UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY

GOVERNMENT TO GOVERNMENT

TRIBAL CONSULTATION SESSION (2)

Ketchikan Public Library
1110 Copper Ridge Lane
Ketchikan, Alaska 99901
August 3, 2018
1:00 p.m.
MR. FISH: I understand our host from Ketchikan Indian Community will provide a song and prayer to begin.

MS. BURNS: I’d like to welcome all of you. My name is Gloria Burns. I am the treasurer of Ketchikan Indian Community. On behalf of the tribes and presidents and tribal council, we’d just like to thank all of our neighbors and all of the leadership here. Thank you so much for coming. (Indiscernible) is huge. It’s huge for all of us. And so, this morning our neighbors from Saxman offered a beautiful prayer and now would like to share a song with you. And I’d ask each of you to go to your creator in your own way to pray, that we might give our words -- that our words might be heard and they might be felt, and that good action might come from this day, that recognizes for all of the opportunities that -- that are available to us. I will sing the calling the ancestors into the room with song so that we might feel the strength of our people and our loved ones around us.

(Song)

MR. FISH: Thank you very much. So, for our
second consultation of the day, our agenda is to focus on fee-to-trust applications in Alaska in light of ANCSA and the various statutory and policy adjustment and indications that have happened for the Indian Reorganization Act over the years. You know, I think as we get started and state for the record, you know, my name is Tyler Fish. I’m counsel to the Assistant Secretary of the Indian Affairs.

MR. KELLY: My name is Matthew Kelly from the Office of the Solicitor.

MR. APPEL: Liz Appel, Acting Chief of Staff to the Assistant Secretary.

MR. PELTOLA: Eugene Peltola, the Regional Director of Indian Affairs, Alaska Region.

MR. FISH: So, as a foundation to start this conversation, I’d like to just to make underscore that from a policy perspective, our objective here is to -- to discuss fee to trust applications in Alaska with you, so that way we might endeavor to reach, you know, more defensible decisions regarding fee to trust acquisitions in Alaska. So that way, you know, any decisions that the department makes are not left to the courts to decide something in the alternative. You know, if -- again, I’ll go to the solicitor’s office to (indiscernible) some more thorough
MR. KELLY: As explained -- excuse me -- in the (indiscernible) 2/29/2018, the earlier Alaska fee to trust (indiscernible) wasn’t on for further review. 

As was explained in the tribal leader letter, the Alaska (indiscernible) was -- in 2016 was -- 2017 was withdrawn for further consideration of some issues that were perhaps not clearly dealt with. That review was part of a directive from President’s chief of staff to consider our (indiscernible) positions on important issues across the government. The Dear Tribal Leader letter lays out what some of those things are and in connection with it lays out a number of questions that we are seeking input from Alaska tribes on. And with that, I’ll turn it over to my colleague (indiscernible).

MS. APPEL: So, we have the Dear Tribal Leader letter includes some questions for consideration. And I think we had Craig Association wanted to open now with some comments. Want to? Yeah?

MR. COOK: Good afternoon. My name is Clinton Cook, tribal present of Craig Tribal Association. I’d like to welcome everybody back. I’d also like to welcome Sid Edenshaw, tribal president in Hydaburg and also Robbie Sanderson’s here. He’s the Vice
President of Central Council out of Juneau. I have a few questions for you and comments.

The fee to trust process works in Alaska. And the Craig tribe successfully had a parcel of land taken into trust. This would not have been possible without the 2017 M-opinion by Solicitor Tompkins and the department’s removal of the Alaska exception.

Why are you questioning the new process after it has already been implemented successfully in Alaska?

MR. FISH: Due process is not being questioned. Rather what we’re attempting to do is ensure that future decisions stand on a solid legal basis and analysis as possible. The amended 151 regulation remains in place there’s been no change in that. The Alaska exception (indiscernible) does not involve that. But I do think if you’re aware of the changes to the 151 regulations, you also understand that this issues has been one that’s been discussed at high levels of the department for many years. And it was felt at this time that there are still some remaining questions that should be answered more clearly and thoroughly, to the extent that’s possible. To ensure the process going forward gives strong and as best as it can be.

MR. COOK: Isn’t the department bound by legal
MR. FISH: I’m not sure I understand the question.

MR. COOK: Are you still bound by the legal opinions back in December of ‘14?

MR. FISH: Well, we remain bound by all legal authority, statutory authority and regulatory authorities. Absolutely.

MR. COOK: The M-opinion expressly recognized that Alaska tribes are no different than tribes in the Lower-48 and can take land into trust. Your recent actions regarding Alaska tribes essentially treat us as second class tribes. Could I have your attention, please?

MS. APPEL: Yeah.

MR. COOK: Could I have your attention, please?

MR. FISH: Yes.

MR. COOK: I don’t sit back here and text or talk when you’re talking.
MR. FISH: Okay. Please proceed.

MS. APPEL: Could -- could we interrupt just one moment, though? We want to make sure that the gentleman with the microphone, that you introduce yourself and that you get any -- everyone’s consent to record the meeting. This is tribal consultation, so it’s intended for government to government officials. Would you mind introducing yourself?

MR. NIEMEYER: Sure.

MS. APPEL: Seeking consent?

MR. NEIMEYER: Hi, everyone. I’m a representative with KRBD Community Radio across the street there. We’re the public radio station, community radio station covering Southern Southeastern Alaska. The reason why I’m recording for this consultation is just to get the different perspectives from various representatives of tribe and tribe councils on the important issue of this, you know, of the land trust in general. And yeah, that’s basically what I’m doing. So -- and I’m open to any questions or comments about my work or anything of that nature. So, is everyone okay with the recording here?

UNIDENTIFIED VOICE: I’m not.

UNIDENTIFIED VOICE: No.
MR. NIEMEYER: No? You’re not.

MR. SANDERSON: I’m not really. You know, this is a tribal consultation, and they ask how the consultations. And you know, for the people that, you know, if they wanted to have a public cons -- I’m sorry. Rob Sanderson, First Vice Chair of Central Council. You know, if we were going to go ahead and do this, we should have been notified. You know, we didn’t really have any recordings in Juneau that I was aware of, from the Insider. And you know, this is our consultation process here. You know, if there was a big interest from our people, from the citizens of Ketchikan or lower Southeast, they would be here. You know? And if that was case, the interior should have had a public consultation process and let the tribes go it alone at this meeting, instead of have everything -- because things can get twisted once it gets out into the community.

MS. APPEL: Yeah. So would -- would you mind leaving and -- I mean, if -- you’re welcome to stop anyone who is willing to speak after our meeting, with you.

MR. NIEMEYER: Oh. Is -- I guess it was just my misunderstandings then. I did RSVP to attend this consultation. In particular, I just -- yeah, I guess
that was my misunderstanding.

MS. APPEL: I -- and I’m sorry. That’s totally our miscommunication.

MR. NIEMEYER: Okay.

MS. APPEL: Yeah.

MR. NIEMEYER: Thank you.

MS. APPEL: Thank you for being understanding.

MR. NIEMEYER: No. Of course.

MS. APPEL: Thank you for being understanding.

Sorry for the false start there.

MR. BOWLEN: Just a quick heads up. Scott Bowlen with the Ketchikan Daily News, who’s present as well. Thank you.

MR. COOK: Thank you. I’ll start over. The M-opinion expressly recognized that tribes -- Alaska tribes are no different than tribes in the Lower-48 and could taken land into trust. Your recent actions regarding Alaska tribes essentially treat us as second class tribes and questions the rights and privileges that we, as federally recognized tribes, are entitled to. Just like the tribes in the Lower-48.

The next comment is, are all trust land applications in Alaska now on hold while this review goes forward?
MR. FISH: No applications are on hold that I’m aware of through all land process.

MR. COOK: Okay. When will this review be over?

MR. FISH: I believe the comments -- we’re collecting comments through the end of the year.

MR. COOK: Right. Are you expecting to propose regulatory changes after this review is over, and how long will that take?

MR. FISH: I don’t think we can answer that right now. That’s all -- we’re going to be looking at comments. That’s certainly one thing that is under consideration, and that’s one something we’re certainly seeking comments and input on, in these consultations.

MR. COOK: Is it possible the department will propose reinstating the Alaska exception?

MR. FISH: I can’t speak for what will happen in the future. I’m not aware of any plans to anything like that. Right now it’s a question of consulting with people, getting information in, and assessing their comments and input.

MR. COOK: Okay. All right. And lastly, I’d like to say what President Wallace spoke earlier, is you picked a bad time to -- to have us consult with you, with our time of harvest. You know, we’re --
we’re people of the forest and we rely on our — our assets here, as tribal people, to put food on our table through the winter and having consultations in the height our subsistence season is really tough for some people to get away. And in the future, it’d be nice if you consulted with tribes on dates that are better and locations that might be suited better for others. And thank you for your time.

MR. FISH: Thank you.

MR. KELLY: Thank you, sir.

MR. SANDERSON: Good afternoon. Rob Sanderson, Fourth Vice President of Tlingit and Haida Central Council. And I also serve as the local area president for Tlingit and Haida here in Ketchikan. So I would like to welcome our tribes from Prince of Wales and everybody that’s in here. We spoke at length about this in Juneau. And you know — you know, it’s a government to government process. And — and I’m not going to go back and forth with you guys, you know, as we kind of did up in Juneau. The thing is, I would like to talk about here, is that, you know, and — you know, the — and I, you know, here in Alaska we don’t have thousands of acres that we’re trying to push into trust, like the tribes do in the Lower-48. We’re talking small

-61-
sections of land, buildings. You know, we’re talking about tribes wanting to put their smaller clinics into trust so they can better prepare and get better funding for their tribal citizens, wherever they may be.

