

DATE: 3/3/2023  
TO: Maria Gladyszewski, Chair of the Assembly Committee of the Whole  
FROM: Adam Gottschalk, Assistant Municipal Attorney  
SUBJECT: Ord. 2023-07: Fee to Trust Intergovernmental Agreement

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In June 2017, the City and Borough of Juneau Assembly voted to support the fee to trust application for the Central Council of Tlingit and Haida Indian Tribes of Alaska (“the Tribe”) and start negotiating an intergovernmental agreement that would mitigate jurisdictional issues related to land held in trust status by the U.S. Department of the Interior. The area sought to be put into federal trust is located in downtown Juneau along Willoughby Avenue between the State Office Building and the Salvation Army store, also known as Juneau Indian Village. The vision was the trust property would continue to receive services from the CBJ and be subject to certain CBJ code standards (particularly those regarding health and safety) in exchange for the Tribe providing a payment in lieu of taxes for those services. As land held in trust, the Tribe would be able to access additional federal programs, including financial benefits.

*Provided below is a map of Juneau Indian Village. The yellow parcel labelled “15” on the east side of Capitol Avenue is the only parcel currently held in trust.*



This memo is intended to provide a 10,000-ft.-overview of the anticipated intergovernmental agreement between the CBJ and the Tribe. To be effective, that forthcoming agreement would need to be authorized by the Assembly via a non-code ordinance, designated Ordinance 2023-07. Presently, the CBJ Law Department is working on a draft agreement that will likely pass back and forth between the CBJ and Tribe several times before both parties are content. At that point, Ordinance 2023-07 would be presented to the Assembly for introduction and public hearing.

*The following subjects will likely be addressed in the forthcoming intergovernmental agreement:*

- Criminal law enforcement
- Health and safety regulations
- Land use and zoning
- Alaska Statute 47 (regarding certain emergency services)
- Fire and emergency services (including building regulations)
- Water, sewer, and drainage
- PILT formulas for CBJ-provided services
- Annual meetings between the CBJ and the Tribe
- Notices, amendments, potential termination regarding the agreement
- Limited waiver of sovereign immunity (for enforcement purposes)
- Choice of law, jurisdiction (for enforcement purposes)

While this process was initiated nearly six years ago, it has only recently been reignited by changes in federal administrations and policies. The fee to trust program, as it regards land in Alaska, is also the subject of ongoing federal litigation. In the meantime, CBJ staff intend to work closely with the Tribe in order to arrive at an agreement that will clarify jurisdictional issues raised and be beneficial to the Tribe and the community.

From  
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