



Ahtna

**MEMORANDUM OF AGREEMENT
BETWEEN
UNITED STATES DEPARTMENT OF THE INTERIOR
AND
AHTNA INTER-TRIBAL RESOURCE COMMISSION
FOR
A DEMONSTRATION PROJECT FOR COOPERATIVE MANAGEMENT OF
CUSTOMARY AND TRADITIONAL SUBSISTENCE USES IN THE AHTNA REGION**

This Memorandum of Agreement (MOA) is entered into for the purpose of formalizing the subsistence wildlife management partnership between the United States Department of the Interior (Department) and the Ahtna Inter-Tribal Resource Commission (hereinafter referred to as AITRC) for the allocation and harvest of moose and caribou by rural residents of the Native villages in the Ahtna region (as shown on the attached map) on Federal public lands. It also establishes a process for the formation of a local advisory committee and memorializes the parties' mutual goal of developing a regional management plan for moose, caribou, and other wildlife populations traditionally taken by the Ahtna villages to allow for better informed management and decisionmaking in the future.

ARTICLE I – BACKGROUND AND OBJECTIVES

The Department is committed to developing a subsistence wildlife management partnership project with the AITRC that will result in empowering the rural Native villages of the Ahtna region with greater self-determination and, when possible and in accordance with applicable law, providing improved hunting opportunities that will allow them to continue practicing their customary and traditional way of life. The Department recognizes that special circumstances within the Ahtna region have not permitted these local residents to meet their subsistence needs. Moreover, the Department recognizes the right of the rural resident members of the Native villages in the Ahtna region to maintain their cultural identity through opportunities to practice their subsistence lifestyle on the Federal public lands in a manner that enables them to pass down traditional knowledge and customary practices from generation to generation. The Department further recognizes that it has an obligation to uphold the Federal trust responsibility to tribes, a well-established legal obligation that originates from the unique historical relationship between the United States and the tribes. Central to the Department's mission is honoring and supporting the government-to-government relationship with tribes.

The Department and AITRC share a mutual interest in the conservation of healthy wildlife populations and their habitats as well as the opportunity for customary and traditional subsistence uses. The Department and AITRC are committed to developing and maintaining a mutually beneficial relationship that will serve the best interests of the residents of the Ahtna region, the wildlife management agencies within the Department, and the wildlife resources and the environment necessary to sustain healthy populations. To that end, the Department is committed to incorporating Ahtna traditional ecological knowledge and customary and traditional management practices, based on Ahtna's special geographical, historical, and cultural connections to the lands, waters and wildlife in the Ahtna traditional territory, into the Department's subsistence wildlife management structure and policies. The AITRC values the scientific and monitoring tools that the Department brings to subsistence wildlife management, and is committed to building capacity in this area and partnering with the Department on such projects. The Department and AITRC are committed to working together to arrive at mutually beneficial solutions and programs when, through law or policy, wildlife management objectives differ between the parties.

The Department and AITRC also share a mutual concern for the already very evident impact of climate change on the habitat and resources within the Ahtna region, including wildlife populations. The parties agree that in order to begin to address this changing environment, it will be necessary to incorporate traditional ecological knowledge broadly into wildlife management decision making, including, when appropriate, comprehensive wildlife and habitat management plans for the public lands within the Ahtna region.

ARTICLE II - AUTHORITY

The following authorities support the MOA:

- Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. § 3111 et seq.
- Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments"
- Secretarial Order 3317, "Department of Interior Policy on Consultation with Indian Tribes"
- Secretarial Order 3335, "Reaffirmation of the Federal Trust Responsibility to Recognized Indian Tribes and Individual Indian Beneficiaries"
- Secretarial Order 3342, "Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources"
- Federal Subsistence Board Regulations at 36 C.F.R. § 242 and 50 C.F.R. § 100

