DEPARTMENT OF THE INTERIOR
ANCSA CORPORATION CONSULTATION

Draft Regulations to Implement Section 1119
of Public Law 116-9

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TRANSCRIPT OF PROCEEDINGS - December 2, 2019

PROCEDINGS

CYRIL ANDREWS: We're supposed to start at 10, but we'll start a little bit late because of bad weather. And folks are taking their time with all the conditions out there, so Pete, calm down.

EUGENE PELTOLA: I'm Gene Peltola.

Welcome. We are here to talk about the Alaska Native Veteran Era Land Allotment, the John Dingell, Jr. Act, Section 1119.

What we would like to concentrate on this morning, this morning's session, is primarily focused for Alaska Native corporations with this afternoon being for tribal entities, but it's not stringent and steadfast on that.

Although we would like to concentrate on one: the proposed regulations that the Bureau of Land Management and Bureau of Indian Affairs have been working on for proposed implementation of that and also land available.

So at this point, like I said, welcome this morning. I'd like to turn it over to Cyril from our BIA staff, and Paul from the BLM, and then we'll introduce our staff that we have here and will continue on with a Q and A session about the proposed regulations, the land that's currently available for
selection. Once again, thank you and welcome to each and every one.

CYRIL ANDREWS: Yeah, good morning, and thank you guys for attending this regional corporation or Native corporation consultation regarding the Vietnam vets that came upon us.

But today we'll be answering a Q and A. If you do introduce yourself, please state your name, which corporation you work for, because we have a recorder here, and he'll be able to get your name and your questions you ask.

And we have our -- the bureau -- BLM and BIA here to answer any questions that you have out there. So we would like to go ahead and get this consultation started if you have any questions regarding the regulations, draft regulations that was mailed out or faxed out to the corporations.

So we'll go ahead and take questions. Go ahead and please come to the mic up over here and address your questions. We would like to start with that, please. Anyone willing to come up and ask questions regarding the regulations?

This is the first time I've been involved in a consultation, but normally we would have the head -- the Indian secretary here, but I think she's
running late or something. But anyway, if you have questions, please address them now.

FRANCINE JOHNSON: My name is Francine Johnson, I work for Kawerak Land Management. And I just have a question regarding the corporation.

How, if the corporation was willing to give up some land for -- specifically for their shareholders to obtain land in the villages they are from, is that possible? And is there a process and forms available now so that the corporations can consider taking care of their shareholders that way?

Do you understand my question?

CYRIL ANDREWS: Do you want to address that, Candy?

CANDY GRIMES: I'm Candy Grimes with the Bureau of Land Management. And if the village or region corporation has land that is selected but not conveyed to them, they can relinquish for a allottee who has selected the land.

We do not have a form at this moment, we're working on it. We are working on possible conditional relinquishments where they would relinquish the land for that allottee only. They could say, "We relinquish it if this person is found valid for the land." So that way if, for some reason this person is
not eligible for that land, their relinquishment doesn't go into effect, it's still their selection, okay. Because we don't want holes in the middle of their selections.

Because once a relinquishment is filed, a true relinquishment is filed, it's gone, they have given up their rights to it. That's why we're working on a conditional relinquishment. So it would only take effect if that allottee is going to get the land. Does that answer your questions?

CYRIL ANDREWS: Thank you, Candy. Paul, do you have something to add?

PAUL KRABACHER: Can everybody hear me? I'm the project manager for this. And I just wanted to add to that real quick, is that Francine, your question was specifically about a form, and Candy alluded to a form.

We were actually looking at conditional relinquishment letters from the corporation as an option instead of an actual form. The reason is is the form goes through whatever OMB stands for. But at any rate, more -- like now, currently, if a corporation wants to relinquish a selection, they just send in a letter. So it would be a conditional relinquishment letter from the corporation.
So that's not necessarily a form, per se, officially, but more of a letter. Does that make sense?

FRANCINE JOHNSON: But then as well, you know, when are we going to know how many within our region are eligible to select land? Whether it be -- and then we have that opportunity to share with our corporations that, "We have this number of veterans that are shareholders and are descendants, are you willing to..." you know, to where we can work with the corporations to see if they are willing to give up certain amount of land for their shareholders.

So how is that going to play within the time frame of us being able to assist our veterans the best way that we can and work with the corporations if we had to?

PAUL KRABACHER: So what we're really encouraging right now is if you know of Vietnam veterans, Native Vietnam veterans that there is no doubt that they qualify, they are a veteran within the time frame, they are a Native Alaskan, and they haven't received an allotment prior through the other acts, that individual, we're encouraging that individual to contact their corporation right now and look at the options that the corporation is willing to relinquish
as well as where the eligible individual wants to select. So we're encouraging the contacts right now.

Officially the names that BLM will be contacting directly, it's a process, it's an eligibility process right now. I see a lot of familiar faces folks in the room are familiar with, but the veteran part comes from VA, DOD directly to BIA. Then BIA makes a determination on the Alaska Native qualification. Then it goes to BLM for us to determine if that individual received an allotment or not.

And BLM, what we're proposing is a direct contact to those individuals from BLM. And that's not to say if you weren't contacted directly by BLM that you don't qualify. There is a process for that as well. But that's a time frame that's out there a little bit right now because of the tardiness from the list or the eligible individuals from VA, which is the majority of individuals.

So BIA right now can't really jump on working from that list because they don't even have the list.

So to make full circle, we're encouraging those that we know are pretty much going to receive the allotment to contact the corporations, like, now, and/or the service providers or whatever mechanism you
have in your region. Does that help?

CYRIL ANDREWS: Do we have more questions up there?

JIM LaBELLE: My name is Jim LaBelle. I'm a director with the Alaska Native Veterans Council here in Anchorage. I'm also a Vietnam era veteran, and I had a younger brother killed in Vietnam. And he was killed before the process of putting together your CID.

Well, I'm an enrolled remember of the Chugach Region in my village of Port Graham. My brother was killed in July of 1967 before they had this process of enrollment.

So I'm wondering, how can we effect getting my brother some recognition? Because I know there is that other process you go through to get certified as a -- with Indian blood. Thank you.

