U.S. DEPARTMENT OF THE INTERIOR/ANC CONSULTATION
ALASKA INDIAN REORGANIZATION ACT OF 1934 (IRA)

October 17, 2018
10:00 a.m.
Anchorage, Alaska

APPEARANCES:

BUREAU OF INDIAN AFFAIRS:
Tara MacLean Sweeney, Assistant Secretary
Eugene R. Peltola, Jr., Regional Director

U.S. DPT OF THE INTERIOR:
Matthew Kelly, Assistant Solicitor
Carol Brown, Senior Counselor

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ALSO PRESENT:

Malia Villegas, Afognak Native Corporation
Lester Lukin, Afognak Native Corporation
Fritz George, Akiachak Native Corporation
Delice Calcote, Alaska Inter-Tribal Council
Abe Albert, Anchorage, Alaska
Bridget Anderson, ANCSA Regional Association
Adam Walters, Association of Village Council Presidents
Erik Kenning, Arctic Slope Regional Corporation
Daniel Cheyette, Bristol Bay Native Corporation
Jennifer Brooks, Bristol Bay Native Corporation
Millie Johnson, Chugach Alaska Corporation
David Phillips, Chugach Alaska Corporation
Gabriel Kompkoff, Chugach Alaska Corporation
Lindsy Swing, Chugach Alaska Corporation
Ben Cutrell, Chugach Alaska Corporation
Charlie Sink, Chugachmiut
Nathan Lojewski, Chugachmiut
Lisa DeCora, Department of Interior, Office of Solicitor
Natasha Singh, Dinyee Village Corporation
Jonathan Simon, Doyon, Limited
Sarah Obed, Doyon, Limited
PJ Simon, Doyon, Limited
Kristi Williams, Hobbs Straus
Marie Katcheak, Holy Cross, Alaska
ALSO PRESENT: (CONTINUED)

Nora Brock, Kawerak, Inc.
Francine Johnson, Kawerak Inc.
Joel Jackson, Ketchikan, Alaska
Thomas Panamaroff, Koniag, Inc.
Lance Kramer, Kotzebue
Alexander Tallekpalek, Levelock Native Corporation
John Lincoln, NANA Regional Corporation
Matthew Newman, NARF/Levelock Village Corporation
Megan Condon, NARF/Levelock Village Corporation
Melissa Borton, Native Village of Afognak
Loretta Nelson, Native Village of Afognak
Eric Jordan, Native Village of Chenega
Maria Coleman, Native Village of Eklutna
Raymond May, Native Village of Port Lions
Nancy Nelson, Native Village of Port Lions
LaToya Hartley, Native Village of Port Lions
Dorothy Shinn, Native Village of Tazlina
William Albert, Northway, Alaska
Jaeleen Kookesh, Sealaska Corporation
Ben Mallott, Senator Lisa Murkowski
Eric Reimers, Senator Lisa Murkowski
Pearl Chanar, Seth-De-Ya-Ah Village Corporation
Becca Patterson, Sonosky Law Firm
Whitney Leonard, Sonosky Law Firm
ALSO PRESENT: (CONTINUED)

Pearlene Pete-Moore, Stebbins, Alaska
Angela Totemoff, Tatitlek Corporation
Rami Paulsen, Tatitlek Corporation
Nanci Robart, Tatitlek Village IRA Council
Cassandra Kroto, Tyonek, Alaska
Joan Johnson, Unalakleet Native Corporation
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PROCEEDINGS

(On record)

MS. SWEENEY: Good morning.

Hi. Good morning. It's very, very nice to be back home in Alaska. By way of introduction, my name is Tara MacLean Sweeney. I'm from Utqiagvik, and I serve as the Assistant Secretary for Indian Affairs, and I -- I'm happy to be home. It's nice to be here.

The purpose of this morning is we're having a consultation session as part of the round of both public -- public and Tribal consultations on the issue of the Alaska portion of the Indian Reorganization Act as it applies in the Tribal recognition context. And we have another session this afternoon, just as a reminder, in dealing with fee-to-trust issues.

This is a formal consultation, so we're doing a transcript of this meeting, and -- and the reporter is sitting over here to my right. We'll be sure to have comments submitted here today as part of the collection of records as we will keep this -- as we keep this discussion moving forward.

And before we get started, generally I know we would start with a blessing, and we do -- okay. We were -- we were hoping we'd get a volunteer to provide that blessing this morning.
MS. SHINN: Good morning, everyone. Let's bow our heads.

Our Heavenly Father, we just thank you for this day, Father. We thank you, Lord, for the privilege of being here, Father, and being able to participate in this consultation, Father.

Father, I pray, Lord God, that you would give the words to our people to speak for the betterment of our people. Father, we need you, and we'll trust you for everything. Father, bless this consultation, and give us your mercy, dear God, for our people.

Thank you, Heavenly Father, for everything that you do for us. Father, bless us. Bless the people who are here to support us, Father. Thank you.

In the name of Jesus, I pray. Amen.

MS. SWEENEY: Amen. Thank you.

MS. SHINN: They want me to sing. No. They want me to introduce myself. My name is Dorothy Shinn. I'm from the Ahtna Region. I'm a council member from the Native Village of Tazlina, and I serve on the Copper River Native Association's Board of Directors, and I'm also very involved on the Board with Heritage Foundation, so I'm a pretty busy gal. I'm trying to step down and get our young people to take over, but we're working on that. So thank you.
MS. SWEENEY: Thank you, Dorothy.

So I ask that -- ask that you bear with me, and I thank you for your patience. This is my first consultation as Assistant Secretary.

With me here today, we have Matt Kelly with the Solicitor's Office with the Department of Interior from D.C., also our Regional Director for the Bureau of Indian Affairs, Eugene R. Peltola, Jr. In addition to Matt and Gene, we have Carol Brown. Can you please identify yourself?

Carol comes to the Indian Affairs Office as a detailee from the Solicitor's Office. She is a Senior Policy Advisor, directly to Indian Affairs and to me. And a fun fact about Carol is she also spent five years in the AVCP region.

And in the back, I believe we have Regina, who will be passing around a mic. If you'd like to make comments, just raise your hand, and -- and she'll bring -- bring the mic over. When you -- when you speak, can you please speak clearly and loudly for the reporter to record your comments? It's being transcribed, and we want to be able to record which tribe you're from and -- and which leader is making comments so that we can keep that as part of our records. So clearly state your name, your tribe or
village that you're representing.

If you have any written comments or statements that you'd like to make part of the record, please leave those with the RACA staff in the back, or outside, or with Carol, or you can bring it up to our table.

A couple of things before we get started. You should have received a "Dear Tribal Leader" letter that accompanied a withdrawal of an opinion from the Solicitor's Office, and part of that leads into these discussions about Tribal recognition under the Indian Reorganization Act and what that means here in Alaska. There's some -- different history here than in the Lower 48, and -- and we need to be cognizant of that.