As you know, that a lot of our people from the interior and western Alaska made that long trip down into Juneau yesterday. You know, and again, I know that you guys probably get tired of hearing this, but this was an absolutely wrong time to have a consultation process here in Southeast Alaska. You know. And I believe a lot of those guys that came down from TCC, you know, they probably had to break from fish camp to come down here. And that’s a good over 800 miles away, and some further. So, that’s just for the record. Maybe we could be more mindful in the future and honor that.

So, having said that, you know, I was over in D.C. at the time, myself, and Clinton Cook from Craig, when we thought that Craig’s -- and I’m not speaking for Craig, Clint. I just -- I just want to make you know that I was there at the time, when Craig’s land was signed into trust.

So, in listening to the different remarks from our panel here up in Juneau, I see it changed a
little bit, what -- and I -- and I know what you guys said, you know, that you guys are looking for a better process for a better outcome. What -- at the time when Craig was signed in to land into trust to now, what -- what exactly is interior looking for? Is there something that you missed? And you know, it’s bothersome, you know, to come back and to go through this process again, you know. You know, Central Council, you’ve had, as stated up there in Juneau by one of our vice presidents, that, you know, we’ve had -- we have a couple of applications sitting on the interior’s desk and for about 10 years now. So to say that you are on a review of looking at it, that begs the question; are you guys really looking at that? Or is that just something that your higher ups want you to say? Ten years is a long time. There’s a lot of work put into this by tribes that don’t have a lot of money. A lot of resources to get lawyers, to get people that can -- really know what they’re doing on putting land into trust. And for the interior to do a roundabout on the State of Alaska is just not right.

So that again, begs the question, why Alaska? Why put so much effort into the State of Alaska? And I’ll say it, you know, we’re -- we’re being treated
like a -- like a second class citizen, you know? I really doubt if the tribes down south are having this hard of a time. You’re talking apples and oranges here. We don’t have that -- we don’t have that land that is going into trust in the Lower-48.

Again, we’re talking small parcels. Why such a big deal. When our tribes, again -- I’m going to say it again, are trying to put land into trust so they can receive better funding for their law enforcement officials, for clinical care. You know, I serve -- and I stated this yesterday that, you know, I serve on a statewide suicide prevention council. And I don’t know where John is today, but you know, there’s a lot that interior, I believe, that can do to help ease a lot of the struggles that our people go through here in the State of Alaska. Alaska is two and a half size -- two and half times the size of Texas. when our women and our kids are assaulted and are sexually assaulted in the far flung reaches here in Alaska, we don’t have the resources. The state surely don’t have the resources or the law enforcement resources to get out there. Even in the summertime. Let alone wintertime. So when law enforcement actually does arrive in a lot of the communities, the evidence is gone.
And I’m taking these points off that young lady that spoke about getting her clinic into trust and the land -- and the land around it so they can get better funding. And when you get better funding, you get better services for the people that go through these traumas. You’re able to reach out to the larger communities; the Bethels, the Nomes, the Fairbanks and Anchorage and Barrow -- Iguavik (ph), excuse me. And, you know, for -- for the interior to -- to do a roundabout and continue to stretch this out is -- is heartbreaking to our community, to our villages, to our tribes here in the State of Alaska.

And so, you know, again, I’m going to go back to this one lady that, you know, spoke before the statewide suicide prevention council in Nome, Alaska. And this ties directly into what we’re trying to do here.

I’ve -- I’ve been around the State of Alaska and I’ve seen a lot of hardships. They’re everywhere. I believe firmly in my heart that if this young lady had the resources, the law enforcement behind her, to deal with what happened to her, and this is pretty hard for me to say it, but I’m going to say it. She struggled for years trying to get help, of a family member and other peoples in the communities
assaulting her. Not assault, sexual assault. And she looked out to the statewide suicide prevention council and said, is this what it takes? Is this what it takes? She wore a hinged mask that went around her ears, testifying and crying before the council, which brought me to tears, which is pretty hard to do. Is this what it takes to get the attention of the people that fund these clinics, that fund these law enforcement places in the farther reaches in the State of Alaska? She attempted suicide by gun. Missing the whole half of her bottom of her face. And she stated to us, is this what it takes to get help? It shouldn’t have to be like that. I firmly believe that we can probably -- we could, not probably, we can avoid a lot of these tragedies if we can get a lot of these place that a lot of these communities that want to put their small clinics and their small VPSO or whatever it may be, law enforcement places, into trust, or clinics, little places around it.

And so, you know, I’m not going to continue to go around that one. I think you guys got that pretty clear. Hopefully.

And again, you know, it -- you guys are the largest managers of land in the United States. And
another thing that we’re experiencing here in Alaska is drug abuse. There happens to be a lot of meth cooking on federal government property. And that’s something that the interior should really take a look at. I know it happens a lot down south on reservations. I know that because when I go to different meetings in the Lower-48, I network with people and we talk about -- about these things that happen on their reservations. Sometimes these guys completely take over them. And we -- we have a problem here in Alaska, with people cooking meth on federal lands. Prince of Wales, my home island, is one of them.

Ketchikan, being the port of entry into the State of Alaska, you’ve got just about every knucklehead in the land that comes through here before they make their way out or they’re turned back or they’re caught, you know, with drugs and this and that. And so, and I’m just going to leave that on that.

And so, no, and my last talking point that I was thinking about that I missed up in Juneau, is that you guys mentioned that you guys were, you know, are responsible for the outer reaches of the continental shelf. After Three Mile it goes into federal waters.
And I know this is a department of commerce issue, but I also believe that the interior department can play a big role in that. And that is called by-catch. We are now experiencing one of the worst fisheries failures that I could ever remember. I can’t remember when this bad. There’s people actually turning it in now and just saying, you know, enough is enough. We can’t even make our fuel payments, let alone pay our crew. So that’s another thing that, you know, that the interior, I believe, and I could be wrong, but, you know, this is our time to, you know, talk to you guys. And I think -- and it was mentioned by John yesterday that, you know, the interior can work with other agencies to help our tribes achieve different goals, you know. And that’s one of them I think that the interior can play a big role in.

In 2007, over 140,000 Chinook king salmon were as-by catch kicked off over the side. And why we are experiencing low king returns here in Southeast Alaska, our -- for the entire state, is we can’t put our finger on it. But we do know one thing for sure, is that by-catch has taken a lot of our Chinooks, and our chum salmon and our halibut. And I believe the interior department working with the department of
commerce and the agencies that fall under it, NOAA, NIMPS, North Pacific Fisheries Management Council, I think there could be a lot of good that can -- that can come out of this. You know, I know this is a land and the trust things, but I just wanted to put something out here that I missed yesterday.

So, and then thirdly, and again, is -- for those of you that are -- weren’t up in Juneau, you know, we talked about trans-boundary. And, you know, 80 -- about 86 miles from Ketchikan, about 12 miles inside the border, they have a mine called the KSM, the Kerr, Sulphurets, Mitchell mine, it’s not up and running. They have the infrastructure there. They have the power grids, they’ve got everything they need. They just need a buyer. One investor. One major investor before that thing goes up in operations. You’ll have three -- you’d have three mountains that will start up about 3,000 feet. They’ll drop them down to sea level. And two of those mine will be the largest open pit mines in the world. And yes, that mine is in Canada, but understand that Canada does not -- has no obligation to reach out to the U.S. or the State of Alaska and consult with us in any way. And this is another place that I think that the interior department could
work with the state department on. Again, I could be
wrong, but I’m putting it out there.

And going back to this mine here, it sits in the
Unuk River watershed. And the Chinook king salmon
ford this -- ford the Unuk River, and it’s been
identified as one of the rivers that was a great
producer of Chinook, hooligan. They’re not coming
back. The hooligan run is pretty much shot there.
And what we believe comes from a small mine was --
that was mined on a tributary leading into the Unuk
River, the SK Creek Mine. They just up and left
everything there. About four years ago there was a
run of hooligan salmon -- hooligan that showed up in
Carol Inlet at the south end of the road system here.
And you know, hooligan are glacially river-driven
fish. They don’t spawn in normal rivers of all -- in
non-glacial fed rivers. They go to glacial streams
-- rivers to spawn out. And you know, that’s another
thing I think that the interior department could work
with -- with the state department on and the forest
service.

So, you know, these are just a few of the things
that -- that are happening here. And lastly, who is
going to take care of these mines when the life of
the mine is up; over? The KSM Mine is -- is
projected to last 53 years. And tailings sites for
this -- for this mine, there’ll be two earthen sized
dam, and I think I may have mentioned this, that will
be bigger than the Hoover Dam. No mining company, no
mining company can take care of a tailings sites in
perpetuity. They would not have enough money.
If you go back and look at what happened in
Mount Polley, northeast of Vancouver a couple of
years ago, when that mine failed, that was -- that
mine was the gold standard. Their tailings site was
the gold standard of how tailings sites should be
operated and ran. It wasn’t supposed to fail. It
failed in less than 20 years. And Quesnel Lake below
it, they did nothing to help the people there. So
what did they do? They can’t pay for it, so they
might as well use the dam wake and put our tailing
sites in there. And that’s exactly what they’re
doing.
You take the Red Chris Mine up in the Stikine
River watershed. It’s up in operations. It’s the
same setup as Mount Polley. They’re already finding
high levels of selenium down river in the Stikine
River.
You take the Tulsequah Chief Mine, the
(indiscernible) mine on the -- on the Taku River
That mine closed in 1957. It’s been leaching acid generated tailings for well -- up to this day it has. And Canada, the provincial government B.C., the federal government, has done nothing to even try to clean that up. Yes, the mine minister Bill Bennett and Lieutenant Governor Walker at the time, they flew out there by helicopter to take a look at it and see what they could do, and they come up with an MOA, which is non-binding.

When the tribes went forth to the state to see if we cannot get a trilateral agreement with the state, and the state just said no. And so again, this is why I’m asking the interior, you know, help us on some of these issues that are critical to our livelihood here.

