

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS**

March 6, 2023

3:05 p.m.

MEMBERS PRESENT

Representative CJ McCormick, Chair
Representative Ben Carpenter
Representative Sarah Vance
Representative Jamie Allard
Representative Maxine Dibert
Representative Jennie Armstrong

MEMBERS ABSENT

Representative Josiah Patkotak

COMMITTEE CALENDAR

PRESENTATION(S) : ALASKA NATIVES 101

- HEARD

PRESENTATION(S) : ALASKA NATIVE CLAIMS SETTLEMENT ACT OVERVIEW

- HEARD

PRESENTATION(S) : TLINGIT & HAIDA INDIAN TRIBES

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

BARBARA 'WAAHLAAL GIIDAAK BLAKE, Director
Alaska Native Policy Center
Juneau, Alaska

POSITION STATEMENT: Provided a presentation on Alaska Natives 101.

KIM REITMEIER, President
ANCSA Regional Association
Anchorage, Alaska

POSITION STATEMENT: Provided a presentation overviewing the Alaska Native Claims Settlement Act.

RICHARD CHALYEE ÉESH PETERSON, President
Central Council of the Tlingit & Haida Indian Tribes of Alaska
Juneau, Alaska

POSITION STATEMENT: Presented on the Tlingit & Haida Indian Tribes.

ACTION NARRATIVE

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CHAIR CJ MCCORMICK called the House Special Committee on Tribal Affairs meeting to order at 3:05 p.m. Representatives Carpenter, Allard, Dibert, Armstrong, and McCormick were present at the call to order. Representative Vance arrived as the meeting was in progress.

PRESENTATION(S): Alaska Natives 101

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CHAIR MCCORMICK announced that the first order of business would be the Alaska Natives 101 presentation.

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BARBARA 'WAAHLAAL GIIDAAK BLAKE, Director, Alaska Native Policy Center, emphasized the lack of learning spaces for the complex community of the Alaska Native peoples, institutions, and governments. She stated that the only resources to learn were either the university systems in Alaska or through organizations like First Alaskans Institute, and said she hoped the Alaska Natives 101 presentation [hard copy provided in the committee packet] would provide information of the diversity and complexity of the Alaska Native community.

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MS. BLAKE began the presentation on slide 4, and played a video, titled "Basketball Awareness Test," which highlighted the difficulty to focus on something unless told to look at it, and how the same concept applied to Alaska Natives when they go unnoticed with policy decisions.

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MS. BLAKE moved to slide 5, "What all Alaskans need to know," and stated the Alaska Native people have over 10,000 years of carbon-dated and DNA-tested proof of stewardship within the state of Alaska. She emphasized that the Alaska Native Tribes are not one monolith, and the differences in culture within the Alaska Native Tribes between her people and the Inupiaq are as different as her people and the Māori of New Zealand. She stated there are some cultural values shared between the Alaska Native Tribes and described them as "human values" that could be seen in cultural groups across the globe.

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MS. BLAKE displayed slide 6, "3 Sovereigns," which listed three forms of government: tribal, state, and federal. She stated there are sophisticated forms of governance structure within the 229 Tribes within Alaska. She said the three forms of government could be thought of as three thirds, or that it could be thought of as three wholes looking to care for the people of Alaska.

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MS. BLAKE moved to slide 7, which showed a map of the 229 federally recognized Tribes in Alaska and stated over one half of the Tribes across the U.S. are located in Alaska. She highlighted that many of the communities are not accessible by road and must use air or boat to travel in and out, and that each community has its own forms of caretaking and cultural values. She added that many of the Tribes in Southeast Alaska are part of the Tlingit Nation but have chosen to be separate Tribes under the federal government because of their differences in laws, cultural values, and care taking.

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MS. BLAKE followed with slide 8, "We know who we are," and stated that all the Tribes in Alaska were orate and did not have a written language. She emphasized that generations of knowledge and value systems were passed down orally, and elders ensured the stories were known word for word. She stated that the elders who fight for Alaska Natives have value systems that were passed down from the generations before them. She said that when the language, songs, dance, ceremonial wear, and Native vests were outlawed, the Alaska Native people had hidden

their values in the aspects of the culture they were allowed to retain.

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MS. BLAKE moved to slide 9, which showed a diagram depicting the different languages in Alaska and the connecting groups between them. She stated under the Athabascan languages, Ahtna and Gwich'in could understand some of the words between each other, but many words are different. She said that Alaska Natives are 22 percent of the state population.

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MS. BLAKE continued to slide 10 which displayed a map of the different languages across Alaska, Canada, and some states in the Lower 48. She stated that the border between Alaska and Canada divide many of the communities physically, but the Tribes do not recognize the divide as separating their communities culturally.

