

Alaska Implementation Guidance for
DoD Alaska Native Related Policies and Instructions

13 April 2020



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Authorities.

1. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments.
2. DoD Instructions 4710.02, DoD Interactions with Federally-Recognized Tribes (24 Sep 18).
3. USNORTHCOM CONPLAN 3400, *Homeland Defense*.
4. USNORTHCOM CONPLAN 3500, *Defense Support of Civil Authorities*.
5. Memorandum, Lead for Arctic Affairs, CDRUSNORTHCOM (11 Mar 19).

I. Introduction.

1. **Purpose.** The Alaska Implementation Guidance (AIG) conveys the application of the revised Department of Defense Instruction for American Indian/Alaska Native (AI/AN) Policy (DoDI 4710.02; 24 September 2018) to the unique aspects of Alaska. The AIG applies to DoD components conducting activities that may affect Alaska Native communities. The AIG highlights the nuances of Alaska in order to better assist DoD components with requirements when DoD activities intersect with Alaska Native interests and is designed to inform DoD components on how to approach trust relationships with Alaska Native peoples. This document supercedes all previous versions of the “DoD American Indian/Alaska Native Policy: Alaska Implementation Guidance.”

2. **Rationale.** Due to the variability of governance structures, land ownership, jurisdiction in Alaska, and the changes published in the revised DoDI 4710.02, the following guidance serves as a means to assist those working on behalf of DoD components in building and sustaining trust relationships with various types of Alaska Native communities. This guidance informs DoD components’ obligations to engage tribes in government-to-government relations through engagement and meaningful consultation based on the US Constitution, Federal treaties, statutes, executive orders, and policies. The following are the guiding principles for interacting with Alaska Native tribes: the recognition of tribal sovereignty and cultural traditions, applications of federal trust responsibilities, consultation on a government-to-government basis, and protection of natural and cultural resource of tribal importance.

The legal model created from the Alaska Native Claims Settlement Act (ANCSA) render situations and issues unique to Alaska. The inclusion of Alaska Native corporations (ANCs) in the DoDI consultation requirement necessitates a clarification on how instructions are implemented in Alaska.

3. **Delimitation.** The AIG is designed to assist DoD agencies in identifying and initiating consultation with federally-recognized tribes and ANCs. The AIG is not intended to be a substitute for: individual protocols already established with tribes; DoD component policies, directives, instructions, or regulations; or installation standard operating procedures (SOPs). However, it is important that service components leverage their respective liaisons who are familiar with Alaska Native governance and protocols. Where there is a perceived conflict

with federal law or DoD regulations, this guidance should be interpreted in a manner as not to conflict with law or regulation.

4. Federal Law and DoD Policy. Where there is a perceived conflict with federal law or DoD regulations, this guidance should be interpreted in a manner as not to conflict with law or regulation. It is important to note that in the same way, neither does DoD policy supersede federal law or regulation. In this regard, the Federal Acquisition Regulation (FAR) and the Defense Federal Acquisition Regulation Supplement (DFARS) continue to govern the rules and regulations as they pertain to federal contracting with DoD contractors and potential DoD contractors. Since the ANCs fall within this category, the general contracting rules continue to apply notwithstanding the language in DoDI 4710.02, to include paragraph 3.2.(10) of the DoDI, which requires consultation with ANCs for “proposed actions, plans, or ongoing activities that may have the potential to significantly affect: (10) Business contracting matters.” DoD entities must still comply with the guiding principles of the Federal Acquisition System found in FAR Part 1, Subpart 1.1, as well as the need to prevent any unfair competitive advantage and avoid organizational conflicts of interest, as specified in FAR Part 9, Subpart 9.505. Consult your servicing Staff Judge Advocate on this issue as required.