There is so much that is going on in Southeast Alaska. You look down in Florida, that green algae, that red tide they call it, it’s putting millions of fish up on the shoreline dead. It’s happening as we speak. You take the whole Gulf of Alaska, all the way out to the Aleutians, all the way down into Washington state, what they call the green blob. I think there’s a lot and it will be a lot. I feel that’s coming from climate change. And I may be jumping around here, but I’m just going to put these
out there as they come to my mind. I think there’s a lot of that the interior can do to help with climate change.

You know, our coastal villages in western Alaska, they’re eroding off the map. And it costs tens of million dollars just to relocate. And we’re talking federal lands here again. You know, I think the interior department has to help our people in the State of Alaska when they are looking for relocation when events like this happens.

So, and lastly, you know, I don’t -- I don’t really want to talk anymore. I’ve pretty much said what I had to say in Juneau, but, you know, I don’t know what the -- the -- I’m trying to search for the right word here -- is that you know, the interior, you know, by holding these -- these hearings, will anything ever come of it? Like you said, you don’t know. You know, you’re just here to, you know, to host these. I mean, to have these hearings for the people that do have the power.

You know, we have our tribal presidents here, our tribal leaders here in this room. And we don’t get that from you guys. We should have people that are a little higher up than the people that are sitting at the table. You know, and I see the titles
here. You know. That’s all good and well. But if
you really want true consultation, we should have
people that at least have a little bit of decision
making, at the table listening to what we are talking
about. I know that’ll never happen, but it’s worth
putting it out there for the record. You said it’s
for the record? Well, there’s for the record.

So, again, I just want to thank you for your
time and, you know, welcome to Ketchikan and we do
appreciate you guys. Don’t get me wrong; we do
appreciate you guys being here.

I will ask this of you, and I -- I looked at the
schedule on your consultations hearing, and I think
it would be wise for the interior to have a
consultation process. Not just one or two, but maybe
a couple of days during and around Alaska Federation
of Natives time in Anchorage. You know, you get
five, 6,000 people that come to Anchorage to go to
AFN. And you pretty much have every tribal leader in
the state there at that time. And I fully believe
that if you held a consul -- a tribal consultation,
not a public consultation, a tribal consultation in
October at AFN, I think you would have a great
turnout. And you’d hear a lot more different things
than the people that -- from the tribes that had
already had spoken to you, from our first day in Juneau up until now. I think they’d have a heck of a lot more to say on what’s going on in their areas. You know, so again, I just think that there’s a lot that the interior can do to help other agencies help us protect our way of life, protect our women and children, you know, and drug abuse, and put a stop to that, you know -- you know, just doing things on federal properties. Work with the state. And I don’t forget what John said; we can work with other agencies. And I want to hammer that point home. If that is the case, then do it. Then if that’s really -- if he meant what he said, that’s what I would expect the interior to do, is work with the agencies that I’ve spoken about, on the things that really, really matter to our people here in the State of Alaska, our tribal people, you know.

I -- I’ll go as far as saying that, you know, our tribes, our citizens in the State of Alaska, I think, you know, the people that come up here to visit this great state, when they did come up here and they go out to the fishing lodges and this and that, and I know they pay a lot of money to do that, they -- in my opinion, this is nobody else’s opinion but my on, for the record -- I truly believe that
they have more rights than our citizens in the State of Alaska and our tribal citizens. They get hundreds of thousands of boxes sent out every year from the State of Alaska. But our tribal people we catch one over the limit, our gear is taken in some case, our boats confiscated in some places. And these are things that our people are having to deal with. Not only -- not only from the state, mind you, but from the United States Fish and Wildlife Service. There’s a big problem with the Fish and Wildlife Service harassing our people. All the way from the Arctic all the way down to Saxman. The United States Fish and Wildlife Service, along with different federal agencies, they go out of their way to, I believe, imprison our young men that are trying to make a life for themself, a livelihood by way of trapping sea otter. And sea otter is raising hell with our -- our shellfish here in Alaska; Southeast Alaska mainly. Those things are planted here. And I think that’s another arena that, you know, that’s a federal issue that you -- that the interior could work, again as John said, work with -- with the, you know, things on the marine mammal protection act, you know. Right now I know that -- as I speak, a lot of our areas out on the west coast, there -- there’s places that you
can’t even go in there, that were once plentiful. And nothing is being done by our federal government, or the United States Fish and Wildlife Service to protect our tribal citizens from I would say -- I think -- I -- you know it’s to the point where you -- I think it’s -- it’s almost like committing genocide, when your food is taken. I know that’s a really, really strong word, and I understand that. But when you have whole areas in Southeast Alaska that are getting wiped clean by sea otter, our Native food, Dungeness crab, clams, cockles, (indiscernible) sea urchin, the list goes on, mussels. And I -- again, that’s another one that I think that the interior department could work closely with -- with the United States Fish and Wildlife Service on. If they’re not going to do it, maybe you guys can weigh in and put a stop to this travesty. Because the U.S. government’s letting it happen.

So, anyway, I -- I think I had enough to say. But I appreciate you guys for coming to Ketchikan and to Juneau. So again, thank you.

MS. BURNS: Good afternoon. Gloria Burns from Ketchikan Indian Community. I wanted to address several of the questions, but before I do I -- I wanted to say how very important it is for us to go
forward, and for people to know that they’re going to be able to put their land into trust. Too long was Alaska discriminated against. Too long were we treated like in the other Indian, without the ability to take care of our people. And I think it’s very important from the bureau to go ahead and fulfill this obligation. And one of the reasons is because of the way in which you failed the people in Ketchikan.

In Ketchikan, we had the majority of downtown that was restricted deed property and fee simple property that was taxed illegally by our city. And when the city illegally taxed it and took it from our people, we did not have the bureau here to help our people. Our people would be self-sufficient. They would own the best property in town. They would have businesses. And that was a failure of our trustee. It was a failure to take care and to make sure that that property was for our people from time immemorial.

And so in the answer to these questions, it’s heartfelt. You think to my -- yourself, what is it to have everybody look at you and say your landless, when your people stood on land since time immemorial. Or married into other families in this area, and to
be considered landless. And that is what is at the
heart for me of this. The people around Indian
country and around the nature see us as different
kind of Indians, without the ability to have a land
base and take care of ourselves. It is just so
heartbreaking, to very heartbreaking.

My first job working for Ketchikan Indian
Community, my first job I did a walking tour as a
young woman where my aunt, who happened to be my
supervisor, had us walk around and point to every
single building that was illegally taxed by our city
in Ketchikan that now had multimillion dollar
businesses sat on it. And she’d say, you know that
family over there, that family out at Saxman or that
family out the road, they would be rich. But their
land has this shop on it, this jewelry shop. They
can’t take care of themselves because the Bureau of
Indian Affairs, who put this land into fee simple and
into -- land into trust was not here when the city
chose to send a tax bill, and they just wanted to
keep their land so they paid the tax bill. Not
knowing as soon as they paid that tax, or not knowing
if they bequeathed it outside of a certain way, that
their people would lose that ability forever.

And so I say to the bureau, it’s your
1 responsibility to look at this and say what is right?
2 It is right to fix this for us in Southeast Alaska
3 and in Alaska in general. Because we are not the
4 only people to have this issue. Only we can look at
5 the creek, we can look at where the smokehouses were,
6 we can look to people like Mrs. Dundas who knows the
7 history of this area, and we can look to know people,
8 families who were drug out of their homes in the
9 middle of the night and the next day the property was
10 owned by somebody else, and it was restrict deed
11 property.
12 And so it is time to answer these questions and
13 to make it right, and to move forward and to stop
14 discriminating against us. So I know that it’s --
15 the intent is not to go backward, to create a better
16 system in the future, but that better system needs to
17 provide for us to be treated like the rest of Indian
18 country. To be able to access the money that is
19 available for other tribes. To know that we will not
20 be landless, that we will be able to take care of our
21 own, and for them to be economically viable.
22 And -- and so -- and that is what I have to say
23 about that, because I think maybe as you walked in
24 you got your fish down by the creek and you think
25 about that, all that land from Tatsuda’s on down was

-80-
owned by our people, by our Tlingit and Tsimshian and our Haida neighbors. It was owned and there are people alive today that are passing away as they watch the people become rich on land that should belong to them. Because the city taxed it and there was nobody here. Our trustee was not here, did not answer our call when it was time to answer it.

So to the first two comments and questions, rearrange myself, thank you, the first one is, how do you view the impact, if any, of the Alaska Native Claims Settlement Act and the Federal Land Policy and Management Act of 1976, and the Alaska National Interest Lands Conservation Act on the secretary’s ability to land into trust? I mean, for me that seems like a really silly question. I mean, there’s the ability to do it. You should do it. You know, it’s neither ANCSA or FPLMA, I’m not sure how you guys like to say that acronym out loud, or ANILCA; none of them have been amended or repealed. None of those provisions did that for the Indian Reorganization Act. You know, it’s basic statutory construction of congress, and it must be specifically amended or repealed. So, I -- you know, go forth and do it. The secretary has the ability, has the responsibility, and is in fact required to take land
into trust for tribes in Alaska because the secretary has taken land into trust for tribes elsewhere. And the 1994 statute requires the secretary to accord the same privileges to the tribes in Alaska. So do it. And keep doing it.

We were so excited when our neighbors in Craig put their land into trust because we knew how life changing that was going to be. And we want that for our own people. And we will have that for our own people.

You know, the ’94 amendments do not permit the secretary to create two classes of tribes, based on geography or history or culture, or any other category. Unless congress ha expressly and specifically required that discrimination in the statute.

