

DEPARTMENT OF THE INTERIOR
ANCSA CORPORATION CONSULTATION

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

Held at:
Dena'ina Center
600 W. 7th Avenue
Anchorage, Alaska

Monday, December 2, 2019
Pages 1 - 56, inclusive
10:00 a.m.

Presenters:
Eugene Peltola, Jr.
Cyril Andrews
Jennifer Miller
Lynn Polocca
Jolene John
Michelle Watchman
Sarah Walker
Candy Grimes
Ralph Eluska
Paul Krabacher

Reported by: Leonard J. DiPaolo, RPR, CRR, CCP

1 P R O C E E D I N G S

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

6 EUGENE PELTOLA: I'm Gene Peltola.
7 Welcome. We are here to talk about the Alaska Native
8 Veteran Era Land Allotment, the John Dingell, Jr. Act,
9 Section 1119.

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

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

20 So at this point, like I said, welcome
21 this morning. I'd like to turn it over to Cyril from
22 our BIA staff, and Paul from the BLM, and then we'll
23 introduce our staff that we have here and will continue
24 on with a Q and A session about the proposed
25 regulations, the land that's currently available for

1 selection. Once again, thank you and welcome to each
2 and every one.

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

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

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

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

23 This is the first time I've been involved
24 in a consultation, but normally we would have the
25 head -- the Indian secretary here, but I think she's

1 running late or something. But anyway, if you have
2 questions, please address them now.

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

6 How, if the corporation was willing to
7 give up some land for -- specifically for their
8 shareholders to obtain land in the villages they are
9 from, is that possible? And is there a process and
10 forms available now so that the corporations can
11 consider taking care of their shareholders that way?
12 Do you understand my question?

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

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

20 We do not have a form at this moment,
21 we're working on it. We are working on possible
22 conditional relinquishments where they would relinquish
23 the land for that allottee only. They could say, "We
24 relinquish it if this person is found valid for the
25 land." So that way if, for some reason this person is

1 not eligible for that land, their relinquishment
2 doesn't go into effect, it's still their selection,
3 okay. Because we don't want holes in the middle of
4 their selections.

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

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

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

18 We were actually looking at conditional
19 relinquishment letters from the corporation as an
20 option instead of an actual form. The reason is is the
21 form goes through whatever OMB stands for. But at any
22 rate, more -- like now, currently, if a corporation
23 wants to relinquish a selection, they just send in a
24 letter. So it would be a conditional relinquishment
25 letter from the corporation.

1 So that's not necessarily a form, per se,
2 officially, but more of a letter. Does that make
3 sense?

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

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

17 PAUL KRABACHER: So what we're really
18 encouraging right now is if you know of Vietnam
19 veterans, Native Vietnam veterans that there is no
20 doubt that they qualify, they are a veteran within the
21 time frame, they are a Native Alaskan, and they haven't
22 received an allotment prior through the other acts,
23 that individual, we're encouraging that individual to
24 contact their corporation right now and look at the
25 options that the corporation is willing to relinquish

1 as well as where the eligible individual wants to
2 select. So we're encouraging the contacts right now.

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

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

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

22 So to make full circle, we're encouraging
23 those that we know are pretty much going to receive the
24 allotment to contact the corporations, like, now,
25 and/or the service providers or whatever mechanism you

1 have in your region. Does that help?

2 CYRIL ANDREWS: Do we have more questions
3 up there?

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

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

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

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

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

25 He gives a good example of an individual

1 who didn't get a chance to enroll under the Alaska
2 Native Claims Settlement Act. So we have a procedure
3 in place to have family members contact the Bureau of
4 Indian Affairs and notify us of your sibling that has
5 deceased during the war.

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

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

14 JIM LABELLE: Thank you.

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

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

22 CYRIL ANDREWS: Go ahead, Candy.

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

25 The law itself states: An eligible

1 individual, under 2(ii), has not received an allotment
2 made pursuant to --

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

5 CANDY GRIMES: "Eligible individual means
6 an individual who..." and part of that is "...has not
7 received an allotment made pursuant to Section 41 of
8 Alaska Native Claims Section Act." And that is the
9 1998 Vet Act. That is in the law.

