

Overview of the Community Consensus Process

1. Pass resolution putting tribal members on notice that the tribe will be using traditional and culture to enforce environmental justice.
2. Have staff convert policies and procedures into information fact sheets.
3. Pick one paragraph of information to enforce in the community:
 - a. Have staff take it to school and ask students to do a poster competition on that topic;
 - b. Advise community that the tribal staff will pick the best to be used as a notice poster for a tribal council meeting on that issue at the next regular council meeting.
4. Council meeting. Discuss the issue traditionally by what the traditional community values are and how they are applied to the issue or problem.
5. Appeal to elders. If there is disagreement about how the traditional values should be applied, then "notice it up" for the next meeting at which those most knowledgeable about interpreting the tribal culture (elders) are present.
6. Community Meeting. If there is disagreement about how the matter is impacted by new information or current community values then Notice it up again for a whole community meeting.

This process is one that does not interpret the rule of law but rather helps the community find what its shared set of values are today with changing scientific input and creates community knowledge and understanding as the process goes forward.

Form: Resolution No. _ Establishing Tribal Law Based on Traditional Values

WHEREAS, the Native Village of Raven is the federally recognized sovereign tribe, whose governing body is the Raven Traditional Council which is the modern day successor to the historical sovereign governing body for the tribe in the region, and

WHEREAS, the tribe recognizes that effective internal administrative procedures are necessary to conform to the requirements to carryout grant programs and other partnerships involving western governments such as the following:

1. Personnel policies and procedures,
2. Fiscal compliance and financial management,
3. Audit and indirect cost agreements,
4. Property management and procurement,
5. Travel policies

WHEREAS, the tribe recognizes that effective governance through tradition and culture are more effective for matters of tribal sovereign authority:

1. determine its own form of government,
2. define the conditions of membership in the tribe,
3. regulate domestic relations among its members,
4. prescribe rules of inheritance,
5. taxes members and persons doing business with members on tribal lands,
6. control entry onto tribal lands,
7. regulate the use and distribution of tribal property, and
8. administer justice among members of the tribe,

NOW THEREFORE BE IT RESOLVED THAT

1. **The tribal staff** is delegated the authority to enact administrative policies and procedures in conformance with grant and other partnership agreements.
2. **The council** reserves to itself the power to address substantive matters of sovereign authority.
3. **The tribe** will apply traditional values to matters in order to implement cultural justice not inconsistent with federal law.

BE IT FINALLY RESOLVED the tribe will enforce tradition and culture in areas of: **Protection of traditional lands and subsistence; Respect for elders, welfare of children and harmony of the community; Preservation of culture and language**

CERTIFICATION: done by a majority vote of a quorum on the ____ day of _____, 200__.

SIGNED:

ATTEST:

President

Secretary

Form 9b. Written Policies Mixed Traditional and Western Method

Native Village of Raven

Resolution No. 05-1 Environmental Health and Safety

WHEREAS: Pollution and littering of lands and waters at the village and subsistence use areas are a threat to the health of the tribe and the environment and show disrespect for our traditions and culture.

WHEREAS: Batteries and hazardous materials are toxic to our lands and wildlife and cause cancer and must be stored properly. When the landfill and the community floods chemicals from improperly stored materials soak into the groundwater and becomes toxic to the land and subsistence resources.

NOW THEREFORE BE IT RESOLVED that it is recognized that it is necessary to respect the environment by conforming to the following:

1. Use the designated areas in the fenced landfill for recycling, batteries, dead animals, burning, solid waste, vehicles.
2. Keep campsites clean and do not litter. No dumping along the river.
3. Do not burn plastics and styrofoam or when smoke blows into homes.
4. Hazardous materials must be stored properly. Industrial hazardous waste and medical waste must be backhauled and shall not be placed in the landfill.
5. Human waste will be kept in approved containers, and disposed in proper pits. Spills will be immediately cleaned.

BE IT FURTHER RESOLVED that tribal staff will provide posters, fact sheets and signs consistent with this resolution.

BE IT FINALLY RESOLVED that persons found to be in violation of this resolution will be visited by the staff and provided with the above information and given an opportunity to understand the reasons why the action is necessary to respect our community. If this action is ineffective, then the council will address the matter in public session to determine further action.

CERTIFICATION Passed this _____ day of _____ 200__ by a quorum vote of ___ for ___ against ___ abstaining ___ absent.

