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Susitna-Watana Hydroelectric Project

Alaska Native Resources Data Gap Analysis

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Executive Summary

This document examines the existing information regarding Alaska Native resources in the Susitna-Watana Hydroelectric Project Study area. The Project area is located approximately halfway between Anchorage and Fairbanks in the upper Susitna River basin (see Figure 1), as proposed by the Alaska Energy Authority (AEA). It would create a single dam on the Susitna River at River Mile 184 in the vicinity of Watana canyon.

A Susitna River two-dam hydroelectric project was first proposed in 1976 by the U.S. Army Corps of Engineers (Corps). The concept was adopted and managed in the 1980s by the Alaska Power Authority (APA), and comprehensive environmental studies were conducted to support Federal Energy Regulatory Authority (FERC) licensing efforts. The project was cancelled in 1986 due to declining oil revenues.

The 2010 Alaska Railbelt Regional Integrated Resource Plan (RIRP), a 50-year, long-range power generation and transmission plan of capital improvement projects, documented the need for a large amount of new power generation to support the railbelt region over the next 10 to 15 years. The same year, the Alaska Legislature passed House Bill 306, directing the State to receive 50 percent of its electrical generation from renewable and alternative energy by 2025. Constructing a hydroelectric project in the railbelt region is the only feasible way to achieve this goal. The RIRP identified Watana as the preferred site for such a project.

This analysis evaluates available information for its relevance and applicability using data reviewed from documents developed as part of the original Susitna Project licensing effort, along with more recent reports, contact with agency project leaders, and database searches. If information does not appear to be sufficient to satisfy FERC licensing requirements for the Project, a data gap was identified and recommendations made for further investigation. This document describes the potential data gaps identified for Alaska Native resources in the Study area. Actual information needs will be determined when a more refined description of Project facilities, operations, and construction activities is developed.

Based on analysis of the available information, the most important data gaps and areas of concern are described in Table T 1.

Table T 1. Summary of Data Gaps

Data Gap	Specific Information Needed
T-1	Delineate a tribal entity consultation protocol and procedure
T-2	Verify Tetlin Native Corporation Land Holdings
T-3	Identify individual allotment owners and their interests
T-4	Identify Subsistence Resources, Use Areas, and access routes of concern
T-5	Identify and understand interests in cultural resources, specifically properties of traditional and religious significance to the Corporations and Tribes, including ANCSA 14(h)(1) sites

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Acronyms and Abbreviations

AEA	Alaska Energy Authority
ANAA	Alaska Native Allotment Act
ANCSA	Alaska Native Claims Settlement Act
ANILCA	Alaska National Interest Lands Conservation Act
APA	Alaska Power Authority
ATAA	Alaska Townsite Allotment Act
ATV	All-terrain vehicle
BLM	Bureau of Land Management
CATC	CIRI Alaska Tourism
CIRI	Cook Inlet Region, Incorporated
Corps	U.S. Army Corps of Engineers
DCCED	Alaska Department of Commerce, Community and Economic Development
DCRA	Alaska Division of Community and Regional Affairs
DEC	Alaska Department of Environmental Conservation
DEIS	Draft Environmental Impact Statement
DNR	Alaska Department of Natural Resources
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
FERC	Federal Energy Regulatory Commission
G2G	Government to Government
GWh	Gigawatt hours
IC	Interim Conveyance
ISER	Institute of Social and Economic Research
MSB	Matanuska-Susitna Borough
MW	Megawatts
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPCA	National Parks Conservation Association
RFP	Request for Proposals
RIRP	Alaska Railbelt Regional Integrated Resource Plan
RM	River Mile
ROD	Record of Decision
SEIS	Supplemental Environmental Impact Statement
SVO	Successor Village Organization
UCG	Underground Coal Gasification

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1. Introduction

This report examines existing information describing documented Alaska Native resources and areas of Alaska Native interest in the Susitna-Watana Hydroelectric Project (Project) Study area (Figure 1), located in the upper Susitna River basin, as proposed by the Alaska Energy Authority (AEA). Potential “gaps” in the existing data are identified that help inform the National Environmental Policy Act (NEPA) scoping and study planning activities conducted as part of the Federal Energy Regulatory Commission (FERC) licensing process for the proposed Project. The purpose of this data gap analysis is to evaluate available information for its relevance and applicability to the proposed Project. Actual information needs will be determined when a more refined description of Project facilities, operations, and construction activities is developed. The data reviewed for this analysis are contained in selected documents developed as part of the original Susitna Project licensing effort in the early 1980s, along with more recent, readily available reports.