CYRIL ANDREWS: Thank you, Mr. LaBelle. I have Jolene John, she works with enrollment. She'll be able to answer some questions you have there. Go ahead Jolene.

JOLENE JOHN: So I will be the one certifying individuals as meeting the definition of Alaska Native at the Bureau of Indian Affairs through this process.

He gives a good example of an individual
who didn't get a chance to enroll under the Alaska
Native Claims Settlement Act. So we have a procedure
in place to have family members contact the Bureau of
Indian Affairs and notify us of your sibling that has
deceased during the war.

They would still be considered eligible
as long as you provide us with the documentation that
proves he's your sibling and determine how much Alaska
Native blood they possibly had at the time.

So there are systems in place at the
moment at the BIA. Then just have yourself or some
other family members get a hold of us, and we'll give
you instructions on how to gather records.

JIM LaBELLE: Thank you.

HAROLD SQUARTSOFF: I'm Harold Squartsoff
from Ouzinkie, and I have a concern with the veterans
down there. There are a lot of us that got 10, 15, 20
acres, I think it was the '98 rule, and you're telling
us now we're no longer eligible for the rest of it.

It's never been clarified, and we would
like some clarification on that.

CYRIL ANDREWS: Go ahead, Candy.

CANDY GRIMES: Hello, this is Candy
Grimes again. I'm trying to find the exact section.

The law itself states: An eligible
individual, under 2(ii), has not received an allotment made pursuant to --

CYRIL ANDREWS: Candy, can you speak in the mic there?

CANDY GRIMES: "Eligible individual means an individual who..." and part of that is "...has not received an allotment made pursuant to Section 41 of Alaska Native Claims Section Act." And that is the 1998 Vet Act. That is in the law.

There is no explanation as to why they put that in there. But if you received any land under the 1998 Act, the 1906 Act, or the Primary Place of Residency Act, unfortunately we are unable to give you any more land. It's in the law. I have no explanation as to why they put it that way.

HAROLD SQUARTSOFF: Just doesn't make any sense that you would allow others that were not in Vietnam at the time of this, which was the 1998 law, allow them to get the land, but the persons that were there at that time lose it. One person got 10 acres, now he's got 150 he can't take. Doesn't make any sense. So somebody needs to think a little bit more about this and see if they can go in and try to --

CANDY GRIMES: New legislation would have to be passed.
11   1                HAROLD SQUARTSOFF:  Somebody needs to do  
2  their job.  
3                CANDY GRIMES:  Unfortunately, legislation  
4  is not our area.  
5                HAROLD SQUARTSOFF:  I understand that,  
6  young lady.  
7                CYRIL ANDREWS:  And I think you can  
8  address your issues to congress or the senators, if you  
9  have those concerns, by writing.  
10                HAROLD SQUARTSOFF:  I did meet with  
11  Senator Sullivan on it and he said he would see what he  
12  could do. But, again, there has not been any  
13  clarification on that for sure, is my understanding.  
14                PAUL KRABACHER:  I was going to add  
15  exactly what Cyril just said. There were a lot of  
16  concessions in the bill, for those who were up at AFN  
17  with Senator Sullivan's meeting, I believe you were  
18  there, and that could have been one of them.  
19                CANDY GRIMES:  Any other questions?  
20                FRANK BELL:  Yes, can you hear me? My  
21  name is Frank Bell, and I'm with the Sealaska  
22  Corporation. And everything seems pretty clear, but I  
23  did have one question on availability or eligibility  
24  for the land.  
25                Would my selection be stuck with the
Sealaska boundaries?

CANDY GRIMES: No.

FRANK BELL: Only if there was -- if I were to choose something down there, there would probably be nothing.

CANDY GRIMES: No, actually I don't believe there are any lands in Southeast. But -- I'll let Paul --

PAUL KRABACHER: Part of the legislation is BLM-managed land as well. There are selections in the South. If you were inclined to choose, it still wouldn't qualify because it would revert back to the Forest Service, managed by the Forest Service. So there again, that was another concession. As it was mentioned in that meeting, that was one of the first questions, if I recall in that meeting, "I'm from the Southeast and I can't select within my region."

And that's unfortunately one of the concessions that was made in that legislation. And there again, what Cyril said, contact your congressman.

CYRIL ANDREWS: And we do know where -- Paul.

CANDY GRIMES: I wanted to add to that. But there are lands available, not in that area. But wherever there are lands available, you can select.
You don't have to be from the region that the lands are located in. I just want to -- I thought that was your question. Yes, you don't have to live on the land or near the land that's available to select it. Any other questions?

JIM LaBELLE: I'll just use this one again. Jim LaBelle. It's not very clear that -- or maybe I'm not reading it very clearly -- prior to ANCSA there were these federal withdrawal systems, these parks, national rivers, all that kind of thing.

That was taken care of a little bit with ANILCA, but in this recent thing with the Alaska Native veterans, it's not very clear whether or not veterans can select lands that were not part of the park prior to 1971 or to ANILCA, that way you would be eligible for it.

I'll give you an example. The Kenai -- or Harding Ice Field, my village corporation selected -- which is Port Graham -- selected a good chunk of that along with English Bay. And I'm just -- and afterwards ANILCA came in and selected that park.

I'm just wondering if Native veterans have -- can be in front of that piece of legislation, because it's not clear in the legislation.

PAUL KRABACHER: Candy is an adjudicator
and she passed the mic to me.

My understanding is no, the law is current as of March 2012, and that was all settled in the past.

But you do bring up another issue, which is the ANCSA (d)(1) public land orders that are still in effect right now that BLM is aggressively sending revocation packages for recommendation for withdrawals back to Interior.

So that's why, when you look at the availability map on the BLM website -- for those who have checked it out, or for those who haven't, I encourage doing that -- we only have three areas that the ANCSA Section 17(d)(1) Public Land Orders have been revoked to date, as of today. It's only the 40 Mile, Bering Glacier, and Good News Bay.

We have other packages we're completing and sending back for Secretarial approval. The Secretary of Interior approves, we recommend per our resource management plans.

What's important, the message to you folks is if you're within the Bering Sea Western Interior Planning Area or Central Yukon Planning Area, those resource management plans are actively being completed now with input from everyone, from public
input.