The second that I’d like to respond to, is what impact, if any, do the 1994 amendments to the Indian Reorganization Act have on the secretary’s ability to promulgate rules specific to federally recognized tribes in Alaska? You know, it’s -- to avoid violating the 1994 amendments, the secretary must not promulgate specific or special rules to -- for tribes in Alaska. And I just want to say that congress has not done so, and any attempts to pressure congress or
to rewrite such rules, Ketchikan Indian Community
strenuously and loudly and adamantly oppose any kind
of modern day discrimination. We’ve been there and
done that. We’re still living in it. We -- we still
know what it’s like to be without the ability to take
of our people. And we will not be quiet about this
issue. So we look forward to a transparent, fast
action on land into trust applications.

The Ketchikan Indian Community fought alongside
Tlingit and Haida Central Council and many other
tribes for far too long for every bit of restored
sovereignty and tribal identity we have, and we’re
not going to allow anything to push us backwards. We
know that we have had lawmakers and everybody all
over continuously finds a way to make sure that
Alaska does not have access to what everyone else
does. And our people are poor. We have the highest
rates of every social economic dysfunction that you
want; you know, from suicide to drug abuse, heroin
addiction, everything, domestic violence. We need
the things that can come from having that land into
trust, the money that we can access by it. And in
the end, honestly, I truly feel in my heart of
hearts, and this is only me, that if the Bureau of
Indian Affairs had done what they should have done
and kept our land from being illegally taxed, our
people would be rich and I wouldn’t need to stand up
here because we would own, by virtue of our own
economics, the entirety of Ketchikan. Thank you.

MR. WILLIAMS: Randy Williams. Let me talk a
little bit about what Gloria just said. I won’t deal
with the perspective of the historical side of it.
I’ll just deal with the future side of it.

I’ve worked for several tribes in the Lower-48.
I’ve put land in trust for several tribes in the
Lower-48. They protect that right exclusively. And
they d that because it creates economic development
for their tribal membership. And so I think that’s
what we’re fighting for today, is our right for
economic development.

So, self-determination, self-governance,
sovereignty, all easy words. But they don’t mean
anything without land. Because you can’t move
forward without land. And so that’s -- that’s why
we’re here today.

Culture identity, that’s better said by others
than me. I deal with the economic development side
of land.

I put several business in for tribes, because we
put land in trust. What did that mean for their
community? You all know that, right? You see it all
ever the United States. Improvement for the tribal
membership, social and economic improvement.

As you know, the economic development is a broad
spectrum. You know the C stores that they all put
in. You know the smoke shops they all put in. All
economic drivers for the community. Gaming; you know
that’s an economic -- huge economic driver for all of
the tribes in the Lower-48.

Oftentimes they couldn’t buy the land to put in
trust unless they had the opportunity. And that was
derived from their ability to game on their property.
I’m not advocating for gaming in the state of
Washington. What I’m advocating for is the ability
to put land in trust for economic development.

I agree with Mr. Sanderson. Our hunting and
fishing rights will be protected, better protected by
us having land in trust. I think that’s an important
aspect of what we see and what we have today.

And to put it straight forward, it’s the heart
of Trump’s presidency, is economic development. And
that’s what we’re asking for. The right to develop
economically. And that comes from our ability to put
land in trust. Thank you.

MS. PICKRELL: Good afternoon. My name is Susan
Pickrell. I am a KIC tribal council member with Ketchikan Indian Community. I am Alaska Native. I’m Haida. My Haida name is (Native language). My parents were Albert and Frances Brown, and my father was one of the last Haidas to grow up in a small Haida village. Thee were three Haida villages that moved to the village of Hydaburg. And all those villages came together. As a young girl, I asked my dad, dad, why did -- why did they move away from Haida -- you know, from the smaller village where he came from, which was Howkan. And he said, because when the missionaries came, they realized that their lives had changed. The changes that the missionaries brought meant that in order to make a living and, you know, as Randy said, to be -- to have the ability to make a living and to raise your children, and to have them have an education so that they could make it in the white man’s world, they realized they had to change their lifestyle. And had to change where they were living and how they lived their lives. And so they chose, as a -- as a village, as a people, to move.

And then I asked him, well, dad, why did you -- why did you move from Hydaburg to Ketchikan? And he said, honey, because I grew up having to go away
to Sitka to go to boarding school. And he said, I was beaten because I spoke my language, and other children shamed me and were taught to shame me for speaking my language. And as all -- the whole time I was growing up, my grandfather and my father would never speak Haida in front of me. If they were speaking and laughing when we came into a room and they were speaking Haida, they would stop speaking.

And I said, dad, why is that? And he said -- he said, for one thing it’s rude. And he said, and for another thing, it’s lessons learned. We were beaten for speaking the Haida language. And so that’s -- it’s not something that we do today.

And I tell that story to let you know that self-determination did not start in 1978 or 1988 when many of the tribes in Indian country, you know, decided to, you know, to start the self-governance movement. It started in 1911, when my dad was born. It started in -- when he was seven years old and he moved to the Haida village. They determined for themselves what kind of life they wanted. And the biggest push for them to do that was economic development. Was having a future for their children.

My aunt, Helen Sanderson, who’s -- who’s Rob’s grandma, Rob Sanderson’s grandma, was the person who...
signed up the Haida people under ANCSA. And so she had to -- she had to essentially reach out to ever single Haida to say, you know, how much blood quantum do you have? Where did you come from? Where were your ancestral homes? She did all the interviewing on behalf of the Department of Interior so that those determinations could be made for that ANCSA legislation.

And I say all that to say that our people have been living in this land for tens of thousands of years; long before the Russians came, long before the Department of Interior came, you know, long before anybody else was here we were here. And -- and my dad said, literally, he remembers as a little -- little boy, very, very little, having huge Haida war canoes that would travel all the way to Hawaii, all the way up north, all the way to California, all the way to Washington. They traveled all over the place. And he said they didn’t just see the -- this was not their land that they owned themselves; they used it. They owned the whole -- the whole state, the whole land as a resource.

So, when ANCSA came along and they said well you have to determine where you lived at and where your ancestral homes were at, and how do that when you
travel thousands and thousands and thousands of miles?

My point bring -- bringing all of that up is that there have been thousands and thousands of years when people who do not live in Alaska come and ask us, well, what do you think about the laws that we’ve created about your land, that you’ve lived here 10,000 years? And how should we treat you? And how should we interpret that law? It’s a little bit hard to take, because we’re going to be here 10,000 years long after all of this is gone. And that’s -- again, I think that’s why you have people traveling from all over the place to provide this -- this kind of testimony, and to let you know how important it is to us.

So that being said, does the department have the authority to take land into trust in Alaska under the IRA? And specifically, should congressional intent or legislative history play a role in determining whether the secretary should accept land into trust?

So, to me it’s a reexamination of congressional intent and legislative history. And it’s never warranted when the legislative text is clear, when it’s pretty plain what the leg -- what -- what congress meant when they put this into law. The
Indian Reorganization Act is -- expressly applies the
secretary’s land and trust authority to tribes in
Alaska. The 1994 amendments to the IRA expressly
state that the secretary may not treat tribes in
Alaska differently than he treats tribes in the rest
of the country, in Indian country.

So what I want to ask you today is, what part of
the 1994 amendments is not plain and clear? Why do
you have to reexamine it?

No other act of congress, no ANCSA, not ALCMA
(ph), not ANILCA expressly and specifically alters
the Indian Reorganization Act authority of the
secretary to take land into trust in Alaska. So KIC
believes there can be no question of whether the
secretary has this authority. The only legal
question is whether it is lawful for the secretary to
question his own authority and whether it is lawful
for the BIA to continue its long, slow delays in
processing the fee to trust applications for tribes
in Alaska. And that’s what Gloria was up here today
talking about, what Rob was talking about, what
Randy’s talking about. Is the self-determination for
us. To apply, to put land into trust, and to have
that carried out by the department.

I want to offer this quote from the late Supreme
Court Justice Antonin Scalia who said it best. Examining the entrails of legislative history is a fool’s errand. The statute is what congress voted on, not what some committee member said he thought it meant. I don’t care what he thought it meant, since the rest of congress didn’t know what he thought it meant when they voted for the law.

And of course you know that the Indian Reorganization Act says plainly the secretary is to accept land into trust for Indian tribes. It does not say except for tribes in Alaska. And you have heard, you know, Mr. Kelly, I know you have heard several days, you know, of testimony regarding this, where people are saying, why are we being treated differently than other tribes in the country who have already, you know, been given the ability to put land into trust? The plain meaning of the law leaves nothing much to consult about.

The other issue that I wanted to address today, and that is the process for taking land into trust. And specifically regarding your question on the 25 CFR 151, Part 151, land acquisition. If this is an appropriate process for tribes in Alaska to request the department take land into trust. KIC believes it is appropriate for tribes as it is for tribes in the
rest of the count -- Indian country.
And then the secretary asks whether there are challenges specific to tribes in Alaska that make the requirements of Part 151 particularly challenging to satisfy. The only challenges unique to Alaska are the ones caused by the many decades of unlawful interior department refusals to take land into trust for tribes in Alaska. With all due respect, the department’s opposition is our sole challenge. While we celebrated the turnabout in department policy a few years ago, the department has dragged its feet on all fee to trust applications for all tribal applicants across Alaska since and except for one small parcel in Craig. Meanwhile, the department continues to process tribal land in trust applications for tens of thousands of acres for tribes outside of Alaska. The overwhelming challenge for Ketchikan Indian Community is that we are landless. Ketchikan was overlooked when ANCSA was enacted, and even though we have been organized and recognized since 1940 under Section 16 of the IRA, Ketchikan was dropped off the list of tribal communities listed in ANCSA. And so we have no village corporation and no land as a part of the ANCSA settlement.
I really want to thank you for coming today. And -- and I know that listening to hours and hours of testimony, and people who are directing their ire at you is probably not fair. But on the other hand, I think back to my dad when he was, you know, first talking about why we were -- why we were essentially moved from a, you know, the small villages where we lived into a, you know, larger village, and then why my mom and dad felt they had to move us over to Ketchikan, because they couldn’t raise their children, you know, given -- given the way the education system was organized at that time. To me, it’s all about self-determination. And I really agree with statements from prior speakers today about tribes do well when we can do it ourselves. Ketchikan Indian Community has a 20-year history of doing it ourselves and doing it very, very well. You know, as you drove here today, you drove by our -- our clinic. We were able to get Coast Guard land and put our own clinic in, you know, buy the -- build a building with our own monies, and, you know, and some help, you know, obviously as well. But the point being is, we are doing very well. And we think we can do it better than the federal government. And that -- for that very reason alone, to me it’s always
better. I agree with Randy. To me, this would --
this would be, you know, Trump’s legacy, if he will
allow tribes to do it themselves and do it better
than the federal government can.