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

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

24 CANDY GRIMES: New legislation would have
25 to be passed.

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

1 Sealaska boundaries?

2 CANDY GRIMES: No.

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

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

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

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

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

23 CANDY GRIMES: I wanted to add to that.
24 But there are lands available, not in that area. But
25 wherever there are lands available, you can select.

1 You don't have to be from the region that the lands are
2 located in. I just want to -- I thought that was your
3 question. Yes, you don't have to live on the land or
4 near the land that's available to select it. Any other
5 questions?

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

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

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

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

25 PAUL KRABACHER: Candy is an adjudicator

1 and she passed the mic to me.

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

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

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

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

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

1 input.

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

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

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

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

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

22 In the draft regulations, I've got a
23 concern that relates to deceased veterans. So the
24 regulations state that if you're applying on behalf of
25 the estate of an eligible individual who is deceased,

1 you must provide proof that you have been appointed by
2 an Alaska state court as the personal representative of
3 the estate and an affidavit stating that the
4 appointment has not expired.

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

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

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

22 So I highly recommend that if these
23 recommendations for regulations are going to be
24 properly implemented, that there needs to be some
25 consideration made for funding for indigent legal

1 services for the people that have to live with these
2 regulations; otherwise, they are simply not going to
3 make it through this step of the process because it's
4 complicated.

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

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

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

22 But I know going with the contact
23 representative, I know that's going to be a long
24 process, I believe, but we haven't gotten to that step
25 yet. But thank you for addressing that.

1 SPEAKER: I actually work for the tribal
2 government of Ft. Yukon. And he brings up a good
3 point. And I also have potential heirs of Native
4 Allotment veterans coming to me regarding becoming a
5 personal representative.

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

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

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

20 CANDY GRIMES: When we put that in there,
21 what we want is we want the person who is the personal
22 rep or the power of attorney of a live vet who is
23 unable to do their own paperwork to sign a statement
24 saying that this is not expired. We can't work with an
25 expired document. So that's what we meant by that.

1 And it is a long process. I've gone to
2 the website, and there are a lot of documents. I have
3 no idea which ones to fill out.

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

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

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

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

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

23 PAUL KRABACHER: Thanks, Greg.

24 CANDY GRIMES: And that's why we're
25 having this meeting. Thank you very much.

1 CYRIL ANDREWS: Do you have any more
2 questions regarding the regulations?

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

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

9 CYRIL ANDREWS: It's -- you mean when
10 they served? It's from August 5th, 1967 -- '64, sorry,
11 to December 31st, 1971.

12 NANCY ANDREW: So with those eligibility
13 dates, there are some Vietnam veterans that have served
14 and were out of country that fall outside of those
15 dates. And I'm just wondering, how can we get those
16 Vietnam veterans that are alive or deceased, because
17 Vietnam was from November 1st, 1955 through April 30th,
18 1975.

19 CYRIL ANDREWS: Yeah, we're going with
20 the law that was, you know, passed by Congress where
21 we're using the date August 5th, '64 to December 31st,
22 '71.

23 CANDY GRIMES: New legislation would have
24 to be passed to include any others past that date.

25 NANCY ANDREW: And also first come first

1 served on the allotments. If you have a deceased
2 Vietnam veteran and they have children or others, but
3 if you have other family members that apply, according
4 to this, they are the ones who are going to receive the
5 allotment.

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

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

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

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

23 CANDY GRIMES: Correct.

24 GREGORY RAZO: So when you make your
25 selection at the time of your application, then it

1 matters when you file your application in terms of the
2 availability of more selections of land, is that right?

