IMPLEMENTING GOVERNMENT-TO-GOVERNMENT RELATIONSHIPS BETWEEN FEDERAL AGENCIES AND ALASKA NATIVE TRIBES

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ABSTRACT

Although tribes are recognized as "domestic dependent nations" with inherent sovereignty over their own affairs, the U.S. government has accepted various trust responsibilities such as protecting tribal rights and resources. Based on this trust relationship, federal agencies have been working to conduct meaningful government-to-government consultation on projects and policies that may have implications for tribes, including impacts to tribal cultural resources. The purpose of this paper is two-fold: (1) to provide legal background and understanding on government-to-government relationships and the federal recognition of tribes in Alaska; and (2) to present practical information on the implementation of government-to-government relationships, the inequality of funding and capacity between federal agencies and tribes, and what generally constitutes meaningful consultation to tribes. Government-to-government implementation is challenging and often involves conflict. Recommendations for enhancing implementation are included.

KEYWORDS: applied anthropology, tribal consultation, cultural resource management, ANCSA

INTRODUCTION

Working with federally recognized tribes on projects that may impact tribal cultural resources is both required by law and unique in Alaska due to the 1971 Alaska Native Claims Settlement Act (ANCSA). Cultural resource managers working for federal agencies in Alaska should at least be attentive to government-to-government consultations with federally recognized tribes, if not heavily involved. Although several cultural resource laws discuss consultation with ANCSA corporations, this article focuses solely on the requirements of federal agencies to engage in the government-to-government process with federally recognized tribes.

This article is divided into two sections. The first section provides an overview of federal policy regarding government-to-government relationships and Alaska Native tribes from 1993 to the present. Topics addressed include federal recognition and how tribes become federally recognized, government-to-government relationships between the U.S. government and federally recognized tribes, and the differences between Alaska Native tribes and ANCSA corporations. The second section incorporates data gathered while researching for my masters thesis (Shearer 2005). Topics addressed provide practical information on: the implementation of government-to-government relationships; the inequality of funding and capacity between federal agencies and tribes; and, describes what generally constitutes meaningful consultation to tribes. Implementing government-to-government relationships is challenging work, and often involves conflict. Therefore, recommendations for enhancing implementation are also included.

U.S. POLICY AND ALASKA NATIVE TRIBES: 1993 TO PRESENT

There are several recent, significant dates for tribes in Alaska, as seen in Table 1.

Federal Recognition of Tribes

The existence of tribes and tribal governments predates the U.S. Constitution. In fact, tribes governed their members long before any contact with European nations (Berger 1985:137). Most of the powers of self-government that tribes possess today do not originate from congressional delegation but are inherent powers of a limited sovereignty that have not been extinguished. Thomas R. Berger, a former member of the British Columbia Supreme Court and appointed in 1983 by the Inuit Circumpolar Conference to head the Alaska Native Review Commission to review ANCSA, wrote:

> Before and after contact, Native peoples of the New World governed themselves according to a variety of political systems… . They were acknowledged to be sovereign as distinct peoples. They had mechanisms for the identification of territorial boundaries, the maintenance of political autonomy, and the regulations of affairs with other societies. Ancient political systems have adapted to new challenges with new forms. New institutional forms have been introduced and adopted, but decision-making at the village level remains grounded in traditional ways and values (Berger 1985:140)

Table 1. Alaska Native tribal timeline: Significant dates 1993 to present.

1993	Department of Interior rules that Alaska Native villages have the same status as tribes in the contiguous 48 states (Pevar 2002:302)
1994	Executive Memorandum Government-to-Government Relations with Native American Tribal Governments signed by President Clinton acknowledges the U.S. government's responsibility for consultation with tribes on a government-to-government basis
1994	Department of the Interior enacts the Federally Recognized Indian Tribe List Act; the list is published in the *Federal Register*
1998	Supreme Court held that ANCSA land is not Indian Country even when owned by a federally recognized tribe in *Alaska v. Native Village of Venetie Tribal Government*
1998	Executive Order 13084 Consultation and Coordination with Indian Tribal Governments signed by President Clinton
2000	Executive Order 13175 Consultation and Coordination with Indian Tribal Governments supersedes Executive Order 13084 and reaffirms the federal policy of government-to-government consultation with tribes

The term "Indian tribe" is defined to mean "any Indian or Alaska Native tribe, band, pueblo, village or community within the continental United States that the secretary of the interior presently acknowledges to exist as an Indian tribe" (25 CFR 83.1 1994). Tribes are political entities based on history, court cases, and guardianship. Tribal recognition is not determined by race, rather it is a unique political extra-constitutional relationship (Case and Voluck 2002:384). Federal recognition allows a tribe to become eligible for federal social, health, education, and other funds available for tribal groups (Feldman 2001:100).