Thank you very much for listening.

UNIDENTIFIED VOICE: I don’t want to address you
guys issue, but I want to address the tribal leaders
here. Because I’ve been through the process of land
into trust in Alaska after (indiscernible) decision.

And when you’ve got something to gain, you’re going –
the municipality will attack you. Like you’re a
second class citizen. Maybe it was an exception in
Hydaburg. Hydaburg had a very very good relationship
with their city. They do a lot of things with their
land. And we should be proud of them for doing that.

But every other community, you’re messing with the
municipality will attack you and try to bury you.
You think their on your side? They’re not, because
we have something to gain in land into trust. And
they don’t. So be ready. And I challenge you, you
run brave. You heard the comments. They might not
have been hurtful to you, but to me they were
bigotry. Emotion. And be attacked as leaders, hurt.

So when you guys allow us to keep moving forward with
land into trust, you need to be there for the tribes
with languages on municipalities. Simple things.
Public law 280. Our city thought we were
(indiscernible) fugitives, and they never be able to
come onto our land, or we’ve had drug dealers there
that we protect. Or what if somebody backing into
your car? Tribe ain’t going to help you with the
insurance. The asinine things they ask, pardon my
language, but you need to be ready. The lawyer in
the room need to be ready, Bill. They’re going to
attack you guys. Because we have something to gain.
And I hope you guys are there to help when the
litigation hits. Gloria’s right, they have our land.
True tribal leaders didn’t like ANCSA, because they
took land away from the tribes. Our homeland. They
were right. We all had bad waterfront lots. Gone
because of taxes that weren’t paid. Small burdens to
people that they could not pay when there was no
commerce in our lives. Two generations ago.

You talk about your dad. My grandmother said
when she was a child, her childhood concern of her
shelter and her food. Two generations ago, very
little commerce.

And interior isn’t going to be there for tribes.
I know you might not want to think they need to be
there, but they need to be there. And the bureau as
well. You need to be there when that city is
attacking us. You need to help protect us. BIA.

Thank you.

MS. DUNDAS: Well, thank you. My name is Irene
Dundas. My Tlingit name is (Native language). I’m a
taagweidi killer whale from the house that anchored
the village of Kake. My father’s people is the
Sanyaa Kwaan people of Saxman, or Cape Fox Village.
My great -- or my grandfather’s people is the Taant’a
Kwaan Kadakwadi of Tongass. My great-grandfather --
great-great-grandfather’s people are Gaanax’adi and
Teikweidi of Tongass.

We are on land of the Tongass people, the
Gaanax’adi people. My father’s people gifted the
Gaanax’adi this land, the Ketchikan area.
Ketchikan’s original name is Kichxaan. Some people
say it means the smell of the salmon. There is the
big Ketch -- or the Ketchikan Creek that’s down
there, and the smell of rotting fish. But it’s when
the wings of an eagle are spread out, there is an oil
gland that’s right in here. And that oil gland
covers the wings and that’s what it mean. It’s a
small that the oil produces when the wings are spread
out.

Anyways, my -- I came here on behalf of
Ketchikan Indian Community. I’m a former tribal
council president. I’m now tribal council.

Ketchikan Indian Community is -- we have about
6,300 tribal members. It’s one of the largest tribes
in the State of Alaska. We have our own clinic. We
negotiated our own compact with IHS and we also have
various housing programs with NAHA SDA and Indian
road programs that we -- that we also manage.

Ketchikan Indian Community, in the last several
years, has really expanded. We have our -- we have a
high school that we have 99 percent or 100 percent
graduation, which is wonderful. It’s an alternative
school. We have purchased buildings and property
over by Tatsuda’s, which is part of the original
Indian town. We have purchased also property in the
-- I guess maybe down here. It’s right below the
Cape Fox Lodge. We have built a veteran’s housing.
We have a 7-plex that is on the other side of town.
We have a whole housing unit that we’ve -- that we’ve
gone into I guess partnership with Tlingit and Haida
Central Coun -- or Tlingit and Haida Housing
Authority, and there’s a whole division of houses
that are up in that area. And then we’re expanding
up onto the hill we -- we’ve built a 7-plex for low
income.
We -- also part of our expansion, because we also recognize the epidemic of the opioids, the methamphetamines and the heroin that’s affecting all of Indian country and just the nation in general. And this year the council had made a wonderful choice, a precious choice to do expansion of our behavioral health program, which we are employing 11 more doctors to deal with the opioid epidemic.

Also last year, I guess to go into Ketchikan -- so, Ketchikan Indian Community has been really growing to try to -- to be self-sufficient. It’s written in our charter to be economic -- to be economically self-sufficient. In the 1940s constitution, in the 19 -- amended 1970s constitution it states to be economically self-sufficient. And last year, in 2017, what was the date, September -- oh, October of 2017, Ketchikan Indian Community was the first tribe in the State of Alaska to do -- successfully do a constitutional reform that worked very well with the BIA. And we amended our constitution to fit the needs of today. And that was a wonderful effort by our -- our tribal council and our tribal members.

So, Ketchikan Indian Community has begun to purchase land as best as it can, in order to build
back the land base. But all of our holdings are in fee simple, and subject to alienation and loss. Some of them to taxation. Ketchikan Indian Community seeks to have some of its -- some of its several parcels placed into trust to protect the tribal land for future generations, to enable greater tribal economic development, and to facilitate our tribe’s access to federal funds available only to tribes with land.

KIC is painfully aware that none of the $2 billion that President Obama allocated to the tribal communities as a part of the recovery act after the last recession in 2009 and 2010, none of it made it to Alaska because no tribes outside of Metlakatla were eligible to receive it. That $2 billion went only to tribes with restricted or trust land. Many federal programs are available only if the tribe has restricted lands or trust lands.

And today, Ketchikan Indian Community, and I want to welcome you Mr. Peltola, and welcome you to Ketchikan and your new position with BIA. And Ketchikan Indian Community would have submitted this document in Anchorage, and we would have flown to Anchorage to submit this document, but since you are present, we’re going to submit this document now.

-99-
We have here, and hand delivery, our application for our 30 -- roughly 34, 35 acres of land that Ketchikan Indian Community had purchased last year to go into land into trust.

Will you begin to quickly process the 34.732 acre fee trust application that we are submitting today so Ketchikan Indian Community can have the protection of federal law against taxation and alienation for at least some of our home lands on this island? We are submitting this application to you by hand today in order to make our point that there should be no need for consultation. The law and your authority is quite clear. Your office, on behalf of the Secretary of Interior, is obligated to provide Ketchikan Indian Community the same privileges that BIA routinely and regularly extends to dozen of -- dozens of tribes in the 48 states. Your office must accept our 34.732 acres into trust.

Our 34 -- I’m just going to say 34.8 acres -- parcel is undeveloped land. Valuable timber was removed from it before we purchased it. It is a vacant site with economic development potential. We do not contemplate any change of use, but the borough has been asserting the growing property tax liability against Ketchikan Indian Community for which we seek
federal trust protection. So I ask, will your office immediately begin to process our application of 34.7 acres? Any delay on your part is costly to us and would violate what congress has established as the rule in 1994 -- in the 1994 amendments. You cannot create two classes of tribes. You cannot discriminate and provide one group of tribes privileges -- privileges you withhold from another group of tribes.

And then, if you -- if the department were to promote regulations governing land into trust acquisitions, specific to federally recognized tribes in Alaska, how might those regulations differ from the part -- from Part 151? Such regulation should be and would be struck down in court because they would be in violation of the 1994 amendments to the Indian Reorganization Act. There is no lawful or practical reason why the department should promote rules specifically regulating land into trust acquisitions by tribes in Alaska that are different from those rules regulating all other tribes.

And so, to today, by no disrespect, I hand you our application for our property that is out north. It’s right across from -- I don’t know if you guys have been to Ketchikan before. Totem Bight. There
is a beautiful totem park there. We have a big parcel of land that we just purchased last year. And actually, Ketchikan Indian Community was pretty savvy about purchasing the land, because we have also had I guess maybe issues with community -- other community members when the tribe was to try to purchase land, been taken advantage of. And we got pretty savvy and formed an LLC outside of the State of Alaska, and we did not have to disclose who the buyer was. And we purchased the property for a good fair amount without it spiking up to about 3,000,000. So, thank you. and I hope that you review our application, and I hope that we get a speedy response. (Native language).

MR. WALLACE: President Lee Wallace, Saxman Organized Village, Saxman IRA Council. Well, gentlemen and women, you just heard from KIC with the application that they just handed over to Gene. It’s imperative that you practice your trust responsibility to the federally recognized tribes of the 229 tribes in Alaska, and reinstate what was previously ruled on. Now is the time to withdraw that. Not in October, but today. So when Gene goes back to Anchorage he could get his staff going on their application and go through the process. Craig
has done that.

