

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

UPDATES TO DEPARTMENT OF THE INTERIOR'S ALASKA NATIVE
CORPORATION CONSULTATION POLICY AND PROCEDURES

DAY 2

Washington, D.C.

Friday, September 16, 2022

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

2 (2:02 p.m.)

3 MS. BROWN: Hello, well, we'll give
4 people a few minutes, just one minute to let audio
5 join. And then we'll get started. I'd like to
6 welcome you all to this consultation on draft
7 updates to the ANC Consultation Policy and
8 Procedures through the Department of Interior.
9 Just a few housekeeping notes before we get
10 started. I would like to invite you to put your
11 name and your organization in the box for your
12 Zoom. And to help with audio quality, please mute
13 your cameras -- or please mute yourself and turn
14 off cameras until the discussion begins. Closed
15 captioning will be available for this session and
16 I will put that link in the chat. This is a
17 consultation that is closed to the press. So, if
18 you're a member of the press, we ask that you
19 disconnect at this time. The session will be
20 recorded. So, if you do not consent to our
21 recording, you may disconnect at this time as
22 well. I will now turn it over to Principal Deputy

1 Assistant Secretary for Indian Affairs, Wizipan
2 "Little Elk" Garrett. Please go ahead. Thank
3 you.

4 MR. GARRETT: Hi, and welcome. Before
5 we get into today's consultation, as is our way in
6 Indian Country, we wanted to provide a moment for
7 people to pray or have a moment of reflection,
8 whatever your way is to gather yourself and center
9 yourself, but we'll take a moment right now.

10 (Moment of Silence)

11 MR. GARRETT: Thank you everybody. So,
12 thank you for joining today's consultation on the
13 draft of the Department of Interior Alaska Native
14 Corporation Consultation Policy and Procedures.
15 These will be new chapters in the departmental
16 manual. And -- hold on one sec -- they will be
17 new chapters in the departmental manual part 112,
18 chapter six of the policy, and the departmental
19 manual part 512, chapter seven, for the procedures
20 on consultation. These new chapters are part of
21 an effort to update the department's consultation
22 policies, as well as incorporate the free standing

1 2012 Department of Interior Policy on consultation
2 with ANSCA Corporations into the new departmental
3 manual. We have undertaken a similar update with
4 our consultation policy with federally recognized
5 Tribes. And we are doing the same with ANSCA
6 Corporations and also with the Native Hawaiian
7 Community.

8 On August 15th, we sent a consultation
9 invitation letter that included the draft DM
10 chapters and a copy of the 2012 policy. The
11 chapters seek to do the following: one, outline
12 the requirements for consultation between Alaska
13 Native Claims Settlement Act Corporation officials
14 and Department of Interior officials. Two, to
15 clarify the department or manual chapters that
16 apply to all departmental bureaus and offices.
17 Three, identify the responsibilities of the
18 department bureaus and offices in the consultation
19 process. And also, finally, to establish an ANSCA
20 Corporation Consultation Policy annual report for
21 departments and departmental bureaus and offices.
22 The Department of Interior -- we want to take an

1 opportunity to open a new chapter in our
2 consultation where this is meaningful, and it
3 becomes second nature in the federal
4 decision-making process. As many know, Executive
5 Order 13175, you know, it requires us, you know,
6 straight from the President to really lean in and
7 move up to Tribal consultation. And this is
8 something that we take very serious. And, you
9 know, part of that is making sure that we're
10 reaching all of Indian Country in appropriate
11 ways. And part of that is -- and that's why we're
12 undertaking this effort to have this ANSCA
13 Corporation Consultation Policy.

14 So, we look forward to hearing from you
15 today, and what you have to say. And we hope
16 that, you know, today is not the end of a
17 conversation. But you know, really, one step on
18 an ongoing journey of continued and fruitful
19 dialogue. And, you know, just evolving our
20 relationships with everybody. So now, I'm going
21 to turn the coordination activities over to
22 Joaquin Gallegos, who's a special assistant in our

1 office, and has been taking a leadership role,
2 along with Tracy Goodluck from our office. I also
3 just want to thank you all for participating. And
4 then also, to thank the rest of our staff,
5 including Rachel and others for setting this up.
6 It's a lot of work and a lot of coordinating of
7 schedules. So, we're thankful to them, and I'll
8 turn the floor over to Joaquin.

