

**NWX-DEPT OF INTERIOR-NBC**

**Moderator: Elizabeth Appel**  
**February 6, 2020**  
**2:30 pm CT**

Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen-only mode until the question and answer session of today's call. At that time, if you would like to ask a question, please press Star 1. Today's conference is being recorded. If you have any objections you may disconnect at this time. I would now like to turn the meeting over to Ms. Elizabeth Appel. You may begin.

Elizabeth Appel: Good afternoon - This is Elizabeth Appel. I am with the Office of Regulatory Affairs and Collaborative Action in the Office of the Assistant Secretary for Indian Affairs. And this is a teleconference for the public hearing on the proposed rule regarding federal acknowledgment of Alaska native entities under the Alaska IRA.

And I'm showing on my screen that we have the same individuals on the line that we had a few hours ago at our earlier session. So I'm going to pose a question to you all. I have the same presentation available that I went through a few hours ago. I was going to run through that again for anyone new on the line. But seeing as there are no new people on the line, if you all would prefer

we can go straight to comments. So if you don't mind, actually I will -- how will I put this -- so I will give folks the opportunity to request that I go through the presentation again. But otherwise, we can go straight to the comments. So if anyone would like me to go through the presentation again please dial -- what is it -- Star 1, Operator?

Coordinator: Yes ma'am, it would be Star 1. If you would like to make a comment or ask a question, please press Star 1 and record your first and last name. If you would like to withdraw your question or comment, please press Star 2. Just a moment please.

Elizabeth Appel: Okay, I'm taking that we have no objection to skipping the presentation that we went through a couple of hours ago. This is a reminder to prompt your memories we had discussed - provided an overview of the background and the contents of the proposed rule including definitions, criteria, and process under the Alaska IRA.. So at this time, I'd like to open it for comments from the caller.

Coordinator: As a friendly reminder, if you would like to make a comment, please press Star 1 and record your first and last name. If you would like to withdraw your comment, you may press Star 2. One moment please, I'm showing no comments at this time.

Elizabeth Appel: Okay, well in the meantime to let you all know who I have here with me. This again is (Liz) Appel. I have with me (Lee Fleming) -- the Director of the Office of Federal Acknowledgment -- and (Connie Briggs) from our Office of the Solicitor Division of Indian Affairs. And this is your opportunity to provide any comments that you'd like to provide on the proposed rule which was published January 2nd regarding federal acknowledgment of Alaska native entities under the Alaska IRA.

We will be accepting written comments until March 2 and those can be submitted -- in accordance with the directions in the Federal Register - including by email to Consultation@FDIA.gov. And we'll keep the line open for a little while hoping that somebody might have a comment to share.

Coordinator: Okay, I do apologize. We do have a question or comment from (Dennis Olson). Your line is now open.

(Dennis Olson): Good morning - can you hear me?

Man 1: Go ahead.

(Dennis Olson): Okay yes, good morning- thank you or good afternoon Elizabeth and all you guys down there. First of all, I'd like to thank you for giving us the opportunity to comment. And we've - to begin with my name is (Dennis Olson) and I'm from the (Kanakanak) tribal council and one of the chiefs too. But we've submitted an application for, you know, recognition back in 2004. And so you guys have got the application and all our stuff there, but anyway we feel that with this new proposed rule, you know, none of that should apply to us.

And the reason being is that we've already submitted our application. You know, it was done in 2004 and now we're just waiting on a determination by the VIA. So, you know, if that's okay I'll just go right into, you know, what I'd like to say.

Elizabeth Appel: Yes, please do.

(Dennis Olson): Okay, well yes to begin with then I'm, you know, Tribal Chief of the

(Kanakanak) tribe group already submitted our application for tribal recognition. And we actually started this - well we're a native group that was organized or formed under the Alaska Native Land Claims Act. And I'll try to keep this short but since nobody's on the line hopefully you'll bear with me. But we were enrolled with only 24 members which was one short. We needed 25 members to be a tribe in '71. And with that, we were all recognized as a native group without tribal status. And so we began the process in the late 1990s and we submitted our Intent to Petition, you know, shortly after that and then we filed a petition in 2004.

