

Summary
Listening Session on Alaska Indian Reorganization Act (IRA)
Fairbanks, Alaska
July 26, 2018

The session opened at approximately 10:10 a.m. Ms. Julie Roberts-Hyslop provided an opening blessing.

Jim James, Bureau of Indian Affairs (BIA) Deputy Director for Field Operations, introduced himself and the following individuals:

- Josh Kindred, Office of the Regional Solicitor in Anchorage
- Lisa DeCora, Office of the Regional Solicitor in Anchorage
- Gene Peltola, BIA Regional Director for the Alaska Region
- Liz Appel, Office of Regulatory Affairs & Collaborative Action

Mr. James welcomed everyone and noted that the session is intended to be an informal discussion to prepare for the more formal, upcoming consultations. There is a separate session in the afternoon addressing land into trust in Alaska, while this morning session is addressing the Federal recognition process for Alaska Tribes. The Dear Tribal Leader letter included nine questions on this topic, but tribal representatives should feel free to comment on other issues beyond the nine questions.

Mr. Kindred read the third paragraph of the Dear Tribal Leader letter to help frame the discussion.

Steve Ginnis, Traditional Chief of Fort Yukon

- I'm insulted by this session because there's nothing wrong with the current IRA process. It appears you are taking us back in time. Each of the questions in the letter has been litigated and resolved. Why are you doing this?
- Our Tribe incorporated in 1940, and we have strived to represent our people.
- I call this "BS." We have issues like any other government that we deal with day in and day out – subsistence, land, education, social ills – and we've done well addressing them. We've never asked if it's okay with the Feds to change our constitution, name, or process because we have that authority. Now you're telling us that what we're doing isn't right? No. I hope the powers-that-be recognizes what they're doing here. It's insulting as chief that the BIA is looking at this Act again and looking to change things up. I don't know where that came from. These are all legal things, but I'm here to talk about how the current IRA is working already, benefiting us, so why change? It's not broken.
- You said you're not here to answer questions, but what impact does this have on federally recognized Tribes?
- It's not right to go back on something that's working.
- We need more consultations in Alaska because this affects all Alaska Natives.
- This two hours is not enough. Give a full day for the true reflection of how people feel.
- Be conscious that our people live off the land and harvest fish certain times of year. Right now, people are fishing and berry picking. Some came from very far to Fairbanks to be here, without resources. If everyone could come, this room wouldn't be big enough. We would need the Carlson Center.
- There's nothing wrong with the current IRA. We're working to strengthen self-determination. You should be questioning the State, not recognized Tribes, asking why the State isn't having government-to-government relationships with Tribes.

Lloyd Miller, Tanana Chiefs Conference, Sonosky Chambers Law

- Will you answer Chief Ginnis's question as to whether this is meant to affect federally recognized Tribes?

Mr. James and Mr. Kindred:

- No, this is not meant to affect currently federally recognized Tribes.

Moses Owen, Akiak Native Community

- I'm afraid everything said here will be lost.
- In my area, there are 56 communities, and my village, at 360-70 in population, is the smallest in the village. On behalf of small communities that can't afford to come here, I provide these comments.
- Who's going to learn from this? Your people in DC? Are you going to teach us who we are? What kind of benefits will this have for us?
- You should consult with all 56 villages in my region. You're only going to get a few people with money to travel.
- Remind Congress of the fiduciary responsibility to take care of us. Visit all the villages, they have more to say than we do here.

Lisa Jaeger, Huslia Tribe, Tanana Chiefs Conference

- When I first started, my first project in 1979 was to get Alaska IRA applications. We got two passed through the BIA – Eagle and Circle. It was a long negotiation. The IRA is important in terms of protection of land. Tribes have close to \$3M worth of land in fee in Interior Alaska. In 1989, the Supreme Court ruled that if a Tribe is organized under the IRA, the Tribe's consent is needed to sell the land. If you want to revisit, see Eagle and Circle. You already dealt with it there.

Mr. Miller, Tanana Chiefs Conference, Sonosky Chambers

- To the extent Tribes are not organized under the IRA and have a traditional council instead, do the questions in this letter apply? The questions make sense if they are limited to the 230, and are not intended to reflect Fort Yukon or other Tribes organized under the IRA.
- 79 out of 229 Tribes in Alaska are organized under the IRA, with the remaining 160 having traditional councils.
- The Supreme Court held that the organization under the IRA affords some protection for the land.

Mr. Kindred

- This applies only to non-federally recognized Tribes.