When Craig gained their trust status, land into trust, there was applause from all the 229 federally recognized tribes that the process will work. And it’s a process that’s needed that our tribes need to put some of their lands into trust. For obvious reasons; economic development, housing, and other needs that will enhance our -- our growth in perpetuity of our -- of our nation. So now is the time to get that and make that action. Don’t delay it any longer.

And again, the tribal councils should have been undertaken before the solicitor made his withdrawal of the 217 M-opinion. Not after. So here are guys saying, oh, solicitor we withdrew it, now let’s hear from tribes. That’s all backwards again. Again, it’s really all about trust responsibility and following through with that.

You know, we were at the dinner with Matt Newman, or lunch with Matt Newman, and we had slow service at the restaurant. And I said, darn, we’re going to be late getting back. After I got after you guys for starting late. But when I got back, I observed President Cook at the podium here, and I noticed the man with microphone. I said, who’s that?
In my mind, I said it had to be media. Not that I’m opposed to media, like our president, because media is good. They’re good for the government and they’re good -- especially good for the citizens of the nation. And I did notice Scott Bowlen from the Ketchikan Daily News and -- but he stood and when the discussion was happening, I called for Scott. I said, Scott, it’s not that we don’t want you here. And I said, probably tribes would be welcome to talk to you after the consultation session. But now is not as a place to have media and any others in this room, except tribes and the U.S. government. Because it’s a government to government. It’s not -- not -- well, like your 2002 letter, there’s a listening session. Probably media and others would be welcome there. Public meeting in Juneau, media and others could have been there. But all of your other consultations are closed to the general public. That’s why I raised the whole thing about consultation policy. And I think consultation policy if it was right here and open, I think you guys probably would have told the two gentlemen, I’m sorry, you’re probably not going to be invited here. But as soon as it got my attention, discussion was happening and, of course, then they politely left.
So, that’s -- that’s my whole thing.

And you know, the same questions are -- that I gave this morning, I’m still not really satisfied with that, you know. You’re still in the middle of all our seasons to gather food, catch fish, hunt, all that. Now is not the time. The time again, like I mentioned earlier, is look at AFN, look at BIA providers. They’re two of the largest meetings in the State of Alaska. Probably the men in Washington D.C. didn’t realize that. They probably didn’t discuss this with the BIA regional director. Probably just made it on their own; let’s -- let’s just do this again. So, totally just attack. Attack on the IRA governments in Alaska. Attack on our sovereignty. Disregarding our sovereignty. You should have had that consultation prior to the solicitor’s withdrawal.

You know, again, the consultation that I’m recommending, and BIA providers, our AFN, or maybe even both of them, it’s where you’re going to get the largest participation, and you’re going to get advance warning, and you’ll have more input from all the tribes that you’re probably not going to get from -- from these sessions. You need far more than two hours. From all the tribal leaders in the whole
State of Alaska.

You know, the process -- and again, I mentioned Craig and the process worked. And for Craig to get there, there took many years of consultation, many years of meetings to happen to -- to overturn Alaska’s omission from land into trust. And so when the decision was made to -- to have Alaska participate and be able to put land into trust, that process with Craig happened. Today you got the KIC application. And I’m sure there’s many more tribes that -- that are in the chute, preparing to submit applications. I know in Saxman we had the discussion of land into trust and as president, I -- I see some of our land that we currently own, I definitely want to put into trust. And I know the -- it’s a protection that we’d have for our land from now and forever. Where without it, we don’t have that protection. And I think it’d only be great to enhance our economic development in Saxman. But again, I’m going to repeat, now is the time to really reinstate the 2017 opinion.

Again, there’s a lot of history and I think maybe attorneys would be best to cover all that, but -- but it’s been years of litigation and consultation and work on a lot of individuals and tribes and part
to get us to where we were before the withdrawal of the solicitor’s. And so again, it’s just time to reinstated it. And again, my frustration of timing involved.

You know, many -- many of my tribal leaders welcomed you here. Verbally. I really haven’t said that, except for giving that welcome to Gene. Because of my opinion of -- of the whole process here. To me, it was all backwards. If it was done in the right way, tribal leaders here and tribal IRAs would probably lavish you with gifts in a real welcome. But the way it was done, I -- it’s -- I just can’t do it. And if we see forward movement on reversal, then wow, I’m going to -- going to say you listened to some of the people that -- we can’t wait until the October sessions. This is got to happen now, because KIC wants their -- their process to happen now, not -- not to be delayed and shelved for countless months or years. Thank you.

MR. MICKLIN: Will Micklin, third vice president in Central Council of Tlingit and Haida Tribes of Alaska. This morning, as part of the IRA discussion, I went through the Indian Reorganization Act, the BIA list of 1993 of federally recognized tribes that included Alaska tribes and the 1994 Tribal List Act.
That, along with the withdrawal of the moratorium and the non-gaming fee to trust regulations under Part 151 of 25 USC and CFR, that is removing the moratorium on fee to trust in Alaska, there stands no barrier to the secretary exercising his discretion to convey lands in trust for the benefit of Alaska tribes. That, we feel, is a clear expression of substantive law that provides not just the availability of discretion, but the obligation under the federal trust responsibility for the secretary to take that action.

That being the case, it is -- there would seem to be some underlying more -- less explicit rationale for a question of why the clear authority, both regulatory and statutory, would not be exercised by the secretary. So, on the presumption that there is further questions to be addressed and resolved, I’ll address those -- a couple that would rise in my mind to be a reasonable use of our time in discussion. And that would be the -- a brief discussion on Indian country, on the -- the inherent tribal authority for tribes in Alaska, with the various statutes that have -- and court decisions that have been decided, and the Chevron deference versus the Indian canons of construction.
So, I’ll start off by saying that the -- by asserting that fee to trust conveyances and the designation of an area as Indian country is, as you have heard in testimony today, particularly from KIC, is incredibly, extremely important to Alaska Native tribal governments. Through Indian country and fee to trust and a parcel established in trust through the fee to trust process, we recognize our right to control our own lives and affairs within territorial jurisdiction. In Indian country, Alaska Natives enjoy inherent sovereignty, the right of self-government and self-determination, and specifically in Indian country a tribal government has the power to enact and impose taxes, to adopt and enforce our own internal tribal laws, to adjudicate civil disputes, to issue marriage licenses, to buy and sell property, to regulate land use, to provide essential and non-essential governmental services, and to regulate affairs and provide public safety services on tribal land.

Alaska tribal governments also enjoy the same sovereign immunity possessed by federal and state governments. They can be sued only if they consent, or if they engage in acts beyond the scope of their authority. These are expressions or the actual
attributes of governments that are necessary for the
functioning of a government.

You heard the -- from -- again, from KIC, the
testimony that trust lands provide real opportunity
to economic development. It also, at a very basic
level, provides the eligibility for federal funding,
which is in most instances, predicated upon
satisfying the eligibility that the entity, the tribe
making application for funding, possesses and
interest in trust land. Without that, as in for
example the tribal energy -- the Energy Policy Act of
2005, the term of art, the definition for Indian
lands, which is the qualifier, the eligibility
requirement for tribes to receive funding, is trust
land. In different forms. It could be reservation,
formal reservation or generic trust land, however
adopted. Once trust land, that tribe that possesses
and interest qualified for funding. Without that,
you do not. So we are challenged for energy funding,
we are challenged for law enforcement, for public
safety funding. I could go through a long list of
federal programs that are funded for every other
tribe that has trust land, but is denied to tribes
that are without trust land.

So, given the fact that this is a -- important
to our communities, and the conveyance of -- the
approval of trust applications would mean a
significant improvement to our governmental and
social welfare and public safety interest, just by
adopting a parcel, half an acre, an acre, or 38 and a
half acres with KIC, makes an immediate difference in
the federal funding pipeline for tribes, and the
opportunity for economic development and leveraging
private funds or public funds for the greater good of
our constituents.

So, let’s examine some other nuances of -- that
-- that could be holding us -- holding you back in
proceeding, which -- again, which we think is a clear
path to exercising that -- that discretion that we
feel is the obligation of the federal trustee.

According to the -- and first, let’s look at the
canons of construction. According to the federal
Indian laws, canons of constructions, statutes
enacted for the benefit of American Indians and
Alaska Natives must be liberally interpreted in their
favor. But a doctrine of statutory interpretation
challenges certain applications of the Indian canons.
So, I’m referring to the supreme court in Chevron USA
v. Natural Resources Defense Counsel, Incorporated.
That doctrine requires that -- which is called the
Chevron deference. That doctrine requires that courts defer to administrative agency interpretations of ambiguous language in statute where they authorize -- that they authorize to administer. In instances where agencies construe statutes against Indian interest, Chevron deference, and the Indian canons dictate opposite results for a review in court.

Under Chevron, a court must defer to an agency’s interpretation only if it is based on a permissible construction of the statute. An agency interpretation that does not take into account an applicable canon of construction, fails this test and is not entitled to deference. Where a statute is enacted for the benefit of the Indians are at issue, an agency must apply the Indian canon in order for its interpretation to be permission and entitled to deference. And agency may have discretion to disregard the Indian canon where it is construing how a statute of general applicability affects Indians. In no event, however, does the Chevron doctrine displace the Indian canon. Rather, as a sound analysis under Chevron -- a sound analysis under Chevron requires that the agency correctly apply the Indian Canon. Alaska Native Settlement Acts -- Settlement of Land Claims left intact Alaska Native
jurisdiction over the lands they retained. Prior to
ANCSA Alaska Native tribes exercised civil regulatory
jurisdiction over their lands, and in federal Indian
law, Indian rights are reserved unless congress
explicitly terminate them. Congress made no
statement abrogating Indian country in ANCSA.
Further, ANCSA had been enacted during the self-
determination period after the termination policy era
change, during which the federal government
recognized the importance of tribal government and
other institutions without abating federal
responsibilities to tribes or rescinding tribal
rights under federal law. Congress’ 1987 amendments
to ANCSA were explicit in not making law on the
Indian country issue. Section 17 of the amendments
provides, in 17(a), no provision of this Act, meaning
the Alaska Native Claims Settlement Act, amendments
of 1987, shall be construed to validate or invalidate
or in any way affect any assertion that Indian
country, as defined in 18 USC 1151, or any other
authority, exists or does not exist within the
boundaries of the State of Alaska.
In 1993 came the Sansonetti solicitor’s opinion
that expressed the view ANCSA had abrogated Indian
country. And the ‘93 opinion was an -- is an
unauthorized, unpublished, and informal agency interpretation. The opinion, therefore, lacks the weight of law, is not binding on the courts, and is no claim to Chevron deference. It’s a matter of federal Indian law because ANCSA is a statute enacted for the benefit of Indians and contains ambiguous language with regard to Indian country. Courts must interpret it with the aid of the Indian canons.