And, you know, I'd like to give you guys a little background, you know, on the tribe and our village. We're from the Village of (Kanakanak) and it had a lot of different names, you know, through time and history but it's all kind of confusing but I hope to clear it up. You know, there's three different villages - sites -- you know, for this area but one that I want to talk about would be (Kanakanak). And it's gone by the name of "Old" (Kanakanak), (Kanakanak), (Dillingham), "Old" (Dillingham), and, you know, we just call it the (unintelligible) (Kanakanak).

And this village was first - the first residents are documented. You know, the old village site was first documented by the Russians when they were back and through here in the early 1880s, you know, and they traveled through the Bristol Bay Area. And they documented old village site then.

But the newer -- this village -- the old village -- was actually wiped out by the flu epidemic of 1918, 1919, so it no longer exists. With the new (Kanakanak), or the (Kanakanak) that we're from, was first I guess the first residents or whatever here was around 1890. And it started with a cannery -- a (unintelligible) cannery. It's called the - was moved across the bay from (unintelligible) over to the (Kanakanak) area and it was by a small creek in

the little gully there and a small creek coming out of it.

But my great grandfather -- if you look up (Pete Nelson) -- worked for this cannery at (unintelligible) and then he kind of transferred over with the new building. And he married my great-mother (Sasha) and she had two kids from a previous marriage but, you know, together they had six kids of their own.

He eventually retired or, you know, retired working for the Cannery later on to return to the (unintelligible) yard, you know, shortly after. And for working for this cannery for all these years, the cannery was the Bradford cannery but it later became a part of the Alaska Packer's. And the Alaska Packer's, you know, had their different traps in different sites and they had to purchase that whatever owned the land around this (pack).

And so when (Pete) retired, they gave him a piece of property roughly about a half-mile above the cannery and this is where he built his home. And his kids -- the boys and stuff were building homes right there and my grandfather -- Ernest Olson -- comes into the picture, you know, right before 1910 or so and he marries one of (Unintelligible) Pete's) daughters (Olga). My grandmother (Olga) was already living there, and he built a home there also. But it grew I guess through the years and stuff. But the other village site that I need to talk about also would be the (Togiak) Village which is now the Dillingham City or Dillingham Village. But I'll get into that a little further as we go along.

In the early 1900s and right after the start of the building of the Bradford Cannery here, there was a guy by the name of Dr. (French) who worked with this cannery and I guess one of his duties were also to care for and treat the native people that were, you know, living around this cannery which would have been the old (Kanakanak) Village -- the old site -- which got wiped out

by the flu in 1919.

But later on in 1900 or so, there was a school built, you know, just up the hill from the cannery and that goal was to teach the native population or the natives around that area. And so, that was the beginning of the new (Kanakanak) site or the new village (unintelligible).

And it had its own census, you know, back in 1900 but it only lists or shows that, you know, my great-grandfather and my grandmother and their kids as living there which included the natives of the old village site. And so in around 1904 by this time now there was a guy -- a judge -  
- Judge (Wickersham). And he happened to be in the (Nushagak) in the area. He was holding some court in (Nushagak) because across the bay and then he comes across the bay over to the (Kanakanak) area by this port at the cannery and he establishes or builds a new court district there. And he gave the name of Dillingham to this area.

So it's now (Kanakanak) and now it's changing to Dillingham because of what, you know, the judge did there. And now there's new and more people that are moving in and establishing and building places around this cannery site. And around the same time in 1904, these people were mainly people of mixed blood. You know, their fathers or whatever were white immigrants and marry local native women so they were mixed blood. And these people -- they couldn't attend that school that was built by Dr. (French) up on top of the hill on the other side to creek -- because that hospital was just - I mean that school was just to educate the native population there. And so they petitioned, you know, for a school and by, you know, 1906 I guess and 7 -- somewhere in that area -- they do get a school for them. And the school was built up near this courthouse or on the opposite side of the gully (by the) creek.

And by 1910, they're listing this new (Kanakanak) area -- the new Dillingham Village now -- on our US Federal Census. And they're listed different from the people of the old village -- the native community -- you know, which was about half mile below the cannery site now. Until they get their own census in around 1910 and, you know, it has my grandfather and grandmother and the kids and like these are my great-grandfather and my grandfather, you know, (Unintelligible) daughter are starting to show up on these census.