SIGNED: _____ ATTEST _____

Form 9a: Short Traditional Governance Notice Resolution

**NATIVE VILLAGE OF RAVEN TRADITIONAL COUNCIL
RESOLUTION NO _____**

A RESOLUTION PROVIDING FOR AN ENVIRONMENTAL CODE

WHEREAS the Native Village of Raven is the sovereign federally recognized tribe for the region whose governing body is the Raven Traditional Council, and

WHEREAS, the traditional council sits as the tribal court to enforce the unwritten traditions and cultural values, and written laws, regulations and ordinances to the extent consistent with our unwritten traditions and culture.

NOWHEREFORE BE IT RESOLVED that the tribal council will enforce unwritten traditional and culture in the following areas:

- Local option laws affecting the community**
- Violations of the Marine Mammal Protection Act**
- Disorderly conduct, assault, domestic violence**
- Property matters and offenses**
- Pollution violations and offenses against the earth, air and water**
- Protection and sustainability of subsistence resources**
- Membership matters and relationships**
- Protection of traditional lands**

CERTIFICATION Passed this _____ day of _____ 200__ by a quorum vote of __ for __
against __ abstaining __ absent.

SIGNED: _____ **ATTEST** _____

Form: FACT SHEET (Newtok)

**Native Village of Raven Environmental Resolution
AMENDED ORDINANCE NO. _____**

AN ORDINANCE OF THE Raven TRADITIONAL COUNCIL, PROCEEDING FOR THE REGULATION OF SOLID WASTE.

Be it ordained and enacted by the Raven Traditional Council of Raven as follows:

Section 1: Cultural Impact. The Tribal Council finds that solid waste threatens the sustainability of the Raven traditional culture, by harming the environment, damaging the wildlife and adversely impacting the health of our elders and the welfare of the culture. We have an obligation to take such actions as necessary to ensure that our subsistence can be passed on to our future generations.

Section 2. Solid Waste Threat. Solid Waste is leaching toxics and contaminants and hazardous materials into our environment. Global warming has reduced permafrost and increased surface water that allows these contaminants to move through our environment causing greater harm.

Section 3. Reduce, Recycle and Eliminate Solid waste. It is important to prevent toxics, solid waste and hazardous materials from entering or accumulating in the village as much as possible. Those who bring it in should be responsible for sending it out, or bringing in alternatives that do as little harm as possible and are stored appropriately or disposed of appropriately. Excess food and second hand goods should be recycled or shared. This includes using the dumpsite landfill and burn boxes appropriately. All landfill waste should be properly separated. Solid wastes are to be separated. Recyclables like newspaper, pop cans, scrap metals, computers, and plastic bottle are to be separated and recycled, including boat/car batteries to NAPA. Any recyclable item(s) can be recycled as long as it is accepted by any taker. Recyclable such as bags (paper-clean only) shall be recycled in all stores. Aluminum cans that are not recyclable are to be crushed to take less space in the dumpsite/landfill. Burnable items shall be reduced to ashes using burn boxes at the dumpsite/landfill.

Section 4. Construction wastes: All construction wastes that are burnable can be burned at the dump/landfill site. But broken equipment must be send back to the owner/renters place. Before the work begins, contractor must sign an agreement

Section 5. Information Sheets. Some waste items cannot be safely burned or stored or maintained in the village. These should not be brought into the village where possible. The staff will circulate notices and information sheets periodically such as:

- Waste items that **cannot be burned or incinerated:**
- Waste that **may not be disposed** in a class III landfill:
- Waste that **may be disposed** into a class III landfill:
- Dead animals and waste food **recycled or burned:**
- Proper crushing, burning and recycling and separating

Introduction: _____ Public Hearing: _____
Passed and Approved this ___ day of _____, 2006 by the Raven Traditional Council

Signed: _____ Attest: _____
President Secretary

Form: FACT SHEET (Kwig)

Native Village of Raven Environmental Health and Safety

PUBLIC INFORMATION

Fact Sheet

No Dumping by the River: Flooding causes trash to be scattered. Signs are being posted "No dumping outside the fence or along the river." Trash is coming back with the tide and is poisoning the otters.

Littering and used oil. It is harmful to human health and disrespectful to the environment to litter on any land or waterways in the village, camping sites, subsistence areas and hunting grounds or on public and private property. Litter and waste materials that are not burned should be brought back from camping sites, subsistence areas and hunting grounds and disposed of at the dumpsite. Empty motor oil containers or anything that contains petroleum can cause contamination if left on hunting grounds, waterways, camping sites, subsistence areas. The landfill has drums to put waste oil in.

