the Federal Subsistence Board. Federal Subsistence Regional Advisory Councils and State of Alaska representatives play active roles in Board deliberations. (Excerpt from the Federal Subsistence Regional Advisory Council Membership Application and Nomination Packet for 2016. U.S. Fish and Wildlife Service, Office of Subsistence Management.)

Indigenous inhabitants of Alaska- (for the purposes of the August 2, 1996 Protocol amendment to the 1916 Convention for the Protection of Migratory Birds)- Alaska Natives and permanent resident nonnatives with legitimate subsistence hunting needs living in designated subsistence hunting areas.

Regional Advisory Councils- Title VIII of ANILCA provides a foundational role for the ten Regional Advisory Councils in the development of regulations guiding the taking of fish and
wildlife on Federal public lands in Alaska. Council members, a majority of whom are rural subsistence users, are appointed by the Secretary.

Service Regulations Committee - consists of members of the Service Directorate. It considers recommendations from the state and federal Flyways Councils and the Migratory Bird Program and then forwards final recommendations for annual regulations to the Service Director.

Subsistence (for the purposes of MBTA) - the customary and traditional harvest or use of migratory birds and their eggs by eligible indigenous inhabitants for their own nutritional and other essential needs. 50 CFR 92.4

Subsistence (for the purposes of MMPA) - the use by Alaska Natives of marine mammals taken by Alaska Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence. 50 CFR 18.3

Subsistence uses (for the purposes of ANILCA) - the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, for barter, or sharing for personal or family consumption; and for customary trade, barter, or sharing for personal or family consumption. 16 U.S.C. § 3113

Tribe - a tribe, band, nation, community, rancheria, colony, pueblo, or other Federally-acknowledged group of Indians 25 C.F.R. § 150.2(e).
Exhibit 2

AUTHORITIES

Refer to the Native American Policy (Exhibit 2). In addition:


Federal Subsistence Board Government to Government Tribal Consultation Policy

Federal Subsistence Board Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations


Secretarial Order Number 3342 of October 21, 2016, Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources
OVERALL RESPONSIBILITIES

Table 2-1 below describes the responsibilities of Service officials for implementing this policy in addition to the responsibilities listed in the Native American Policy. All responsibilities in Table 1-1 apply to ANCs and ANOs, with adjustments as appropriate given their unique status, structure, and interests. Sections 2 to 9 provide details about how we achieve these responsibilities.

<table>
<thead>
<tr>
<th>These officials…</th>
<th>In addition to responsibilities for working with tribes in the Native American Policy, when working with ANCs and ANOs, are responsible for…</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. The Director</td>
<td>(1) Refer to Native American Policy, Table 1-1, A.; (2) Ensuring implementation of the Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations</td>
</tr>
<tr>
<td>B. National Native American Programs Coordinator</td>
<td>(1) Refer to Native American Policy Table 1-1, B.</td>
</tr>
<tr>
<td>C. Directorate members at Headquarters</td>
<td>(1) Refer to Native American Policy Table 1-1, C.; (2) Ensuring implementation of the Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations</td>
</tr>
<tr>
<td>D. Chief – Office of Law Enforcement (OLE), through Special Agents in Charge</td>
<td>(1) Refer to Native American Policy Table 1-1, D.</td>
</tr>
<tr>
<td>E. Regional Director (RD)</td>
<td>(1) Refer to Native American Policy Table 1-1, E.; (2) Ensure the Service consults with ANCs, following the Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations (3) Ensuring participation in ANO programs and projects that have an established role for the Service</td>
</tr>
<tr>
<td><strong>F. Regional Alaska Native Affairs Specialist</strong></td>
<td>(1) Refer to Native American Policy Table 1-1, F.</td>
</tr>
<tr>
<td><strong>G. Regional Directorate Team Members</strong></td>
<td>(1) Refer to Native American Policy Table 1-1, G.; (2) Ensuring implementation of the <em>Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations</em></td>
</tr>
<tr>
<td><strong>H. Project Leaders, Managers, and Supervisors</strong></td>
<td>(1) Refer to Native American Policy Table 1-1, H.; (2) Ensuring implementation of the <em>Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations</em></td>
</tr>
<tr>
<td><strong>I. Employees</strong></td>
<td>(1) Refer to Native American Policy Table 1-1, I.</td>
</tr>
</tbody>
</table>