

DEPARTMENT OF THE INTERIOR
TRIBAL CONSULTATION

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

Held at:
Dena'ina Center
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Presenters:
Eugene Peltola, Jr.
Cyril Andrews
Jennifer Miller
Lynn Polocca
Jolene John
Michelle Watchman
Sarah Walker
Candy Grimes
Ralph Eluska
Paul Krabacher
Steven Scordino
Susan Joyce Johnson

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

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

2 CYRIL ANDREWS: Let's wait five more
3 minutes to give folks more time to come in during the
4 icy road conditions out there. In about five minutes
5 we'll get started, thank you.

6 EUGENE PELTOLA: Good afternoon, all. My
7 name is Eugene Peltola, Jr., I'm the regional director
8 with the Bureau of Indian Affairs here in Alaska. And
9 before we get started, I asked Margaret, can you give
10 us a blessing before we start? We'll do a prayer.

11 (Prayer)

12 EUGENE PELTOLA: Thank you, appreciate
13 it. This afternoon we're hosting the second of two
14 consultations here today. This morning we had one for
15 Alaska Native corporations, and this afternoon is
16 primarily for the tribes. And we're here to take
17 questions and try to answer some questions concerning
18 the Dingell Act, Alaska Native Vietnam Vet Era
19 Allotment bill. And excuse me, I was trying to eat my
20 pizza really quick before I came in.

21 So, like I said, this afternoon is
22 primarily for tribal members, and so we want to
23 concentrate on the proposed regulations that the Bureau
24 of Land Management and the Bureau of Indian Affairs
25 have been working on in addition to lands that are

1 available for potential selection over the next several
2 years.

3 And with that being said, thank you for
4 coming and participating. I'll turn it over to Cyril
5 Andrews about our realty department at BIA. Thanks
6 once again.

7 CYRIL ANDREWS: Thank you, Gene. First I
8 would like to have any of the Vietnam vets please stand
9 up. If we have any Vietnam vets here, could you please
10 stand up. We had some here this morning, or any
11 veteran that served in the military, can you please
12 stand up. Thank you guys.

13 But anyway, today we're going to go over
14 the -- my name Cyril Andrews, I'm the realty officer
15 for the Bureau of Indian Affairs. We work under the
16 real estate services for the bureau, but today we're
17 going to go over the regulations. And we're here to
18 take all your comments regarding the regulations or any
19 questions you may have about the Vietnam vet.

20 So when you do go up to the podium up
21 here, to the speaker, the mic, please state your name
22 and which tribe you work for.

23 But anyway, we submitted the draft
24 regulations to all the realty providers November 1st, I
25 believe, so you guys all have that draft. I'm sure you

1 guys grabbed some in the front desk there. But we're
2 here to take any questions that you guys have.

3 And let's get started. Do we have any
4 questions regarding the regulations or any questions
5 you may have regarding the bill?

6 DOREEN LAMPE: Doreen Lampe, Native
7 Village of Barrow. I was just hoping we could get a
8 summary on how the corporations took the news on making
9 lands available, are they in favor, against, neutral?

10 CYRIL ANDREWS: Yeah, there was -- on the
11 overselection, right, Paul?

12 PAUL KRABACHER: Correct.

13 CYRIL ANDREWS: Can you explain on that
14 part?

15 PAUL KRABACHER: Wait until it says hi,
16 welcome, something. There we go. Okay, cool.

17 My name is Paul, I'm with the Bureau of
18 Land Management. Land is available for -- land is
19 available that has been selected by corporations, not
20 adjudicated or given to them, just selected -- this
21 battery just went out -- here we go. So an important
22 difference is obviously selected versus already
23 transferred to the corporations.

24 Your question, though, was how are they
25 responding or what's the feeling of where are they

1 coming from?

2 To date it's been very positive, and the
3 biggest reason that I can see is, for those
4 corporations that do have overselections, that they can
5 actually control -- if an eligible individual selects
6 within the corporation's selections, that through a
7 voluntary relinquishment -- and we're actually couching
8 it as conditional relinquishment -- that vet can get
9 those lands that they select if they are village
10 selected, or regional selected for that matter, through
11 this conditional relinquishment.

12 And how that conditional relinquishment
13 would work is that only that vet would receive those
14 lands. If the vet is not going to receive those lands,
15 then that relinquishment of their selections does not
16 go into effect.

17 So it's been very positive in that they
18 can have folks within their region and assure that
19 people within their region will get lands within their
20 region.

21 As some folks are aware, that there are
22 certain regions that don't have any opportunity for an
23 eligible individual to makes selections, such as the
24 South. The entire South, the way the bill got passed,
25 Forest Service, the Tongass, as well as in Kodiak Fish

1 & Wildlife, do not qualify. It has to be BLM managed.
2 So hopefully I answered that question.

3 CYRIL ANDREWS: Does anyone have
4 questions on the regulations, please step up to the
5 mic. Thank you, Tom.

6 TOM HOSETH: Yeah, Tom Hoseth from BBNA,
7 and I have a question that surfaced recently.

8 And the question is, when these Native
9 allotments or these allotments are issued, will they be
10 issued in restricted status or non-restricted status?
11 And it's really important to us now, because it's going
12 to impact how we comment on the regulations. And if
13 it's an unanswered question, when will it be answered?

14 CYRIL ANDREWS: Go ahead there, Paul.

15 PAUL KRABACHER: I was waiting for Candy
16 to grab it. But that decision is beyond us at this
17 point, and it's actually at the department level.
18 That's why we're having these consultations, for you to
19 weigh in on what your preference is from where you're
20 coming from. Do you prefer fee simple or fee
21 restricted? Now is the time. And through submitting
22 your comments is to weigh in on that issue.

23 CYRIL ANDREWS: And that question was
24 asked this morning. So we're not sure if it will be in
25 fee or restricted, but the decision will be made at a

1 later time.

2 TOM HOSETH: Well, or something, because
3 if it's a Native allotment, it would be restricted. If
4 it's going to be different, we need to know about it
5 now.

6 CYRIL ANDREWS: Go ahead there, Steve.

7 STEVEN SCORDINO: I just want to make it
8 clear. If you're looking at the regs right now, the
9 draft regs, it doesn't say they are restricted. So if
10 you want restrictions in it, comment on the draft regs.
11 Comment in this consultation that you want it. Right
12 now it doesn't say -- it doesn't include it, okay.

13 Nobody in this room is a policy maker
14 that will make the decision, but it will be made at a
15 higher level. The more comments there are, probably
16 the easier it will be to make a decision on that.

17 CYRIL ANDREWS: Thank you, Steve.

18 TOM HOSETH: We still need to know about
19 it soon, because the deadline for regulations are
20 coming up soon, and if we don't have an opportunity to
21 comment -- because it's going to affect the probates
22 and it's going to really complicate things more. Who
23 is going to be responsible for the probates if they are
24 in fee simple?

25 So these questions have to be answered

1 before we continue our comments on the regulations.
2 Because if it's going to be unrestricted, it's going to
3 have a direct impact on how we comment.

4 And the other part is there has been no
5 Native allotments that have been issued in the past
6 that's unrestricted that I know of.

7 PAUL KRABACHER: Before Steve graciously
8 takes this microphone from me, I can comment on the
9 timeline. And there is a little confusion on when
10 comments can be submitted officially through
11 consultation or the procedures.

12 We're going through a proposed regulation
13 to be sent into our system back to Washington to the
14 Federal Register. Our deadline is December 20th for
15 the proposed. We've extended the comment period to
16 December 13th. So you have until December 13th on this
17 version, like Steve said, of the draft regulations.

18 Once those regulations get published, the
19 proposed regulations get published, again there will be
20 a 30-day comment period that will be opened up. And at
21 that point we fully anticipate going regionally and
22 literally taking this out to the different areas within
23 Alaska for commenting at that time for the proposed
24 rules.

25 I understand where you're coming from,

1 but like Steve said, this is not our decision right now
2 to make. It's definitely going to be very helpful for
3 folks to weigh in on this for the decision makers to
4 make a decision.

5 STEVEN SCORDINO: My name is Steve
6 Scordino, I'm in the solicitor's office.

7 And to clarify, you had -- one part of
8 your question was where would probate go if it's in fee
9 simple if there is no restrictions on alienation. In
10 that case it would go to state court. IBIA or the
11 Office of Hearings and Appeals would not be involved in
12 any way in those cases. There would be no trust
13 responsibility, so you guys wouldn't be involved
14 either.

15 The other part of it is, is this the
16 consultation process and you're commenting through it
17 now? There will be the other opportunity to comment
18 through the notice of comment and rule making. The
19 proposed rule goes out, and then you get to submit the
20 comments to that.

21 The more comments we get now the better.
22 If you put them in writing, too, it's easier for us to
23 send it on to the people that are making decisions.

24 CYRIL ANDREWS: Margaret.

25 MARGARET ROBERTS: Mr. Chairman, I think

1 I said it in the earlier session, but I want to say,
2 and maybe make it even stronger, in these regulations,
3 our Vietnam vets, many of them paid with their own --
4 they gave their lives for us.

5 This is what, 50? How many years later
6 from the Vietnam war? Our veterans came back, and
7 there was no celebration of any kind for them. We need
8 to give our vets what we can.

9 And, you know, somebody was asking about
10 minerals. I'm just feeling this really way deep down
11 in my heart. You know, this is not the Alaska Native
12 Claims Settlement Act. This is not ANILCA. This is
13 the Vietnam war vets land allotment. We should give
14 our vets as much as we can in this law. You know, when
15 Nelson worked for over 30 years or longer for this,
16 this is what he had in mind.

17 And having lost one uncle, one cousin
18 from the same tribe of Woody Island Tangirnaq Native
19 village, and having another uncle that served during
20 that period of time, I just think, you know, I want to
21 do whatever I can for all of our veterans, and we
22 should all be thinking the same way.

23 And I don't know, I just thought that
24 once this law got passed when Murkowski and Sullivan
25 and Young worked on all of this, I just thought that it

1 was going to be much more different than what we're
2 talking about today. We shouldn't be talking about
3 things that, you know, these veterans are going to be
4 taxed about in the future or things like that. We need
5 to give them the best we possibly can. I hope we can
6 all agree on that.