And that's something that you definitely want to make sure that if you have eligible individuals within those areas, that those resource management plans recommend revocation of those ANCSA 17(d)(1) Public Land Orders.

It's a lot right there, but basically what it's saying is there are restrictions on those lands from ANCSA still that BLM needs to act on per recommendation from those resource management plans that were passed.

So just because it's BLM, you think it's all BLM, there is actually restrictions on some of those lands that were passed in ANCSA that we're revoking.

Does anybody have any follow-up question to that issue? Because it's -- okay. Actually, this one is hotter.

GREGORY Razo: My name is Greg Razo, I'm vice president of government relations at Cook Inlet Region, Incorporated. I work for CIRI.

In the draft regulations, I've got a concern that relates to deceased veterans. So the regulations state that if you're applying on behalf of the estate of an eligible individual who is deceased,
you must provide proof that you have been appointed by an Alaska state court as the personal representative of the estate and an affidavit stating that the appointment has not expired.

So I've been an Alaska attorney for 35 years, and I've done lots and lots of state court probate cases. And there is going to be a significant problem in dealing with this issue of closed estates, or estates that never were opened in the first place.

A number of indigent individuals that might have been eligible for this process that did not participate in any sort of a state process are really going to find this difficult without the help of an attorney. And most of the individuals that are in that process are indigent, so that means they can't afford an attorney.

And I also serve as president of Alaska Legal Services Corporation, who for many years worked on dealing with Alaska Native allotments, and that's more or less a specialty. But we don't do that anymore because the funding dried up.

So I highly recommend that if these recommendations for regulations are going to be properly implemented, that there needs to be some consideration made for funding for indigent legal
services for the people that have to live with these regulations; otherwise, they are simply not going to make it through this step of the process because it's complicated.

And there is no estate in Alaska, I can tell you, opened in 1970 or '72 or before that is still open today. The court will not allow that. They immediately closed these estates out administratively, which takes a new application to the court to reopen the probate.

So you have a land mine full of probate problems with this process in the absence of some professional assistance by attorneys that know allotments. And I'll tell you, there is darn few of those these days. Thank you.

CYRIL ANDREWS: Also I'd like to add, too, we do have our probate office, the Bureau does. Some may have gotten probate in the past because they may have inherited via their parents or grandparents' allotment or siblings. So we might have their probate, but we can check on that.

But I know going with the contact representative, I know that's going to be a long process, I believe, but we haven't gotten to that step yet. But thank you for addressing that.
SPEAKER: I actually work for the tribal government of Ft. Yukon. And he brings up a good point. And I also have potential heirs of Native Allotment veterans coming to me regarding becoming a personal representative.

And I looked up the website, and I did meet with a magistrate on the correct form. But I'm wondering if there are certain forms?

He mentioned an affidavit I wasn't even aware of. I thought it was a person to become a power of attorney or personal representative for that individual. Without a probate being completed, that is another question.

So I'm wondering, are there certain criteria besides having an affidavit? From whom? Besides having a personal representative, becoming a personal representative, he mentioned having an affidavit. Affidavit from whom? The state court? I didn't see it on there, on the legislation.

CANDY GRIMES: When we put that in there, what we want is we want the person who is the personal rep or the power of attorney of a live vet who is unable to do their own paperwork to sign a statement saying that this is not expired. We can't work with an expired document. So that's what we meant by that.
And it is a long process. I've gone to the website, and there are a lot of documents. I have no idea which ones to fill out.

And we have been talking with Alaska Legal Services trying to figure out how to do this. We're not going to leave you all hanging. So we're going to try to get this figured out.

We want to get the steps in place, learn them ourselves so we can teach you all so we can get this going and not leave anyone behind and frustrated, okay.

GREGORY RAZO: Given that explanation, I would highly recommend that you split that sentence in half then so it's much more clear about who is going to be issuing the affidavit.

Because nobody is going to get an affidavit from the court. The court doesn't provide affidavits, they provide certificates.

So, again, paying attention to this legal process is very, very important. And the language you use and the punctuation you use is actually very, very important. That needs to be clarified.

PAUL KRABACHER: Thanks, Greg.

CANDY GRIMES: And that's why we're having this meeting. Thank you very much.
Cyril Andrews: Do you have any more questions regarding the regulations?

Nancy Andrews: Hi, my name is Nancy Andrew with St. Mary's Native Corporation, and I just wanted clarification on the dates.

I attended the Fairbanks session through AFN. And before I start, I have a few questions. So just getting the eligible dates for selection.


Nancy Andrews: So with those eligibility dates, there are some Vietnam veterans that have served and were out of the country that fall outside of those dates. And I'm just wondering, how can we get those Vietnam veterans that are alive or deceased, because Vietnam was from November 1st, 1955 through April 30th, 1975.

Cyril Andrews: Yeah, we're going with the law that was, you know, passed by Congress where we're using the date August 5th, '64 to December 31st, '71.

Candy Grimes: New legislation would have to be passed to include any others past that date.

Nancy Andrews: And also first come first
served on the allotments. If you have a deceased Vietnam veteran and they have children or others, but if you have other family members that apply, according to this, they are the ones who are going to receive the allotment.

CYRIL ANDREWS: We need the individual that was -- or got killed in the Vietnam war, but we need the contact person that will be the point of contact for that individual. We'll need the deceased -- decedent's address or name and also the point of contact of the individual having or receiving the letters and stuff from BLM.

NANCY ANDREW: And I had another question, but I'll ask it later.

GREGORY RAZO: I've got one more question. So I do have one more question with regard to the selection process.

Are you folks anticipating -- right now there is basically three small areas of land available to select from. And over time, as you have different folks relinquish different interests in the land, there is going to be more land to select from, is that right?

CANDY GRIMES: Correct.

GREGORY RAZO: So when you make your selection at the time of your application, then it
matters when you file your application in terms of the availability of more selections of land, is that right?

PAUL KRABACHER: Uh-huh.

GREGORY RAZO: So will there be additional land availabilities that happen after the application process actually begins?

PAUL KRABACHER: I can answer that.

Yeah, this is Paul again.

