



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
Office of the President • Edward K. Thomas Building
9097 Glacier Highway • Juneau, Alaska 99801

Executive Council of the Central Council
TLINGIT & HAIDA INDIAN TRIBES OF ALASKA

Resolution EC 21-26

Title: Authorization to Submit a Fee-to-Trust Application (Block 2, Lots 2 and 4; Block 3, Lots 9, East Half of 10 and East Half of 11; and Block 5, Lot 16, Juneau Indian Village Lot Status map, U.S. Survey 4694)

WHEREAS, the Central Council of Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida) is a federally recognized tribe with more than 32,000 citizens; and

WHEREAS, Tlingit & Haida is a federally recognized Indian tribal government, as confirmed by Section 8 of the Act of June 19, 1935 (49 Stat. 388), as amended by the Act of August 19, 1965 (79 Stat. 543); and

WHEREAS, under Article X of the Tlingit & Haida Constitution, the Executive Council is the governing body of Tlingit & Haida when the Tribal Assembly is not in session; and

WHEREAS, pursuant to Public Law 103-454, title II, Section 203 (108 Stat. 4792), the United States re-affirmed and re-acknowledged that Tlingit & Haida is a federally recognized Indian tribe; and

WHEREAS, Section 5 of the Indian Reorganization Act of 1934 (IRA) authorizes the Secretary of the U.S. Department of the Interior to acquire land and hold it in trust for an Indian tribe (25 U.S.C. 465); and

WHEREAS, Section 5 was made applicable to Indian tribes in Alaska by the 1936 amendments to the Indian Reorganization Act of 1934 (25 U.S.C. 473(a)); and

WHEREAS, pursuant to 25 U.S.C. 465 and other statutory authority, 25 C.F.R. 151 sets forth the implementing regulations for the acquisition of land in trust for Indian tribes and individuals by the United States; and

WHEREAS, 25 C.F.R. 151.1 previously contained a phrase purporting to exclude tribes in Alaska from the implementing regulations regarding the acquisition of land in trust (“[t]hese regulations do not cover the acquisition of land in trust status in the State of Alaska”); and

WHEREAS, the Secretary of the Interior announced, pursuant to a formal rulemaking, that on January 21, 2015 the phrase in 25 C.F.R. 151.1 purporting to exclude tribes in Alaska from the implementing regulations regarding the acquisition of land in trust has been struck from the regulations; and

WHEREAS, the 1994 statutory amendments to the IRA, codified at 25 U.S.C. 476(g), provide that “any regulation ... that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privileges and immunities available to other federally recognized tribes...shall have no force or effect”; and

WHEREAS, the statute requires that the United States treat an application by Tlingit & Haida to have its land held in trust by the United States in the same manner as the United States treats the applications of all other federally-recognized Indian tribes, pursuant to 25 U.S.C. 473(a) and 25 U.S.C. 476(g); and

WHEREAS, Tlingit & Haida seeks to enjoy the same opportunities, privileges, and immunities enjoyed by other Indian tribes, including having land owned by Tlingit & Haida placed in trust for the benefit of Tlingit & Haida by the United States; and

WHEREAS, a priority of Tlingit & Haida is to restore the federal protections to land previously lost to Tlingit & Haida or its tribal citizens and to preserve and to expand the Native land base in Alaska that now enjoys federal protections against alienation, taxation and other threat of loss, in order to maximize tribal government resources and tribal eligibility for federal services and programs, and foster a tax-advantaged and thriving local economy in Alaska for its tribal members; and

WHEREAS, Article VII, Section 1 of the Constitution of Tlingit & Haida empowers the governing body of Tlingit & Haida to purchase, take by gift, convey, dispose, or exchange real property of Tlingit & Haida; and

WHEREAS, Tlingit & Haida owns in fee simple, without non-federal encumbrance, the following property:

1. Lot 2 of Block 2;
2. Lot 4 of Block 2;
3. Lot 9 of Block 3;
4. East half of Lot 10 of Block 3;
5. East half of Lot 11 of Block 3; and
6. Lot 16 of Block 5

as shown on the Juneau Indian Village Lot Status map, U.S. Survey 4694 (Juneau Recording District, First Judicial District, State of Alaska) (hereafter “Property”); and

WHEREAS, the Property is located wholly within the historically Indian neighborhood known as the “Juneau Indian Village”, which is a historical and cultural use area of Tlingit & Haida and its tribal members; and

WHEREAS, the Property is primarily surrounded by and contiguous to land Tlingit & Haida holds in fee and lands held in federally restricted status by individual tribal members; and

WHEREAS, for several decades the United States has accorded the Property a federal restriction against alienation and taxation as a Native townsite allotment; and

WHEREAS, despite the Property's current fee status, neither State nor local government has assessed real estate taxes upon the Property; and

WHEREAS, Lots 9, East half of 10 and East half of 11 of Block 3, have been leased for the past two decades as a parking area for employees and guests of Tlingit & Haida who work and/or do business in the adjacent tribal offices and/or utilize programs and activities administered by Tlingit & Haida; and

WHEREAS, Tlingit & Haida seeks to continue, without any change in use, to utilize the Property for the purpose of providing a parking area for employees and guests of tribal offices and programs and activities;

NOW THEREFORE BE IT RESOLVED, that Tlingit & Haida requests that the Secretary of the Interior accept and hold in trust, for the benefit of Tlingit & Haida,

1. Lot 2 of Block 2;
2. Lot 4 of Block 2
3. Lot 9 of Block 3;
4. East half of Lot 10 of Block 3;
5. East half of Lot 11 of Block 3;
6. Lot 16 of Block 5

as shown on the Juneau Indian Village Lot Status map, U.S. Survey 4694 (Juneau Recording District, First Judicial District, State of Alaska);

BE IT FURTHER RESOLVED, that the Executive Council of the Central Council authorizes its President or Chief Operating Officer to take any and all actions on behalf of Tlingit & Haida to complete the transfer of the Property from fee into trust, including the submission of a fee-to-trust application for the purpose of transferring the Property to the United States to be held in trust for Tlingit & Haida.

ADOPTED this 21st day of May 2021, by the Executive Council of the Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 6 yeas, 0 nays, 0 abstentions and 0 absences.

CERTIFY



President Richard J. Peterson

ATTEST



Tribal Secretary Ralph Wolfe