According to the federal Indian laws, canons of construction number 1, laws enacted for the benefit of Indians are construed liberally in favor of the Indians; number 2, drafting language is interpreted as the Indians would have understood it; and number 3, ambiguities cannot diminish existing Indian rights because congress must do so explicitly. And I’ll return to this -- this question of policy on the explicit diminishment requirement.

These canons have developed over many years of interactions between and your Americans and offers clarity, stability and harmony in an otherwise confusing maze if we follow the law. A doctrine of statutory interpretation in some areas is viewed to challenge the application of Indian canons. The doctrine requires the courts defer to agency interpretations of ambiguous language that they were
authorized to administer. Federal administrative agencies must often interpret statutes affecting Indians. We grant you this.

In instances where agencies have construed vague statutory language against Indian interest, not as Indians would have understood it, or as abrogating reserved rights, Chevron deference and the Indian canons dictate different outcomes.

Where congress enacted ANCSA, it was aware of the doctrine of inherent tribal sovereignty and the definition of Indian country, yet congress did not state that ANCSA extinguished Indian country or inherent tribal sovereignty, and my quote from the 1987 amendments makes that explicit. With the Sansonetti opinion in ’93, the State of Alaska, in its petition for certiorari to the supreme court, the State argued the solicitor’s opinion merited -- this is the Sansonetti opinion -- merited considerable deference, because it came from the federal agency charged with implementing ANCSA in 43 USC 1624. And indeed, with overseeing all Indian affairs, and they cited 25 USC section 2. However, these statutes do not authorize the Department of Interior to make binding law on Indian country through the issuance of a informal solicitor’s opinion. The cited portion of
ANCSA, 43 USC 1624, does not -- does confer upon the secretary certain interpretive authority. The exact and complete language, which was absent from the state’s petition, is, and I quote, the secretary is authorized to issue and publish in the federal register, pursuant to sub-chapter 2 of chapter 5 of title 5, such regulations as may be necessary to carry out the purpose of this chapter.

Sub-chapter 2 of chapter 5 of title 5 is the administrative procedure act, which provides for rule making, making subject to a notice and comment period of which publication in the federal register is a crucial part. In short, through ANCSA congress authorized the secretary to promulgate regulations through the formal APA process. If the secretary had followed the ANCSA and APA, affected tribes and individuals would have had an opportunity to read the proposed findings on Indian country in the federal register and participate in the notice and comment procedure. ANCSA did not delegate to the secretary authority to make law by issuing informal agency opinions in circumvention of procedural safeguards of the APA.

Because the secretary did not subject his solicitor’s opinion, the Sansonetti opinion of 1993,
top the APA rule making procedure, it remains an
opinion, non-binding on the public or the courts.

If ANCSA had intended -- if congress had
intended ANCSA to extinguish Indian country in
Alaska, it would have expressly done so. In fact,
the following statement from the house committee of
interior and insular affairs in the 1987 ANCSA
amendment emphasizes that congress intended to limit
ANCSA to settling the issue at hand, land claims, and
that ANCSA did not extinguish Indian country or
divest Alaska Native tribes of their inherent tribal
sovereignty.

The quote, ANCSA was an Indian land claim
settlement act. It was not, at the time, the intent
of congress to deal in any way with the issue of
governmental authority of villages in Alaska. If
village entities had tribal governing powers under
existing law prior to the passage of ANCSA, ANCSA did
not affect them. It is the intent of the committee
that this is an issue which should be left to the
courts in interpreting applicable law.

Congress’ 1987 amendments to ANCSA were explicit
on not making law on the Indian country issue.
Section 17 amendment provides: no provision of this
act shall be construed to violate or invalidate or in...
any way affect any assertion that Indian country exists or does not exist within the boundaries of the State of Alaska. I repeat -- I repeated that quote.

According to the United States Supreme Court, any Indian right that is not expressly extinguished by a treaty or federal statute is reserved to Indian tribes. Under this reserve rights doctrine, since ANCSA did not expressly extinguish Indian country, Alaska Natives retained their inherent tribal rights and self-governance rights. In addition, all statutes affecting Indian rights are to be liberally construed under the Indian canons. Since ANCSA falls into the category of federal statutes enacted for the benefit of Indians, it too must be liberally construed and interpreted so that any doubt about whether it extinguished Indian country must be resolved in the favor of Alaska Natives.

In short, the intent of congress to extinguish Indian country must be reflected by language that is clear and plain. Since Indian country and tribal sovereignty were not extinguished by ANCSA or any subsequent language, they continue to exist.

The Sansonetti opinion completely ignored the federal Indian law canons requiring the statutes pass for the benefits of Indians to be liberally construed
in Indians’ favor and that divestiture of Indian rights must be plainly stated by congress.

In the Venetie case, Justice Thomas came close to announcing an exact opposite of the prevailing view of the canon of Indian rights as affirmed in Supreme Court decision that are reserved unless congress explicitly states otherwise, when he wrote in the opinion, and I’m quoting, the federal set-aside requirement that also reflects the fact that because congress has plenary power over Indians -- Indian affairs, some explicit action by congress or the executive acting under delegated authority must be taken to create or recognize Indian country.

Under this theory, which is unique to Justice Thomas, Indians seem to have no rights unless congress creates them. This is completely opposite to inherent rights for tribal authority that preexisted both contact and federal statute.

I heard from principal deputy’s assistant secretary Tahsuda in Juneau during our listening sessions, views that seemed more in alignment with Justice Thomas, that there need be enumerated authority for tribal powers. Which again, is in -- completely a diametrically opposed to the reserved rights doctrine, which is the prevailing view. And I
would be concerned that a -- our trustee, who is a principal among our trustees, would have a view that would be counter to the prevailing federal Indian doctrine of reserved rights.

Prior to the adoption of ANCSA, even prior to purchase of Alaska by the United States, Native Alaskans had inherent tribal authority -- tribal sovereignty, as well as Indian title to the territory we had long possessed, used and occupied as our ancestral land.

So, I will sum up by saying that the fee to trust moratorium in the previously unilaterally imposed by the department, divided Alaska Natives. That is it withdrawn, we are thankful that it is. However, you need to understand that in dealing with that moratorium, which took many years of assertive, aggressive advocacy on our behalf, we got to that point by significant division amongst our peoples. There were those that supported fee to trust applications; there were those that opposed fee to trust applications. There was a long history leading up to the enactment of ANCSA where there was concern about the development of a reservation system within the State of Alaska that some opposed, and other supported. We took much personal injury and division
in coming to consensus that Alaska tribes support fee
to trust for tribes in Alaska, because of the many
benefits that have been testified to today by the
tribal leaders present and certainly on the behalf of
those many that for many reasons could not be here
today. We resolved our differences and the -- with
the litigation that was mooted because of the
withdrawal of the exception and the M-opinion by past
solicitor Tompkins, we felt we were in a position to
move forward. Craig Tribal, under the leadership of
President Cook, succeeded in the fee to trust
application and we are here today, through no fault
of our own, and I must personally say is a --
mystified as to the rationale why clear expressions
of substantive law in uniform alignment with the
federal Indian policy and doctrines, reserve rights
-- right doctrines underline the -- both Indian
country and the fee to trust process under section 5
of the IRA which is indisputably still present within
the amendment, the 1936 amendment for Alaska tribes,
how this could be disregarded to the point where the
secretary would not exercise his discretion to convey
lands in trust for our benefit.
I -- I am hoping that with the -- our expression
today, that you will surrender to our consensus
opinion and go back to your offices and immediately begin processing these fee to trust applications. I’m not confident of that, but it would certainly be, I think, a reasonable response to the expressions of, and the pleadings that you’ve heard throughout the tribal consultation period. I do recommend that when -- if and when indeed you get to that point, it would be most helpful is you examine the April 2017 guidance on fee to trust applications and recognize that because there are not reservations in Alaska, meaning existing trust land, with the exception of the Metlakatla reservation, the formal Big R reservation, and trust parcels held by various communities, a few in Southeast, and now with the Craig Tribal trust parcel, that these not -- these applications, like the KIC application submitted today, not be treated as off-reservation and sent to central office. As principal deputy assistant secretary Tahsuda said, all processes for applications are proceeding without interruption to the point of signature, there is simply not the signature as the final approval being applied to the application. I would suggest that that process could be most efficient if conducted within the Alaska regional office with our regional director. Tlingit-
Haida, who took over the realty office with the 1994 amendments, the first tribe to do that for an entire region, stands ready to assist in that -- in that process. We have expertise that could expedite this process. I understand that there is limitation on resources and capacity in many regional offices. The Alaska regional office not being an exception to that. We stand ready to provide those collaborative resources to move these applications to the point of final signature, and we would implore that you make that change, return these applications to the Alaska regional office and we move this to the point of signature so that those signatures can be applied as quickly as possible. With the long line of applications now awaiting signature, the Tlingit-Haida’s one app -- the first -- our first application submitted in 2009. We have other that are either ready for signature or soon to be ready for signature. We are certainly hopeful that KIC will not be far behind ours for that final signature, and it would be a reasonable response to ready your pen, Mr. Regional Director, for approval of those applications, all the way to today’s application. So thank you.

