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DEPARTMENT OF INTERIOR  
OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS  
LAND INTO TRUST IN ALASKA  
PROPOSED RULE - 25 CFR 151  
TESTIMONY  
GOVERNMENT-TO-GOVERNMENT CONSULTATION

Taken at:  
The Dena'ina Center  
Anchorage, Alaska  
June 9, 2014

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PROCEEDINGS

KEVIN WASHBURN: Welcome, everybody, to our tribal consultation on land into trust in Alaska.

This is a prop I used this morning, so if you saw this already -- Alaska is the last frontier for land into trust.

We are anxious to hear your feedback on the Rule. We've got a short PowerPoint presentation. We mostly want to hear from you, but we've got sort of a short PowerPoint presentation just to show you what we're doing with the land-in-the-trust Rule.

I'm joined up here by Jody Cummings from the solicitor's office, Deputy Assistant Secretary Larry Roberts and BIA Director Mike Black. Mike's sort of been -- I mean, this is all the BIA that takes the land into trust, so Mike's in charge of that -- and Liz Appel who runs all of our regulatory initiatives at the BIA. The most valuable person in our entire office right there.

So we're happy to be here, and we'll tell you about the proposal. So, here's the overview:

We may acquire land in trust for individual Indians and Indian tribes in the Continental U.S. and Alaska. We've got clear authority to do that. Our regulations, though, include an Alaska Exception. And the Alaska Exception basically says these regulations do not

1 cover the acquisition of land in trust status in the State  
2 of Alaska, except for Metlakatla, in essence.

3 So the proposed Rule would delete the  
4 Alaska Exception so that we would have authority to go  
5 ahead and take land into trust in Alaska or have the --  
6 we've got the legal authority. It would give us the  
7 authority under our regulations.

8 So here's a rough history of the -- a very  
9 rough and very abbreviated history of sort of this issue:  
10 1867, the U.S. acquires Alaska from Russia; 1891, Congress  
11 establishes a reservation for Metlakatla, who by the way  
12 were originally Canadians, not Alaskans; 1906, the Alaska  
13 Native Allotment Act was passed, which was later repealed;  
14 and 1926, the Alaska Native Townsite Act, which was also  
15 repealed as part of ANCSA; and 1934, we got the Indian  
16 Reorganization Act. And the Indian Reorganization Act is  
17 the Indian "New Deal."

18 This was the New Deal era, and Congress  
19 said: We are going to allow -- we 're stopping the  
20 allotment period, and we're going to start reacquiring  
21 land for Indian tribes in the Lower 48. It allowed land  
22 into trust for all but Alaska. In 1936, though, Congress  
23 extended the Indian Reorganization Act to include Alaska  
24 and authorizes creation of reservations in Alaska. And in  
25 1959, Alaska becomes a state.

1                   Larry and I were walking around yesterday  
2 and saw a great T-shirt, "Alaska: Pissing off Texas since  
3 1959." We got a kick out of that.

4                   (Chuckles.)

5                   1971, ANCSA is passed. Obviously, ANCSA is  
6 a different model for American Indian policy than what we  
7 have in the Lower 48 designed to settle all land claims by  
8 Alaska Natives. And it revoked all but one of the  
9 existing Alaska Native reserves, but it did not revoke  
10 that Section 5 authority that we talked about. So that  
11 authority that gives us authority to take land into trust  
12 in Alaska, that was not revoked when ANCSA was passed.

13                   In the mid-1970s, the Native Village of  
14 Venetie applied to take land in its former reserve into  
15 trust. That reserve had been revoked by ANCSA and  
16 conveyed to the village corporations.

17                   In 1978, a solicitor opinion determined  
18 that Congress meant for ANCSA to permanently remove all  
19 Native lands in Alaska from trust status. In other words,  
20 we had a solicitor opinion in 1978 that actually said we  
21 don't have authority to take land into trust in Alaska.

22                   In 1980, our regs -- our 151 regs, which  
23 are our land-into-trust regs, were enacted; and they  
24 included the Alaska Exception.

25                   So in 1995 and 1999, we were reviewing our

1 151 regs. I say "we." I wasn't there at the time; but  
2 the Department was reviewing its 151 regs, its  
3 land-into-trust regs, and invited comment on whether the  
4 Alaska Exception should be continued. And in 2001,  
5 Solicitor John Leshy rescinded the 1978 solicitor opinion.

6 And also in 2001, the Department published  
7 a final Rule amending 25 CFR 151, but we maintained the  
8 Alaska Exception in that Rule.

9 There was an election in there. And after  
10 the election in November of 2001, the Department withdrew  
11 that new 151 Rule. And I guess I don't need to be  
12 secretive about this, the Clinton Administration -- it was  
13 under the Clinton Administration that that old solicitor's  
14 opinion that said we didn't have authority, that was  
15 removed.

16 And so one of the last acts of the Clinton  
17 Administration was to say that the Department does have  
18 authority to take land into trust in Alaska in a legal  
19 opinion. And it published new 151 regs, new  
20 land-into-trust regs; but those regs were withdrawn in the  
21 George W. Bush Administration, early in that  
22 administration.

23 So, in 2007, four Alaska Native tribes and  
24 an individual challenged the Alaska Exception in district  
25 court. And that litigation took a while, but last year --

1 that was brought by Heather Kendall Miller and others.  
2 The U.S. District Court for D.C. said that ANCSA left  
3 intact the Secretary's authority to take land into trust  
4 throughout Alaska. And there is an appeal pending on that  
5 case. So that decision is not yet final, but that's  
6 basically the history.

7           So the proposed Rule is very simple. We  
8 would just delete this Alaska Exception, the part of our  
9 Rule that says we don't take land into trust for Alaska.  
10 We have ongoing authority under the Indian Reorganization  
11 Act Section 5, under that 1936 amendment that I mentioned  
12 earlier, to take land into trust in Alaska; and neither  
13 ANCSA nor FLPMA, the Federal Land Policy Management Act,  
14 provide context for this -- they provide some context. In  
15 other words, we're not going to ignore ANCSA or FLPMA; but  
16 they do not revoke Section 5.

17           So the Alaska Exception was basically based  
18 on a solicitor opinion that, as I said, was revoked as one  
19 of the last acts in the Clinton Administration.

20           And we believe that deleting the Alaska  
21 Exception is consistent with law and consistent with the  
22 Obama Administration's strong intention to restore tribal  
23 homelands. We have been taking land into trust in the  
24 Lower 48 as often as we can legally do so because we think  
25 restoring homelands to tribes is a very important effort.

1                   So the question is whether we should extend  
2 that same type approach to Alaska.

3                   The proposed Rule would delete the Alaska  
4 Exception. We have other support for this recommendation.  
5 The Indian Law & Order Commission suggested that this was  
6 a good idea. The Secretarial Commission on Indian Trust  
7 Administration that was set up by Secretary Ken Salazar  
8 and worked for a couple of years to come up with  
9 recommendations, they also recommended this action.

10                  And, of course, we had the litigation that  
11 I mentioned brought by Heather Kendall Miller of the  
12 Native American Rights Fund for several parties in Alaska.

13                  We believe that the Rule will give more  
14 power to Alaska Native governments to give them more  
15 ability to exercise self-governance and  
16 self-determination. And we believe in Native governments  
17 providing for their people. And we want to -- the  
18 proposed Rule would give them more ability to do that, to  
19 make them more self-sufficient and hopefully improve the  
20 quality of life for communities in Alaska.

21                  The Secretary -- if we apply section -- the  
22 regs -- 151 regs to Alaska, the Secretary has discretion  
23 to consider each application. We're not a rubber stamp.  
24 We have to look at each application to see if it meets the  
25 terms of taking it into trust. So, we will make a

1 decision on a case-by-case basis. Not necessarily every  
2 application for land into trust will be accepted. It will  
3 be carefully reviewed by the region.

4 Bruce Loudermilk, the Regional Director, is  
5 in the room.

6 Bruce, you want to wave?

7 And it will be his office that will make --  
8 that would make those kinds of decisions. In preparation,  
9 in case this rule is adopted, he has started training his  
10 realty staff so that they will know what to do when they  
11 get these applications. And they've actually had some  
12 pending applications, thanks especially to Tlingit Haida,  
13 for several years now. If we go final with this Rule,  
14 they will -- would presumably begin processing these  
15 applications as soon as it's legal to do so once we have a  
16 final Rule and we aren't stopped by a court or something  
17 like that.

18 One of the questions we have for you is  
19 whether this Rule should apply differently in Alaska than  
20 it applies in the Lower 48. Alaska is unique. You've got  
21 different challenges. You've got different concerns. You  
22 have different facts on the ground. And so one of the  
23 things that we want to do is figure out how should the 151  
24 regs apply here in Alaska, if they should apply any  
25 differently than they apply in the Lower 48. And, if so,



1 what would those changes be?

2 All right. This thing kind of goes on and  
3 on.

4 (Laughter.)

5 And so let me just say -- I guess this is  
6 probably pretty close to the end, but basically these are  
7 the steps that we go through when we take land into trust:

8 A tribe or an individual Indian,  
9 potentially, submits an application to take land into  
10 trust. The BIA notifies the State or local government  
11 with regulatory jurisdiction over that land so they have a  
12 chance to weigh in to be fair to them, to get their  
13 viewpoints. The State and local government submits  
14 comments, if any.

15 The BIA provides the applicant -- the  
16 Native village or the individual, the tribe, an  
17 opportunity to comment on the -- what the local village --  
18 the local government said. And the BIA then considers  
19 those comments against the criteria. And there are  
20 different criteria for on-reservation and off-reservation.  
21 And we have an extensive Fee-to-Trust Handbook that sort  
22 of guides this process and has some additional  
23 information.

24 Here's sort of the due date. Our comments  
25 on the proposed Rule are due by June 30th of 2014. That's

1 coming up relatively quick. We would prefer that you use  
2 e-mail to submit comments to us. And the e-mail address  
3 is on the screen, consultation@bia.gov.

4 And the next step for us is we will review  
5 all those comments we get in, positive comments, negative  
6 comments, specific comments about how you want us to run  
7 this. And we will then presumably publish a Final Rule in  
8 the Federal Register that takes account of those comments.