We're seeking comments regarding the Alaska IRA, and in the "Dear Tribal Leader" letter, there were a list of questions regarding information that we are specifically seeking.

As a background, Congress passed the Alaska IRA in 1936, and this is something that I don't need to tell any of you. In order to extend the benefits of the Indian Reorganization Act to Alaska, it allows groups of Indians in Alaska, not recognized as bands or tribes, but having a common bond of occupation or association or residence within a well-defined
neighborhood community or rural district, to
participate in the IRA by organizing and adopting
constitutions. And groups in Alaska have used the IRA
to adopt constitutions; however, a majority of those
elections occurred in the 1930s, '40s, and '50s, and
since ANCSA, only three villages have adopted
constitutions under the Alaska IRA in 1989, 1991, and

The Department has never adopted regulations
setting forth the process to reorganize under the
Alaska IRA. The Department did, however, release
instructions in 1937. These instructions were
developed pre-statehood and pre-ANCSA, so many legal
and policy questions were left unanswered, and
currently, we have three Alaska IRA applications
pending before the department.

Due to the complex nature of this issue, two
of these applications have been pending for quite some
time. It's important to note that the groups that
have applications pending before the Department are
not federally recognized tribes. Their application
under the Alaska IRA is tantamount to an application
for federal acknowledgement, and if the application
was approved, it would entitle them to be included on
the list of federally recognized tribes.
This process is forward-looking. The Department is not seeking to question or disturb any constitutions previously adopted by tribes under the Alaska IRA. And to my understanding, because this is the first consultation that I've participated in, this was a concern raised in Ketchikan, in Juneau, and in Fairbanks.

Because Solicitor Tompkins issued her opinion on fee to trust in Alaska on January 13, 2017, it became subject to regulatory review under the memorandum from the President's Chief of Staff, and it was dated January 24, 2017. The memo required review of any agency statement of general applicability and future effect, setting forth a policy on a statutory, regulatory, or technical issue, or an interpretation of a statutory or regulatory issue.

After the initial review, the Principal Deputy Solicitor found that the Alaska opinion lacked a full discussion of the effect of post-ANCSA legal developments on the Secretary's authority to take land into trust in Alaska. That included the Federal Land Policy and Management Act of 1976, ANILCA, the privileges and immunities amendments to the IRA, and the federal district court's interpretation of the IRA
amendments in Akiachak.

The Principal Deputy Solicitor withdrew the Alaska opinion for further review, and to allow comments from Indian and Alaska Native communities on an interim policy for off-reservation land-into-trust Alaska acquisitions within and outside of Alaska. To ensure appropriate notice and meaningful opportunity to provide comments, the Principal Deputy Solicitor proposed six months to take comments on the issues, and six months for the Department to -- to consider them. The Principal Assistant Deputy Secretary sent letters to Tribal leaders and corporation heads with a detailed list of questions for consideration.

I want to reiterate a few points. This is not a plan to change the government-to-government relationship with federally recognized tribes. This is not an attempt to create different classes of tribes, and it is not a process of changing existing recognized status. Again, these issues have been raised in previous consultations, and I want to underscore those points.

Coming into this position after these decisions were made, I understand my trust responsibility, and I take that trust responsibility very seriously, and it's important for us to move
forward through this process to create a consistent application for Alaska.

And with that, I would like to turn over to the Regional Director, Eugene Peltola, also known as Gene, and some people may know him as "Buzzy" (ph), but to turn it over to -- to Gene to make a few comments.

I think it's on.

MR. PELTOLA: Okay.

Good morning. I appreciate your all -- your attendance here today. I participate in the Fairbanks, the Juneau, and Ketchikan consult- -- consultations, and a lot of people have spoke with concern from the heart and engaged in a meaning- -- meaningful capacity. I -- I do appreciate the active involvement, because what we're discussing today and -- and in the future can have direct applicability to our Tribal members and Tribal organizations, and -- you know, and our involvement and engagement throughout the state. I -- I would just like to reiterate that I appreciate your participation today.

Okay. That's all I have this morning.

MS. SWEENEY: Matt.

MR. KELLY: Good morning. My name is Matthew Kelly, the Assistant Solicitor from the
Department of Interior.

I guess what I would like to do -- to do to
kick off this consultation session is re- -- review
some of the comments that were heard at the Juneau and
Ketchikan sessions, which I attended, and then also to
go over the framework for why we're here, as
articulated at those sessions by John Tahsuda,
Principal Deputy Assistant Secretary.

In order to acknowledge the concerns that were
raised there and to clarify that the consultations
today are not intended to address or affect in any
way, and also to help give some focus for where we, as
a department, seek guidance from Alaska.

We clearly heard that the consultation letter
that was sent out could have been clearer in what it
was or was not addressing. As Assistant Secretary
Sweeney just indicated, this has nothing to do with
the status of tribes, IRA tribes, or any other
recognized entities in Alaska. This is simply about
how to implement the procedures that the Alaska IRA
provides for, which have never been formalized in
either internal guidance or regulations in the same
way that other provisions of the IRA have been; for
example, Part 151, the Fee-To-Trust Regulations, or
the regulations providing for secretary -- for
organization secretary -- secretary elections.

What we're looking for are input -- input on what would be the best manner going forward to handle both requests for organization under the IRA that have been pending before the Department for a while, and any ones that we may receive in the future. So it's not just about what is currently before us, but what could come before us in the future. What is the best way for handling that? What is the appropriate way for doing it? What are the concerns and considerations we should take into account?

One of the points that Principal Deputy Assistant Secretary Tahsuda emphasized in Juneau was that the Secretary of the Interior, Zinke, and the Deputy's Secretary, David Bernhardt, have a concern for taking action. They are -- would prefer not to see requests for action from the Department sit before the Department for years on end, which has been the case in some instances here.

That said, they also want to ensure that any decision the Department makes is on as sound a legal basis as possible. Mr. Tahsuda indicated that that is part of the trust responsibility in his view too, otherwise, what you would be doing is making a decision that might not have a secure or firm basis,
and you're ultimately leaving to the courts to decide.

With respect to fee-to-trust decisions, for example, while it was pointed out in the past that we, the Department, now has a good track record of defending decisions that it has made -- because as you know, those are all from challenge -- it's worth pointing out that Carcieri was the decision that came out of a challenge to a fee-to-trust decision, and that decision -- that ruling turned on the interpretation of the word now in the IRA, which the Department had not done previously. This is our opportunity to get it right for Alaska.

As Mr. Tahsuda also pointed out, he used the analogy of strata. I prefer geology. Alaska has a complex geology of legislative history, and it's changed over time. Between the Alaska IRA in 1936, ANCSA, FLPMA, all the other wonderful acronyms. All of those acts have been amended many times as well.