Congress has vested authority in the Secretaries of the Interior and Agriculture (Secretaries) through Title VIII of ANILCA to manage subsistence uses and resources on the Federal public lands in Alaska. The Secretaries have delegated significant aspects of subsistence management on Federal public lands to the Federal Subsistence Board (Board). The Secretary of Interior, (Secretary) however, retains broad management authority over the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management public lands in Ahtna's

traditional territory. Section 809 of ANILCA authorizes the Secretaries to enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State of Alaska (State), Native Corporations, other appropriate persons and organizations to effectuate the purposes and policies of Title VIII. Additional Federal laws, including the Indian Self-Determination and Education Assistance Act as amended, authorize contracts, compacts and other forms of funding agreements with tribes for Federal programs.

The AITRC is composed of a representative of each of the eight federally recognized tribes in the Ahtna region, (Native Villages of Cantwell, Mentasta, Cheesh'na, Chitina, Gulkana, Gakona, Tazlina, and Kluti Kaah) Ahtna Inc., the ANCSA regional corporation, and Chitina Native Corporation, the ANCSA village corporation for the Native Village of Chitina. The other seven ANCSA village corporations for the Ahtna region merged with Ahtna, Inc. The eight federally recognized Ahtna tribes through resolutions of their governing bodies established the AITRC for the purpose of management of customary and traditional resources, lands and waters, including engaging in cooperative management agreements, and for related Federal tribal contracting opportunities.

The Southcentral Subsistence Regional Advisory Council (SCRAC) and Eastern Interior Subsistence Regional Advisory Council (EIRAC) (collectively, RAC), which were established pursuant to section 805 of ANILCA, have authority to make recommendations to the Board and Secretary on issues related to the taking of subsistence wildlife on the public lands within Ahtna's traditional territory. The Subsistence Resource Commissions (SRC) for the Denali and Wrangell-St. Elias National Parks are responsible for developing annual recommendations for subsistence hunting programs on park and preserve lands in Ahtna's traditional territory. The SRC recommendations go directly to the Secretary.

Both the Regional Advisory Council and SRC recommendations concerning the taking of fish and wildlife are entitled to deference pursuant to sections 805 and 808 of ANILCA and Federal regulations.

ARTICLE III - STATEMENT OF AGREEMENT

This MOA formalizes an agreement for the purpose of establishing a process and structure as a demonstration project within the Federal Subsistence Management Program that provides the AITRC with authority to cooperatively manage, within parameters established by the Board, certain aspects of subsistence hunting on Federal public lands by rural residents who are members of the eight federally recognized tribes in the Ahtna region, which is delineated on the attached map.

A. The Department will immediately commence rulemaking to allow the issuance of AITRC-managed community harvest permit(s) through the Federal Subsistence Management Program.

- 1) The Department agrees that during the next subsistence regulatory cycle following the signing of this MOA, the Department will commence rulemaking with the goal of authorizing the Board to issue a permit, or series of permits, to the AITRC for subsistence taking of wildlife species, including moose, caribou, and other species culturally and

traditionally harvested, on Federal public lands within the Ahtna region pursuant to the following goals and caveats:

- a) Such permit or permits will allow AITRC to establish harvest limits, quotas, season dates, and methods and means within the framework, if any, established by the Board through its regulatory process and included as a condition or conditions of the permit(s) for the purposes of conservation of healthy populations, public safety, or administration. The objective is to provide maximum opportunity for the continuation of the Ahtna tribes' hunting way of life and right to self-determination through providing AITRC with authority to manage the taking of wildlife according to the customary and traditional knowledge and practices of the Ahtna people through a process that is consistent with the Board's legal mandates.
 - b) Such permit(s) may be for the benefit of the AITRC's member tribal communities only; however, the parties understand and agree that the taking of fish and wildlife on all Federal public lands must be implemented in a manner consistent with the statutory rural priority set forth in Title VIII.
 - c) The Secretaries will direct the Board to strive to authorize the subsistence taking on the Federal public lands within the Ahtna region of allocations of moose, caribou, and other wildlife species that are sufficient to meet the needs of the participating Ahtna villages to the fullest extent possible in light of the Board's legal obligations.
 - d) At its discretion, the Board may delegate to the agency field officers for the Wrangell-St. Elias and Denali National Parks, Tetlin National Wildlife Refuge, and for the Bureau of Land Management lands within the Ahtna region, the authority to issue the permit(s) and establish the AITRC quotas.
- 2) The AITRC agrees that when implementing the permit or permits, it will:
- a) Provide notice of all openings, closings, limits, and changes to methods and means to the appropriate agency field officers and the Office of Subsistence Management in a timely manner so as to allow adequate advanced notice to the public;
 - b) Comply with all permit conditions;
 - c) Provide the Department and Board with a list of all participants who will be hunting under the permit(s). The AITRC will also provide all hunters participating in the permit with a harvest tag or some other form of identification showing their eligibility to participate in the permit hunt and will ensure that all hunters understand all permit stipulations and applicable regulatory requirements.