There is a distinct process that must be followed for tribes to be recognized by the federal government. Identifying tribes is the responsibility of the Department of the Interior, delegated to the Bureau of Indian Affairs (BIA). To become federally recognized and to establish tribal status as an Indian Reorganization Act[1] (IRA) tribe, the group is required to document its history and the genealogies of its members (Feldman 2001:100). The report is then submitted to the BIA for review and determination. Once recognized, tribal status cannot be terminated except by an act of Congress.

Congress passed the Federally Recognized Indian Tribe List Act in 1994, which was submitted by Ada Deer, head of the BIA at that time. This act confers upon the secretary of the interior the authority to both acknowledge tribes and to publish a list of all federally recognized tribes annually. The secretary of interior's listings since 1995 have been published according to this authorization. The most recent list, dated March 22, 2007, is found in the *Federal Register* Volume 72, Number 55, pages 13648–13652.

1 The IRA was enacted in 1934 and amended to apply to Alaska in 1936.

GOVERNMENT-TO-GOVERNMENT RELATIONSHIPS

U.S. Supreme Court Chief Justice John Marshall,[2] the first American jurist to define the principles of aboriginal title doctrine, described the relationship between the federal government and Native American tribes as one that is government-to-government (Case and Voluck 2002:29, 36).

> That relationship is founded on principles of constitutional, international, and common law, all of which lead to the conclusion that, on a government-to-government basis, Natives are compelled to depend on federal plenary power. They are dependent on the federal government to protect their aboriginal lands and give fair satisfaction to legitimate Native land claims; they depend on the government to provide important human services when the states refuse or are unable to; and they are dependent on the government to protect subsistence resources and tribal government from state or non-Native encroachment (Case and Voluck 2002:4)

Current federal regulations further state that the United States maintains a government-to-government relationship with recognized tribes in acknowledgement of the sovereignty of those tribes. "The Government-to-Government relationship of American Indian tribes and the U.S. is a truly unique one in the world system of governments" (Utter 2002:255). It is through government-to-government consultation that federal agencies can assess the potential effect that proposed federal actions may have on tribal rights or resources (Department of Defense 1998:3).

EXECUTIVE ORDERS AND MEMORANDA

In the past, presidents were more involved in Indian affairs than at present. More recently, the president's contact with Indian policy is "largely ceremonial and symbolic" (Deloria and Lytle 1983:34). Nonetheless, the president's position on Native affairs is still important, since it is the president who sets the tone for the administration (Deloria and Lytle 1983:35).

President Clinton recognized the government-to-government relationship between the federal government and tribes in May of 1994 when he met with American Indian and Alaska Native political leaders on the lawn of the White House (Deloria and Wilkins 1999:38). During this meeting, Clinton stressed his support for tribal self-determination and the trust obligations of the federal government. He vowed "to honor and respect sovereignty based upon our unique historic relationship and he pledged to protect the right of tribes to exercise their religious freedoms" (Deloria and Wilkins 1999:38). This meeting was followed by Executive Order 13084, entitled Consultation and Coordination with Indian Tribal Governments, issued in 1998.[3]

President George W. Bush reaffirmed Indian tribal sovereignty as recently as September 23, 2004 with the issuance of an executive memorandum entitled Government-to-Government Relationship with Tribal Governments. In this memorandum, Bush stated:

> My Administration is committed to continuing to work with federally recognized tribal governments on a government-to-government basis and strongly supports and respects tribal sovereignty and self-determination for tribal governments in the United States. I take pride in acknowledging and reaffirming the existence and durability of our unique government-to-government relationship and these abiding principles.