It was decided that Principal Deputy Solicitor Jorjani in conducting a regulatory review, ordered by the President's Chief of Staff, that the M-Opinion -- which was issued just a few days before the administration's change -- did not adequately, in his mind, address those particular issues. Those are issues that could form a basis for a challenge in the
future. It's prudent to try and look at them now in
order for future decisions to be -- to rest on as
sound legal basis at possible.

Concerns were expressed in Juneau and
Ketchikan over the questions that were listed in the
"Dear Tribal Leader" letters. There were concerns
that the Department had targeted particular issues
that were otherwise seemed to be settled in law. That
was not the case. The Department was targeting
nothing, but was attempting to open the door to
examine the issue from all perspectives in order that
whatever policy determinations were made down the
line, again, were on a sound legal footing as
possible. Those are the kinds of questions that could
come up in litigation challenging such decisions.

So from my mind, from my perspective as a
lawyer, I like to be able to find out all the
weaknesses beforehand going forward in making a
decision so that they can be addressed to ensure that
the decisions and policy that's we're adopting will
endure going forward for a long time to come.

So I think with that said, the way we worked
it in Juneau and Ketchikan was to open the floor and
to listen to your comments and concerns. This is for
you to provide those opinions and -- and your views to
us. The first session is dealing with the issue of the IRA letter, and the questions are the starting point for any comments you might have. Thank you.

MS. SWEENEY: We'll go ahead and open the floor for any comments or questions. Just raise your hand, and Regina will bring over the microphone.

MR. SINK: Let's hit the first one, the common bond.

MS. SWEENEY: Can you state your name and your -- your Tribal affiliation, please?

MR. SINK: Okay. My -- my name is Charlie Sink. I work for Chugachmiut --

MS. SWEENEY: Okay.

MR. SINK: -- which is a Tribal consortium, made of seven tribes, fed- -- federally recognized.

So the common bond, as we've come to know in Alaska, my understanding, albeit limited, is that that it's geographic and ethnic regions, that the 12 established regions in the State of Alaska, and that -- that is how I have seen it identified throughout Alaska. That's kind of how we tend to think of what our regions are, who we work for, and it's -- it's the groups within that region. There may be several subgroups, such as our region -- because I think there's about four to five different subgroups just
because of being coastal -- and then the nature of that, and the trade that occurred in times past.

But that's -- that's our common bond, is the region, and I think that glues most of Alaska together, and generally it's -- it's a long ethnic region. I'll let the other people here describe that better than me, but to -- to change that, to interpret it in -- in a different way, us not being lawyers -- I don't know how many lawyers are in the group here -- I don't know how to interpret that beyond what we see as a common practice.

Thank you.

MR. KELLY: With respect to that, that's very helpful if it were possible for you to memorialize that in a letter to us with comments, how this has been interpreted locally over the years since the Alaska IRA was enacted is helpful.

The terms that the Alaska IRA uses are different from the terms used in different statutes, and this was a concern that came up in Juneau and in Ketchikan. The Part 83 Regulations, which is -- which implements the IRA and the recognition process, doesn't take that into account. And so while -- so we have to acknowledge that and understand that better, and what you've just indicated for me, as an attorney,
is very helpful.

MS. VILLEGAS: Good morning. My name is Malia Villegas. I am the Vice President of Corporate Affairs for Afognak Native Corporation. I also serve on the Tribal Council at the Native Village of Afognak, which is an IRA tribe performed under -- under that.

I really appreciate you folks coming and clarifying some of the questions that were raised in the letter. As you have already noted, there are a lot of concerns about the implications. We've certainly been following what's been happening in the Mashpee case, as well as others that you've noted that you'll be hearing comments on and consulting on later today.

I think what I'd like to do is just share a few comments about the experience of our tribe. I understand that you've said that we -- we shouldn't worry, as we're already formed, but thinking about in particular the Question Number 4, "In your view, should a group of Alaska Natives sharing a common bond of occupation have the ability to exercise sovereign governmental powers?" and certainly heard the concerns of Mashpee about whether the decision allows them to continue to act as a sovereign nation -- and I think
that was when my heirs in particular were raised on
this -- any implications for, as I'm speaking as
corporate, the two tribes that we work with, most
specifically Native Village of Afognak, although
Native Village of Port Lions is organized under
different means. That's always our concern, just
thinking about those relationships.

So for our tribe, we, Native Village of
Afognak, we were displaced by a tsunami, one of the
largest ever at the time, and so our people moved into
two different -- at least two different regions and
outside of the region. Beginning to reacquaint myself
with the terms, under ANCSA and legal terminology, I
as well am not a lawyer, but the notion that our
Tribal status were sovereigns without territorial
reach is something that I think a lot about in my
various roles. So the IRA role is really critical.

I really am hoping that you take a look at the
John v. Baker case, 1999, and this had to do with
really defining what Tribal jurisdiction and authority
was, and in this case it was related to a child
custody -- custody case. And at the Native Village of
Afognak, in particular, our child welfare cases and
work are really, really fundamental. Our ability to
ensure our families can stay reunified and our
children and our descendants have the opportunity to connect to their cultures, connect to our traditional places, even when we cannot live in those places any longer, is really fundamental. And so in thinking about the sovereign status and the ability of people who have, as this term, the "common bond," what is really fundamental in our experience is that relationship and the authority of tribes to engage in child custody matters and family custody matters.

So I hope that as you folks are looking at regulatory matters and thinking about the cases that are before you and that will come in the future, this is something that we, as Tribal people, as well as corporate stewards, that is what ANCSA was created for, to ensure the social and economic determination of our people. That is who we are. And so this is a piece that I just ask, as in your role as leaders, that you think with us about and that we can figure out how to support those communities that have that bond and want to exercise that sovereign authority and that care and that stewardship over their people.

I think I would be remiss in my corporate role to not also talk about the economic development. We, in our region, are working very closely. We just had last night into the wee hours met as economic
development committee with two of our tribes, Native Village of Afognak and Native Village of Port Lions, as well as Alaska Native -- Afognak Native Corporation, to talk about economic development at the Tribal level, how -- what our role as corporate leaders is in investing in that, and we need our tribes to act in their sovereign authority to partner fully and to take -- to take care of the levers that they can press as Tribal leadership on this front.

So I think that's the question that really is -- is heavy on me in this moment in terms of our -- our -- the sovereign status of tribes in relation to our cultures and our families, as well as our economic futures going forward.

MS. SWEENEY: Thank you.

I want to just comment. You -- you -- you raised the issue of Mashpee, and that is something that is on everyone's mind in Indian Country based on that decision. Indian Affairs is not going to take the -- their current land that is in trust out of trust unless we are court ordered to do so. So that is not going to change, and -- and I think that message has gotten lost during the course of time, and so I find myself continuing to reaffirm that, because it is a concern that we've heard, and it's a part of
the discussion that we -- we had with Mashpee, so I --
I wanted to clarify that.

With respect to economic development, there
are some very good and promising programs inside of
Indian Affairs that your tribes can take advantage of,
and by working with Jack Stevens and the Indian Energy
and Economic Development Division, specifically his
division of capital investment, there are
opportunities there.