For those who are new to this -- I noticed a couple folks -- this is the first time. BLM has on their website a presentation that we did at AFN. There is the cover sheet, and Ralph is yours truly on the front cover now along with a Vietnam vet, and Roy.

But in that presentation is a map of our proposed schedule for withdrawing, or I should say revoking those PLO withdrawals that you might pay attention to. We fully anticipate the Seward Pen area, the Kobuk/Seward, the Glennallen areas to go through that process.

I might add, in addition to that, that the Fish & Wildlife Service under this legislation was also directed to look at refuges that they, through input and in the process, would recommend those be available for selection. That subsequently will take another act of legislation to implement.
So the answer to your question is yes, we fully anticipate in five years additional lands becoming available. So it's just the reality of the picture here.

GREGORY RAZO: So the decision about when you actually make your application matters in terms of which land might be available?

PAUL KRABACHER: When you apply it has to be available land, correct.

BRIDGET ANDERSON: Good morning, my name is Bridget Anderson, I'm with the ANCSA Regional Association. I just have one question on the comments, written comments for the regs. Could you tell me the date that they are due?

PAUL KRABACHER: We just extended that to the 13th, December 13th. Good question, thank you very much.

BRIDGET ANDERSON: Thanks.

PAUL KRABACHER: And I might add on the back of the rules that we passed out, that is an e-mail. You can send those directly to that e-mail address. It's sort of long and convoluted, and you have got to get the underscore right, but that is the e-mail address to send comments to directly.

SPEAKER: Where is that?
PAUL KRABACHER: It's at the very last page right here. It says, "Please address any comments by e-mail to..." and that's the e-mail address. So it's basically BLM underscore AK underscore Native underscore Vietnam underscore allotment underscore rules at BLM dot gov.

MARGARET ROBERTS: Margaret Roberts, vice president of the Tangirnaq Native Village, Woody Island.

I'm here today. I've got very many questions, and I'm hoping that today and tomorrow I might be able to get -- spend some time with many of you to try to answer all of them.

You know, I'm really appreciative of all the work that Nelson Angapak did in getting this bill passed in the very first place, and I'm thankful to the Native tribes here in Anchorage for allowing us to hold this hearing on their land.

It's important, I think, that the time period of this, that we leave no one behind. And I'm not really sure if, from our region, or from our area, if all of the Native corporations even have been able to identify all of our veterans.

And I guess I'm a little concerned with the comment period. I wish that that maybe could be
extended, that there will be more time to comment. A lot of people in Alaska and other places don't even have the Internet, and, you know, how they are hearing about this might be from some of the newsletters that might be coming out. But how do you reach all of those?

From the tribes that I'm associated with, we have two individuals that paid the ultimate sacrifice, and one of those individuals is an uncle of mine, and all of his siblings live in Washington, in the Washington area.

Is there a way for those individuals, for his siblings to reach out to, say, the Quinault Nation or someone for assistance down there in getting all of these things done? Is there property in Washington that might be available to them? None of them live on Kodiak Island anymore, nor on the island of Woody Island anymore. But, you know, that's where most of them were born and raised. Do you want to answer those first?

PAUL KRABACHER: Yeah, so I know you have some more, because I'll lose track, so I'll go back to the first one.

So how the proposed rulemaking goes apparently, this is new to me too, is we'll be sending
the proposed rules that will get published in the Federal Register. At that time -- that's why we have this short timeline, is to get this implemented by September. You're thinking, well, gosh, it's not that long for rulemaking.

So we have to get it in the system, the proposed rules, which will generate a 30-day comment period, at which time we're going to go regionally. We're going to go all over the state and do this exact thing we're doing right now.

During that session, or sessions, it's going to be sessions, because we're going all over the state.

To answer your second question, unfortunately Kodiak Island falls in the same realms as Southeast because of the land management. Even if it was a selection by a village corporation or a regional, it would fall back to Fish & Wildlife. Is that pretty much it in Kodiak? So it's the same thing as south with the Forest Service.

We are obligated to provide assistance, and graciously the service providers are stepping up, too. Well, they contacted us first and said, "Hey, how can we help?"

So with your relatives is to contact us
directly or BIA or VA, although VA has been a little bit silent, but they are starting to step up, and they would qualify, it sounds like, for any area within Alaska that's open for selection.

Does that answer those two questions?

MARGARET ROBERTS: Well, it helps a little bit. I wish there was a way that -- some of these -- I wish there was a way to try to simplify it even further on the regulations so that it could be as easily -- so it could be easy for everyone.

I heard Jolene say that, you know, for the probate ones that, you know, she's willing to work with individuals, and I think that it would be really nice if we could simplify the process. And I don't know what all the answers might be to that, but I think that, you know, this is confusing.

And I'm sure that the Native corporations, most of them in our area have already received their conveyances of land, and I think there might be just a few on one end of the island that might still be working on something, but I'm not sure.

I think that it would be wonderful if their families do receive land. I'm just thinking of my aunties and my uncles are getting pretty well up there in their years. And we had some memorial
services over on Woody Island for my uncle. He didn't receive one of his medals, and it took us 40 years, you know, working with our congressionals and with everyone to try to make those things happen. And it did, but 40 years after he had perished.

And time is just ticking on, and I see my family members getting older and older. And I would dearly love for them to be able to come back home and enjoy the place of their birth and to be able to be at the hallowed ground where he is buried.

But some of these things seem very confusing, and I hope that we can get everything answered so that they know what they are supposed to do.

And another thing I think that, not for that family, but I know in other families, it's going to be difficult for them because they are such a big family, and maybe they don't all agree. Do they have to have consensus? They do.

PAUL KRABACHER: The way I understand, yeah, a personal representative.

MARGARET ROBERTS: And on our island, we do have a process where all of our Native organizations come together, it's all the tribes, all the village corporations and the regional corporation and the
non-profit corporation. And we try to work together in unity and be able to do what we can for our people on Kodiak Island on all issues.

And I think this is a big issue, and I told Ralph about this quite some time ago, and I do have Candy's contact, but I would dearly love for you to come to one of our roundtable sessions and maybe stay a little bit longer and put something in our newspaper so that people know that -- you know, know that you're there.

