CHILKAT INDIAN VILLAGE
"Yee gu.aa yax x'wan."
An Indian Reorganization Act Village
Under Act of Congress June 15th 1935
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October 31, 2026

Dear Senator Murkowski and other Honorable Leaders of U.S. Congress,

The Chilkat Indian Village (Klukwan) Tribal Council writes to request an amendment to strike Title III Historic Preservation of S. 5653, the Bipartisan American Affordability and Jobs Act, or vote no on cloture on the motion to proceed, now scheduled for November 9, if Title III remains in the bill.

Chilkat Indian Village (Klukwan) is actively participating in several Section 106 consultations on projects in our traditional territory. Our participation in these 106 consultations works to *minimize harm* to our ancestors, sacred sites, and living culture, not to halt projects. The proposed language in Title III is incredibly concerning to our Tribal Nation for several reasons which can be best described through our participation in the Section 106 consultation on the Haines Highway Reconstruction, Milepost 20.5 to 25.3, Phase 3 Project.

The Haines Highway has been undergoing construction since 2018 and construction has proceeded in phases with support from FHWA: Phase 1 (MP 3.5–12.2) began in spring 2018; Phase 2 (MP 12.2–20) occurred from 2020 to 2024; and Phase 3 (MP 20–25) began in 2025. During the 2025 construction season, multiple inadvertent discoveries including many ancestral remains triggered the 2025 Archaeological Monitoring and Inadvertent Discovery Plan (AMIDP) protocols and Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) consultation.

This Section 106 consultation was solely triggered due the federal funding on the Haines Highway Project. Under Title III of S. 5653, projects whose only federal involvement is a grant or loan would drop out of Section 106 entirely. Without federal funding triggering Section 106, our community would not even be made aware of the unearthing of our ancestors. It is impossible to actually convey our community's grief and pain from the uncovering of a burial of our people, and it is equally painful to think that we would not even be notified of this situation under the proposed revisions in S.5653.

The language in this permitting reform bill seems to position Section 106 as a process that slows down project permitting and development. **This could not be further from the truth.** Our Tribal Council did not stop the highway reconstruction project when at least 5 individual ancestors were unearthed. Instead, in consultation with AK DOT&PF, FHWA, and other project partners, we issued a stop work order for the inadvertent site area *only*. We worked together to minimize impacts, allow time for thoughtful planning, and discuss potential considerations as they arose. Our Tribal Council and community members, in coordination with AK DOT&PF,

walked the inadvertent site area to sweep the project while we waited for the project's archeologists to get to the Chilkat Valley themselves. We also employed cutting-edge archeological methods: a corridor-wide archaeological human remains detection dog survey (MP 19–25) to detect the presence of ancestral remains along the highway corridor, assessing the burial site (inadvertent discovery site) and identifying any other areas of concern within the project area of potential effect (APE).

Participating in Section 106, though it is not perfect, has increased collaboration and trust between our Tribal Nation and our state, federal, and project partners. Our consultation efforts have also informed other construction and technical projects along the Haines Highway. Section 106 as it currently functions:

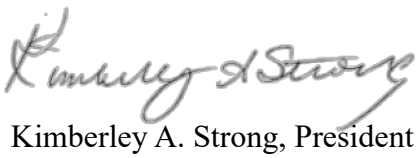
- Minimizes harm
- Increase collaboration between project proponents, state and federal agencies, and Tribal Nations
- Supports innovative approaches to complex challenges
- Informs future planning and project design

Neither Section 106 nor Tribal Nations' participation slow permitting down. If you want to amend Section 106 of the NHPA, please draft new language in consultation with the Tribal Nations and other partners who actively participate in and rely on these processes. We can strengthen the laws in the place to protect our historic properties and sacred sites while improving permitting reform. S. 5653 fails profoundly on both fronts.

Please lead a bipartisan amendment to strike Title III (Historic Preservation) from S. 5653 before the bill reaches the floor, or vote no on cloture on the motion to proceed, now scheduled for November 9, if Title III remains in the bill.

Gunalchéesh for your consideration.

Respectfully,



Kimberley A. Strong, President