I recently signed an MOU with the Department
of Commerce for the American Indian Alaska Native to
-- to implement the Native Act and with AIANTA. And
you -- you're talking about tourism, and in your
region -- which is an amazing region, by the way -- to
promote tourism in Indian Country, and there are
opportunities there, and I would encourage your Tribal
entities to figure out a way to partner with the
village and regional corporations, because you nailed
it. You're exactly right in the sense that there are
different levers that Tribal organizations have and
different opportunities that Tribal entities have over
-- versus a village or regional corporation, and you
can continue down this road autonomously, or you can
pull your resources, leverage your resources, and --
and the different powers that you have to progress
your region forward with respect to economic
development.

And so I would offer Jack Stevens -- and Jack
Stevens is here. I know that he's here this week, and
he should be at AFN tomorrow, and -- and if he is,
then I will point him out while I'm on stage so
everyone can -- so everyone can see him.

MR. SINK: Charlie Sink again with
Chugachmiut. To follow-up on -- on -- on your -- on
your comments there, and -- and -- and yours, Matt, on
the request for organization under -- on IRA, we -- we
have two tribes that we recognize that are not
federally recognized that's been petitioning Congress
for recognition, and this -- this notion of -- of
being as a common bond in the neighborhood type --
type of affiliation is, when ANCSA was created in
1971, there are a couple of things that occurred in
those two communities, which are Seward and Valdez.

Seward was made an Army base in 1941, and so
it kind of displaced the -- the Natives that were
there, and their -- and their tribe is called Qutekcak
-- I'll have to send you the spelling on that -- and
then the Valdez is also trying to be recognized as --
as an IRA, and I don't know how far along they are,
but -- and because of the pipeline in that area, it
transformed that area, also being a fishing port.

And so we -- we have these -- these regions where there were affiliated groups in -- in any small common neighborhood type thing that are trying to be recognized under the IRA, are trying to petition Congress, and they -- they keep trying again and again and not quite reaching it.

I see in the -- in the statutes here that the four groups that fail to be recognized, they have to keep -- keep re-petitioning, and I think that's kind of some of the language that you're trying to define, is the groups that may be more recognized as tribes as of the 1971 -- maybe has the affiliation common bond in the neighborhood that are -- that are trying to -- to attempt that, but because of hist- -- historical timings that it's -- they were kind of displaced, and I think those groups have -- have legitimate claim, but it doesn't quite fit the way the laws were laid out, and when they occurred, when the Alaska tribes regained federal recognition.

But we also have a situation in Chenega where we have a tribe that was displaced by the tsunami also, and they -- they moved literally from one island to an entirely different island.

And so the -- the -- the issues of
sovereignty, I -- I have a few tribes and Tribal chiefs, which I'll bring Sunday, that are really concerned about the sovereignty of tribes in Alaska as -- as a government-to-government entity. And we -- we -- we struggle, not only with the -- with the State on the recognition of tribes to begin with, we -- we also struggle with the federal agencies on the tribes being recognized as sovereign, and -- and the major issue there is -- is that the -- I find that the long-term leaders of the -- of the -- of the tribes here are very knowledgeable and that a lot of the agency people are not as -- as knowledgeable, and so I think that creates some -- some frictions and interpretations on the laws and -- and -- and not only the laws, but the -- but the -- the way that the procedures and -- and protocols work, not the -- (indiscernible) -- under me. It's like I get to deal with a lot of land issues in that regard, and you're talking about cleaning up the vagaries of the interpretations of -- of what goes on along this line.

And then my realty officer, along with the other twelve realty officers in the state for nonprofits like ours, or heavily working with the BIA to clear out some of the interpretations of the statutes because they have been un-- -- unevenly
applied, depending on which -- which federal person
that you talk to, and it's created a lot of slowdown
in the process, because everybody's interpreting
things, whichever's the flavor of the day, so to
speak, and we'd like to see that cleared up.

And then also, have it so that the -- that the
people at the federal agencies understand what
sovereignty does mean to us in Alaska.

MS. SWEENEY: Did you want to comment on any
of that? Okay.

You bring up some great points, and the
purpose of this consultation is to hear from -- from
Alaskans and -- and Tribal leaders on this very issue.
In helping us define and work out and -- and create
those understandings internally is going to be
extremely important throughout this -- this process.

Unlike our counterparts in the Lower 48,
through the Part 83 process, there is a prescribed
process that they are -- they have to go through for
recognition, and you -- you made the, I believe -- you
highlighted why we're here, and that is to -- to gain
clarity, to establish a process for Alaska recognition
so that there is no ambiguity from administration to
administration, and that folks understand the process
going forward, so that they can adequately prepare
their information to be presented to Indian Affairs.

And so I -- I can turn it over to Matt, if you have any other comments.

MR. KELLY: Just add that the notion of acknowledgement, you're acknowledging what is already there. Sovereignty isn't being created; sovereignty is there, and then the act of acknowledgement acknowledges that sovereignty and establishes a government-to-government relationship. The question is: What is the process for going about acknowledging that, which already exists?

The Alaska IRA uses language like "common bonds," which doesn't appear in the '34 IRA. They both came out at the same time. We're talking about a time when Alaska was still -- 20 years before statehood. Like the Lower 48, as you describe it, Alaska has a history of communities being moved around because of circumstances beyond their control. The IRA certainly understood that, the Lower 48, as it's applied there.

And so they talked about groups of Natives who had been displaced and giving them an opportunity to organize what we have to deal with on particular statutory terms of the Alaska IRA, and that is what distinguishes it from the Part 83 process as it exists.
so far. You can argue that the Part 83 process is adequate and should be adequate to Alaska as well.

Those are the kinds of arguments and discussions we'd like to hear from -- about.

Oh, and, by the way, we're expecting Mashpee too. I just wanted to add that the Mashpee decision, I understand the concern that's raised, deals with their attempt to have land taken into trusts under Section 5 of the IRA, and their eligibility under the Supreme Court's decision in Carcieri. It has nothing to do with their recognized sovereign status whatsoever. They were acknowledged under the Part 83 process. They remain an acknowledged tribe, and they are now pursuing all avenues available to them to get what they need to have. In the meantime, as Secretary Sweeney pointed out, the land remains in trust until the court tells us otherwise.

MS. WILLIAMS: Good morning. I'm Kristi Williams. I'm here representing Hobbs Straus today. Both of the tribes that have pending applications before you are our clients that we've been representing for many, many years.

I do want to point out to you, Mr. Kelly, that the many tribes in Alaska were incorporated prior to statehood. So you keep mentioning statehood, but my
tribe, Gwichyaa Gwich’in, Fort Yukon, was incorporated in 1940. So, you know, it's -- it's -- it's okay that some things came before statehood and still apply today. Our tribe wouldn't think of reincorporating simply because statehood happened.