I just don't want to see any of the comment doors and things closing on us. I want to make sure that we take care of this in a respectful way. Because I've got to say, our veterans, they deserve this. For all of you that are here in the room, I thank you for your service to our country, and never forget that. So...

CYRIL ANDREWS: Margaret, I would like to add, thank you. We have 16 compact tribes and seven contract tribes that work with real estate services. We have meetings with them. We try to work with them to collect all the addresses that they may have out there on folks that have deceased before.

But we're working with these folks that have real estate services that we deal with, and we do
get -- they do have their addresses. But I'm not sure
that the Native corporations will have any of that
information on their veterans or if they will be
willing to share that with us. And we do do work on
doing outreach to bring the message to get those folks
that are eligible to apply. Thank you.

FRANCINE JOHNSON: I just wanted to make
a comment, because in our region we provide our realty
services for over 20 villages.

The fear I have is having that assistant
in each of the villages filling out the applications
correctly, selecting land correctly. We can't be in 20
villages with five employees. So that was my fear.

But then, you know, we need to travel to
each of the villages and try to come up with somebody,
either with a corporation, the tribe, or the city to be
able to step up and help be the go-to person in that
community.

Because I fear them not being able to --
that first come/first served, where they may not leave
their villages and they might not be able to have
access to land that's going to provide for them.
That's what I fear, is they are going to be left behind
because they don't have that help in the village to
help them select the land, fill out the application,
first come/first served.

So that's a concern of mine dealing with several villages that we have to make sure we take care of. It's a big responsibility, and I fear that.

So I'm hoping there is going to be some kind of help, even with the veterans -- you see that, you know, their potential heirs that are out of state who don't even -- may not even know that they belong to a tribe, that they lived out there all their life and don't even know what tribe they belong to, but they have a veteran that is from Alaska. How are we reaching out to those? How can we when we're here and there's -- it's a big world out there.

And I heard this comment, "We don't want to leave anybody behind." I really don't want to leave anybody behind, because they all deserve to have a piece of land, especially their heritage and their culture where they come from.

So that first come/first served is always going to bother me, especially when it comes down to people who probably don't even leave their communities and may not get that opportunity, whether it be weather, Internet.

We have rural areas that you can't drive to but you have to fly or boat, you know. That first
come/first served is always going to bug me, especially
trying to help our people the best way we can. I feel
it really falls on service providers, especially when
you deal with several communities. So I just wanted to
make that comment.

CYRIL ANDREWS: Yeah, Francine, if we do
have any funding left over, you know, we do consider
through the RD to appropriate, to do a one-time funding
for those programs, be able to fly to the communities.
So we'll be able to, through the RD, we can get some
funding available if we do have the funds.

FRANCINE JOHNSON: Yeah, but it's not
only that, but to have that person when that time --
the door opens up, first come/first served, helping
them fill it out.

If one thing is wrong on that
application, somebody else can come forward, you know.
I mean, it kind of puts that person in that community
in the back burner because they didn't have that help.
So, yeah.

PAUL KRABACHER: If I could add to a
couple things, actually tying back to yours, Margaret,
too.

First of all, I don't think anybody in
this room disagrees that no one is going to get left
behind to a hundred percent as much as we can to
provide that. We're obligated, we're morally
obligated. I think we're all on the same page in this
room for that.

Real quick, touching on outreach. It
doesn't stop just because of the rules. And we're
required to -- when we submit the rules into the
system, quote unquote, we're still going to board
meetings, corporation board meetings, we're still --
Northwest Arctic, I mean, we're going to outreach as
much as we can, as much as we're invited to. And I
think that holds true for BIA, both of us.

You mentioned the Lower 48, and that has
always been a real problem for me as the project
manager in how do you reach those individuals?

Well, we've really tried to put the full
court press on VA. VA has the networks, VA has that
outreach potential. And they have, quite frankly from
my perspective, I haven't seen that many results from
the Lower 48 national perspective.

We've had great responses from local
folks. Phil, I forgot his last name, up in Fairbanks
doing the tribal assistance from the VA standpoint,
we've already done a webinar with him. But that Lower
48 thing has always bothered me.
When you get to the first one in for the selections, understand we -- this law will not -- will most likely not -- the curtain won't rise and the gun goes off or whatever until September. We've got a lot of time to plan out, to strategize how to do this, how to get that assistance, how to get that one-on-one assistance. Who is it?

Corporations have stepped up. It's like the fourth time I've seen Greg. I mean, there is a lot of potential. We just need to make sure it all works. So we've got a little time.

The rules are going on, the available lands are going on, but the outreach part and the assistance in the application, we want to make that solid and easy, getting back to easy, we want to do that as well.

The rules will also have a preamble, meaning that every single rule will have some explanation of what it's about and why we're doing this, and we're working on those as we speak.

And actually the preamble, Candy, what was the last one? It was three quarters of the actual rule were the preamble. So there is going to be some explanation when that comes out as well in the proposed rules coming up.
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We're still behind the steering wheel on this, and we want to make sure that this outreach works with the providers, corporations, tribal, any entity, obviously us, with the Interior as well VA, and we're still trying to pull VA in as well.

So I hope that answers a little bit.

MARGARET ROBERTS: I think it would be -- I don't know if this is really working or not. It is?

Okay.

I know that when we looked for some results and we worked with Congressman Young, it would be nice if we could -- you know, at these hearings it would be wonderful, I think, if -- hopefully Tara Sweeney will be able to attend something if she's here this week. And it would be nice to have staffers from our congressional offices attending this as well.

I think that if we're going to have to make changes to any of these, we need their assistance. So I hope that they will support us in that effort.

CYRIL ANDREWS: I'd like to add that tomorrow we're having a presentation, a panel with BLM enrollment and realty to answer any questions that the providers have. So we'll have that on the third floor tomorrow from 3 to 5. So if you guys are willing to attend, go ahead and register for the providers'
conference.

NANCY ANDREW:  Hi, Nancy Andrew again, St. Mary's Corporation.