9 And the Final Rule will become effective 30  
10 days after publication with the caveat that we are still  
11 in litigation about some of these matters because of the  
12 Akiachak @ decision that said that we have authority is on  
13 appeal. And so there is litigation that's pending and  
14 that could be relevant. And we will do as we're  
15 instructed under the law if a Court requires otherwise.  
16 But this is basically the process we would ordinarily  
17 file.

18 Okay.

19 I'm not going to go through all this. I  
20 think I've been talking too long.

21 So, this -- Liz, I forgot some things.

22 This is closed to the press. This is a  
23 government-to-government consultation between the United  
24 States and Indian tribes. So we would ask any members of  
25 the press to respect that government-to-government

1 consultation and not report this meeting.

2 What else do I need to say, Liz?

3 Speak into the microphone, great.

4 And identify themselves.

5 And I'm sorry. I'm Kevin Washburn,  
6 Assistant Secretary for Indian Affairs. I've been talking  
7 all day long. If you haven't heard me yet, you're lucky.

8 So I think that that's probably a good  
9 place to stop. And really, again, this is about listening  
10 to you. This is about hearing from tribal leaders and  
11 other interested members of the public and Alaska Natives.  
12 And we want to hear from you and hear your viewpoints.

13 I would ask you to step to the mic if you  
14 want to make a comment because we are recording this.  
15 There will be a transcript of this session later. And  
16 once you do that, please -- if do you step to the mic,  
17 please identify yourself for the record. And let's go  
18 ahead and begin.

19 Yes, sir, please step to the mic. And Gary  
20 beat you to it.

21 GARY HARRISON: Hello. Traditional Chief  
22 Gary Harrison from Chickaloon Village. And I believe that  
23 the land should be put into trust for many reasons for --  
24 when it comes to tribal governments.

25 As most people know, most of the tribal

1 governments basically just provide services to our  
2 peoples. We don't tax them. Yet we are being taxed by  
3 the governments that are in our area, and they are not  
4 providing us with any taxes themselves for us -- for our  
5 own government. So for us, it is a big problem not only  
6 to pay these taxes to the third-party-interfering  
7 governor -- government, but --

8 (Laughter.)

9 GARY HARRISON: -- well, Stalin, whatever,  
10 you know. And, also, I need to correct you on your --  
11 United States did not buy Alaska. What they bought was  
12 trading rights. So that's one of the first things I got  
13 to tell you, yeah, is they didn't buy Alaska; they bought  
14 trading rights.

15 And what happened was the United States  
16 assumed everything else. And I looked that word up in the  
17 dictionary, and it means without law. So that's basically  
18 what has happened is you guys have assumed jurisdiction  
19 without law. Because under the United Nations charter,  
20 you were supposed to consult with the original inhabitants  
21 in 1959, that was not done. So, you still have never  
22 stolen our lands from us properly.

23 (Laughter.)

24 GARY HARRISON: And as a matter of fact,  
25 when they said that it wiped out all trust lands, it did

1 not wipe out all trust lands because my father left us a  
2 Native allotment which is trust property. And when you  
3 start talking about special provisions in Alaska, special  
4 restrictions, no, I don't think there should be special  
5 restrictions in Alaska. I mean why should we be treated  
6 with any less than anyone else? Why should we have  
7 special restrictions? I don't see any reason for special  
8 restrictions.

9                   However, you may say the State of Alaska  
10 would see special restrictions and things like that; and  
11 they probably want us to pay their taxes, too. And right  
12 now with our lands, we're in the Mat-Su Borough, and the  
13 Mat-Su Borough is the one who is -- wants us to pay them  
14 taxes. And basically to me, No. 1, when you've never  
15 stolen our land properly, now you want us to be slaves and  
16 pay these governments to enslave us in our own lands.  
17 That's the way I feel about what's going on when you start  
18 talking about taxes and how I feel about land being in the  
19 trust. The only thing that that does is it allows us not  
20 to pay taxes to the third-party interferers, these  
21 carpetbaggers that come in here and call themselves the  
22 State of Alaska and their minions.

23                   And I think also that land should also be  
24 put into trust from individuals, as well. I don't see any  
25 reason why any of these things should have stopped in the

1 past. And I know that you still do put individual lands  
2 into trust because, as you said before, there is a big  
3 backlog from when they passed the Land Claims Act. People  
4 still have applications pending. And I know that because  
5 at one point in time I was like the president of our  
6 corporation. And we had to talk to people about the  
7 different pieces of land that were in our area where we  
8 selected lands.

9                   So, I know that you still did that; and I  
10 know that the only ones that you were talking about were  
11 the ones that were already pending. You weren't accepting  
12 any new applications from individuals either. So I think  
13 that it should be under both and I don't think we should  
14 have special restrictions. If anything, we should have  
15 special things giving us more freedom and more liberty.  
16 Thank you.

17                   (Applause.)

18                   KEVIN WASHBURN: Thank you.

19                   JACK SCHAEFER: Are you going to respond?

20                   KEVIN WASHBURN: No. I mean, we just want  
21 to hear from you; and so I'm grateful for all the  
22 comments. We might respond if we think there's something  
23 that needs to be corrected or something, but I don't think  
24 we're really generally going to -- I mean, I think you  
25 just -- we're wanting to hear from you. So, I'll stand up

1 if I want to respond; and we'll go that route. Please  
2 proceed. Thank you.

3 JACK SCHAEFER: My name is Jack Schaefer.  
4 I am the President of the Native Village of Point Hope.  
5 We had petitioned to put 100,000 acres of our land into  
6 trust in 1989 and we weren't given any information in that  
7 regard other than a letter indicating there was a need for  
8 additional information. There was no explanation in  
9 regards to that at all. And so we spent many years in.

10 A. State of limbo, not knowing.

11 And there were no technical assistance, and  
12 we are a very poor tribe. We weren't able to secure any  
13 type of funding until 1992, and it was bare bones. We had  
14 help in order to get BIA funding. So, we had absolutely  
15 nothing. There was no Internet. The library was a long  
16 ways away. No law library. But we also had three times  
17 the amount of land pending to be put into trust in 1948.  
18 We got 136,000 acres under ANCSA. And we applied for  
19 382,000 acres in 1948, and that's not counting our  
20 reindeer grazing lands.

21 So there are valid existing rights as Chief  
22 Gary had said; and those need to be honored, those that  
23 did not say yes to Alaska Native Claims Settlement Act,  
24 which was not a judicial act. And one concern that I  
25 have, if you completely ignore everything that's said, is

1 the title insurance requirement. This was our land from  
2 the beginning. Why are you asking for that? Was it  
3 illegally stolen from us at some time? Is that why you're  
4 asking about this title insurance thing?

5 We don't have a clear understanding of what  
6 that was. And this is before you had your thing or  
7 whatever you're doing now. And so we've been in a state  
8 of limbo for a very long time. We had our desires for  
9 economic and other purposes back then, before you did your  
10 accusations in regards to casinos and accusations of  
11 organized crimes in regards to bettering our communities  
12 through putting lands into trust.

13 And it tumbled down to us. You know, I  
14 find it very difficult to speak on, you know, what has  
15 taken place; but we have predated all of this stuff. We  
16 weren't aware of any of this arbitrary discrimination in  
17 regards to petition and Federal laws that apparently had  
18 an effect on us, as we are tribes like any other. Thank  
19 you.

20 KEVIN WASHBURN: Thank you.

21 (Applause.)

22 LISA LANG: Hello, my name is Lisa Lang.  
23 I'm the Chairwoman for Haida Corporation. Kevin Washburn,  
24 Assistant Secretary of Interior Affairs (speaking Native  
25 language).



1                   I want to thank you, Kevin Washburn, for  
2                   conducting the tribal consultation session in Alaska and  
3                   including the Alaska Native corporations. Today I'm  
4                   honoring your invitation to provide testimony as a  
5                   representative of nearly 800 Haida Corporation  
6                   shareholders.

7                   My English name is Lisa Lang. And I am the  
8                   chair -- the current chair for Haida Corporation. I'm  
9                   Haida and I'm Tsimshian. I come from Hydaburg, Alaska,  
10                  and we follow our mothers. Therefore, I'm a woman of the  
11                  Raven/Double-Fin Killer Whale Clan.

12                  I'm an enrolled member of the Hydaburg  
13                  Cooperative Association or the tribe, which was the very  
14                  first IRA organized in Alaska in 1936. It is the tribe  
15                  and not the corporation who is our federally recognized  
16                  tribal entity.

17                  Haida Corporation is not and would never  
18                  presume to be representative of our tribe. The voice I  
19                  convey today is that in my role as a chairwoman for Haida  
20                  Corporation.

21                  There are three major points that I would  
22                  like to have in my testimony and a little discussion. My  
23                  first point is our strong support for the proposed Rule  
24                  deleting the Alaska Exception from 25 CFR Section 1511 --  
25                  151.1 -- beg your pardon -- because the Secretary's

1 authority to acquire trust lands in Alaska is already  
2 clear.

3 My second point is trust land are vital to  
4 Native self-determination which includes the right to a  
5 tribal land base in which tribes can begin to force the  
6 State of Alaska to recognize our tribal authority.

7 My third point is that the trust lands are  
8 vital to adequately address long overdue crises in rural  
9 Alaska.

10 Excuse me.

11 Point No. 1, supporting the removal of the  
12 Alaska Exception. In 1971, Congress enacted the Alaska  
13 Native Claims Settlement Act. Haida Corporation is one of  
14 over 200 small Alaska Native corporations geographically  
15 located within 13 separate regions. The Act revoked many  
16 of our Alaska Native tribal rights; but it did not,  
17 however, revoke the Secretary's authority under Section 5  
18 of the Indian Reorganization Act or IRA, which is to take  
19 Alaska land into trust.

20 Section 5 of the IRA is the generic  
21 authority and discretion by which the Secretary does take  
22 land into trust and which Congress expressly extended to  
23 Alaska in 1936.

24 As the Court recognized in Akiachak, the  
25 Secretary has the authority, under Section 5 of the IRA,

1 to place our lands into trust. The proposed Rule, which  
2 we strongly support, would afford our tribes the same  
3 opportunity to petition for trust acquisitions that has so  
4 long been denied.

5 In addition to supporting the Alaska  
6 Exception, we also support the Secretary's ability to  
7 develop a final Rule which truly reflects today's  
8 complicated Native Land issues in Alaska. This would  
9 require a more comprehensive look at part 151 to ensure  
10 our tribes receive the same benefits as our tribal  
11 counterparts outside of Alaska and the same legal clarity  
12 and strength of the actual purpose for implementing  
13 today's proposed Rule.