5. Consideration. The AIG follows the DoD Policy focus on consultation when DoD actions may have the potential to significantly impact protected tribal resources, tribal rights, and/or interests in Indian land. Unlike many American Indian tribes in the contiguous 48 states that occupy Indian land, the AIG recognizes *trust responsibilities* due to the uniqueness of Alaska, are not limited to protected tribal rights and resources associated with Indian land, but extend to rights and resources off Indian land. This includes understanding the impacts DoD may have on those resources of importance, such as those resources that support a subsistence way of life for Alaska Natives. DoD agencies or services are strongly encouraged to become informed of natural and cultural resources that are important to Alaska Native tribes, even when not specifically protected by law, through relationship processes including government-to-government consultation.

6. Audience. This Guidance is designed to assist several entities:

- DoD agencies and components;
- Federally-recognized tribes;
- Alaska Native Corporations (ANCs);
- Other agencies seeking to better understand how DoD interacts with Alaska Native tribes and ANCs.

II. Roles and Responsibilities

Local DoD agencies and component commanders adhere to their respective instructions, regulations, policies, procedures and/or protocols with tribes for their respective defined roles and responsibilities with regard to AI/AN interactions.

Tribal Liaisons (TLs) are commanders' representatives and advisors regarding Native Affairs. There are eight TLs assigned to DoD components with responsibilities in Alaska.

- Native Affairs Liaison, Alaskan Command, Joint Base Elmendorf Richardson (JBER);
- Tribal Liaison, Pacific Air Forces Regional Support Center, JBER;
- Tribal Liaison, US Army Corps of Engineers (USACE), JBER;
- Tribal Liaison, US Army Garrison Alaska (USAG), Fort Wainwright;
- Tribal Liaison, US Coast Guard, District 17, Juneau;
- Tribal Liaison, 673rd Civil Engineer Squadron, JBER;
- Tribal Liaison, Alaska National Guard, Department of Military & Veterans Affairs;
- Tribal Liaison, US Navy, Region Northwest, Washington State.

Primary responsibility for implementing the DoD AI/AN policy and instruction rests with installation commanders. Commanders rely on their TLs to advise them on Alaska Native cultural awareness, tribal governance structures and the ANC framework, among other related aspects. Further, TLs can establish consultation processes, advise commanders on engaging key personnel, and serve as an ambassador to Alaska Native peoples and organizations on behalf of their respective installations and agencies.

The Commander, Alaskan Command (CDRALCOM), is designated as the lead for Arctic Affairs by U.S. Northern Command (USNORTHCOM). One of several roles and responsibilities specified to CDRALCOM is to maintain critical relationships and to act as a DoD interlocker with the state-wide Alaska Native community. The ALCOM Native Affairs Liaison develops and maintains relationships with Alaska Native communities for the senior military commander in Alaska, advises DoD components on policy implementation, liaises with the Senior Advisor and Liaison for Native American Affairs for the Office of the Secretary of Defense (OSD), and coalesces the DoD TLs working in Alaska in order to seek consistent approaches and avoid duplicative efforts.

III. Definitions and Concepts.

To understand the complex socio-political landscape of the Alaska Native community at large, it is important to learn the differences between federally-recognized tribes, Alaska Native regional and village corporations, and Alaska Native regional non-profit service provider organizations. Key concepts are defined below to facilitate consistency and consensus on usage.

1. Alaska Native Claims Settlement Act (ANCSA) was signed into law by President Richard Nixon on December 18, 1971. This legislation settled the legal question of land claims within Alaska, something that up until then, had been left unaddressed both when the land was purchased by the United States from Russia, and again when Alaska gained statehood. ANCSA formed 13 regional corporations and over 200 village corporations, which received both land (private, fee simple) and monetary compensation from the settlement. ANCSA extinguished all claims based on aboriginal right, title, use, occupancy of land or water, or based on statute or treaty of the United States relating to Native use or occupancy (43 USC 1603(c)); aboriginal title to all prior conveyances of public land and

water areas in Alaska (43 USC 1603(a)); and aboriginal title in Alaska based on use and occupancy, including aboriginal hunting or fishing rights (43 USC 1603(b)).

