246

CENTRAL COUNCIL
tlingit and haida indian tribes of alaska
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-9983

July 12, 1999

Mr. James R. Lyons
Under Secretary
Natural Resources & Environment
US Department of Agriculture
14th Street & independence Avenue., SW
Washington, DC 20253

Re: Tribal comments on the Proposed Unified Federal Policy For Ensuring A Watershed Approach To Federal Land & Resource Management.

Dear Mr. Lyons,

The Central Council Tlingit & Haida Indian Tribes of Alaska (Central Council) believes the Proposed Unified Federal Policy For Ensuring A Watershed Approach To Federal Land & Resource Management (Policy) is an significant initiative to more fully involve Tribes in the protection of our essential lands. We support the efforts of the Federal Lands agencies in developing approaches that better reflect a holistic land ethic. We also wish to recognize the importance this policy places on the Trust relationship that exists between the Federal and Tribal Governments. This effort and the related efforts of the Clean Water Action Plan demonstrate a significant change in federal policy in protecting our nations watersheds.

The Central Council is ready to take an active role in this process. The more than 20,000 Tlingit and the Haida People of Southeast Alaska live within the boundaries of the nations largest National Forest. The lands and resources of the Tongass National Forest represent such an important part of our life and culture that it would be difficult to overstate them. Yet since the formation of the Tongass National Forest the involvement of the Central Council in the management of the Tongass has been very limited. Joint projects are beginning to increase between the Tribe and the Forest Service, however these are scattered and not well supported. There continues to be much controversy between the Tribes and the Forest Service, as exemplified by the recent Tongass Land Management Plan Record of Decision that you signed recently. There was no consultation given to the Tribes on this revised document. We do see changes, and this document hopefully represents a new approach that will ensure the original inhabitants of the Tongass will once again be involved in the long-term protection, management, and use of the Forest.

Comments

As requested in the Introduction to the Policy, these comments will attempt to give the Interagency Team feedback on the general direction of the Policy. The Central

Council expects that through the consultation process, more detailed comments and concerns can be given during Policy development, and into the Policy implementation.

The Central Council recognizes the extensive involvement in the CWAP of the Douglas Indian Association and supports the comments they submitted on this Policy.

Many of the Policy goals are also goals of the Central Council. It is important to note that the situation that we face in Alaska with respect to public lands, Indian Country, jurisdictional issues, etc are different than those in the lower 48. I believe this Policy has been written more in the lower 48 context, and will require a different interpretation in Alaska. As this Policy is developed we request that you include team members that have expertise in Alaska land issues, and that Alaska specific considerations are included. For example, there is little Indian Country in Alaska, yet Native subsistence activities on Forest lands is allowed for under ANILCA, and is vital to our well being.

The Central Council is working on our own Unified Watershed Assessments, with the support of the EPA. The State of Alaska is working on their own UWA, without the acknowledging our federally recognized Tribal authority. Now the Federal land mangers will take on a process to do their own UWA type activity. The lands for all three of these activities are often the same. It is important that you recognize and develop a way to specifically deal with our concerns. We are already in a major conflict between the Tribes, the State, and the Federal Government over whose watershed priorities are recognized and funded.

There should be a section of the Policy that states how Traditional Ecological Knowledge and other Native understanding of the watershed functioning could be used in the assessment and restoration of the impacted areas. This section should also direct Federal land mangers to begin the process of co-management of some of the Federal lands that are critical to Natives. This level of management will allow for the Federal trust responsibilities to be more fully realized.

Tribal Watershed assessment and restoration activities are currently not supported by the Federal land agencies. So far support has come from the EPA. While the USFS wishes to work with the Tribes on conducting joint activities, the Tribes have no financial support, and Federal land agency technical support is limited. Without financial and technical support provided to the Tribes, all the Policies good intentions may be for not as far as the Central Council is concerned. As an example, the Central Council is undertaking a significant watershed assessment of the Klawock Watershed. In order to get the technical support needed to carry this out, the Central Council is paying the USFS to do the work.

