

1 **Series:** Intergovernmental Activities
 2 **Part 510:** Working with Native American and Alaska Native Entities
 3 **Chapter 2:** The Service’s Alaska Native Relations Policy
 4 **New**
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TABLE OF CONTENTS

Sections	Subsections
1. INTRODUCTION AND PURPOSE	1.1 Background 1.2 Subsistence 1.3 Alaska Native Corporations 1.4 Other Land Ownership 1.5 Alaska Native Organizations
2. SOVEREIGNTY AND GOVERNMENT-TO-GOVERNMENT RELATIONS	2.1 Inherent Rights 2.2 Tribally Designated Representatives
3. COMMUNICATIONS AND RELATIONSHIPS	3.1 Unique Communications 3.2 Humanizing Terminology 3.3 Land Acknowledgements 3.5 Relationships 3.6 Information Sharing and Indigenous Traditional Ecological Knowledge
4. RESOURCE MANAGEMENT	4.1 Background 4.2 Collaboration and Co-Stewardship of Federal Lands and Trust Species 4.3 Indigenous Traditional Ecological Knowledge 4.4 Alaska National Interest Lands Conservation Act 4.5 Endangered Species Act 4.6 Migratory Bird Treaty Act 4.7 Marine Mammal Protection Act 4.8 Easements and Allotments 4.9 Alaska Native Corporations 4.10 Research Opportunities 4.11 Supporting Tribes, ANO, ANCs at Other Government Management Bodies
5. CULTURE/RELIGION	5.1 Traditional Way of Life 5.2 Supporting Regulations
6. LAW ENFORCEMENT	6.1 Voluntary Compliance, Respect, and Dignity 6.2 Law Enforcement Assistance
7. TRIBAL CAPACITY BUILDING, ASSISTANCE, AND FUNDING	7.1 The Marine Mammal Protection Act 7.2 The Migratory Bird Treaty Act
8. IMPLEMENTATION AND MONITORING	8.1 Implementation Plan 8.2 Employee Training and Education 8.3 Workforce Diversification
9. SCOPE AND LIMITATIONS	9.1 Scope

	9.2 Limitations
Exhibits	Exhibit 1: Definitions Exhibit 2: Overall Responsibilities Exhibit 3: Authorities

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1. INTRODUCTION AND PURPOSE

This Alaska Native Relations Policy (510 FW 2 or Chapter 2), supplements the U.S. Fish and Wildlife Service (Service) **Native American**¹ Policy (510 FW 1 or Chapter 1). Chapter 1 is the foundational policy that guides the relationship between the Service and all **federally recognized Tribes**, including those in Alaska. Chapter 1 provides a framework for government-to-government relationships, which furthers the United States’ trust responsibility to the federally recognized Tribes.

Chapter 1 bases its engagement with federally recognized Tribes in Alaska (Tribes), **Alaska Native Organizations (ANOs)**, and **Alaska Native Corporations (ANCs)**, upon doctrines of reserved rights, statutes, case law, Executive Orders, and Secretarial Orders. Chapter 2 provides additional clarity and guidance for the Service’s application of these legal authorities in Alaska where the Service and leaders from Tribes, ANOs, and ANCs recognized the need for special consideration.

The Service recognizes that Alaska Native peoples and their Tribes are spiritually, physically, culturally, and historically connected to the land, wildlife, and waters. Alaska Native peoples’ customary and traditional ways of life have 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 activities, oral tradition, ceremonies, songs and dances, and an economy of sharing. Alaska Native peoples’ respect for and careful use of the ecosystem confirms Alaska Native peoples as stewards of their environment with unparalleled **Indigenous traditional ecological knowledge** acquired over millennia.

The Service, as a Federal trustee, supports the customary and traditional way of life by Alaska Native peoples. The Service welcomes opportunities for collaboration, cooperation, **co-management**, and **collaborative management** with Tribes, ANOs, and ANCs where not prohibited by law.

Global-scale climate change is reshaping the ecosystem of Alaska and threatening the traditional way of life for Alaska Native peoples. The Service recognizes the impacts and commits to respectful and meaningful engagement to achieve beneficial and sustainable adaptation.

¹ For definitions of terminology used in Chapter 2 see exhibit 1 to both Chapter 1 and Chapter 2. We have bolded terms that Chapter 1 or Chapter 2 defines the first time they appear in this chapter. For a table of overall responsibilities, see Chapter 2, exhibit 2. For policy authorities, see Chapter 2, exhibit 3.

44 The Service maintains a relationship with Tribes, ANOs, and ANCs guided in part by the
45 congressional mandates found in numerous Acts and their corresponding statutes. These Acts
46 include the **Alaska Native Claims Settlement Act (ANCSA)**, **Alaska National Interest Lands**
47 **Conservation Act (ANILCA)**, the **Consolidated Appropriations Act of 2004**, as amended,
48 **Endangered Species Act (ESA)**, **Marine Mammal Protection Act (MMPA)**, **Migratory Bird**
49 **Treaty Act (MBTA)**, and others. ANILCA and ANCSA are Acts unique to Alaska, making it
50 necessary for the Service to consider policy specific to Alaska Native peoples, Tribes, ANOs,
51 and ANCs.

52
53 The focus of Chapter 2 is specific to Alaska Native peoples, Tribes, ANOs, and ANCs.
54 Language in Chapter 2 provides guidance for relationships with Alaska Native people under
55 specific mandates, and in no way diminishes the Service's relationship to others who are
56 afforded the same opportunity in these statutes.