Kanakanak, Oscarville it's sometimes referred to, Bristol Bay has had a pending application since 2001, seventeen years. Qutekcak has also had a pending application for -- for 25 years. This is simply a -- a lack of an effective process within the Department of Interior. There's no need to issue new regulations and guidance. The statute is clear. The guidance is clear. There have been numerous tribes, three -- at least three recognized under -- under the Alaska IRA process, and have any of those tribes been challenged in court?

You mentioned that this is something to, kind of, tie up the loose ends so that there aren't any challenges in court, but I don't think that those tribes have had any challenges, so I'm not sure what the impetus is here to re-open this issue, something that's been working internally.

The Department of Interior has issued multiple legal opinions on why some tribes or -- or groups of Native people don't meet that common bond standard.
So it's an internal process that has been working. Now, why these two tribes that -- that we represent haven't been able to get through the process is -- is -- is the real question, and I think that's something that needs to be handled internally, not taking up the time of Tribal leaders here. I don't even think the Department of Interior has noticed those two tribes, or gone out to the two villages to talk to the Tribal leaders. You know, instead, we're having consultations across the State with multiple Tribal leaders who are busy, you know, they have other things to do. They should be consulting on things that apply to them. This doesn't really apply broadly across the State to re-open an issue that we have clear guidance and a clear standard. So it -- it makes me wonder what the true impetus is for re-evaluating a process that's already working internally.

I think that -- that -- we've already submitted comments for the record and have been to a number of the other consultations, so I won't go over the notes, but I would just like to ask that the Department of Interior expedite the two pending applications. I think you have three. I'm not sure of the other one. I don't have any familiarity with it. But the Qutekcak and Kanakanak tribes should be
reviewed expeditiously, and the Department should make a determination one way or another. They have broad support from the delegation from AFN, from a lot of the Tribal leaders in Alaska. I think that the DOI should focus its efforts on -- on -- on those two tribes.

Thank you.

MS. SWEENEY: Kristi, I believe we -- we do have a meeting scheduled, maybe after NCAI, with one of your clients, and I'm not sure if it's -- it's both of them.

You mentioned that we've not been out to visit with them, and I'd like to understand more from my staff when I get back to D.C., why. I wasn't aware of that, so thank you for sharing that.

Are there further comments, questions, suggestions? Yeah.

MR. PELTOLA: One thing I'd like to address is what was mentioned by -- by Charlie when he talked about the changeover in the bureaucracy, or the federal government, and the more -- more of a firm position with the Tribal leaders. And this is coming from the new Regional Director of BIA. I've been in the position since July, but I've spent my whole career here, born and raised here, and so I understand
that.

I wanted -- part of your comments stood out to me in a sense that at a local level within this region, that something we're trying to accomplish, is that we want to have a consistent message coming from our office, and being in the government for 35 years, we always have a tendency of -- in my personal opinion, was that, you know, "Come meet with us here as opposed to we're going to meet somewhere with somebody." On the local level, what I'm trying to do is engage with our staff, and this region is trying to get actively to locations in tri- -- in -- to meet with tribes.

You mentioned the realty program. You know, a lot of times we have exchanges via e-mail, telephone calls and such. I've asked our staff to act- -- actively engage to go out and meet with -- with individual tribes, such that the people that we're engaged with. If nothing else, place a face with a name. What I've been finding out is that a lot of times someone might be becoming familiar with a name, and the -- (indiscernible - speech slurred) -- the realty office, but they've never really met, but the more -- (indiscernible - speech slurred) -- spoke with them on the phone, but never see them in person.
That's something that we're trying -- we're trying to do in this region since I've came on board. I'm not saying that that did not occur prior to my arrival, but that's something I feel strongly about.

Being the new Regional Director, you know, I came from a program where we had ten regions. I came from the Federal Subsistence Program. We had ten regions. Here, we -- we look at regions a little different -- different within BIA, but I've also reached out to Tribal leaders, organizations, and asking if I can sit down and meet -- meet with them and talk about areas of their concern, just such that, you know, some people in the State know me; a lot of others do not, but I want to establish that personal connection, which I think is integral between our organization and the tribes that we service.

MS. BORTON: Melissa Borton, Native Village of Afognak. I'm the Tribal administrator. I just do want to say congratulations to you on your recent confirmation.

I'm not going to reiterate with what my colleague said. Malia summed up the needs of our tribes well. I just want to point out that coming into this week and your consultations was difficult for many of us, and so as you look to plan further
consultations and Tribal listening sessions, it's very
difficult to plan additional things during this week.
Many of us are pulled in many directions and have to
make difficult decisions. We're missing what is
happening upstairs so that we can sit here and be a
part of your consultation as well. So I understand a
lot of people traveled to Anchorage and it's costly,
but it's hard to be pulled in many directions, so
please keep that in mind as you schedule further ones.

MS. SWEENEY: I appreciate that comment, and
especially from my previous experience with AFN, and
sitting on the board and actually sharing some of that
same concern on the other side of this microphone in
my previous life. And I recognize the pull, and as we
have our discussions on scheduling and engagement in
Alaska. What's nice now is that you have Alaskans
inside the Department who can shed some light on the
perspective that many Alaskans would have on timing,
and -- which is one of the reasons why I reached out
to NCAI and AFN, knowing that the Tribal leaders
meeting takes place the day before AFN, and I will not
be there on Sunday because I'm going to NCAI.

I wanted to make myself available to the
Tribal community to -- to answer questions, or to
receive feedback, and I hear you and certainly
understand that the Sunday after AFN is also a very
difficult time to host a consultation. The schedule
is what it is for this issue, but going forward, we
certainly are going to have a more interactive
dialogue on that with respect to Alaska consultations.

Are there any further comments?

MS. CHANAR: My name is Pearl Chanar, and I'm
with Seth-De-Ya-Ah Village Corporation. The chief of
our village, Clifford Charlie, is on his way to
Anchorage right now, and I spoke with him this
morning, and that's the Native Village of Minto.

I did talk to him, and like Fort Yukon, I
think he's feeling the same way. There's many IRA
village councils that organize way back to the 1940s.
This is not a problem for them. There -- there are
procedures. There's policy that's implemented
already.

And I guess if you're looking for a definition
for -- that have a common bond, from way back from --
like, my grandfather is Chief Charlie (ph) from Minto.
He was one of the chiefs that met in 1915 with Judge
Wickersham. That's -- our tribe has always been where
it is right now. Since then, that whole area within
the Minto Flats, we've always been there. We will
always be there, and everything that we do from
subsistence to the way we live, what we eat, the
clothing we wear, everything, that's our common bond
and the way our village is organized in what we do.
My corporation works very closely with the council,
and especially now all of this land into trust.

I retired from Central Office in 2008 as a
Senior Realty Specialist. I'm very familiar with
land-into-trust applications, and also with IRA, the
definition. I think if our chief was here, he would
support saying -- and we support what -- you know, we
have the same view as Fort Yukon. It's been there for
a long time.

