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Honorable Assistant Secretary Tara Sweeny,
Department of the Interior
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Dear Assistant Secretary Sweeney,

March 19, 2019 the Alaska Native Vietnam Veterans Allotment Act was approved via the Dingell Act. The Bureau of Indian Affairs (BIA) held a consultation on the Department's draft regulations to implement Section 1119 of the John Dingell, Conservation Management and Recreation Act, Public Law 116-9, in Anchorage Alaska on December 2, 2019. The letter inviting Tribal Leaders to attend this consultation requested the Tribes to provide written input, by e-mailing comments on the "Alaska Native War Era Veterans Land Allotment" by midnight Eastern Standard Time December 20, 2019.

The purpose of this letter is to request the deadline for submitting comments regarding the draft regulations that would enable implementation of Section 1119, PL-116-9 be extended by sixty (60) to ninety (90) days from the proposed December 20, 2019 end of comment timeline. This will allow a fair and reasonable time for Alaska Tribes to submit comments regarding the allotment regulations that are proposed to implement this vital Alaska Native Veterans Allotment Act.

The Ketchikan Indian Community (KIC) Tribal Council comments are listed below, as well as the e-mail addresses of those agencies that we have requested a sixty (60) to Ninety (90) day extension for comments on the draft regulations. Even though we have provided some comments within this letter the Tribal Council believes the Alaska Vietnam Veterans Allotment Act is far too important to approve these draft regulations in the time period given for Tribal comment, as The Department of Interior (DOI) has stated this was only to be "starting point for discussion." Based on this shared understanding that the draft regulations are certainly not final, we have asked for the comment period to be extended to more appropriately have further consultation.

In the short time given for comments KIC respectfully submits the following comments.

- Federal Lands should expressly include Fish and Wildlife Service (FWS) and National Park Service (NPS) Managed Lands.

The Acts language needs clarification so that the definition of Federal Lands clearly include lands managed by FWS and NPS as examples of permissible selection process. The DOI should collaborate with the land departments of the twelve Alaska Native for profit regional corporations to ensure BLM's list and maps are available and as expansive as possible to effectuate the purpose of the Act.

- Eligible Individual Determinations should include Alaska Native Entities

The draft regulations authorize BLM to make eligible individual determinations with input from the BIA, U.S. Department of Defense (DOD) and U.S. Department of Veterans Affairs (VA), while cooperation among these federal departments and agencies is appropriate, excluding additional subject matter experts could ignore other eligible individuals. As such, DOI should collaborate with Alaska Native regional for profit corporations, Native regional non-profit organizations, Native village for profit corporations, federally recognized Alaska tribes, Native tribal consortia, and other statewide Native entities, to supplement BLM's eligible individual determinations.

- Supporting Evidence for Eligible Individual Determinations Should Allow for Affidavits

If the military records of an eligible individual have been destroyed in a fire, lost or destroyed by other means the Native veteran will find it difficult if not impossible to meet the DOD supporting evidence requirement. A resolution to this issue would be for DOD to accept a sworn affidavit of military service by the veteran in lieu of DOD documentation to initiate the application process. Affidavits regularly serve as evidence of the veracity of what is being sworn under oath or penalty of perjury in judicial proceedings, and should suffice in the absence of a veteran's military records until the matter can be satisfactorily resolved.

- Additional persons should be allowed to apply for an allotment on behalf of an eligible individual beyond those listed.

The probate phase in the draft regulations would be prolonged and protracted and become cost prohibitive to most eligible veterans. The Alaska probate requirements should be excluded from the process and requirements of the regulations, and simply permit any surviving spouse, heir, devisee, assignee, or interested person with appropriate documentation, such as a Death Certificate or proof of incapacitation, who is at least eighteen (18) years of age to apply for an allotment on behalf of an eligible individual.

- Substitute Applications should be accepted for two years following the rejection of the original application.

The DOI should increase the substitute application process from 60 days to two years due to the vastness of Alaska, and the lack of highways and roads, most of Alaska's 200 native villages can only be accessed by airplane, making at times mail delivery impossible for months at a time.

- DOI should encourage the State of Alaska to issue a Blanket Relinquishment of its selected but lands not yet conveyed for the limited purpose of selection.

State selected lands are federal lands that the state applied for as part of its statehood entitlement, but have yet to be conveyed by the federal government, millions of acres in Alaska fall into this category. State selected lands should be relinquished for the limited purpose of accomplishing the allotment process under the Act.

- Applications should be accepted through additional methods beyond those currently listed in the draft.

The draft regulations limit the method of filing an application for allotment to mail or in person delivery to Alaska's BLM office. The requirement is overly restrictive and ignores other methods of filing better suited to Alaska's unique geography. The DOI should expand the application method to include electronic mail and facsimile.

- Corrections to technical errors in application should be allowed for 120 days.

The 60 day given for correction of technical errors in the application for deficiencies of correctible errors and omissions is much too short a timeline for most applicants to correct an error and seems unduly harsh especially when the application is rejected if not corrected in that time line. The DOI should extend the time period for correcting technical errors to 120 days.

- Allotments should be conveyed in restricted status.

The draft regulations fail to specify whether the allotments to eligible individuals will be conveyed in restricted status or unrestricted status. Due to the special trust relationship that the United States has with federally recognized Indian tribes and individual Indian beneficiaries through the constitution, Supreme Court and the DOI will fulfill these obligations in matters concerning tribes. This includes policies of maintaining the trust status of allotted lands under 25 CFR. DOI has an obligation under these statutes to clearly state that certificates of these allotments issued under the Act be conveyed in restricted status. The tribe requests that all of Southeast Alaska Lands as defined in the draft regulations and the comments requested by the tribe will be added to the document to ensure that all veterans under the Act living in Southeast Alaska will be eligible to receive allotment lands in Southeast Alaska.

- Mineral rights should be defined

A definition of mineral rights is not included in these draft regulations. Alaska is abundant in natural resources, to avoid future disputes mineral rights should be clearly defined within the regulations.

As stated within this letter KIC requests more time to review, discuss, and research legal issues within these draft regulations.

Respectively,



Norman Skan
Tribal Council President

Cc U.S. Senator Lisa Murkowski
U.S. Senator Dan Sullivan
U.S. Congressman Don Young
Jolene John, BIA Tribal Operations Officer
Paul Krabacher, BLM Project Manager