57
58 *Four major areas of unique consideration for Alaska that are linked to the numerous statutes*
59 *listed above are: 1.) **Subsistence**, which represents the customary and traditional way of life for*
60 *Alaska Native peoples and other rural residents of Alaska; 2.) The legal relationship between*
61 *ANCs and the Service; 3.) Land ownership; and 4.) The special relationship with ANOs under*
62 *numerous statutes. The following sub sections further define these unique considerations for our*
63 *Alaska Native Relations policy.*

64
65 **Subsistence: ANILCA, ESA, MBTA, MMPA**

66
67 Subsistence uses by rural residents of Alaska are protected through Title VIII of ANILCA,
68 eligible residents in the MBTA; coastal dwelling Alaska Native people in the MMPA, and
69 Alaska Native people taking species listed under the ESA, provided that such taking does not
70 materially or negatively affect the threatened or endangered species. While ANILCA established
71 a priority for **subsistence uses** for rural Alaska residents, and the MBTA established a
72 subsistence spring/summer harvest season for eligible residents residing in the included areas,
73 this policy focuses on the Service's relationship with Alaska Native peoples. Congress enacted
74 the MMPA in 1972. Section 101(b) of the MMPA recognizes the importance of Alaska Native
75 peoples' reliance on and connection to marine mammals by prohibiting take and use of marine
76 mammals to all but Alaska Native people with certain qualifications and for certain purposes.

77
78 The purpose of ANILCA Title VIII is to provide the opportunity for rural Alaska residents,
79 including rural Alaska Native residents, to engage in a customary and traditional way of life that
80 is essential to the identity and survival of Alaska Native people. Congress acknowledged the
81 importance of subsistence uses on Federal public land in ANILCA.

82
83 The **Federal Subsistence Board** has delegated authority from the Secretaries of the Interior and
84 Agriculture to implement Title VIII of ANILCA through management of the harvest of fish and
85 wildlife resources for subsistence uses on Federal public lands in Alaska. The Service's Alaska
86 Regional Director is a voting member of the Federal Subsistence Board, which is comprised of
87 regional directors of the U.S. Fish and Wildlife Service, Bureau of Land Management, National
88 Park Service, Bureau of Indian Affairs (BIA), and the U.S. Forest Service, and three public

89 members appointed by the Secretaries: two represent rural subsistence users and one is the Chair.
90 In support of Federal Subsistence Board roles and responsibilities, the Service's Regional
91 Director encourages Service employees to work closely with Tribes, ANOs, and ANCs in the
92 development of subsistence resource regulation proposals and management projects. As one of
93 eight voting members on the Federal Subsistence Board, the Service's Regional Director cannot
94 make decisions autonomously with regard to the Federal subsistence priority under Title VIII of
95 ANILCA.

96

97 **Alaska Native Corporations**

98

99 ANCSA established 13 regional corporations and 195 village corporations. ANCs are the
100 largest group of private landowners in the state with 45 million acres of land, of which over 9
101 million acres are within the boundaries of National Wildlife Refuges in Alaska (Alaska
102 Refuges). The ANCs have the responsibility to manage the lands and resources for the benefit
103 of Alaska Native shareholders. ANCs were established to meet the social, economic, and
104 cultural needs of Alaska Native people. The ANC lands often share boundaries with Federal
105 landowners, and this requires cooperation and regular communication on land use and
106 management. Given the size and nature of ANC lands and the critical inter-dependence of fish
107 and wildlife populations across shared habitats, there is a Service responsibility to
108 communicate and work together on issues of mutual interest where outcomes may alter
109 benefits to Alaska Native peoples and their Tribes, ANOs, and ANCs.

110

111 ANCSA and ANILCA authorize land exchanges between ANCs and the Federal Government.
112 Such exchanges between ANCs and Alaska Refuges may be of mutual benefit to the Service
113 and ANCs in achieving conservation goals, while aligning with Alaska refuge purposes and
114 ANC interests.

115

116 The Service recognizes that there is a difference between the government-to-government
117 relationship with Tribes and its relationship to ANCs. The Consolidated Appropriations Act of
118 2004, as amended, requires Federal agencies to consult with ANCs on the same basis as
119 Tribes.

120

121 **Other Land Ownership**

122

123 In addition to the 9 million acres of ANC land within the boundaries of Alaska Refuges, there are
124 over 6500 **Alaska Native Allotments** that are located within these boundaries.

125

126 Tribes, with certain exceptions, have limited land ownership, although there may be
127 opportunities for trust land in the future. In equal measure to the lower 48 Tribes, Alaska Tribes
128 exercise their respective sovereignty and benefit from the protections of the Federal trustee and
129 applicable international conventions, such as the United Nations Declaration on the Rights of
130 Indigenous Peoples. They also benefit from the duties available to them established in Federal
131 Indian policy and substantive law.

132

133 **Alaska Native Organizations**

134
135 As of 2021, there are 229 federally recognized Tribes in Alaska². ANOs are tribally controlled
136 nonprofit organizations that act on behalf and for the benefit of their member Tribes. In addition
137 to tribally controlled non-profit organizations, the Service has a co-management relationship
138 with certain species-focused ANOs as stipulated in the MMPA and MBTA.

139
140

141 **2. SOVEREIGNTY AND GOVERNMENT-TO-GOVERNMENT RELATIONS**

142

143 In addition to Chapter 1, section 2, the following applies to the Tribes in Alaska:

144

145 Federal Indian law and policy recognizes the inherent right of Tribes as sovereign Tribal
146 governments, and ANOs employing the Tribal powers of their member Tribes, to self-
147 determination through self-governance and the exercise of inherent sovereign powers over their
148 members, communities, territories, and resources.