And so there's a lot of difficult back then, you know, with different diseases and different, you know, stuff that was affecting the community here now. And Dr. (French) and the school teachers are pushing that, you know, idea but this new Dillingham area, you know, it gets to be recognized or established.

And so between 1920 and 1920, you know, they're working on, you know, schools and education and the U.S. District Court and our government relationship in this Dillingham.

And then by by 1918, 1919, this flu struck the area and it totally wiped out the native communities --the old (Kanakanak) site. And so, you know, that gets the enumerations and the documentation of that site or that village area -- "Old" (Kanakanak) I'm going to call -- is no longer in existence, so it stops in the new Dillingham -- the new (Kanakanak) area is starting to show more and more here.

And we - the school that was built for the native community was turned into an orphanage because there is a lot of orphans now because there's a death flu and it was turned into an orphanage and a hospital by Dr. (French) and this school - the people that were in the school. And that hospital is still there today. It's known as the (Kanakanak) Hospital, but it's operated by the Bristol

Bay Area Health Corporation today. It's still there. And its name is still (Kanakanak) Hospital.

And then moving on between the 1920s and 30s, you know, there's a lot of stuff happening in the community with the flus and wiping out. A lot of people died because of it. And the education are to educate the people here now is really starting to show. And then after, you know, like 1936 and Indian Reorganization Act comes into play. And there's a lot of things happening in this community.

You know my great-grandfather (Unintelligible), you know, he bought some reindeer and a white man or a white person couldn't own reindeer so he gave it to his - the kids. And the kids started a reindeer herd around (unintelligible) which became a very large herd, probably the largest herd in the Bristol Bay area. And so with all that kind of stuff and, you know, with the school and the District Court and all the reindeer and stuff I know and it's documented where the village of Dillingham is entertaining the idea of this Indian Reorganization Act and to become, you know, a fairly recognized thing here. But it never did go through, you know, that never happened. They never were an IRA. It never did get the IRA.

And, you know, because of all the stuff happening with the fallout or the whatever of the epidemic -- there was a lot of TB and a lot of stuff like that, so the people that are up in the (Chugiak) Village now and that's, you know, about six miles down the road or up around the corner of the bay there. They needed to get to the hospital, you know, they needed to get down to the Dillingham Court so they needed to get down to Dillingham.

And so they built a road in the 30s and early 40s and that connected them with Dillingham or, you know, where we lived down there. And there's - by this



time there's a lot of stuff happening where they're trying to combine the schools and to cut costs and whatever for different reasons but what happened is the (Chugiak) Village -- it kind of grew -- because, you know, the people up there. There was two different canneries -- three actually -- one around the corner and they had more people living up in that village. And they're talking about cutting costs and cutting the federal funding and stuff for the different programs now - and.

You know, we do have a diary by one of the city officials or whatever back then that they wanted to move the school. They wanted to move the court. They wanted to move all these government offices that were down in Dillingham up to their village in (Chugiak) where they could, you know, work better out of I guess. But, they're having to come all the way down to Dillingham to do their work and then move back to their village at, you know, at the night.

So they wanted to take everything and move it to their villages. And that, you know they want. They got it. They got the court. They moved the court up to their village. They took all these other offices and moved them up to (Chugiak) and they took the school and they made one school rather than having two different schools in these two villages, you know, pretty close in proximity. And they even took the school and, you know, we have records and documentation of this school being down there in Dillingham.

But anyway, by 1950 as all the courts and all the other, you know, government businesses were operated out of (Chugiak) and the closing of the Dillingham School to be one school up in (Chugiak). With the new roads and a new, you know, it's easier to get around now, they closed the school in Dillingham and all the kids and stuff that were down in this village now were having to get bussed there or transported up to

the (Chugiak) Village to attend school.

So the school down there was closed and we lost that too. And they even, you know, went as far as to try to move the hospital, you know, that was changed from a school to an orphanage and a hospital. They wanted to take that with them too, but it would cost way too much, so that was kind of thrown out there. They never did get the hospital moved.

But you can see that the picture now that, you know, there's our village. We had it all, and it was all moved up to (Chugiak). And there's a lot of confusion going on with the different government offices and the schools and the mail and all this stuff. So (Chugiak) took the name of Dillingham just to straighten out our, you know, the mail and the different things going on. It took the name Dillingham. And the people down there in (Kanakanak) said, "Well, we'll just stay (Kanakanak). We'll have (Kanakanak). You go ahead and take Dillingham."

