



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

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

Resolution EC/ 16-42

Title: Authorization of the Submission of a Fee-to-Trust and  
Reservation Proclamation Application

(Block 2, Lots 3, and 7; Block 3, Lots 2, 3, 4, 5, 6, 10W, 11W, 12, 13, 14, 15, 16, 17, 18, and 19; Block  
4, Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, E and W 13, 14, 15, and 17;  
Block 5, Lots 9 and 15)

WHEREAS, the Central Council of Tlingit and Haida Indian Tribes of Alaska (the "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; 25 U.S.C. 1212), 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 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 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 or purchased 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, the following "Property" --

1. Lots 3 and 7 of Block 2;
2. Lots 2, 3, 4, 5, 6, 10W, 11W, 12, 13, 14, 15, 16, 17, 18, and 19 of Block 3;
3. Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, East and West portions of Lot 13, 14, 15, and 17 of Block 4,
4. Lots 9 and 15 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) ; and

WHEREAS, the Property is located wholly within the historically Indian neighborhood known since time immemorial 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 surrounded by and contiguous to land the Central Council holds in fee and lands held in federally restricted status by individual tribal members of Central Council; 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, 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 for tribal program and administrative offices and 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

WHEREAS, the Central Council seeks to continue, without any change in use, to utilize the Property for the purpose of providing tribal administration, program and governmental activities, including a parking area for employees and guests of tribal offices and programs and activities; and

WHEREAS, the Central Council seeks to have the Property proclaimed to be an Indian reservation of the Central Council in order to help re-establish the land status of the Property and to support the requests of Central Council for state or federal funding and for tax-advantaged financing on the Property, and to support the provision by Central Council of residential housing, tribal administration, and other tribal government activities on the Property; and

WHEREAS, some portions of the Property are the subject of several pending fee to trust applications submitted by Central Council since 2009, and the Central Council now wishes to combine those pending fee-to-trust land acquisition applications with more recently acquired portions of the Property into one simultaneous application for trust and reservation status in order to facilitate expedited and orderly consideration of its request without further delay pursuant to the new Bureau of Indian Affairs ("BIA") procedures announced June 30, 2016 and released in the revised BIA Fee-to-Trust Handbook;

NOW THEREFORE BE IT RESOLVED, that Central Council requests that the Secretary of the Interior accept and hold in trust, for the benefit of Central Council,

1. Lots 3 and 7 of Block 2;
2. Lots 2, 3, 4, 5, 6, 10W, 11W, 12, 13, 14, 15, 16, 17, 18, and 19 of Block 3;
3. Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, East and West portions of Lot 13, 14, 15, and 17 of Block 4;
4. Lots 9 and 15 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); and

BE IT FURTHER RESOLVED, that Central Council requests that the Secretary of the Interior issue a proclamation proclaiming the Property to be the initial reservation of Central Council pursuant to 25 U.S.C. 467 and related authorities; and

BE IT FURTHER RESOLVED, that the Executive Council of the Central Council authorizes its President, Richard J. Peterson, or Corrine Garza, Chief Operating Officer to take any and all actions on behalf of Central Council to complete the transfer of the Property from fee into trust on behalf of, and as the reservation of, Central Council, including the submission of a simultaneous fee-to-trust and reservation proclamation application for the purpose of transferring the Property to the United States to be held in trust for, and as the reservation of, the Central Council.

ADOPTED this 14<sup>th</sup> day of July 2016, by the Executive Council of Central Council of Tlingit and Haida Indian Tribes of Alaska by a vote of 6 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