DEPARTMENT OF THE INTERIOR
TRIBAL CONSULTATION

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

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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
PROCEDINGS

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

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

(Prayer)

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

So, like I said, this afternoon is primarily for tribal members, and so we want to concentrate on the proposed regulations that the Bureau of Land Management and the Bureau of Indian Affairs have been working on in addition to lands that are
available for potential selection over the next several years.

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

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

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

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

But anyway, we submitted the draft regulations to all the realty providers November 1st, I believe, so you guys all have that draft. I'm sure you
guys grabbed some in the front desk there. But we're here to take any questions that you guys have.

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

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

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

PAUL KRABACHER: Correct.

CYRIL ANDREWS: Can you explain on that part?

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

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

Your question, though, was how are they responding or what's the feeling of where are they
coming from?

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

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

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

    As some folks are aware, that there are
certain regions that don't have any opportunity for an
eligible individual to makes selections, such as the
South. The entire South, the way the bill got passed,
Forest Service, the Tongass, as well as in Kodiak Fish
& Wildlife, do not qualify. It has to be BLM managed. So hopefully I answered that question.

Cyril Andrews: Does anyone have questions on the regulations, please step up to the mic. Thank you, Tom.

Tom Hoseth: Yeah, Tom Hoseth from BBNA, and I have a question that surfaced recently. And the question is, when these Native allotments or these allotments are issued, will they be issued in restricted status or non-restricted status? And it's really important to us now, because it's going to impact how we comment on the regulations. And if it's an unanswered question, when will it be answered?

Cyril Andrews: Go ahead there, Paul.

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

Cyril Andrews: And that question was asked this morning. So we're not sure if it will be in fee or restricted, but the decision will be made at a
later time.

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

CYRIL ANDREWS: Go ahead there, Steve.

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

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

CYRIL ANDREWS: Thank you, Steve.

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

So these questions have to be answered
before we continue our comments on the regulations. Because if it's going to be unrestricted, it's going to have a direct impact on how we comment.

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

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

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

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

I understand where you're coming from,
but like Steve said, this is not our decision right now to make. It's definitely going to be very helpful for folks to weigh in on this for the decision makers to make a decision.

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

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

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

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

CYRIL ANDREWS: Margaret.

MARGARET ROBERTS: Mr. Chairman, I think
I said it in the earlier session, but I want to say, and maybe make it even stronger, in these regulations, our Vietnam vets, many of them paid with their own -- they gave their lives for us.

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

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

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

And I don't know, I just thought that once this law got passed when Murkowski and Sullivan and Young worked on all of this, I just thought that it
was going to be much more different than what we're
talking about today. We shouldn't be talking about
things that, you know, these veterans are going to be
taxed about in the future or things like that. We need
to give them the best we possibly can. I hope we can
all agree on that.

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

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

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

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

And two questions that I have that maybe
you could help me with is, as I look at the timeline,
it indicates that the Department of Defense would develop the list of eligible applicants by September of 2019. And I'm not sure if that's been completed. And how do we access that? And is there a way we can tie that to our enrolled citizens? That would be one question.

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

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

Then we will directly mail those eligible individuals, we'll notify them through direct mail. That's what we're proposing. Understandably, there will be some missed. That's why we need to be
proactive in the outreach right now and also have the
ability to exchange names.

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

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

    Jennifer, do you have anything to add to
that?

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

    But there were some pretty big
restrictions on us being able to then, you know,
publish that list or provide it to other folks. So
that's why it's going from them to us to BLM, and then
BLM is doing a direct mailing out to the eligible folks
from that list.

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

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

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

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

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

STEVEN SCORDINO: It's probably not in
the regs. Because, first off, it's before the regs
will be actually put in, actually promulgated, so it's
a process that will happen beforehand, before they
actually go out. The actual regulation --

STEVEN HARTFORD: The notice is mentioned
in regulations.

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

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

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

STEVEN SCORDINO: So we had an estimate,
and the VA has totally blown their time, and now we
have no idea. Because what our hope was was that we
would be seeing the whole list by now and we would be
able to be seeing how the process is to compare those
and see how long it takes, and we haven't gotten it
yet.

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

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

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

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

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

STEVEN HARTFORD: I wasn't there.