Well in 1950 now, the new Dillingham enumerated and got together and operated as a village or a town or, you know, a city and they extended their boundaries to include the (Kanakanak) Village into their enumerations. So now we've become one enumerated village of (Chugiak) or "New" Dillingham now. So it's one (unintelligible) and we were kind of losing, we're kind of fading out, but the people that were well established down there by, you know, my great-grandfather and my grandfather and, you know their children and the other people that were moving into the area that stayed there. They went back and kept the name of (Kanakanak). That's to separate, you know, all our whatever our mail and all the confusion will be (Kanakanak). You could go ahead and have the name Dillingham. And by 1970 and '71 the native land claim comes into play, and the enumeration of the native people.

And one day, they came down to (Kanakanak) they enrolled 24 people into (Kanakanak) or from the village and although, you know, we had I think 60 - 62 people that lived down there. Well, more than what they needed. They needed 25 people to be a federally recognized Indian group in the land claims. And we were enrolled with one short of this -- of being a recognized tribe -- because all these native corporations now became federally recognized tribes. And us with only 24 were a native group, but we did not get the federal recognition and, you know, through the process of the 70s and the 80s and into the 90s even that was happening. And, you know, by then we're realizing that, you know, we're being left out because we're not a recognized tribe. And so our native group got together and we filed our Intent to Petition in the late 90s.

By 2004, we submitted our application for federal recognition. And it's a - it's sitting down there, you know, somewhere for over 20 years now. You know, more like 25 years for us that we've done the work. We followed the regulations -- the (IRA 83), -- and, you know, we really feel strong now with the new proposed rule that it's just going to be more burdensome on us. And we shouldn't have to go through any more hoops or hurdles for the department to make a determination on us.

And I believe our attorney -- (Michael Willis) -- is on the line. So, you know, if there's any further questions or whatever comments that he'd like to make on the new ruling -- or the new proposed rules -- then we could, you know, go ahead and jump in anytime then. That's the history. You know, we've been there for over 100 years. We filed our intent. You know, we operated as a community. We're still there as a community, just under a different name.

And, you know, it's kind of confusing but I hope I kind of cleared it, you

know well enough to - for people to look at and see well. You know, we've been there. We operated as a village. We operated as a community. We have a very distinct village from the other villages in that area. But it all becomes confusing because of the 1950 when (Chugiak) enumerated to Dillingham -- the "Old" Dillingham -- as the new - "Old" Dillingham and took the name and included us in their census. But we've always been a different group.

You know, we were always the people from (Kanakanak). You know, we were separated. We're a different group and even in the 1971 Land Claim they recognized that and they enrolled us as a different group. But they only enrolled us with 24 members - one short of a village and one short of a tribe. And, you know, by early late 1900s, early 2000s then, you know, we're going through the hoops and the process of having to get tribal recognition.

So, we've submitted all our material. We submitted our petition. And we feel that we shouldn't have to go through anymore hurdles - anymore new proposed rules. It would just be more burdensome on us and it's, you know, it will affect us even harder. You know, we've already done it. We've been there. You have it on your desk now and we feel you need to make a determination honest rather than having us go through any further whatever proposals that might come up now. So, are you there (Michael)?

Elizabeth Appel: I think that he would need to press Star 1.

(Dennis Olson): Okay, you know, I'm here for any questions that anybody might have there.

Elizabeth Appel: Thank you very much. Really appreciate you providing some history and it sounds like your primary comment is that you don't believe that any new rules should be applied.

(Dennis Olson): Yes, you know, we've been there. We've done that. We've submitted our application and, you know, it's been there for a long time -- many years -- and we're just waiting now on a final termination by the BIA. And, you know, we shouldn't have to go through any further hoops or hurdles to try and prove that we've existed as a village and we were there, you know, for over 100 years long, long before the IRA of 1936 Act. And then, you know, it's in the petition. It's in the paperwork that we've submitted and we feel that, you know, by any new ruling or proposed rules on how we submit any new evidence is, you know, we feel that we shouldn't have to do it. We shouldn't have to go through anymore hurdles. We've been there for a long time -- over 20 years -- just waiting now for a decision.