And I don't see a lot of Tribal
representatives here, and most of them in Alaska have
been in existence since the 1940s. I don't see,
except for Chugachmiut. You know, the new people who
have applications pending right now, I -- I don't -- I
-- I kind of sympathize with you. I know that when I
worked in Central Office for land into trust, 25 years
was not uncommon for an application to be pending, so
I don't know if that's just the way the government
works, or -- but I'm not going to criticize.

Thank you.

MS. VILLEGAS: Malia Villegas again, Afognak
Native Corporation.
I just wanted to ask a clarifying question in some of the questions, again, particularly I think Number 7, 8, and 9. The term "Alaska Native groups" are used, and in Number 7, it kind of looks as if it's "American Indian Tribes" and then "groups in Alaska." Who does that refer to, "groups in Alaska"? Who does that include?

MR. KELLY: I think I would say, for purposes of the question, it would probably be best interpreted as applicants. In Part 83, the sort of jargon they use is "petitioning group" to distinguish the petitioner from a recognized or acknowledged tribe.

MR. NEWMAN: Good morning. My name is Matt Newman. I'm a staff attorney at the Native American Rights Fund here in Anchorage. I'm here today on behalf of the Levelock Village Corporation.

As far as substantive comments, I actually would just incorporate by reference what my colleague, Kristi Williams, had said earlier: NARF has very similar opinions about the guidance, and I've spoken before at the Ketchikan and Fairbanks sessions about this as well.

I actually wanted to speak this morning on a logistical issue, if I may. I think the reason you don't see a lot of Tribal leaders in this particular
room, despite the fact that hundreds are upstairs, is that today's session was styled as an ANCSA Corporation consultation, and there is a general misunderstanding upstairs. Tribal leaders upstairs don't think they're allowed in this room right now, because they are here in their capacity as council members and Tribal leaders, and if -- if possible, if -- if Gene or -- or the Assistant Secretary could go upstairs and let the leaders upstairs know that for both this session and the trust lands session this afternoon, that they are welcome, and they have an opportunity to testify. I really think this room will -- will be much more populated, and then we can spare the stress that folks have to attend on Sunday, which is travel day. Everyone's going home on Sunday. So if that announcement is possible, I think it would do a lot to bring a lot more voices in this room.

MS. SWEENEY: Thank you.

Looking at the schedule, it does reflect ANC consultation for this session and the afternoon session. The way that it is structured is if there are ANCs who want to provide comment, this would be the time to do it. If there -- if -- if there are Tribal leaders who want to participate in the ANC consultation period, they're welcome to as well. I
can't speak to the schedule. It was -- the schedule was set, and it's been noticed. They will continue to have that consultation on Sunday, but, again, I certainly understand the -- the concern about timing and participation.

MR. SINK: Matt, I think in the beginning you brought up, you know, trying to clean up some of the language for the applications to IRA, so I'd like to hear a little bit more what other terminology you're looking at to -- to evaluate more -- more distinctly.

MR. KELLY: We are not looking at anything specifically. It's just the Alaska IRA as such. So any -- any input, any thoughts on that, to the extent it's succinct from the IRA.

MR. SINK: You mean the application to -- or -- or the IRA Act itself?

MR. KELLY: I'm sorry. When you say "application," you mean...

MR. SINK: Well, because we get a little confused here because we have a lot of IRA councils, and I have two tribes applying for federal recognition. So that's one issue, and there's language related to that.

Are you talking about the 1934-1936 IRA Act itself, any interpretations of that?
MR. KELLY: Yes. That's what the consultation is centered on.

MR. SINK: Okay. I just wanted to clarify that --

MR. KELLY: Yeah.

MR. SINK: -- so we understand it better.

MR. KELLY: Sure. Sorry about that if I was unclear.

MR. SINK: Okay.

Since I'm on a roll, yeah, so -- so when I read that solicitation, the mem- -- memorandum and -- and the numbers there, and the Solicitor's opinion in January, the interpretation was that Alaska Natives and their entities are Indians by definition. And then in July, we see the -- the interpretation is challenged on -- on -- on the July -- these two July letters, and that created the soliciting session.

And when -- when I read the M-Opinion, I thought it was pretty well-written, and it was pretty well-defined, that Alaska Natives are -- are Indians. And is there some challenge on that? I think you said no, but I would like to hear your guys' interpretation of that, because I thought it was well-defined.

MR. KELLY: Which opinion are we talking about? Sorry.
MR. SINK: The three criteria for the Lower 48 tribes to -- to -- to be identified as Indians, and then Solicitor's opinion in January, said that the three criteria for the Lower 48 didn't necessarily apply to Alaska Natives, because Alaska Natives, by definition, are determined Indians. Is there -- is there any challenge to that at all?

MR. KELLY: Pending legal challenge?

MR. SINK: Or interpretation is coming up, and does it need to be better defined in that, or not?

MR. KELLY: I'm not aware of any legal -- legal challenges to it. I don't know what the basis for such a challenge would be at this time in -- in terms of application that's having been applied, and I think the Department is seeking input on that issue, so -- so --

MR. SINK: So seek- -- seeking -- seeking input on it, I --

MR. KELLY: Yeah. So --

MR. SINK: -- I think that's kind of, like, a broader issue, because I was talking to my executive, Jan Vanderpool, yesterday, and one of the things that is a reoccurring theme is the challenge of whether the Alaska Natives are Indians, and so if you're trying -- trying to revisit that -- but that's -- that's not
what's going on here?

MS. SWEENEY: No.

MR. SINK: Okay. Because I was -- then we have the ICWA decision that kind of modified that term of who are Indians and what's -- what's the sovereign right on that. And then we -- we have some real issues of these adoptions because of the Texas case, and the -- so it's kind of a -- there's a sovereignty issue going on here of what's right, and it's being interpreted as -- as a prejudicial thing that some -- some rights that the Indians have is -- is -- is more than -- than the equal rights of other people in -- in -- in the nation.

And so as these laws are -- are -- are passed by and then interpreted by Congress, I think that's where the ambiguity is, that -- that we, as -- as representing sovereigns, are very particular about how you address that, and -- and I -- we -- we come here and -- and we -- we -- the Solicitor's letter, in my opinion, you know, I'm going, like, "Okay. Yeah, we agree," but then we're hearing that it might be reviewed by Congress to be interpreted maybe in a different way, and we just need to understand what you guys are looking at and what kind of input you need from us, because some of this is pretty ambiguous, and
-- and so -- but I think there's some real legal
precedence that could come out of this -- this
session.

And there's a lot of people here, I think,
that are probably in the same boat that I am, kind of
wondering just -- just what are we dealing with here,
we're -- and it feels like we're not addressing the --
some of the other questions that are not being stated
that are being looked at. So that's kind of why I've
been asking Matt and -- and -- and -- and yourself,
what are all of the issues that we're looking at here?
Because if we know what the issues are, then we'd have
a better way of being prepared to -- to answer that
question; maybe not today, but in our written comments
later on.