2. Alaska Native Corporations (ANCSA Corporations, aka ANCs) are any Alaska Native regional or village corporation as defined in or established pursuant to ANCSA. More specifically, “Any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with Section 1601, et seq. of Chapter 33 of Title 43, U.S.C., also known and referred to in this issuance as the ‘Alaska Native Claims Settlement Act of 1971,’ as amended (DoDI, 2018, p. 12).” These are for-profit, private business corporations chartered under Alaska State law and the lands conveyed to ANCs are private fee title (not trust lands).

3. Alaska Native Regional Non-Profit Organizations (Service Providers) were created to provide services and health care for Alaska Native peoples. Through federal compacts, grant funding, support from the regional corporations, collaboration with village non-profit organizations, and other means, the regional non-profit service providers deliver a range of services. The specific objectives of the organizations vary but generally focus on resource research and management, healthcare, cultural services, and educational opportunities. Programs can include physical and behavioral health care, scholarships for Alaska Native students, sponsorship of cultural events, Alaska Native language preservation efforts, and protection of sites with historic or religious importance.

4. Consultation. “Rarely a singular event but part of a process to inform a pending decision or course of action, it is information and opinion respectfully exchanged in both directions and likely involves different forms of communication, and must begin with a face-to-face dialogue. If agreed to by the tribe, ongoing daily business communications may be considered part of the consultation process and may include written, telephonic, and electronic communication” (DoDI, 2018, p. 12).

a. Government-to-Government Consultation is a *meaningful* process to discuss in a transparent way a pre-decisional course of action between DoD components and federally recognized tribes where information and opinions are respectfully exchanged in both directions. Although government-to-government consultations must be conducted pursuant to instructions and policies, specific outcomes are not mandated. Instead, tribes are included in the decision-making process and final decisions have incorporated tribal input.

b. ANC Consultation. The Office of the Under Secretary of Defense for Acquisition and Sustainment requires DoD components to “consult in a timely and good faith manner with Alaska Native corporations on any proposed action or policy that may have substantial direct effect on corporate lands, waters, or other natural resources, or on the ability of an Alaska Native corporation to participate in a DoD or DoD component program for which it may otherwise be eligible” (DoDI 4710.02, p. 6). The intention of the instruction is to provide ANCs opportunities to discuss DoD activities that may impact ANC natural resources (e.g., land and associated renewable resources that are relied upon to support subsistence practices). Please note the discussion in paragraph I.4.

Federal Law and DoD Policy regarding consultation with ANCs on business contracting matters.

The DoD recognizes that while consultation with ANCs is required, ANCs are not tribes nor sovereign governments. Although ANCs must be informed in a timely and good faith manner as related to their land, they are not federally-recognized tribal governments and are not granted government-to-government status.

5. Cultural, Religious, and Historic Interests. These include tribes' rights to protect interest in access to sacred sites, use and possession of sacred objects, and the exercise of traditional religions. These are protected under Executive Order 13007 (Indian Sacred Sites, 24 May 96).

Tribes have a protected interest in identification and rightful disposition of funerary objects, sacred objects, and items of cultural patrimony that are in federal possession or control. These are protected by the Native American Graves Protection and Repatriation Act (NAGPRA; 25 USC 3001-3013) and the Archeological Resources Protection Act (ARPA; 16 USC 470aa-II). NAGPRA provides for the return of funerary objects, sacred objects, and items of cultural patrimony from federally funded museums and from collections from federal and Indian lands. Additionally, it provides for repatriation of these items and of Native American human remains discovered on federal and Indian lands.

Under the National Historic Preservation Act (NHPA; 54 USC 300101 et seq.), "tribal land" is defined as lands within the boundaries of a reservation or dependent Indian community. All federally recognized tribes in Alaska have the right to be a consulting party for historic properties, or federal undertakings which may affect historic properties, when the tribe attaches religious and cultural significance to those properties.