9 MR. GALLEGOS: Thank you, Principal
10 Deputy Assistant Secretary. We look forward to
11 hearing what you all have to say today. And at
12 this time, we'll turn the floor over to hear
13 comments from Alaska Native Corporation, CEOs, or
14 leaders. And then perhaps open the conversation
15 up to others who may wish to speak. If you can,
16 please use the raise hand function. And we will
17 get to you in the order that you raise your hand.
18 So, the floor is yours.

19 While we wait for folks to gather their
20 thoughts, we note that after receiving your input,
21 the department will incorporate the policy into
22 the department manual at part 512, chapter six,

1 and consultation procedures at chapter seven. You
2 can also provide written input and we'll put that
3 in the chat. Elizabeth Hensley?

4 MS. HENSLEY: Yes. Hi. Good morning.
5 Good afternoon. I was able to make comments
6 yesterday, and really appreciated that opportunity
7 in my role here at NANA Regional Corporation. But
8 I just wanted to say hello and longtime no see,
9 Wizi. It's really wonderful to see you in this
10 role. Congratulations. I know that you're really
11 familiar with Alaska. And it's really wonderful
12 that you're there. And I already got to see other
13 folks yesterday, but just wanted to say hey, and
14 thanks for hosting another day here.

15 MR. GARRETT: Great to see you. We were
16 together at DOI, and we were in law school
17 together. Awesome to see people.

18 MS. BROWN: If you would like to make a
19 comment, you can use the reaction button and the
20 bottom of your screen to raise your hand. If
21 you're joining by phone, please hit star nine to
22 raise your virtual hand, and star six to unmute.

1 MR. GALLEGOS: Thanks, Liz. And then,
2 Jaeleen?

3 MS. KOOKESH: Yes, thank you. My name
4 is Jaeleen Kookesh. I'm Vice President for Policy
5 and Legal Affairs with Sealaska Corporation. I'm
6 Tlingit and Koyukan Athabaskan, originally from
7 Angoon, Alaska, and Southeast Alaska. I did spend
8 10 years in Washington D.C. many years ago. But
9 happy to be back in Alaska working for Alaska
10 Native people. I appreciate the opportunity to
11 hear from all of you, and to provide some
12 consultation. As I said, I work with Sealaska
13 Corporation in the southeast, and have been pretty
14 heavily involved in ensuring the ANCs have similar
15 consultation opportunities that our Tribal
16 governments have. Especially in Alaska, because
17 our land base is owned by Alaska Native
18 corporations. So, do appreciate the opportunity
19 to strengthen the consultation processes within
20 every department and within DOI. Our critical ask
21 has always been to ensure that we have meaningful
22 consultation opportunities throughout the entire

1 federal process of taking action from beginning to
2 end. We don't want to have the opportunity to
3 consult after the agency's already heavily
4 ingrained or trenched in their decision in their
5 process that they're going to take.

6 So, we do want to just make sure that
7 there is opportunities throughout the process.
8 And at some point, I would hope to hear thoughts
9 from the department on efforts that Congressman
10 Grijalva is making around the Respect Act. It's
11 very detailed process for consultation, and I
12 wanted to get your feedback on whether or not that
13 fits within the process that you're defining here.
14 Also, just want to ensure that even though we are
15 Alaska Native Corporations and speak on issues
16 that affect our Alaska Native Corporation
17 shareholders in our lands, and assets and
18 opportunities, there are many times that we work
19 closely with our Tribes to ensure that their
20 interests are represented and still hope to have
21 an opportunity to provide support for our Tribes
22 on impacts to our Tribes and our Tribal

1 governments as well. We do want to be able to
2 support those processes.

3 So, I hope it's not a hard line between
4 Tribal consultation and ANSCA consultation in
5 Alaska, because many things affect all of our
6 Alaska Native people, regardless of which
7 organization that we sit at. But, I do appreciate
8 the opportunity to provide some comments and happy
9 to have any follow up discussions with any of you
10 at the Interior Department. And we'll be
11 submitting written comments. But thank you.

12 (Speaks in Native Language.)

13 MR. GALLEGOS: Thank you so much for
14 that feedback, Jaeleen. And I wrote down all of
15 your comments, and generally regarding Respect
16 Act, the department has no comment unless asked
17 upon by Congress, but we have looked at it. So,
18 thank you. Are there any other comments or
19 questions at this time? And as background,
20 consultations with Indian Tribes and Alaska Native
21 Villages happened late last year. And as
22 Principal Deputy Garrett mentioned, those are also

1 underway.