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MS. BLAKE moved to slide 11, "Our Relationship," and clarified the distinction between the Alaska Native racial and political status, as the political status is based on the inherent rights of Alaska Native governments, where the racial status is based on the civil rights in the U.S. She commented that many individuals speak of the race-based rights of Alaska Natives when it should be towards their political status, and that the favoritism seen within Alaska towards Tribes is political, not racial.

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MS. BLAKE showed slide 12, "Opportunities to Strengthen," and described the "three C's of Tribal sovereignty." She said that "consultation" is talking to Tribal governments before making decisions that would affect the Tribes, while recognizing that both entities are sovereign. She explained the difference between "compacting" and "contracting," as compacting focuses on recognizing the sovereignty of the entities and agreeing to make measures towards a goal, while contracting does not pertain in the sovereignty between entities, as it focuses on specific agreements.

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MS. BLAKE moved slide 13, "Types of Alaska Native Organizations," and stated there are 229 Tribal governments, 12 Alaska Native Claims Settlement Act (ANCSA) regional corporations, close to 180 ANCSA village corporations, and 12 regional native nonprofits. She said it is important to know the distinction between Alaska Native Tribes and corporations, as the Tribal governments have an inherent sovereignty acknowledged by the federal and state government, and the regional and village corporations are the result of ANCSA in 1971 to give Alaska Natives direct control of some land in Alaska. She added that the distinction between village and regional corporations is that the village corporations own the surface land, while the regional corporations own the subsurface land. She noted there was a former thirteenth regional corporation for individuals outside of Alaska, but it was dissolved when ANCSA was amended to allow individuals to join their home corporations.

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MS. BLAKE stated the regional and village corporations are the entities that received and retain the land settlements from the federal government. She said the regional corporations have 7(i) Revenue Sharing, which distributes 70 percent of each corporation's natural resource profits to each of the 12 corporations, and the village corporations have 7(j) Revenue Sharing, which distributes the 7(i) funds to the village corporations. She added that the regional nonprofits can negotiate for federal funding, such as Indian Healthcare funding, through the authority of the Tribes in the regional nonprofits' area.

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MS. BLAKE showed slide 14, which displayed a map of Alaska with the different regions of Alaska Native languages and the borders of the ANCSA regional corporations overlaid on it. She commented that the borders of the regional corporations almost align with the borders of languages, with some exceptions.

MS. BLAKE skipped to slide 16, "Understanding the Layers," and stated all the Tribes in Alaska are autonomous, independent, inter-dependent and have concurrent community care. She said although there are distinct differences between the goals of individual Tribes and ANCSA corporations, there is still a recognition of all entities being Alaska Native and working

together to provide community care. She said that the relationships between municipal governments are a form of community care and can amplify the voices of Alaska Natives.

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MS. BLAKE moved to slide 17, "PL 280," and said Public Law 83-280 (PL 280) was enacted within 8 states and grants Tribes concurrent jurisdiction alongside state and federal government for Tribal members. She added that a lot of federal funds Alaska is given are on behalf of Alaska Natives through PL 280, and the State of Alaska had a responsibility to maintain a level of care for the Indigenous population.

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MS. BLAKE displayed slide 18, "Alaska Law Enforcement," and stated the Alaska State Troopers and Village Public Safety Officers are a state function, while the Village Police Officers and Tribal Police Officers began as a pilot program from U.S. Senator Lisa Murkowski with direct federal law enforcement funds for Tribes.

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MS. BLAKE moved to slide 19, "Our Ways of Life," and stated the ways of life for Alaska Native people isn't just hunting and fishing but a wholistic coverage of Alaska Native culture. She told a story of when her son was able to return from a subsistence harvest with enough food to feed the entire family, and an elder said that he was old enough to have his manhood ceremony. She stated she was a single parent to her son his entire life, and when he went through his manhood ceremony, he gained a different recognition of who he was expected to be. She said that he understood it wasn't about his ability to catch a fish, but about his ability to care for the community. She emphasized that during his manhood ceremony others in the community provided help and guidance on how to be a man and surrounded him with their ways of life. She said the ways of life of Alaska Natives are incredibly important to the spirituality, culture, people, and the future of how to care for those in the community.

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MS. BLAKE displayed slide 21, "Solutions for all Alaskans Exist," and emphasized co-management solutions, combining the

effects of Tribal, state, and federal governments to amplify the ability to care for the Alaska people.

PRESENTATION(S): Alaska Native Claims Settlement Act Overview

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CHAIR MCCORMICK announced that the next order of business would be the Alaska Native Claims Settlement Act Overview presentation.