Thank you.

MS. SWEENEY: Do you want to --

MR. KELLY: Yeah.

There -- there are no unasked or hidden
questions. I think the ICWA decision that you
reference is a sign of the importance of these issues
and of the changing landscape in the inter-relative
legal landscape in which all of them, you know,
connect up, so what happens here can have an effect
over there.
We are seeking guidance so that we can ensure that the decisions that we make in these two areas, fee to trust and organization, are as sound as possible. The ICWA decision is something that has happened out in, you know, an unrelated area that has repercussions in this area, or vice versa, however you want to look at it.

Those kinds of things were not, as far as I know, on the radar behind accepting out these -- these Tribal -- "Dear Tribal Leader" letters. Instead, it was to understand we have this process in front of us. This process doesn't have explicit guidance. It has been implemented a great deal in the past. A lot has happened in the intervening 70 or 80 years, and even in the area of administrative law alone, and the Department feels that, given some of those developments, clear guidance, be it in the form of internal policies and procedures, be it in the form of regulations through -- (indiscernible) -- comment are the kinds of things that will buttress whatever decisions there are going forward.

The kinds of issues that you pointed to just now, the kind of repercussions are exactly the kinds of things that need to be pointed out in -- in the comments and the consultation that we get back, to
ensure that they are noticed, noted, and considered, and so that they can be part of the subsequent rounds of consultation -- (indiscernible) -- that will happen, which certainly are expected to happen in the context of fee to trust.

So the questions themselves are broad. They are vague. I don't -- I didn't have a hand in drafting them, so I can't explain specifically, but it seems to me that's a good thing, because it opens it up so broadly. It doesn't unnecessarily preclude consideration of something that we might want to consider, precisely because of the interconnected nature of this field of law that we're operating in.

MS. DECORA: Thank you.

My name is Lisa DeCora. I work at the local office of the Regional Solicitor here in Alaska for Department of Interior.

There was an M-Opinion that came out on January 18th, 2017, that talked about the reaffirmation of the U.S.'s unique trust relationship with Indian tribes and related Indian law principles. Is that the M-Opinion you're speaking of? So it's not the fee-to-trust M-Opinion; it's the other one that came out at the same -- on the same day.

MR. KELLY: Yes. Because there was a
discussion on the fee-to-trust opinion about the
definitions, the IRA definitions of Indian also.

MS. DECORA: So you're incorporating the two
of the --

MR. Sink: Yeah. And I think --

MS. DECORA: -- issues together?

MR. Sink: -- M-37043.

MS. DECORA: 37 -- 37045?

MR. Kelly: 43 is the fee to trust.

MR. Sink: 43 is -- (indiscernible).

MS. DECORA: The fee to trust?

MR. Kelly: Yeah.

MS. DECORA: Okay. And then there's 145 --

045 that came out on January 18th that also was
talking about the unique trust responsibilities with
Indian tribes, so I didn't know if that was the one.

MR. Sink: I -- I -- I hadn't seen that --

THE COURT REPORTER: You have to have a
microphone.

MS. DECORA: Okay. Well, I -- it sounded like
it might have been that one, so I wasn't quite sure what
M-Opinion you were talking about, but there also was
that one that came out on that day.

MR. Sink: I would ask the audience. I have not
seen the -- the -- the M-45 document. Has anybody else
MR. KELLY: Just so you're aware, the Solicitor has a webpage with all their M-Opinions, including that one.

MR. SINK: No. Just that the -- had some information came to us through the Internet through our Colaska network, we saw the M-43 letter, but we did not see the M-45 letter get passed around, and so -- but you said we -- we can -- we can find it on a web- -- website?

MR. KELLY: You can. Just search "Interior Solicitor's Opinions," and you'll go to the webpage that has all of them, and I'm looking at it right now. That's on there as well.

MR. SINK: Okay.

MR. KELLY: And this is an opinion which the general stated principle is affirming the government-to-government relationship.

MR. SINK: Okay. I'll -- I'll look for it. I'll -- I'll be back Sunday with -- with whatever Tribal members are left in town, and --

MR. KELLY: Well, if you give me a card afterwards, can I e-mail --

MR. SINK: Yeah. I'll --

MR. KELLY: -- it to you right now.
MR. SINK: -- I'll do that.

But I have one more question, because there -- there was another thing raised about the -- the 34 and 36 Act was -- was created when Alaska was a territory, and so there's -- now there's an interpretation, now that Alaska is a state --

MR. KELLY: No. Let me -- let me clarify what I meant by that. I was simply trying to provide historical context for the language that was used in 1936, '35, '36, when the Alaska IRA was drafted. It's not to suggest that statehood had any impact on that, on the implementation of groups organizing under it whatsoever. It was simply to suggest that terms, the unique terms that are used in the Alaska IRA, like the phrase "common bonds," were understood just as the phrases that were used in the IRA, the '34 IRA, were understood in the -- in the day at a time, and this is reflected in the lengthy hearings on the bill that became the IRA.

Those terms are understood in a way that is different from it is -- than it is today. I simply referenced statehood as a marker of 1959 to show that in the ensuing 70 years or so, I understand some of these concepts and terms has changed, and that it might be important to go back to the original
understanding to get a better -- to show that the way
a common bond might have been used in the Alaska IRA
might not have been so different from the way the
terms were being used elsewhere in the IRA, and, you
know, based on the common experience of Natives in
Alaska and Natives in the Lower 48 and the historical
injustices that the IRA was intended to address --

MR. SINK: Okay.

MR. KELLY: -- so I apologize if I was -- was
flagging statehood as some- -- somehow having legal
significance. I simply meant it as a time marker to
show that a period of time had elapsed.

MR. SINK: Well, I think that's why I keep
asking questions, because I -- I think this -- that --
that was a good discussion there, because I think what
you're looking for is how we -- we view ourselves
today as compared to 1934, 1936, and how we see things
being conducted in Alaska the way we do -- do business
between the federal agencies and us as tribes and
ANCs. And is that the kind of feedback that you want
from us, and -- and how it carries out in -- in
practical terms in a legal sense? And then we can
bring out some of the challenges that we run into. Is
that the kind of feedback that you want?

MS. SWEENEY: Yes.
MR. SINK: Okay.

MS. WILLIAMS: Hi. Kristi Williams again, Hobbs Straus. I just had a question about the timeline for this process in the pending applications. So will the pending applications continue to be -- well, "reviewed," I guess, is the best word I can think of -- but during this process, or have you halted that process? Will they continue as they are? Will they have to go back to the beginning? If you have new regulations promulgated, what -- what -- what's your plan for the current pending applications?

MR. KELLY: I'm not aware of any plan that's been articulated with respect to them. I'm also not aware that they've been withdrawn. Everything is still in the same process it was where it was before the, you know, letters came out.