Alaska Native individuals who dwell on the coast of the North Pacific Ocean or the Arctic Ocean have an interest in marine mammals for food, handcraft or clothing. This interest is protected by the Marine Mammal Protection Act (16 USC 1371(b)). Tribes that have an interest in taking bald or golden eagle for religious purposes fall under the Bald Eagle Protection Act (16 USC 668a).

6. Federally-recognized tribes. "A federally recognized Indian or Alaska Native tribe, band, pueblo, village, community or other tribal entity that the Secretary of Interior acknowledges to exist as an Indian tribal entity pursuant to the annual update to the Department of Interior list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs published in the Federal Register" (DoDI, 2018, p. 13). Further, the Secretary of the Interior acknowledges those listed exist as a tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, (25 USC 479a. (EO 13175)). Those tribes may be represented by traditional councils, or organized under the

Indian Reorganization Act (IRA) as IRA Councils. Tribal sovereignty is a retained status by federally-recognized tribes.

7. Protected Tribal Resources. “Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by or reserved by or for Indian tribes through treaties, statutes, judicial decisions, or E.O.s, including tribal trust resources” (DoDI, 2018, p. 18). Tribal resources of importance are tribally defined and informed through the relationship processes between tribes and local DoD agency or service component commanders (i.e., government-to-government relations). This is in addition to those natural resources or properties of traditional or customary religious or cultural importance, either on or off Indian land, retained by or reserved for Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

8. Subsistence. Congress granted a subsistence preference for individual Alaska Natives on Native land and for both Native and non-native rural residents on public land, per the Alaska National Interest Lands Conservation Act (ANILCA; Public Law 96-487, 1980, 16 USC 3101-3126 and 3111(a)(1)). The preference means that when it is necessary to restrict taking of fish and wildlife, subsistence uses shall be given priority over other consumptive uses (16 USC 3112).

While Congress acknowledged the importance of subsistence to all rural Alaska residents, it noted that the continuation of the opportunity for subsistence uses is essential to the Native physical, economic, traditional, and cultural existence (16 USC 3111(a)(1)). DoD agencies must determine whether their activities may have the potential to significantly affect renewable resources relied upon for subsistence, because Alaska Native communities may perform subsistence activities on both Native Land (as defined by ANILCA) and public land in Alaska. Local DoD agencies and service component commanders (e.g., *installation commanders*) or their respective agency representatives will enhance trust and understanding by consulting with the applicable Alaska Native tribes when a proposed DoD action may have the potential to adversely affect the subsistence activities of members of the same village or tribe.

9. Indian Land in Alaska. Indian land, as defined by DoDI 4710.02, is: “Any lands to which the title is either held in trust by the United States for the benefit of any Indian tribe or Indian, or held by an Indian tribe or Indian subject to restrictions by the United States against alienation in accordance with Part 229 of Title 32, CFR. Also applies to any lands conveyed in accordance with the ‘Alaska Native Claims Settlement Act of 1971,’ as amended” (p. 12).

a. Reservation. The Metlakatla Indian Community Federal Reservation on Annette Island. This is the only reservation in Alaska that is held in trust by the United States (25 USC 495).

b. Individual Native Allotments under the Alaska Native Allotment Act. Under the Alaska Native Allotment Act of 1906, Alaska Natives not residing on a reservation were allotted federal land of the US to be held in trust by the US, but for the sole benefit and

use of the Native allottee. The Act authorized the BIA to manage the program. The BIA could convey the land free of trust to the allottee after 25 years or upon a determination that the allottee could manage the land. Various methods of alienation were also authorized but with BIA approval (43 USC 1634).

Under these authorities, BIA issued Native Allotment Certificates. Under the Indian Self-Determination Act (25 USC 450j), BIA contracted out with regional nonprofit providers to monitor these allotted trust lands.