3 PAUL KRABACHER: Uh-huh.

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

7 PAUL KRABACHER: I can answer that.

8 Yeah, this is Paul again.

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

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

20 I might add, in addition to that, that
21 the Fish & Wildlife Service under this legislation was
22 also directed to look at refuges that they, through
23 input and in the process, would recommend those be
24 available for selection. That subsequently will take
25 another act of legislation to implement.

1 So the answer to your question is yes, we
2 fully anticipate in five years additional lands
3 becoming available. So it's just the reality of the
4 picture here.

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

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

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

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

18 BRIDGET ANDERSON: Thanks.

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

25 SPEAKER: Where is that?

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

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

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

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

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

24 And I guess I'm a little concerned with
25 the comment period. I wish that that maybe could be

1 extended, that there will be more time to comment. A
2 lot of people in Alaska and other places don't even
3 have the Internet, and, you know, how they are hearing
4 about this might be from some of the newsletters that
5 might be coming out. But how do you reach all of
6 those?

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

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

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

24 So how the proposed rulemaking goes
25 apparently, this is new to me too, is we'll be sending

1 the proposed rules that will get published in the
2 Federal Register. At that time -- that's why we have
3 this short timeline, is to get this implemented by
4 September. You're thinking, well, gosh, it's not that
5 long for rulemaking.

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

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

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

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

25 So with your relatives is to contact us

1 directly or BIA or VA, although VA has been a little
2 bit silent, but they are starting to step up, and they
3 would qualify, it sounds like, for any area within
4 Alaska that's open for selection.

5 Does that answer those two questions?

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

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

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

22 I think that it would be wonderful if
23 their families do receive land. I'm just thinking of
24 my aunties and my uncles are getting pretty well up
25 there in their years. And we had some memorial

1 services over on Woody Island for my uncle. He didn't
2 receive one of his medals, and it took us 40 years, you
3 know, working with our congressionals and with everyone
4 to try to make those things happen. And it did, but 40
5 years after he had perished.

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

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

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

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

22 MARGARET ROBERTS: And on our island, we
23 do have a process where all of our Native organizations
24 come together, it's all the tribes, all the village
25 corporations and the regional corporation and the

1 non-profit corporation. And we try to work together in
2 unity and be able to do what we can for our people on
3 Kodiak Island on all issues.

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

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

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

24 But we're working with these folks that
25 have real estate services that we deal with, and we do

1 get -- they do have their addresses. But I'm not sure
2 that the Native corporations will have any of that
3 information on their veterans or if they will be
4 willing to share that with us. And we do do work on
5 doing outreach to bring the message to get those folks
6 that are eligible to apply. Thank you.

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

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

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

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

1 first come/first served.

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

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

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

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

24 We have rural areas that you can't drive
25 to but you have to fly or boat, you know. That first

1 come/first served is always going to bug me, especially
2 trying to help our people the best way we can. I feel
3 it really falls on service providers, especially when
4 you deal with several communities. So I just wanted to
5 make that comment.

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

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

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

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

24 First of all, I don't think anybody in
25 this room disagrees that no one is going to get left

1 behind to a hundred percent as much as we can to
2 provide that. We're obligated, we're morally
3 obligated. I think we're all on the same page in this
4 room for that.

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

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

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

21 We've had great responses from local
22 folks. Phil, I forgot his last name, up in Fairbanks
23 doing the tribal assistance from the VA standpoint,
24 we've already done a webinar with him. But that Lower
25 48 thing has always bothered me.

1 When you get to the first one in for the
2 selections, understand we -- this law will not -- will
3 most likely not -- the curtain won't rise and the gun
4 goes off or whatever until September. We've got a lot
5 of time to plan out, to strategize how to do this, how
6 to get that assistance, how to get that one-on-one
7 assistance. Who is it?

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

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

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

21 And actually the preamble, Candy, what
22 was the last one? It was three quarters of the actual
23 rule were the preamble. So there is going to be some
24 explanation when that comes out as well in the proposed
25 rules coming up.

1 We're still behind the steering wheel on
2 this, and we want to make sure that this outreach works
3 with the providers, corporations, tribal, any entity,
4 obviously us, with the Interior as well VA, and we're
5 still trying to pull VA in as well.