B. The Department will seek to establish an Ahtna region specific local advisory committee pursuant to ANILCA section 805 to allow greater reliance on local ecological knowledge and input by regional residents into subsistence hunting management plans and decisionmaking.

- 1) The Department agrees that within 30 days following the signing of this MOA, the Office of Subsistence Management will, in consultation with AITRC, draft a charter for a subsistence local advisory committee pursuant to 36 C.F.R. § 242.12, 50 C.F.R. § 100.12, and section 805(a) of ANILCA and initiate the regulatory process for implementing the charter. It is anticipated that membership shall consist of six residents of the Ahtna region nominated by AITRC and appointed by the Secretary, one representative each from the SCRAC, EIRAC, the Wrangell-St. Elias SRC, the Denali SRC, and the State of Alaska, for a total of eleven members.
 - a) The purpose of the local advisory committee will be to make recommendations concerning policies, standards guidelines, and regulations to the Secretary, Board (or its delegate), RAC's, and SRC for implementing a recommended strategy for the management and taking of wildlife species customarily and traditionally used within the Ahtna traditional territory.
 - b) The local advisory committee shall be permitted to meet at least twice per year, with planning, administrative assistance, and travel expenses including per diem (except for the State representative) to be borne by the Office of Subsistence Management.
 - c) The Board shall give substantial weight to the recommendations of the local advisory committee except when such recommendations either contradict the recommendations of the appropriate regional advisory council or, as set forth in section 805(c) of ANILCA, are not supported by substantial evidence, are contrary to recognized principles of fish or wildlife management, or are detrimental to the satisfaction of subsistence needs.
 - i. Ahtna traditional knowledge and understanding of the customary and traditional needs, practices and uses of Ahtna tribal communities will be presumed to be substantial evidence.
 - ii. Ahtna traditional knowledge and customary and traditional management practices shall be presumed to be consistent with recognized principles of wildlife management unless it is demonstrated that there is a significant likelihood that the local advisory committee's recommendations for harvest management will result in material detriment to the conservation of a wildlife stock or population.
- 2) With regard to the establishment of the local advisory committee, AITRC understand as follows:

- a) Such committee will be subject to the Federal Advisory Committee Act (FACA), including, but not limited to the requirements of: advanced notice and open meetings; attendance at meetings by a Designated Federal Officer; a membership that is fairly balanced in terms of those directly affected, interested, and qualified on the issues to be addressed by the committee; and, an approved charter.
- b) Charter approval is a statutory prerequisite to action by any federal advisory committee. Such approval is a lengthy process and cannot be guaranteed, however, the Department will make all good faith efforts to expedite the process and charter approval.

C. The future cooperative development and implementation of policies, programs and projects for the conservation and sustainable subsistence harvest of wildlife customarily and traditionally utilized on lands within the Ahtna region.

