



# Chilkoot Indian Association

Federally Recognized Tribe

P.O. Box 490 Haines, Alaska 99827 907.766.2323



## RESOLUTION 2019 – 03

Title: A Resolution Opposing the Department of the Interior's Efforts to Remove or Amend the Rules for Taking Alaska Native Land In Trust.

WHEREAS the Chilkoot Indian Association is a duly constituted "Indian Tribe" organized pursuant to the authority of the Acts of Congress of June 18<sup>th</sup>, 1934 (49 Stat.908) as amended by the Acts of June 15<sup>th</sup>, 1935 and May 1<sup>st</sup>, 1936 and,

WHEREAS the Chilkoot Indian Association Tribal Council is authorized by the Constitution and By-laws ratified on December 5, 1941 to manage and control all governmental activities of the Chilkoot Indian Association; and,

WHEREAS federally recognized Tribes in Alaska have the same legal status as other federally recognized Tribes singled out as political entities in the Commerce Clause of the United States Constitution; and

WHEREAS as part of the Indian Reorganization Act (IRA) of 1934, Congress authorized the Secretary of the Interior to take real property into trust on behalf of Tribes and individual Indians, and amended the Act in 1936 to facilitate its application to the Territory of Alaska; and

WHEREAS the land into trust process has long been a keystone of federal Indian policy and an integral component of tribal self-determination, giving Tribes the ability to enhance and expand tribal land bases, protect tribal homelands from alienation, and exercise greater tribal governmental authority over internal affairs and tribal lands; and

WHEREAS In 1980, the Department of the Interior (DOI) for the first time promulgated a regulatory process to make fee-to-trust transactions more uniform. Those regulations expressly excluded acquisition of trust land by the Secretary for Tribes or tribal members situated in Alaska, other than for Metlakatla; and

WHEREAS for 30 years, Alaska Tribes were wrongfully excluded from the regulatory process used by the U.S. Secretary of the Interior to place tribally-owned fee lands into trust status; and

WHEREAS in 2013, the U.S. District Court of the District of Columbia ruled in Akiachak Native Community v. Salazar that the exclusion of Alaska Tribes from the lands-into-trust process was unlawful; and

WHEREAS in accordance with the decision in Akiachak and after direct government-to-government consultation with Alaska's Tribes, the Secretary of the Interior has developed and published a final rule amending the trust lands regulation at 25 C.F.R. §151.1 to remove the "Alaska exception" and permit allow Alaska's 229 tribal government to participate in the lands-into-trust process; and

WHEREAS in 2017, the Craig Tribal Association became the first Alaska Native Tribe to have land placed into trust within its village; and

WHEREAS on July 2, 2018, the Department of the Interior sent letters to every Alaska Tribe announcing that it had withdrawn a legal opinion for former Solicitor Hilary Tompkins which supported the application of the Trust Lands Program in Alaska; and

WHEREAS the Department of the Interior further announced it would seek review of the Alaska Trust Lands Rules and host consultation on the matter over the course of the fall and winter of 2018.

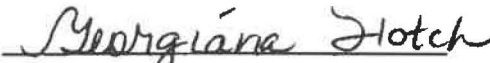
NOW THEREFORE BE IT RESOLVED, that Chilkoot Indian Association strongly opposes any efforts to amend the Alaska land into trust regulations and asks that the Department immediately cease any further effort to change the existing trust lands program;

BE IT FURTHER RESOLVED, that Chilkoot Indian Association requests the Department of the Interior immediately reinstate the Tompkins Opinion; and

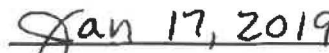
BE IT FINALLY RESOLVED, that Chilkoot Indian Association requests the Department of the Interior immediately continue to process any pending Alaska Native trust lands application now pending before the Department.

**CERTIFICATION:**

This resolution was duly considered and adopted at a meeting of the Chilkoot Indian Association Tribal Council, in Haines, Alaska on the 17<sup>th</sup> day of January, 2019, at which a quorum of Council members were in attendance.



Tribal President or Vice President



Date

**ATTESTED:**



Tribal Secretary



Date