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KIM REITMEIER, President, ANCSA Regional Association, began the Alaska Native Claims Settlement Act presentation [hard copy included in committee packet] on slide 2, "Who Are We?" and stated the ANCSA Regional Association was created in the late '90s to represent the 12 ANCSA regional corporations. She continued with slide 3, "Board of Directors," and said the presidents and CEOs of each regional corporation are part of the board of directors to ensure collaboration between the presidents and CEOs for the betterment of the Alaska Native people.

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MS. REITMEIER moved to slide 4, "Alaska's Unique Constellation," and emphasized the need for the regional corporations, village corporations, regional nonprofits, Tribes, and statewide native organization to come together to represent the Alaska Native people. She said that through ANCSA the regional corporations own the subsurface rights to land, and the village corporations own the surface rights.

MS. REITMEIER displayed slide 5, "The Settlement and Its Unique Features," and stated that ANCSA is a unique federal Indian policy signed by former President Richard Nixon in 1971. She emphasized not all Alaska Native people or regions voted to support ANCSA, as they viewed it as a land giveaway, but after years of discussion they came together to sign the Act. She read off slide 5, which was as follows [original punctuation provided]:

43.7 Million Acres of Land
Land held in fee simple title

\$962.5 Million Dollars

Moneys paid for lands that cannot be returned to Native ownership

12 Regional Corporations
Private, for-profit corporations

211 Village Corporations
Private, for-profit corporations

MS. REITMEIER added that the regional corporations' boundaries are defined by heritage and common interests, and all the regional and village corporations are disconnected from each other. She emphasized the corporations are different from traditional corporations, as the corporations were dictated in ANCSA to provide economically, socially, and culturally to shareholders.

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MS. REITMEIER moved to slide 6, "Alaska Native Regional Corporations," which contained a map depicting the boundaries of the 12 ANCSA regional corporations. She stated the thirteenth regional corporation that was established for Alaska Natives outside of Alaska was not provided any land, but was compensated with funds, and later dissolved. She added that Sealaska was formerly the largest regional corporation by members, but it has been surpassed by the Calista Corporation, which has nearly 35,000 members. She noted that Doyon is that largest regional corporation by landmass with 12,500,000 acres of land.

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MS. REITMEIER continued to slide 7, "Alaska Land Status," which contained a map depicting who owns what sections of land in Alaska. She stated corporations had dealt with frequent trespassing issues, such as Ahtna Inc., which owned excellent hunting lands.

MS. REITMEIER followed with side 8, "Who Owns Alaska?" and said Alaska is unique as it is the state with the most federally and state-owned land, but ANCSA corporations own 92 percent of all privately owned land. She emphasized the importance of consultation between the state and Tribes because of the large amount of land owned by ANCSA corporations.

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MS. REITMEIER moved to slide 9, "Our Shareholders," and said that ANCSA calls members of the regional and village corporations "shareholders." She added each ANCSA corporation was given two years to enroll shareholders that have at least one quarter Native blood quantum and are born on or before December 18, 1971, and to give each shareholder 100 shares.

MS. REITMEIER displayed slide 10, "Socially Responsible, For-Profit Corporations," and stated there was a 20-year period given to ANCSA to work out its issues, which ANCSA used to pass the 1991 Amendment which extended the period of stock alienation to preserve Alaska Native ownership of the corporations. She said the boards of directors of the regional and village corporations are elected by the Alaska Native shareholders. She added that the ANCSA corporations are different from other corporations as they diversify the Alaska economy, are headquartered in Alaska, do business on an international scale, employ Alaskans, and bring in money for the state. She emphasized that undeveloped land is not carried on a balance sheet for the corporations, in contrast to traditional corporations.

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MS. REITMEIER followed with slide 11, "Revenue Sharing (7i & 7j)," and stated that 70 percent of natural resource development is shared between the 12 corporations and a minimum of 50 percent of the shared revenue is passed on to the village corporations. She said revenue sharing was created by the elders to ensure the natural resource disparities between corporations is distributed to take care of each other regardless of location. She added that the five-year average is over \$200 million dollars shared between the regional and village corporations under 7(i) revenue sharing, and this is the key support to village corporations.

MS. REITMEIER moved to slide 12, "Benefits for Our People and Communities," and emphasized the different programs that ANCSA corporations provide for communities in Alaska, such as elder benefits, culture camps, language revitalization, scholarships, training activities, and advocacy efforts.

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MS. REITMEIER displayed slide 13, "ANCSA Regional Corporations: By the Numbers," which read as follows [original punctuation provided]:

Shareholders
from 64,000 to +150,000

Scholarship Funds Awarded
from \$2.5m to \$14m

Scholarships Awarded:
5,000+ in FY21

Dividends Paid to Shareholders:
from \$52.5m to \$217m

Donations:
Five-Year Average of \$22m/year

Alaska Employees
+16,000

Employees Worldwide
+57,000

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MS. REITMEIER moved to slide 14, "Cultural Values at Work," and stated out of the top 49 performing private corporations in Alaska, 25 are either Alaska Native regional or village corporations. She added over \$4 billion in dividends had been paid to Native shareholders, more than 58,000 individual scholarships had been awarded to shareholders, and over \$119 million in scholarship money had been awarded to Alaska Native people.

