Central Council
Tlingit and Haida
Indian Tribes of Alaska

CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
9097 Glacier Highway
Juneau, Alaska 99801

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

Resolution EC/ 15-16

Title: Authorization of the Submission of a Fee-to-Trust Application
(Block 4, Lot 6)

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

WHEREAS, Section 5 of the Indian Reorganization Act of 1934 authorizes the Secretary of the U.S. Department of the Interior (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 contains a phrase purporting to exclude tribes in Alaska from the implementing regulations regarding the acquisition of land in trust (these regulations do not cover the acquisition of land in trust status in the State of Alaska); and

WHEREAS, the Secretary of the Interior has 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 will be struck from the regulations; and

WHEREAS, the 1994 statutory amendments to the Indian Reorganization Act, 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 the Central Council 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, the Central Council seeks to enjoy the same opportunities, privileges, and immunities enjoyed by other Indian tribes, including land owned by Central Council to be placed in trust for the benefit of Central Council by the United States; and

WHEREAS, a priority of Central Council is to restore the federal protections to land previously lost to Central Council or its tribal members 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 the Central Council empowers the governing body of Central Council to purchase, take by gift, convey, dispose, or exchange real property of the Central Council; and

WHEREAS, the Central Council owns in fee simple, without non-federal encumbrance, Lot 6 , Block 4, as shown on the Juneau Indian Village Lot Status map, U.S. Survey 4694 containing a total of 1,487 square feet (approximately 0.034 acres) (Juneau Recording District, First Judicial District, State of Alaska) (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 Central Council and its tribal members; and

WHEREAS, the Property is completely surrounded by land the Central Council holds in fee and by 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 town-site 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, the Property has been used for the past two decades as a parking area for employees and guests of Central Council who work and/or do business in the adjacent tribal offices and/or utilize programs and activities administered by Central Council; and

NOW THEREFORE BE IT RESOLVED; that the Executive Council of the Central Council Tlingit and Haida Indian Tribes of Alaska authorizes the submission of a fee-to-trust application for Lot 6, Block 4, USS 4694 in the Juneau Indian Village.

ADOPTED this 20th day of March 2015, by the Executive Council of the Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 5 yeas, 0 nays, 0 abstentions and 1 absence(s).

CERTIFY

President Richard J. Peterson

ATTEST

for: Tribal Secretary Jolene Edenshaw