The memorandum Bush signed holds no legal authority, since it neither created new law nor new rights for tribes. It simply restated the federal government's recognition of and support for tribal sovereignty. "Native American cultures survive and flourish when tribes retain control over their own affairs and their own future," Bush said (Vitucci 2004).

TRIBES IN ALASKA

The primary instrument for relations between the United States and Indian nations between 1789 and 1871 was the treaty (Monette 1996:643). The last treaty between the U.S. and an Indian tribe was negotiated in 1868 (Monette 1996:643). Feeling that the treaty process was unfair to Indians, the House attached a rider to the 1871 Appropriations Act officially ending treaty making with Indian tribes. Since Alaska was purchased from Russia in 1867, treaties were not available to Alaska Natives as a means of protecting their resources or as a means of establishing their sovereignty.

2 John Marshall served as U.S. Supreme Court chief justice from 1801 to 1835.

3 Executive Order 13084 was superseded by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments in 2000.

Aboriginal title in Alaska was extinguished through ANCSA, which diverted the land and money settlement to Alaska Native corporations. Therefore, federally recognized tribes in Alaska are separated from the land base.[4] "Tribal governments in Alaska are in the same peril in which tribal governments found themselves after the General Allotment Act [of 1887]: they do not hold title to ancestral lands, which have been deeded to private corporations composed of individual shareholders" (Berger 1985:126).

Alaska Natives are "domestic dependent sovereigns" without "territorial reach" over tribal lands. This led to court cases during the 1990s regarding tribal jurisdiction. Pevar states:

> One post-ANCSA issue in sharp dispute was whether the land set apart for Natives under the act is *Indian country*. This issue was addressed by the Supreme Court in *Alaska v. Native Village of Venetie Tribal Government* (1998). In that case, a village corporation had conveyed its land to a tribal government. The tribe then sought to tax the profits made by a construction company when it built a public school under a state contract on that land, a power the tribe could exercise only if the land was *Indian country*. The Supreme Court held that ANCSA land is not *Indian country* even when owned by a tribe, and the Court thus invalidated the tax (Pevar 2002:302)

Nonetheless, ANCSA did not extinguish Alaska Natives' special relationship with the federal government or their entitlement to services. Alaska Native people and their tribal organizations receive the same federal services available to Indians and tribes generally (Pevar 2002:303). Federally recognized tribes in Alaska continue to retain the power to "determine tribal membership, regulate domestic relations among tribal members, punish tribal members who violate tribal law, and regulate the inheritance of tribal property" (Pevar 2002:303). In addition, legislation enacted for Native Americans has also benefited Alaska Natives, including the Indian Financing Act of 1974, the Indian Self-Determination Act of 1975, the Indian Health Care Improvement Act of 1976, and the Indian Child Welfare Act of 1978 (Case and Voluck 2002:28). These laws show the ongoing trust relationship between the federal government and Alaska Natives by recognizing various Alaska Native organizations as eligible for their benefits (Case and Voluck 2002:28).

Of the 561 federally recognized tribal governments in the United States, 229 are located in the state of Alaska (*Federal Register* 2005:72(55)). Four of the 229 tribes are regional tribes that are not restricted to a single village location, including the Inupiat Community of the Arctic Slope, the Central Council of the Tlingit and Haida Indian Tribes, the Pribilof Islands Aleut Communities of St. Paul and St. George Islands, and the Native Village of Venetie Tribal Government. These regional tribes are comprised of individual IRA governments that assert their own recognition and rights to government-to-government relationships. This creates either duplication or conflict over which of the organizations should be recognized in various circumstances.

DIFFERENCES BETWEEN ALASKA NATIVE TRIBES AND ANCSA CORPORATIONS

There are certain dichotomies that distinguish ANCSA corporations from Alaska Native tribes, as seen in Table 2. It is important to note that federal agencies have a government-to-government relationship with Alaska Native tribes, not Alaska Native corporations.