Burning Styrofoam and plastic should not be burned. Smoke from burning styrofoam and plastic products contains toxic chemicals that are hazardous to people's health and to our environment. Putting burn barrel ashes in a container will prevent the ash from being scattered by flood or wind. Some ashes contain mercury and lead that can cause cancer in elders and brain damage in fetuses. Do not burn whenever the smoke will be directing to the nearby residents. The smoke from the burning trash is hazardous to people's health, and is also a nuisance.

Batteries. Batteries leak acid and chemicals that are harmful to people and the environment. Global warming has allowed our permafrost to melt so that now contaminants from the landfill are moving in the ground water into our well water. Plastic totes are now at the landfill to put your batteries in so that they do not pollute before they can be backhauled.

Human Waste Disease transmission results from poor maintenance and leakage of honey bucket pits. Construct boxes over honey bucket pit openings with a lid at all times, to reduce flies from being attracted to the raw sewage. Raw sewage on any open surfaces within the village can cause disease. Clean up spilled raw sewage immediately and then pour the water and bleach solution over the spilled area to reduce the risk of disease transmission. Fill in honey bucket pits that are no longer being used with compacted soil. Do not let full honey buckets be exposed and kept for prolonged periods of time outside the home, as this will attract flies and spillage. The flies can contaminate the water drinking sources in the surrounding homes and rain catchments. It is not recommended to construct a honey bucket pit in an area where the seasonal flood and high tide flood reaches the area.

Recycling and Food When disposing food remove the foil, Ziploc, freezer paper or plastic and other wrapper before disposing the contents to help the contents decompose quickly or they can be eaten by animals and birds. Other ways to safely dispose the food is to check the other people if they are in need of food or food for their dogs before disposing. Or make an announcement over the VHF to see if anyone is interested in taking the food.

Section 11. Initial Enforcement Notice Cover Letter.

Dear Litterbug

(Owner of Junk Car, Dirty Campsite Dead Dog Owner, Construction Contractor, Village Business)

The Native Village Traditional Council has published a resolution to protect the health and safety of the community. Attached is the resolution and a fact sheet. The tribe will be working with the school to have a poster contest for each section of the environmental information.

Please contact the Indian General Assistance Program (IGAP) coordinator at the tribal office for further information.

Signed /s/ Tribal Environmental Coordinator

Attachments

Environmental Resolution

Tribal Fact sheet

Notice Poster

Section 8: Traditional Order in Child Protection.

ORDER OF THE TRADITIONAL COURT OF RAVEN

Sovereignty: The Native Village of Raven, a federally recognized sovereign tribe whose governing body, the Raven Traditional Council, delegated initial judicial authority for these matters to the traditional court of Raven by Resolution 2006-07.

Facts: On January 15, 2006 the tribal elder Ekalook entered the home where the child Ipalook resided with his parents and took the child to her home. The child Ipalook has had numerous bruises, the home has no elders; there is an environment of alcohol in the home. The home is not clean. Ekalook is the maternal grandmother of Ipalook. Ipalook was named for Ekalooks grandfather. Ekalook is eligible for enrollment in the tribe as his mother is enrolled in the tribe.

Values: The Raven culture values the elder-youth relationship, protection of the welfare of youth, respect for elders and harmony in the home.

Culture: (Application of values to facts). In the Raven culture the nuclear family is one of elders and youth. The tribal culture is passed from elders to youth. The elders need to be surrounded by children for the emotional and physical wellbeing of the elders. Youth need elders to learn traditional values that preserve the culture. There were no elders in the home of Ipalook and there were not children in the home of elder Ekalook. It is our culture that the family has the obligation to correct this or the tribe will. It is the culture that children should not be harmed in the home. It is the culture that if harm in the home has occurred, that home environment has failed to protect the youth. It is the obligation of the family or the tribe to correct this. The child took on the spirit of the ancestor at the naming and it is proper for Ekalook to honor that spirit by protecting the child.

Order: The above facts are consistent with our culture and it is so Ordered.

/s/ Tribal Court Judge [date]

FORM: MOA with Community Partners for Tribal Jurisdiction

THIS AGREEMENT, dated the ___ day of _____, 2006 by and between the Raven Traditional Council and the City of Raven (hereafter "City")