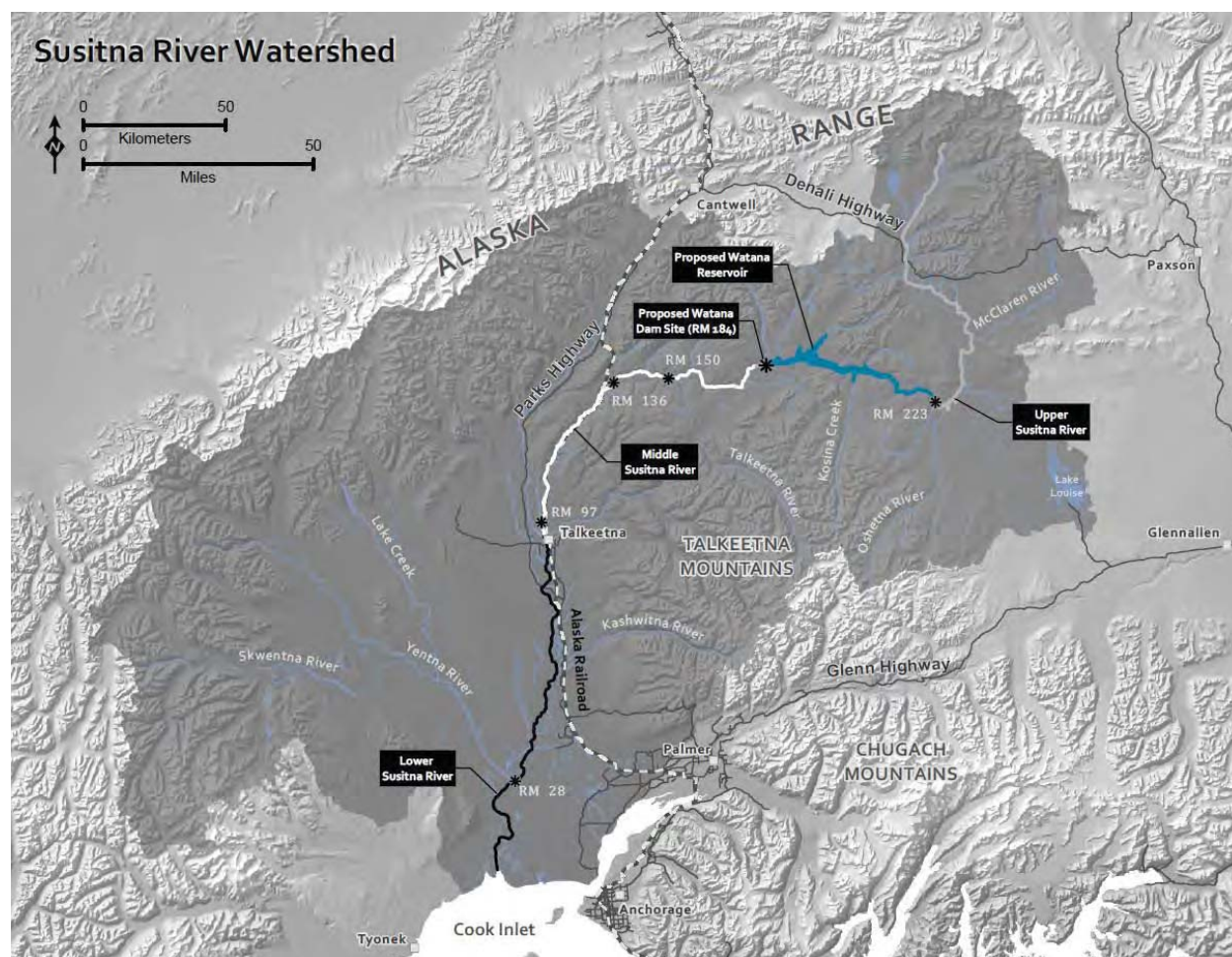


Figure 1. Location and Vicinity Map

2. Project History

The Susitna River was identified as a potential large hydropower site in the 1940s by the Bureau of Reclamation. In a 1976 report to Congress, the U.S. Army Corps of Engineers (Corps) proposed a two-dam scheme capable of producing 7,300 Gigawatt hours (GWh) of hydropower (Harza-Ebasco 1987). This concept was adopted by the Alaska Power Authority (APA), which began managing the Project in 1980, and contracted with Acres America to review economic and environmental feasibility and file a FERC license application. Later, Harza-Ebasco was contracted to update the license application and perform final design. The 1980s APA Project consisted of two dams: the first located in Watana Canyon at approximately river mile (RM) 184, and a second located at Devils Canyon (referred to as the Devil Canyon site in most earlier studies; RM 152). The 1980s APA Project effort culminated in the development of a license application filed with FERC in 1983, and an amended license application was prepared in 1985. The Project was cancelled in early 1986 in the face of declining oil revenues. In support of the 1983 and 1985 FERC license applications, the APA conducted comprehensive baseline environmental studies throughout the basin, with the most extensive aquatic efforts focused on the middle Susitna River upstream of Talkeetna. A library of more than 3,500 reference documents was cataloged at the conclusion of the Project (Harza-Ebasco 1987).

The current Susitna-Watana Hydroelectric Project being evaluated by the AEA is located approximately halfway between Anchorage and Fairbanks in the upper Susitna basin. It would create a single dam on the Susitna River at RM 184 in the vicinity of Watana Canyon. The approximately 700-foot-high dam would have an approximate 557-foot difference between tail water and maximum pond elevation, with a maximum pond approximately at the 2,014-foot elevation (AEA 2010). Watana Reservoir would be 39 miles long and a maximum of 2 miles wide. The dam's installed capacity would be approximately 600 megawatts (MW), with the average annual generation estimated to be 2,600 GWh (AEA 2010). The AEA is currently studying design considerations in order to formulate a decision regarding the type of dam or powerhouse (underground or surface) that would be used or the actual final maximum reservoir level. At this time the actual operation characteristics of the Project are not known, but the current concept is that the Project would provide peaking operations using the reservoir storage to meet daily instream flow and power needs.

3. Identified Study Area

Specific project components of the proposed Susitna-Watana Hydroelectric project would consist of a dam and powerhouse, impoundment area, and road and transmission line corridors. The dam and powerhouse would be constructed about 15 miles upstream of Devil's Canyon, near RM 184 above the mouth of the Susitna. The proposed impoundment area would consist of a 39-mile long reservoir with a gross storage capacity of 4,334,000 acre feet. Road and transmission line corridors would be constructed to connect the dam to the Denali and/or Parks Highways and existing intertie. Three road and transmission line corridors are currently under consideration; the Denali corridor, Chulitna corridor, and Gold Creek corridor.

Based on these project components at the time of this study, a broad area was identified and evaluated for potential Alaska Native land ownership, access, resources and interests. A more refined study area will be determined once a preferred alternative is selected.

4. Data Gap Analysis

Implementing regulations for the Federal Power Act (18 CFR 1-399) govern the licensing and operating of hydropower facilities and are administered by FERC. Amendments to the Federal Power Act and 18 CFR 5.6 have occurred since the 1985 filing of the amended license application. In 1986, the Act was amended to include consideration of a suite of environmental resources, including Alaska Native resources, through the licensing process. Applicants for hydropower licensing are now required to collect information on the existing project environment and potential resource impacts. Environment resources that must be considered include geology and soils, water resources, fish and aquatic resources, wildlife and botanical resources, wetlands, riparian and littoral habitat, rare, threatened and endangered species, recreation and land use, aesthetic resources, cultural resources, socioeconomic resources, and Alaska Native resources.