Table 2. Comparison of ANCSA corporations and Alaska Native tribes

ANCSA Corporation	Alaska Native Tribe
Granted land through ANCSA	Not granted land through ANCSA
Not government entity	Federally recognized entity
Concern is profit making	Concern is village life, welfare and cultural knowledge
State-chartered business designed for profit and subject to state laws. Trust doctrine may apply.	Empowered with jurisdiction over tribal membership and stands in a government-to-government relationship with the U.S. federal government. Trust doctrine applies.
Usually has money	Usually has no money

Source: Adapted from Sandra Borbridge (Borbridge 2002, written communication)

4 With the exception of Annette Islands Reserve, a federal Indian reservation created in 1891 that was not extinguished by ANCSA.

THE PRESENT STATUS OF GOVERNMENT-TO-GOVERNMENT IN ALASKA

The data for the remaining portion of this article come from transcripts of interviews of Alaska Native tribal representatives who have been involved in government-to-government consultations with the Department of Defense (DoD) and Native or tribal liaisons who work for DoD agencies in Alaska (Shearer 2005). A brief description of the research methodology and data analysis is presented below to provide context for the information.

RESEARCH METHODOLOGY AND DATA ANALYSIS

Data gathering took place over two years, beginning in May 2002 and ending in December 2004. The methodology used was solely qualitative in nature and a variety of data gathering techniques were used. Participant observation within two DoD agencies provided first-hand experience with government-to-government processes. Interviews with the tribes supplied rich qualitative data about how government-to-government consultation is viewed by the participants. Interviews with the DoD liaisons clarified the issues that liaisons face and provided context from different agencies. An interview with an Alaska Native regional nonprofit corporation representative gave insight into their organization's role as an interested party and advocate for the tribes.

The transcripts became the primary documents for ethnohistorical analysis (Barber and Berdan 1998:29). The long-table method, via computer, was used to analyze the data. The long-table approach is a low-technology, low-cost option that allows the analyst to identify themes and categorize results (Krueger and Casey 2000:132). A coding system was used to identify each quote by participant, protecting interviewee identity while allowing the analyst to trace the source of the quote (Krueger and Casey 2000:137). These participants are cited as "T" for tribal representatives and "L" for liaisons. Themes and quotations were chosen for frequency, specificity, emotion, and extensiveness (Krueger and Casey 2000:136). The following sections describe a portion of the research findings.

CONSULTATION

Consultation is one of the primary mechanisms for instituting the federal government-to-government relationship. Despite the number of legal mandates either requiring or suggesting consultation with Indian tribes, consultation is not explicitly defined in any statute. The common understanding of the term is to seek guidance or information from another person. Consultation should not be confused with either notification, which simply provides information, or obtaining consent (U.S. Army Garrison Alaska 2007:2). For example, Army guidance states that "[t]he end goal of consultation is the resolution of issues in terms that are mutually acceptable to the U.S. Army and to the participating Native American, Alaskan Native, and Native Hawaiian groups" (Department of the Army 1998:37–38). Therefore, agency representatives should enter into consultation with tribal governments before decisions have been made and with a willingness to listen and take tribal viewpoints into account.

Generally, tribal consultation means the formal, mutually agreed-upon process when an agency leader coordinates on a government-to-government basis with tribal governments. Coordination includes formal written correspondence, telephone contact, and face-to-face meetings (U.S. Army Garrison Alaska 2007:3). Consultation is intended to assure meaningful tribal participation in planning and decision-making for actions proposed by the federal government that may have the potential to affect protected tribal resources (including tribal cultural resources), tribal rights, or Indian lands.

Government-to-government consultation is required whenever a federal action or a federally funded action may have the potential to significantly affect the interests of tribal governments and their people (U.S. Army Garrison Alaska 2007:2). Government-to-government coordination is mandated even in instances when the tribe is not the landholder where tribal cultural resources may be located. Consultation is not simply sharing general information with tribes, nor is it a one-time event, but rather a process of determining how to communicate between governments. The partnerships that develop must be built on an open dialogue. Each government needs to be able to effectively understand and operate within the bounds of the other's culture.