- 1) Many wildlife species migrate, and none recognize political or ownership boundaries. The Department and AITRC agree that there are substantial potential benefits for the managers of neighboring land within the Ahtna region to cooperate in reaching subsistence wildlife management objectives. Section 802(3) of ANILCA recognizes the need for cooperation among Native corporations and adjacent land managers such as AITRC “in managing subsistence activities on public lands and in protecting the continued viability of all wild renewable resources in Alaska.” The parties therefore agree to a cooperative partnership for the development and implementation of policies, programs, and projects that will serve mutual subsistence management objectives.
- 2) The partnership will address the conservation and sustainable subsistence harvest of wildlife customarily and traditionally utilized within the Federal public lands and Ahtna lands within the Ahtna region. The parties acknowledge that it may not be practicable to include all wildlife populations customarily and traditionally utilized by the Ahtna Native villages in the initial phases of the cooperative partnership. Moose, caribou, and any other large mammal populations identified by either party after consultation with the other party will be included.
- 3) A central purpose of the partnership is the incorporation of Ahtna’s traditional ecological knowledge and customary management practices into the Department’s subsistence wildlife management structure and policies. The parties agree that one important means for achieving this mutual goal is the meaningful incorporation of AITRC in the implementation of the policies, programs, and projects derived from the partnership.
- 4) Policies, programs, and projects cooperatively developed for purposes related to conservation and sustainable subsistence harvests will include those related to takings quotas and allocations, habitat conservation and enhancement, harvest and population monitoring, research, trespass control and enforcement, and access for subsistence hunting, including access by motorized vehicles to retrieve harvested game. The work of the partnership is intended to inform wildlife-related decisionmaking by the Board, the

Department land managing agencies, the United States Department of Agriculture Forest Service, and the AITRC for the foreseeable future.

- 5) Both parties agree that it would be beneficial to the residents of the Ahtna region to include the State of Alaska in the development and implementation of the policies, programs and projects described in this section of the MOA. The Department and AITRC therefore mutually agree to invite the State's participation in the work described in this section in the hope that the State: 1) will participate in discussions with the parties that are consistent with the goals and purposes of this section into the future; and 2) will agree, to the maximum extent permitted by applicable law, to implement policies, programs, and projects mutually agreed upon by AITRC, the Department and the State on State managed lands. The State's participation shall have no impact on the ability of AITRC and the Department to reach independent agreements on other subsistence related matters, policies, programs, and projects.

D. Funding AITRC capacity building and participation in the development and implementation of the MOA.

Both parties agree to diligently pursue sources for funding that will assist AITRC in developing and sustaining the capacity to meaningfully participate in the permits and programs set forth in this MOA. It is the mutual goal of the parties that AITRC will, within the near future and depending on the availability of appropriations, enter into funding agreement(s) with the Department for the capacity, expertise, research, and administrative costs associated with development and implementation of the parts of this MOA.

ARTICLE IV – GENERAL PROVISIONS

- A. No member of, or delegate to, Congress shall be admitted to any share or part of this document, or to any benefit that may arise therefrom.
- B. The provisions of this MOA are complementary to and are not intended to replace Federal responsibility under Title VIII or any other law for the conservation of fish and wildlife on Federal public lands and the subsistence uses thereof.
- C. Nothing herein is intended to conflict with Federal, State, or local laws or regulations.
- D. Upon signing, the parties shall each designate an individual and an alternate to serve as the principal contact or liaison for implementation of this MOA.
- E. This MOA becomes effective upon signing by all signatories and will remain in force until: (1) terminated by one or both of the parties; or, (2) dissolution of AITRC or cessation of operations thereby.
- F. In the event that the State of Alaska assumes subsistence management on public lands within the Ahtna traditional territory under Title VIII of ANILCA, Article III Section A

of this Agreement will be suspended for the period of State management. In the event that the State of Alaska ceases to manage public lands, this Agreement will resume and Article III Section A will return to full force and effect as if never suspended.