The licensing effort of the 1980s APA Project generated a body of literature, some of which might be used to support future licensing. To evaluate potential impacts, the 1980s study effort sought to describe baseline conditions at a level of reliability necessary to detect and explain possible future changes caused by the proposed hydroelectric development as it was configured at that time. Since then, conditions in the Study area have changed and new information is available, making it necessary to review the 1980s information to identify data gaps (areas where updated information is needed or can be supplemented).

5. Methodology

Documents from the 1980s licensing effort were reviewed, including the Draft Environmental Impact Statement (DEIS; FERC 1984a, b; Harza-Ebasco 1985a, b, c, d). State, federal, local and tribal agency land and resource planning and management documents were also reviewed. Other sources of information include corporation and tribal websites and databases. The review also looked at other available information including:

- Alaska Community Database Community Information Summaries (Alaska Department of Commerce, Community and Economic Development, Division of Community and Regional Affairs)
- Final Environmental Impact Statement, Alaska Railroad Corporation Construction and Operation of a Rail Line Extension to Port MacKenzie, Alaska
- Anchorage Coastal Management Plan
- Matanuska-Susitna Borough Coastal Management Plan
- Knik Arm Crossing Final Environmental Impact Statement and Final Section 4(f) Evaluation
- Cultural Resource Management Plan for the Denali Highway Lands

Other sources of information included contact with agency Project leaders and database searches. If information does not appear to be sufficient to satisfy licensing requirements, a data gap was identified. This document identifies those information needs or gaps to help develop future Project study efforts. For most if not all of the data gaps, additional information about the construction and operation of the proposed Project is necessary before more detailed recommendations can be provided and consultation with tribal contacts initiated.

Based on information provided about the proposed Project, most of the Alaska Native resource impacts are likely to occur in the Susitna basin. As a result, this Alaska Native resources data gap analysis will focus on these areas. While statewide information may be beneficial in some instances, conditions in rural Alaska tend to vary among different Alaska Native entities (e.g., federally-recognized tribe vs. regional corporation vs. village corporation or other tribal organization). Consequently, comparing future Alaska Native information may result in impacts being assessed differently.

5.1. Alaska Native Land Interests and Resource Database

In order to better understand the current status of land ownership and regional interests of Alaska Native entities in the Study area, a SQL server-based web database application was developed to document and track tribal status, contact information, and any documented associated tribal resource interests within the proposed study area. The web database creates a secure format for understanding baseline Alaska Native lands and interests in the Study area, while also providing a format for updating and adding to collated resource interest data for purposes of consultation and further analysis throughout the duration of the FERC licensing process. Once data gaps have been evaluated for further investigation and consultation, the database can be updated and added to indefinitely, based on information received during consultation.

5.2. Regulatory Framework and Definitions

Alaska Native resources as an analysis category encompasses many resources already being investigated for data gaps including (but not limited to): fish and aquatic resources, wildlife and botanical resources, subsistence resources, cultural resources, recreation and land use. As such, Alaska Native resources are discussed in general terms, acknowledging these other studies and their applicability where appropriate. This data gap analysis focuses on summarizing and analyzing information relating to land and other resources of interest to identified Alaska Native entities that may be affected by the Project.

In order to account for the range of Alaska Native entities recognized in federal statute under the Alaska Native Claims Settlement Act (ANCSA), as well as Tribes recognized by the U.S. Department of the Interior, two main types of Alaska Native entities were reviewed for this document: Alaska Native Tribes federally-recognized by the Bureau of Indian Affairs pursuant to 25 CFR 83.6(b); and entities defined under ANCSA (43 USC §1602; i.e., Regional Native Corporations, Village Corporations, Group Corporations and Urban Corporations).

The study area for Alaska Native resources encompasses a broad area, as outlined above in Section 3, and includes the Susitna basin and Upper Cook Inlet. Because of the potential for resources within this area to be of interest to Alaska Native entities elsewhere in the state, baseline information was reviewed for all Alaska Native entities within the Cook Inlet Region,

Inc. (CIRI), and Ahtna, Inc., regions, as well as entities in the Doyon, Ltd., region with lands or interests near the northern boundary of the Susitna basin.

Tribal Governments

Historically, in what is now the lower-48 United States, tribal governments made nation-to-nation agreements with the federal government, or treaties, in which Indian tribes agreed to relinquish ownership rights to vast amounts of their traditional territories in exchange for smaller areas over which they would exercise exclusive possession and control. Many of these agreements also recognized hunting and fishing rights in areas outside “reserved” area. These agreements created what has been described as a “trust relationship,” in which the U.S. government and all agencies have a duty to protect tribal rights and resources. Despite some erosion of tribal rights by statute and judicial interpretation, courts continue to recognize Indian tribes as “domestic dependent nations,” with inherent sovereignty over their own affairs. United States policy is thus predicated on an interaction with Indian tribes on a Government-to-Government basis. Although, with a few exceptions, the indigenous people in Alaska did not enter into treaties with the U.S., there are 229 federally-recognized Alaska Native groups within the State of Alaska, that have been listed as tribal governments by the Department of the Interior.

Based on this history, the Federal Power Act, which delineates the licensing process for hydroelectric projects, defines an Indian Tribe as that:

which is recognized by treaty with the United States, by federal statute, or by the U.S. Department of the Interior in its periodic listing of tribal governments in the Federal Register in accordance with 25 CFR 83.6(b), and whose legal rights as a tribe may be affected by the development and operation of the hydropower project proposed (as where the operation of the proposed project could interfere with the management and harvest of anadromous fish or where the project works would be located within the tribe's reservation).

Alaska Native Lands: Claims, Interests, and Ownership

Four legislative acts in particular contributed to the creation of the unique system of land ownership and Alaska Native organization in Alaska:

- The Alaska Native Allotment Act, 1906
- The Alaska Native Townsite Act, 1926
- The Alaska Native Claims Settlement Act, 1971
- The Alaska National Interest Lands Conservation Act, 1980

The Alaska Native Allotment Act (ANAA), enacted in 1906, granted Alaska Natives the right to claim up to 160 acres of land individually. The Alaska Native Townsite Act (ANTA), passed in 1926, allowed conveyance of designated and surveyed townsite land to individuals. Both acts provided for land to be conveyed to individual owners and both acts were repealed in 1971 with the passage of ANCSA. By 1971, over 10,000 allotment applications had been filed for over 1.5 million acres of land throughout Alaska.