7 Whether we're Alaska Natives, tribal
8 leaders, you know, those that work for BLM or the
9 Department of Interior, or whoever we are, we should be
10 doing our best that we possibly can. That's all I want
11 to say.

12 CYRIL ANDREWS: Thank you, Margaret.
13 Does anyone have a comment? This is being recorded by
14 the recorder here. This will be available at some
15 point when the report is done.

16 STEVEN HARTFORD: Good afternoon. My
17 name is Steve Hartford, and I'm employed by the Sitka
18 Tribe of Alaska, Southeast Alaska. So a couple points.

19 We are actually developing written
20 comments from our tribe, and we've got them in draft
21 form, but they have to be approved through our process.
22 We actually have developed about 14 proposed comments
23 or revisions to the regulations, the draft regulations.

24 And two questions that I have that maybe
25 you could help me with is, as I look at the timeline,

1 it indicates that the Department of Defense would
2 develop the list of eligible applicants by September of
3 2019. And I'm not sure if that's been completed. And
4 how do we access that? And is there a way we can tie
5 that to our enrolled citizens? That would be one
6 question.

7 PAUL KRABACHER: So if I could answer
8 that real quick. The DOD submitted their list of
9 individuals to BIA. We're still waiting on the VA.
10 The VA has around 7 million names. We wanted the
11 entire universe, not for them to do the restriction and
12 Alaska Native or whatever. They give vets the total
13 number. But they have still yet to deliver that to
14 BIA. The MOA has been signed, it's in VA's court right
15 now. But the BIA does have DOD's list right now.

16 And to follow up on that on your second
17 comment is, will that list be available? How we are
18 proposing to work this is coming to BIA, and BIA makes
19 a Native determination; comes to BLM, BLM makes a
20 determination if they received an allotment prior
21 through ANCSA or the 1906 act.

22 Then we will directly mail those eligible
23 individuals, we'll notify them through direct mail.
24 That's what we're proposing. Understandably, there
25 will be some missed. That's why we need to be

1 proactive in the outreach right now and also have the
2 ability to exchange names.

3 And Cyril, if you want to comment on that
4 on BIA's side.

5 CYRIL ANDREWS: Yeah, we're still going
6 through that process now of kind of weeding out and
7 figuring out the names. There is a million names in
8 there. We're still looking at it. It is going to be a
9 long process because we have to weed through it and see
10 who is an eligible Alaska Native, and we have to go
11 through enrollment as well. So it is going to be a
12 long process.

13 Jennifer, do you have anything to add to
14 that?

15 JENNIFER MILLER: Just that because of
16 the privacy laws in place, the VA and DOD had some very
17 strict guidelines for providing us with the information
18 to begin with. So being able to turn around and
19 provide that to anybody else, we're really restricted
20 from being able to do that because of the privacy laws.
21 So that's why we -- in the law we're mandated to
22 receive it, so that's why they are providing it to us.

23 But there were some pretty big
24 restrictions on us being able to then, you know,
25 publish that list or provide it to other folks. So

1 that's why it's going from them to us to BLM, and then
2 BLM is doing a direct mailing out to the eligible folks
3 from that list.

4 But there will be, like Paul said,
5 avenues for people who don't end up on that master list
6 to also apply.

7 STEVEN HARTFORD: So I guess the answer
8 is we won't -- the tribes won't actually be able to
9 look at the list to help facilitate contact or
10 communication with our citizens.

11 CYRIL ANDREWS: That will be provided
12 through BLM for them to process the letters going out
13 to eligible applicants.

14 STEVEN SCORDINO: Yeah, once the letter
15 goes out to eligible applicants, the 638 contractor
16 will be receiving a courtesy copy. So you'll be
17 getting, you know, kind of a list, because you'll be
18 getting the mail of each one of them as we send those
19 out.

20 STEVEN HARTFORD: That's not mentioned in
21 the draft, that the 638 would be getting a courtesy
22 copy, but that would be one of our recommendations.

23 STEVEN SCORDINO: It's probably not in
24 the regs. Because, first off, it's before the regs
25 will be actually put in, actually promulgated, so it's

1 a process that will happen beforehand, before they
2 actually go out. The actual regulation --

3 STEVEN HARTFORD: The notice is mentioned
4 in regulations.

5 STEVEN SCORDINO: The notice is
6 mentioned, you know, as something that occurred in the
7 past. So this is -- people will know that they have an
8 application, but it's from something that will have
9 already occurred before; whereas, you know, regulations
10 are kind of looking toward to what's going on in the
11 future once they are actually promulgated.

12 And it's also -- we're trying to not get
13 too much into policy stuff but actual, you know, these
14 are the laws and how things are going to be implemented
15 rather than every step in it so we don't have a hundred
16 pages of regs.

17 STEVEN HARTFORD: So just for further
18 clarification, there is a review process of the names
19 and the eligible individuals, and then notice at some
20 point will go to the eligible individuals. Is there
21 some kind of an estimated time frame there?

22 STEVEN SCORDINO: So we had an estimate,
23 and the VA has totally blown their time, and now we
24 have no idea. Because what our hope was was that we
25 would be seeing the whole list by now and we would be

1 able to be seeing how the process is to compare those
2 and see how long it takes, and we haven't gotten it
3 yet.

4 STEVEN HARTFORD: So BIA hasn't gotten
5 the list from --

6 STEVEN SCORDINO: From VA. They've
7 gotten it from DOD, and that list is very incomplete,
8 and so we haven't been able to process it based on
9 that.

10 STEVEN HARTFORD: Thank you. And the
11 second question that I had is related to Southeast.

12 You mentioned the challenge with
13 Southeast and national forest lands being exempted. So
14 I'm not sure. Has there been any consideration given
15 to how that might be mitigated to tribal citizens from
16 Southeast?

17 PAUL KRABACHER: So for those who were at
18 AFN with Senator Sullivan's meeting, that was on a
19 Saturday, I believe, there were folks this morning that
20 were there.

21 STEVEN HARTFORD: I wasn't there.

22 PAUL KRABACHER: It was a compromised
23 bill. And it was very understood that to get this
24 thing passed, they had to make compromises. And
25 unfortunately that was one of them, no Tongass.

1 And I don't know beyond that what the
2 compromises were because that was the legislation and
3 the action therein.

4 As far as mitigation for that, the rest
5 of Alaska is totally open. It's unfortunate that the
6 Tongass was not included.

7 There was a lot of discussion this
8 morning about contact your legislator and looking at
9 amending the rule. And I obviously, being in the BLM,
10 I'm limited. We're all limited here, not being
11 policymakers or legislators for that matter, but that
12 would be an option, amend the legislation to allow for
13 that.

14 It was a deal breaker from the get-go,
15 though, apparently to get the overall legislation
16 passed.

17 STEVEN HARTFORD: I understand that. Is
18 the BLM -- I understand about amending the act, but is
19 the BLM giving any consideration to mitigating it
20 within your authority?

21 PAUL KRABACHER: Within our authority we
22 are tied by this legislation, which is available lands,
23 unappropriated BLM lands.

24 CANDY GRIMES: One of the questions this
25 morning was from a gentleman from Sealaska. Oh, I'm

1 sorry, Candy Grimes.

2 He's from Sealaska, he wants to know,
3 "Well, we're from Sealaska. There is no lands around
4 there." If you're in Southeast, you can apply for
5 lands that are available somewhere else in Alaska.
6 Unfortunately, it's not going to be near you, but I
7 wanted to make sure that you all understand that just
8 because the lands aren't in your region, doesn't mean
9 you can't apply for them. You can apply for them, it's
10 just unfortunately they won't be near you. I just
11 wanted to clarify that to make sure that people
12 understood that.

13 FRANCINE JOHNSON: I just had a comment,
14 Francine Johnson, Kawerak.

15 So where do we as service providers,
16 where do we stand -- where is our part where, you know,
17 in the list or whatever? It's almost kind of like
18 we're service providers responsible for our regions,
19 but yet we're blinded. We're not shared -- you know,
20 we have a responsibility, but we're not shared or given
21 that information where our -- you know, we're not being
22 responsible.

23 CYRIL ANDREWS: You mean sharing the list
24 for your region, for your area, or specific areas
25 throughout Alaska, sharing that list with you guys?

1 FRANCINE JOHNSON: Yeah. I mean, the
2 service providers -- I mean, because you're going to be
3 sending the letters directly to them. I thought in our
4 first meeting that we would be included, knowing when
5 these letters are sent out who to or whatever, we're
6 going to be the ones responsible to help our region,
7 like I said, to fill them out correctly and assist them
8 in land selection.

9 We don't have people in our communities
10 that are computer literate and all that stuff, you
11 know, and we're blindfolded because we don't know what
12 true list you guys hold. Who are the veterans and who
13 got the mail? We can't say that you're going to mail
14 them a letter and they are going to pay attention and
15 understand it. Where do we step in as service
16 providers when we don't have the same access like you
17 guys do?

18 And I know there is the privacy laws, but
19 we have our fiduciary responsibility, too, as service
20 providers to be there for our regions. So, like, we're
21 eliminated and we still have responsibility. So I
22 don't know why we're not at the same level with you
23 guys when we're directly working with them.

24 CANDY GRIMES: I want to clarify. All
25 documents that are sent to the vets or the heirs of the

1 vets will be cc'd to the BIA service provider where
2 they are from, and also the BIA service provider
3 closest to the lands that are selected.

4 So the first letter won't be sent to the
5 lands they selected because they haven't selected
6 anything yet, but it will be sent to the BIA service
7 provider closest to where they are from, okay. So you
8 will be notified of everyone we've sent a letter to.
9 And if you know of -- if you don't receive a letter
10 from us for someone that you know is a -- should be on
11 that list, contact us, let us know. And you know what,
12 we may have sent it to a different service provider
13 because we assumed that that was the one we should have
14 sent it to.

15 FRANCINE JOHNSON: See, and there we go
16 on the first come/first served. That kind of sets back
17 somebody who could be applying for something where they
18 are from.

19 I'm looking at it as the cart is before
20 the horse. I mean, you know, if we're going to tell
21 you about it later and everybody is already applying
22 for it, it's not fair to our list that you might not
23 have everybody on. So, you know, that's the first
24 come/first served. That's why I'm frustrated with that
25 one.

