



Bristol Bay Native Corporation

Enriching Our Native Way of Life

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Via Email: consultation@doi.gov

Department of the Interior
Office of the Secretary
1849 C Street NW
Washington, DC 20240

Attn: Alaska Consultation Policy

Dear Secretary Salazar:

Bristol Bay Native Corporation (BBNC) is the Alaska Native Corporation (ANC) that represents the interests of the Native people of the Bristol Bay area in Southwestern Alaska. BBNC writes to comment on the Department of the Interior (DOI) Draft Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations (Draft Policy). BBNC strongly supports the efforts by the Department of Interior to implement Executive Order 13175 and craft a policy that ensures meaningful consultation with ANCs in accordance with that Order. We appreciated the opportunity to provide feedback and ask questions directly of DOI staff during the Alaska Meeting on the Draft Policy. Nonetheless, BBNC has concerns about the DOI's current draft, and encourages the Department to refine its policy to create more concrete guidelines for ANCs and to ensure that, insofar as possible and with due respect to the Tribes' sovereign status, ANCs receive the same consideration in the consultation process as Indian Tribes.

BBNC has a number of recommendations regarding the DOI Draft Policy. Primary among BBNC's concerns are that ANCs be treated equally where appropriate.¹ BBNC encourages the DOI to take the following steps in revising its Draft Policy:

- ***Ensure Equal Treatment for ANCs.*** The draft policy's consultation guidelines section incorporates the DOI's Policy on Consultation with Indian Tribes (Tribal Consultation Policy) with the caveat that "adjustments" will be made "as necessary." However, the policy does not provide much guidance to ANCs or DOI staff regarding how ANCs will be treated during consultation as compared with Tribes. DOI should include language in its policy ensuring that ANCs will be treated on equal footing with Tribes insofar as legally possible.
- ***Provide guidance regarding ANC initiation of consultation.*** The Draft Policy provides for initiation of consultation by ANCs; however, it does not provide sufficient

¹ The U.S. government has a history of unnecessarily prioritizing Tribes over ANCs during consultation. In one notable instance, involving environmental cleanup of land on Umnak Island, Alaska, the U.S. Department of Defense consulted extensively with Tribes regarding their interests, and all but ignored the ANC that owned the land at issue and would be most impacted by the DOD's decision regarding the level of cleanup and remediation required. The DOI should acknowledge the equal and, in some cases, superior interests of ANCs where appropriate and should not prioritize Tribal consultation over ANC consultation unless required to do so by virtue of Tribes' special sovereign legal status.

guidance as to *how* ANCs can initiate consultation if the agency does not do so. The DOI should provide greater specificity regarding how ANCs initiate consultation.

- ***Expand involvement for ANCs in training federal employees.*** The DOI's Draft Policy at Part V provides for training of DOI personnel regarding ANCs in accordance with the DOI Tribal Consultation Policy, adapted as necessary for ANCs. The DOI should involve the ANCs extensively in that training, as ANC personnel can best inform federal employees regarding the unique structure and operations of ANCs, culture and values of our shareholders, natural and cultural resources on ANC lands, and the array of benefits ANCs provide to shareholders and the Alaska economy. As appropriate, ANC representatives can also accompany DOI staff in the field to help impart direct experiential knowledge regarding traditional Alaska Native hunting and fishing activities. In its Draft Policy, DOI should expressly encourage and provide opportunities for ANC involvement in ANC-oriented training for federal employees.
- ***Expand federal training opportunities for ANC representatives.*** The DOI Tribal Consultation Policy's Training provisions will apply to the Draft Policy, providing training for DOI personnel. However, DOI should also encourage training for ANC personnel and relevant individuals regarding federal consultation policies and processes. Such training would help ANC personnel and others to better understand the agency's consultation processes and applicable laws and regulations and could serve to further facilitate meaningful consultation.
- ***Establish a web page containing links to all agency actions requiring consultation under both policies.*** DOI should establish a central Tribal and ANC consultation website to provide relevant announcements and links to all DOI proposed agency actions that might impact Native Americans and Alaska Natives. Currently, Tribes and ANCs must search each individual office and bureau website to identify proposed changes to and opportunities for consultation, a difficult and time-consuming task. Coordination through a central website would greatly ease this burden and may also encourage consolidation of related consultation opportunities across agencies, promoting more efficient usage of agency, Tribal, and ANC resources.

BBNC thanks you for this opportunity to provide input on the DOI Draft Policy. Please feel free to contact me with any questions.

Sincerely,



April Ferguson
Senior Vice President & General Counsel