6 So I hope that answers a little bit.

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

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

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

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

1 conference.

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

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

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

18 JIM LaBELLE: Jim LaBelle again. Under
19 an earlier piece of legislation, there were deadlines
20 for registering for this -- for land selections. And I
21 registered for myself and for my brother, and of course
22 the rules and the processes were different then and we
23 got rejected, of course. Now we have a new piece of
24 legislation where we're going through another process
25 of registration.

1 Are the ones that registered under the
2 old legislation kind of grandfathered into this new
3 one, or do we have to bring that -- do we have to do
4 that process all over again?

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

13 JIM LaBELLE: And that's December 13th?

14 CANDY GRIMES: No, no. Actually, we do
15 not have an application yet. The rules need to be
16 finalized before we can have -- start accepting
17 applications. So December 13th is for comments on the
18 proposed rules, the draft rules that we have here
19 today.

20 JIM LaBELLE: Okay, thanks.

21 CANDY GRIMES: But yes, even if you
22 applied before and were rejected, you will have to
23 apply again.

24 JIM LaBELLE: Reapply?

25 CANDY GRIMES: Yes.

1 PAUL KRABACHER: The reason for
2 rejection, a lot of that was historic use, correct me
3 if I'm wrong maybe, that was a factor?

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

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

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

23 CANDY GRIMES: If you've already applied
24 and we have your Native allotment -- not Native
25 allotment, CIB card or your DD 214 and you weren't on

1 the list, we can use that because you've already
2 submitted it to us. And we actually recalled all of
3 those applications back. We have them in our office so
4 that we can have them on hand when this goes forward so
5 we can look at the original applications.

6 Is there any other questions?

7 PAUL KRABACHER: This doesn't have
8 historic use.

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

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

16 PAUL KRABACHER: Or anything?

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

19 JIM LaBELLE: I'll do one more.

20 CYRIL ANDREWS: All right there, Mr.
21 LaBelle.

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

1 be anything addressed?

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

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

17 CYRIL ANDREWS: It's not in the bill.

18 JIM LaBELLE: It's not in the bill.

19 Okay, good.

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

25 GREGORY RAZO: The topic brings up an

1 exception, I guess, or a new feature of this allotment
2 process. These are going to be unrestricted lands, is
3 that right? That's what the contemplation is at this
4 point?

5 CYRIL ANDREWS: That we don't know yet.
6 I think, you know, we would have to wait and see
7 because we don't know if it will be restricted or NP,
8 so we don't know that question.

9 GREGORY RAZO: There is nothing in the
10 law that suggests that it's going to be restricted.

11 CYRIL ANDREWS: Nothing in the law.

12 PAUL KRABACHER: This is a perfect
13 opportunity for you to weigh in on that subject, to
14 comment on it either way.

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

24 So that is a detriment to having
25 unrestricted land when every other Native allotment

1 prior to this was restricted and had some involvement
2 with the federal government in terms of how that land
3 would be disposed.

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

7 PAUL KRABACHER: Thanks.

8 CYRIL ANDREWS: Thank you.

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

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

25 But if they do want to transfer or give

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

5 Are there any more questions out there?

6 Francine.

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

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

17 FRANCINE JOHNSON: To that e-mail?

18 PAUL KRABACHER: That e-mail.

19 CANDY GRIMES: Right now.

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

23 CYRIL ANDREWS: Thank you, Francine.

24 SARAH GALLT: Hi, I'm Sara Gallt with The
25 Kuskokwim Corporation, and I just had a question for

1 the top of page 9 the under C. We're talking about
2 restricted and unrestricted lands, but it says, "United
3 States will reserve minerals in certificate of
4 allotment."

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

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

17 SPEAKER: What's that mean, being
18 reserved?

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

24 CYRIL ANDREWS: Yeah, that would be in
25 the deed when it's issued. The certificate of

1 allotment, it would reserve those minerals within that
2 deed.