ANCSA collectively granted Alaska Natives over 45 million acres of land and established the corporation system. Rather than settle land claims through treaties, with lands held in trust by the Bureau of Indian Affairs, ANCSA created corporations to hold title to Alaska Native lands. At the regional level, ANCSA divided the state into 12 geographic regions, based on, as much as practicable, shared interests and a common heritage. Land entitlements and monetary compensation were allocated to each of the 12 regions, to be managed by the corresponding regional corporation for the benefit of their enrolled Alaska Native shareholders. ANCSA also established a thirteenth corporation for Alaska Natives living out of state; however the thirteenth corporation received no land entitlements.

To approximate and recognize tribal organization within each region, ANCSA established and granted land entitlements to three additional levels of for-profit or nonprofit corporations, based on the population of individuals at each tribal location: village corporations, group corporations and urban (also known as the “Four Cities”) corporations. Village corporations were established where Alaska Native populations totaled more than 25 individuals, group corporations were established where Alaska Native populations totaled less than 25 individuals, but comprised the majority of residents at a locality, and urban corporations were established in four cities with significant Alaska Native populations. The role of the village, group and urban corporations was to “hold, invest, manage and/or distribute lands, property, funds, and other rights and assets for and on behalf of a Native” village, group or urban population (43 U.S.C. §1602).

Village, group, and urban corporations received surface estate rights in lands, while regional corporations generally received subsurface estate rights in lands conveyed to village, group, and urban corporations within their region. This arrangement, referred to as “split estate” characterizes the majority of corporation land ownership patterns. However, many regional corporations also now hold title to both surface and subsurface estate rights on certain lands. Following initial ANCSA entitlement selections, remaining lands were divided among the 12 regional corporations, and both surface and subsurface estate rights were received. Additionally, six regional corporations received both surface and subsurface estate interests/rights in lands as a result of an inequity in distribution of entitlements. Finally, in some cases, ANCSA prohibited regions from selecting the subsurface estate rights of village lands, so in-lieu subsurface selections were made elsewhere.

In addition to granting land entitlements to Native corporations, ANCSA directed the Secretary of the Interior to set aside 80 million acres of federal lands for future congressional designation as parks, refuges, forests or wild and scenic rivers (NPCA 2011). In 1980, the withdrawals were addressed with the enactment of the Alaska National Interest Lands Conservation Act (ANILCA) and the designation of 100 million acres of new park, preserve, and refuge land. More importantly for Alaska Native resources however, ANILCA (specifically Title VIII) identified and recognized the importance of subsistence in Alaska, mandating that the State maintain a subsistence hunting and fishing preference for rural residents on federal public lands. The State of Alaska is currently out of compliance with Title VIII of ANILCA and as such, the federal government has resumed control of subsistence management on federal lands and waters. The subsistence dilemma is addressed more thoroughly in the Subsistence Resources data gap analysis.

Definitions

The land claims that occurred during ANAA, ATAA, ANCSA, and ANILCA have been the subject of legal battles for the last 30 years. Consequently, land selections are in various stages of conveyance to allottees (recipients of individual allotments under AANA), corporations, and the state and federal government. In general, land claims are classified in one of three ways:

- **Conveyed lands** are lands where title has been issued to an entity or an individual. These lands are no longer managed by the BLM.
- **Interim Conveyance (IC) lands** are unsurveyed lands for which title has been received by Native corporations for surface estate and sub-surface estate rights. Lands received by village corporations through ANCSA have two ICs issued: one for the surface estate issued to the village corporation; and the second issued to the regional corporation for the subsurface estate rights. Land received by the regional corporations has only one IC issued, for subsurface estate rights. Some ICs issued have excluded submerged lands until navigability determinations can be made. These submerged lands, if determined non-navigable, are included in ICs issued at a later date. Interim conveyances generally do not show any reservations other than surface and subsurface states. Once navigability has been settled and the lands have been surveyed, the patent is issued.
- **Selected lands** are lands that have been selected by an individual, a village or regional corporation, the State of Alaska or any agency other than a federal government agency. Lands that have been selected by a federal agency are usually referred to as “withdrawals.”

6. Identified Tribes and Corporations

Of the over 229 federally-recognized Tribes in Alaska, 22 Tribes are located within or in close proximity to the Study area, and may have interests in the project (Table 1). Additionally, there are three regional corporations with interests in the Study area (Figure 2), who in total hold title to approximately 15 million acres of land, some of which is located within the Study area. There are also 14 village corporations, five group corporations, and one urban corporation with land and/or other resource interests in the Study area. Village, group and urban corporations with land interests in the study area are identified in Figure 3. Tribes and corporations are identified in the following pages, however to understand the specific nature of their interests, further consultation with the Tribes and corporations, in a manner consistent with government-to-government and public involvement consultation policies, should occur. Consultation should begin early in the permitting process to ensure all interests and resources can be considered throughout the FERC licensing and project development processes.

Data Gap T-1: Delineate a tribal entity consultation protocol and procedure

Table 1. Federally-recognized Tribes (25 CFR §86) Within the Study area by Region.

CIRI Region	Ahtna Region	Doyon Region
Chickaloon Village Traditional Council	Cheesh-Na Tribal Council (formerly the Native Village of Chistochina)	Village of Dot Lake
Native Village of Eklutna ¹	Native Village of Gakona	Healy Lake Village
Kenaitze Indian Tribe	Gulkana Village	Nenana Native Association
Ninilchik Traditional Council	Native Village of Kluti-Kaah (also known as Copper Center)	Northway Village
Village of Salamatof (Kenai)	Mentasta Traditional Council	Tanacross Village Council
Seldovia Village Tribe	Native Village of Tazlina	Native Village of Tetlin
Native Village of Tyonek	Native Village of Cantwell	
Knik Tribal Council	Chitina Traditional Village Indian Council	

Regional Corporations

Cook Inlet Region, Incorporated (CIRI)

CIRI was founded for Native Alaskans with ties to the Cook Inlet region. CIRI has over 7,300 shareholders and approximately 1.25 million acres of surface estate entitlements and 2.25 million acres of subsurface entitlement lands within and around the Susitna basin. CIRI holdings within the Susitna basin are a mixture of selected, interim conveyance and patented land.