2 MS. KOOKESH: Can I ask one more
3 question?

4 MR. GALLEGOS: Certainly.

5 MS. KOOKESH: Can you give us a sense or
6 an overview of timing for implementing this policy
7 in the manual?

8 MR. GALLEGOS: So, this -- that's a good
9 question. Thank you. This is a priority for the
10 Secretary and Assistant Secretary. This is the
11 second consultation with Alaska Native
12 Corporations. The first one was yesterday, in
13 fact -- and so, after we receive all of the
14 written feedback, after Monday, October 17th, this
15 will be a priority to implement as soon as
16 possible. And again, we welcome all written input
17 on these preliminary drafts by that date, Monday,
18 October 17th. And please provide that to
19 consultation@bia.gov. Elizabeth?

20 MS. HENSLEY: Yeah, thanks. Just wanted
21 to make sure you guys are aware that the annual
22 Alaska Federation of Natives convention will be

1 happening in person this year. It's been kind of
2 iffy. So, that week -- you know, over the last
3 couple of years -- so, that week of October 17th
4 is the gathering in Anchorage. And that's always
5 a time when Tribal Representatives, and ANSCA
6 representatives, and Elders, and youth, and
7 everybody get together. We call it Native New
8 Year. It's a holiday for us. But anyways,
9 there'll be all kinds of activities then. So, I'm
10 guessing it's probably already on your radar, but
11 in case it isn't, now it is.

12 MR. GALLEGOS: Thank you, Liz. I know
13 there's some other points in flux. And I don't
14 know if Tracy has any more points on that.

15 MS. GOODLUCK: Not really, it is on our
16 radar. We're very aware of it in our hallway and
17 we're looking -- we're assessing at who, and if we
18 can send some form of the Indian Affairs hallway
19 to AFN. I've personally been there in the past
20 and love it. So, like I understand why you guys
21 call it your New Year. That's great that it's
22 back in person. Congratulations. I'm happy that

1 folks can gather together safely. So, we are
2 assessing if and who we can send someone to AFN.

3 MS. HENSLEY: Okay, fabulous. Yeah, I
4 remember you presenting Tracy, in Fairbanks some
5 years back that was -- I know people were really
6 glad to see you there. So, thanks. Glad it's on
7 your radar.

8 MR. GALLEGOS: And again, these drafts
9 of updates to the departmental manual, clarify
10 that this chapter applies to all department
11 bureaus and offices, identifying the
12 responsibilities of those bureaus and offices in
13 the consultation process, and establish and inks a
14 corporation consultation annual report for
15 department bureaus and offices. We'll give it a
16 few more moments before providing a last call out.
17 Again, we welcome any written input that you may
18 have. Please provide that again, before Monday
19 October 17th.

20 Hearing none, again, encourage you to
21 examine the 2012 DOI policy on consultation with
22 ANSCA Corporations as background. And that to

1 clarify that policy has been incorporated into the
2 drafts, policy and consultation and procedures for
3 consultation with ANSCA Corporations. We thank
4 you for your time today. And we look forward to
5 receiving your written input to
6 consultation@va.gov by 11:59 p.m., Alaska Time,
7 Monday, October 17th, 2022. At this time, this
8 concludes our consultation on the Alaska Native
9 Corporation Consultation Policy and Procedures.
10 Thank you so much and have a good day.

11 (Whereupon, at 2:21 p.m., the
12 PROCEEDINGS were adjourned.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 DISTRICT OF COLUMBIA

3 I, Kendra Hammer, notary public in and
4 for the District of Columbia, do hereby certify
5 that the forgoing PROCEEDING was duly recorded and
6 thereafter reduced to print under my direction;
7 that the witnesses were sworn to tell the truth
8 under penalty of perjury; that said transcript is a
9 true record of the testimony given by witnesses;
10 that I am neither counsel for, related to, nor
11 employed by any of the parties to the action in
12 which this proceeding was called; and, furthermore,
13 that I am not a relative or employee of any
14 attorney or counsel employed by the parties hereto,
15 nor financially or otherwise interested in the
16 outcome of this action.

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18 (Signature and Seal on File)

19 Notary Public, in and for the District of Columbia

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