



NATURAL AND CULTURAL RESOURCES

NENANA TRIBAL GOVERNMENT

Adopted by the Tribal Council November 22, 2011
Signed Certification in Council files

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CHAPTER 1

GENERAL PROVISIONS

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Section 1. Purpose

The purpose of this Code is to provide guidelines for wise and continued use of the natural and cultural resources within the jurisdiction of the Nenana Tribe, to reduce conflicts over natural resource use, and to preserve the cultural heritage of our Tribe.

Section 2. Enforcement

Enforcement of this Code shall be through the Nenana Tribal Council and Court, and through the State of Alaska or Federal Court systems when appropriate and necessary.

CHAPTER 2

ARTIFACTS AND HUMAN REMAINS

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Section 1. Artifacts

Artifacts shall be defined as any artifactual remains from any cultural heritage site older than 50 years. No person shall enter the Village and surrounding area of Nenana for the purpose of buying, trading for, soliciting the purchase of, or otherwise seeking to arrange the removal of artifacts without first requesting and obtaining permission to do so from the Nenana Tribal Council. No cultural artifacts of any sort shall leave the Nenana area without the express permission of the Nenana Tribal Council, except that tribal members may possess artifacts outside the Village under the customs of the Nenana Tribe.

Section 2. Human Remains

No person shall enter Nenana for the purpose of buying, trading for, soliciting the purchase of, or otherwise seeking to arrange the removal of human remains without first requesting and obtaining permission to do so from the Nenana Tribal Council. If descendants of the persons whose human remains are in question can be determined, the Council shall not make any decisions in regards to those remains against the descendants' wishes. No person shall disturb, damage, destroy or rob gravesites in the Nenana area.

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Section 1. Purpose

The purpose of this Chapter is to protect the culture of the Nenana people through the controlled use of wildlife resources used for religious purposes and customs of traditional ceremonies.

Section 2. Authorization

Wild game may be taken for use during ceremonial and memorial potlatches under the inherent authority of the Nenana Tribe. The Tribal Council shall have the authority to terminate hunts when sufficient game has been obtained for purposes of potlatches.

Section 3. Regulation

Taking of wildlife for use during ceremonial and memorial potlatches shall be regulated by the customary and traditional practices of the Tribe.

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INTELLECTUAL PROPERTY OF THE NENANA TRIBE

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Section 1: Photos and Video Taping by non-Tribal Members

Non-Tribal members shall not take photos or videotapes during cultural ceremonies without the express permission of the Nenana Tribal Council.

Section 2: Reproducing or Publishing Cultural Stories

Non-Tribal members shall not reproduce or publish stories that are unique to the Nenana Tribe without the express permission of the Nenana Tribal Council.

CHAPTER 5

RESEARCH ON THE NENANA TRIBE AND LAND

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Section 1. Purpose

The purpose of this Ordinance is to protect the sacred knowledge, the intellectual and cultural property of the Nenana Tribe.

Section 2. Research Requirements

Researchers on working on any topic involving the Nenana people or traditional use areas of the Tribe shall abide by the following rules:

1. No research on the Nenana people or land shall be conducted without the express permission of the Nenana Tribal Council.

2. The goals and time frames of all research shall be reported to the Council as well as the data-gathering techniques and the positive and negative implications and impacts of the research.

3. Researchers shall go through and comply with any applicable institutional review boards prior to beginning research involving the Nenana Tribe, tribal members, or traditional use areas.

4. Tribal members shall be involved through hiring and training in research projects to the maximum extent feasible.
5. Persons who are interviewed shall be compensated.
6. Researchers shall guarantee confidentiality of surveys and sensitive material.
7. Research cannot be used to represent the Tribe without Tribal Council approval.
8. Viewpoints of the Nenana Tribe shall be included in final studies.
9. The results of all research shall be reported back to the Nenana Tribal Council and copies of all research products provided to the Tribe.
10. Final copies of all research products shall be provided to the Tribe.

Section 3. Violations of this Ordinance

Alleged violations of this Ordinance shall be taken to the Nenana Tribal Court for hearing and appropriate penalties, and through the State of Alaska or Federal Court systems when appropriate and necessary.

CHAPTER 6

PROTECTION OF THE CULTURAL PLACES OF THE NENANA TRIBE

Section 1. Compliance with Federal, State, and Tribal Laws Protecting Cultural Places

The Nenana Tribe requires all federal, state, and tribal agencies, public and private entities, and all individuals who undertake any activity or decision that affects or potential affects cultural places of the Nenana Tribe, to comply with Nenana tribal law, and with the protective standards provided in the following federal acts and regulations:

Acts and Orders

Antiquities Act of 1906 (P.L. 59-209, 34 Stat. 225)

Historic Sites Act of 1935 (P.L. 74-292, 49 Stat. 666)

Reservoir Salvage Act of 1960 (P.L. 86-523, 74 Stat. 220)

Department of Transportation Act of 1966 (P.L. 89-670, 80 Stat. 931)

National Historic Preservation Act of 1966 (P.L. 89-665, 80 Stat. 915)

National Environmental Policy Act of 1969 (P.L. 91-190; 31 Stat. 852)

Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921)

Archeological and Historic Preservation Act of 1974 (P.L. 93-291; 88 Stat. 174)

General Authorities Act of 1976 (P.L. 94-458; 90 Stat. 1939)

American Indian Religious Freedom Act of 1978 (P.L. 95-341; 92 Stat. 469)

Archaeological Resources Protection Act of 1979 (P.L. 96-95; 93 Stat. 712)

Alaska National Interest Lands Conservation Act of 1980 (P.L. 96-487)

Native American Graves Protection and Repatriation Act of 1990 (P.L. 101-601; 104 Stat. 3049)

Executive Order 13007, Indian Sacred Sites, May 24, 1996 (61 FR 26771)

Regulations and Orders

36 CFR 18 (National Historic Preservation Act of 1966)

36 CFR 60 (NHPA and EO 11593) National Register of Historic Places

36 CFR 61 (NHPA and EO 11593) Procedures for Approved State and Local Government Historic Preservation Programs

36 CFR 63 (NHPA and EO 11593) Determinations of Eligibility for inclusion in the National Register of Historic Places

36 CFR 65 (Historic Sites Act of 1935) National Historic Landmarks Program

36 CFR 79 (NHPA and ARPA) Curation of Federally Owned and Administered Archeological Collections

36 CFR 800 (NHPA and EO 11593) Protection of Historic and Cultural Properties

43 CFR 3 (Antiquities Act)

43 CFR 7, Subparts A and B (Archaeological Resources Protection Act, as amended)

43 CFR 10 (NAGPRA)

National Park Service, Director's Order 27 (Historic Property Leases and Exchanges)

National Park Service, Staff Directive 96-1 (Linking Cultural and Natural Resource and Socio-Economic Data to Park Planning and Management)

CERTIFICATE OF ADOPTION

The Natural and Cultural Resources Code was submitted to a vote of the Nenana Tribal Council at an open meeting on _____ for which proper notice was provided, and was duly adopted by the Nenana Tribal Council by a vote of ____ in favor, and ____ opposed.

_____ Chief

_____ Second Chief

_____ Secretary/Treasurer

_____ Council Member

_____ Council Member

_____ Council Member

_____ Council Member

_____ Council Member

_____ Council Member