CIRI is actively pursuing alternative energy development through projects in Cook Inlet, near the mouth of the Susitna, with projects like Fire Island Wind and Stonehorn Ridge Underground Coal Gasification (UCG). CIRI also maintains an oil and gas leasing program for much of its land holdings around Cook Inlet, including lands adjacent to the Susitna basin.

CIRI Alaska Tourism (CATC), a subsidiary of CIRI, owns and operates the Talkeetna Majestic Lodge in Talkeetna.

¹ The Native Village of Eklutna has participated in and actively pursued salmon habitat restoration and enhancement projects for the Eklutna River.

Ahtna, Incorporated (Ahtna)

Ahtna, Inc. owns approximately 1,528,000 acres from an entitlement of 1,770,000 acres, primarily in the Copper River basin. Ahtna land holdings within the Susitna basin are all interim conveyances. Ahtna has over 1,600 shareholders, most of which reside in the Copper River Basin. Ahtna has 15 subsidiaries, including one involved in forestry and gravel sales and one tasked with developing a tourism program and business opportunities within the Ahtna region.

In 1980, seven of the eight village corporations in the Ahtna region merged with Ahtna, Inc. Consequently, Ahtna acquired surface estate rights to the seven village corporations' lands. However, the merger agreement allowed the seven villages to maintain shareholder committees known as Successor Village Organizations (SVO), who reserve the right to withhold consent to any new development within former village lands.

The Ahtna Land Department manages surface estate and gravel (excluding timber); Ahtna Minerals Company, Inc., manages subsurface estate, and Ahtna Forest Products, Inc., manages timber.

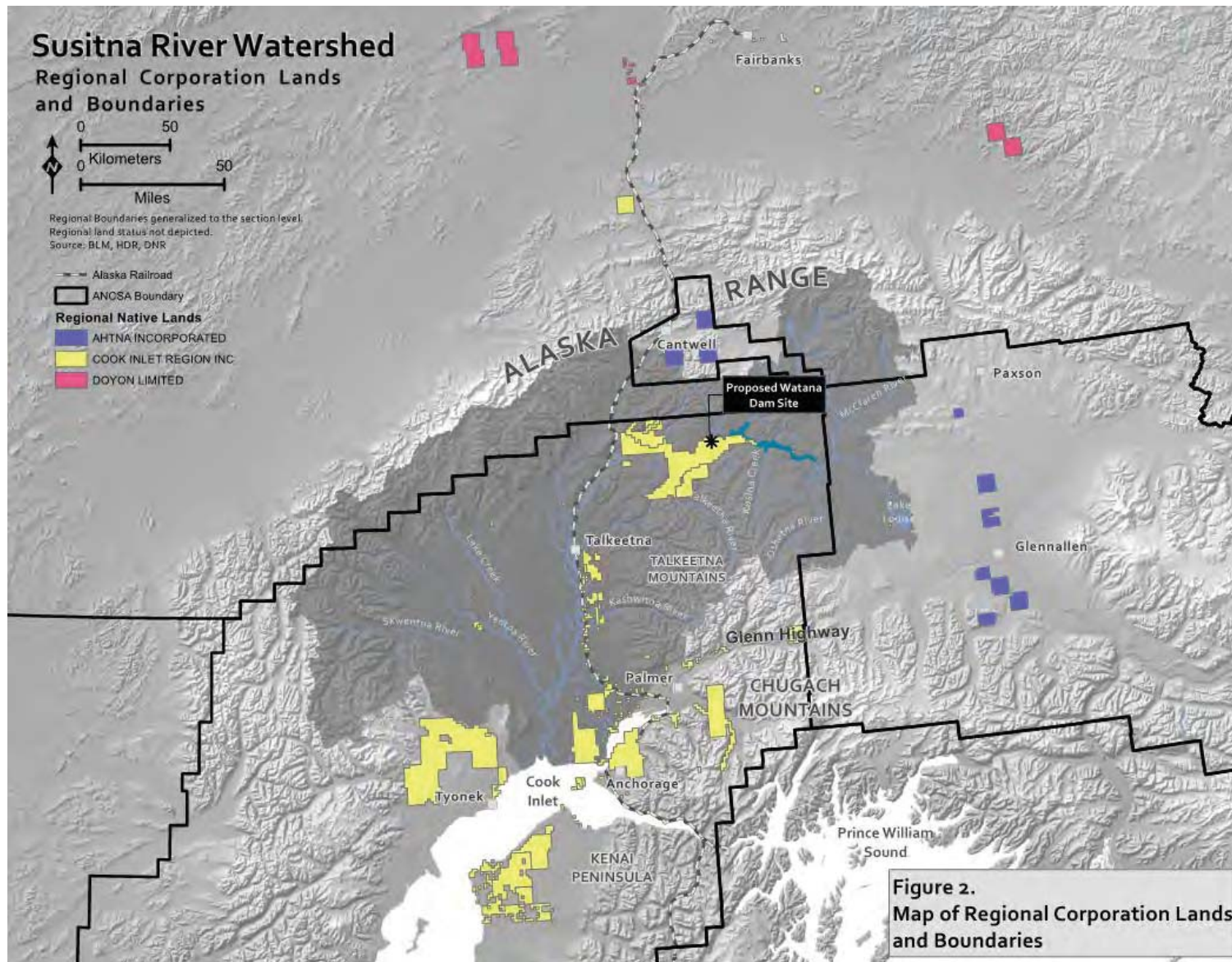
Doyon, Ltd. (Doyon)

Doyon has over 17,550 shareholders and 11.4 million acres of surface and subsurface estate and mixed estate land holdings, however none of these holdings are located within the Susitna basin.