1 CANDY GRIMES: The first notification is
2 going to be sent out before the applications are sent
3 out or even started --

4 FRANCINE JOHNSON: And we'll be cc'd on
5 those?

6 CANDY GRIMES: Yes. And that's before --
7 we plan on sending that out before the regs -- as soon
8 as we get the list that we know and the addresses,
9 you'll be cc'd. And this will be before they are
10 allowed to apply for any lands so we can clear up that
11 list to make sure that we are contacting the
12 appropriate BIA service providers.

13 FRANCINE JOHNSON: What's your timeline
14 on that?

15 CANDY GRIMES: We don't have that
16 timeline unfortunately.

17 PAUL KRABACHER: We can easily say
18 that -- say, BIA gets the VA list. Reasonably the MOU
19 side is supposed to be, say, by the end of the year.
20 So then they do their thing, it comes to BLM.

21 So let's say just something like 70, 80
22 percent is going to be a one-to-one match, bingo, boom.
23 And then there is going to be those that are going to
24 take a little more research, a lot more time to
25 investigate how, wait a minute, what's the

1 qualifications? Do they need to submit something for
2 the Native part? They have done the veteran part? Now
3 we're talking about the Native, our portion. Our part
4 is pretty simple. So now we're talking March-ish,
5 April.

6 So the proposed rules will be out, but
7 there is still the comment period, then there is still
8 the answering to the comments for that. We're
9 targeting the final rule to be implemented in
10 September. So you'll have May, June, July, August,
11 there will be four months in there that the first
12 eligible individuals will receive the notification
13 along with the service provider cc.

14 So it's not like we're sending the
15 notification and it's open enrollment. We're ahead of
16 the game right now. And if VA plays, which there is
17 some additional pressure that's way up there beyond us,
18 we're hoping by the end of this month easily, then BIA
19 jumps on their thing, and then we do our thing. So
20 there will be months in there. I just want to clarify
21 that on the timeline.

22 FRANCINE JOHNSON: And I just want to
23 make one more comment for all of you who are here from
24 tribes. I strongly suggest that you go back home and
25 you pass along to your other villages to make sure you

1 comment to keep the restrictions on, because when
2 restrictions are not on, then they are taxable. They
3 can be taken. There is just hardship.

4 So I strongly suggest you go and pass it
5 along for everybody to comment to make sure that the
6 veterans are protected under the restrictions.

7 CYRIL ANDREWS: Thank you, Francine.
8 Yeah, put in your comments, your written comments. And
9 on the draft regulations, there is a website of the
10 draft regs. So if you do have written comments, please
11 submit them in as well. Thank you.

12 Are there any more comments to the regs
13 or other questions?

14 TONY WEYIOWANNA, SR.: I'm Tony
15 Weyiowanna, Sr. from Kawerak land management program in
16 Nome. We've submitted some comments, but I imagine
17 that we'll be submitting more comments.

18 But one of the comments that we submitted
19 was about the corporate land selection availability for
20 the veterans. But the suggestion we're making in our
21 comments that we submitted with that, the village and
22 the regional corporation land if the veterans select
23 within the respective corporate lands, either the
24 village or the regional corporation should be allowed
25 to collect other equal acreage from the BLM or federal

1 lands, you know, rather than having our corporation,
2 our people lose 160 acres, or however many acres it is.
3 So I think it's important that everybody should think
4 about that, especially across our region.

5 I'm aware of the Southeast portion, you
6 know, but it's something that should be discussed
7 further.

8 CANDY GRIMES: I just want to clarify on
9 that. They are allowed to select lands that are
10 selected by a village or region corporation but not
11 conveyed to them. If the lands have been conveyed --

12 TONY WEYIOWANNA, SR.: I understand. We
13 know about the overselection that's available for them
14 to select.

15 But let's say -- let's say that they
16 select land on the village lands, and the village corp
17 or the regional corp boards agree to let go of their
18 selection, you know, like 160 acres that they selected
19 on the region land or village land.

20 And, you know, the way it's set up, if
21 the corporation gives us that land, then they will lose
22 acreage to those lands, you know, like 160 acres.

23 CANDY GRIMES: They will no longer have
24 selection on those 160 acres.

25 TONY WEYIOWANNA, SR.: Not everybody has

1 available overselection, you know, village
2 corporations, regional corporations, but, you know,
3 some of them have -- already have conveyed lands, their
4 final conveyance.

5 CANDY GRIMES: If they are already
6 conveyed, you can't give up that land. The village and
7 region cannot give up lands that's already been
8 conveyed to them.

9 TONY WEYIOWANNA, SR.: That's not how I
10 understood it. But I thought it was where they were
11 able to do that.

12 CANDY GRIMES: No. We do not have
13 authority to do title recovery.

14 CYRIL ANDREWS: Thank you, Tony.

15 Are there any questions, comments? Now
16 is your time. It will be recorded. But if you don't
17 ask any questions, please submit it in your written
18 comments.

19 BOB SATTLER: Hello, everybody, my name
20 is Bob Sattler with Tanana Chiefs Conference. Excuse
21 my voice, I'm struggling getting over a little bug the
22 last week.

23 But I'm the acting natural council
24 resources director with Tanana Chiefs Conference. I
25 work closely with Eileen Grant over here, she's our

1 allotment specialist that's tracked all this for years
2 and served as our expert, expert knowledge staff. So
3 if I say anything wrong, Eileen, you're going to have
4 to come up and follow me here.

5 But I really appreciate the comments you
6 made, and then the lady back here, too, had some really
7 sage remarks.

8 I could say that this is a tribal
9 consultation, but as many of you know, the tribal unity
10 gathering is over at the Captain Cook, so a lot of
11 people that could not be available for here. TCC will
12 be making more extensive written comments, and I can
13 let you know that Will Mayo (ph) with the tribal unity
14 group asked me to write a resolution requesting
15 supplemental funding for the regional service
16 providers.

17 I think everyone in this room knows that
18 the regional service providers, through the BIA, have
19 developed a substantial agency expertise over the years
20 regarding the management of Native allotments.

21 And by definition for your comment, you
22 know, if it's not a restricted Native allotment, by
23 definition it's not a Native allotment. I think the
24 case law, David Case's description, so on and so forth.
25 So if it was unrestricted, it really wouldn't be a

1 Native allotment, I believe.

2 One of the things I'll ask in the end if
3 somebody could give an orientation of the state's
4 orientation to this legislation, the State of Alaska
5 that is, DNR.

6 I know from some of the other work I've
7 been doing with the Bureau of Land Management, they are
8 going through the resource management plans. And in
9 Alaska the Bering Sea Western Interior Resource
10 Management Plan and the Central Yukon Resource
11 Management Plan both are going in the direction of
12 withdraw of many of the public land orders that have
13 been in place for decades, including the 5150 Dalton
14 Highway corridor, among many others.

15 And my understanding is if those resource
16 plans go forward, and if they do, the BLM decides to
17 lift all those PLOs, that it would infer that all those
18 lands would be available, they would be unappropriated,
19 and that would open up millions of acres throughout
20 Alaska potentially for veterans.

21 So I would like to ask if you could, as a
22 BLM official, comment on that? And then, again, if
23 somebody could remark about the state's orientation,
24 DNR, and their view of the implementation of this
25 legislation.

1 And the last comment -- if I think of
2 something else I'll come back. It seems like I'm
3 leaving something else out. But I think also with the
4 regional service providers, their agency expertise that
5 they have developed over decades is really crucial for
6 the development of the promulgation of regulations, and
7 I would ask that those regional service providers'
8 comments be taken very seriously, for lack of a better
9 word. So I'm going to leave it there, thank you.

10 PAUL KRABACHER: I appreciate those
11 comments. Some of the subjects that were touched on
12 this morning, I'm glad you brought these up.

13 The state, as you know, is tremendously
14 overselected and has the lion's share of selections
15 right now that are available for an eligible individual
16 to select.

17 The state informally in several meetings
18 has said they are going to treat this on a case-by-case
19 basis. So if there is an allotment selection that
20 comes through and it has the state selection on it, we
21 would forward that through the adjudication process to
22 the state, "Are you willing to relinquish? Yes? No?"

23 They right now unofficially have said
24 case by case. BLM is going to be meeting with them
25 formally in the next week or two, I believe. I've been

1 gone for about a week, but there is a meeting that's
2 set up to, "Okay, where do you stand?" But I'm sure
3 that's sort of the flavor of the state, case by case.

4 Yes, the resource management plans are
5 the mechanism for which we revoke the ANCSA 17(d)(1)
6 public land orders. Right now we're in the process of
7 developing those packages, additional packages. Three
8 have been approved. We go through the recommendation
9 through the resource management plan, send the package
10 recommending signature, the Secretary makes the final
11 decision. That's how that works.

12 The Secretary has signed off on three
13 packages so far, 40 Mile, Bearing Glacier, and Good
14 News Bay. There will be two others that will be within
15 packages being sent back to Washington: Seward
16 Peninsula, Kobuk Seward.

17 Pretty much what our objective is is
18 trying to get all of the existing resource management
19 plans that are in effect right now, having those
20 packages back East for signature, recommending
21 signature, definitely by September, that's our target.

22 In the meantime you mentioned Bering Sea,
23 Western Interior, and also Central Yukon. I seriously
24 advocate having your input go into those plans, making
25 sure that they indeed recommend the 17(d)(1) PLOs being

1 revoked.

2 Right now if the law went into effect
3 today, the only areas that an eligible individual could
4 select is 40 Mile, Bearing Glacier, and Good News Bay
5 because of the 17(d)(1) public land orders. That's
6 around 2 million acres plus Native selections and state
7 selections. But right now unencumbered land, those are
8 the three geographic areas.

9 So our plan is once the Bering
10 Sea-Western Interior RMP record decision gets signed,
11 we'll have the base layers for the legal descriptions,
12 implement the recommendations, and get another package
13 back, because those are indeed the largest BLM lands in
14 Alaska, between that and Central Yukon. Those
15 combined, no question outside of the NPR-A, of course.

16 So that's our plan is to get those
17 packages as soon as the record decision is made. We
18 have the base layer. We cookie cut if there is any
19 proposed areas that do not recommend revocation, take
20 those out, and get that package back East.