That is something that will be considered. It is certainly something that would be worth opining on, as to what you think the best way of proceeding is in the event the Department goes this way or goes that way, but I'm not aware of any plans to change the handling process of them right now.

MS. WILLIAMS: I -- I -- I would assume it would be grandfathered in, that the pending applications would be reviewed under the Alaska IRA
process as -- as it currently stands, if new regulations are promulgated by the Department.

And, I mean, my advice would be to -- to work on those things instead of opine about how it can be fixed, you know, since the tribes have been waiting 25 and 17 years for a decision, to act on issuing a decision, rather than, you know, researching it and having consultation about it, but to actually act on issuing a decision.

Thank you.

MS. CHANAR: As ANCSA Corporation, I guess I -- I'd like some clarification on your definition of -- if -- if the Village of Minto submitted a land-into-trust application, how is that treated, your special relationship with that tribe if they're part of a consortium? I mean, do you go through Tanana Chiefs, or do you work directly with the tribe? How is that special relationship?

MS. SWEENEY: So you said it made the Village of Minto a federally recognized tribe?

MS. CHANAR: Yes.

MS. SWEENEY: And so there is a prescribed process for tribes to apply to have land into trust, and even though you -- your tribe is a member of TCC, that is a consortium and association of tribes, but
your application would be with respect to the Native Village of Minto.

    UNIDENTIFIED SPEAKER: That's right.

    MS. CHANAR: So all of your communication, everything would be directly to Minto?

    MS. SWEENEY: Yes. If -- if the Native Village of Minto were submitting the application, yes.

    MS. CHANAR: Okay. Thank you.

    MS. SWEENEY: And can I take that just a step further? Native Village of Minto, even though is a part of TCC, and TCC is a part of AFN, if -- if Native Village of Minto were to submit an application, we wouldn't be communicating with AFN on that.

    Are there any other comments? Are there any other comments or questions? I don't mean to put you on the spot, but I just saw you walk in, Gabe, and I see the little Chugach caucus going on over there and just want to give you a little bit of time, if you need it.

    MR. KOMPKOFF: Just another minute.

    MS. SWEENEY: Okay.

    MR. SINK: I do have one comment.

    I -- I -- I don't know if this is true or not, but I -- it was brought to my attention that Chenega made an application a couple of times, and a couple of
times the applications disappeared, I guess, over
time, and so -- (indiscernible - mic cuts out) -- I
think your consultation -- if you -- if you talk to
Qutekcak about their application, then they can
probably tell you more about that.

And -- and I -- I will just say that, yeah,
things disappear over time on -- on different things,
but I think, like, with our modern age where we can
put documents on the Cloud and stuff, that maybe
that's a point of improvement that -- that -- that
will occur in the future that is better handled.

Just as a past land manager, every -- every
place I have left -- my last job, all my rotted away
files disappeared on me. So, you know, I -- I think
that's kind of common practice, but now with the --
with the modern era of being Cloud-based, I think we
can move forward and record all of the documents that
come through and be able to track them down instead of
having them "disappear."

MS. SWEENEY: And did Chenega submit an
application for recognition, or for fee to trust?

MR. SINK: Recognition.

MS. SWEENEY: Okay.

MR. SINK: It's Qutekcak -- Qutekcak, I mean.

MS. SWEENEY: Oh, okay. All right.
MR. SINK: (Indiscernible - not at mic).

MS. SWEENEY: That one is still pending.

MR. SINK: (Indiscernible - not at mic).

Qutekcak's in our region, but Kristi is of -- of counsel for them, so...

MS. WILLIAMS: This is Kristi again.

Just to clarify, so there was an administrative error that occurred. The tribe is actually listed as a federally recognized tribe, and an administrative error occurred and they were removed from the list of recognized tribes without any notice or reason. So that's -- that's what happened back in the day, but it's -- it's incorporated in our comments that we've submitted.

MS. SWEENEY: Okay. Thank you.

MR. KOMPKOFF: I guess it's my turn.

Good morning. I'm Gabe Kompkoff with Chugach Alaska Corporation, and we just really wanted to thank you for having this -- having this session here in Anchorage and giving us a chance to provide comment. I don't have specific comments but will be -- will be providing some comments to the questions that you've asked, and we think they're great questions to ask, so we'll make sure we provide some written feedback before the December deadline.
I wanted to show up and just voice for the Chugach Region. We've arrived at a place where we're not just focused on -- on business. And I think people think of Alaska Native corporations, and they -- they -- they focus on that label of corporations, and they put us in this general category of what we see with the companies that are traded on Wall Street or the NASDAQ, and we're -- we're very different from those types of companies. We have a mission that is to serve the people of our particular region, and we're very excited to be engaged in a discussion about the IRA process, federal recognition of our tribes, and we're in full support. So I'm really here just to voice solidarity support of your tribes and our tribal councils and their governments.

So thank you for the opportunity to -- to speak.

MS. SWEENEY: Thank you.

Are there any further comments or questions, issues of discussion with respect to IRA?

Matt or Gene, do you have any?

MR. KELLY: No.

MS. SWEENEY: Okay. We'll go ahead and close this session. I want to encourage you, from the tribal community, there is a session on Sunday, and we will be
hosting two other consultations, one in Kotzebue and one in Bethel, in December, and there will be a telephonic consultation -- correct? --

UNIDENTIFIED SPEAKER: Yeah.

MS. SWEENEY: -- on Wednesday, December 12th.

And I -- I want to stress, coming into this position and having and carrying that Alaskan perspective, and I know that there are some in here who have worked for the federal government, worked in DOI, and can relate to the importance of bringing that Alaska perspective into Indian Affairs.

My office is open, and I have an open-door policy. I want to hear from Indian Country. I want to hear from Alaskans on issues that are important to the Tribal community and the Alaska Native Corporation community as well, because we wear two hats. I'm Tribal member, and I'm a corporation shareholder, and so I do bring that perspective to the discussion.

And so as we go through these issues, I -- I just want you to know that my office is open outside of these consultations to have those discussions, and that we're also open to -- to visiting the communities that are affected. And so thank you for raising that, Kristi, but -- but we really are here to serve you. And when I started in this position, the message that I
brought in with our central leadership staff, and as I visit different field offices, is how do we get to yes? How do we get to yes? And if the answer is not yes, what alternatives are we providing to Indian Country so we can move the needle for empowerment? And that is the message that I carry to Alaska. That's the message I've carried to Albuquerque. That's the message I've carried when I've traveled to Montana, because it's important.

We are in service to Indian Country, and we need to find ways to be more efficient and more effective with our service delivery, and that takes partnership in open dialogue. There are formal avenues, like consultations, listening sessions, but there's also that one-on-one time that we can meet, and so I want to extend that to you so that you know my office is open. And if we don't have the right people sitting at the table, for those of you that know me, know that we will make sure that the right people are sitting at the table to have those discussions.

So, with that, I thank you so much for your time and the participation that you provided today in previous consultations and through submitting comments.

(Off record.)

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