THE REPORTER: Excuse me, Mr. Fish. It appears
that you’re going to go beyond 3:00 with comments.
And if that’s the case, I need to download this
information on the computer. So if you could
possibly take about a five-minute break?
UNIDENTIFIED VOICE: How much longer
(indiscernible)?
THE REPORTER: I’m showing that there is six
minutes left.
UNIDENTIFIED VOICES: (Indiscernible).
MR. FISH: (Indiscernible) be available
(indiscernible) as well, but we can go ahead and take
yours and then take a five-minute break, find out
where we’re at after that. Is that okay with
everybody?
UNIDENTIFIED VOICE: Yeah.
MR. NEWMAN: All right. So being very aware of
the time, just again, for the record, my name is Matt
Newman, staff attorney at Native American Rights
Fund. And when it comes to land into trust, I -- I
was one of the attorneys on the Akiachak litigation.
And so today, you know, I want to cut right to the
issue. Your first three questions that you have
posed to tribal leaders have to deal with the
authority of the department, or the secretary in
particular, to take land into trust. And I’m not
going to answer those questions today, because what I
want to report to you is that those three questions
have been answered. They were answered by the
federal district court in the Akiachak opinion. They
were answered in the 2014 rule making that your
department undertook, where public hearings and
tribal consultations took place throughout the State
of Alaska. Hundreds of public comments were
collected, hundreds more written comments from
tribes, ANCSA corporations, the State of Alaska and
other interested parties were lodged. So, with these
questions, we’re really in a situation here where how
much more information does the department need? Are
you unsatisfied with the answer that you got in 2014?
Why are we rehashing these issues again?

And that goes into as well, the process for
taking land into trust. One of your questions asks
whether or not Part 151 is appropriate. And I would
sure hope the department thinks it’s appropriate.
Because the first time that that question was asked,
your answer to the United States District Court for
the District of Columbia was that the 151 regulations
were the appropriate process for Alaska. The tribes
disagreed with you at the time, and you won. You’ve
represented to the federal courts, you have
represented to the public that these regulations can work in Alaska. And in fact, you proved it by taking land into trust for Craig Tribal Association.

So, it really -- all of this goes to begging the question; why are we here? Why are we re-litigating a settled issue? Why are we reopening these old wounds that are just now, as many of the speakers before me told you, just now starting to heal. This is not a good use of the department’s time. It is not a good use of the tribal leaders’ time. So many other issues of importance to tribes were brought to your attention earlier today, yet we are here re-litigating cases of the past. It is inappropriate, it’s unnecessary, and I would urge the department to reinstate the former Tompkins opinion so that we can continue processing applications by tribes to put their lands into trust in Alaska. Thank you.

MR. FISH: Five-minute break. Do we have any more?

UNIDENTIFIED VOICE: How many minutes do you have left?

MR. FISH: We’ll take a break and (indiscernible).

MS. APPEL: (Indiscernible) anyone wants to make a comment, we’ll get to that. So five minutes.
MR. FISH: All right. Thank you, everybody.

Take a seat. All right. I think we’re going to open the floor up for some, you know, some final thoughts.

(Indiscernible) say anything that (indiscernible) relevant to the consultation here. So, go ahead.

MS. PATA: Thank you. Jacqueline Pata, second vice president of the Tlingit-Haida Tribes Central Council. I also am the executive director of National Congress of American Indians, and I also sit on the Sealaska board. And I don’t typically wear all those three hats at one time, but I only -- but I wanted to make sure that it was on the record that -- that National Congress of American Indians has supported and continues to support Alaska land into trust for tribes. We have resolutions of support. Tribes across the country have rectified -- recognized that the challenges of Alaskan tribes to deal with issues of violence against women, other kind of protections in play -- protections to be able to deal with some of the challenges of subsistence, some of the challenges of climate change, tribes have come together. And so it’s not uncommon that the large delegation of Alaskans that show up at NCAI have gotten -- received the support of tribes across
Clearly because, as we look to Indian self-determination and the definition of ISDA, it recognizes Alaska Native tribes and also recognizes the importance of making sure that we have -- tribes are treated fairly across the country, and that tribes across the country have the same opportunities.

I also wanted to mention that Sealaska, a regional corporation here in Southeast Alaska, also supports land into trust for tribes.

And so, even when you hear conversations about challenges of subsurface rights or how to deal with, you know, various complexities of land ownership and -- and collaboration with the tribes, Sealaska, from the very onset, had made it very clear that we support tribes. Insomuch, in fact, that even the historical sites that Sealaska has received under the entitlements, that they received, they have partnered with tribes and have developed MOUs and are looking forward to having an ongoing relationship, even so that they -- those lands may, as deemed fit to be transferred to the tribes.

And I bring that to your -- bring that up, because I think that when I talk about Alaska Native
lands, and the history of Alaska Native lands, and I
won’t -- this will not be lands claims or a
discussion; we’re not going to re-litigate that. But
I think it’s important to recognize that Alaska is
rich with lots of riches. And our natural resources
are abundant. And Alaska Natives, at the time of
these provisions, ANCSA, IRA, other kinds of legal
provisions, Alaska Natives were a high percentage of
the population within the State of Alaska. And the
political climate was, and continues to be, of
concern about how do we deal with the Alaska Native
issue. And -- and I think we’ve heard that even from
the Lower-48. And particularly in Southeast Alaska
where the forest industry was strong and the industry
had a lot of influence in what was happening with
decisions that were being made. But even in those
times there was a recognition of protections of
Alaska Native lands. And so, even during those times
we had access to -- although limited, and that’s why
we’re dealing with the veterans’ allotment issue --
but through allotments. There was recognition even
in ANCSA for protections, a need for protections.
And so, the undeveloped lands are -- were kept from
alienation. And even when we went back to congress
again for the 1991 amendments, those amendments were
to continue to allow those protections to be in place from alienation. Because it was felt not any differently than in the Lower-48, and I would like to say that congress recognized the need for there to be Native land holdings that were protected from -- from issues such as taxation and loss.

And as I said in Juneau, one of the saddest stories to me is the story of those village corporations, and even within our own region, many village corporations felt compelled to be able to take their limited land resources and to share them with their shareholders so that they could have home sites, and we had no vehicle. Now, I want to make this very clear, because as I said earlier, I was the director of the housing authority at the time, and I had those conversations with the tribes. I went to the villages and I asked them to appeal back to the administration, to make sure that we -- to make sure that we could not take those lands and transfer them over. Because we could transfer lands over, but to transfer them over so the purposes of protections under land into trust. Because we knew when we were developing those subdivisions that we knew that we would be susceptible to losing some of those very critical lands that were taken and protected and
given to Alaska Natives under the ANCSA settlements.
And we were unable to do that.

And so I think about not only the loss of land
to Indian country, but what a -- what a liability
from the administration, created basically, by
allowing an administrative rule to prevail, rather
than looking legally to the statutes that applied.
How many home sites, waterfronts would we have been
able to protect? Should we have not had an
administrative rule that chose to not recognize us as
other tribes in the same -- in the Lower-48, to not
give us the same opportunities for self-
determination, and to not be able to protect us in
the way that other tribes have. And to me, that’s
the saddest story of this whole conversation.

And yet, in 2014, as we went through and we had
conversation after conversation, testimony after
testimony, and I won’t go into detail because I think
that Will Micklin did a good job, and also Matt did a
great job at reflecting on those, the record is rich
with information and data. And I wonder, with all of
this conversation, with all of the support across the
country, with tribes coming, Alaska Native
communities coming together in ways that is sometimes
difficult for us to do, to have these conversations,
with the ability of you to implement 151 to be able
to address the anomalies of Alaska, just like you do
in Oklahoma or someplace else, why; why is it that
we’re here today? What is -- what are you looking
for, and what is next?

We heard yesterday from John Tahsuda, who said
that this process would create a delay of at least a
year. Six months to do the consultations and to
review, and another six months to review before we
could possibly have anything. We have waited far too
long and we have lost far too much. And I’m not sure
that six months, a year from now, or another 10 years
from now, as whether or not we’re going to come to a
different place. I’m not sure what you’re looking
for. I’m not sure what you’re seeking. I’m not sure
if -- if all the answers are there. Is there
something that you’re -- and -- because if there is
something that you’re looking for that you can’t
find, we would love to help you find it. If there is
something more that you need in testimony,
specifically, tell us; we will try to address it. If
we need to do a time line and we need to do a
historical perspective, let us know. We know that
from one administration to the next administration
you want to tuck in and to be able to make sure that,
you know, you’re -- you’re -- the due diligence was -
was taken. But the records are the -- the
government is the government. Our relationship with
the government, you have those records, and if
something is missing in those records, we’d be glad
to help provide that.

So, I guess as the last speaker of today, or
perhaps maybe the last speaker of the day, I want to
leave you with that question; what is next? After
these consultations, what’s the next step? What can
we expect? We talk about transparency, we talk about
consultation, which is both of us having a dialog
with each other. Consultation is not a listening
session where you listen to us. Where can we help?
What do you need? How do we get off the dime? How
do we move forward? How do we be the efficient
government that this administration wants to be? How
do we make change happen? Thank you.

(Indiscernible).

UNIDENTIFIED VOICE: This is the ANCSA
department.

MR. FISH: Well, thank you all for coming today.
I assure you, we’ve heard you. We’re taking your
sentiments back with us. Again, I regret that
Mr. Tahsuda or Mr. -- or Ms. Sweeney could not be
here today. But we’re certainly going to take your
comments with us as we go, and we appreciate you
(indiscernible) here.

(Off record)
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