Elizabeth Appel: Okay, thank you for that input.

(Dennis Olson): Yes, all the, you know, all the stuff I just said too it's in our documents and, you know, the anthropologist did a real great job too and she went there and did her little finding and that stuff is all submitted.

Coordinator: Okay, thank you for your comment. As a friendly reminder, if you would like to make a comment or ask a question, please press Star 1 and record your first and last name. To withdraw your question or comment, you may press Star 2. Our next question or comment is from Mr. (Michael Willis). Your line is now open.

(Michael Willis): Thank you, I participated in three different lines at the same time. I'm not sure how to make this work. (Unintelligible).

Coordinator: Okay, he has disconnected on that line. Our next question is from his other line -- (Michael Willis) -- your line is now open.

(Michael Willis): Okay, thank you very much. The technology has been a little confusing. So I guess I want to follow up on (Dennis Olson's) comment. I think he raised some interesting points about a community that's been in place for many years and has had the - its request to organize under the IRA for many, many years.

And as, you know, the summary of the key point of the comment was to move forward. And considering the (Kanakanak) request -- based on the existing process that's in place -- given that the tribe and the federal government have invested resources preparing and reviewing the documentation and there's been considerable work on that, I think the important things that I wanted to elaborate just further is just the more recent period from say 2008 through the present there's been series of ongoing communications with the Department of Interior both through the solicitor's office and the Assistant Secretary's Office on the ((Kanakanak) request.

And in that discussion, you know, certainly I think we want to call to your attention that as recently as the end of 2016, the issues and questions that have been batted back and forth about the (Kanakanak) history and their location and their residency and how to move forward with a secretarial election in that community really came down to just a few more issues. And I think our understanding was as of January 2017, there would be a decision made. But then that didn't happen.

And all of a sudden we're kind of -- this new process started over -- so three years after what we thought would be a finalization there's an effort to start over again in the interest of the (Kanakanak) tribe and we would think the interest of the federal government would be to continue using the process and the precedent that exists and the standards under the Alaska IRA to continue to complete the review of the - any remaining questions that may be

unresolved rather than spending a lot of that effort and in sort of reinventing the wheel and then somehow resubmitting.

I think that it would seem that the case-by-case approach that the department has used and the standard and the statute -- as well as the guidance and prior determinations -- would be sufficient to help work through what are some of the key issues that need to be resolved to build the confidence of the Department of Interior that the (Kanakanak) tribe clearly meets the Alaska IRA statutory standard for an organization. And it has just that as your presentation announced earlier that some 70 tribes in Alaska have organized under that Alaska IRA.

And so, it doesn't make sense. It's unreasonable. I think it's unfair as well that the idea that the (Kanakanak) would have to start with a different approach and be treated differently than the other 70 tribes in Alaska that have organized under the IRA under a case-by-case basis.

So I think with that the, you know, request that (Dennis) has put forward - - that (Dennis Olson) -- put forward and that we would certainly encourage the department to look at is to make sure there is a consistent and uniform and fair process that leads to finality and decisions. And that would be, you know, continuing to use the existing process. And maybe there's a need for some internal rules that can make more clear to any petitioners what things may be missing from their IRA submission, who's evaluating the petition, and what's the time frame for determining eligibility organize, what technical assistance might be available, and what kind of, you know, time frames there would be for sort of a preliminary decision or, you know, or even a final decision and what kind of follow-up or clarifications or explanations might be needed.

So it seems like there could be some clear procedures developed based on the

past guidance and past precedent that wouldn't require a whole entire new rulemaking with new standards and new procedures that will just take a considerable amount of time and require -- no matter how you look at it -- somehow starting with a different approach that's been used before in addition to sort of taking what work has been done up till now by the department and the tribe and having to start from scratch. So I think that was - I wanted to elaborate further on what (Dennis Olson) had mentioned - thank you.

Coordinator: Thank you for your comments. We have no further questions or comments at this time.

Elizabeth Appel: Should we wait maybe a few more minutes to see if any other questions come through.

Coordinator: Sure, as a friendly reminder, if you would like to make a comment or ask a question, please press Star 1 and record your first and last name. To withdraw your question or comment, you may press Star 2.