14 Point No. 2, trust lands are vital to  
15 Alaska Native self-determination. My second point is  
16 Alaska Native self-determination will not be reached until  
17 our tribes have the ability to solidify a land base to  
18 protect our homelands from additional loss and allow more  
19 effective local control.

20 The village corporations in every village  
21 were forced under ANCSA, specifically Section 14(c), to  
22 transfer lands to the state municipalities for their  
23 identified municipal use. This transfer included  
24 thousands and thousands of acres of our land conveyed  
25 through a long and complicated process which benefited the

1 State of Alaska. The point is it was done.

2 It is crucial to see the big picture to  
3 understand and to voice our opinions on this very  
4 important issue for both our regional and village  
5 corporations to support our tribes' efforts towards self  
6 Native -- Native self-determination.

7 In Alaska, we have always been branded the  
8 exception to the rule for reasons we clearly see are  
9 unfounded in law; and they're certainly out of alignment  
10 with the desires of our tribal communities. The  
11 corporation was designed to fail and intended to fail.  
12 They were created to clear access to statewide -- to our  
13 tribal natural resources and to displace the power of our  
14 tribes.

15 We are tribal people and our land holdings  
16 are currently held by our Native corporations. We want to  
17 be tribal people who work together with our village  
18 corporations to create a safer, healthier, economically  
19 viable community based on collaboration to finally reach  
20 the dreams our grandparents had for us.

21 In my testimony, I must add the State of  
22 Alaska will fight us. And we, as both tribal members and  
23 the current landowners, must begin to fight back. If we  
24 never achieve one other important goal in our lives, I ask  
25 that we all work together as Alaska Native regional

1 corporations, as Alaska Native village corporation people.  
2 And we support the Interior's move to adopt this proposed  
3 Rule deleting the Alaska Exception from 25 CFR Section  
4 151.1 and commence processing applications to take land  
5 into trust for Alaska Natives.

6 I would also ask consideration for the  
7 intent of the proposed Rule when implemented to include  
8 the courtesy to expedite applications for our tribes who  
9 have so long been denied the right to even stand in the  
10 same line as our brothers and our sisters in the Lower 48.

11 Okay. My third point, trust lands are  
12 vital for rural tribal community to access -- to address  
13 our crisis. My last point is the importance of trust  
14 lands so Alaska Native rural communities can adequately  
15 address the current crisis in safety and economic issues.

16 In its road map for making Native America  
17 safer, the Indian Law & Order Commission, a bipartisan  
18 commission, recommended that Congress begin taking  
19 affirmative steps to expand the Alaska Native land base  
20 through trust-land acquisition. Those who live in our  
21 Alaska Native rural communities understand the value of  
22 this report. It is time to take a deliberate stand in  
23 voicing and informing those who can no longer deny the  
24 negative impacts which our tribes and our tribal members  
25 in Alaska are forced to face on a daily basis due to the

1 exception to the Rule.

2 Our issues are complicated, and they  
3 require clear and concise information because the State of  
4 Alaska will continue to depend on utilizing their immense  
5 resources to fight any victories our tribes in Alaska,  
6 make. A new paradigm is finally coming to Alaska and I  
7 strongly support positive input from the 13 regional  
8 corporations and the over 200 Alaska Native village  
9 corporations to support the tribes' legal and moral right  
10 to the ongoing Native American sovereignty momentum which  
11 could result from the adoption of these proposed rules.  
12 The State of Alaska must face the fact that tribes exist,  
13 and we are finally beginning to demand recognition.

14 In conclusion, I have made my three points.  
15 I strongly support and urge the Secretary to complete and  
16 publish the Final Rule on trust acquisition in Alaska. I  
17 ask for the regional and village corporations to support  
18 the heart of our tribes which is self-determination and  
19 self-governance.

20 I want to thank you again for your  
21 consideration of the Alaska Native village corporation  
22 view.

23 I also want to say hello to Kevin. He's a  
24 UNM alum.

25 Hello, Kevin.

1 Thank you very much.

2 (Applause.)

3 KEVIN WASHBURN: And, Mike, before you  
4 start, our good friends at NCAI, who are hosting us here,  
5 have offered us a larger room. And I think people are  
6 hot, and I think they are crowded. And it will take us 15  
7 minutes to do the transition because we need to get the  
8 court reporter set up there, but I think that that's  
9 probably the right thing to do.

10 I'm getting nods from the back of the room.  
11 So let's move to the other room. Fifteen-minute break.  
12 Will you all keep track of where you were --

13 A SPEAKER: General assembly room, the  
14 first floor.

15 (Break.)

16 KEVIN WASHBURN: I want to apologize to  
17 everybody. We have now changed rooms. I want to  
18 apologize. We weren't expecting this many people to  
19 attend. We're really glad to have such broad interest in  
20 this, so we're really glad that you're here. We also want  
21 to thank you for your flexibility.

22 Let me add a couple of things because we  
23 want to hear from as many people as we can, but we also  
24 don't want to hold people hostage all night long. We will  
25 be having two other consultations, one of them on

1 Wednesday, June 18, from 2:00 to 4:00 p.m. Eastern Time  
2 which would be 10:00 a.m. to noon -- is that right? --  
3 Alaska time. And that's by teleconference. That's on  
4 June 18th. And I've got handouts, several of these left,  
5 if anyone wants to have that information --

6 And, also, we will be having one, an  
7 in-person consultation in Washington, D.C. on Thursday,  
8 June 26, 2014, from 2:00 to 4:00 p.m. at the Omni Shoreham  
9 Hotel. And that will be at the same time as the RES D.C.  
10 Conference. So some of you might be in town for that.

11 So you can also, of course, submit written  
12 comments. And we would, you know, love to have you submit  
13 written comments, as I said before, to  
14 consultation@bia.gov.

15 I'm going to ask you for two other things.  
16 One, speakers, we love to hear from you. We've got a lot  
17 of people that want to be heard from, though; so I ask you  
18 to keep your comments relatively short, if you can,  
19 preferably under five minutes.

20 And voices carry in this room a little bit.  
21 We've moved to a bigger room; but if you're going to have  
22 sidebar conversations, if you would step outside the hall,  
23 we'd be very grateful just so the speakers aren't  
24 distracted by it. We want to get their best work. So  
25 thank you so much; and, again, thanks for being flexible.



1 Mr. Williams, please proceed.

2 MIKE WILLIAMS: Assistant Secretary  
3 Washburn, thank you for holding today's consultation on  
4 the Secretary of the Interior's Proposed Rule regarding  
5 trust acquisitions in Alaska.

6 My name is Mike Williams. I am a Yupiak  
7 from the small village of Akiak on the Lower Kuskokwim  
8 River in Western Alaska. Right below me is Akiachak, and  
9 it's named Little Akiak.

10 I grew up in a traditional subsistence  
11 household. I was taught by my father, mother, grandmother  
12 and grandfather. Together with my wife, Maggie, I have  
13 lived and worked in Akiak raising my children.

14 I currently work as a wellness counselor  
15 for my village while also serving several positions such  
16 as secretary/treasurer for the Akiak Native community, the  
17 chief of Alaska Inter-Tribal Council, a consortium amongst  
18 federally recognized tribes. I'm a board member of the  
19 Institute of Tribal Governments at Portland State  
20 University, a board member of Rural Community Action  
21 Program and as an Alternate NCAI Regional Vice President  
22 for Alaska.

23 Just five points and I'll try to keep them  
24 short. And I have a written comment.

25 Trust lands are vital to Native

1 self-determination. Trust lands help tribes solidify a  
2 land base, protect homelands from loss and allow more  
3 effective local control. Tribal governments are in the  
4 best position to protect and serve their communities.  
5 Alaska tribes need to expand land base to exercise their  
6 right to self-government.

7           The proposed Rule would provide Alaska  
8 Natives with the land base they need to promote  
9 village-level economic development and provide desperately  
10 needed public safety services to their communities. The  
11 State of Alaska refuses to recognize tribal authority in  
12 any circumstances in the absence of a land base. It is  
13 time to end this line of argument through forming of  
14 trust-land status.

15           Three, trust lands are vital to address the  
16 public safety crisis in rural Alaska. Alaska Native  
17 communities are facing a public safety crisis of enormous  
18 magnitude. As the Indian Law & Order Commission found in  
19 rural communities, domestic violence rate is up to ten  
20 times higher than the rest of the country had been  
21 reported.

22           More than 95 percent of crimes committed in  
23 rural Alaska can be attributed to alcohol. The rate of  
24 death from alcohol abuse is over 16 times greater than  
25 that of an urban non-Native population. We need the tools

1 to help stop this crisis. Trust lands won't solve every  
2 problem, but they will increase our ability to combat the  
3 public safety crisis in our villages.

4 A change is needed, and tribal governments  
5 are in the best position to make that change; but first  
6 they need the land base and the jurisdiction to do so.

7 Lastly, the Secretary's authority to  
8 acquire trust lands in Alaska is clear. As the court  
9 recognized in Akiachak, the Secretary has the authority  
10 under Section 5 of the IRA to place our lands into trust.

11 The proposed Rule would afford us the same  
12 opportunity to petition for trust acquisitions that has  
13 long been enjoyed by our counterparts in the Lower 48.  
14 And in that -- when we do that, we need to swiftly survey  
15 those lands. And we just really feel that it has to be  
16 done very quickly, and the action needs to be taken now.

17 Thank you.

18 (Applause.)

19 TROY EID: Good evening, Assistant  
20 Secretary Washburn and staff. Great to see you. My name  
21 is Troy Eid. I served as the Chairman of the Indian Law  
22 and Order Commission from its inception until its sunset  
23 in January of this year.

24 Very briefly I wanted to just recognize  
25 Chapter 2 of our road map for reforming these very

1 important issues, addressing this issue directly as you  
2 pointed out in the proposed Rule. And what I want to  
3 stress here is to pass the very moderate proposal that you  
4 have.

5 With all due respect to my good friend, Tom  
6 Fredericks, this is not a good legal conclusion that he  
7 drew in 1978. And I think that's been recognized over and  
8 over. And so nine of us came together, some of which are  
9 Republican. I served in the last Presidential  
10 Administration. I'm a lifelong Republican and a Native  
11 person.

