

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

January 31, 2024

3:31 p.m.

MEMBERS PRESENT

Representative CJ McCormick, Chair
Representative Ben Carpenter
Representative Sarah Vance
Representative Thomas Baker
Representative Jamie Allard
Representative Maxine Dibert

MEMBERS ABSENT

Representative Ashley Carrick

COMMITTEE CALENDAR

PRESENTATION: MEANINGFUL ALASKA NATIVE REPRESENTATION ON BOARDS
AND COMMISSIONS

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

RICHARD PETERSON/Chalyee Éesh, President
Central Council
Tlingit & Haida Indian Tribes of Alaska
Juneau, Alaska

POSITION STATEMENT: Expressed his support for tribal
consultation and representation on boards and commissions.

BARBARA BLAKE/ Wáahlaal Gíidaak, Senior Director
Alaska Native Policy Center
First Alaskans Institute
Juneau, Alaska

POSITION STATEMENT: Provided a PowerPoint presentation, titled
"Alaska Native Racial and Sovereign Status."

KAREN LINNELL, Executive Director
Ahtna Intertribal Resource Commission;

Former Member
Alaska Board of Game
Glennallen, Alaska

POSITION STATEMENT: Presented during the Meaningful Alaska Native Representation on Boards and Commissions presentation.

ROBIN SAMUELSON, representing self
Dillingham, Alaska

POSITION STATEMENT: Presented during the Meaningful Alaska Native Representation on Boards and Commissions presentation.

BRIAN RIDLEY, Chief/Chairman
Tanana Chiefs Conference;
Alaska Vice President
National Congress of American Indians
Eagle, Alaska

POSITION STATEMENT: Provided a PowerPoint presentation, titled "Subsistence Story."

ACTION NARRATIVE

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CHAIR CJ MCCORMICK called the House Special Committee on Tribal Affairs meeting to order at 3:31 p.m. Representatives Carpenter, Vance, Baker, Allard, Dibert and McCormick were present at the call to order. Representative Himschoot was also present for the meeting.

REPRESENTATIVE BAKER introduced himself to the committee. He informed the committee that he comes from the Native Village of Kotzebue. He expressed his pride to join and provide a tribal voice to the committee.

PRESENTATION: MEANINGFUL ALASKA NATIVE REPRESENTATION ON BOARDS AND COMMISSIONS

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CHAIR MCCORMICK announced that the only order of business would be the Meaningful Alaska Native Representation on Boards and Commissions presentation.

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RICHARD PETERSON/Chalyee Éesh, President, Central Council, Tlingit & Haida Indian Tribes of Alaska, read from prepared

remarks and explained that he has witnessed the significant impact that inclusive and meaningful collaboration and consultation can have on the well-being of the community. He expressed his support of Alaska Native inclusion on boards and committees. Tribal consultation is a cornerstone of effective governance and policy making and ensures that decisions made at the legislature consider the unique needs, perspectives, and traditions of Alaska Native communities. By fostering government to government relationships, the state can better address the challenges faced by tribal nations and work collaboratively towards sustainable solutions.

MR. PETERSON urged the committee to support and strengthen tribal consultation efforts. He stated that doing so would ensure that the voices of Alaska Native communities are considered in the decision-making process and policies would be more effective and contribute to the well-being of the state. Meaningful tribal engagement goes beyond consultation and involves creating opportunities for tribes to participate in the development and implementation of policies. By engaging tribal leaders, the state can tap into a wealth of expertise and knowledge, which will lead to more informed decisions. Including Alaska Native voices on boards and commissions will bring valuable perspectives and contribute to the legitimacy and fairness of the decision-making process.

MR. PETERSON requested the committee promote and support initiatives to increase Alaska Native representation on boards and commissions. He emphasized that this step is vital in creating a more inclusive and equitable government structure that reflects the rich cultural and ethnic diversity throughout the state. He shared a quote: "Healthy tribes do make healthy communities."

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BARBARA BLAKE/ Wáahlaal Gíidaak, Senior Director, Alaska Native Policy Center, First Alaskans Institute, provided a PowerPoint presentation, titled "Alaska Native Racial and Sovereign Status" [hard copy included in committee packet]. She said that many lawmakers think of Native peoples as a racial class, which can negate the sovereign status of tribal citizens. She sought to provide clarity regarding sovereignty and delineate the difference between tribes, Native Corporations, and regional non-profits.