ANCSA (43 USC 1603c (1971)) extinguished all interests in land based on federal statute at that time. Therefore, Natives covered by ANCSA, or their descendants, are not eligible for further allotment (43 USC 1617). However, there are Native allotments that continue to be valid because of express language in ANCSA (43 USC 1617) recognizing then existing (1971) allotments but precluding further allotments to ANCSA eligible Natives. Subsequently, in the ANILCA (Public Law 96-487, 1980; 16 USC 3101-3126), Congress amended ANCSA to approve Native allotment applications pending on or before the enactment of ANCSA (43 USC 1634).

In sum, Indian land in Alaska for DoD policy purposes includes existing Native allotments under the above authorities only so long as held in trust by the US subject to restriction on alienation. Once BIA has approved alienation or issues the land in fee simple, the allotment ceases to be Indian land.

c. Townsite Lots under Native Townsite Act. In 1926 Congress authorized the Federal Townsite Trustee to issue restricted deeds in trust to Alaska Natives living in Federal townsites. In 1948 Congress authorized the townsite trustee to issue unrestricted deeds upon approval by BIA. In 1976 Congress repealed the Townsite Act.

Any restricted Townsite deeds held by Alaska Natives, which have not been alienated with approval of BIA are still held in trust and may be Indian land. DoD policy would, therefore, apply to interests in that land. The majority of lots in Alaskan towns, outside the rail belt, have restricted deeds.

d. ANCSA Land, 43 USC 1601. This includes surface and subsurface estates held by the 12 for-profit Regional ANCSA Corporations under 43 USC 1606, and the surface estates of for-profit Village ANCSA Corporations under 43 USC 1607. ANCSA land are fee simple (private land not held in trust.)

e. ANCSA Village Corporation Land Transferred to Tribes. Congress authorized BIA to hold IRA land in trust, 25 USC 463-465. However, ANCSA extinguished all IRA interests.

In recent years, several ANCSA village corporations have been deeding their land to tribes located in the same village, often with the same membership. Because these deeds originated from corporate fee land, they are not held in trust by the US and do not qualify as Indian land within the DoD policy definition. A trust relationship is not

recreated by transfer to the tribes because the land does not qualify as a “dependent Indian community” within the meaning of 18 USC 1151¹, and is, therefore, not Indian Country. (see *Alaska v. Native Village of Venetie Tribal Government*. Supreme Court No. 96-1577 (1998).)

IV. Trust Responsibility in Alaska.

In the Federally Recognized Indian Tribe List Act of 1994 (P.L., 103-45), Congress declared that the United States has a trust responsibility to recognized Indian Tribes, maintains a government-to-government relationship with those tribes and recognizes the sovereignty of those tribes. Federally recognized tribes in Alaska participate in that trust relationship with the US. DoD values the enduring trust relationship with tribes.

The federal trust obligation of the United States to the tribes in Alaska applies to tribal rights and protected tribal resources as described in this guidance. It also applies to Indian land held in trust by the US, such as the Metlakatla Reservation and existing Native allotments.

There is no trust obligation with respect to land held under ANCSA or land held by tribes, which was transferred from ANCSA corporations. However, there is a trust obligation for identified protected tribal rights and resources that may exist on those lands. There is no trust obligation by virtue of aboriginal title, which was extinguished by ANCSA.

V. Government-to-Government Relations

DoD components will consult on a government-to-government basis, as described in DoDI 4710.02, Section 3.2 *What to Consult About*, with tribes concerning DoD activities, which may have the potential to affect tribal rights and resources. This includes, but is not limited to: ground-disturbing activities, construction, training, low level over-flights, management of properties of traditional religious and cultural importance, protection of sacred sites from vandalism and other damage, access to sacred sites, access to treaty-reserved resources, disposition of cultural items, and land use decisions, on or off Indian Land, and interests in Indian Land. This consultation is not satisfied by compliance with general existing statutory public participation requirements, but requires separate consultation with the tribe on identified tribal interests. Guidance for Consultation, set forth below, describe how DoD components will identify those interests with tribes.