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

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

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

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

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

18 ANDREA GUSTY: Thank you.

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

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

25 Like Kawerak, for example, we're a

1 contractor. If we have someone who is a non-tribal
2 member in our area, who is going to pick up that tab
3 for that person selling that land?

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

10 But it would be under Kawerak's
11 jurisdiction, because they have that issue of -- I
12 mean, we do have land corporation codes, like Kawerak's
13 978, and we do have those codes, and some of these
14 restricted land owners, they do have those codes within
15 their title.

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

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

23 CYRIL ANDREWS: Yeah, I know they
24 contract real estate services. I think that's with
25 probate as well. They do receive money for providing

1 services to those communities that they have
2 jurisdiction over. They do receive that money.

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

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

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

23 What we did the end of this last fiscal
24 year was that the salary savings we have had, which is
25 a small portion of what we believe is going to be

1 required to get full implementation of this, we have
2 started to utilize to put towards programs which will
3 be affected.

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

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

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

23 PAUL KRABACHER: It's in the law.

24 FRANCINE JOHNSON: It's in the law?

25 PAUL KRABACHER: Yeah.

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

7 CYRIL ANDREWS: Thank you, Francine.

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

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

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

24 So is that going to be offered again for
25 training purposes and be open not only to service

1 providers but also to tribes, corporations, and maybe
2 the city so we can have somebody in each of those
3 communities that can help? That's my fear is not being
4 able to help them do it correctly and be rejected.

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

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

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

22 We're definitely open for suggestions
23 about anything else, but at a minimum absolutely
24 outreach beyond just service providers. And I love
25 that suggestion, city. Corporations, obviously we've

1 already been in touch, so thank you.

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

4 FRANCINE JOHNSON: I joke.

5 PAUL KRABACHER: Just give you the mic.

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

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

24 CYRIL ANDREWS: We do collect their
25 addresses, because we're waiting until the time when we

1 submit that to BLM, because they are going to do the
2 notice to all the eligible applicants.

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

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

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

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

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

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

22 PAUL KRABACHER: So some of you might be
23 aware of the direction from, I want to say the '16
24 omnibus bill for ANCSA contaminated lands and the
25 updates in the report.

1 Well, I was the project manager for that
2 as well. So what we are certifying is the known part
3 is direction from the legislation as well, but with the
4 available databases that exist right now.

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

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

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

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

23 PAUL KRABACHER: Correct. That's what
24 we're directed by the legislature.

25 GREGORY RAZO: To the extent that, let's

1 say a corporation that received contaminated land is
2 aware of adjacent land that is not owned by the company
3 and knows that to be contaminated as well and it
4 doesn't show up in any of the databases that you rely
5 on, if it becomes known during this application period
6 that that adjacent land is contaminated, will there be
7 a process to deal with that newly found contaminated
8 land?

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

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

19 There is no way in heck we can know of
20 all the sites basically from an impact from the
21 Department of Defense buildup, obviously, from the
22 '40s, '50s, and et cetera. But that's just why we say
23 no.

24 Because we'll fully admit, hey, there is
25 a lot out there that -- and ADEC will, too -- that they

1 don't know about that they want to know about.

2 But you bring up a great point, Greg.

3 Thanks for the prioritization, duly noted.

4 CYRIL ANDREWS: Any more questions out
5 there?

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

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

12 NANCY ANDREW: If they can provide that?

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

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

25 Any more questions out there? Going

1 once, going twice. Francine.

2 FRANCINE JOHNSON: They need to stay
3 restricted, my comment.

4 CYRIL ANDREWS: Thank you for providing
5 that comment.

6 In this case, I guess we're out of
7 answering questions here. So we would like to go ahead
8 and end the consultation meeting. And I thank you guys
9 for coming here and being here during this while it's
10 snowing out there. And thank you for providing your
11 comments, and you guys have a great morning, thank you.
12 Guyana.

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

14

15

16

17

18

19

20

21

22

23

24

25