21 So I think those are primarily your
22 questions. Did I answer those?

23 EUGENE PELTOLA: I wanted to address the
24 supplemental question of funding. This is an unfunded
25 mandate. We haven't received a penny for it. BIA,

1 yes, we have expended some funds and we'll continue to
2 expend some funds, but where are we getting those funds
3 from? By not filling positions.

4 So Cyril from our realty program, his
5 salary is covered. But then if we have a vacancy and
6 have a challenge filling it, that means that he has one
7 or two less realty people to work on existing projects
8 outside of this effort.

9 We have utilized some vacancy money from
10 last fiscal year to carry us over into this fiscal year
11 to address some of the mandates we're required to do
12 under this act. So we don't have a checkbook to write
13 checks. I wish we did, because as we all know, in
14 order to fully implement this, our service providers
15 and the agencies, we have to have the personnel, the
16 time and effort and funding to do it right. But that's
17 the fiscal world and environment we're living in now,
18 is that it's unfunded, and we're doing the best we can.

19 But understanding that when we don't fill
20 a position to get money available to do a consultation
21 or a series of 10 or 12 throughout the regions, that's
22 money that could have gone towards FTE to do that
23 position's normal work, which could potentially affect
24 us all.

25 DESIREE DUNCAN: Good afternoon, my name

1 is Desiree Duncan. I'm the Native lands manager for
2 Tlingit and Haida in Southeast, and I want to thank you
3 for having this session today.

4 Just Tlingit and Haida has tried to be
5 proactive with this bill, and I just wanted to let you
6 know that we've collected over a hundred veterans'
7 names that we'll be providing to the BIA, and then
8 we're also trying to identify lands that are available.

9 I have Kenneth Weitzel here, he's our GIS
10 specialist, natural resource specialist, and I have
11 Irene Lampe who is our realty technician.

12 So my question is for Southeast, of
13 course, we have no land available. But some of the
14 questions we've been getting from veterans and rumors
15 that we've been hearing is that possibly they could get
16 cash instead of land. Have you heard anything about
17 that?

18 CYRIL ANDREWS: No, that's not in the
19 bill. I mean, that same question was asked this
20 morning, and there is no money being offered to pay
21 them cash instead of conveying land to the applicants.

22 DESIREE DUNCAN: So we can possibly
23 comment on that?

24 CYRIL ANDREWS: You can comment on that.
25 You can make your comments in writing with that

1 question there and submit it into that link that we
2 have at the end of the draft regulations there.

3 DESIREE DUNCAN: And I just want to let
4 you know that the Southeast vets are very active. We
5 meet with them once a month, and they are very excited.
6 Even though they know that there is no land available,
7 they are just very thankful. And so I just really
8 appreciate this. And they are going to want a report
9 from me when I get back, so thank you.

10 CYRIL ANDREWS: Thank you, Desiree.

11 DOREEN LAMPE: Doreen Lampe, Native
12 Village of Barrow. I know at our first meeting we
13 talked a lot about the 30-day notice.

14 CYRIL ANDREWS: Was that the August 23rd
15 meeting?

16 DOREEN LAMPE: I don't know. Anyway, so
17 I see now we're going to 60 days, 60-day notice on page
18 7. Oh, no, that's 60 days of receipt. Okay.

19 So our mail is still really slow. Our
20 Internet is slow. My e-mail hasn't been working very
21 well the past two days. I have to ask people, "Did you
22 receive my e-mail? Are you in receipt of my e-mail?"
23 So just because you sent us an e-mail doesn't mean we
24 got it. So I'm just kind of worried about the --

25 CYRIL ANDREWS: Yeah, it would be good to

1 put that in your comments about the mail.

2 DOREEN LAMPE: -- communication methods
3 you're using. And I just tried to go on your link for
4 your comments, it's not working. Thank you.

5 CYRIL ANDREWS: Go ahead and put your
6 comments regarding the mail, because they had a lot of
7 issues out there with mail going out to the communities
8 and mail coming out of there, so they do have problems
9 with that.

10 PAUL KRABACHER: Real quick comment if I
11 could. The address at the end of the rules is actually
12 a mailbox. You put that in the address in an e-mail,
13 and then we receive those. That's the actual e-mail
14 address at BLM.gov. It's not a link. Just a clarity
15 on that. I've had that before. That's why I said,
16 man, I've got to mention that again.

17 FRANCINE JOHNSON: I just need to make a
18 comment from earlier we were here for the corporation
19 one. But I wanted to share this advice as well.

20 In the beginning we had service provider
21 meetings, and we were able to see a website that they
22 are actually going to use to select land. And in the
23 Bering Straits region, we take care of over 20
24 villages, and it would be very difficult for us when
25 this mail goes out to assist and make sure everybody

1 fills out their applications correctly, select land
2 correctly.

3 I would suggest you ask tribal members or
4 pass it along to your other tribes within your region
5 to maybe identify somebody within the corporation, the
6 tribe, or the city so that person is located in your
7 community to assist those who need to fill them out
8 correctly, because otherwise they will be rejected.

9 And that first come/first served, you
10 want to be able to help your tribal members; your
11 shareholders; and especially, you know, your veterans.
12 So when you have your meetings, mention that, that
13 somebody in your community needs to be a go-to person.

14 Because within our region, we're located
15 in Nome, and we have to fly to the other villages. So
16 it's important to work together in your region with the
17 other tribes, because this is the -- it's a first
18 come/first served.

19 And earlier this morning they mentioned
20 that they will be providing another training on that
21 website. So being able to identify somebody and have
22 that person be present and learn these things is
23 important. So I just thought I'd throw that out there
24 right now.

25 CYRIL ANDREWS: Thank you, Francine.

1 DESIREE DUNCAN: Desiree Duncan again. I
2 just wanted to point out also, and I e-mailed Candy,
3 but we've been referring our vets to the BLM website
4 like you guys have wanted us to. And on the website it
5 said that the comments were due December 2nd, which is
6 today, and then we hear that it's been extended to
7 December 13th. So maybe, if you haven't already,
8 update that.

9 PAUL KRABACHER: My first e-mail this
10 morning was to the communication list, to change that,
11 thanks.

12 CYRIL ANDREWS: There have got to be more
13 questions on your regulations. This is a good time to
14 come up and ask that question.

15 BOB SATTLER: I'll come back for another
16 round. This is Bob. Appreciate the comments by the
17 regional director, if he's still in the room here. It
18 goes along with Tanana Chiefs, and Eileen would know
19 this, that we also are going at this on a pro bono
20 basis.

21 As a result of running the realty program
22 for about four decades or so, people come to us rather
23 than come to the BIA office in Fairbanks. Sometimes
24 they will go there or to the BLM offices.

25 So through the course of those four

1 decades of working with Native allottees, people do
2 come to us, and we're getting a lot of walk-ins. And,
3 of course, we can't tell them to just go away, so we're
4 doing this on a pro bono basis, as Gene mentioned.

5 So there is an expectation by those
6 veterans, and the Tanana Chiefs will be providing
7 services, wouldn't you say, Eileen? Yeah, so she's
8 nodding her head.

9 EILEEN GRANT: Absolutely.

10 BOB SATTLER: And sort of an extension of
11 what I said earlier, working with the regional tribal
12 service providers will help, I think, the sister
13 Department of the Interior agencies conform to the
14 project timeline here, this legislation, a lot of
15 expertise.

16 And for anyone that's worked on Native
17 allotments, you know that many of these take on a life
18 of their own.

19 So the specific resolution that I
20 mentioned earlier that Will Mayo (ph) asked me to
21 prepare for the tribal unity, it specifically mentioned
22 supplemental funding to put together the administrative
23 records for each of -- not just the application, but to
24 help the BLM and the BIA both to assist in getting the
25 administrative record or the application, so to speak,

1 together. And I think the regional service providers
2 have a lot of information, a lot of expertise to help
3 there, and again, to conform to the project timeline.

4 I have to admit, I haven't read the
5 regulations carefully, but I was looking through them,
6 and it refers to the potential allotments as being
7 defined by aliquot parts. And I strongly recommend
8 that it be changed to them being formally surveyed.

9 We have so many trespass issues in the
10 Interior, and if these pieces of land are dedicated or
11 certificated by aliquot parts, it will geometrically
12 increase the trespass problems that we have.

13 So I strongly say that they should be
14 surveyed out like a formal land survey as they have
15 been done for a long time, almost without exception up
16 until now is my understanding. So those are the
17 supplemental comments I left out in my first
18 presentation, so thanks.

19 PAUL KRABACHER: Candy, do you want to
20 touch on the aliquot part?

21 CANDY GRIMES: The law itself, it says it
22 will be surveyed by aliquot parts in lot. I do believe
23 our regs state that they will be surveyed, individually
24 surveyed. In order to issue a certificate of
25 allotment, all corners need to be monumented.

1 BOB SATTLER: But it says something about
2 aliquot parts, though, specifically.

3 CANDY GRIMES: That's the law.

4 STEVEN SCORDINO: So to be clear, if a
5 township is surveyed and it's possible to convey it by
6 aliquot parts, then BLM can convey it in that format.

7 Our expectation is this is almost all
8 going to be U.S. surveys, because not much is surveyed
9 out there as far as townships go.

10 And I have the mic, so I'm going to ask
11 general questions of you all. How many people here
12 have actually read the draft regs? Like, a third of
13 you have read it.

14 Of you who have read it, how many were
15 able to understand the regs? Okay. We're trying to
16 get it as readable as possible. Do you guys have any
17 specific suggestions on how to make it more readable?
18 Have at it, man.

19 SPEAKER: I guess just one quick comment.
20 We read them and there is some regs that are not in
21 line with the law itself.

22 STEVEN SCORDINO: What do you see?

23 SPEAKER: And we'll make comments on them
24 as we -- we're still going through them.

25 STEVEN SCORDINO: Okay.

1 DOREEN LAMPE: I don't like the way this
2 draft points out, like the section here, Section 0410.
3 If you have an incomplete application form or missing
4 materials that are required by XXX 042, XXX 044, XXX
5 045, what is that? I mean, is it just so long that you
6 can't list it? I hate EIS that does that, too.

7 STEVEN SCORDINO: Right now it has the
8 XXXs and the numbers because we don't know exactly how
9 this is going to be numbered within the regulations.
10 It's 43 CFR and a certain number. And so those XXX are
11 just referring to one of those other paragraphs that
12 are in there. That will become more clear as it's
13 actually in the draft regulation format, but we don't
14 know the number that goes ahead of it yet. Right now
15 it's XXX.