It is not clear from the document if this is a new program, or will this Policy apply to the many existing programs that deal with watershed and water issues. This Policy should be seen as a way to consolidate and make more consistent some of these programs. It is also not clear how this Policy is different from what the land agencies are already required to do. Many legal requirements such as TMDL's and other Clean Water

CENTRAL COUNCIL
tlingit and haida indian tribes of alaska
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-9983

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

Resolution EC/98-13

Title: Authorize Corrine Garza as an Official Signer on Official Tribal Documents

WHEREAS, the Central Council of Tlingit and Haida Indian Tribes of Alaska (Central Council) is a federally recognized Tribe, and

WHEREAS, the Central Council *Constitution* authorizes the President to execute official Tribal documents, and

WHEREAS, it is necessary for the President to designate a member of the Tribal administrative team to execute official Tribal documents in his absence.

NOW THEREFORE BE IT RESOLVED, that the Executive Council of the Central Council of Tlingit and Haida Indian Tribes of Alaska hereby authorizes the following members of the administrative team to sign any and all official documents in the absence of the President:

Primary:	Corrine Garza
Secondary:	Richard Stitt
First Alternate:	Sharon Olsen
Second Alternate:	Richard Edenso

ADOPTED, this 24th day of August 1998, 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- absent; and -0- abstaining.

CERTIFIED

President

ATTEST

Tribal Secretary

246

United States Department of Agriculture
Forest Service
Alaska Region
Tongass National Forest
648 Mission Street
Ketchikan, AK 99901
907-225-3101
FAX 907-228-6215

ATTACHMENT TO ADDENDUM

File Code: 2400

Date: July 7, 1999

Frank Miyasato
President
Douglas Indian Association
P.O. Box 240541
Douglas, AK 99824

RECEIVED
JUL 08 1999
By

Dear Mr. Miyasato,

Thank you for your well thought out comments on the Special Forest Products Management Policy, Draft III. Your input is an important part of the process toward developing a strong regional policy.

Your comments highlight many of the very issues we have been concerned with on the SFP Task Team. We have from the beginning taken subsistence and personal use very seriously, as well as sustainability and ecological impacts. In the draft policy we have attempted to address these many issues in a way that will provide effective guidance at the regional level, while allowing for flexibility at the local level. We feel that local flexibility will allow districts the opportunity to adapt to their local issues. Your many concerns will be addressed in detail at the next SFP Task Team meeting, which will be held in Ketchikan on September 8th and 9th.

Although most of the issues you have raised will be addressed at the SFP Task Team meeting, a few of your questions can be answered at this time. The 36 CFR was written before the formal term "Special Forest Products" was coined. The phrase "other forest products" indicates this category. The FS Manual reference to "serving local needs" will indeed be addressed at the district level. See the section in Draft III entitled "Project Level Process" on pages 9-11 for how we have addressed tribal involvement in this process. We are coordinating with the Washington Office to ensure consistency between the National and Regional policies. The Alaska Region proposed SFP management policy refers to ANILCA for guidance on subsistence use priorities. It will not in any way change ANILCA.

I would like to respond now to your interest in continued government-to-government consultation. There have been requests by your staff and other tribes for tribal representation on the SFP Task Team. I agree that this has potential to improve the consultation process. My concern: if there is tribal representation on the Team that it truly represent a majority of tribes. As a sensible solution I will allow up to three tribal representatives to participate in the next SFP Task Team meeting. In order to demonstrate a majority of formal tribal representation, these persons must each be supported by a letter signed by at least 2/3 of the tribes listed in Appendix I of the SFP Proposed Policy, Draft III. I feel this is necessary since you have pointed out the importance of true representation as distinct from technical discussions.

While we would be glad to have these tribal representatives working directly with our team. I am a strong supporter of sovereignty and self-determination for the tribes and believe that travel and salary expenses for these people should be a tribal responsibility. The extent to which the tribes wish to effect the allocation of natural resources must compete for priority with all of the many other needs such as housing, education and health care. A stellar example of this was the Southeast Native Subsistence Commission during the early 1990s. It had active representatives from most of the tribes and yet spoke with one voice to the Forest Service regarding subsistence issues. We knew the consolidated position of Alaska Natives on forest management. We did not have to try and sort through individual tribal positions that often conflicted with each other. The commissioners did that and in doing so provided very effective consultation with our FS planners and line officers.

Again I thank you for your valuable input, and I look forward to the opportunity to address your concerns in the next SFP Task Team meeting.

Sincerely,

/s/ Dale J. Kanen
DALE J. KANEN

Cc: Douglass Dobyns, Tribal Environmental Planner

Enclosure: Appendix I from the Special Forest Products Management Policy, Draft III