And we do have (Michael Willis) back in queue. (Michael Willis), your line is now open.

(Michael Willis): Thank you - I also want to make a brief comment on behalf of the (Qutekcak) native tribe of Seward, Alaska. I think there may be participants on the line -- and by all means -- I encourage you all to elaborate or add to. But I wanted to also to make clear that the (Qutekcak) native tribe of Seward, Alaska submitted its IRA organization request back in 1993 and received a series of, you know, technical comments from the Bureau of Indian Affairs on its constitution, on its membership list, and was asked to resubmit that material upon meeting the technical corrections.



And again, similar to the concerns of the (Kanakanak) tribe, the (Qutekcak) native tribe has been presenting their issues and has been in dialogue with the department, for now, more than 25 years as well to try to resolve this question and establish their federally recognized status based on the IRA. And in the course of that have again, you know, submitted documentation, conducted research, hired anthropologists, hired attorneys, engaged the congressional delegation, have worked with representatives from the solicitor's office and the Assistant Secretary's office to advance their effort to the clarification of their IRA-eligible status.

And in light of that, I think that, you know, would like to - I think two significant native tribes shares the views of (Kanakanak) that the interest of the department and finality and in consistency and uniformity of decision would be to treat the (Qutekcak) native tribes similar to the other 70 Alaska IRA villages and review their requests under the common bond standard that's prevent (unintelligible) in statute and the instructions and guidance that the department has relied on for implementing the IRA in Alaska to be able to schedule a secretarial election to move forward as soon as possible. So I wanted to share those comments on behalf of the (Qutekcak) native tribe and if folks from (Qutekcak) have comments, I encourage you to make them as well - thank you very much.

Elizabeth Appel: Thank you (Michael).

Coordinator: Thank you - and we have no further comments or questions at this time.

Elizabeth Appel: So if we can just kind of keep the line open for a few more minutes to see if any other questions come through.

Coordinator: Of course, as a friendly reminder, if you would like to ask the question or

make a comment, please press Star 1. And I'm showing no further comments or questions at this time.

Elizabeth Appel: Just to double-check in case it's not showing up on our screen, is there anyone new who's joined the call who would like to hear the presentation regarding the proposed rule? If so, please press Star 1.

Coordinator: And we do have a question or comment. (Kris Doretti), your line is now open.

(Kris Doretti): Hi, thank you - is this the same presentation that was done at the tribal consultation earlier this morning?

Elizabeth Appel: It is - thank you.

(Kris Doretti): Okay - thanks for the clarification.

Elizabeth Appel: Sure - and I'm sorry, I did mention that earlier that I think with people.

(Kris Doretti): Yes, there was the wrong phone number on the Web site.

Elizabeth Appel: Oh goodness - okay.

(Kris Doretti): Thanks.

Elizabeth Appel: Okay so I think we'll keep the line open with that news that there may be a wrong number posted. And in the meantime, I'll double-check to make sure.

Coordinator: Ad we do have a question or comment from (Michael Willis). Your line is now open.

(Michael Willis): Thank you - yes, I just wanted to clarify the other comment that was just made as indeed the phone number on the Federal Register notice and the Web site are not the correct number for the public meeting, but one can access the teleconference by using the phone number that's in the tribal consultation teleconference from earlier today and then use the passcode for the public meeting. So I think that's how those of us who got on were able to kind of figure out how to participate. But there was obviously something wrong because at one point - because there were several points I think I thought to make comments and it wasn't possible to make comments until I made a separate call. So yes, something was a little glitchy with the communication.

Elizabeth Appel: Thank you for that. We will see about setting up a second public meeting to make sure of it. Everyone who wants to participate has had the opportunity to.

Coordinator: Once again as a friendly reminder, if you would like to make a comment or ask a question, you may press Star 1. Thank you - just a few more moments. And I am showing no further questions or comments at this time.

Elizabeth Appel: Okay I'll do a last call for any other comments or questions folks may have. Well, thank you, everyone, for calling in today. And please remember that we are accepting written comments until March 2. And I hope you all have a great rest of your day - thank you again.

Coordinator: Thank you for your participation. This now concludes today's conference. All lines may disconnect at this time.

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