16 CANDY GRIMES: It hasn't been decided
17 yet.

18 STEVEN SCORDINO: But does it cause
19 confusion that relates to other sections in there? Is
20 that the part that's confusing, or is it just confusing
21 with our placeholder of having a bunch of Xs?

22 DOREEN LAMPE: So like you're trying to
23 turn in an application and BLM says you have a
24 technical error, and they sent you this letter saying,
25 "technical error, XXX 042," whatever. How am I going

1 to know what that is?

2 And if you guys do send it back with a
3 technical error, and we got only 60 days of receiving
4 the notice to correct the errors, are those business
5 days or does that include weekends or what is that?

6 CANDY GRIMES: If we receive an
7 application that's incomplete, missing stuff, we will
8 notify the applicant of exactly what is missing and
9 what is needed. And 60 days is 60 calendar days.
10 We're not going to -- in the regs, this section of the
11 regs, we're going to specify exactly what's missing and
12 what is needed.

13 DOREEN LAMPE: And then if you miss the
14 60 days, what happens? You're lost in the mail.

15 CANDY GRIMES: Well, we're going to wait
16 the 60 days plus ten, because that's -- it usually
17 takes about ten extra days to get to you after it's
18 been mailed. And if we haven't received it in that
19 time, I'm quite sure we can possibly contact you again
20 or -- it depends upon what it is. We haven't gotten to
21 that part yet. If you still need time to get it, you
22 can always ask for an extension.

23 STEVEN SCORDINO: And it's 60 days from
24 receipt of the letter. So we know that the other
25 person has gotten it. It's not going to be lost in the

1 mail on that side of us sending it to the applicant.
2 The clock won't start until we know they have received
3 it.

4 And then when it comes back, if it's lost
5 in the mail, it will have a postmark on it, and
6 eventually we would get it in the mail most likely,
7 just late. So one way or the other, because we're
8 doing it, like, certified mail and we get a card back
9 saying that they have actually received this mail.
10 It's helpful.

11 Something to help your people out with is
12 to actually sign certified mail cards and actually sign
13 that they received certified mail. I do know that
14 there are people who avoid certified mail because of
15 other issues in their life, and so they should be
16 accepting certified mail during this time. Otherwise,
17 it's also going to be going to the service provider.
18 So you guys can help them get that notice.

19 Other general questions for you all is,
20 the process that we have set up in the regulations,
21 does it work for -- I mean, when you read through it,
22 does it look like it's something that's going to work
23 for the applicants?

24 SPEAKER: Page 2 at the bottom, who may
25 apply for an allotment under the subpart on behalf of

1 another person. It talks about a personal
2 representative. That can only be appointed by a judge.

3 STEVEN SCORDINO: By the Alaska Court
4 System, yeah.

5 SPEAKER: Which means you're going to
6 have to pay the filing fee, which is about \$250, I
7 believe. So that's going to be a cost right out of the
8 gate there, and we haven't even filed for the
9 application yet -- I mean, the Native allotment.

10 So I would suggest reworking that,
11 because like the gentleman Greg Razo said this morning,
12 it's going to be a huge issue. And not knowing the
13 list of who is deceased, our veterans, that's going to
14 be a big issue right there.

15 STEVEN SCORDINO: Okay, so the way the
16 law is set up, you have to go through Alaska Court
17 System. The Alaska Court System does have waivers for
18 fees that you apply, when you have, like, a fee when
19 you're filing a case that you file at the same time.

20 SPEAKER: I realize that, but your
21 average person who is in a small village isn't going to
22 have access to the court. Out of the 20 villages that
23 we provide services to, there is just Nome, Teller,
24 Council, which their tribal members most likely live
25 nearby, but the rest of them are -- they are a plane

1 ride away.

2 STEVEN SCORDINO: So I want to clarify
3 something. When you guys provide us comments, we can
4 only do things that are within the law. So if it says
5 the Alaska Court System is the one that issues the
6 personal representative --

7 SPEAKER: This is a draft?

8 STEVEN SCORDINO: That one is a draft of
9 the regulations that is based on the law. So the other
10 one that has the Section 119 of the Dingell Act, that's
11 the law. And we're limited by the law.

12 So there is actually kind of two
13 comments, types of comments you guys can be doing right
14 now. So you can be commenting to us and, like, how are
15 we actually implementing the act as it's written. So
16 these are regulations that are based on the act as it's
17 written.

18 And there is other ways to comment to
19 your legislators and push on them saying, "Why are you
20 sending this to state court when, you know, then there
21 is all these extra costs. It's the ability to access
22 the courts, and you're causing all these extra
23 difficulties when you have this system already set up
24 for OHA (ph) for the probates division."

25 It's one that, as a federal agency, we

1 can't do anything about. Because our job as an
2 executive agency is to execute the law as its written.
3 But you can get your legislators to change the law, to
4 address those types of issues. That would be the same
5 for National Forest Service lands; talk to your
6 legislators. And I say -- you know, and I'm talking
7 those are your federal legislators.

8 And then on the state lands, state
9 selected lands, they have a ton of land. They are the
10 main source of land that's available for this.
11 Contacting your state legislators and the Governor's
12 office to put pressure to open up these selected lands
13 generally without a case-by-case basis, but saying put
14 it on a map of what lands are going to be available
15 would be a huge benefit to your people.

16 So we'll be talking to them in government
17 to government and doing it that way. You guys can
18 contact your legislators and do it on the political
19 process. We can't do that.

20 SPEAKER: Right, but it kind of goes hand
21 in hand with what Francine was saying about we don't
22 even have a list of the veterans to begin with. So,
23 you know, not only do we not have a list, but we now
24 have people who live in the villages who don't even
25 have access.

1 So you're saying we have to get this
2 changed to effect this, and that takes a while.

3 STEVEN SCORDINO: Generally. So those
4 things are related, right. So if you think that we're
5 not putting in this stuff from the act into the
6 regulations well enough, then, you know, those are
7 things you definitely want to comment on and tell us
8 we're doing it wrong.

9 When it's the statute itself, we're bound
10 and we're limited in what we can do.

11 SPEAKER: Yeah, question. On the same
12 lines in the regulation you're saying the state court;
13 but when you look at the law, it says, "The Alaska
14 state court or registrar." So what does that mean?

15 STEVEN SCORDINO: Yeah, the registrar is
16 a person at the state court who looks at informal
17 probates. So it's not actually the -- you know, it's
18 still in the Alaska Court System, but often it's the
19 clerk of court.

20 So that law made me actually learn
21 something new, because I had no idea there was that
22 position. And as we were looking up what this
23 registrar means, that is where it comes from. The
24 Alaska Court System informal probate process.

25 Okay. Did our conflict provision make

1 sense to people who have read the regulations? Did
2 anyone have a problem with how we're running the
3 conflict, like if two people applied for the same land?

4 CYRIL ANDREWS: Can you state your name
5 before you make your comments, please.

6 TOM HOSETH: Tom Hoseth, BBNA. On those
7 lines I looked at what land is going to be available
8 for selection right now, and you have 3,000 allotments
9 that are going to be in a congested area. What do you
10 do for legal access is my question? Because if you put
11 3,000 allotments in one area that's proposed, you're
12 going to have blocks of land with no access. And the
13 way I understand it, BLM cannot issue land that are
14 landlocked.

15 STEVEN SCORDINO: So one, BLM is
16 conveying the land. It will be federal land around it,
17 so it's not landlocked because you can cross federal
18 land. It does create an issue when you have Native
19 allotment next to Native allotment next to Native
20 allotment.

21 TOM HOSETH: But when you look at what
22 lands are going to be available for selection, there is
23 no river system, there is no road corridors, there is
24 no lakes that most of the allotments are located upon.

25 Here we have land that's out in the open,

1 and you're expecting all these guys to select all in
2 this one area and they have no access. How are they
3 going to cross the other person's property to get to
4 their property?

5 STEVEN SCORDINO: So right now that is
6 something we need to consider in the regs. That's a
7 good comment, and we need to try to figure it out. I
8 don't think there is any provision in the law for us to
9 do it. So it might be also one that you want to
10 comment to your legislator.

11 CYRIL ANDREWS: And putting your written
12 comments, too, please.

13 STEVEN SCORDINO: Do both. We have
14 limitations on what we can implement based on what the
15 law says. And right now you do have rights of access
16 under ANILCA to lands within Alaska if you have land
17 out within the federal lands when it's an inholding.

18 TOM HOSETH: To me that's going to be a
19 huge problem, because we experience it already with
20 Native allotments that are surrounded by corporation
21 land and there is no access.

22 And you say, "We studied the law so we
23 can..." and "easement by necessity" or all these kind
24 of terms that we're not familiar with. And to get a
25 legal opinion, and some of those don't stand up.

1 FRANCINE JOHNSON: Make your comments,
2 it's very important.

3 FLOSSIE MONGOYAK: Flossie Mongoyak with
4 the Native Village of Barrow. This seems to be a
5 two-sided thing that's going on. We're calling this a
6 Native allotment, and then after 1971 state lands, you
7 know, then get taxed and the veterans will be -- maybe
8 this shouldn't even be allotments. It should be
9 something else if they are going to be taxed, if they
10 are going to be paying for this land and eventually not
11 use it at all and end up losing it back to the state.

12 And the way the state seems to work is
13 when they want to convey the land to -- for an
14 allotment, they request a settlement, and that's very
15 disturbing.

16 And this thing should be shared with
17 veterans themselves, including the tribes, the
18 veterans, state, you know, the whole thing.

19 And yeah, the corporations, they have
20 lands, and if they select the land from that, and then
21 end up being deceased or a person appointed, how will
22 they be able to -- you know, if they are given that
23 land, and then will that be taxed or will that be fee
24 simple? Will that be -- I think the tribes very much
25 prefer we send a letter out to the legislators and have

1 this changed immediately for the veterans of that era
2 before 1971. It should be done according before that
3 time. Thank you.

