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[Event memo for bears ears and reorg listening session v2.docx](#)  
[Tribal Listening Session - Reorg v2.docx](#)  
[Handout for Tribal Listening Sessions v4.docx](#)  
[Agenda Listening Sessions 5-25-17.docx](#)

Hi Bruce,

Please find attached a briefing memo for the listening session Thursday. It has background info, Q&A, listening session format, and talking points. Also attached are handout that will be given out at the listening session.

Would you like to chat tomorrow sometime to go over the materials? I'm flexible as to timing.

Thanks,  
Morgan

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## **EVENT MEMORANDUM FOR THE ASSISTANT SECRETARY – INDIAN AFFAIRS LISTENING SESSION FOR REORGANIZATION & MONUMENT DESIGNATIONS**

DATE: May 25, 2017  
 LOCATION: Affiliated Tribes of Northwest Indians, Hilton Double Tree, Portland, OR  
 TIME: 1:30pm – 5:00pm  
 FROM: Morgan Rodman, WHCNA Executive Director, AS-IA, 208-6346

### **I. PURPOSE**

This memorandum outlines the combined listening sessions at ATNI Mid-Year Convention on Thursday, May 25<sup>th</sup>, 2017. These listening sessions invite tribal leader comments on the implementation of Executive Orders 13781 *Comprehensive Plan for Reorganizing the Executive Branch* (issued March 13, 2017) and 13792 *Review of Designations Under the Antiquities Act* (April 26, 2017). There will be a total of six Reorganization listening sessions and four National Monument listening sessions through June 2017.

The listening session for the *Reorganization of the Executive Branch* will occur from 1:30pm – 3:15pm and the listening session about the *Antiquities Act* (national monument designations) will be from 3:15pm – 5:00pm.

### **II. PARTICIPANTS**

For Reorganization of Executive Branch listening session:

- Bruce Loudermilk, BIA Director
- Morgan Rodman, Indian Affairs
- OST (invited)
- BIE (invited)

For National Monument listening session:

- Bruce Loudermilk, BIA Director
- Morgan Rodman, Indian Affairs
- Jody Weil, Acting State Director for Oregon, BLM,
- USDA-FS (indicated interest in sending rep.)

### **III. BACKGROUND**

- **EO 13781:** For the *Reorganizing* EO, the head of each agency must submit to the Director of OMB a proposed plan to reorganize the agency, if appropriate, in order to improve the efficiency, effectiveness, and accountability of the agency. The EO calls for soliciting input and suggestions on improvements in the organization, and tribal leader input is critical to any proposed changes to the organization.
- **EO 13792:** The *Antiquities Act* EO requires the Secretary of Interior to review national monuments that have been designated or expanded since January 1, 1996, where the

designation covers more than 100,000 acres or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders. 27 monuments have been designated for review, including Bears Ears.

#### **IV. AGENDA**

See attached.

#### **V. FORMAT**

##### **1:30pm – 1:35pm**

Tribal leader offers opening remarks.

##### **1:35pm – 1:40pm**

Bruce Loudermilk calls Listening Session to order, outlines format and parameters of session, explains the session's purpose, and asks for quick introductions of the panel.

##### **1:40pm – 1:50pm**

Panel introduces themselves.

##### **1:50pm – 3:05pm**

Comments from tribal leaders on the Reorganization of Indian Affairs, BIA, BIE.

##### **3:05pm – 3:15pm**

BREAK

##### **3:15pm – 3:25pm**

Tribal leader offers opening remarks.

##### **3:25pm – 3:35pm**

Mr. Loudermilk signals the transition to the Bears Ears and National Monument discussion and new panelists introduce themselves.

##### **3:35pm – 4:50pm**

Comments from tribal leaders on the National Monument review and Bears Ears.

##### **4:55pm – 5:00pm**

Mr. Loudermilk offers summarizing remarks and next steps.

#### **VI. HOT TOPICS**

- **Budget Questions:** Tribal leaders may be concerned about the details of the 2018 budget and how cuts would impact Indian country programs and services. Dozens of tribal leaders testified before the House Appropriation Subcommittee on Interior, Environment, and Related Agencies on May 16-17 to speak against budget cuts to Indian programs. In the President's original FY18 budget request, DOI overall had a 12 percent reduction in funding. By the time of the listening session, the budget details may have been shared.

*Possible response to general budget questions:* Tribal engagement is key to ensuring tribal priorities are met and that the trust responsibility is upheld. Make your concerns known to us and to Congress. While the new budget details are being analyzed now, your strong tribal leader voices do factor heavily into the budgetary outcomes and the impact for Indian country. We'll have more discussions about the budget moving forward, and today's comments are relevant to the related organizational questions about Indian affairs.