- G. Except as already required by law, nothing in this document shall be construed as obligating the signatories to expend funds or involving the United States or AITRC in any contract or other obligations for the future payment of money, except as may be negotiated in future cooperative funding agreements.
- H. This MOA establishes mutual goals and establishes proposed courses of action for reaching those goals, but it does not create any legally enforceable obligations or rights.
- I. This MOA does not restrict the signatories from participating in any other agreements with other public or private agencies, organizations, or individuals.

ARTICLE V.**SIGNATORIES:****FOR THE AHTNA INTERTRIBAL RESOURCE COMMISSION:**A handwritten signature in blue ink, appearing to read "Christopher Gene", written over a horizontal line.**Christopher Gene, Chairman**A handwritten signature in blue ink, appearing to read "Karen Linnell", written over a horizontal line.**Karen Linnell, Executive Director****FOR THE DEPARTMENT OF THE INTERIOR:**A handwritten signature in blue ink, appearing to read "Michael L. Connor", written over a horizontal line.**Michael L. Connor, Deputy Secretary of the Interior**

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

Ahtna, Incorporated acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink, appearing to read "Nicholas Jackson", written over a horizontal line.

Nicholas Jackson, Chairman of Ahtna, Incorporated

A handwritten signature in blue ink, appearing to read "Michelle Anderson", written over a horizontal line.

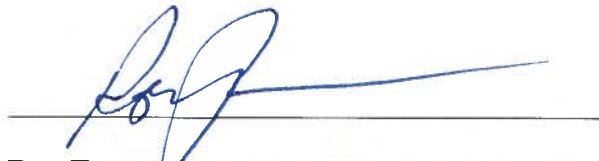
Michelle Anderson, President of Ahtna, Incorporated

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Ahtna Customary and Traditional Use Committee acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.



Eleanor Dementi, Chair, Ahtna Customary and Traditional Use Committee



Roy Ewan, Honorary Elder, Ahtna Customary and Traditional Use Committee

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Chitina Native Corporation acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.



Anne Thomas, President of Chitina Native Corporation

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

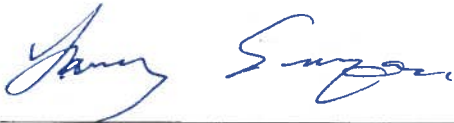
The Native Village of Cantwell acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.



Rene Nicklie, Native Village of Cantwell

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Chistochina acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.



Larry Sinyon, Native Village of Chistochina

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Chitina Traditional Indian Village Council acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink, reading "Rose Tyone", is written over a horizontal blue line.

Rose Tyone, President Chitina Traditional Indian Village Council

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Gakona acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink that reads "Prof for Darrin Gene". The signature is written in a cursive, flowing style.

Darrin Gene, Native Village of Gakona

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

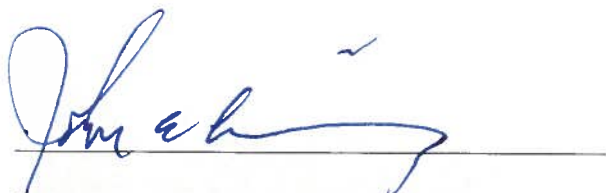
The Native Village of Gulkana acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink, appearing to read "Eileen Ewan", is written over a horizontal blue line.

Eileen Ewan, Native Village of Gulkana

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

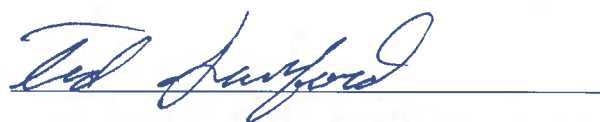
The Native Village of Kluti-Kaah acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink, appearing to read "John Craig", is written over a horizontal line.

John Craig, Native Village of Kluti-Kaah

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Mentasta acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.



Ted Sanford, Native Village of Mentasta

ARTICLE V.**SIGNATORIES:****SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Tazlina acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink, reading "Gloria Stickwan", is written over a horizontal line.

Gloria Stickwan, Native Village of Tazlina

Land Ownership Patterns in the Ahtna Traditional Use Territory