149

150 Tribes have a government-to-government relationship with the United States because of their
151 status as federally recognized Tribes. Tribes retain responsibilities, powers, limitations and
152 obligations, and are recognized and eligible for funding and services from the Federal
153 government by virtue of their status as federally recognized Tribes.

154

155 The Service acknowledges that Tribes may establish ANOs or designate ANCAs as official
156 representatives of their interests and in government-to-government relations.

157

158 **3. COMMUNICATIONS AND RELATIONSHIPS**

159

160 In addition to Chapter 1, section 3, the following applies to the Tribes in Alaska, ANOs, and,
161 ANCAs, as follows:

162

163 Early, open and proactive communication with Tribes, ANOs, and ANCAs sets a foundation for
164 positive, trusting relationships. It is critical that the Service invest in these foundational
165 activities that build fellowship.

166

167 Federal laws and regulations use various terms for referring to Indigenous peoples of Alaska,
168 including “Alaska Natives” or “Natives.” The Service endeavors to use language free from
169 terminology that excludes or denigrates groups of people and recognizes that acceptable terms
170 change with time. Throughout this document the Service uses the term “Alaska Native
171 peoples” when referencing Indigenous people of Alaska. Use of the word “peoples” in the term
172 keeps with current trends to humanize groups in writings and other communications.

173

174 Humanization of terminology can lead to increased levels of respect and trust between groups.
175 The Service encourages individuals, offices, divisions, and programs to strive to use the most
176 current, inclusive, and accepted language in all communications.

176

² Pub. L. 103-454, Title I, Nov. 2, 1994, 108 Stat. 4791 (codified at 25 U.S.C. 5131).

177 Land acknowledgements are a way of recognizing Indigenous peoples who are the original
178 stewards of the lands on which the Service works. To acknowledge traditional homelands is to
179 recognize a long and difficult history and the significance of the Alaska Native peoples'
180 continued presence and relationship to the lands. Land acknowledgements increase trust with
181 Tribes, ANOs, and ANCs and may lead to more meaningful partnerships. Learning, self-
182 reflection, and collaboration with Alaska Native partners are important elements of developing
183 Land acknowledgments. Land acknowledgements come in many forms. They may be spoken,
184 written (both in documents and on permanent displays), or demonstrated through action. The
185 Service encourages individuals, offices, divisions, and programs to work with Alaska Native
186 partners to develop and use land acknowledgments, in all forms..

187
188 The Service recognizes and understands the need for effective communication of its plans and
189 policies with Tribes, ANOs, and ANCs, and the challenges caused by intermittent mail and
190 parcel deliveries to communities unserved and underserved by telecommunication, electricity,
191 and internet infrastructure.

192
193 The Service will endeavor to strengthen communications by addressing language barriers (e.g.
194 translating information into Indigenous languages), implementing consultation (e.g. following
195 consultation policies), and documenting progress toward trusting relationships (e.g. sharing
196 successes as models for others in the Service).

197
198 The Service acknowledges the value of in-person community visits as beneficial to both the
199 Service and Alaska Native communities. The Service will visit the villages and communities,
200 as resources allow, to build rapport and maintain meaningful consultation and communications,
201 and to continue to enhance relationships. After such meetings or events, the Service commits to
202 following up on questions, concerns, requests for information, and any resulting decisions with
203 Tribes, ANOs, and ANCs. The Service recognizes that regular communication, fellowship, and
204 engagement with Tribes, ANOs, and ANCs is vital to building trust with Alaska Native
205 communities, so those relationships can grow.

206 207 **Relationships**

208
209 The Service's relationship with Tribes, ANOs, and ANCs may be defined through memoranda of
210 understanding, memoranda of **agreement**, or other formal statements of relationship. The
211 Service will also share information informally.

212
213 The Service affirms that its Federal relationship with Tribes and their ANOs is a government-to-
214 government relationship subject to a Federal trust responsibility. The Service will fulfill its
215 consultation requirements with ANCs while continuing to uphold the United States' unique trust
216 relationship with Tribes. Chapter 1 and *the Department of the Interior (Department) Policy on*
217 *Consultation with Indian Tribes and Alaska Native Corporations (512 DM 4)* augments the
218 *Departmental Procedures for Consultation with Indian Tribes Policy (512 DM 5)*, and are
219 designed to be complementary policies.

220 221 **Information Sharing of Indigenous Traditional Ecological Knowledge**

222
223 Alaska Native peoples have extensive knowledge of ecosystem processes that derive from long-
224 term, local ways of knowing that can help to guide conservation planning and strategies. The
225 Service will share information and data with Tribes, ANOs, and ANCs. Information sharing
226 includes, but is not limited to, respecting and valuing Indigenous traditional ecological
227 knowledge received from Tribes through elders, hunters, and fisherman; research, and scientific
228 data collection and communicating results to Tribes, ANOs, and ANCs through public outreach.
229 The Service acknowledges that thoughtful collaboration and inclusion of Indigenous traditional
230 ecological knowledge from project development through implementation will ensure
231 conservation actions are sustainable, equitable, and just. The Service commits to considering
232 Indigenous traditional ecological knowledge as part of Service decision making relating to
233 Service lands, particularly concerning management of resources subject to subsistence uses.

234
235 The Service will prioritize communication with Tribes, ANOs, and ANCs, and identify
236 appropriate and effective opportunities for consultation, before beginning major projects,
237 including scientific research projects, that have the potential to impact Alaska Native peoples. In
238 such cases, the Service will provide opportunities for an open exchange of information with
239 Alaska Native peoples, Tribes, ANOs, and ANCs. When necessary, and as resources allow, the
240 Service will make on-the-ground visits to Tribes, ANOs, and ANCs, to share critical
241 information. Information sharing will continue throughout the duration of major projects.