Mr. Miller

- Do you know who those Tribes are that have pending IRA applications with the Department? One has had an application pending for 25 years, but who are the others?
- Have you looked at the 1937 guidance from Secretary Ickes? That guidance details the very things these questions go into. Is that guidance still in effect unless and until changed?

Julie Roberts-Hyslop, Native Village of Tanana

- This session is a burden on us to get to, but it says how important and surprised we are that as many of us could be here when we just got the letter July 2.
- Where I live, and I am a past chief representing the village, I cherish helping to take care of my people. Many chiefs came to Fairbanks to meet with Wickersham and here we are 100 years later still worried about what's happening to our people.
- Come out to our villages. We live differently than you. We depend on the land. We live a simple life and take what we need.
- If this changes, it will put us back, not move us forward.
- You understand the difference between Tribes and ANCSA corporations. Tribes have the sovereign right to take care of their people. We should have sufficient notice and have an opportunity to be heard when changes are made.
- Take back our concerns to DC because we are people and deserve it.

Kristy Williams, Bristol Bay Health Organization, Hobbs Strauss

- How many petitions for IRA reorganization of Alaska Tribes are pending at the Department? As far as we know, there are two.
- It's concerning that you're taking so much time on this rather than taking land into trust for Alaska tribes. Bristol Bay has had a pending application since 2001, and Qutekcak has had a pending application for 25 years. The Knugank Tribe application has widespread support but is still pending. A 2001 resolution was submitted to DOI for the Knugank (Olsonville), and the Tribe was listed on the 1988 list but an administrative error removed it.
- By attacking the ability to become federally recognized attacks Tribes' sovereignty because almost all benefits rely on jurisdictional authority.
- You should not spend time on new regulations or consultation on the Alaska IRA. Instead, focus on the two applications you have before you. That the Department is even considering change right now is troubling, especially when Tribes have been waiting 25 and 17 years for their applications to be processed.
- The Department should not take steps to limit Tribes' sovereign power.
- Congress gave authority to the Department to reorganize Tribes under the common bond provision. DOI should carry out that duty. It is not necessary for additional guidance. The standard is clear; the process is laid out. Part 83 is not appropriate because there is no documentation because of the geography – exactly the reasons Congress amended the IRA because the other process was for reservation Tribes.
- Expedite Knugank and Qutekcak applications.
- Move Alaska land into trust.

Martin Andrew, Organized Village of Kwethluk

- For those existing applications with a common bond, you should already have the authority to make decisions without carrying on for 25 and 17 years. Tribes were here way before Statehood. Tribes that want to develop under the IRA, BIA should help.

Mike Williams, Sr., Akiak Native Community

- I commend the councilmembers who could be here, but one couldn't due to health reasons.

- Don't mess with us. Don't mess with changing this because you are my trustee and have to protect my way of life. If there's a question on that, we need to clarify. Delaware Indians, who were missionaries, told us what was happening about losing lands, creating uneasiness and war. These questions make me feel threatened about the status of Akiak. Are we facing another termination? Why is there are review? Nothing is wrong with it currently.
- There should be a listening session *before* changes. You are putting the sled before the dogs instead of the other way around.
- You can strengthen our status. The IRA is working, and people have been transformed from living the traditional life we cherish to enhanced communities to make sure our hunting and fishing rights are honored. That kept us together. Tribal leaders felt the IRA was needed.
- Now, all this work. We need to strengthen. I appreciate Gene's knowledge of Bethel and our suffering from alcohol, substance abuse, sexual abuse, and domestic violence. We're trying to deal with those issues and have that jurisdiction. The 40-50 years we've advanced, we can't go back. I appreciate the legal staff that are here that we can hardly afford. Be aware of timing. Yesterday I was berry picking and had to stop to make my flight.

Ivan M. Ivan, Chief, Akiak Native Community

- I was born in 1945 in Akiak to caring elders. We weren't hungry. We were able to get anything we needed. Today we are at the lowest we can go; we have been suffering. We deal with two different governments in DC and in Juneau. The U.S. Government was able to work with us when we reorganized. Secretary Warren signed the document saying to do all things necessary for our well-being. We've contracted a 638 school. But the laws are confusing. Alaska said Section 4(b) hunting and fishing rights were extinguished. And we're dealing with opioids, etc., but we need your help. Some of the biological data on salmon – nobody can give us an accurate count. Elders are afraid. We are becoming outlaws. Even kids –suicide, alcoholism, drugs, police need to do more to help to identify and control these, that's the biggest worry. We need help to provide for lands around us.
- This is wrong timing for us. I had to change clothes because I was smoking fish. Next month is even worse.
- There are two villages her from the 56 communities. We have no money to travel and the distance is too far. My comments are not meant to offend. Fight for us. We'd love to make our villages great again with our elders in control.