The DoD components shall afford tribes that have a cultural or historical affiliation with the lands encompassed by the installation an opportunity to consult on the development of the management plans that may potentially be affected.

The DoD recognizes that there are other governments or government agencies representing Alaska Natives, which are affected by DoD activities. Consultation with tribes is intended to supplement and not replace consultation with these other governments and government agencies as necessary. The DoD in Alaska must take into consideration the interests of all government

¹ 18 USC 151 defines Indian Country to include reservations, dependent Indian communities and Indian allotments with unextinguished title.

affected by DoD activities. If a DoD activity does not have a potential to affect an identified tribal right, resource, or interest in Indian land, as described in this guidance, consultation with the tribe on a government-to-government basis is not required for that activity. The DoD also recognizes that while consultation with ANCSA Corporations as landowners may be necessary, ANCSA Corporations are not tribal governments.

It is the responsibility of the DoD component to identify potential effects to known tribal rights and resources and initiate consultation with affected tribes early in the planning process. It is anticipated that tribes will assist the DoD in this effort by identifying rights, protected resources, or interests in Indian land that may be affected by the DoD activity. The tribal response to the DoD component should provide the information necessary to determine whether government-to-government consultation is necessary. However, if it is determined that consultation is not required, this guidance does not relieve the DoD of its responsibility to communicate with tribal members as affected members of the public under other public participation requirements.

Native Regional Nonprofit Organizations (service providers) under contract with BIA for protecting the trust resources of Native allotment holders will also be consulted when in the performance of their contractual trust responsibilities, but such Native organizations will not be considered governments.

VI. Guidance for Consultation

Government-to-government consultation is a two-way dialogue between federally-recognized tribes and DoD agencies and components to respectfully share information and opinion in both directions. The following guidance is to be used in conjunction with Section 3 of DoDI 4710.02 entitled Guidance for Consultation with Federally Recognized Tribes, and in addition to service component specific instructions, and standard operating procedures.

1. **Requirement.** Notification and consultation is triggered when a proposed DoD action may have the potential to significantly affect protected tribal rights, resources or Indian land, as described in this guidance. Because of extensive renewable resources, cultural, and religious interests in Alaska, which are not limited to Indian land, notification of any DoD activity will be provided to tribes in the area potentially affected by the activity.
2. **Notification and offer of consultation.** Notification and offers of consultation letters may be prepared by agency staff members, but will be signed by the installation commander or equivalent agency director. The letter may designate a TL, project manager, or other management level individual to coordinate logistics for potential consultation. The letter will notify the prospective affected tribe of the proposed DoD activity and request that the tribe identify what tribal rights, protected resources, or interest in Indian land may be affected. Such letters will be followed-up by phone call and e-mail communications to confirm receipt and understanding. If the tribe identifies any such interests, consultation will be required. If the tribe does not respond within a reasonable period after notification (typically, 30-60 days depending on the project), the DoD component may proceed with the activity. However, the DoD component should continue to make reasonable efforts to receive a tribal response by telephone or email before making a decision to proceed.

Proceeding without consultation under this protocol does not relieve the DoD of other consultation requirements established by law. Each service component in Alaska may format its own notification procedures within these guidelines.

3. Consultation. If consultation is required as set forth, the DoD installation or component and the tribe will collaboratively establish a consultation process setting forth representatives, an agenda of issues to be discussed, location for the meeting, logistics, schedules, procedures, etiquette and any other such matters relevant to the proposed DoD activity. When tribal chiefs/presidents enter an installation for the purpose of government-to-government consultation, they will be afforded the protocol of an official government visitor. The DoD component should advise other affected federal agencies of its requirement for tribal consultation.

4. Documentation. Careful and considerate documentation of consultation meetings is an important part of the process. DoD agencies shall work with tribes to determine what level of documentation is appropriate. Best practices can include various levels of documentation such as: a complete transcript; a document listing outcomes that each party signs off on; or a letter from the commander to the tribal leader which informs the tribe of a decision.