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MS. BLAKE showed slide 2, titled "What all Alaskans need to know," and explained that social scientists have proven tribal existence in Alaska, with 10,000-year-old remains, which upholds the oral histories of many tribes throughout Alaska. Geography shaped how cultures formed throughout Alaska in terms of landscape, spirituality, and language. She explained that Native peoples shaped themselves around the landscape, whereas people today seem to shape the landscape to suit the needs of society.

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MS. BLAKE showed a map on slide 3 which shows Alaska Native Languages throughout the state including 20 distinct linguistic groups, which make up about 22 percent of the population according to U.S. Census data.

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MS. BLAKE moved to slide 5 and explained that Native nations have had government societies prior to contact. The government-to-government relationship should be based on the political, not racial, status of American Indian and Alaska Native people.

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MS. BLAKE moved to slide 7, titled "A Sovereignty Snapshot," which read as follows [original punctuation provided]:

Three Sovereigns operate in Alaska:

- Tribal Governments, Federal Government, State Government
- Alaska Natives make up 22% of the population of Alaska
- Alaska Natives have two separate and distinct statuses:
 - 1) Political, as noted above, and
 - 2) Racial, as a protected class of citizens under US law

MS. BLAKE explained that there are 229 tribal governments recognized in Alaska. There are three levels of care for tribal citizens, including tribal government, state government, and the federal government. Most, but not all, Alaska Native people belong to a Tribe and/or a Native corporation. Tribal governments hold legal and political status. She described the

Martial Trilogy from 1823, which affirmed tribal sovereignty. Throughout the United States, there are 574 tribal governments. Each has its own self-governance rights.

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MS. BLAKE defined the word "tribe" in legal terms on slide 8, titled "Tribal Governments," which read as follows [original punctuation provided]:

Term "Tribe" used two ways:

- Ethnologically: a social, political organization of a group of people who share race, customs, language, culture, etc.
- Legally-politically (Montoya v. United States, 180 U.S. 261 (1901)): "a body of Indians of the same or a similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory"

MS. BLAKE moved to slide 9, also titled "Tribal Governments," which read as follows [original punctuation provided]:

- 574 federally recognized tribes (229 are in Alaska)
- Each Tribe possesses inherent rights of self-government (i.e., tribal sovereignty) and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the U.S.

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MS. BLAKE provided a map on slide 10 that showed the 229 federally recognized tribes in Alaska and makes up almost half of all tribes in the United States. She noted that most tribes are not connected by road systems, and though some are geographically close, like Sitka and Hoonah, there may be separate tribal governments.

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MS. BLAKE moved to slide 11 and explained that Alaska Native corporations were formalized under the Alaska Native Claims Settlement Act (ANCSA). Per state charter, the objective of Alaska Native corporations is to turn a profit and caretaker for retained land. Regional nonprofits are entities that receive delegation from tribes to pool together resources within a

region. She gave an example of pooling tribal transportation dollars, which involved tribal governments delegating to regional nonprofits. There are other Alaska Native entities including the Alaska Federation of Natives, Alaska Native Tribal Health Consortium, Southcentral Foundation, and Southeast Alaska Regional Health Consortium. These are entities that receive delegation from tribes to pool tribal health dollars and use them as efficiently as possible. She explained that some tribes have decided not to be a part of pooled resources and have their own organizations.

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MS. BLAKE moved to slide 12, titled "Understanding the Layers," which read as follows [original punctuation provided]:

- Concurrent Community Care
- Outward Connections
- Tribal Governments and Municipal Governments are different
 - o Tribes are sovereign unto themselves
 - o Municipal governments are subsets of the State

MS. BLAKE explained that she is a citizen of Tlingit & Haida, a resident of the State of Alaska, and a citizen of the United States of America. She is also a shareholder of Sealaska and Ahtna, Inc. She receives her health services at Southeast Alaska Regional Health Consortium (SEARHC). She noted that understanding the many layers and complexities of Native communities is important when engaging with Native people.

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MS. BLAKE moved to slide 13, titled "Opportunities to Strengthen." She noted that compacting and contracting are different. Compacting emphasizes recognizing sovereign entities where negotiations occur to reach a common goal. Contracting involves detailing and dictating how an agreement will be met.