The nearest conveyed or selected lands are northeast of the Susitna basin, near the communities of Dot Lake, Tanacross and Northway, north of the basin, near Nenana, and north/west of the basin, near Telida, Nikolai, McGrath, and Takotna. Each of these regions, however, is geographically separated from the Susitna basin by the Alaska Range.

Doyon Tourism operates the Kantishna Roadhouse in Kantishna, the Denali River Cabins and the Cedars Lodge near the entrance to Denali National Park, and Kantishna Wilderness Trails, which offers day trips around Kantishna. Through a joint venture with ARAMARK, Doyon Tourism is the authorized concessioner for various tours, activities and other services offered within Denali National Park and Preserve.

Figure 2. Map of Regional Corporation Lands and Boundaries



Village Corporations

CIRI Region:

- Chickaloon Moose Creek Native Association
- Eklutna, Inc.
- Knikatnu, Inc.
- Ninilchik Natives Association, Inc.
- Salamatof Native Association, Inc.
- Seldovia Native Association, Inc.
- Tyonek Native Corporation

Ahtna Region:

The only remaining village corporation within the Ahtna region is Chitina Native Corporation. However, Successor Village Organizations exist for Cantwell, Chistochina, Gakona, Gulkana, Kluti-Kaah (Copper Center), Mentasta, and Tazlina.

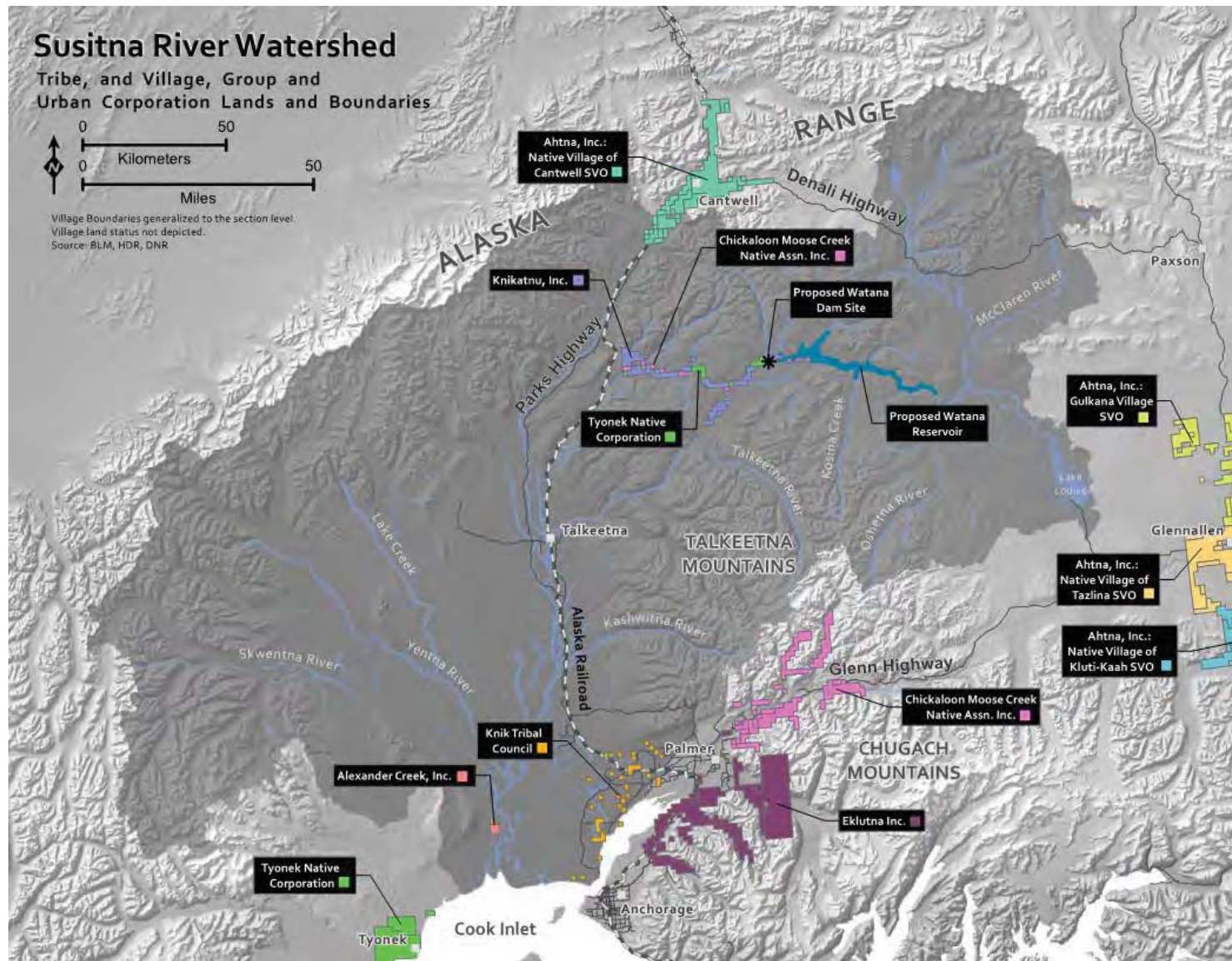
The RFP issued by AEA for the Alaska Native Resources Gap Analysis identified five additional village corporations within the Ahtna region. These corporations are: Little Lake Louise Corporation; Lower Tonsina Corporation; Nebesna Native Group, Inc.; Slana Native Corporation; and Twin Lake Native Group, Inc. According to Joe Bovee, Lands Manager at Ahtna, Inc., these corporations were conceptual corporations that did not qualify under ANCSA and/or merged with other corporations at the beginning of the ANCSA conveyance process. Consequently, no such corporations exist.

Doyon Region:

- Dot Lake Native Corporation
- Menda Cha-ag Native Corporation (Healy Lake)
- Northway Natives, Inc.
- Tanancross, Inc.
- Toghotthele Corporation (Nenana)

The Tetlin Native Corporation was originally identified by AEA for this analysis, however during this review its land holdings could not be verified. While Tetlin Native Corporation likely does not hold lands within the Susitna Basin, location of their land holdings should be verified.

