



Memorandum of Understanding  
Between the  
Native Village of Kaktovik Tribal Council  
and the  
Minerals Management Service  
Alaska Outer Continental Shelf Region

March 7, 2006

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Between the  
Native Village of Kaktovik Tribal Council  
and the  
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Alaska Outer Continental Shelf Region**

**Introduction**

Federally recognized tribes have a unique relationship with the Government of the United States as defined by the U.S. Constitution, treaties, statutes, court decisions, and executive orders. This Memorandum of Understanding (MOU) between the Native Village of Kaktovik (NV Kaktovik) and the Minerals Management Service's Alaska Outer Continental Shelf Region (MMS) is to formalize their Government-to-Government (G2G) relationship. It is the goal of this MOU to maintain effective communications, consultation, and coordination to ensure that the consultation process on Outer Continental Shelf (OCS) matters which may potentially affect the NV Kaktovik are conducted in a culturally sensitive manner respectful of tribal sovereignty.

**Recitals**

1. The NV Kaktovik is a federally recognized tribe located in Alaska on the shore of the Beaufort Sea. The NV Kaktovik is a sovereign tribe governed by a tribal council elected by its membership to be responsible for the protection of tribal culture, assets, rights, setting of tribal priorities, and to develop and manage tribal resources;
2. The MMS is the Federal agency responsible for managing the mineral resources of the OCS and for collecting receipts for the public from use of those submerged lands as mandated by the Outer Continental Shelf Lands Act of 1952. The MMS enters into this MOU in keeping with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, signed on November 6, 2000, and the DOI Alaska Policy on Government-to-Government Relations with Alaska Native Tribes, signed on January 18, 2001;
3. The NV Kaktovik and the MMS (hereinafter the parties) share a common interest and responsibility in the protection and enhancement of the OCS environment and desire to foster a strong working partnership through effective coordination, open and timely communications, and the consideration of tribal interests and priorities;
4. To achieve their mutual goals, the parties desire to establish through this MOU a mechanism for facilitating a G2G relationship relative to OCS issues and promoting the most effective use of the parties' limited resources, to the fullest extent possible; and

NOW THEREFORE, the NV Kaktovik and the MMS agree that they will work together cooperatively on OCS matters under their jurisdiction which may potentially affect the NV Kaktovik. The parties will endeavor to establish effective processes for open and direct communication to identify and consider tribal priorities in OCS matters.

### **Responsibilities, Process, and Procedures**

To ensure that this MOU provides for maximum participation by the NV Kaktovik in relevant matters while maintaining flexibility for MMS, the following steps will be used for guidance during consultation and at other times, as appropriate, between the parties:


1. **Pre-decision Notification and Initiation of Consultation:** NV Kaktovik should be notified at the earliest practicable time to fully inform the tribe of proposed MMS activities that will have a substantial, direct effect on NV Kaktovik. Consultation should be initiated as early in the decisionmaking process as practicable. Consultation should continue throughout the MMS pre-decision-making process, except where expressly prohibited by law. If the MMS determines that the Administrative Procedures Act, the OCS Lands Act, or any other applicable law or regulation expressly prohibits continued consultation at a specified point in the decisionmaking process, the MMS shall so inform the NV Kaktovik at the outset of the consultation process, or as soon as possible after it becomes aware of the prohibition.
2. **Information Dissemination:** At the outset of the consultation process, prior to the first consultation meeting, the MMS should provide the NV Kaktovik with sufficient information about the proposed action(s) to ensure that the tribe can properly assess and respond to such action(s).
3. **Identification of Key Points of Contact:** The MMS and NV Kaktovik will identify (name, telephone number, and e-mail address) their respective key points of contact to facilitate timely and responsive information exchange and resolution of issues.
4. **Interagency Cooperation:** The MMS and NV Kaktovik shall work cooperatively, as appropriate, with other Federal and State agencies to accomplish the goals and responsibilities of this MOU.
5. **Removing Procedural Impediments:** The MMS shall strive to remove procedural impediments to working directly with the NV Kaktovik in the areas contained in this section.

### **Effect and Limitations of this Agreement**

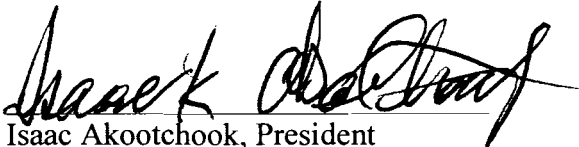
1. This MOU is effective from the date of signature by the parties, and will remain in effect until termination by either of the parties by providing written thirty-day notice to the other party.

2. The NV Kaktovik acknowledges that the MMS cannot transfer to the NV Kaktovik MMS's inherently Federal Government functions.
3. Nothing in this MOU is intended to expand, contract, or otherwise limit the sovereignty held by the NV Kaktovik.
4. The parties do not, by entering into this MOU, waive or create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies or instrumentalities, officers or employees or any other person.
5. This document is intended to supplement the requirements contained in the Executive Memorandum of April 29, 1994, Government-to-Government Relations with Native American Tribal Governments; Executive Order No. 13175, Consultation and Coordination with Indian Tribal Governments, and the DOI Alaska Policy on Government-to-Government Relations with Alaska Native Tribes. This document is not intended to supersede or replace any existing Agency policy affecting federally recognized tribes in Alaska.

The undersigned parties enter into this MOU between the NV Kaktovik and the MMS, Alaska Region.

  
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John Goll, Regional Director  
Minerals Management Service  
Alaska OCS Region

3/7/2006  
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Date

  
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Isaac Akootchook, President  
Native Village of Kaktovik

3/7/06  
\_\_\_\_\_  
Date