4 CYRIL ANDREWS: Thank you, Flossie. Any
5 more comments to the regs or any questions?

6 FRANCINE JOHNSON: I just got a question.
7 So all the comments that are being provided today for
8 the tribe and also the corporations, are they going to
9 be on one place for everybody to view all questions so
10 we can --

11 CYRIL ANDREWS: I believe the comments
12 will be available once they are published. And once
13 they are put in order, they will be available.

14 FRANCINE JOHNSON: Because there was
15 really good comments this morning as well, and we all
16 work together, and some of us wear many hats.

17 CYRIL ANDREWS: Thank you, Francine.

18 DOREEN LAMPE: Doreen Lampe, Native
19 Village of Barrow. We have a draft that we sent the
20 notices out for the law that they could apply, and
21 quite a few of them came back non-deliverable. So I
22 don't know how your "whereabouts unknown" project is
23 going.

24 CYRIL ANDREWS: We've been aware of
25 those.

1 DOREEN LAMPE: Are you updating that?
2 Because I don't know where to send them to once they
3 get sent back to me.

4 CYRIL ANDREWS: Have you contacted your
5 village or regional corporation for an updated address?
6 Because I know we do deal with those whereabouts
7 unknowns, and we do have that problem as well. Because
8 I know some folks they leave or they never pick up
9 their mail, I know that is a problem out there.

10 DOREEN LAMPE: One other question.
11 Tribes have never been given land, and if the deceased
12 veteran has no one to select land for him for whatever
13 reason, can the tribe select on behalf of their member
14 that served your country?

15 CYRIL ANDREWS: I'm not sure. Only if
16 it's in the regs. I think they have to be eligible
17 applicants, I believe. But that is a good question.
18 Steve.

19 STEVEN SCORDINO: So I don't know how the
20 state law works for becoming a personal rep. I don't
21 think that tribes would be able to be a personal rep
22 for a person. But basically the person who gets to
23 select for a deceased individual is a personal rep who
24 is appointed by the court.

25 The second part of that is, who gets the

1 land? Like, if you had a deceased veteran and he has
2 no kids or there is no one in chain succession -- so
3 say someone who died in Vietnam, say they didn't have
4 kids yet, then you would go back to his parents. Did
5 his parents have other kids or somebody that would --
6 are they alive or did they have other kids who would be
7 able to get the land? And that's who the land would be
8 actually conveyed to, not to the personal rep.

9 The personal rep, their whole purpose in
10 this act is just to select the land. It doesn't give
11 them the right to get the land. That is decided by
12 probate later, by who is -- actually has the right
13 heirship.

14 TOM HOSETH: My question is with regard
15 to the probate issue. I think that we're going to have
16 a large number of eligible vets that will be already
17 deceased.

18 And the last report from the BIA is that
19 their probate division is only working on probates from
20 2010 and earlier. So we're already nine, almost ten
21 years behind on probates. And with the land selection
22 only being a five-year window, how are we going to deal
23 with the probate issues?

24 CYRIL ANDREWS: We put in a request --
25 oh, Gene will reply to that.

1 EUGENE PELTOLA: Thank you. That was
2 actually a very good point, which is one that we have
3 raised.

4 If you just look at the Bureau of Indian
5 Affairs probate program, say, seven, eight years ago,
6 we used to be 12 people strong; now we're three. They
7 are currently working on cases back in 2007.

8 And earlier when I mentioned this is an
9 unfunded mandate, we know it's an unfunded mandate, it
10 affects our programs, if affects service providers. We
11 retain some year-end money by not filling a few
12 positions.

13 If you recall, Cyril sent out an e-mail
14 early on in the year asking if -- what I was told is
15 that there is a significant expense in regard to our
16 probate programs just with birth certificates, death
17 certificates. So the call went out because we had a
18 little bit of money left. We asked everybody, "What do
19 you need to help you reduce your backload, because we
20 have a backload as well."

21 And that's one example where I'm saying
22 we're trying to take small amounts of money to help us
23 within our program at the regional level in addition to
24 the service providers. We're very well aware of that.

25 I, as the RD, have pointed out to my

1 superiors that by talking with different individuals,
2 there could be 10, 20, 30, 40 percent of applicants
3 coming from veterans who passed in the war, and that
4 will overload ours and everybody else's programs.
5 We're cognizant of that, we're aware of, and we're
6 doing whatever we can at the Alaska regional level to
7 try to address that.

8 But the understanding is that I know that
9 you all need more help. We needed help as well, but
10 we're doing the best we can with the circumstances
11 we've been given.

12 TOM HOSETH: I think the problem goes
13 even further than that, because you're going to have
14 deceased veterans, and they are going to have heirs
15 that are also deceased, so it's going to be a domino
16 effect. There is going to be many more probates that
17 need to be done than meets the eye. You can't just say
18 20, 30 percent, I think it's going to be a lot higher
19 than that.

20 EUGENE PELTOLA: I'd use that example as
21 well.

22 STEVEN SCORDINO: So when BLM is sending
23 out the notice and trying to get people to know that
24 they have the right to apply and that this act is out
25 there, it will be going to the probable heirs, not to

1 actual heirs. Because not everyone is going to be
2 probated, and a lot of these people won't even be in
3 the system yet to be probated because there was no
4 knowledge they had trust property.

5 So that would have to go to a probable
6 heir. And we're going to try to get a hold of
7 everybody we can. But obviously there is logistical
8 difficulties to that.

9 STEVEN HARTFORD: So staying on that
10 point about the appointment of a personal
11 representative, we can't use a BIA-appointed personal
12 representative, you're saying, under the law, under the
13 act.

14 So I could see a situation where a lot of
15 these cases might be a small estate type of a procedure
16 because there being no assets to get a personal
17 representative.

18 So if there is some process through the
19 registrar, as you're saying, maybe that needs a little
20 more thought as to how a personal -- an individual
21 could apply through the small estate provision. And
22 what do they have to go through, what process do they
23 have to follow in order to have the registrar sign off
24 on the petition? I'm not sure. But it seems like that
25 could use some additional review.

1 STEVEN SCORDINO: Is Alaska Legal
2 Services still presenting this week?

3 CYRIL ANDREWS: Yes, they are tomorrow.
4 We have a panel from 3 to 5 tomorrow. There will be a
5 panel with BLM and also, I believe, Alaska Legal
6 Services.

7 STEVEN SCORDINO: And they are sending
8 their person that specializes in older law and just
9 specifically into this probate process.

10 There are -- the informal process,
11 looking at it online -- I don't do probate, I don't do
12 any estate stuff, so I've never gone through this
13 process -- but it looks pretty straightforward and
14 easy.

15 There looks to be complications if there
16 are things on record of a person having a specific debt
17 or something, then it's a little harder to get the
18 representative approved by the court, is what it looked
19 like.

20 So another question I had was if you're
21 looking at the regs, and I want you all to look at it,
22 I want you to look at our process, and I think it's on
23 page 3 on the bottom in that section, "What must I file
24 with my application form." This is really where
25 providers are going to be helping out a lot.

1 And so the process that we have here for
2 providing a description of the land, and we are just
3 asking them to mark it on a map, is that going to be
4 something that we can ask for for the people, in your
5 experience, or do we need to have something more
6 specific in this about exactly how it needs to happen?
7 We're trying to keep this as easy as possible.

8 STEVEN HARTFORD: I think the more
9 flexibility is better. So the way you drafted it I
10 think is good.

11 PAUL KRABACHER: Understand, too, the
12 rules and process. Process, train the trainer.

13 To add on a comment that Jennifer
14 actually whispered, is we are fully going to be doing
15 outreach with that map that some folks have seen, the
16 interactive web map. It says "Website here." But
17 thanks for that comment, I appreciate that. That's
18 sort of what we're targeting.

19 STEVEN SCORDINO: One other thing we have
20 heard today is some of the confusion with the XXX type
21 thing, and then it says a number at the end within a
22 section.

23 So if you're looking at page 5, and we
24 say -- there is two of them that refer back to the
25 other parts of this section a lot. And these are an

1 absolute pain to figure out a way to write it clearly
2 for people without writing too much, because it's
3 already been written in another section. Does it
4 create confusion when we have these relating back to
5 another portion of the regulation? Are people able to
6 follow that?

7 If there is any definite no, raise your
8 hand so I can hear what we should be getting.

9 SPEAKER: Can you just go over that
10 again?

11 STEVEN SCORDINO: So if you look on page
12 5 in Section 410 and 411, they both refer to different
13 parts of the regulation. They kind of refer, hey, look
14 at 411. In A it says, "If you have an error as
15 described in 410..." because the section above it is
16 what explains what the errors are. And then it says,
17 if it's -- you know, in C it says, "In the case of a
18 substitute parcel when you're doing the conflict
19 resolution..." and it tells you what part of the
20 regulations talk about the conflict resolution for
21 substitute selections.

22 Is that something that people will be
23 able to follow, or are we creating a confusion by
24 having them look to another part of it?

25 Generally, what it creates is having to

1 write a lot more words, which some people, when they
2 see a lot of words there, they look at it and they just
3 stop paying attention because there is a lot of words.

4 But it has, you know, a cross-reference,
5 which means they would have to look to that section to
6 be certain what it means.

7 STEVEN HARTFORD: I think it's better to
8 refer back. Because if you try to spell it out in two
9 different locations, you're running the risk that there
10 will be another interpretation or there will be a
11 drafting error.

12 DOREEN LAMPE: For the record, I
13 personally don't like cross-reference reading.

14 TOM HOSETH: I guess my comment would be
15 that if there is errors or complicated legal
16 descriptions, you should have the backup or the map to
17 rule. That was the way it was done in previous Native
18 allotment cases. So you have your written description,
19 but you have a map that accompanies the application,
20 and if the description is incorrect for some reason,
21 the map would rule. Because that's where the person
22 located on the map and that's where he intended to
23 file, not six miles away.

24 STEVEN SCORDINO: So right now the way
25 it's written is you need to provide a map with a

1 drawing on it and then written descriptions of the land
2 you're applying for, including the section, township
3 range, and meridian, and if desired, additional
4 information about the location.

5 We're not asking them to do aliquot parts
6 or not asking them to write metes and bounds. Those
7 have too many errors in the past. So we're trying to
8 limit -- asking them more just to do it on the map, and
9 then give us a little bit more written so we can locate
10 it on the mapping system.

