



CENTRAL COUNCIL

*Tlingit and Haida Indian Tribes of Alaska*

Office of the President • Edward K. Thomas Building  
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Executive Council of the Central Council  
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

Resolution EC/ 16-25

Title: Authorization of the Submission of a Fee-to-Trust Application for  
Juneau Indian Village Block 5 Lot 15

WHEREAS, Central Council of Tlingit and Haida Indian Tribes of Alaska (Central Council) is a federally recognized tribe of more than 30,000 tribal citizens; 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 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 acquiring land in trust in Alaska (“[t]hese regulations do not cover the acquisition of land in trust status in the State of Alaska”); 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 having land owned by Central Council placed in trust for the benefit of Central Council by the United States; and

WHEREAS, a priority of Central Council is to regain land previously lost to Central Council or its members and to preserve and 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 15, Block 5, U.S. Survey 4694, Juneau Indian Village Addition to the Townsite of Juneau, Juneau Recording District, First Judicial District, State of Alaska (“Property” or “Vavalis Property”); and

WHEREAS, the Vavalis Property was conveyed to Central Council on November 8, 2007, from the estate of a member of Central Council who held it as a Native townsite allotment subject to a federal restriction against alienation and taxation; and

WHEREAS, the Property is located wholly within the historically Indian neighborhood known as “Juneau Indian Village”, which is a historical and cultural use area of members of Central Council; and

WHEREAS, the Property is surrounded by lands held in federally restricted status or fee simple by individual tribal members; and

WHEREAS, for years 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 or will assess taxes upon the Property; and

WHEREAS, the Property has been used as an overflow parking area for employees and guests of Central Council who work and/or do business in tribal offices or utilize programs provided by Central Council; and

WHEREAS, the Central Council seeks to continue, without any change in use, to utilize the Property for the purpose of providing an overflow parking area for employees and guests of tribal offices and programs.

NOW THEREFORE BE IT RESOLVED, that the Central Council requests that the Secretary of the Interior accept and hold in trust, the benefit of Central Council, Lot 15, Block 5, U.S. Survey 4694, Juneau Indian Village Addition to the Townsite of Juneau, Juneau Recording District, First Judicial District, State of Alaska, pursuant to 25 U.S.C. 465; and

BE IT FURTHER RESOLVED, that the Executive Council of the Central Council authorizes its President, Richard J. Peterson, to take any and all actions on behalf of Central Council to complete the transfer of the Vavalis 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 the Central Council.

ADOPTED this 24<sup>th</sup> day of May 2016, 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 0 absences.

CERTIFY



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President Richard J. Peterson

ATTEST



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Tribal Secretary Ralph Wolfe