VII. Develop Enduring Relationships

Each DoD agency or component conducts its relationship building and consultation with Alaska Native communities in accordance with their respective authorities (policies, instructions, SOPs, and protocols developed with tribes and in honor of the principles outlined in DoD Policy and Instructions). Additionally, commanders, TLs and DoD personnel can demonstrate trust by building enduring relationships in various ways under the three following frameworks:

1. Awareness. Learn about historical interactions that continue to negatively impact and shape the relationship between DoD and Alaska Native people today. Through open communication, DoD leadership and staff can learn these histories from a Native perspective and work together with tribes and communities to find paths to move forward with the ultimate goal of healing.

2. Advocacy. Participate in bi-lateral education opportunities. This includes DoD invitations to Alaska Native leaders and experts to provide education to DoD leadership and personnel, while also finding opportunities for DoD to provide education for Alaska Native communities on items of interest.

3. Action. DoD leadership, TLs, and personnel can greatly improve working relationships by informing Alaska Native leaders and representatives about educational programs, surplus resources, and economic opportunities that may be of value. Some of these opportunities include but are not limited to the following:

a. Innovative Readiness Training (IRT) projects are achieved following successful application between DoD and communities. They are projects that can support mission-readiness for US forces by providing training opportunities with real world applications through community-based projects such as construction, health care, and

National Guard can be reached at 907-428-6815; or contact the Alaskan Command Native Affairs Liaison at 907-552-3268.

b. The Native American Lands Environmental Mitigation Program (NALEMP) provides funding for tribal community-based DoD clean-up projects on eligible sites. In recognition of the need to address tribal concerns in DoD environmental programs, Congress has, since 1993, provided funds annually to mitigate environmental impacts to Indian lands and Alaska Native Claims Settlement Act (ANCSA)-conveyed properties. Under NALEMP, DoD enters into Cooperative Agreements (CAs) with tribal governments to address problems attributable to past DoD activities. These agreements incorporate traditional ecological knowledge into the design for cleanup, involve the tribe in project decision making, and develop tribal capacity regarding environmental services and technical remediation skills. In Alaska it is administered by the US Army Corps of Engineers. More information can be obtained at www.denix.osd.mil/na/nalemp/ or by contacting the Alaska NALEMP Program Manager at (907) 753-5771.

c. US Government surplus goods acquisition can benefit tribes with affordable material support. Excess federal property comes from many federal agencies and is available to qualified organizations through the State of Alaska Federal Surplus Property Program. Qualified organizations that have obtained property through the federal surplus property program have experienced substantial cost savings when obtaining property. More information can be obtained at <https://gsaxcess.gov/> or by contacting the Alaska Federal Surplus Property Officer at (907) 754-3405.

d. Military personnel volunteerism opportunities can be leveraged to benefit personnel cross-cultural understanding while increasing relations between the agency and tribal partners. Care should be paid by subject matter experts that personnel receive adequate orientation prior to volunteerism in order to maximize their experience and provide the best assistance to volunteerism recipients.

The DoD supports tribal self-governance and values government-to-government relations between the federal government and tribes. Alaskan Command is committed to continue building enduring trust-relationship with the Alaska Native community. This Guidance is endorsed by the CDRALCOM for use by DoD agencies and Components to implement applicable DoD policies and instructions.



THOMAS A. BUSSIERE
Lieutenant General, USAF
Commander, Alaskan Command

13 April 2020
Date

APPENDIX A

References

Laws

National Historic Preservation Act of 1966, as amended (54 USC 300101 et seq.)

American Indian Religious Freedom Act of 1978 (42 USC 1996)

Archaeological Resources Protection Act of 1979, as amended (16 USC 470aa et seq.)

Native American Graves Protection and Repatriation Act of 1990, as amended (25 USC 3001 et seq.)