The proposed rules, I'd like to offer for consideration to include language on open land selection to allow one for personal representatives to work with courts and outreach, because it's going to take time with our limited Internet to be able to reach a lot more of our Vietnam veterans and on behalf of our siblings for personal representation. Because if you have the personal representative, you have siblings that are going to be living in different parts of the state. So, you know, you'd want them to have a selection where they would like to select.

And also that it would have consideration to be -- to include the new legislation on refuge lands, which will be down the road.

JIM LaBELLE:  Jim LaBelle again. Under an earlier piece of legislation, there were deadlines for registering for this -- for land selections. And I registered for myself and for my brother, and of course the rules and the processes were different then and we got rejected, of course. Now we have a new piece of legislation where we're going through another process of registration.
Are the ones that registered under the old legislation kind of grandfathered into this new one, or do we have to bring that — do we have to do that process all over again?

Cyril Andrews: You'd have to turn in the application to get the application going. But if you didn't receive any land during that first round, then you wouldn't be eligible; and if you did receive land from that first round, say 2.5 acres or 160 acres, then you wouldn't be eligible. But you would go ahead and submit in your application once you received the notice from BLM.

Jim Labelle: And that's December 13th?

Candy Grimes: No, no. Actually, we do not have an application yet. The rules need to be finalized before we can have -- start accepting applications. So December 13th is for comments on the proposed rules, the draft rules that we have here today.

Jim Labelle: Okay, thanks.

Candy Grimes: But yes, even if you applied before and were rejected, you will have to apply again.

Jim Labelle: Reapply?

Candy Grimes: Yes.
PAUL KRABACHER: The reason for rejection, a lot of that was historic use, correct me if I'm wrong maybe, that was a factor?

CANDY GRIMES: Most of the rejections -- unfortunately, when I first became a land law examiner, I worked the first vet one, and it was very depressing to me because all I did was reject. It was very, very depressing.

Most of those it was people were selecting land that was not available; their military was not during the time that it was supposed to; or the first one you had to have died either in Vietnam or a cause of something that happened in Vietnam, which that part never did make sense to me. Those were the three reasons why people were rejected the most. Selected bad land; they didn't serve during the time; or they didn't die properly, you know. So -- but those were the three reasons.

JENNIFER MILLER: Candy, maybe mention that if they already had a survey from the previous application and it's available, they could still use that.

CANDY GRIMES: If you've already applied and we have your Native allotment -- not Native allotment, CIB card or your DD 214 and you weren't on
the list, we can use that because you've already
submitted it to us. And we actually recalled all of
those applications back. We have them in our office so
that we can have them on hand when this goes forward so
we can look at the original applications.

Is there any other questions?

PAUL KRABACHER: This doesn't have
historic use.

CANDY GRIMES: That's another thing is
this one does not have historic use. You didn't have
to have used the land and occupy the land prior like
the other one did.

CYRIL ANDREWS: Is there any more
questions out there? Anyone has comments on the draft
regs?

PAUL KRABACHER: Or anything?

CYRIL ANDREWS: Or any other questions
that you want to ask, please?

JIM LaBELLE: I'll do one more.

CYRIL ANDREWS: All right there, Mr. LaBelle.

JIM LaBELLE: I have had some Vietnam-era
veterans call with just anecdotal questions about:
What if we don't want any land at all but maybe we want
to be compensated in some fashion? Is there going to
be anything addressed?

    CYRIL ANDREWS: No, there is none. The only way is, say you receive your 160 acres, you could put it up for sale. That's the only recommendation I can make, is when you do receive it or you want to sell it, you can sell it to the bureau through us or through one of the compact or service providers. But I'd rather the corporations buy them up, but it's up to them. But they don't have that first right of refusal, but you guys are eligible to sell your allotment when you do receive it.

    JIM LaBELLE: For example, there are Native allotments around the state where individuals are willing to sell, and I'm wondering if there is a process of making that available in that land selection process.

    CYRIL ANDREWS: It's not in the bill.

    JIM LaBELLE: It's not in the bill.

Okay, good.

    CYRIL ANDREWS: Did you guys understand the question that he was asking? He was saying if they get compensated instead of receiving land. But that's not in the bill currently, so that wouldn't apply, Mr. LaBelle. Thank you.

    GREGORY RAZO: The topic brings up an
exception, I guess, or a new feature of this allotment process. These are going to be unrestricted lands, is that right? That's what the contemplation is at this point?

Cyril Andrews: That we don't know yet. I think, you know, we would have to wait and see because we don't know if it will be restricted or non-tribal, so we don't know that question.

Gregory Razo: There is nothing in the law that suggests that it's going to be restricted.

Cyril Andrews: Nothing in the law.

Paul Krabacher: This is a perfect opportunity for you to weigh in on that subject, to comment on it either way.

Gregory Razo: And I do have concerns, because in the case of unrestricted land, that means that it's very possible that land would immediately come out of Alaska Native ownership and it would be subject to taxation by cities and boroughs and potentially tribes, and because of inability to pay by poverty-level recipients of this land, they could lose their land simply because they couldn't afford to own it.

So that is a detriment to having unrestricted land when every other Native allotment
prior to this was restricted and had some involvement
with the federal government in terms of how that land
would be disposed.

And I do have a concern about that. If
we want to preserve this land for Alaska Native people,
making it unrestricted will serve to not do that.

PAUL KRABACHER: Thanks.

CYRIL ANDREWS: Thank you.

MARGARET ROBERTS: I think those are
really good points that Greg raised. And some of the
questions that our tribe has heard, too, is that they
were hoping if things did move along, was there a way
that they might be able to turn some of the land or
turn the land over to the tribe so that it could be,
like, a park or something that's named after these
veterans, or a veteran memorial place that could be --
that could be done. That was some of the questions
from some of the families that we serve. That's not in
the regs, is it?

CYRIL ANDREWS: We do have transactions
with real estate services. When we're dealing with a
restrictive Native allotment, they have that option to
give their restricted allotment to, you know, one of
their siblings.

But if they do want to transfer or give
it to a tribe, I would recommend they remove their
restrictions, then donate it to the tribes. But that
can be subject to taxation, though, when you do remove
the restrictions if you're in a taxing borough.

Are there any more questions out there?

Francine.