242
243 For applicable urgent Service management decisions (e.g., emergency special actions or in-
244 season management actions related to public safety, fire, and conservation concerns) when
245 formal consultation is not possible, the Service will make an effort, if feasible, to establish two-
246 way communication before implementing decisions. Followup discussions will address the
247 reasons that immediate management actions were required and any additional actions required
248 moving forward.

249
250 When Tribes, ANOs, or ANCs, raise concerns over issues on which the Service does not have
251 jurisdiction, to the extent practicable, the Service will suggest the appropriate State of Alaska or
252 other Federal agency that can address the issue.

253 254 **4. RESOURCE MANAGEMENT**

255
256 In addition to Chapter 1, section 4, the following applies to the Tribes in Alaska, ANOs, and,
257 ANCs:

258
259 As of 2021, the 16 Alaska Refuges comprise over 76 million acres, approximately 52% of the
260 total refuge acres in the United States. Each of the Alaska Refuges is established with specific
261 purposes. The Service recognizes that these lands are homelands of Alaska Native peoples who
262 are lifelong neighbors and who make decisions in consideration of multiple generations.

263
264 A number of Federal laws, as referenced in the Authorities section of Chapters 1 and 2 (Exhibit
265 3), impose statutory mandates on the Service that establish legal duties and legal interests as an
266 enforceable right. The Service will comply with applicable mandates in collaboration with
267 Tribes, ANOs, and ANCs.

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Collaboration and Co-Stewardship of Federal Lands and Trust Species

The Service recognizes that Tribes, ANOs, and ANCs seek to advocate for their interests that lie between the unrestricted consumptive use of environmental resources and environmental protections that significantly limit or prohibit use of their traditional and customary resources. Additionally, Tribes, ANOs, and ANCs are facing the ongoing and progressively significant impacts of climate change.

The Service commits to engage with Tribes, ANOs, and ANCs concerning Service policies and practices that impact the interests of Alaska Native peoples for the purpose of making collaboration and co-stewardship agreements available under applicable law and policy. The Service will continue to support employee education and understanding of how cultural differences between the Service and Alaska Native cultures impact meaningful participation in collaborative management.

In accordance with Executive Order (E.O.) 13007 (Indian Sacred Sites) the Service will, to the extent practicable, permitted by law, 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, the Service must maintain the confidentiality of sacred sites.

In accordance with E.O. 13175 (Consultation and Coordination with Indian Tribal Governments) the Service will engage in meaningful government-to-government consultation with Tribes, ANOs, and ANCs; provide regulatory and statutory waivers to increase flexibility with its policy approaches; and use consensual mechanisms for developing regulations, particularly concerning subsistence uses.

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, 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 Tribes, ANOs, and ANCs for Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA), as amended, Title I contracts, and Title IV compacts and funding agreements. The Service will also be responsive to petitions from Tribes, ANOs, and ANCs for co-management agreements, ANILCA cooperative agreements, and collaborative management agreements.

In accordance with Joint Secretarial Order (JSO) No. 3403, *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*, Tribal consultation and collaboration must be implemented as a part of the Service’s responsibilities in managing Federal lands. The Service will ensure all decisions related to Federal stewardship of Federal lands, waters, and wildlife include consideration of how to safeguard the interests of any Tribes. The Service will consider agreements with Tribes to collaborate in the co-stewardship of Federal lands and waters, including wildlife and its habitat. The Service will collaborate with

313 Tribes to ensure the opportunity for Tribal governments to play an integral role in decision
314 making. The Service will engage with affected Tribes in meaningful consultation at the earliest
315 phases of planning and decision making to ensure Tribes have the opportunity to shape the
316 direction of management of Federal lands, including through Tribal recommendations. The
317 Service will develop institutional structures to implement agreements related to co-stewardship,
318 which incorporate appropriate dispute resolution procedures. The Service will endeavor to
319 engage in co-stewardship with Alaska peoples with subsistence or other rights or interests in
320 Federal lands or waters, including by request of a Tribe.

321
322 The Service commits to coordinate and cooperate on co-stewardship efforts with other DOI
323 agencies and the U.S. Forest Service, as appropriate. Finally, the Service will use co-stewardship
324 agreements as a tool to foster cooperation on protection of subsistence and religious rights
325 consistent with E.O. 13175.

326

327 **Indigenous Traditional Ecological Knowledge**

328

329 The Service will consider Tribal expertise and Indigenous traditional ecological knowledge as
330 part of Federal decision making relating to Federal lands, particularly concerning management of
331 resources subject to subsistence uses. The Service commits to engage with Tribes, ANOs, and
332 ANCs to document, consider, and apply Indigenous knowledge and stewardship practices, and to
333 determine how they can serve as models for sustainability, integrated management, resilience,
334 and restoration.

335

336 **ANILCA**

337

338 The Service is committed to carrying out the purposes that Congress established in ANILCA.
339 Congress prefaced Title VIII of ANILCA with a declaration that “the continuation of the
340 opportunity for subsistence uses by rural residents of Alaska ... is essential to Native physical,
341 economic, traditional, and cultural existence ...”³ Title VIII of ANILCA⁴ established a priority
342 for subsistence uses of fish and wildlife on federal public lands in Alaska, including Alaska
343 Refuges. Congress further declared its finding of the national interest in the proper regulation,
344 protection and conservation of fish and wildlife on the public lands in Alaska and the
345 continuation of the opportunity for a “customary and traditional” subsistence way of life⁵ by
346 residents of rural Alaska.