PAUL KRABACHER: It was a compromised
bill. And it was very understood that to get this
thing passed, they had to make compromises. And
unfortunately that was one of them, no Tongass.
And I don't know beyond that what the compromises were because that was the legislation and the action therein.

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

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

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

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

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

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

He's from Sealaska, he wants to know,

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

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

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

CYRIL ANDREWS: You mean sharing the list for your region, for your area, or specific areas throughout Alaska, sharing that list with you guys?
FRANCINE JOHNSON: Yeah. I mean, the service providers -- I mean, because you're going to be sending the letters directly to them. I thought in our first meeting that we would be included, knowing when these letters are sent out who to or whatever, we're going to be the ones responsible to help our region, like I said, to fill them out correctly and assist them in land selection.

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

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

CANDY GRIMES: I want to clarify. All documents that are sent to the vets or the heirs of the
vets will be cc'd to the BIA service provider where they are from, and also the BIA service provider closest to the lands that are selected.

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

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

I'm looking at it as the cart is before the horse. I mean, you know, if we're going to tell you about it later and everybody is already applying for it, it's not fair to our list that you might not have everybody on. So, you know, that's the first come/first served. That's why I'm frustrated with that one.
CANDY GRIMES: The first notification is going to be sent out before the applications are sent out or even started --

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

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

FRANCINE JOHNSON: What's your timeline on that?

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

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

So let's say just something like 70, 80 percent is going to be a one-to-one match, bingo, boom. And then there is going to be those that are going to take a little more research, a lot more time to investigate how, wait a minute, what's the
qualifications? Do they need to submit something for the Native part? They have done the veteran part? Now we're talking about the Native, our portion. Our part is pretty simple. So now we're talking March-ish, April.

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

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

FRANCINE JOHNSON: And I just want to make one more comment for all of you who are here from tribes. I strongly suggest that you go back home and you pass along to your other villages to make sure you
comment to keep the restrictions on, because when restrictions are not on, then they are taxable. They can be taken. There is just hardship.

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

CYRIL ANDREWS: Thank you, Francine.

Yeah, put in your comments, your written comments. And on the draft regulations, there is a website of the draft regs. So if you do have written comments, please submit them in as well. Thank you.

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

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

But one of the comments that we submitted was about the corporate land selection availability for the veterans. But the suggestion we're making in our comments that we submitted with that, the village and the regional corporation land if the veterans select within the respective corporate lands, either the village or the regional corporation should be allowed to collect other equal acreage from the BLM or federal
lands, you know, rather than having our corporation, our people lose 160 acres, or however many acres it is. So I think it's important that everybody should think about that, especially across our region.

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

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

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

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

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

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

TONY WEYIOWANNA, SR.: Not everybody has
available overselection, you know, village corporations, regional corporations, but, you know, some of them have -- already have conveyed lands, their final conveyance.

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

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

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

CYRIL ANDREWS: Thank you, Tony. Are there any questions, comments? Now is your time. It will be recorded. But if you don't ask any questions, please submit it in your written comments.

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

But I'm the acting natural council resources director with Tanana Chiefs Conference. I work closely with Eileen Grant over here, she's our
allotment specialist that's tracked all this for years and served as our expert, expert knowledge staff. So if I say anything wrong, Eileen, you're going to have to come up and follow me here.

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

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

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

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

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

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

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

So I would like to ask if you could, as a BLM official, comment on that? And then, again, if somebody could remark about the state's orientation, DNR, and their view of the implementation of this legislation.
And the last comment -- if I think of something else I'll come back. It seems like I'm leaving something else out. But I think also with the regional service providers, their agency expertise that they have developed over decades is really crucial for the development of the promulgation of regulations, and I would ask that those regional service providers' comments be taken very seriously, for lack of a better word. So I'm going to leave it there, thank you.

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

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

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

They right now unofficially have said case by case. BLM is going to be meeting with them formally in the next week or two, I believe. I've been
gone for about a week, but there is a meeting that's set up to, "Okay, where do you stand?" But I'm sure that's sort of the flavor of the state, case by case.