1. The Tribe and the city share traditional values of protecting the culture and the environment of the community.
2. The parties recognize that the Tribe is the historic sovereign for the region responsible for the preservation of the subsistence culture of which the city is also respectful and mindful.
3. The parties recognize that many organizations including the CITY enter into construction and other agreements with outside contractor whose actions in the community can have a severe long term impact on the community, its landfill capacity, the quality of the lakes, streams, rivers, drinking water and ground water and impact on the air quality, the land and the wildlife resources upon which the community depends.
4. The parties recognize that the community has a shared set of values and concepts of respect for which we adhere for harmony and common good of the community.
5. The parties agree that all construction contracts and contracts with the potential to impact any of the above community values should include jurisdiction of the tribe to enforce traditional values.
6. It is the goal of the tribe to bring the contractor into the traditional process that applies traditional values to factual matters in the community in a traditional communal process that creates knowledge and understanding. It is hoped that this process with out any orders, fines or conditions will be sufficient to resolve all problems in the community involving the outside contractor.
7. In the event that the traditional process is unsuccessful in resolving the matter, the contract is to provide for reasonable stipulated costs fees and fines related to efficiently and cost effectively remediate the problem. It is anticipated that the stipulation to an arbiter and subjecting the issue of fines and western remedies to western enforcement mechanisms would be amenable to contractors.
8. This MOA is a method of community partners, using contract provisions to put outside entities under the traditional sovereign authority of the tribe that enforces the traditional values of the community against outside threats.
9. The document "Contract Addendum: Agreement to Tribal Jurisdiction" is incorporated by reference.

_____ Date:
Tribal Government

_____ Date:
City Government

FORM: Contract Addendum: Agreement to Tribal Jurisdiction

THIS AGREEMENT, dated the ___ day of _____, 2006 by and between the _____ (Raven Traditional Council /Community Partner (hereinafter referred to as "Contractor")) and non-local company engaged in business activities in the Raven Community _____ (hereinafter referred to as "Contractee").

1. Submission to Traditional Community values.

The Contractee agrees to abide by all the rules, regulations, and ordinances of Raven Traditional Council.

Conformance with Traditional Values and respect for the environment. The Tribal Council enforces the following values: protection of the sustainability of the environment, ensuring that our subsistence resources and way of life will continue for the next seven generations, respect for the health of elders and the welfare of our youth. Examples of applying these values include but are not limited to: hazardous waste, toxics and construction debris, including broken equipment, cannot be left in the village, waste may only be disposed in the place and manner approved by the tribe.

2. Submission to Traditional Council for violation of Traditional values.

The Contractor agrees to submit to the Federally recognized Tribe's system of Traditional Justice system which consists of a review by the Tribal Council, appeal to the Traditional Elders council on application of values to the facts, and final appeal to the community qaseguluk on the basis of application of modern facts to traditional values.

Furthermore, if found responsible above, the staff will assess costs and the Contractor hereby consents to pay for all the fines, collection costs, legal fees, and can include shipping costs (either by barge or plane) if equipment is left behind for providing the services on this agreement pursuant to the following schedule:

3. Stipulated penalty structure for failure to remedy offense against the Traditional values of the community.

- 1st offence: CWS to cleaning up the mess of the violator and /or cost +15% Admin fee.
- 2nd offence: Same as above + and/ or up to 100% costs as a fine to be used for enhancement.
- 3rd offence: Invitation to community meeting or culture camp on community values.

4. Staff Assessment of Penalties. The Tribal Staff after Notice to the Contractee and an opportunity to be heard regarding violations of the community traditional values, and an opportunity to remediate will assess a reasonable penalty above in the sole discretion of the Tribe.

5. The parties stipulate to arbitration of any penalties assessed and enforcement of the penalties under state law.

Section 10. Implementing a Traditional Procedure

Form 10: Traditional Process and Appeal

IRA COUNCIL REGULAR MEETING

Action challenged as different from Cultural values



TRADITIONAL COUNCIL MEETING

Challenge relevance of culture to modern problems



COMMUNITY NOTICE PROCESS

Community knowledge process



COMMUNITY MEETING

Discussion: Appeal Structure

1. IRA Council Regular Meeting

Challenge: Staff action as not consistent with culture.

Terminate meeting and call for Traditional meeting with those present who have the authority to say what the values are for the community. Elders, Umailiks, Tribal leaders will be present and will apply the community values to the facts.

2. Traditional Council Meeting

Challenge: Our traditional values should not be applied to these modern circumstances.

Conclude meeting and set up a community meeting through a community notice process where the entire community can decide what culture and community values have to relate to the modern fact situation.

3. Community Notice Process

Action: Clerk asks School Teachers to have students all draw posters about the topic of the upcoming meeting. The elders will select the best poster which will be stamped with the time and date of the meeting and short subject title. Results is community engagement the teachers will research the issues, the children will learn, the elders will be brought in with the youth, the parents will discuss at home. The community will be interested and attend the meeting.

4. Community Meeting

Action: Long before this meeting is actually held the community will be judging the character and motives of the parties involved. The meeting will demonstrate the community consensus as supporting one side or the other based on their values.