347

348 The Service recognizes the importance of working with neighboring landowners within and
349 adjacent to Alaska Refuges to conserve and protect wildlife and their habitats. The Service will
350 consider entering into cooperative management agreements under ANILCA Section 304 (f) and
351 809 with Tribes, ANOs, ANCs, and Alaska Native Allotment owners within, adjacent to, or near
352 Alaska Refuges in order to manage such lands in a manner compatible with purposes of the
353 Alaska Refuge and supportive of continued rural Alaska Native subsistence uses.

354

³ 16 U.S.C. 3111(1).

⁴ ANILCA, P.L. 96-487.

⁵ ANILCA 803.

355 **ESA**

356

357 Secretarial Order 3225⁶, a supplement to Secretarial Order No. 3206, established a consultation
358 framework relative to the subsistence exemption in Sec. 10(e) of the ESA.

359

360 The ESA specifically allows Alaska Native peoples to take listed species if that taking is for
361 subsistence purposes and is not accomplished in a wasteful manner. The Service will endeavor to
362 work collaboratively with Tribes, ANOs, and ANCs to craft agreements and regulations, as
363 appropriate, that will conserve the species, fulfill the subsistence needs, and preclude the need
364 for restrictions.

365

366 **MBTA**

367

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

373

374 Service regulations support the sale, including consignment sale, of authentic Alaska Native
375 handicrafts or clothing that incorporate nonedible migratory bird parts. Handicrafts must be
376 made from migratory birds harvested for food during the subsistence season. There are 27 bird
377 species from which parts may be used. This regulation supports the continuation of the Alaska
378 Native value of non-wasteful harvest.

379

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

384

385 **MMPA**

386 Coastal dwelling Alaska Native peoples who reside in Alaska may take marine mammals for
387 subsistence or for creating and selling Alaska Native handicrafts and clothing if that take is not
388 done in a wasteful manner and if species or stocks are not depleted. The Service is committed to
389 working with the Tribes, ANOs, and ANCs to carry out the purposes of this provision.

390

391 The Service will continue working with its existing marine mammal Alaska Native co-
392 management commissions for the conservation of marine mammals to sustain healthy species
393 populations for continued subsistence use. The Service has and continues to enter into
394 cooperative agreements with ANOs to conserve polar bears (*Ursa maritimus*), sea otters
395 (*Enhydra lutris*), and Pacific walrus (*Odobenus rosmarus*) and provide co-management of
396 subsistence use by Alaska Native people, thereby meaningfully working together to implement
397 Title I, Section 119 of the MMPA.

⁶ Endangered Species Act and Subsistence Uses in Alaska (Supplement to Secretarial Order 3206).

398

399 **Easements and Allotments**

400 **ANCSA Section 17(b)** authorizes the Secretary of the Interior to reserve public easements on
401 lands conveyed to ANCs to guarantee access to publicly owned lands and waters. These rights
402 are reserved when the Bureau of Land Management conveys land to an ANC under ANCSA.

403

404 The Service is available to consult with Tribes, ANOs, and ANCs on ANCSA 17(b) easement-
405 related issues occurring within or adjacent to Alaska Refuge boundaries on a case-by-case basis
406 where mutual interest exists. As new easements are created, or existing easements are modified,
407 the Service will collaborate with landowners to ensure easements are appropriately sized for
408 public access while minimizing impact on Alaska Native peoples' ways of life and subsistence
409 uses.

410

411 The Service will seek input from, and work with, allottees on fish, wildlife, and habitat
412 conservation projects that may impact allotments. Allottees have the right to retain ownership of
413 their allotment; they may also elect to transfer ownership. Prior to the Service acquiring an
414 allotment, the Service will strive to understand and consider the interests of allottees and
415 affiliated Tribes, ANOs, and ANCs. The Service, in coordination with the BIA service provider,
416 processes the transfer of allotments. The BIA service provider coordinates with BIA, affiliated
417 Tribes, ANOs, and ANCs on proposed sales, including sales to the Service.

418

419 **Alaska Native Corporations**

420

421 The Service will facilitate, consistent with applicable Federal law, regulation, and policy,
422 meaningful consultation with ANCs on any regulation, rulemaking, policy, guidance, legislative
423 proposal, grant funding formula change, or operational activity that may have a substantial direct
424 effect on an ANC.

425

426 ANILCA's legislative history indicates that wherever possible **conservation system unit**
427 boundaries were drawn to include whole ecosystems as an opportunity to manage these areas on
428 a planned ecosystem-wide basis with all of their pristine ecological processes intact. ANCs own
429 over 9 million acres of private lands within the boundaries of Alaska Refuges. ANILCA's
430 legislative history makes it clear that inclusion of these ANC and allotted lands within the
431 boundaries of conservation system units is not intended to affect any rights that ANCs may have
432 under ANCSA. In addition, ANILCA guarantees adequate and feasible access to privately-
433 owned lands within or effectively surrounded by a conservation system unit, as described in
434 ANILCA Section 1110(b), codified as 16 U.S.C. 3170(b), "Right of access to State or private
435 owner or occupier," and 43 C.F.R. 36.10, "Access to Inholdings."

436

437 ANCSA's legislative history also makes clear that Congress contemplated that land granted
438 under ANCSA would be put primarily to three uses—village expansion, subsistence, and capital
439 for economic development (H.R. Rep. 92-523 at 5, 1971 U.S.C.C.A.N. at 2195). The Service
440 recognizes and understands this distinction in land ownership and purpose for use as it may
441 potentially impact land management policies and relationships.