Figure 3. Map of Tribe, and Village, Group and Urban Corporations with Lands in the Study Area



Data Gap T-2: Verify Tetlin Native Corporation land holdings

Group Corporations

CIRI Region:

- Alexander Creek, Inc.
- Caswell Native Association
- Gold Creek-Susitna NCI
- Montana Creek Native Association
- Point Possession, Inc.

Urban Corporations

ANCSA established corporations based on groups of individuals at specific locations. Four cities were identified as having significant Native Alaskan populations and allowed to develop urban corporations. Of these four cities, only Kenai is located within the Study area. The urban corporation for Kenai is Kenai Natives Association, Inc.

7. Other Alaska Native Resources

In addition to the corporation land and entitlements, there are 98 individual Native allotments within the Susitna basin in various stages of the conveyance process. Native allotments are lands selected by individuals under ANAA. The land claims applications were submitted to the BLM and are in various stages of conveyance and once conveyed, title to the land can be shared by any number of individuals through inheritance. The accompanying geo-database delineates the allotments; owners should be identified and consulted regarding their specific interests.

Data Gap T-3: Identify individual allotment owners and their interests

All of the Alaska Native entities discussed in this document consider wildlife and fish populations, particularly moose, caribou and salmon, to be important subsistence resources, and central to their cultural identity. Subsistence resource information and data gaps are summarized and analyzed in the Subsistence Data Gap Analysis, however it cannot be stressed enough how important subsistence resources are of vital interest to Alaska Native Tribes, corporations and individuals. Specific information regarding subsistence resources and use areas within the Study area, as well as access routes to these resources is out of date or unavailable.

Data Gap T-4: Identify subsistence resources, use areas, and access routes of concern

Beluga whales are an important subsistence resource for Alaska Natives living on and around Cook Inlet, including Tyonek residents, who hunt for belugas near the mouth of the Sustina River. Declining populations of belugas throughout the 90's led to co-management agreements between the Native Village of Tyonek and other Alaska Natives and National Marine Fisheries Service (NMFS) allocating harvest and identifying harvest practices. Populations continued to decline and in 2007, Tyonek subsistence hunters voluntarily stepped down from a hunt to further support recovery of the beluga population. The National Oceanic and Atmospheric Administration (NOAA) and NMFS released a record of decision for the supplemental EIS for

the Cook Inlet Beluga Whale Subsistence Harvest in 2008, which resulted in the Cook Inlet Beluga Whale Subsistence Harvest Management Plan.

In addition to subsistence resources, cultural resources are of vital interest to Alaska Native entities. Cultural resource information is summarized and analyzed in the Cultural Resources Gap Analysis however, in light of their particular importance to Alaska Natives, two classes of cultural resources are identified here: ANCSA section 14(h)(1) (43 USC §1613[h][1]) sites and National Historic Preservation Act (NHPA) sites.

The importance of cultural resources to Alaska Natives is reflected in the 14(h)(1) provision of ANCSA, which conveyed cemeteries and historical sites specifically to regional corporations. Conveyances or selections made under ANCSA 14(h)(1) within the Susitna Basin should be identified. Additionally, NHPA requires consideration of a specific class of historic property of interest to Tribes, known as properties of traditional and religious significance. Any properties of traditional and religious significance within the Study area should be identified.

Data Gap T-5: Identify and understand interests in cultural resources, specifically properties of traditional and religious significance to the Corporations and Tribes, including ANCSA 14(h)(1) sites

8. Recommendations

8.1. Alaska Native Consultation Procedures and Guidelines

With the issuance of Executive Order (EO) 13175, *Consultation and Coordination With Indian Tribal Governments*, the President emphasized the trust relationship with federally-recognized tribal governments, while also recognizing the right of Indian tribes to self-government and the federal government's support for tribal sovereignty and self-determination. EO 13175 requires federal agencies to support the policy of tribal self-determination by implementing an effective process to ensure meaningful and timely consultation with tribes during the development of policies or projects that may have tribal implications. Tribal consultation is intended to assure meaningful tribal participation in planning and decision making processes for actions with the potential to affect Alaska Native interests. The mandates of EO 13175 apply whenever agency actions have substantial direct effects on a tribe, or on the relationship between the federal government and a tribe, or on the distribution of power and responsibilities between the U.S. and tribal governments. EO 13175 reiterates the policy of Government-to-Government interactions with tribes, and applies specifically to federally-recognized tribal governments.

Alaska Tribal Government-to-Government (G2G) consultation is thus a relationship which is distinct and separate from the general public. As such, tribal consultation by definition requires a higher level of engagement, logistical planning, and investment toward relationship building—which will be critical for the success of the project's development. To this end, it is recommended that a project-specific tribal consultation program be developed that identifies interested communities and tribal entities, and will include strategies for effective involvement of tribal governments, rural communities and Alaska Native entities within the proposed project's study area.

Maintaining government-to-government relationships and proper protocols are essential to tribal consultation under Section 106, NEPA and FERC licensing. Tribal consultation is inherently a multifaceted process involving parties with diverse cultural backgrounds, regulatory experiences, practical needs, political realities, and long-term goals. Tribal consultation associated with large-scale projects poses a unique set of challenges that require an understanding of a myriad of federal and state laws as they apply particularly to the FERC licensing process.

8.2. Consultation Plan

It is recommended that identified Alaska Native entities listed in this document (see Appendix A) be contacted in writing and invited to attend regularly scheduled meetings to discuss Alaska Native resources and interests, and any concerns regarding potential project effects to resources and land interests. Specifically, it is recommended that consultation be conducted at varying levels of involvement, based on the government-to-government relationship between federally-recognized tribal governments and the federal government, and with regional and village corporations accordingly:

- Recommend that G2G consultation be conducted first, with contact made by FERC officials, and follow-up from AEA project managers, as delegated appropriate by FERC. It is recommended that whenever possible face-to-face meetings be conducted with tribal governments to respect the G2G relationship and establish long-term relationships throughout consultation during the licensing process and project development.
- Recommend consultation meetings with federally-recognized tribal governments separate from those of regional and village corporations and other Alaska Native entities, to recognize the G2G relationship and acknowledge the varying interests of tribal governments vs. Native corporations.
- Recommend that meetings be initiated with regional and village corporations following contact with tribal governments. It is recommended that a confirmation of each corporation's interest in the proposed project be assessed, as well as the mode of communication they would like to utilize (e.g., quarterly update meetings, email communication, conference calls).