12 I'm from Colorado. I was the chair of this  
13 Commission. And I just want to point out that all nine of  
14 us, Republicans, Democrats, different walks of life, we  
15 all felt the law was clear; and we felt the imperative for  
16 doing this was clear. And that's the most important  
17 thing.

18 The public safety crisis here is absolutely  
19 unacceptable; and it flows from the fact that there's no  
20 recognition consistently from the State of Alaska for the  
21 territorial integrity of these Alaska Native nations. And  
22 this will help to do that. It won't do everything, but  
23 it's a step forward.

24 The more territorial integrity that can be  
25 recognized and can be applied, the more intragovernmental

1 agreements can be entered into, the more police forces can  
2 be stood up by tribes themselves, the more tribal court  
3 decisions can adjudicate disputes both civil and criminal  
4 within those territories.

5 This is a precondition. And I would just  
6 simply say -- you know, we noted in our report, among  
7 other things, the opt-out of Alaska of many laws of  
8 general application including the Tribal Law and Order  
9 Act, but also the Violence Against Women Act Amendments in  
10 2013. We called that unconscionable. That was our term,  
11 "unconscionable."

12 But how did it ever start? Why was it even  
13 thought? That's because if you look at the rationale at  
14 the time that was advanced for the opt-out, it was, "Well,  
15 Alaska Native Nations have no land base. They have no  
16 ability to be able to implement power."

17 And you know where you have domestic  
18 violence rates that are 12 times the reported national  
19 average, it's not acceptable. So if that's a problem that  
20 is seen, that the lack of land base is recognized as a  
21 need for an opt-out, why not address the land-base issue,  
22 the territorial-integrity issue, however you can? This is  
23 one way to do it. And then try to make sure that those  
24 nations have the territorial integrity to make their own  
25 laws and be governed by them, which is really all we're

1 asking about.

2                   It's a very modest concept. It's a very  
3 modest rule. It's consistent with the law that came  
4 before it going all the way back to the New Deal. And it  
5 actually -- even before that in the concept -- in the  
6 Hoover Administration in the Marion Reports. And this is  
7 not a radical concept. What is radical is what happens in  
8 the interim in the most recent history, and that's what  
9 needs to be changed.

10                   And this will help to restore the  
11 sovereignty within the public safety that everyone here  
12 deserves and rightly deserves as American citizens.

13                   And so I thank you for your time. And I'm  
14 authorized by all nine of the former commissioners to say  
15 that we strongly support the proposed Rule. Thank you.

16                   (Applause.)

17                   KARL COOK: I'm Karl Cook from Metlakatla,  
18 Alaska. I say that because there's a lot of us on the  
19 island that are -- like my grandmother is from British  
20 Columbia on my mother's side; but my father's side, my  
21 grandmother's from Ninilchik. And there's a lot of  
22 us people who reside with us that are members of the  
23 Metlakatla Indian Tribe that are from Nome and Bethel and  
24 Fairbanks and Sitka, Ketchikan.

25                   There's people here from Hydaburg and

1 Craig, and they joined the community; and they join our  
2 tribe that way. And so we're multiple tribes on the  
3 island, but we're the Metlakatla Indian Community. We've  
4 had, of course -- as you would suspect, we've had several  
5 council meetings about this issue; and we thought we  
6 should prepare a response. And we have to -- after our  
7 community's conclusion, we had a lawyer draw up a small  
8 paper. I'll read about our position.

9 As the only federally recognized tribe in  
10 Alaska who chose not to participate in Alaska Native  
11 Claims Settlement Act, the Metlakatla Indian Community  
12 deeply appreciates the importance of its Reservation and  
13 related support of the United States Bureau of Indian  
14 Affairs to the community's ability to provide a safe,  
15 prosperous and permanent home for its members, providing  
16 Metlakatla a permanent home where its members could be  
17 safe and secure in their persons and pursuits was the  
18 core, a Federal purpose in establishing the reserve.

19 The United States, in fulfilling its trust  
20 responsibility to the community, has been a critical  
21 partner in helping the community to achieve this purpose.

22 Well, the decision to abstain from ANCSA  
23 proved difficult. The community's deliberative process  
24 yielded clarity on this important point, that the  
25 potential benefits flowing from ANCSA were incomparable to

1 the benefits of maintaining the community's sovereign  
2 space, including the Federal trust responsibilities and  
3 services.

4 Hence, our lawyer, owes us.

5 (Laughter.)

6 The community deeply understands the BIA's  
7 rationale for proposed removal of the so-called Alaska  
8 Exception, which it has explained would strengthen Alaskan  
9 tribal communities by empowering tribal governments to  
10 provide for their people. The community wholeheartedly  
11 agrees and supports Alaska Native tribes' land-into-trust  
12 applications that would result in safer tribal communities  
13 or that would preserve a culturally significant site.

14 However, we are concerned by the potential  
15 dilution, you know, unless -- and it's critical that we  
16 receive the continued trust services. And more  
17 particularly, if it's just carte blanche. If everybody  
18 here gets it, you know, that would be troublesome for us.

19 We need jobs; our fisheries need help; our  
20 rights need protection; and our town needs infrastructure  
21 improvements. We cannot do these things without the  
22 continuing assistance of the Federal government.

23 Accordingly, the community urges the  
24 Secretary, as part of her consideration of the criteria  
25 set forth in 25 CFR 151.10, which requires the Secretary



1 to assess whether the BIA is equipped to discharge the  
2 additional duties associated with any trust acquisition,  
3 to consider the equity of any related lessening of the  
4 trust services provided to our community. Thank you.

5 (Applause.)

6 COLE SCHAEFFER: Good evening (speaking  
7 Native language). My name is Cole Schaeffer. I'm the  
8 housing director at the Native Village of Kotzebue. On  
9 behalf of the tribe, I'd like to thank our guests here in  
10 Alaska for having this hearing to hear directly from our  
11 own people.

12 In listening to the previous speakers, I  
13 think we support much of what they've said. And looking  
14 back at some of the discussions we've had here at this  
15 conference, these laws that excluded Alaska were designed  
16 at a time when termination was the policy. And that is no  
17 longer the policy of the United States.

18 The policy is self-determination. And we  
19 need strong tribes. When we have strong tribes, we have  
20 strong communities. And when we have strong tribes, we  
21 have a strong America. We're the original Americans.  
22 We're the original Alaskans. And to do that, we need land  
23 into trust. That is a basis of who we are as people.

24 The land that we have, it's a basis of our  
25 economy. And we have, as the previous speaker said, many

1 economic needs in our -- especially in rural Alaska, in  
2 tribal Alaska. And we have many public safety needs.

3 So I want to encourage you to look at this  
4 policy from a policy of -- no longer of termination, but  
5 one of self -- no longer of termination, but  
6 self-determination. And encourage you in this time to  
7 make the right decisions from where our people and  
8 communities are today.

9 (Speaking Native language.)

10 (Applause.)

11 LISA JAEGER: Good evening. First of all,  
12 just really appreciate that you're holding this  
13 consultation here and proposing to do away with the  
14 Alaskan Exception for taking land into trust.

15 My name is Lisa Jaeger. I'm a Tribal  
16 Government Specialist for Tanana Chiefs Conference,  
17 speaking on behalf of the conference. And then several of  
18 our tribes will also be speaking.

19 I've had this position since 1979. So long  
20 history of, you know, being with the tribes through so  
21 many battles of trying to fight for recognition, fight for  
22 jurisdiction. Every single step seems to take litigation  
23 along the way. So we know that this is just the beginning  
24 of steps of probably more litigation and fight to come.

25 But in our region, the Tanana Chiefs'

1 Region, we have -- we're pushing up to about 2-and-a-half  
2 million acres in tribal-fee-land status. Our tribes have  
3 been very busy, especially during the '80s and '90s, of  
4 trying to get land into tribal ownership. Of course,  
5 there's some big transfers. The Venetie is 1.8 million  
6 acres from corporations. Fort Yukon, Tetlin and Birch  
7 Creek also made large corporation transfers; but there's  
8 been smaller corporation transfers of cemeteries and  
9 things like that, lots underneath tribal offices and  
10 smaller more important pieces of land.

11 But we also have a lot of Alaska Native  
12 townsites, and we have ten of those where cities never  
13 formed. The tribal governments got the lots that were not  
14 occupied at that time, so there's quite a bit of land  
15 there.

16 We've also have transfers from a lot of our  
17 cities over to the tribes. We've gotten land that way.  
18 We've had, for example, transfers in lieu of 14(c)(3),  
19 like our tribal allotment sits on 1,000 acres of fee land  
20 gotten that way. We've gotten land through BIA schools  
21 closed and sites there, missions and all kinds of  
22 different ways. So we're not just looking at  
23 corporations; we're looking at other types.

24 So I think the main thing is that Alaska  
25 tribes need the option of taking their land in trust.

1 They may not all want to do that. They're going to look  
2 at this on a case-by-case basis, but the important thing  
3 is that they have the option to do this; and this would be  
4 that big first step.

5 We also need -- in the Kutchery  
6 legislation, we need a clean fix and not get this nice  
7 proposal and then end up with a piece of legislation with  
8 an Alaska Exception to it. You know, that would defeat  
9 it. So that's step 2 of this the way that we see it.

10 So, we strongly support your proposal and  
11 would love to help any way we can. And our tribes just  
12 appreciate you being here and listening to us.

13 (Applause.)

14 RANDY MAYO: Good evening, Assistant  
15 Secretary Washburn and staff. On behalf of the Stevens  
16 Village Tribal Government and First Chief Harold Simon --  
17 I'll back up a little bit -- my name is Randy Mayo, Second  
18 Chief Stevens Village Tribal Government located north of  
19 Fairbanks on the Yukon River about 30 miles upstream from  
20 the Trans-Alaska Oil Pipeline, which runs across, you  
21 know, about 100 miles of our traditional territories; so  
22 I'll come back to that in a minute.

23 But you know that obviously the tribal  
24 government of Stevens Village, it's incumbent upon us to  
25 support land into trust, which there should have never

1       been an Alaska Exception in the first place.

2                       You know, this has been a long time in  
3       coming for the Stevens Village Tribe as we had petitioned  
4       the Secretary to put our two-million acres of traditional  
5       lands into trust back in the 1930s, right after we were  
6       chartered as an IRA. And thereafter we made many attempts  
7       to petition. Unbeknownst to us, there was other forces,  
8       economic forces, that were at play at the national level,  
9       you know, not wanting to see that because it would hinder  
10      their economic development if they had to deal with tribal  
11      governments and the Federal government as a trustee.