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

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

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

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

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

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

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

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

EUGENE PELTOLA: I wanted to address the supplemental question of funding. This is an unfunded mandate. We haven't received a penny for it. BIA,
yes, we have expended some funds and we'll continue to expend some funds, but where are we getting those funds from? By not filling positions.

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

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

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

DESIREE DUNCAN: Good afternoon, my name
is Desiree Duncan. I'm the Native lands manager for Tlingit and Haida in Southeast, and I want to thank you for having this session today.

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

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

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

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

DESIREE DUNCAN: So we can possibly comment on that?

CYRIL ANDREWS: You can comment on that. You can make your comments in writing with that
question there and submit it into that link that we have at the end of the draft regulations there.

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

CYRIL ANDREWS: Thank you, Desiree.

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

CYRIL ANDREWS: Was that the August 23rd meeting?

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

So our mail is still really slow. Our Internet is slow. My e-mail hasn't been working very well the past two days. I have to ask people, "Did you receive my e-mail? Are you in receipt of my e-mail?"

So just because you sent us an e-mail doesn't mean we got it. So I'm just kind of worried about the --

CYRIL ANDREWS: Yeah, it would be good to
put that in your comments about the mail.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EILEEN GRANT: Absolutely.

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

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

So the specific resolution that I mentioned earlier that Will Mayo (ph) asked me to prepare for the tribal unity, it specifically mentioned supplemental funding to put together the administrative records for each of -- not just the application, but to help the BLM and the BIA both to assist in getting the administrative record or the application, so to speak,
together. And I think the regional service providers have a lot of information, a lot of expertise to help there, and again, to conform to the project timeline.

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

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

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

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

CANDY GRIMES: The law itself, it says it will be surveyed by aliquot parts in lot. I do believe our regs state that they will be surveyed, individually surveyed. In order to issue a certificate of allotment, all corners need to be monumented.
BOB SATTLER: But it says something about aliquot parts, though, specifically.

CANDY GRIMES: That's the law.

STEVEN SCORDINO: So to be clear, if a township is surveyed and it's possible to convey it by aliquot parts, then BLM can convey it in that format. Our expectation is this is almost all going to be U.S. surveys, because not much is surveyed out there as far as townships go.

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

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

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

STEVEN SCORDINO: What do you see?

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

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

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

CANDY GRIMES: It hasn't been decided yet.

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

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

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

CANDY GRIMES: If we receive an application that's incomplete, missing stuff, we will notify the applicant of exactly what is missing and what is needed. And 60 days is 60 calendar days.

We're not going to -- in the regs, this section of the regs, we're going to specify exactly what's missing and what is needed.

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

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

STEVEN SCORDINO: And it's 60 days from receipt of the letter. So we know that the other person has gotten it. It's not going to be lost in the
mail on that side of us sending it to the applicant. The clock won't start until we know they have received it.

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

It's helpful.

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

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

SPEAKER: Page 2 at the bottom, who may apply for an allotment under the subpart on behalf of
another person. It talks about a personal representative. That can only be appointed by a judge.

STEVEN SCORDINO: By the Alaska Court System, yeah.

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

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

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

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

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

SPEAKER: This is a draft?

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

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

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

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

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

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

SPEAKER: Right, but it kind of goes hand in hand with what Francine was saying about we don't even have a list of the veterans to begin with. So, you know, not only do we not have a list, but we now have people who live in the villages who don't even have access.
So you're saying we have to get this changed to effect this, and that takes a while.

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

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

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

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

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

Okay. Did our conflict provision make
sense to people who have read the regulations? Did anyone have a problem with how we're running the conflict, like if two people applied for the same land?

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

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

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

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

Here we have land that's out in the open,
and you’re expecting all these guys to select all in this one area and they have no access. How are they going to cross the other person's property to get to their property?

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

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

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

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

And you say, "We studied the law so we can..." and "easement by necessity" or all these kind of terms that we're not familiar with. And to get a legal opinion, and some of those don't stand up.
FRANCINE JOHNSON: Make your comments, it's very important.

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

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

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

And yeah, the corporations, they have lands, and if they select the land from that, and then end up being deceased or a person appointed, how will they be able to -- you know, if they are given that land, and then will that be taxed or will that be fee simple? Will that be -- I think the tribes very much prefer we send a letter out to the legislators and have
this changed immediately for the veterans of that era before 1971. It should be done according before that time. Thank you.