National Environmental Policy Act of 1969 (Public L 90-191)

Agency-specific Policy

DoD Instruction 4710.02, *“DoD Interactions with Federally-recognized Tribes,”* 24 September 2018

DoD American Indian and Alaska Native Policy, 21 October 1998, and implementing instruction SECNAVINST 11010.14A, *“Department of the Navy Policy for Consultation with Federally-recognized Indian Tribes,”* 11 October 2005

Air Force Instruction 90-2002, *Air Force Interactions With Federally-Recognized Tribes*, 19 November 2014

Marine Corps Order P5090.2A, *“Cultural Resources Management, Ch. 8”*

Army Regulation 200-1, *“Environmental Protection and Enhancement,”* 13 December 2007

Army American Indian and Alaska Native Policy, 24 October 2012

Army AI/AN Policy Implementation Guidance, 10 July 2014

US Army Corps of Engineers Tribal Consultation Policy (2013)

Executive Orders (EO)

EO 13007, *“Indian Sacred Sites,”* 24 May 1996

EO 11593, *“Protection and Enhancement of the Cultural Environment”*

EO 12898, *“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”*

EO 13006, *“Locating Federal Facilities on Historic Properties in our Nation’s Central Cities”*

EO 13175, "Consultation and Coordination with Indian Tribal Governments"

EO 13287, "Preserve America"

EO 13327, "Federal Real Property Asset Management"

EO 13423, "Strengthening Federal Environmental, Energy, and Transportation Management"

Other Guidance

Executive Memorandum: "Government-to-Government Relations with Native American Tribal Governments," 29 April 1994

Appendix B

DoD Tribal Liaisons in Alaska

Alaskan NORAD Region and Alaskan Command
Native Affairs Liaison
Current Tribal Liaison Officer: Amanda Andraschko
Commercial: 907.552.3286
Email: Amanda.andraschko@us.af.mil

Department of the Army
U.S. Army Garrison Alaska
Current Tribal Liaison Officer: Elizabeth Cook
Commercial: 907.361.3002
Email: elizabeth.a.cook80.civ@mail.mil

Pacific Air Force
Regional Support Center
Current Tribal Liaison Officer: Tommie Baker
Commercial: 907.552.4187
Email: Tommie.Baker@us.af.mil

U.S. Coast Guard District 17
Current Tribal Liaison Officer: Robert Edwardson
Commercial: 907.463.2034
Email: robert.h.edwardson@uscg.mil

U.S. Army Corps of Engineers
Current Tribal Liaison Officer: Kendall Campbell
Commercial: 907.753.5582
Email: kendall.d.campbell@usace.army.mil

673rd Civil Engineer Squadron
Current Tribal Liaison Officer: Margan Grover
Commercial: 907.384.3467
Email: margan.grover@us.af.mil

Alaska Army National Guard
Dept. of Military & Veterans Affairs
Current Tribal Liaison Officer: SMSgt Lucy Nagel
Commercial: 907.428.6906
Email: lucy.m.nagel.mil@mail.mil

US Navy
Commander Navy, Region Northwest
Current Tribal Liaison Officer: Danielle Page
Commercial: 360.315.5400
Email: danielle.page@navy.mil

Appendix C

ANILCA Definitions:

‘Public land’ is defined as Federal lands, title to which is in the United States, after December 2, 1980, except selections by the State of Alaska under the Statehood Act or other Federal law, and selections of a Native Corporation under ANCSA. 16 USC 3102(2).

‘Native land’ for ANILCA purposes includes land owned by Native Corporations and any native group. 16 USC 3102(11).

‘Subsistence’ is the traditional use of wild renewable resources for direct or family consumption as food, shelter, fuel, clothes, tools or transportation, and the making of handcrafts out of non-edible byproducts of fish and wildlife. 16 USC 3113.

For additional copies, please contact the Alaskan Command Native Liaison Officer at (907) 552-3268.

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