442
443 ANCSA 14(h)(1) allowed for the ANCs to identify and select historical village and cemetery
444 sites on Service lands. When conveyed these lands become part of the Regional Corporations
445 land base, yet protection of some of these sites is a Service responsibility up and until
446 conveyance. There are also important historic and cultural sites on lands the Service manages
447 that require consultation and collaboration with Tribes, ANOs, and ANCs for appropriate and
448 respectful management and protection.

449
450 Recognizing and respecting ANCs' ownership and access rights to ANCSA lands is consistent
451 with the Service's mission and with the ANCs' charter to pursue the economic development of
452 their lands and resources for the economic, social, and cultural benefit of ANC shareholders.

453 454 **Research Opportunities**

455
456 In accordance with the above stated authorities, and other relevant statutes and regulations, as it
457 relates to research, the Service respects Alaska Native communities, lands and societies. The
458 Service recognizes the desire of Indigenous peoples to have the opportunity to benefit from the
459 research as well as engage in meaningful participation of the research. The Service recognizes
460 that co-production of knowledge shall be supported to the extent the community desires to
461 participate. The Service strives to identify research priorities and implement research
462 opportunities in collaboration with Tribes, ANOs and ANCs; and to respect and include
463 Indigenous traditional ecological knowledge in its research.

464 465 **Supporting Tribes, ANOs, ANCs at Other Government Management Bodies**

466
467 The Service often serves in an advisory capacity on other State and Federal wildlife and fish
468 management bodies, such as the North Pacific Fisheries Management Council and the State
469 Boards of Game and Fish. Many of these bodies' decisions affect the lives of Alaska Native
470 peoples. The Service will strive to support and uplift the voices of Alaska Native peoples, and to
471 include livelihood impacts and Indigenous traditional ecological knowledge when making
472 testimony at such meetings.

473 474 **5. CULTURE/RELIGION**

475
476 In addition to Chapter 1, section 5, the following applies to the Tribes in Alaska, ANOs, and
477 ANCs:

478
479 The Service supports protection of Alaska Native peoples' traditional and spiritual way of life.
480 This includes obligations derived from treaties, Executive Orders, Presidential memoranda,
481 Secretarial Orders, statutes, regulations, and court precedent. The Service also upholds its
482 obligations to Tribes, ANOs, and ANCs for **sacred site** protection where there is religious or
483 historical significance as well as places of archeological interest.

484
485 The Service acknowledges and embraces Congress' passage of ANILCA for the priority of
486 subsistence uses of fish and wildlife by Alaska Native peoples. ANILCA prioritizes the

487 continuation of the opportunity for the subsistence way of life on Federal public lands while
488 protecting the viability of fish and wildlife populations.

489
490 The Service also supports the development of regulations for the subsistence harvest of fish
491 and wildlife that reflect the cultural and spiritual traditions of Alaska Native peoples. This
492 support is demonstrated through the Service's commitment to work closely with its AMBCC
493 partners in revising proposals, when necessary, for review by the **Service Regulations**
494 **Committee**.

495
496 **6. LAW ENFORCEMENT**

497
498 In addition to Chapter 1, section 6, the following applies to the Tribes in Alaska, ANOs, and
499 ANCs:

500
501 The Service is responsible for promulgating and enforcing fish and wildlife conservation laws
502 with authority derived from a number of Federal wildlife statutes, regulations and treaties. One
503 of the Service's goals in conservation work is voluntary compliance. The Service will make
504 substantial efforts to inform affected communities and individuals of conservation laws and
505 regulations.

506
507 The Service will maintain positive working relationships with Alaska Native peoples and
508 communities to conserve, protect, and enhance fish, wildlife, plants and their habitats for the
509 continuing benefit of future generations. The Service will foster these relationships through
510 collaboration, outreach, education, community visits, consultations, and by such other means
511 that respect the dignity of Alaska Native peoples and their cultures.

512
513 The Service will collaborate with Tribes in Alaska, ANOs, and ANCs, to the extent practicable,
514 to assist in reviewing proposals and providing law enforcement technical assistance when
515 developing regulatory language; and to develop and implement cross jurisdictional agreements.

516
517
518 **7. TRIBAL CAPACITY BUILDING, ASSISTANCE, AND FUNDING**

519
520 In addition to Chapter 1, section 7, the following applies to the Tribes in Alaska, ANOs, and
521 ANCs:

522
523 The Service commits to utilizing applicable ISDEAA provisions, as described in Chapter 1, to
524 support Tribes, ANOs, and ANCs.

525
526 Under Section 119 of the MMPA, the Service may enter into co-management agreements with
527 Tribes and ANOs that address marine mammal population data, subsistence harvest monitoring,
528 research, and development of co-management structures.

529
530 The Service may enter into partner/cooperative agreements under 50 C.F.R. 92.11(b), including
531 funding to regional migratory bird management bodies to gather management data and

532 Indigenous traditional ecological knowledge for the benefit of the management bodies. The
533 Service also commits to providing administrative and technical support under 50 C.F.R. 92.10(e)
534 to the AMBCC, including the management of migratory bird subsistence harvest monitoring
535 programs.

536
537

538 **8. IMPLEMENTATION AND MONITORING**

539

540 In addition to Chapter 1, section 8, the following applies to Tribes in Alaska, ANOs, and, ANCs:

541

542 To the extent permitted by law, the Service will work with Tribes, ANOs, and ANCs to
543 collaboratively develop and carry out a regional implementation plan to guide the application of
544 Chapter 2.