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MS. REITMEIER ended her presentation on slide 15 and added that there was a 30-minute video available celebrating 50 years of ANCSA.

PRESENTATION(S): Tlingit & Haida Indian Tribes

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CHAIR MCCORMICK announced that the final order of business would be a presentation on the Tlingit & Haida Indian Tribes.

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RICHARD CHALYEE ÉESH PETERSON, President, Central Council of the Tlingit & Haida Indian Tribes of Alaska, described when he was elected mayor of his village at 19 years old, people talked about Tribes in whispers in the capitol, and to see that the House Special Committee on Tribal Affairs existed went to show the progress that had been made in relationships between Tribes and the State of Alaska.

MR. PETERSON stated that Tlingit & Haida Indian Tribes of Alaska ("Tlingit & Haida") is the largest Tribe in all of Alaska with over 35,000 enrolled Tribal citizens and is unique as it represents all Southeast communities. He added that Tlingit & Haida is federally recognized as a government by Congress in 1975, making it the oldest Tribe. He said the governing body comprised 116 Tribal delegates elected from 19 Southeast communities, Seattle, and San Fransico. He stated that Seattle and San Fransico were included because of historical extermination efforts made to relocate Native Alaskans and "Kill the Indian, Save the Man."

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MR. PETERSON stated the Tribe has offices in Juneau, Haines, Craig, Ketchikan, Sitka, Anchorage, and soon in Seattle. It has over 500 employees and over 1,600 government contracted employees outside of direct employees. He added that Tlingit and Haidi have established community navigators in each community to serve as a point of contact to access scholarships, opportunities, programs, and general help.

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MR. PETERSON stated Tlingit & Haida have government-to-government-relationships with federal, state, and municipal governments, and that compacting is a government-to-government agreement to administer programs. He expressed his disappointment with State of Alaska suing the federal government over the approval of Tlingit & Haida's application for land-to-trust, and he added that the sovereignty of Alaska Native Tribes should not be in question, as the State of Alaska has sued Alaska Native Tribes before and lost. He stated gratitude for the state recognizing Tribes during the [Thirty-Second Alaska State Legislature] and upholding the sovereignty of Alaska Native Tribes. He stated Tlingit and Haidi made compacts with the federal government on behalf of the communities it served, as well as administering Temporary Assistance for Needy Families

(TANF), employment training, childcare, natural resources, economic development, Tribal court, public safety, broadband deployment, and community behavioral services. He added that although Tlingit & Haida compacted with the federal government, it sought to have economic sovereignty, so that it would not be bound by the restrictions placed on federal funds.

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MR. PETERSON said as the president of Tlingit & Haida, he is responsible for serving all 35,000 Tribal citizens regardless of where they reside. He added that Tlingit & Haida is the sole owner of Tlingit Haida Tribal Business Corporation and KIRA, it has and used the funds to fill service gaps. He emphasized the most significant use of Tlingit & Haida sovereignty was the Tribal Courts established in 2010, which covers most civil case types, such as guardianship, adoption, paternity, child welfare, child custody, divorce, marriage, domestic violence, protection proceedings, and child support; the Tribal Courts have 15 titles of statutory law.

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MR. PETERSON stated an additional act of sovereignty had been buying back land in the Juneau Indian village and putting it into trust status at the direction of the Tribal Assembly. He explained the reasons for putting land into trust is so to protect traditional homeland, provide eligibility for federal funds, and to ensure the land stayed in Tribal hands for perpetuity. He said that many services provided in rural Alaska were because of Alaska Native Tribes, and having access to federal funds would be beneficial to every Alaskan. He expressed frustration with the lawsuit against the Tribe and stated that it was disingenuous to frame land-to-trust as allowing nefarious goals, he added that the restrictions placed on land-to-trust made development of the land more difficult, was cumbersome to manage, and would not allow the construction of a casino in downtown Juneau.

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MR. PETERSON, in response to a question from Representative Vance, stated the benefit to putting land into trust was to qualify for Indian Country which allowed for access to federal funding. He added that the approved application was one of nine and emphasized the difficulty of the land-to-trust process. In response to a follow up question from Representative Vance, he

clarified that the land would not be a reservation but would be counted as Indian Country for funding eligibility.

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MR. PETERSON emphasized the sophistication of the Tlingit & Haida and stated the Tribes ran the Head Start program, a behavioral health department, and multiple businesses in Juneau.

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ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 4:29 p.m.