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CHAIR MCCORMICK thanked Ms. Blake and invited questions.

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REPRESENTATIVE VANCE asked about political versus racial status and how it relates to legislature.

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MS. BLAKE, in reference to assigning board seats, said the term "Alaska Native" is a racial designation whereas a tribally designated seat has to do with a person's sovereign status.

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REPRESENTATIVE VANCE asked for clarification about filling tribal seats on boards.

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MS. BLAKE said that because there are a limited number of seats on various boards, not all 229 tribes can be represented. She referred to a tribal unity group that could encourage tribes to come together to determine fair representation of tribes for a limited number of board seats.

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REPRESENTATIVE VANCE asked about tribal courts and if every tribe has a court. She noted a pilot project from the federal government.

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MS. BLAKE said not every tribe has a court due to funding and capacity. She said that U.S. Senator Lisa Murkowski is seeking funding for tribal courts. Tribal courts exist under the executive branch of tribal governments.

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MR. PETERSON responded to Representative Vance and said that the term "enrolled tribal citizen" should be used when defining Alaska Native seats on boards. He mentioned that all tribes have governance but there isn't necessarily capacity for every tribe to run a tribal court. A court can be anything from peacemaking to a more formal court which deals with misdemeanor cases. Tribal courts can create holistic options for perpetrators to work to make reparations for their crimes, instead of having a state record that may prevent them from getting a job in the future. Tribal courts also participate in usual court activities including marriages, divorces, and child

custody. He offered to host legislators on a tour of the tribal court in Juneau.

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REPRESENTATIVE VANCE thanked the presenters.

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MR. PETERSON offered up Tlingit & Haida's programs to help the community.

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CHAIR MCCORMICK thanked the presenters.

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The committee took an at-ease from 4:11 p.m. to 4:13 p.m.

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KAREN LINNELL, Executive Director, Ahtna Intertribal Resource Commission; Former Member, Alaska Board of Game, addressed Representative Vance's question about tribal court. She thanked the previous presenters for their inclusive statements. She emphasized the responsibility as a tribal citizen to care for community. She remarked that the level of community involvement is more so as a tribal citizen. She addressed creating balance in boards and commissions. She described her experience serving on the Board of Game and how some boards have lacked balance. She gave an example that there is a disproportionate number of commercial fishermen on the Board of Fish.

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MS. LINNELL opined that appointments to boards should be based on a balance of interests and experience. She mentioned the Yukon River fishing regulations and noted her preference of an eco-centric approach with a focus on longevity of the system for subsistence. Governance is based on population and maps, and rural voices can become diluted. Commissions and boards should be balanced based on charter and what is best for Alaska. She mentioned racial comments she dealt with. She said, "Nobody is more invested in doing what is right for Alaska than the tribal citizens of Alaska."

MS. LINELL emphasized the importance of balance for board and commission roles. She thanked the committee for taking the time to recognize the role of tribes. Tribal consultation should start at the beginning of an idea, not halfway through the planning process. She told a story about a fisheries biologist who consulted with local tribes about spawning timing for his research. Tribal input is important in many aspects.

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ROBIN SAMUELSON, representing self, introduced himself and mentioned he was a tribal chief for 35 years and is the former chief executive officer of the Bristol Bay Economic Development corporation. He also was a former member of the Alaska Board of Fisheries and the North Pacific Fisheries Management Council. He expressed his disappointment in the current composition of the Board of Fisheries. The Kuskokwim and Yukon Rivers have not been fished for several years. He said, "Our culture is being destroyed because there's no salmon." He asked, "How would you guys feel if I took away Safeway, Carrs, and Costco from you?" He said that villages are unrepresented on the Board of Fisheries. He discussed a subsistence priority in statute. He said he was a commercial fisherman in Bristol Bay for 56 years. He said, "There is no more important fish than a subsistence fish for a family to eat."

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MR. SAMUELSON opined that nepotism and racism are involved on boards. He noted inaction from the Board of Fisheries in reference to subsistence regulations. He spoke in support of the inclusion of Native people on boards and commissions. He pointed out that perspectives of people from rural Alaska differ from other people's perspectives. He emphasized the importance of fish to Native Alaskans who have subsisted on fish for thousands of years.