11 Does that solve the issue that you're
12 bringing up, the way we're doing it in here? Because
13 we're not asking them to do aliquot parts or to do a
14 written description exactly of the land borders or
15 anything. Did we nail that when we did this?

16 TOM HOSETH: At least from my experience,
17 it's been in the written portion there has been many,
18 many mistakes and to refer back to the map.

19 So I think it's going to be depending on
20 who helps them. There is going to be people that can
21 write a good legal description, but there may be
22 inexperienced people that won't do it. But anyway, I
23 think it's important for the map to be ruling if there
24 is problems.

25 STEVEN SCORDINO: Did we create any other

1 confusion in the regs as we wrote them?

2 DOREEN LAMPE: I strongly agree with my
3 supervisor, Flossie. If this is going to be a Native
4 allotment, it should be restricted and it should state
5 that in the real regulations.

6 STEVEN SCORDINO: When you guys comment
7 about restrictions, I know a lot of you guys have
8 brought up taxation. But you're all 638 contractors
9 who have worked on other realty actions that
10 restrictions kind of go to. If you provide the other
11 benefits as well, it might help out with giving some
12 strength to your comments.

13 TONY WEYIOWANNA, SR.: I have a question.
14 Once the comment period is over, are we going to get
15 the opportunity to come back and meet with you guys to
16 go over what you decide to make, what kind of
17 additions, deletions, or corrections you decide to make
18 in the regulations?

19 PAUL KRABACHER: Yes. Remember I
20 mentioned on the timeline, the proposed rules. There
21 will be that 30-day comment period, which we're
22 definitely going to be doing impressive outreach.

23 But in the meantime, it doesn't mean that
24 once we submit these to our system to go into the
25 Federal Register that everything stops. We still would

1 accept and entertain. The problem is we can't change
2 those once they get into the system. We can to a
3 certain point. But once the surnaming happens, the
4 rank and file, approve, and away it goes to the Federal
5 Register, then we're hand-tied. Proposed rules come
6 out, that's when the second real official round of
7 commenting will commence again.

8 In the interim, I just want everybody to
9 know that I'm going to have a log like they do in the
10 RFP process, basically a spreadsheet, who it is, what
11 the comment was, what the action is, you know, if it's
12 legislation and we're hand-tied, whatever, the action
13 that we've taken just from these that we've already
14 captured and the ones we'll capture before the 13th.

15 So that will be available as well. Just
16 like in the RMP process, we'll put that on the website,
17 as well if anybody needed a hard copy or whatever.

18 But just because that deadline comes up
19 doesn't mean we're going to stop accepting comments.
20 And there again, when they get published, that's when
21 the next round of this comes in and we have to -- we do
22 then obviously want to address everybody's comments.
23 And then the final rules come out, and I think that's
24 pretty much it.

25 But after the commenting period, the

1 proposed rule commenting period, we'll do the same
2 thing as I'm going to do with that spreadsheet. We're
3 going to address every single comment how and if that
4 changed into the final rules.

5 TONY WEYIOWANNA, SR.: I have one more
6 question. I know we've been asking each other why are
7 you having two meetings, you know, one for the
8 corporations and then one for the tribes, you know.

9 I mean, to me it seems like I know we
10 have different functions, but we serve the same people.
11 So like the corporations met this morning, we're --
12 tribes are in the afternoon. Some of us are wondering
13 what they said today, you know, are they making
14 comments, the same comments we're making, you know? It
15 doesn't make sense you need to have two meetings.

16 CYRIL ANDREWS: Tony, those will be
17 published later. The comments from both consultations,
18 they will be published.

19 STEVEN SCORDINO: There is a slight
20 different function. When we meet with the
21 corporations, there is an obligation under the law to
22 meet with them, to consult with them about the
23 available lands. So that meeting had that component to
24 it, because they have land -- you know, the ability to
25 make some lands available. This group does not.

1 But you guys have, you know, the
2 government to government reaching out that we're doing
3 to you because we want to make sure that we're getting
4 these regulations implemented as best as we possibly
5 can, make sure everything is ready to go from day one,
6 and that we have an easy-to-follow system for people.

7 FRANCINE JOHNSON: I'm going to correct
8 that. Corporations -- like I said, tribes,
9 corporations in our villages, they wear many hats.
10 There might be somebody who was here this morning
11 that's part of the corporation and is part of the
12 tribe. So they may serve different functions, but, you
13 know, they all work for their people. So, yeah.

14 STEVEN SCORDINO: We understand people
15 are the same. Every entity we have to talk to for the
16 different functions is different. So we have different
17 obligations to the different entities even though the
18 same people are in it.

19 FRANCINE JOHNSON: And I think it was
20 really important as well, the discussion this morning
21 on contamination lands. And I would hope maybe you can
22 explain that from this morning so everybody can be
23 aware of the contamination land selection.

24 PAUL KRABACHER: That's funny, a quick
25 short story on that. The law, when it was passed in

1 the omnibus said you must consult with the
2 corporations, knowing full well that the tribal
3 entities under some of these EPA grants had more
4 information -- they had a plethora of information of
5 that through the Brownfields grants in particular. But
6 I had to officially say "corporation" knowing full well
7 you had to take your hat off.

8 Yeah, the question this morning was
9 brought up, and actually I interpret that more as far
10 as in the prioritization process.

11 But for those who are wondering about the
12 contaminated lands issue, how we have that in the
13 rules, is basically the fruition of what came out of
14 the data search and the work that was done for the
15 report that was issued to Congress, the update for the
16 1999 report and the contaminated land report. And
17 that's still available. It's still ongoing with the
18 Alaska Native -- the Tribal Health Consortium now is
19 spearheading that effort.

20 The result of that was the culmination of
21 pulling four different databases together for known
22 contaminants across the state. Since then the ADEC,
23 Alaska Department of Environmental Conservation, has
24 basically done catch-up with all the other entities.
25 The other entities being Air Force, Army Corps of

1 Engineers, Federal Aviation, and then of course ADEC.
2 So ADEC has caught up with all those other databases
3 and now pretty much is the database for contaminated
4 sites. It's publically available.

5 We utilize that as well in future
6 conveyances. So when we're conveying land, whether it
7 be through the ALATNA (ph) process, corporations, we
8 have internal process to where that's what we consult.

9 With that said, I think we're all pretty
10 much knowing that Alaska is a big state and that we do
11 not have -- don't know all the sites that are
12 contaminated. This is the best available. And I might
13 add that I don't know of any other state that's done
14 this cooperative multiple database effort that Alaska
15 has done.

16 So with that said, the question that
17 actually Greg brought up was, "What if we discover a
18 site?" My interpretation right off the bat is, how
19 does that affect your prioritization with the first
20 come/first served issue? So that is something that
21 we're going to be tackling and talking about, how to
22 capture that in the rules.

23 Obviously, they would have to do an
24 alternative selection, you know, the issue being since
25 the postmark and their application was a priority to

1 the other one -- other submittals, do they take
2 priority over another location?

3 And it gets very complicated, especially
4 what you brought up, Tom, is the limited areas, should
5 that be the case, you know, next September, which we're
6 hoping it's not.

7 But that does lend some complications in
8 the prioritization process, and that's something that
9 we need to bang through right now, or, you know, we
10 will in the future before we get this out.

11 But as it is right now, it's known
12 contaminants through those -- through that database
13 that is available -- databases that are available
14 relying heavily on ADEC. So did that answer you,
15 Francine?

16 FRANCINE JOHNSON: Yeah, I just wanted
17 you to share that information. And I have a question,
18 too.

19 I know with your experience you know that
20 within our region there is a lot of gold mining going
21 on. So a majority of notification to the comment
22 period, we have to be able to catch it on a website.
23 We're not notified publically or whatever, but then
24 it's on a website.

25 So is BLM, BIA, or somebody going to be

1 sending out e-mails that, "Hey, comment period is
2 coming along, are you going to -- you know, it's this
3 date," like a week before the comment period or
4 something so we're not left out to where, oh, shoot, we
5 forgot it; or is that -- you know, I mean, to me,
6 experiencing this in our region is almost like a setup
7 for trespassing, a lot of trespassing that's been
8 happening.

9 So the way that it's set up, does the
10 website monitor it? The website will tell you, but we
11 have workloads, other jobs, or whatever. It would be
12 nice to have a courtesy e-mail to let us know that
13 there is a comment period coming up, something
14 important coming up, especially if it's dealing with
15 the --

16 CYRIL ANDREWS: Yeah, we send out the
17 letters and the draft.

18 FRANCINE JOHNSON: You'll continue to do
19 that?

20 CYRIL ANDREWS: We'll continue to do it
21 through BLM or through BIA. We'll send those out as
22 they come along.

23 FRANCINE JOHNSON: I'm just saying
24 because we deal with that a lot when it's the gold
25 mining. That's how we find out somebody got a permit,

1 we have to monitor it. I just didn't want that to
2 happen with everybody else. A website, yeah.

3 CYRIL ANDREWS: Are there any comments,
4 questions regarding the regs? I know the day is
5 getting kind of long and it's getting dark out there.
6 Do we have any more comments on the regs?

7 If you don't provide your comments now,
8 you can go ahead and put them in writing, like I said
9 again, because we want to make sure that you guys are
10 properly consulted on the regs and that you get your
11 comments in.

12 Going once, going twice, are there any
13 more comments? Go ahead, Bryan, take the mic, please.

14 BRIAN JAMES: Brian James with Kawerek.
15 I was just curious if any large bodies like AFN
16 commented?

17 CYRIL ANDREWS: I'm not sure they did.
18 You guys did meet with AFN in October with the
19 committee up there or with the group up there?

20 PAUL KRABACHER: Any comments from AFN as
21 an entity, are you aware of?

22 RALPH ELUSKA: No, I'm not aware of any.
23 I think last meeting up in Fairbanks we were busy with
24 booths, but I don't recall anything coming up regarding
25 that. But we did get -- we had the booth and we had a

1 lot of visitors, is that what the question is?

2 PAUL KRABACHER: As AFN as an entity
3 submitting a comment? No, to my knowledge. I've been
4 gone for a week, I haven't checked the e-mails on that
5 one site that's on the rules. But to my knowledge, no.