Consultation meetings would be anticipated to occur at varying phases of the FERC licensing process and project development, and would overlap with consultation requirements under Section 106, NEPA and FERC licensing processes. Meetings will occur with either smaller, focused groups or large groups as the situation requires.

8.3. Alaska Native Land Interests and Resource Database

As discussed above, a SQL server-based web database application was developed to document and track tribal status, contact information, and any documented associated tribal resource interests within the proposed study area. It is recommended that based on further consultation and investigation of identified data gaps, that this database continue to be updated by project staff as a tool for continued understanding of Alaska Native resources and land interests, and can be shared with project stakeholders and G2G partners in order to demonstrate how the project is collating tribal resource interests for understanding throughout the duration of the FERC licensing and project development processes.

9. References

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**Appendix A.
Corporation and Tribe Contact Information**

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Regional Corporations

Cook Inlet Region, Inc.
2525 C St., Suite 500
Anchorage, AK 99503
907.274.8638

Ahtna, Inc.
PO Box 649
Glennallen, AK 99588
907.822.3476

Doyon, Ltd.
1 Doyon Place, Suite 300
Fairbanks, Alaska 99701
907.459.2000

Group Corporations

Alexander Creek, Inc.
8126 Wisteria St
Anchorage, AK 99502-4573
907.243.5323

Caswell Native Association
HC 89, Box 83
Willow, AK 99688
907.495.1263

Gold Creek-Susitna NCI
PO Box 847
Talkeetna, AK 99676
907.733.2329

Montana Creek Native Association
PO Box 100379
Anchorage, AK 99510
907.

Point Possession, Inc.
1321 Oxford Dr
Anchorage, AK 99503-6941
Phone: 563-1848

Urban Corporations

Kenai Natives Association, Inc.
15 Fidalgo Ave #102
Kenai, AK 99611-7795
Phone: (907) 283-4851

Village Corporations

Chickaloon-Moose Creek Native Association
P.O. Box 875046
Wasilla, AK 99674
907.745.7154 (Fax)

Eklutna, Inc.
16515 Centerfield Drive, Suite 201
Eagle River, AK 99577
907.696.2828

Knikatu, Inc.
PO Box 872130
Wasilla, AK 99687
907.376.2845

Ninilchik Native Association, Inc.
701 West 41st, Suite 201
Anchorage, AK 99515
907.562.8654

Salamatof Native Association, Inc.
PO Box 2682
Kenai, AK 99611
907.283.7864

Seldovia Native Association, Inc.
PO Drawer L
Seldovia, AK 99663
907.234.7625

Tyonek Native Corporation
1689 C Street, Ste. 219
Anchorage, AK 99501
907.272.0707

Chitina Native Corporation
PO Box 3
Chitina, AK 99566
907.823.2223

Dot Lake Native Corporation
PO Box 2271
Dot Lake, AK 99737
907.882.2775

Mendas Cha-ag Native Corporation
457 Cindy Drive
Fairbanks, AK 99701
907.452.3094

Village Corporations (cont.)

Northway Natives
PO Box 401
Northway, AK 99764
907.778.2297

Tanacross, Inc.
22808 Green Garden Road
Chugiak, AK 99576
907.883.4130

Tetlin Native Corporation
PO Box 652
Tok, AK 99780

Toghotthele Corporation
PO Box 249
Nenana, AK 99760
907.832.5832

Federally-recognized Tribes

Knik Tribal Council
PO Box 871565
Wasilla, AK 99567
907.373.7991

Chickaloon Native Village
PO Box 1105
Chickaloon, AK 99674
907.747.0707

Eklutna Native Village
26339 Eklutna Village Rd.
Chugiak, AK 99567
907.688.6020

Kenaitze Indian Tribe
PO Box 988
Kenai, AK 99611
907.283-3633

Seldovia Village Tribe
Drawer L
Seldovia, AK 99663
907.234.7898

Ninilchik Traditional Council
PO Box 39070
Ninilchik, AK 99639
907.567.3313

Native Village of Tyonek
PO Box 82009
Tyonek, AK 99682
907.583.2271

Village of Salamatof
PO Box 2682
Kenai, AK 99611
907.283.7864

Cheesh-Na Tribal Council
PO Box 241
Chistochina, AK 99586
907.822.3503

Mentasta Traditional Council
PO Box 6019
Mentasta, AK 99780
907.291.2391

Native Village of Kluti-Kaah
PO Box 68
Copper Center, AK 99573
907.822.5541

Native Village of Gakona
PO Box 102
Gakona, AK 99585
907.822.5777

Gulkana Village
PO Box 254
Gakona, AK 99586
907.822.3746

Chitina Traditional Village Indian Council
PO Box 31
Chitina, AK 99566
907.845.2212

Native Village of Tazlina
PO Box 87
Glennallen, AK 99588
907.822.4375

Native Village of Cantwell
PO Box 94
Cantwell, AK 99729
907.768.2591

Village of Dot Lake
PO Box 2279
Dot Lake, AK 99737
907.882.2695

Tanacross Village Council
PO Box 76009
Tanacross, AK 99776
907.883.5024

Federally-recognized Tribes (cont.)

Healy Lake Village
PO Box 74090
Fairbanks, AK 99706
907.479.0638

Nenana Native Association
PO Box 369
Nenana, AK 99760
907.832.5461

Northway Village
PO Box 516
Northway, AK 99764
907.778.2311

Native Village of Tetlin
PO Box TTL
Tok, AK 99779
907.324.2130