



**Bristol Bay Area
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*Bristol Bay Area
Health Corporation is
a tribal organization
representing 28 villages in
Southwest Alaska:*

Aleknagik
Chignik Bay
Chignik Lagoon
Chignik Lake
Clark's Point
Dillingham
Egegik
Ekuk
Ekwok
Goodnews Bay
Ivanof Bay
Kanatak
King Salmon
Knugank
Koliganek
Levelock
Manokotak
Naknek
New Stuyahok
Perryville
Pilot Point
Platinum
Port Heiden
Portage Creek
South Naknek
Togiak
Twin Hills
Ugashik

Via email: consultation@bia.gov

July 25, 2018

Tara Sweeney
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street NW, MS-4141
Washington DC 20240
Attn: Mr. Tyler Fish, Counselor

Re: Comments for Consultation on Organization under Alaska
Amendment to IRA

Dear Assistant Secretary Sweeney:

I am writing on behalf of the Bristol Bay Area Health Corporation (BBAHC) to submit comments in response to the Department of the Interior's (Department) July 2, 2018 Dear Tribal Leader Letter concerning how the Department might better implement the organization and federal recognition provision of the Alaska amendment to the Indian Reorganization Act (IRA). Attached is a legal memorandum answering your questions in detail and discussing the parameters of the common bond standard.

BBAHC was created in 1973 to provide health care services to Alaska Natives of Southwest Alaska. BBAHC began operating and managing the Kakanak Hospital and the Bristol Bay Service Unit for the Indian Health Service in 1980, and it was the first tribal organization to do so under the Indian Self-Determination and Education Assistance Act. BBAHC is responsible for providing health care to the people of 28 Alaska Native Villages.

BBAHC has provided support and assistance to our member village, the Knugank Tribe, located near Dillingham, Alaska, in its request to the Department to organize under the standard set forth in the Alaska amendment to the IRA and thereby receive federal recognition. We have been monitoring the Department's review of Knugank's request closely, and we continue to become increasingly alarmed that the Department has not yet issued a decision. Knugank's request to organize dates back to 2001, when it formally submitted a resolution to the Department.¹ Throughout this lengthy period, officials within the Department made assurances to Knugank representatives, the Alaska congressional delegation, and state representatives that a decision would be forthcoming. At

¹ However, the Knugank Tribe, formerly known as "Olsonville, Inc." was included in the 1988 list of federally recognized tribes and should not have been removed from that list.

some points, the Department agreed to complete certain tasks within a set timeframe, but it even failed to comply with its own deadlines.

Seventeen years is an unacceptable amount of time for a tribe to wait to receive something as important as federal recognition from the United States. Federal recognition is paramount to a tribe's ability to exercise its sovereignty. Federal recognition is central to the establishment of a government-to-government relationship between the United States and a tribe, and virtually all federal Indian programs are tied to this recognition. Additionally, the power of a tribe to exercise jurisdictional authority over its lands and citizens is limited under United States law to federally recognized tribes. For tribes in Alaska, the Department's federal recognition has been especially hard fought.

We do not believe the Department should expend time and resources to promulgate regulations or other additional guidance to carry out its statutory duty to implement the organization and federal recognition provision of the Alaska amendment to the IRA. Instead, the Department must focus its attention on issuing decisions on the two petitions before it that have been pending for far too long—including that of the Knugank Tribe.² Additionally, it is imperative the Department not take steps to restrict the sovereign powers of tribes in Alaska, including those that organized and gained federal recognition through the Alaska amendment to the IRA. That the Department is even considering such actions is deeply troubling.

We appreciate the opportunity to comment on this most significant topic. We strongly urge you to cease efforts to promulgate regulations or other guidance to implement the Department's authority to organize groups of Alaska Natives meeting the common bond standard. Instead, we ask that you focus your time and attention on issuing a decision for the Knugank Tribe as soon as possible.

Sincerely,


Robert J. Clark
President/Chief Executive Officer

c: Senator Murkowski
Senator Sullivan
Congressman Don Young

² If the Department does choose to promulgate regulations or additional guidance, this should in no way affect or slow down your consideration of the two currently-pending petitions.