6 BRIAN JAMES: Okay. It would have been
7 nice if there was some comments made there.

8 PAUL KRABACHER: It's not too late.

9 BRIAN JAMES: You have to wait until next
10 year, right, for AFN to come around. They meet once a
11 year, so you'll have to wait until 2020 for comments
12 from AFN or any kind of resolutions?

13 PAUL KRABACHER: That's my question, are
14 you aware of any resolutions?

15 RALPH ELUSKA: They had a resolution that
16 Nelson Angapak, that was on the agenda. And they
17 talked about that, but that drew a lot of attention.
18 But as far as if it's regarding, "yes, we support a
19 certain position, or no," I didn't see any of that.

20 CYRIL ANDREWS: If they do become
21 available, we could make those available to you guys.

22 BRIAN JAMES: They kind of speak on
23 behalf of a lot of Alaska Natives in the state here.

24 Anyway, the reason why I'm asking is that
25 this seemed like it was getting faster and faster as we

1 are progressing towards the application timeline to be
2 produced, and I just feel like everyone is being set up
3 to fail right now, especially when it comes to the
4 finances. There is no mandated money coming to BIA or
5 passthroughing to the tribes at all.

6 I was just counting, I think we have
7 about 175 vets from the Bering Straights region. I
8 don't know how many of those people are deceased, but I
9 bet you a good majority of them are. And I was just
10 thinking about all the birth certificates and death
11 certificates and things like that we usually have to
12 buy on behalf of those families, probably on average
13 maybe 5, maybe for each probate, times 175, times,
14 what, \$35 a copy? That's about 30 grand just getting
15 those documents just to move the probate forward just
16 so they can even apply to find that designated person.

17 I just feel like we're running out of
18 time so quickly before the application is produced, and
19 it's first come/first served. I don't know how we can
20 get more money other than talking to our senators and
21 what have you. But it just seems like -- I don't know
22 what BIA is doing to try and get more money, but it
23 would be nice if you could share that information with
24 us.

25 CYRIL ANDREWS: Gene, on funding wise?

1 EUGENE PELTOLA: I have made it a point
2 of trying to educate my superiors of the demand and the
3 need and the requirement with the quick time frame.
4 The hat check precludes BIA employees going directly to
5 the delegation to ask for funding. That's something
6 that tribes could assist with.

7 And right now the only option that I've
8 been presented as RD is year-end money and salary
9 savings. There hasn't been any concerted effort other
10 than that. Now, that may change, I'm not saying that's
11 being ignored, that may change.

12 But going through the last round with our
13 fiscal year closeout coming in September, and we've
14 known about this for a while, that's the only funding
15 that has been available.

16 You're talking about the certificates
17 going through probate. That's one of the reasons why.
18 We had a little slug of money, we sent an e-mail out,
19 "How many do you need? How many can you get?" And
20 we're trying to put some of our small resources we have
21 to try this.

22 We're doing everything we can in the
23 Alaska region to not set us up to fail. We're trying
24 to set us up to succeed with the cards that we've been
25 dealt.

1 PAUL KRABACHER: I'd like to also say
2 that from BLM standpoint, obviously we were unfunded
3 additionally, and Alaska conveyance got dinged by,
4 let's see, 20 percent. So we're not only dealing with
5 less funds, we're dealing with no funds for this.
6 We're dealing with less funds.

7 What does that mean? It affects Alaska
8 conveyance, the work that we're doing. Candy is almost
9 a hundred percent now on this. We're looking at hiring
10 another individual, but it's the same story as what
11 Gene said. Year-end money, "Washington, what do you
12 have?"

13 MARGARET ROBERTS: Just a thought. When
14 I distracted Ralph back there, I just thought of, you
15 know, who knows our families, who knows our vets? We
16 do, you know, our tribes, our tribes in our regions.
17 Sitka, you've got a great one. Our tribal courts.

18 Maybe as a, I don't know, as a cost
19 savings, we keep talking about the cost of all this
20 stuff is going to be so expensive. Maybe we need to
21 look at a different way of doing something like this
22 without having to go through the state court. Why
23 don't we honor our tribal court somehow or other, and
24 why don't our regions work together for the better of
25 the common good of the veterans.

1 CYRIL ANDREWS: Thank you, Margaret.
2 That would be a good point to address at the Congress
3 about state courts and other tribes. You guys have
4 that avenue to go to the tribes or to Congress and
5 address their concerns, and that would be a good way,
6 one to address. Thank you, Margaret. Bob.

7 BOB SATTLER: Boy, it just doesn't seem
8 to end here.

9 So just looking at this timeline, you
10 know, the sheet that was handed out, and I know a
11 little bit, but can someone go through the March list
12 there? It says, "When lands identified for
13 selection-deadline; two, map submitted to Congress and
14 Federal Register; and 3, National Wildlife Refuge
15 availability report to Congress."

16 So could someone just go through those
17 and big picture and then maybe a couple of nuances of
18 what that means?

19 CYRIL ANDREWS: Paul.

20 PAUL KRABACHER: Sure. So the first one,
21 available lands, we were tasked by the legislation to
22 come up with those lands by March as well as maps. So
23 if you merge both of those, we're sort of doing that
24 through the map kind of process, if you will. It would
25 be ridiculous to list legal descriptions or some other

1 mechanism besides a map. But that was directed in the
2 legislation by March.

3 SPEAKER: Is that all lands, state,
4 federal, corporation?

5 PAUL KRABACHER: All as defined in the
6 legislation and in the rules, unappropriated available
7 lands. Unappropriated lands.

8 We already went through the ANCSA
9 17(d)(1) discussion, those are appropriated, those have
10 an encumbrance. So we're talking unencumbered lands
11 with a delivery date of March as set by the
12 legislation.

13 However, we fully don't expect this --
14 well, the legislation is directed at us to have this,
15 these rules promulgated by September, meaning that's
16 when the first application would be open -- it would be
17 open for applications. So you're talking March to
18 September.

19 In that interim we're fully expecting
20 additional -- we hope that the Secretary will take
21 BLM's recommendation for signing in or revoking
22 additional ANCSA 17(d)(1) PLOs. That's the biggest
23 elephant in the room right now for BLM lands. As
24 directed in the legislation, BLM managed lands.

25 So that's the first two. Understand that

1 that map is going to be that placeholder. The map and
2 the lands available that we're going to say are
3 available for selection.

4 There again, like I said, map is going to
5 suffice that. We're sort of working through a link --
6 I mean, I don't know about maps in the Federal
7 Register, which I don't believe exist, maybe they do as
8 attachments. But regardless, no details on that, what
9 are the available lands for selection and the maps.
10 Understanding a placeholder, that should change from
11 the 17(d)(1) revocations.

12 The third one, it's in the legislation at
13 the very last section, Fish & Wildlife Service was
14 asked to see -- or to determine what lands would be
15 available within refuges, that they felt within those
16 refuges, "Hey, these should be available for this
17 effort."

18 As is mentioned, that will take
19 subsequent legislation. This legislation just directed
20 them to study which ones, go out and get input, which I
21 think they have successfully done for a lot of refuges
22 that sent direct e-mails, or have made that available
23 through Crystal, some letters within those areas.

24 So what they are coming up with, and
25 that's actively happening right now, so if you haven't

1 heard from a refuge within your area, I would
2 definitely recommend contacting that refuge supervisor
3 and saying, "Hey, I hear that you guys are looking at
4 lands that will become available for the Vietnam Era
5 Native Veteran Act Program," whatever you want to put
6 in there. And they will say, "Yeah, we are."

7 Some refuges I know have said, "You know,
8 I don't think there are any." So that's very important
9 that you make that note to those refuges.

10 So that's the third part, coming up with
11 a report. The deadline is March. They are well
12 underway on that report. The refuge managers have
13 pretty much had some general meetings now for
14 determining what's available in the state through the
15 refuge system. So they are going to be delivering a
16 report in March.

17 Like I said, that doesn't make those
18 lands available immediately unless that's acted upon by
19 future legislation. So does that answer those?

20 SPEAKER: So all three of these will be
21 submitted simultaneously, all these three reports in
22 March 2020, or that's the --

23 PAUL KRABACHER: Yes. It's a certain
24 date from the enactment. It's a year after the
25 enactment. So actually March 12, 2020 they better be

1 in and be delivered.

2 SPEAKER: Thanks.

3 DOREEN LAMPE: Yep, they better be.

4 PAUL KRABACHER: But understand the map
5 right now, if that map happened, it would be Good News
6 Bay, 40 Mile, Bering Glacier.

7 Now, all selected, those are available,
8 but it has a clause. They have to be relinquished,
9 state Native selected. Those are available for
10 selection, our maps will show that. It will just be in
11 a different -- there is a map available right now that
12 we had at AFN. I think it's been tweaked. And also
13 the tool that some of you had a preview to see in the
14 aid in the application process. It will be very clear.
15 A lot more clear than that map that was shown at AFN.

16 It would be very distinct colors, clear,
17 that's a Native selected, this is state selected, they
18 are still available, and here are the unencumbered
19 lands, no strings attached.

20 Plus they will have a lot of other
21 layers, for those who are familiar with GIS, what lands
22 are surveyed. It will have all the -- obviously
23 hydrography, the streams, all the other bells and
24 whistles that GIS has. So hopefully that answers your
25 comment question.

1 CYRIL ANDREWS: Okay, are there any
2 questions on the regs before we leave for the day?
3 Francine.

4 FRANCINE JOHNSON: I just have a comment.
5 I know when we met the last time there was that idea of
6 having a state of Alaska map with contact people within
7 their regions. Are we still going do that? Is BIA --

8 CYRIL ANDREWS: I think we're still
9 looking at that. When it does, we can look at that
10 again and work with BLM and the folks out there to make
11 sure that if we can get that done, then we'll look at
12 it again. Thanks for bringing that up.

13 Can you send me an e-mail too, later?
14 You know, we're dealing with a lot of stuff, so we're
15 busy here.

16 Are there any questions, comments before
17 we end for the day?

18 Like again I said, you can submit in your
19 written comments. Those are important. So I would
20 recommend that you send in your written comments and
21 get them in there.

22 And I would like to thank all of you guys
23 for participating and asking these questions regarding
24 the regs. BLM staff, I thank you guys. BIA, the
25 recorder over here, thank you. And we'll see you guys

1 during the service provider. Quyana.

2 (Meeting ended at 3:38 p.m.)

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