- **Bears Ears National Monument:** President Obama proclaimed the Bears Ears Monument in Utah on December 28, 2016, after tribes petitioned for national monument designation in 2015. Bears Ears has significant culture, historical, and archeological value to tribes in the area. The Proclamation designated 1.3 million acres of federal land as a monument, while also creating a) an advisory committee to advise the Secretaries of Interior and Agriculture on the development of a management plan for the monument and b) a Bears Ears Commission with one elected leader each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe; the Commission has been formed.

On April 26, 2017, President Trump issued EO 13792, which calls for reviews of certain monuments since 1996, including Bears Ears specifically. By June 10, 2017, the Secretary of the Interior is to submit an interim report to the President with recommendations on Bears Ears and other monuments the Secretary deems appropriate. A final report is due to the President on August 24, 2017.

Possible Q&A's:

- *Why has no formal consultation been scheduled for the Reorganization of Indian Affairs?*  
The Dept. has no draft plan or idea about reorganization of Indian Affairs regarding EO 13781. The goal of these listening sessions is to hear from tribal leaders first before any plans or ideas are formed. Tribal leader comments received during listening sessions will inform any future consultations on any reorganization efforts of Indian Affairs.
- *Why are you asking for Bears Ears comments by May 26 and other comments due by July 10?* The White House EO specifically references Bears Ears in Section 2(d), in that the Secretary must submit an interim report to the President on recommendations for the Bears Ears monument. Therefore, comments need to be received early so that they'll have maximum impact.
- *Why didn't you use tribal consultation for this process?*  
Formal tribal consultation requires notice at least thirty days in advance of the consultation. Given the White House issued the Executive Order on April 26, 2017, and a report from the Secretary to the President is due on June 10, 2017, there was not sufficient time for formal consultation so DOI is organizing listening sessions to ensure that tribal leader comments are considered.

- *How will the comments be evaluated? Who's doing the evaluating?*  
DOI's Office of Regulatory Affairs and Collaborative Action (RACA) is compiling the comments for consideration by Indian Affairs, BLM, and the Secretary's office.
- *Why did the EO specify Bears Ears?*  
The White House made the determination in the EO to specify Bears Ears.
- *Why is January 1, 1996, specified in the Executive Order on the Antiquities Act/National Monument designations?*  
The White House made the determination in the EO to specify that date.
- *Will we see a copy of the report the Secretary submits to the President?*  
We're happy to take your comments on whether that should be made public.
- *Why didn't you go to my location for listening sessions?*  
The listening sessions for the monument discussions are located in the regions where the monuments are. The listening sessions for the reorganization discussions are located in places where the most tribal leaders could be reached.
- *How would the Proclamation be repealed or amended if such an action has never been done before?*  
Your input on whether that should happen is appreciated and sought. Please share your thoughts on what course of action the Administration should take.

## VII. TALKING POINTS

### Welcome

- Bruce Loudermilk, Director of BIA
- Thank tribal leaders for taking time to be here
- Important matters to discuss today -- matters that need your guidance, leadership, and wisdom
- You all know many of us on the panel today, and they'll introduce themselves soon
  - All senior-level career employees who've worked alongside you for many years
  - We're here to listen to you and work with you on the questions being presented by the Trump Administration
- I'll provide an overview of today's listening sessions and then ask colleagues to introduce themselves

### **Purpose of Listening Sessions**

- The Trump Administration has issued two Executive Orders we'd like your input on
- The EO's instruct DOI and other Depts. to take certain actions, and it's critical we get your insight for their implementation
- First, we'll be discussing Executive Order 13781- *Comprehensive Plan for Reorganizing the Executive Branch* until 3:15pm, then we'll switch focus to Executive Order 13792 *Review of Designations Under the Antiquities Act*, dealing with National Monument designations and Bears Ears

### **The Mechanics of Today's Listening Sessions**

- Today's listening session is for **tribal leader** input and comment as part of the nation-to-nation relationship between tribes and the federal govt.
- We're here primarily to listen and ensure your views are considered and part of the record for the Administration's steps moving forward
- Today is not the only listening session -- There will be a total of six Reorganization listening sessions and four National Monument listening sessions through June.
- The listening sessions will be recorded and transcribed.
  - Transcriptions will be made available at [www.bia.gov](http://www.bia.gov)
- Transcripts and written comments will be analyzed and recommendations reported to the Assistant Secretary – Indian Affairs and the Secretary of the Interior, who will then make reports and recommendations to the White House
- Again, the first listening session today will focus on the reorganization of the Executive branch, and at 3:15pm I'll transition us to the National Monument and Bears Ears discussion