12                      So, you know, the Stevens Village Tribe  
13      had -- back in the late '60s had sued in Federal court  
14      over the construction of the Trans-Alaska Oil Pipeline  
15      because it came right up to our southern boundary of our  
16      traditional territories and titled -- aboriginal title and  
17      claim had never been addressed or it was never settled.

18                      You know that the outcome of that  
19      injunction -- it held up the construction for one year;  
20      but the outcome was what we weren't wishing for, which was  
21      the Alaska Native Claims Settlement Act, which is  
22      detrimental and goes against the principles of tribal  
23      governance, sovereignty and, you know, having jurisdiction  
24      over a land base. That -- that was the very first  
25      initiative by the tribal government was to -- in a

1 self-determined move was to create our own well-being and  
2 prosperity on our terms, not something imposed, you know,  
3 like through the Alaska Native Claims Settlement Act.

4 But I also -- you know, I had been serving  
5 in this capacity going on 20 years as tribal government  
6 president or vice president and half of that time as a  
7 village corporation president or board member, which I'm  
8 currently a board member.

9 Back in the early '90s, you know, well  
10 after Land Claims was passed, that was still the desire.

11 The trust-lands issue that -- that the  
12 tribe initiated as secretarial election and the secretary  
13 at that time in the early '90s, we amended our  
14 constitution on jurisdiction and territories to include  
15 the traditional lands which, you know, is made up of Fish  
16 and Wildlife Service, BLM and State lands. So, is that --  
17 the secretary approved that in our 1990 amendment.

18 And shortly thereafter that -- the tribe  
19 and village corporation had created the traditional land  
20 needs plan, you know, with the intention that the tribal  
21 government is the entity to represent the tribe in its,  
22 you know, initiatives to keep our homelands intact.

23 So, in closing, the Stevens Village Tribal  
24 Government fully supports doing away with the Alaskan  
25 Exception. And, you know, we also don't believe there

1 should be any uniqueness or any special provisions  
2 extended to Alaska.

3           You know, in my mind, I think -- you  
4 mentioned earlier that that uniqueness -- I don't -- you  
5 know, I think that uniqueness comes from Alaska Native  
6 Claims Settlement Act which, you know, was not a  
7 self-determined Indian legislation, but went against our  
8 main intention of juris -- territorial jurisdiction. So,  
9 thank you.

10                           (Applause.)

11           IAN ERLICH: Good evening, Mr. Assistant  
12 Secretary and staff. I am Ian Erlich. I'm President of  
13 Maniilaq Association. Maniilaq Association is a tribal  
14 organization constituting 12 federally recognized tribes  
15 in Northwest Alaska. And tonight I acknowledge many of  
16 our tribal leaders who are here in the audience.

17           Maniilaq Association strongly supports the  
18 Department's approach in the proposed Rule and its proper  
19 interpretation of the land-in-trust authorities found in  
20 the Indian Reorganization Act.

21           The proposed Rule is long overdue. The  
22 last time that the land-into-trust regulations were  
23 promulgated substantially impacting the tribal rights in  
24 Alaska, the so-called Alaska Exception was inserted in  
25 that Rule with no notice or opportunity to comment. We

1 noted in particular this Final Rule was implemented with  
2 no tribal consultation.

3 Since that time, the Department of Interior  
4 has treated this Alaska Exception as a de facto bar of the  
5 Department's authority under the Indian Reorganization Act  
6 to take lands into the trust in Alaska for the tribes.

7 The Rule is overdue for many reasons. In  
8 the Lower 48, as you know, Indian tribes commonly utilize  
9 land-into-trust processes to reconsolidate the ancestral  
10 homelands, create unique opportunities for Federal tribal  
11 housing programs, protect sensitive environmental areas  
12 and sacred cultural properties, and otherwise expand  
13 tribal jurisdiction consistent with established principles  
14 of self-determination and self-governance.

15 The Department itself acknowledges among  
16 the compelling reasons for the proposed rule that there  
17 are substantial benefits to expanding tribal jurisdiction  
18 in Alaska, and the Rule would allow tribes to submit  
19 land-into-trust applications while maintaining the  
20 Department's substantial discretion in the processing of  
21 those applications.

22 We note that the support of the Indian Law  
23 & Order Commission as well as your own Commission on  
24 Indian Trust Administration and Reform; and we're very  
25 encouraged by those reports, as well.



1                   In conclusion, Maniilaq Association has  
2 participated in self-governance programs with the United  
3 States since self-governance's inception. And we have  
4 seen the strong record of and countless positive outcomes  
5 resulting from greater implementation of tribal objectives  
6 and initiatives at the local level.

7                   We support our federally recognized tribes  
8 in a big way. And we strongly support the finalization  
9 and implementation of the proposed Rule allowing Alaska  
10 tribes to apply for the placement of land into trust  
11 consistent with the Indian Reorganization Act and Federal  
12 Indian Law. Thank you very much.

13                   (Applause.)

14                   WILL MICKLIN: I just gave Kevin a copy of  
15 my 24-page speech. Good evening, welcome to Alaska. My  
16 name is Will Micklin. I'm First Vice President of the  
17 Central Council of Tlingit Haida Indian Tribes of Alaska.  
18 And I'm here standing in for Richard Peterson, who is our  
19 newly elected president since April of this year. And  
20 Richard succeeded Edward K. Thomas, who was President at  
21 Central Council for the past 30 years.

22                   And I need to thank Richard for carrying on  
23 the tradition that -- Ed Thomas for initiating with  
24 Central Council this effort for fee-to-trust acquisitions  
25 in Alaska. And it's good to see you here and all of us

1 here. I'm impressed with this important decision.

2 Central Council is a federally recognized  
3 Indian tribe in Southeast Alaska and it's ancestral home  
4 to our 29,000 tribal members. Our general office  
5 headquarters is located in the heart of what is -- what  
6 has always been called the Juneau Indian Village.

7 Thank you for the opportunity to provide  
8 formal consultation input on the basis of the  
9 government-to-government relationship between our tribe  
10 and the United States. On behalf of our tribe, I wish to  
11 convey my heartfelt gratitude to you, Kevin, to Secretary  
12 Sally Jewell, and the Obama Administration, as a whole,  
13 for taking action on May 1st, 2014, to remove the  
14 so-called Alaska Exception from the fee-to-trust  
15 regulations in 25 CFR 151.1.

16 Your decision is responsive to our tribes'  
17 long-standing request. We gladly welcome it, and we ask  
18 they implement immediately or as immediately as possible.  
19 We've talked about this. As your May 1st, 2014 notice  
20 indicated, accepting land in trust helps secure tribal  
21 homelands; and it advances economic development, promotes  
22 the health and welfare of the tribal communities and  
23 protects our culture and traditional ways of life.

24 There are several key issues that I wish to  
25 highlight tonight from the written testimony that we will

1 submit electronically in addition to paper.

2           There was never any statutory authority for  
3 the regulatory sentence in 25 CFR 151.1 that said "except  
4 in Alaska." That's what the court in the Akiachak case  
5 said last September. That unauthorized sentence "except  
6 in Alaska" was unfair. It created two classes of Indian  
7 tribes, one class in the Lower 48 and another class of  
8 Indian tribe with fewer Federal rights in Alaska.

9           That violated the expressed statutory  
10 intention of the U.S. Congress clearly stated in Title 25  
11 Section 476 (g), that the Secretary, through regulations,  
12 is prohibited from diminishing the privileges and  
13 immunities of one Indian tribe relative to the privileges  
14 and immunities of another Indian tribe.

15           The effect of this unauthorized sentence  
16 has been devastating and in recent decades has directly  
17 led to the loss of thousands of previously protected  
18 Indian parcels in Alaska as well as the loss of millions  
19 of dollars in Federal Indian funding that would otherwise  
20 have come to Alaska. This senseless loss of land and loss  
21 of funding is unacceptable. I ask that you stop giving  
22 this unlawful regulation any effect.

23           Four-and-one-half years ago we submitted  
24 two fee-to-trust applications. We again, today, urge you  
25 to finalize and approve them. These parcels were held for

1 many decades by succeeding generations of individuals.  
2 Individual members of our tribes are subject to the  
3 Federal law and Indian land protections of illegal  
4 restriction against alienation and taxation.

5           The parcels both are located within the  
6 historical and cultural area long known as the Juneau  
7 Indian Village where Tlingit tribal members have resided  
8 since time immemorial. Both parcels are surrounded by  
9 land held in restricted status for individual tribal  
10 members. Both parcels are located in the parking lot of  
11 the office headquarters of our tribe. No change in use is  
12 contemplated. Both parcels have been long used as  
13 overflow parking space for our tribe's office.

14           Even today, every day that goes by without  
15 your taking immediate action to approve these applications  
16 is a day in which you, as the Secretary's designee, are in  
17 violation of the statutory mandate, the Title 25 Section  
18 476 (g) to treat Indian tribes in Alaska like you treat  
19 Indian tribes with pending fee-to-trust applications in  
20 the Lower 48.

21           We ask that you reach your decision @ as  
22 expediently as possible to end the diminishment of our  
23 privileges and immunities relative to other tribes.  
24 Tribal trust land now exists in Alaska today without  
25 devastating effects warned of by some opponents. Creating

1 more tribal land will not create a cataclysm.

2 I want to address one issue. Part 151  
3 involves voluntary land transfers. An Indian tribe cannot  
4 obtain from an involuntary seller land that it seeks to  
5 place in trust. Some opponents have mistakenly concluded  
6 that the Secretary's authority to accept land in trust is  
7 the same as eminent domain authority. This could not be  
8 further from the truth.

9 Land is accepted into trust by the United  
10 States under 25 CFR 151 only when an Indian tribe has  
11 clear title to the land. Nothing in 25 CFR 151 would  
12 require an ANCSA corporation or any other landowner to  
13 convey land to an Indian tribe so that the tribe could  
14 transfer the legal title to the United States to be held  
15 in trust for the tribal beneficiary without that party's  
16 consent.