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MR. SAMUELSON stated that the resource comes first, subsistence comes second, and commercial and sport fishing are the last priority. He noted the difference in values among commercial fishermen. He opined that most commercial fishermen care only about money, whereas subsistence fishers see wealth and happiness in full freezers and smokehouses. He offered to continue to participate to help the House Special Committee on Tribal Affairs.

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BRIAN RIDLEY, Chief/Chairman, Tanana Chiefs Conference; Alaska Vice President, National Congress of American Indians, provided a PowerPoint presentation, titled "Subsistence Story" [hard copy included in the committee packet]. Referring to the pie chart on slide 2, he explained that commercial fishing accounted for 98.6 percent of the total harvest, while subsistence fishing and hunting accounted for less than 1 percent of the total harvest. Slide 3 showed another pie-chart that demonstrated that of the less than 1 percent of wild food harvested, 74.6 percent was distributed among rural households, and 25.3 percent was distributed among urban households. He described that the same study from the Alaska Department of Fish & Game (ADF&G) demonstrated that except for areas classified as rural that are adjacent to Anchorage, wild harvest is 100 percent of the daily protein intake for rural Alaska, which is made up of Alaska Native people. He said the amount necessary for subsistence has not been met for 13 years for the Kuskokwim River Chinook salmon; subsistence has not been met for 15 out of the last 16 years for the Yukon River Chinook salmon.

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MR. RIDLEY described the makeup of the Board of Fisheries, which has six members who represent commercial, sport, and personal use and only one member who represents subsistence. The Board of Game has seven members who represent commercial, sport, and personal use, and zero members who represent subsistence.

MR. RIDLEY moved to slide 3, titled "Dollars and Nonsense: SOA Fish Budget Data FY 2023," which shows that the Division of Commercial Fisheries has \$82 million budgeted, and the Division of Sport Fish has \$43.6 budgeted, while the Subsistence Section has just \$6 million in its budget. Based on these numbers, he observed, subsistence appears to be less of a priority for the State of Alaska. He posited, "What's good for Alaska Natives is good for Alaska." He noted, "We're taking our battles inside the courthouses to ensure that all of our children will have access to salmon, crab, halibut, moose, and caribou." He said the only way to ensure the adequate inclusion of Indigenous knowledge in the Board of Game and Board of Fisheries decision-making process is to have Alaska Native representation on boards and commissions.

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CHAIR MCCORMICK thanked Mr. Ridley and invited questions.

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REPRESENTATIVE CARPENTER asked how the committee can ensure more Indigenous people serve on boards.

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MR. RIDLEY responded that assigning a seat for a race would be contentious and suggested that a tribal seat would be sufficient. He said he was seeking fairness and equality.

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REPRESENTATIVE CARPENTER sought to define subsistence status through hunting areas. He said that he took exception to Mr. Samuelson's earlier comments. Though members of the committee may not reside in Western Alaska, it doesn't mean members of the committee don't understand the value of fish or a rural lifestyle. He mentioned that he chose to live on the road system and have a farm lifestyle and be self-sufficient. He said that he can relate to people living off the road network and is supportive of seeing an increase in subsistence use of resources. He stated that the constitution is clear, and it is not being adhered to.

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MS. LINNELL spoke to her experience living on the road system and discussed competition for resources, personal use fisheries, and hunting for moose and caribou. People who live there find it more difficult to be successful in their harvest. Subsistence is in statute and is currently not a priority. She said that people are often told that Alaska has the "best resource management in the country" and yet resources are in crisis.

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MR. RIDLEY shared a story from an elder who wasn't aware of the Great Depression at the time because there was an abundance of natural resources for subsistence. If ADF&G were managing resources appropriately, this would not be an issue. He referenced fish hatcheries and bison introduction as faulty

solutions to problems with inadequate management of existing resources.

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REPRESENTATIVE BAKER noted the representation from around the state in the room today advocating for tribal representation on boards. He encouraged Native and rural Alaskans to tell their friends and neighbors to get involved and spread the word when there are openings for boards, committees, and councils.

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REPRESENTATIVE CARPENTER said that Alaskans have lost self-sufficiency and subsistence. He noted the governor's push for food self-sufficiency and security.

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CHAIR MCCORMICK provided closing remarks.

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ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 5:00 p.m.