Agencies must take an inclusive approach when evaluating which tribes may have interests affected by federal actions (U.S. Army Garrison Alaska 2007:3). Tribal sovereignty means that tribes themselves are in the best position to decide whether they have an interest or may be affected by federal activities. Consideration should be given to the wide geographical area that tribes use for subsistence hunting and fishing and the effects of the federal activities on

these resources. It is better to include many tribes, rather than miss an opportunity for early consultation, or worse, determine on behalf of the tribes that particular tribal villages should not have any interest based on current location. Tribal villages may have been relocated or moved from traditional areas and may be interested in projects and policies despite their current geographic locations.

Affected tribes must be afforded an opportunity to participate in the decision-making process to ensure that tribal interests are given due consideration in a manner consistent with tribal sovereign authority (U.S. Army Garrison Alaska 2007:3). It is suggested that federal agencies adopt formal procedures to establish effective relationships with federally recognized tribes. General and frequent consultation, outside the pressures of specific agency proposals, is most advantageous to developing meaningful consultation (Department of Defence 1999:(d)).

TRIBAL INFRASTRUCTURE AND CAPACITY

Due to federal funding and bureaucratic structure, federal agencies generally have a much higher capacity to produce and process paperwork than do most federally recognized tribes. Tribes are generally small with few paid staff and little to no economic backing (T7 2004:4), whereas federal agencies are massive national bureaucratic organizations funded by the taxpayers. Very few tribes have the infrastructure required to work on a government-to-government level. "[Agency personnel] are directed to deal with [tribes] as a sovereign entity, but many of them can't operate as a sovereign entity. The tribes are poorly funded" (L2 2004:5). Government-to-government coordination can become a burden to the tribes that lack the funding, expertise, and personnel to deal with federal issues (L6 2004:2–3). The challenge for federal agencies is to create meaningful consultation when the equation is so uneven (L6 2004:6).

Building infrastructure and technical capacity requires funding and training (T1 2004:5; T2 2004:5). Some federal agencies, such as the Department of Defense, have been able to build their own capacity with the way they address Alaska Native relations by instituting aggressive, dedicated programs to create competencies (T1 2004:10). Tribes do not have the resources to match such agency efforts (T1 2004:5). "Tribal capacity affects government-to-government [relationships] a great deal in a small tribe where there are only a few personnel on staff" (T5 2004:1). Yet it is inappropriate for outside agencies to suggest that tribes don't have the capacity required to work with a federal agency.

> [T]he tribe needs to request that they need help…. Politically and ethically, it is a very fragile playground and you have to be very careful how you approach that….[y]ou certainly don't want to imply that they don't have capacity. (T1 2004:5)

Another aspect that affects tribal infrastructure is the fact that many tribes are located in small rural villages that do not have the services that urban areas offer. This affects the day-to-day operation of tribal offices, such as having proper telephone services or getting routine maintenance for office equipment (T3 2004:5). Tribes often have to call in service representatives from urban hubs, and it may take days or weeks to receive service (T3 2004:5).

Regardless of the capacity challenges that tribes face, they are confident that the education of their own people will cause improvement from within. When discussing government-to-government relationships, a tribal member stated:

> We are becoming more educated. We have more young people who are going away to attend school who are becoming educated at the college level, who chose to return to their village to work and fight for their people's rights…. Now we are loaded with the tools we need to fight the government back. We are putting ourselves at their level with the education that is needed to stand in front of them or fight with them verbally and to be able to stand our ground. And I think that a lot of people would agree with me on that basic concept. Education is the major part of all of this, a large component of the whole circle. (T3 2004:5)

Tribes are also working hard to build an economic backing for their efforts since being separated from their land and money settlement through ANCSA (T8 2004:8). Many grants and contracts received by tribes come with "strings attached'… .We got to make our own economy … so we can decide what we are going to do with that money our own selves" (T8 2004:9).

Capacity is a two-way street (T8 2004:9). The tribes are not the only party that needs to work on developing capacity. Agencies also need to develop capacity to understand tribal culture and to begin appropriately incorporating traditional knowledge into agency assessments (T8 2004:9).

WHAT CONSTITUTES MEANINGFUL CONSULTATION TO TRIBES?