FRANCINE JOHNSON: So who is going to
make the determination if it's unrestricted or
restricted? Who is going to be the one to make that
determination?

PAUL KRABACHER: That's above my pay
grade. I hate to use that line. We're actually
seriously taking comments into this, is my
understanding. And that's pretty much what I've been
told, is please have comments submitted regarding this
issue.

FRANCINE JOHNSON: To that e-mail?

PAUL KRABACHER: That e-mail.

CANDY GRIMES: Right now.

FRANCINE JOHNSON: Well, my comment is I
strongly believe that our veterans deserve and their
heirs deserve to be protected just like everybody else.

CYRIL ANDREWS: Thank you, Francine.

SARAH GALLT: Hi, I'm Sara Gallt with The
Kuskokwim Corporation, and I just had a question for
the top of page 9 the under C. We're talking about restricted and unrestricted lands, but it says, "United States will reserve minerals in certificate of allotment."

I'm just wondering, for clarification, does it mean that people won't have their subsurface rights? Because it seemed like other Native allotments we did, they reserved those rights for the minerals below.

CANDY GRIMES: Actually, all the other allotments we reserved minerals. If it was a locatable mineral as in gold and stuff, we rejected the applications. This one doesn't have that in the rule, so we would just reserve them. All minerals will be reserved, just like it says in the law. Just like the other applications before.

SPEAKER: What's that mean, being reserved?

CANDY GRIMES: All the minerals would be reserved to the United States, we would own them. The owner of the land would not be able to sell or lease them or utilize them. There is more to a subsurface than just minerals.

CYRIL ANDREWS: Yeah, that would be in the deed when it's issued. The certificate of
allotment, it would reserve those minerals within that deed.

SPEAKER: It sounds like the land is going to have to be restricted then when it's gifted.

ANDREA GUSTY: Andrea Gusty, The Kuskokwim Corporation. Just for clarification, when you say "minerals" you mean gold and oil potentially but not gravel and sand?

PAUL KRABACHER: I defer that to somebody in a white shirt back there.

MICHELLE WATCHMAN: I actually don't know the answer to that.

CANDY GRIMES: The original 1906 act did not reserve sand and gravel. The 1998 act did reserve sand and gravel as a locatable mineral. So I need to get back to you on that one. Thank you for bringing that one up.

ANDREA GUSTY: Thank you.

CYRIL ANDREWS: Do you have any questions, comments? Brian.

BRIAN JAMES: So my concerns are, after everyone gets their Native allotments and people decide to sell, who is going to be responsible for all the fees associated with that?

Like Kawerak, for example, we're a
contractor. If we have someone who is a non-tribal
member in our area, who is going to pick up that tab
for that person selling that land?

CYRIL ANDREWS: If it's within your
jurisdiction, I think, you know, within one of those
communities that are within Kawerak, then I think it
would be Kawerak's jurisdiction, and you would probably
get extra funding for that depending on if it's
restricted or a fee.

But it would be under Kawerak's
jurisdiction, because they have that issue of -- I
mean, we do have land corporation codes, like Kawerak's
978, and we do have those codes, and some of these
restricted land owners, they do have those codes within
their title.

So any more questions out there? Go
ahead, Margaret.

MARGARET ROBERTS: So for some of the
corporations, do you have funds available for -- do you
have funds available for assisting them or tribes,
somebody in the region for land managers that can
assist, just as the gentleman was saying?

CYRIL ANDREWS: Yeah, I know they
contract real estate services. I think that's with
probate as well. They do receive money for providing
services to those communities that they have
jurisdiction over. They do receive that money.

But in some cases when we do have -- say
we have left-over funding, we have to go request from
the regional director to say we're doing a one-time
funding depending on the amount, and we do distribute
funds. To the 16 compacts and 7 contract tribes, we do
provide that funding, but it depends. It kind of
varies because we may have vacancies. And in some
cases we'll have that funding, but in some cases we
won't have that funding.

EUGENE PELTOLA: The requirements we have
under this act for the Native allotment is a totally
unfunded mandate. So we did not receive any additional
funding to do proposed rules, to do consultation, to
do -- to implement the act.

What we have done, at least with the
Bureau of Indian Affairs at this point, is that, as
Cyril said, whenever we have a vacancy, in a normal
given year if a tribe needs assistance with a
particular project, we may be able to fund some of
those.

What we did the end of this last fiscal
year was that the salary savings we have had, which is
a small portion of what we believe is going to be
required to get full implementation of this, we have
started to utilize to put towards programs which will
be affected.

So do we currently have a checkbook to
write a check to give to Kawerak, to BBNA, to AVCP, to
TCC? No, we don't. But what we're trying to do,
realizing that we're going to have a large demand in
realty services, a large demand in probate, we're
trying to address some of those situations which may
be -- preclude them from addressing the requirements of
this act. We've been trying to take the money that we
have available to address those concerns now to try to
prepare us for when we get the full implementation of
this.

CYRIL ANDREWS: Thank you, Gene. We
still have a half hour to go. Are there any questions
out there? Now is your time.

FRANCINE JOHNSON: Oh, heck, I'll just
stand up here, huh. I just wanted to make a comment on
the mineral stuff. It's common for that, right? It's
not jet set that minerals belong to whatever? Is it
jet set that --

PAUL KRABACHER: It's in the law.

FRANCINE JOHNSON: It's in the law?

PAUL KRABACHER: Yeah.
FRANCINE JOHNSON: I was going to make a comment. Our veterans deserve every rock on that land and so does their families. And that's unfortunate that, you know, they don't get the full recognition and honor by getting the land. So I just want to make that comment.

CYRIL ANDREWS: Thank you, Francine.

Are there any more questions? I know there was questions on -- you know, this is a new bill, and it's something that, you know, BLM and BIA, we're all trying to work together to ensure that we reach out to all the eligible applicants.

FRANCINE JOHNSON: Okay. You know, when we first met at BIA, or actually it was in the federal building, and we had the opportunity to see the website for open lands. Is that going to be offered again, and will it be open to where either corporation representatives would be able to participate?

Because, like I'm going to say again, in the villages, we have -- we serve over 20 villages, and we might have to look for somebody in the corporation in that village to be able to help us help them. Because we can't be in every one of the villages.