17 Likewise, there's been some confusion about  
18 the ability of the Secretary and Department 51 to accept  
19 in trust surface or subsurface estates. In Oklahoma and  
20 other parts of Indian country, so-called split estates are  
21 routinely part of fee-to-trust transactions. It is a  
22 basic truth that an Indian tribe can only place in trust  
23 what it owns. Adjoining interest, including surface or  
24 subsurface estates, are treated the same way that  
25 rights-of-way, easements and other burdens attached to an

1 ownership interest in land are treated.

2 In the end, Alaska presents fewer  
3 complications for fee-to trust acquisitions than do many  
4 other state jurisdictions. First, there is no Alaska  
5 property tax implication because the State of Alaska does  
6 not tax tribal government land in Alaska whether held in  
7 fee simple or held in trust. Second, as to Appeal 83280,  
8 the State of Alaska has concurrent civil and criminal  
9 jurisdiction on trust and restricted lands. Montana,  
10 Wyoming and other states are co-existing in tribal  
11 government jurisdiction on their trust land without  
12 calamitous result.

13 Again, thank you for this opportunity. And  
14 before I hand it -- I -- just -- you asked the question  
15 about what additional provision could be afforded Alaska  
16 tribes that would be helpful in the fee-to trust process.  
17 The one I would cite -- and this is because of what you've  
18 heard in testimony up to this point -- that we -- the  
19 State of Alaska, has an appeal pending. We expect further  
20 obstruction from the State of Alaska. The State of  
21 California, in a true blue Democratic state, the attorney  
22 general is sending out letter after letter objecting to  
23 fee-to-trust applications.

24 I would say the best additional benefit  
25 that you could provide to us would be related to the

1 patch-and-fix -- patch-and-patch, as we've called it. And  
2 in that administrative remedy, if you could provide the  
3 same test for the merit of an appeal prevailing with  
4 regard to you staying the application process and moving  
5 ahead with it.

6 Do it in accordance with what the IBI  
7 Regulation is, and that's simply the test of whether that  
8 -- there's a merit -- sufficient merit in the appeal to  
9 cause you to suspend the application; and, if not, then  
10 move ahead with that application. That is extremely  
11 important to us because we have many pending applications  
12 as you've heard. We have great need. And moving that  
13 process ahead would be, I think, in our mutual interest  
14 both with the -- our Federal partners, as well as tribes.

15 So with that one recommendation, I just  
16 want to thank you for coming to Anchorage, coming to  
17 Alaska, and conducting this tribal consultation. And we  
18 are grateful for your leadership in removing the so-called  
19 Alaska Exception from the fee-to-trust regulations in 25  
20 CFR 151.1.

21 And the last thing I just want to thank  
22 other tribal leaders from the Lower 48, Chairman Elaine  
23 Fink from the North Fork, and Randy King from the New York  
24 Nation is behind us. So we're very thankful for their  
25 support for their Alaskan brothers and sisters.

1 (Applause.)

2 KEVIN WASHBURN: And let me just  
3 underscore, if there is misinformation that this is some  
4 sort of eminent domain provision, it is not. We would  
5 accept land into trust that's been obtained in  
6 arm's-length transactions by tribes is typically how this  
7 works.

8 They, the tribes, purchase the land or  
9 obtain the land in a voluntary exchange; and then they  
10 apply to have it taken into trust. This isn't the Federal  
11 government reaching in and forcibly taking land from  
12 anyone. This is all voluntary. So if there is that  
13 misinformation out there, I wanted to address it. So  
14 thank you for letting me know about that. Thank you.

15 NORMAN ADAMS: Thank you, Assistant  
16 Secretary Kevin Washburn. My name is Norman Adams. And  
17 I'm speaking here today on behalf of the Nag Gijon Native  
18 Allotment in Yakutat, Alaska.

19 There's a little bit of history on this  
20 particular Native allotment. My grandmother had filed for  
21 it in 1970. And it took us over 30 years to get this  
22 Native allotment because it happened to be sitting on a  
23 world-class wilderness area in Yakutat, Alaska. And when  
24 she did make her selections, she selected parallel to this  
25 world class fishing stream that harvests two-million



1 pounds of salmon out of it and has a very intensive sport  
2 fishing activity.

3 So needless to say, they were opposed to  
4 the Native Allotment at every level, including the State  
5 and Federal. But thanks to Alaska Legal Services and  
6 Tlingit Haida and Yakutat Tlingit Tribe, we were  
7 successful in securing the Native Allotment. But we ended  
8 up with almost five -- about a mile of riverfront with --  
9 it was nine fishing holes; seven of them are on the Native  
10 Allotment.

11 And I'm here to ask for your support in  
12 approving the Section 25 -- CFR 25 on the proposed  
13 amendment. We would like to see this Native Allotment go  
14 into trust. So I thank you for coming up, and I hope you  
15 take our requests seriously. (Speaking Native language.)

16 (Applause.)

17 P.J. SIMON: Thank you, Mr. Kevin Washburn,  
18 Assistant Secretary. Welcome to Alaska. You probably  
19 have been here before everybody else was saying. My name  
20 is P.J. Simon. I'm the Second Chief of Allakaket.

21 And we support the land into trust and  
22 that's pretty much the extent that we know about it.  
23 We're a small tribe, which is a bunch of high school  
24 graduates sitting around the table, worried about our bow.

25 We lack running water in, like, 4300

1 villages in this state. In education, our education gets  
2 no funding. So you all -- you guys at the Department of  
3 Interior are entrusted to look after us and put in a good  
4 word for us when you can.

5 So it's when all the small tribes in  
6 Alaska, yet, do not have basic needs. And it's almost  
7 2015; pretty soon it will be 2020. And yet we lack --  
8 high rates of domestic violence against our Alaska Native  
9 women, sexual assault in tribal courts.

10 We're trying to get -- the State doesn't  
11 recognize us; you know that. And as Alaska Natives, we  
12 bring in three-to-five billion dollars to the State  
13 economy every year from his, BIA and Federal Impact Aid.  
14 And so we're a big part of Alaskan economy.

15 We want to be recognized, and we want all  
16 these amenities. So as a Native leader coming from the  
17 Village of Allakaket, I just wanted to express my concern  
18 for my tribal members.

19 So one thing I say on education, I tell the  
20 kids at school and I'll tell you is: The words of an  
21 uneducated population only has value to those that seek to  
22 exploit them. So we don't want to be exploited anymore by  
23 the system. We want the Department of Interior and Kevin  
24 Washburn and everybody else to look after us.

25 I read the Web site and it says you guys

1 are entrusted to look after us. So I want to kindly  
2 remind you from Allakaket Tribe and all the small  
3 villages, that there are a lot of problems in Alaska and  
4 all over Indian country.

5 Thank you for your time.

6 (Applause.)

7 IRENE DUNDAS: Thank you, and thank you for  
8 coming to Alaska. My name is Irene Dundas. I am the  
9 Tribal President for Ketchikan Indian Community.  
10 Ketchikan is at the very far most of Southeast Alaska.  
11 Our tribal membership consists of 5,858 tribal members,  
12 which also are Tlingit, Haida and Tsimshian.

13 I can't say that I know a lot about the  
14 land in trust. Ketchikan is, I think, very unique. We  
15 have no Native corporation for Ketchikan, the city; but  
16 Saxman has a Native corporation, Cape Fox Corporation.  
17 And I think that there is a lot of confusion between what  
18 the land in trust is. I think just understanding what the  
19 responsibilities are of the Native corporations and then  
20 the tribes. And I think there needs to be more of an  
21 outreach to the corporations to help them understand what  
22 the impacts of this is or if it's not going to impact them  
23 at all.

24 There seems to be a lack of information to  
25 the Native corporations. NCAI has consisted of tribes,

1 tribal governments. And a lot of us here are, you know,  
2 representatives of our tribes. And there is not a lot of  
3 Native corporations in representation here.

4 I'm fortunate to be a board of director for  
5 our Native corporation. And so I do know that there has  
6 been a lack of information about the land in trust. So, I  
7 hope that there is an outreach to the corporations and to  
8 the tribes so that we can connect and hopefully that we  
9 can meet on the same page and understand how each one of  
10 us can communicate with each other.

11 So thank you. (Speaking in Native  
12 language.)

13 (Applause.)

14 RANDY NOKA: Good evening, ladies and  
15 gentlemen. Randy Noka, Ambassador and Tribal Councilman  
16 for the Narragansett Tribe. And forgive my back, ladies  
17 and gentlemen. I'm also the Vice President of the United  
18 South & Eastern Tribes and Area Vice President of this  
19 area for the National Congress of American Indians.

20 And I want to stop -- I'll try to be brief,  
21 as I'm finding it very enlightening to hear from my  
22 brothers and sisters up here, not only about this  
23 proposal, but in general, you know. I've had the  
24 opportunity to come here several times. It's a beautiful  
25 state; but more so, it's a beautiful people.

1                   My brothers, sisters, I appreciate the  
2 opportunity to listen to you and have you share some of  
3 the concerns on this issue. And other things that you've  
4 shared, I've had the opportunity to hear down through the  
5 years. Some of the hardships that we've shared about life  
6 up here, what you've gone through as people that we maybe  
7 haven't realized in a number of years in the Lower 48 as  
8 we keep hearing, but it's so true. It's so real.

9                   And when we come up here, Mike Williams and  
10 others that I've had the opportunity to listen to, it's  
11 heart-wrenching to hear some of the stories, the realities  
12 of life up here. So I did want to say this, Mr.  
13 Secretary, I welcome this opportunity that the solicitors  
14 on the team, the administration has seen here; it's long  
15 overdue.

16                   I did hear a lady a few minutes back, she  
17 mentioned the Kutchery fix. And I can say this about the  
18 Rule and proposal: None of the organizations I'm on board  
19 with are taking positions yet. But I can say with no  
20 uncertainty, without reservation, that they supported the  
21 Kutchery fix; that means no Alaska carve-out.

22                   That means everyone is treated the same,  
23 that everyone has the same opportunity to have land taken  
24 into trust by the United States Government as any tribe,  
25 be it the Lower 48 or Alaskan nations up here. Everyone

1 has the same opportunity with a Kutchery fix. And that's  
2 what those organizations are supporting.

3 And so I think it's fair to say and make an  
4 assumption that those same organizations would support  
5 this move, that Alaska shouldn't be carved out, that  
6 everyone should have the same opportunity, that we're  
7 all -- with no second-class citizenry, with no Native  
8 American person, no Native Alaska person -- we're all the  
9 same. We deserve better from the United States Government  
10 than we have been getting.