Consultation is more than just fulfilling the requirements of agencies to meet with tribes regarding projects that may affect them. Two-way communication is one of the keys to successful consultation (T6 2004:2). A tribal member stated:

> You have to be interested in us if you expect us to be interested in you. Treat us with respect if you want respect from us. Communicate with us if you want us to communicate with you. (T3 2004:8–9)

Meaningful consultation occurs "when the tribe has had an opportunity to give their opinion and effect a change that will affect future generations" (T5 2004:1). Tribes generally judge the effectiveness of consultation based on tangible results (T2 2004:1). Tribes also want to be fully involved in planning when and how consultation occurs, and they generally want consultation to be one-on-one.

> Nothing is in it for tribes when [agencies] chooses when, where and how [consultation occurs]… . When you hold these big [meetings with] 10, 15, 20 tribes in one room, consulting with certain individuals with the [agency], there is nothing in it for tribes. (T2 2004:3–4)

IMPLEMENTING GOVERNMENT-TO-GOVERNMENT RELATIONSHIPS

Government-to-government coordination with the agencies can be a burden on tribal personnel, who receive a multitude of information and requests from all federal agencies. It requires the tribe to have technical people on board, which is not a reality for most tribes in Alaska. In the true spirit of consultation, tribes want agencies to give them choices and not ask tribes to simply concur with agency decisions.

Properly implementing government-to-government relationships requires continuity and constant communication. "Coordinating with the tribes is keeping up the dialogue, working with them, assessing if something is going to impact the tribes, to get to the notification stage, and then the consultation stage, you'd have to be coordinating with them effectively" (T1 2004:9–10).

Government-to-government relationship building between tribes and federal agencies in Alaska is a fairly new phenomenon (T8 2004:1). The old days of the government telling the tribes what their decision is are over (T8 2004:1). Nonetheless, implementation is still trial and error.

ENHANCING GOVERNMENT-TO-GOVERNMENT IMPLEMENTATION

There are several ways to enhance government-to-government implementation. The ability of each federal agency to employ a full-time dedicated Native or tribal liaison position improves the program and provides for more consistent coordination (L8 2004:5). Standard operating procedures documents and/or internal policy guidance have been identified as important for continuity when there is turnover within liaison positions (L4 2004:7). All liaisons need to have direct access to and support from the leadership "because [liaisons] aren't representing the subordinates, you are representing the leader" (L7 2004:13; L5 2004:5).

Education and technical training is a continuing need, both within agencies and also for the tribes (L4 2004:7). One interviewee expressed desire for the Alaska Inter-Tribal Council to train tribes on their powers under the policies and laws (L4 2004:7). Another training need identified revolves around the issue of contracting:

> It would help the process if the tribes could be more clearly informed… That's where the biggest disappointment rests with the tribes. The message should be clear to them that money and contracts are not an outgrowth of government-to-government. Or, if [an agency] thinks they should be an outgrowth of government-to-government, then we need clear guidance. (L2 2004:6)

Regarding the chosen location for government-to-government meetings, agencies need to either travel to villages for government-to-government meetings or provide funding for tribe's time and travel to meetings. "Don't expect tribes to foot the bill to come to [agency] offices in Anchorage for meetings" (L4 2004:7). Tribes request that agency personnel travel to their villages for one-on-one consultation, rather than inviting multiple tribes to group meetings in urban centers (T2 2004:2).

> Natives will talk more in the outdoors and on their own turf than in meetings in town. I don't like cities and don't get along with them. Natives won't talk at group meetings in the city, they won't say a

> word. More meaningful consultation will occur on Native turf. (T4 2004:1)

Traveling to the villages also allows agency personnel to spend time with elders. "Elders for the most part in our tribe are too old to travel so the [agency] should come to them" (T5 2004:1).

To be successful, government-to-government consultation must be initiated at the earliest stages of proposed project development (L6 2004:L6):

> I think there's got to be consultation initiated in a real early planning level of stages, even in the conceptual stages. That's the only way it can really be successful. And that one of the best ways of doing it is having a quarterly or biannual meeting with the tribes where you start discussing what's coming up in the long range—not that there's any long range planning. Give them a greater opportunity to understand what's going on. To understand and select those items that are going to be of interest to them to participate in.