545

546

547 **Employee Training and Education**

548

549 The Service commits to continued implementation of Alaska Native Relations Trainings for all
550 Service employees in Alaska. The trainings are designed to cultivate respect and understanding
551 for the diverse Indigenous cultures in Alaska, and will cover Alaska Native history, generational
552 trauma, Indigenous traditional ecological knowledge, cross cultural communication, the laws that
553 impact Alaska Native peoples, and the unique relationship with Tribes, ANOs, and ANCs.

554

555 The training program includes the sharing of information from Alaska Native people with
556 Indigenous traditional ecological knowledge and knowledge of Alaska Native organizational
557 structures and interests. The training will help Service employees to make informed decisions
558 about which Alaska Native organizations to engage in communication and consultation.
559 Additionally, the Service commits to offering advanced-level training on topics such as Alaska
560 Native partnerships, alternative governance models, and decision-making processes, as needed or
561 requested. The training will help to build strong, mutually respectful relationships with Tribes,
562 ANOs, and ANCs, and encourage a shift toward incorporating environmental governance models
563 with greater shared power and cooperative decision-making frameworks.

564

565 The Service strives to provide annual training for law enforcement personnel that integrates
566 Alaska Native relations current-events or case studies and topic-focused educational needs.

567

568 **Workforce Diversification**

569

570 Through collaboration with Tribes, ANOs, and ANCs, the Service will encourage qualified
571 Alaska Native applicants to apply for field and management positions. Subject to ANILCA's
572 Section 1308, Local Hire Program, the Service collaborates with Tribes, ANOs, and ANCs to
573 assist in recruiting Alaska Native people for all Service positions, especially for positions on
574 Service-managed public lands that are within traditional Tribal territories or that adjoin land
575 owned by Tribes and ANCs as well as Alaska Native Allotments. Through the enactment of
576 ANILCA legislation, Congress recognized that local residents often have special knowledge or
577 expertise that can benefit the agency in its management responsibilities for the lands and

578 resources within a conservation system unit. ANILCA Section 1308 authority allows the Service
579 to non-competitively hire local residents with special knowledge.

580
581 Under 50 C.F.R. 18.23(f), the Service will work with and through Tribes to identify local
582 residents of coastal communities as representatives to tag sea otter and polar bear hides and
583 skulls and Pacific walrus tusks, as required. The same personnel or contractors may also assist in
584 harvest monitoring programs.

585
586 **9. SCOPE AND LIMITATIONS**

587 Chapter 1, section 9, applies to Tribes in Alaska, ANOs, and, ANCs.

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592 **Exhibit 1**

593 **DEFINITIONS**

594

595 In addition to Chapter 1, exhibit 1, the following definitions help to clarify Chapter 2:

596

597 Alaska Migratory Bird Co-Management Council – a State-wide body established in 2000 to
598 develop, implement, and promote a co-management program between Alaska Native, Federal,
599 and the State governments for the subsistence use and conservation of migratory birds in Alaska.

600 The Council was formed to ensure the recognition of subsistence hunting and the conservation of
601 migratory birds, promote the co-management of migratory birds, and develop regulatory
602 recommendations for spring and summer subsistence seasons.

603

604 Alaska Native Allotment – a parcel or parcels of land, totaling up to 160 acres, conveyed by
605 restricted deed to an Alaska Native under the terms and conditions of the Alaska Native
606 Allotment Act of 1906 (and 1956 amendment); and the Alaska Native Veteran Allotment Act of
607 1998 (43 U.S.C. 357, 357a, 357b). Native allotments are restricted lands that cannot be sold,
608 leased or otherwise encumbered without the approval of the Bureau of Indian Affairs.

609

610 Alaska Native Claims Settlement Act of 1971 (ANCSA) – Act through which Indigenous
611 peoples released title to their aboriginal use and occupancy land claims and aboriginal hunting
612 and fishing rights that may have existed in exchange for 44 million acres of land held in fee
613 simple title and a monetary settlement of \$962 million. Public Law 92-203, approved December
614 18, 1971. (43 U.S.C. 1601 et seq.)

615

616 ANCSA Section 17(B) Easements – easements reserved on lands conveyed to Native
617 corporations to provide public access across privately owned Native lands to reach Federal
618 public lands and waters. Reserved easements could be roads, trails or site easements. 43 U.S.C.
619 1616(b)

620

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

626

627 Federal Subsistence Board – the decision-making body that oversees the Federal Subsistence
628 Management Program. It is made up of the regional directors of the U.S. Fish and Wildlife
629 Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, the U.S.
630 Forest Service, and three public members appointed by the Secretaries of the Interior and
631 Agriculture: two represent rural subsistence users and one is the Federal Subsistence Board chair.
632 The Secretaries have delegated the authority to manage fish and wildlife for subsistence uses on
633 Federal public lands and waters in Alaska to the Federal Subsistence Board. Federal Subsistence
634 Regional Advisory Councils and State of Alaska representatives play active roles in Board
635 deliberations. (Excerpt from the Federal Subsistence Regional Advisory Council *Membership*

636 *Application and Nomination Packet for 2016*. U.S. Fish and Wildlife Service, Office of
637 Subsistence Management.)

638
639 Indigenous inhabitants of Alaska – (for the purposes of the August 2, 1996 Protocol amendment
640 to the *1916 Convention for the Protection of Migratory Birds*)- Alaska Native people and
641 permanent resident nonnatives with legitimate subsistence hunting needs living in designated
642 subsistence hunting areas.