So is that going to be offered again for training purposes and be open not only to service
PROVIDERS but also to tribes, corporations, and maybe
the city so we can have somebody in each of those
communities that can help? That's my fear is not being
able to help them do it correctly and be rejected.

PAUL KRABACHER: The answer is yes. More
training, especially what you saw, and I think that
might be the final version that's actually going to get
on the website too. So there will be a link for that
if it hasn't happened already. I was on it last week.

Something else I was going to say. Oh,
there is a lot of discussion on other -- obviously
other media. We're totally on that. I've advocated
that from day one, Web, Web, Web. Well, what if you
don't have the Web? So what are the other options?
You've got paper, radio, et cetera.

So we're just starting into that now.
Once these rules sort of settle, that's the next step
that I know I'm going to be directing, is getting that
full suite of outreach, including YouTube video once
the application process has pretty much settled, and
this is how it happened. I mean, things like that.

We're definitely open for suggestions
about anything else, but at a minimum absolutely
outreach beyond just service providers. And I love
that suggestion, city. Corporations, obviously we've
already been in touch, so thank you.

CYRIL ANDREWS: Thank you, Paul. Are there any more questions out there?

FRANCINE JOHNSON: I joke.

PAUL KRABACHER: Just give you the mic.

CYRIL ANDREWS: All right, I'll give you guys one more chance. I know there is questions out there. Going once. We still have another half hour to go, so it's good to ask those tough questions, and it's good to get them addressed. So what kind of questions do you guys have out there?

RALPH ELUSKA: I feel like we have one more base to cover, and that is the reason we have the recorder here, is that when Jim LaBelle asks a question, can I look at the old refuge to see if some of that is available for me to select from? What I'm saying is that we're going to get answers to those questions and try to get them back to you. So that if we have an individual that submitted notices to you or information on where to get a hold of them, we're going to acknowledge that so that they are not sitting out there feeling like, well, I kind of contacted BIA six months ago, and I haven't heard nothing yet.

CYRIL ANDREWS: We do collect their addresses, because we're waiting until the time when we
submit that to BLM, because they are going to do the
notice to all the eligible applicants.

RALPH ELUSKA: And I'm saying the BLM, as
a courtesy back to the applicant, saying, "Thank you,
we received your personal information."

CYRIL ANDREWS: Yeah, we do receive them
over the phone or by individuals when they do come to
BIA, and we have their addresses and we got a good list
going.

And if any of you corporations have the
addresses out there, if you guys are willing to share
them with us, I would -- you guys can go ahead and
contact me or Jennifer Miller.

RALPH ELUSKA: Just wanted to let Jim, my
classmate, say, "All right, I'm going to hear back."

GREGORY RAZO: So I have another question
under Section 6, available federal lands. And the
question you guys ask is, "How will the BLM certify
that the land is free of known contaminants?"

Is the BLM really going to certify that
the land is free of known contaminants?

PAUL KRABACHER: So some of you might be
aware of the direction from, I want to say the '16
omnibus bill for ANCSA contaminated lands and the
updates in the report.
Well, I was the project manager for that as well. So what we are certifying is the known part is direction from the legislation as well, but with the available databases that exist right now.

The result from that report to Congress was -- which by the way has not happened in other states to my knowledge -- is pulling all the known databases within a state. So as you’re aware, that’s why we listed these, the most important being ADEC.

Since then ADEC has gotten rid of most of the duplicates from the other agencies to where they really are the database of completeness, for lack of a better word. So what we’re doing is a review for that.

We also have that as internal policy for future processing of -- geez, total mind blank. It was a great vacation -- issuing certificates. Any future transfer of land out of federal ownership to corporations, Native allotments go through an internal review process, which basically is this.

GREGORY RAZO: So it is an actual certification that the land is free of known contaminants.

PAUL KRABACHER: Correct. That’s what we’re directed by the legislature.

GREGORY RAZO: To the extent that, let’s
say a corporation that received contaminated land is
aware of adjacent land that is not owned by the company
and knows that to be contaminated as well and it
doesn't show up in any of the databases that you rely
on, if it becomes known during this application period
that that adjacent land is contaminated, will there be
a process to deal with that newly found contaminated
land?

PAUL KRABACHER: You bring up a good
point, especially in light of the first in/first out,
you know, the prioritization schema. And that's a very
valid point for the prioritization schema.

To add, though, real quick to the
contaminated -- ANCSA-conveyed contaminated sites, the
Alaska Tribal Consortium now is -- sort of that's in
their wheelhouse pushing this effort as well as ADEC in
partnership, obviously, and EPA. They want to know
about those sites.

There is no way in heck we can know of
all the sites basically from an impact from the
Department of Defense buildup, obviously, from the
'40s, '50s, and et cetera. But that's just why we say
no.

Because we'll fully admit, hey, there is
a lot out there that -- and ADEC will, too -- that they
don't know about that they want to know about.

But you bring up a great point, Greg.

Thanks for the prioritization, duly noted.

CYRIL ANDREWS: Any more questions out there?

NANCY ANDREW: Just one more question on the BIA, if they are going to be included and present. I have a question if they are going to provide real estate services and probate?

CYRIL ANDREWS: You mean if they have not been probated yet?

NANCY ANDREW: If they can provide that?

CYRIL ANDREWS: If they do have restricted land, then their property will get -- their estate will get probated only if they have restricted land or any funds in the Individual Indian Money Account.

But if they are fee, BIA will not deal with those probate matters. So you would have to go through either the state or the contact representative through the state and go through that process. And I'm not sure how that process goes, but we'll have presentations tomorrow, because we're inviting Alaska Legal Services to present on that topic.

Any more questions out there? Going
once, going twice. Francine.

    FRANCINE JOHNSON: They need to stay

    restricted, my comment.

    CYRIL ANDREWS: Thank you for providing

    that comment.

    In this case, I guess we're out of

    answering questions here. So we would like to go ahead

    and end the consultation meeting. And I thank you guys

    for coming here and being here during this while it's

    snowing out there. And thank you for providing your

    comments, and you guys have a great morning, thank you.

    Quyana.

    (Meeting ended at 11:39 a.m.)