Tribes want to be involved in the planning of meeting agendas and desire more consultation before government-to-government meetings (T2 2004:4). Tribes appreciate advance notice of project planning (T8 2004:16) and want agencies to be more considerate of tribal constraints such as time and funding (T2 2004:4), since government-to-government is an unfunded mandate (T1 2004:5).

Tribes want agencies to take action on items brought up during consultation (T2 2004:4) and they would like the efforts to be long-term (T8 2004:15). A tribal member expressed the need for written agreements in order to combat the problem of broken promises. "If a handshake don't mean anything, then we need to write it down. It don't mean nothing—you have to have it in writing" (T8 2004:16–17).

Lastly, vast improvements can be made through communicating on a regular basis with the tribes. "Don't be afraid of picking up the phone or e-mailing the tribes… . Interact with [tribes] just like you would any other group, whether it is a contractor or a regulatory agency, communicate with calls and e-mails" (L1 2004:6).

CONCLUSIONS

It has been determined that Alaska Native tribes have the same federal status as do tribes in the Lower 48. Federally recognized tribes possess the inherent rights of self government and are entitled to certain federal benefits because of their special trust relationship with the U.S. government. The relatively new mandates for government-to-government consultation discussed in this article have given further credence to the sovereignty of tribal governments and have become an avenue for further relationship development between federally recognized tribes and the U.S. government.

As discussed, there are several things federal agencies can do to reduce the challenges that government-to-government relationships impose on tribes. Funding for tribal programs and staff are essential for tribes to participate in government-to-government consultation on more meaningful terms and to develop the level of capacity tribes need to work with the federal government as sovereigns. At a minimum, agencies should make an effort to hold government-to-government meetings in the villages or offer reimbursement for tribal time and travel for meetings held in urban hubs.

Agencies should host training for tribes on the unfamiliar processes they expect tribes to participate in, such as the National Historic Preservation Act and National Environmental Policy Act. Also, agency personnel involved in government-to-government relationships must be trained in Alaska Native cultural awareness and working with Alaska Natives. Training can be supplemented with guest speakers, videos, handbooks, and agency-specific standard operating procedures for government-to-government consultation.

Federal agencies must investigate ways to contract with tribes as they have with other governments, including state and municipality governments. Contracting with tribes during the coordination of work in rural villages would serve two purposes. It would enhance the economics of rural Alaska while also boosting trust between the parties. Tribes would no longer feel that the government "came in the middle of the night, did their thing, and off they went" (T3 2004:2).

Agencies should host non-project-related meetings to enhance the quality of government-to-government relationships. Non-project-related meetings allow tribes to discuss issues of importance to them and not just focus on agency agendas. Tribes should be involved in the planning of the meeting agendas.

Government-to-government communications can be further enhanced when agencies hire full-time dedicated Native or tribal liaisons trained in cross-cultural communications and Alaska Native culture. Employing a full-time liaison improves the program by providing for more

consistent coordination. However, liaisons must have the support of and direct access to agency decision makers to facilitate effective communication.

Most importantly, government-to-government relations must be initiated at the earliest stage of proposed project development to be successful. This gives tribes a greater opportunity to understand projects, be involved in planning, and select those projects in which they are interested. Throughout the process, agencies must give the proper consideration to a variety of tribal constraints, such as time and funding.

Bridging these two worlds through government-to-government relationships will continue to be challenging, as the differences between tribes and federal agencies are immeasurable:

> Villagers are more likely to view their world holistically, interrelated in a complex web of social, political, cultural and economic forces; all connected with the land, spiritual beliefs, and collective history and experience. Representatives of federal and state agencies interfacing with tribes approach them with highly focused agendas emanating from specific institutional programmatic goals. Each federal and state bureaucracy has its own culture, policies and rules and regulations that present a morass to a handful of tribal administrative staff attempting to advance community goals and get tasks accomplished. (Sprott and the Louden Tribal Council 2000:38)

Nonetheless, people work together best when they respect each other and are truly interested in each other's needs. To be productive and successful, federal agencies must not "just check the box" but rather make an effort to fulfill the true spirit of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. It is through effective government-to-government coordination, which includes additional funding, greater involvement and responsiveness to tribal interests, and concern for present activity, that the federal government can both achieve its goals and ensure compatibility with tribal interests.

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