



Chickaloon Village Traditional Council (Nay'dini'aa Na')

April 16, 2013

Chief Gary Harrison,
Chairman

Rick Harrison,
Vice-Chairman

Penny Westing,
Secretary/Elder

Albert Harrison,
Treasurer/Elder

Burt Shaginoff,
Elder Member

Doug Wade,
Elder Member

Larry Wade,
Elder Member

Shawna Larson,
Member

Lisa Wade,
Member

Jennifer Harrison,
Executive Director

William C. Barron, Director
State of Alaska
Department of Natural Resources
Division of Oil and Gas – Anchorage Office
550 W. 7th Ave., Suite 1100
Anchorage, AK 99501-3560

Re: Oil and Gas Exploration and Development by Geographical Area and Plans of Operations; Proposed Regulations

Dear Mr. Barron,

The Chickaloon Village Traditional Council (CVTC), the sovereign and federally-recognized governing body of the Chickaloon Native Village (CNV), submits the following comments on behalf of the CVTC and its Tribal citizens.

CNV's traditional and customary use territory includes the Matanuska River Valley to Cook Inlet, Talkeetna Mountains, and Chugach Mountains. CVTC has never ceded its lands or jurisdiction through a mutually beneficial binding treaty or agreement, which is the only legitimate and internationally recognized method for transferring Indigenous lands to colonial governments and settlers. In fact CVTC opposed the federal and state attempt to transfer its traditional and aboriginal territories to state-chartered ANCSA Corporations and to the state and federal governments. After the passage of ANCSA, many CNV Tribal citizens took decisive action transferring ANCSA corporation lands back to Chickaloon Native Village. Additionally, CVTC has never accepted ANCSA's termination of its aboriginal hunting and fishing rights (this termination is recognized as illegitimate by the international community). CVTC retains governmental authority and jurisdiction over all of its territory and citizens.

Despite binding law and international human rights norms and precedent to the contrary, the State of Alaska as a matter of practice, refuses to recognize Alaska Native Tribal governments, their inherent rights, and their jurisdictional reach. The State fights even the smallest assertion of Tribal jurisdiction, appealing its losses to the bitter end. Its abysmal track record in both its own courts and federal courts has not deterred its attack on Tribal jurisdiction and authority--an attack seen by Alaska Native Peoples as an attack on our citizens and way of life. For example, the State contests Tribal jurisdiction over trespass on Native corporation land, yet refuses to protect those same lands using its own police powers; allowing mining companies and oil and gas producers to irreversibly damage our lands and resources.

Repeatedly CVTC has raised the issue of State agencies failing to follow state and federal law and regulations regarding historical and archeological resources belonging to CVTC and its citizens. Despite regulation, law and policy requiring the State to consult with

CVTC regarding impacts to these resources, the State has never even undertaken informal consultation let alone the kind of formal mutual consultation the law requires. To be clear, consultation is both a legal responsibility of a True State and it's agencies, but also a fundamental human right owed Tribal peoples which the State repeatedly violates with impunity.

Furthermore, it appears to be the policy of the State of Alaska to discount Tribal comments submitted through formal notice and comment processes. The State and its agencies not only regularly fails to give Tribal governments' comments deference due a separate sovereign under principles of comity, but also repeatedly fails to give Tribal expertise and positions any weight at all. Fundamental issues of indigenous knowledge regarding jurisdiction, subsistence, and Tribal resources are either ignored or declared outside the scope of comments. Here, we are confident that even though our comments address fundamental flaws in the notice and comment process, and the regulations at issue, these comments will receive similar treatment.

Therefore, until, and unless, the State of Alaska recognizes Alaska Native Tribes and their inherent authority over their lands and citizens, treats them with the respect they are owed, and begins to actually consult with Tribes BEFORE it issues public notice and decisions, CVTC will no longer participate in this sham process that remains little more than a rubber stamp for industry and corporations.

If you have any questions or would like to set up a government-to-government meeting with us, please contact our Executive Director, Jennifer Harrison, at 907-745-0749.

May Creator Guide Our Footsteps,



Chief Gary Harrison,
Chairman