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

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

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

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

CYRIL ANDREWS: Thank you, Francine.

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

CYRIL ANDREWS: We've been aware of those.
DOREEN LAMPE: Are you updating that? Because I don't know where to send them to once they get sent back to me.

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

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

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

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

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

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

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

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

CYRIL ANDREWS: We put in a request --

oh, Gene will reply to that.
EUGENE PELTOLA: Thank you. That was actually a very good point, which is one that we have raised.

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

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

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

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

I, as the RD, have pointed out to my
superiors that by talking with different individuals,
there could be 10, 20, 30, 40 percent of applicants
coming from veterans who passed in the war, and that
will overload ours and everybody else's programs.
We're cognizant of that, we're aware of, and we're
doing whatever we can at the Alaska regional level to
try to address that.

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

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

EUGENE PELOTO: I'd use that example as
well.

STEVEN SCORDINO: So when BLM is sending
out the notice and trying to get people to know that
they have the right to apply and that this act is out
there, it will be going to the probable heirs, not to
actual heirs. Because not everyone is going to be probated, and a lot of these people won't even be in the system yet to be probated because there was no knowledge they had trust property.

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

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

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

So if there is some process through the registrar, as you're saying, maybe that needs a little more thought as to how a personal -- an individual could apply through the small estate provision. And what do they have to go through, what process do they have to follow in order to have the registrar sign off on the petition? I'm not sure. But it seems like that could use some additional review.
STEVEN SCORDINO: Is Alaska Legal Services still presenting this week?

CYRIL ANDREWS: Yes, they are tomorrow.

We have a panel from 3 to 5 tomorrow. There will be a panel with BLM and also, I believe, Alaska Legal Services.

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

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

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

So another question I had was if you're looking at the regs, and I want you all to look at it, I want you to look at our process, and I think it's on page 3 on the bottom in that section, "What must I file with my application form." This is really where providers are going to be helping out a lot.
And so the process that we have here for providing a description of the land, and we are just asking them to mark it on a map, is that going to be something that we can ask for for the people, in your experience, or do we need to have something more specific in this about exactly how it needs to happen? We're trying to keep this as easy as possible.

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

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

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

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

So if you're looking at page 5, and we say -- there is two of them that refer back to the other parts of this section a lot. And these are an
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absolute pain to figure out a way to write it clearly
for people without writing too much, because it's
already been written in another section. Does it
create confusion when we have these relating back to
another portion of the regulation? Are people able to
follow that?

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

SPEAKER: Can you just go over that
again?

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

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

Generally, what it creates is having to
write a lot more words, which some people, when they see a lot of words there, they look at it and they just stop paying attention because there is a lot of words. But it has, you know, a cross-reference, which means they would have to look to that section to be certain what it means.

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

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

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

STEVEN SCORDINO: So right now the way it's written is you need to provide a map with a
drawing on it and then written descriptions of the land
you're applying for, including the section, township
range, and meridian, and if desired, additional
information about the location.

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

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

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

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

STEVEN SCORDINO: Did we create any other
confusion in the regs as we wrote them?

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

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

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

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

But in the meantime, it doesn't mean that once we submit these to our system to go into the Federal Register that everything stops. We still would
accept and entertain. The problem is we can't change those once they get into the system. We can to a certain point. But once the surnaming happens, the rank and file, approve, and away it goes to the Federal Register, then we're hand-tied. Proposed rules come out, that's when the second real official round of commenting will commence again.

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

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

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

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

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

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

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

STEVEN SCORDINO: There is a slight
different function. When we meet with the
corporations, there is an obligation under the law to
meet with them, to consult with them about the
available lands. So that meeting had that component to
it, because they have land -- you know, the ability to
make some lands available. This group does not.
But you guys have, you know, the
government to government reaching out that we're doing
to you because we want to make sure that we're getting
these regulations implemented as best as we possibly
can, make sure everything is ready to go from day one,
and that we have an easy-to-follow system for people.