[Nancy James?], First Chief, Gwichyaa Zhee Gwich'in

- There should be a Tribal consultation first, then a listening session, then a public hearing.
- This was last minute notice and requires us to be absent from subsistence activities. It's a burden and a privilege to be a chief, with it come a lot of social ills, to govern ourselves, we need self-determination and should be able to govern ourselves to protect our people, land, resources that our forefathers fought for. Tribal consultation means coming together. When the Chief says something wrong, they go into a tent and talk about it for love of their community.
- We know the difference between a Tribe and ANCSA corporation. The Tribe gives us the security because we just want to survive and be healthy. We need your help and continued support as trustee. Food security, subsistence, protecting and surviving. There is a lot of good in our youth to celebrate, but if anything please protect the land no matter what. Protect the land for future generations for hunting and fishing. As trustee, you should help us protect.

Charlie Titus, Second Chief of the Traditional Council, Minto IRA Tribe

- My grandfather was Titus John from the Chena Tribe and my other grandfather was Chief Charlie who met with Wickersham. We were organized with other Tribes, most of whom are gone because of disease the white man brought. In 1915 or 16, my grandfather owned land and had to go to the store for tea 6 miles away, but when he got there the whole community was quarantined and he couldn't come home. He could just holler. There was nobody to bury all those who died from the diseases. My grandfather was one of the people who signed the IRA document
- We never had any problem with our IRA government. The only one who challenges us is the State of Alaska.
- We teach our young people the history of our people. The hardest thing to interpret is the Land Claims Act – ANCSA. It's wrong from the start. It's stolen property from the Natives for the almighty dollar. BIA should uphold who we are.
- This is a bad time for this – there's blueberry under my fingernails. But I want to reassure my people that they're not trying to change who we are.
- We already have encroachment. Our language is pretty much gone. It used to be each family in Minto was guaranteed a moose for the season. Now it takes another 10-12 weeks due to encroachment on our land. The laws don't give us enough time. Even for fishing.

Natasha Singh, Stevens Village, Tanana Chiefs Conference

- Stevens Village is probably one of the most poverty-impacted Tribes with high Child Protective Services, so we're focusing on protecting our children and survival. I thank Chief Titus for raising that Tribes have gone away because of colonization. That's why Tribes here fear and concern when they get a letter like this, and have come across a lot of battles where we have to defend our Tribal status. It comes up in the child protection context.
- There's a small group, particularly one man, who is anti-government; he is an attorney and racist. These Tribal leaders are trying to protect children from physical abuse and get challenged by this man. He gets the ear of the Governor, assistant Attorney General, Congressional delegation staff. Does he have your ear? Are you listening to him? Because when we ask the purpose for this, it's protracted and indeterminate.
- We're used to fighting for our sovereignty. This isn't the first time we've had adversity with the Federal Government. We're not IRA, we're traditional, but I acknowledge that IRA Tribes don't *need* these sessions. If they continue, leave ANCSA corporations out of it.

Ivan M. Ivan, Chief, Akiak Native Community

- Please take this message up. We support our Regional Director. Tribes will work with him. The timing is too quick, and we still don't have a clue what this is.

Steve Ginnis, Traditional Chief of Fort Yukon

- It's vitally important that you take back what you heard here.
- You're creating a lot of unnecessary anxiety among our people. Nobody is explaining the impact and outcome. We hope you take our comments to heart. This is unnecessary. The IRA is working. There are bigger issues to tackle – economic development, challenges with drugs. We should be crafting a strategy together to tackle those.

Mike Williams, Sr., Akiak Native Community

- I was in Kansas City for the listening session on reorganization. It was the same thing, with maps being drawn already. The comments are similar. We have constant communication with NCAI. We've been supporting each other with 229 federally recognized Tribes. You will hear more with written comments and recordings. This will set the stage for upcoming schedule. You need a full day. Both you and we will benefit from the extra 6 hours. Thank you to the Tribes from this region for allowing us to come here.

Jack Hopkins, Native Village of Eyak

- I'm curious about the last sentence. Why Alaska Native Corporations?

Mr. James

- This is an effort to get input from all stakeholders.

Lloyd Miller, Tanana Chiefs Conference, Sonosky Chambers Law

- Can you cancel the remaining sessions?

Kristy Williams, Bristol Bay Health Organization, Hobbs Strauss

- The internal process of BIA is the problem. We don't need consultation on why the applications have been pending so long.