11 We certainly haven't gotten much from State  
12 governments except for heartache, headache and getting  
13 thrown into jail and other things like that. So as the  
14 previous speaker to me, I think he said we're respectable  
15 to the responsibilities that you gentlemen have, the  
16 entrusted -- the obligations you have.

17 Our people deserve better. Our people have  
18 long deserved better. Our people have compromised, been  
19 compromised too much for far too long. And together, we  
20 can make a difference; but I do -- I do ask this of you  
21 gentlemen: As this moves forward and whatever happens  
22 with it -- and I hope it's to the benefit of our people up  
23 here that they get a chance to speak on it if they want to  
24 move forward with it, fine; if they don't, that's an  
25 individual right and a right of the nations, of their

1 leaders.

2 But still a Kutchery fix would arguably  
3 eliminate the Rule, the proposal that you're speaking of  
4 here. It would eliminate the need for it. We would all  
5 have that opportunity. I just wanted to mention that, if  
6 nothing else, but, again, ladies and gentlemen, brothers  
7 and sisters up here, it's an honor to stand here with you.  
8 It's an honor to have this opportunity to speak together  
9 on an issue that is near and dear to all of us.

10 Our land. Our people. It's not just land  
11 into trust; it's everything that is encompassed under  
12 that, the sovereign protection. We're looking out for our  
13 women. We're looking out for our children. We're looking  
14 out for our well-being. It's all part of it. It's all  
15 part of being respected as a government and a people. We  
16 deserve better. I wish you luck with this endeavor.

17 Thank you.

18 (Applause.)

19 JOHNNY CURTIS: Mr. Assistant Secretary, my  
20 name is Johnny Curtis.

21 You know, when I think about Alaska Native  
22 tribes recently a young man asked me: You're the chief;  
23 how come we don't have any land? It's a good question.  
24 To me, it's like we're floating on the cloud. The tribes  
25 in Alaska are all floating on the tribe. You don't own

1 the land you stand on. You don't own the subsurface  
2 rights. You don't own nothing; they do.

3 Why do they do -- why do they want to do  
4 it? It's a long story. And I went into detail about what  
5 happened, what -- I just feel that we are still floating.  
6 I was born track finding in a tent years ago. When I was  
7 born, we took approximately 50 percent, maybe 75 percent  
8 of my food off the land.

9 In my father's day, probably took 90  
10 percent of fish and animals. My children, they probably  
11 take maybe 40 percent or 30 percent of their food from the  
12 land. And today, we'll be lucky if they take 20. They  
13 come from a small village of 600 tribal members. A  
14 hundred twenty-five of them live there in my village  
15 year-round. The other 600, 550, 400 live in the urban  
16 areas because they don't have any jobs.

17 You know, when the statehood came about, I  
18 was ten years old. My father, he had a small contract  
19 with the State of Alaska to survey Minto Flats. He came  
20 over and said: Look outside. He said: The surveyor  
21 doing their jobs and taking their pictures.

22 And I asked my dad: What are they doing,  
23 Dad?

24 He sat down. They're taking pictures. He  
25 said: Someday they're taking pictures of lands and what



1 they own. Someday you're going to be sharing this land  
2 with all walks of life.

3 And today -- last couple years ago, I was  
4 making my own Native Allotment. Bless his soul, my father  
5 turned it over to me.

6 I went up on a hill, the same hill that we  
7 climbed. And I said: See the moose going by, and I count  
8 about 40 bulls. And then 35 years before that, 40 years  
9 before that, there weren't any bulls there.

10 And he said: You're going to have to share  
11 this land with all walks of life.

12 And I'm here. I thought about that,  
13 counted. Do we have to share our land in Minto Flats with  
14 over 100,000 other people, Fort Wainwright, Eielson, City  
15 of Fairbanks? And it all came back to me. I now  
16 understand. He said: That's progress. He said: That's  
17 what you call progress. You're gonna have to give up  
18 something if you want progress.

19 Another thing he said, he said, You're  
20 going to have to explain this to your child. He said your  
21 children. At one time we had over half a million acres.  
22 Judge Wickersham, my grandfather, Chief Thomas, was part  
23 of that, Chief Charlie. They owned the whole of Minto  
24 Flats. They said it in a way we had no recordings in  
25 1917. And a few years later, our -- bless his soul,

1 Senator Stevens was working for the Department of  
2 Interior. We could adopt a 64-square miles, one block;  
3 but it was never on paper.

4 Then the land claims came about. We  
5 received again our papers on our checkerboards. And that  
6 land isn't even ours; it's the tribe's. So we are,  
7 Mr. Secretary, a tribal land floating on a cloud, waiting  
8 to hit bottom.

9 You know, it's strange, all the suggestions  
10 that's been done to us -- the land claims came about --  
11 you know, when I was growing up in high school there was  
12 seven cool guys that I hung out with. We all palled  
13 around, played ball, did whatever teenagers did in high  
14 school. And, you know, this transition between boarding  
15 school and our community is tough. It's really hard on  
16 men like me, my age. I have some of my classmates here.

17 Out of seven guys, I'm the only one left  
18 out of those seven guys. They all died of alcohol-related  
19 deaths because the transition between saying you're a man  
20 and owning something. We didn't have any land. It was a  
21 hard-fought thing. When I think about it, these guys  
22 could have been anything they wanted to be. They were way  
23 smarter than me, but that loss of land and identity was  
24 tough on all of us.

25 Consequently, a lot of us recovered from

1 alcohol because of that transition, the Alaska Native  
2 unity. Ask anyone in this crowd. People in their  
3 villages and their towns suffered. We still are.

4 I believe, Mr. Assistant Secretary, this is  
5 a step in the right direction, to try to amend these  
6 injustices that have happened to us. I know we have a lot  
7 of hurdles to go, a lot of loopholes like Alaska Native  
8 people always have to do, always have to jump hoops, do  
9 cartwheels just to show who we are. It's kind of sad.  
10 And I hope we change history, because what's happening to  
11 Alaska Natives -- in the history books. We were sold out.

12 I think we had an ultimatum, either take it  
13 or don't get nothing. What if we didn't take it? What  
14 would have happened?

15 I thank you for your time, Mr. Secretary.  
16 I hope you're enjoying what this group is trying to say,  
17 but I believe it's -- I'm speaking from my heart. Thank  
18 you.

19 (Applause.)

20 KEVIN WASHBURN: -- hi, George. Give me  
21 just a minute. We are going to be asked to leave this  
22 hall at 8:30. I apologize to everyone. They have to get  
23 it prepared for tomorrow morning, for the program tomorrow  
24 morning. And so, again, I apologize.

25 I would like to go right up until 8:30,

1     though.  I would ask -- mainly that we won't get to every  
2     one of the speakers unless those of you in front speak  
3     very quickly.  So I would ask you in deference to the  
4     people behind you, make it as tight as you can.  Thank you  
5     so much.

6                   GEORGE OLEMAUN:  (Speaking Native  
7     language).  George Olemaun.  I'm President of the Inupiat  
8     Community of the Arctic Slope and council member of the  
9     Native Village of Quyanaqpak.  In regards to what you  
10    stated, I just want to state then that we need your help.  
11    We need the trust in our land that we, our ancestors  
12    fought for and claimed, but it came out that we have  
13    reserves on reserves in the North Slope as you might know,  
14    but I would recommend or ask you to claim it back.

15                   It's a -- total acreage is 94,796 square  
16    miles, and that's including the land and sea.  And that's  
17    the whole -- if the earth got wrapped the North Slope, and  
18    that's who we are.  And that's the area that our ancestors  
19    fought with wars, with others, within the Interior and won  
20    the war; and we still own it, but it takes the Interior  
21    and BIA which they did -- the BIA did a settlement or a  
22    claim on Prudhoe Bay; and they were forced to do it, but  
23    they did it anyway.  So, it is -- it does work; it just  
24    takes people like you, people with knowledge and power to  
25    state that, yes, you are right; this is your land.  Thank

1 you.

2 (Applause.)

3 A SPEAKER: I'm short. I've got to bring  
4 it down to my size.

5 When I first got into politics, I had a  
6 seven-year-old boy walk up to me after he'd listened to me  
7 for a while; and he looked at me, and he said: You better  
8 take care of my land until I get big enough to take care  
9 of it. That is what one of the little boys had told me.

10 Start off with when the vote came for the  
11 Statehood Act in Alaska, every person 19 years and older  
12 voted a unanimous "no" against statehood in the north, in  
13 the area George Olemaun just mentioned.

14 When ANCSA came in '71, every person 19  
15 years and older voted no, a unanimous "no." When  
16 President Harding creating NPRA, National Petroleum  
17 Reserve No. 4, he promised Barrow when the United States  
18 was done with National Petroleum Reserve No. 4, they would  
19 give it back to us in Barrow. That never happened.

20 And when that continues and when you look  
21 at it, 1980 -- in the beginning of the '80s, the Federal  
22 Government, Congress passed the Arctic Policy. In their  
23 definition, they explained their northerly and westerly  
24 boundaries were five miles north of Porcupine, Yukon and  
25 Kuskokwim River. In 1982, when ANCSA came when Prudhoe

1 Bay started as a tribe, we have never received a single  
2 penny.

3 And when you look at it from that  
4 perspective, somebody stole my land. How else can you  
5 look at it?

6 (Applause.)

7 NANCY JAMES: Thank you for coming to  
8 Alaska to have the hearing here. I'm First Chief of Fort  
9 Yukon Gwichyaa Zhee Gwich'in Tribal Government, one of the  
10 largest in the Doyon and TCC Region. On behalf of my  
11 tribe, I'd like to say that we support land into trust.

12 Land is really dear to our heart. So you  
13 know what is the big issue? It helps us to govern  
14 ourselves and to work in the land in economic development  
15 to help our people develop and have a say in governing  
16 themselves and setting up their own rules. And one of the  
17 things that's really dear to our heart right now is the  
18 hunting and fishing issue.

19 And this year we're told that we can't --  
20 we can't fish for King Salmon. And I know my people  
21 really don't know what to do. It's something that they  
22 depend on. And all these regulations is coming about; and  
23 that's really affecting all our land and our issues,  
24 anything we do in our tribe, one of the biggest tribes in  
25 the Doyon Region. We are affected in every decision that

1 we make, but self-determination is the key in the tribe.  
2 And I'd like to say that we support it. Thank you.