643
644 Regional Advisory Councils – Title VIII of ANILCA provides a foundational role for the ten
645 Regional Advisory Councils in the development of regulations guiding the taking of fish and
646 wildlife on Federal public lands in Alaska. Council members, a majority of whom are rural
647 subsistence users, are appointed by the Secretary.

648
649 Service Regulations Committee – consists of members of the Service Directorate. It considers
650 recommendations from the State and Federal Flyways Councils and the Migratory Bird Program
651 and then forwards final recommendations for annual regulations to the Service Director.

652
653 Subsistence (for the purposes of MBTA) – the customary and traditional harvest or use of
654 migratory birds and their eggs by eligible Indigenous inhabitants for their own nutritional and
655 other essential needs. 50 C.F.R. 92.4.

656
657 Subsistence (for the purposes of MMPA) – the use by Alaska Native people of marine mammals
658 taken by Alaska Native people for food, clothing, shelter, heating, transportation, and other uses
659 necessary to maintain the life of the taker or for those who depend upon the taker to provide
660 them with such subsistence. 50 C.F.R. 18.3.

661
662 Subsistence uses (for the purposes of ANILCA) – the customary and traditional uses by rural
663 Alaska residents of wild renewable resources for direct personal or family consumption as food,
664 shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles
665 out of nonedible by-products of **fish and wildlife resources** taken for personal or family
666 consumption, for barter, or for sharing for personal or family consumption; and for customary
667 trade, barter, or sharing for personal or family consumption. 16 U.S.C. 3113.

668
669

670 **Exhibit 2**

671 **OVERALL RESPONSIBILITIES**

672
 673 Table 1 below describes the responsibilities of Service officials for implementing Chapter 2 in
 674 addition to the responsibilities listed in Chapter 1 for Tribes in Alaska, ANOs, and ANCs.
 675

676 **Table 1: Responsibilities for the Service’s Alaska Native Relations Policy, 510 FW 2**

These officials...	When working with Tribes, ANOs, and ANCs, _____ are responsible for...
A. The Director	(1) Adhering to the Service’s Native American Policy, see 510 FW 1, Exhibit 2, Table 1A.; and (2) Ensuring implementation of the <i>Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations</i> .
B. National Native American Programs Coordinator	Adhering to the Service’s Native American Policy, see 510 FW 1, Exhibit 2, Table 1B.
C. Directorate members at Headquarters	(1) Adhering to the Service’ Native American Policy, see 510 FW 1, Exhibit 2, Table 1C.; and (2) Ensuring implementation of the <i>Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations</i> .
D. Chief – Office of Law Enforcement (OLE), through Special Agents-in-Charge	Adhering to the Service’s Native American Policy, see 510 FW 1, Exhibit 2, Table 1D.
E. Regional Directors	(1) Adhering to the Service’s Native American Policy, see 510 FW 1, Exhibit 2, Table 1E.; (2) Ensuring the Service consults with ANCs, following the <i>Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations</i> ; and (3) Ensuring participation from the Region in ANO programs and projects that have an established role for the Service.
F. Regional Alaska Native Affairs Specialist or Point(s) of Contact	Adhering to the Service’s Native American Policy, see 510 FW 1, Exhibit 2, Table 1F.

G. Regional Directorate Team Members	(1) Adhering to the Service’s Native American Policy, see Exhibit 2, Table 1G.; and (2) Ensuring implementation of the <i>Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations</i> .
H. Project Leaders, Managers, and Supervisors	(1) Adhering to the Service’s Native American Policy, see Exhibit 2, Table 1H.; and (2) Ensuring implementation of the <i>Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations</i> .
I. Employees whose duties may affect Tribal interests	Adhering to the Service’s Native American Policy, see Exhibit 2, Table 1I.

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679 **Exhibit 3**

680 **AUTHORITIES**

681

682 In addition to the authorities in 510 FW 1, Exhibit 1, the following apply to Chapter 2:

683

684 *Statutes:*

685 Alaska Native Allotment Act of May 17, 1906, 43 U.S.C. §§ 270-1 to 270-3 (1970), as amended
686 (43 U.S.C. §§ 357, 357a, 357b), repealed with a savings clause, 43 U.S.C. § 1617 (1976)

687

688 Native Townsite Act of 1926 (44 Stat. 629), repealed as part of Federal Land Policy and
689 Management Act of 1976, Pub. L. 94-579, formerly codified at 43 U.S.C. §§ 733-736

690

691 Alaska Native Veterans Allotment Act of October 21, 1998, Pub. L. 105-276, 112 Stat. 2516
692 (43 U.S.C. § 1629g)

693

694 Federally Recognized Indian Tribe List Act of 1994 – Public Law 103-454, 108 Stat. 4791,
695 25 U.S.C. § 479a.

696 *Presidential Memoranda:*

697 Presidential Memorandum: Tribal Consultations & Strengthening Nation-to-Nation
698 Relationships; January 26, 2021

699 *Secretary's Orders (S.O.):*

700 S.O.3342; Identifying Opportunities for Cooperative and Collaborative Partnerships with
701 Federally Recognized Indian Tribes in the Management of Federal Lands and Resources;
702 October 21, 2016.

703 Joint S.O. 3403; Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in
704 the Stewardship of Federal Lands and Waters; November, 2021.

705 S.O. 3342; Identifying Opportunities for Cooperative and Collaborative Partnerships with
706 Federally Recognized Indian Tribes in the Management of Federal Lands and Resources;
707 November, 2021.

708 *Federal Boards:*

709 Federal Subsistence Board Government to Government Tribal Consultation Policy

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

712