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

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

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

PAUL KRABACHER: That's funny, a quick
short story on that. The law, when it was passed in
the omnibus said you must consult with the
corporations, knowing full well that the tribal
entities under some of these EPA grants had more
information -- they had a plethora of information of
that through the Brownfields grants in particular. But
I had to officially say "corporation" knowing full well
you had to take your hat off.

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

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

The result of that was the culmination of
pulling four different databases together for known
contaminants across the state. Since then the ADEC,
Alaska Department of Environmental Conservation, has
basically done catch-up with all the other entities.
The other entities being Air Force, Army Corps of
So ADEC has caught up with all those other databases and now pretty much is the database for contaminated sites. It's publically available.

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

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

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

Obviously, they would have to do an alternative selection, you know, the issue being since the postmark and their application was a priority to
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the other one -- other submittals, do they take
priority over another location?

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

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

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

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

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

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

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

Cyril Andrews: Yeah, we send out the letters and the draft.

Francine Johnson: You'll continue to do that?

Cyril Andrews: We'll continue to do it through BLM or through BIA. We'll send those out as they come along.

Francine Johnson: I'm just saying because we deal with that a lot when it's the gold mining. That's how we find out somebody got a permit,
we have to monitor it. I just didn't want that to happen with everybody else. A website, yeah.

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

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

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

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

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

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

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

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

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

PAUL KRABACHER: It's not too late.

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

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

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

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

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

Anyway, the reason why I'm asking is that
this seemed like it was getting faster and faster as we
are progressing towards the application timeline to be produced, and I just feel like everyone is being set up to fail right now, especially when it comes to the finances. There is no mandated money coming to BIA or passthroughing to the tribes at all.

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

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

CYRIL ANDREWS: Gene, on funding wise?
EUGENE PELTOLA: I have made it a point of trying to educate my superiors of the demand and the need and the requirement with the quick time frame. The hat check precludes BIA employees going directly to the delegation to ask for funding. That's something that tribes could assist with.

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

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

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

We're doing everything we can in the Alaska region to not set us up to fail. We're trying to set us up to succeed with the cards that we've been dealt.
PAUL KRABACHER: I'd like to also say that from BLM standpoint, obviously we were unfunded additionally, and Alaska conveyance got dinged by, let's see, 20 percent. So we're not only dealing with less funds, we're dealing with no funds for this. We're dealing with less funds.

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

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

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

That would be a good point to address at the Congress about state courts and other tribes. You guys have that avenue to go to the tribes or to Congress and address their concerns, and that would be a good way, one to address. Thank you, Margaret. Bob.

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

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

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

CYRIL ANDREWS: Paul.

PAUL KRABACHER: Sure. So the first one, available lands, we were tasked by the legislation to come up with those lands by March as well as maps. So if you merge both of those, we're sort of doing that through the map kind of process, if you will. It would be ridiculous to list legal descriptions or some other
mechanism besides a map. But that was directed in the legislation by March.

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

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

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

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

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

So that's the first two. Understand that
that map is going to be that placeholder. The map and
the lands available that we're going to say are
available for selection.

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

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

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

So what they are coming up with, and
that's actively happening right now, so if you haven't
heard from a refuge within your area, I would
definitely recommend contacting that refuge supervisor
and saying, "Hey, I hear that you guys are looking at
lands that will become available for the Vietnam Era
Native Veteran Act Program," whatever you want to put
in there. And they will say, "Yeah, we are."

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

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

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

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

PAUL KRAVACHER: Yes. It's a certain
date from the enactment. It's a year after the
enactment. So actually March 12, 2020 they better be
in and be delivered.

SPEAKER: Thanks.

DOREEN LAMPE: Yep, they better be.

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

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

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

Plus they will have a lot of other layers, for those who are familiar with GIS, what lands are surveyed. It will have all the -- obviously hydrography, the streams, all the other bells and whistles that GIS has. So hopefully that answers your comment question.
CYRIL ANDREWS: Okay, are there any questions on the regs before we leave for the day?
Francine.

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

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

Can you send me an e-mail too, later?

You know, we're dealing with a lot of stuff, so we're busy here.

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

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

And I would like to thank all of you guys for participating and asking these questions regarding the regs. BLM staff, I thank you guys. BIA, the recorder over here, thank you. And we'll see you guys
during the service provider. Quyana.

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