3 (Applause.)

4 SARAH JAMES: My name is Sarah James. I'm  
5 from Arctic Village, Alaska; that's where I live, but I  
6 grew up off the land with my parents. They never got any  
7 kind of job that brings money; so, that's how I grew up.  
8 And they made everything that we use out in the land.

9 And we -- my father and his dad and the  
10 Indian way, we have to explain where we come from and who  
11 we came from to help us to be strong. My father, on his  
12 side is Birch Creek, James and Agnes. And on my mother's  
13 side is Reverend Albert E. Tripp and Sarah Tripp. And I  
14 got both of my grandmas' names, so I'm really very honored  
15 to have their names. And all the time they said talk your  
16 language, so I'm going to have to talk in my language.

17 (Speaking Native language.)

18 I said: We came a long ways and we made it  
19 to today. It wasn't easy. We did it for our children.  
20 The opposition did everything to get rid of us, bring the  
21 blanket everywhere else. And they say we came from the  
22 land bridge; and we say no, which they say no, because God  
23 put us where we are today, and -- to take care of that  
24 part of the world.

25 And I think we did good. And we're -- we

1 didn't come from anywhere. We're not going anywhere.  
2 We're here to stay regardless how much the change you put  
3 upon us. We're still here, so we're going to have to deal  
4 with that land issue.

5 We have to go for that land trust back to  
6 the tribe. And it's our sovereign rights. My dad and my  
7 mom raised me to be sovereign with what all we used from  
8 the land. Never waste, never -- never to be greedy and  
9 all that was introduced to us.

10 And when I first got into the western, it  
11 was really hard for me, even hard for me today. I see a  
12 lot of waste and greed. And those are corporation, and  
13 we're not that kind of people. We're here to take care of  
14 the land and to keep our nation healthy and keep the  
15 animal healthy. That's our way of life.

16 And all this that's happening for -- I  
17 don't know. A lot earlier I said I'm as old as NCAI. I  
18 am 70 years old. And we can't -- you know, it's a long  
19 coming for land trust, land that we could put into land  
20 trust. And we need to restore that -- that back to our  
21 children because, you know, sometime it's even hard to  
22 tell them: Stand up, you have this right.

23 And I was like that at one time because I  
24 thought I'll depend on government. That was -- that's how  
25 I was taught. I taught myself, and I said: We don't have



1 to depend on that government; we can do it ourself. We  
2 had a good government; we had good land; and we had clean  
3 water, air, fish and life. And our Elders never die; we  
4 just took care of them.

5 And so I think we really need to get back  
6 in control, and this is the way -- one way we can get into  
7 control. And this is also a human rights, too, because we  
8 all swim there. I mean, we're not going anywhere; and  
9 we're here to stay. So it's going to stay as human  
10 rights. Thank you.

11 (Applause.)

12 KEVIN WASHBURN: Thank you. Jerry, it's  
13 after 8:30.

14 Everybody in line is a friend. It's Jerry,  
15 Elaine, Robert, Sam, Rick. If each of you -- we'd love to  
16 have your comments. I admire each one of you. Can you  
17 speak -- can you give me one minute each? Okay. One  
18 minute each.

19 JERRY ISAAC: Yes. Thank you for the  
20 reception.

21 (Laughter.)

22 JERRY ISAAC: Senator Washburn and your  
23 staff, thank you for having this hearing. My name is  
24 Jerry Isaac. I'm representing the Native Village of  
25 Tanacross. I do support the land in trust. For too many

1 years, the Alaska Natives were treated differently and as  
2 second-class citizens. We do hope that the trust lands --  
3 that the tribes will have -- will be exercising authority  
4 over what would help to eliminate some of the  
5 socioeconomic political problems that we suffer. So with  
6 that, thank you.

7 (Applause.)

8 ELAINE FINK: Good evening. My name is  
9 Elaine Fink. I'm a tribal shareholder from North Fork  
10 Rancheria, which is the exact center of California. Our  
11 tribe is one of the largest tribes in California. And I  
12 got ahold of my tribal council because I thought to make  
13 this statement here in the great state of Alaska this  
14 evening is so appropriate and so awesome and overwhelming  
15 for us.

16 So I'd like to make the statement that we  
17 do support the proposed Rule. We support our brothers and  
18 sisters here in Alaska to give land into trust. And we've  
19 also had Doreen Reese come up. And she said to let Alaska  
20 people know that we could also offer technical -- because  
21 we have a consortium for the fee to trust in California,  
22 technical advice and help, also. So thank you very much.  
23 And I hope that was my minute.

24 (Applause.)

25 ROBERT KEITH: My name is Robert Keith. I

1 was first elected to our tribal council in 1993. And then  
2 a few years later, I was elected by the fellow tribes in  
3 our region to be the first chair in '96; in both positions  
4 I do support this rule allowing Alaska tribes to take land  
5 in the trust.

6 But before that, in 1989, I wasn't able to  
7 get up in front of people and speak; and I barely got  
8 elected to our village corporation. And we are a 19(b)  
9 corporation, so we have a shade of Indian country, but  
10 doesn't really mean much.

11 A couple of years ago, my son beat me out  
12 on getting re-elected. So I'm kind of proud of that in a  
13 way.

14 I think that my comment would be, you know,  
15 we've had a lot of stuff that would be contrary to the  
16 principle of KISS, which is keep it simple. And Alaska  
17 has -- is really -- has gotten really tangled up in all  
18 this stuff that is coming from the Federal Government  
19 since ANCSA and the State and City governments and the  
20 state fighting us on the tribal side.

21 I think we've really grown up in the last  
22 30, 40 years politically. And I really appreciate the  
23 opportunity to speak here and really support this  
24 decision.

25 One thing in regards to the lady from

1 Ketchikan. I understand that there are some regional  
2 corporations that might not be so supportive, and there  
3 are some that are. And I understand that recently AFN  
4 took a position in support of this decision, but it  
5 wouldn't be good on all sides of the table that we really  
6 need to make this happen.

7           And I think we need to keep our rhetoric  
8 kind of calm, but I too would request that DOI facilitate  
9 a more educational process in the future up here. I think  
10 that would be really great if we could get our village  
11 corporations and regional corporations and our tribes  
12 together. Because that really -- there's been an  
13 undertone of misunderstanding and tension between those  
14 groups.

15           Thank you.

16           (Applause.)

17           RICK HARRISON: Thank you, Kevin, for this  
18 opportunity. My name is Rick Harrison. I'm a Vice  
19 Chairman on the Village Official Council. As you and Mike  
20 already know, because I've talked to you several times  
21 about this issue, I'm in support of all federally  
22 recognized tribes and Alaska Native individuals developed  
23 with land into trust.

24           Also -- and I say "all tribes," or all  
25 federally recognized tribes because our tribe, in

1 particular -- I can't speak for all of them -- don't want  
2 to see the village -- or the regional corporations be  
3 allowed to be done.

4 I'm hoping that tribes and regional  
5 corporations can use this as a vehicle to work together  
6 and protect some of their lands. As I have also discussed  
7 with you, the definition of village corporation in ANCSA  
8 says that those resources are entrusted to those  
9 corporations on behalf of the tribe. So in my mind, that  
10 means the tribe actually owns those resources.

11 And so with that said, I think tribes  
12 should be allowed to put any land in their trust and not  
13 exclude any ANCSA lands if they are turned over to tribes  
14 or bought by tribes or whatever the case may be.

15 Lastly, I'd like to say I hope that you and  
16 Mike give Bruce Loudermilk and the Alaska Regional Office  
17 the resources and staff that it's going to take for all  
18 these applications and plans to be processed efficiently.

19 Thank you.

20 KEVIN WASHBURN: Thank you.

21 (Applause.)

22 KEVIN WASHBURN: They're going to be  
23 running three shifts at the Regional Director's Office, I  
24 think, in the realty office.

25 SAM THOMAS: Good evening, Mr. Washburn and

1 staff and distinguished tribal leaders. My name is Sam  
2 Thomas. I'm the tribal council member for the Craig  
3 Tribal Association. I appreciate the opportunity to come  
4 before you to speak on the Proposed Rule 25 CR 151,  
5 bringing land into trust in the State of Alaska.

6 And also in relationship to this, I'd like  
7 to thank you on behalf of the tribe that I work for to  
8 assist you in application for other tribal programs within  
9 the region.

10 Lisa Lang pretty much took away my speech,  
11 so I'm going to cut it short.

12 KEVIN WASHBURN: That was a very good  
13 speech.

14 SAM THOMAS: With that, I'd just like to  
15 highlight a few things. Typically I would give up the  
16 opportunity to cut down to one minute when you're in front  
17 of a mic, but I will for the sake of time. But under  
18 Section 5, there's an amendment of Section 5 pretty well  
19 spelled out, just exercise that. And when the Federal  
20 comment period for proposed Rule is ended, let's not sit  
21 on it and weigh these comments out. Let's keep the  
22 momentum going forward and get into the Final Rule. The  
23 Final Rule is where the meats and bones is because the  
24 preamble is going to identify everything that was said  
25 here with other consultation meetings within the

1 consultation process.

2                   What it comes down to when you talked about  
3 the State of Alaska and appeal process, it's a sovereignty  
4 issue. The State of Alaska's Constitution doesn't  
5 acknowledge tribal sovereignty. Until that's changed,  
6 it's going to continue to see the State fight us on these  
7 types of issues. And I don't think that we should beat  
8 around the bush in moving us forward to the Final Rule. I  
9 think it's really pretty well spelled out and the  
10 regulations and the proposed Rule.

11                   And this segues into the claim in our  
12 rights to strengthening our governance is the thing for  
13 NCAI. I think that it's something important that we need  
14 to keep the amendment at point. Get it to the Final Rule.  
15 We'll see some things on -- the red lights come on and  
16 whatnot.

17                   That being said, I just want to thank you,  
18 again, for the opportunity to speak in front of you.  
19 Looking forward to seeing the Final Rule. Thanks.

20                   (Applause.)

21                   KEVIN WASHBURN: I want to thank everybody  
22 who came here to be heard, and we really appreciate your  
23 input. We will consider it very carefully. It was very  
24 positive input, and I want to thank you for that. And  
25 please exit the room quickly so they can get it cleared

1 out. And, again, thank you for coming.

2 (Meeting adjourned at 8:45.)

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