### **Executive Order 13781 – *Comprehensive Plan for Reorganizing the Executive Branch***

- Issued on March 13, 2017, and directs agency heads to send proposals to the OMB Director for the reorganization of their agencies, *if appropriate*, in order to improve the efficiency, effectiveness, and accountability of that agency.
  - More information about the EO is on the handouts provided.
- Some of the questions that may be helpful to today's discussion are:
  - Do the structures of the Department of the Interior and Indian Affairs currently meet Tribes' needs? (*See organization charts*)

- What changes to the structures (if any) do you recommend? Why?
  - What structure would improve efficiency (in other words, would promote efficient delivery of services)?
  - What structure would improve effectiveness (in other words, would better meet Tribes' needs and promote self-determination and self-governance)?
  - What structure would make the Department and Indian Affairs more accountable?

**[Introduce panelists for brief introductions and overview. Once they're finished, open up for tribal leader comments]**

**[Break from 3:05pm – 3:15pm]**

**[Resume at 3:15pm and transition to discussion on Executive Order 13792]**

#### **Executive Order 13792 – Review of Designations Under the Antiquities Act**

- Executive Order 13792 *Review of Designations Under the Antiquities Act* was issued by President Trump on April 26, 2017, and requires:
  - the Secretary of the Interior to review national monuments that have been designated or expanded since January 1, 1996,
    - where the designation covers more than 100,000 acres
    - or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders.
- 27 monuments have been identified by DOI for review, and they are listed in the handouts provided at the door.
- The Secretary must use several factors in evaluating the National Monuments to determine whether each designation or expansion conforms to the policy of Executive Order 13792.
  - The policy is described in Section 1 of the Executive Order.
  - The factors are listed on the handout for today.
- KEY DEADLINES:
  - The Secretary must then make recommendations to the President on any Presidential actions, legislative proposals, or other appropriate actions to carry out the policy of Executive Order 13792.

- The Secretary's interim report to the President is due by June 10 and must make recommendations on Bears Ears
- The Secretary's final report is due to the President by August 24, 2017, summarizing the findings of the review and providing recommendations.
- Written comments are also being accepted for the National Monument discussion:
  - Deadline for Bears Ears comments is May 26 and for all other monuments until July 10.
  - Tribal leaders can send their written comments to [consultation@bia.gov](mailto:consultation@bia.gov). Tribal leaders and the general public can also submit online at [www.regulations.gov](http://www.regulations.gov). Please see handout at the front for further details.
- Questions to Help Guide the Conversation
  - Are there any other monuments in addition to the 27 currently being reviewed that should also be reviewed because they were designated after January 1, 1996, without adequate public outreach and coordination with relevant stakeholders?
  - What are your comments or views on the application of the seven factors listed in the Executive Order 13792 that the Secretary of the Interior is to use in reviewing the 27 monument designations? Other factors that should be considered?

**[Introduce any new panelists and then open up for comment]**

### **Closing Comments**

- Thank everyone for their participation
- This is part of a continuous dialogue with tribes
- Recap some of the major points from both sessions

### **VIII. ATTACHMENTS**

- Listening Session Sheet for Executive Orders 13781 *Comprehensive Plan for Reorganizing the Executive Branch* (issued March 13, 2017)
- Listening Session Sheet for 13792 *Review of Designations Under the Antiquities Act* (April 26, 2017)
- EO 13781
- EO 13792
- Federal Register Notice for Review of Certain National Monuments Established Since 1996; Notice of Opportunity for Public Comment



Tribal Listening Session  
**E.O. 13792    Review of Designations Under the Antiquities Act**



Office of the Assistant Secretary    Indian Affairs

**Why are these listening sessions being held?**

In order to implement Executive Order 13792 (April 26, 2017), the Department of Interior (DOI) seeks tribal input to inform DOI's reviews of 27 National Monuments designated or expanded since 1996 under the Antiquities Act of 1906. The Secretary of Interior will use the reviews to determine whether each designation or expansion conforms to the policy stated in the Executive Order and to formulate recommendations for Presidential actions, legislative proposals, or other appropriate actions to carry out that policy.

In addition to comments at the listening sessions, written comments are being accepted until May 26, 2016, for the Bears Ears Monument, and for all other monuments until July 10, 2017. Written comments may be submitted by email to [consultation@bia.gov](mailto:consultation@bia.gov). The Department is also accepting comments from the general public online at <http://www.regulations.gov> by entering "DOI-2017-0002" in the Search bar and clicking "Search," or by mail to Monument Review, MS-1530, U.S. Department of Interior, 1849 C Street NW, Washington, DC 20240.

**What is Executive Order 13792 *Review of Designations Under the Antiquities Act*?**

E.O. 13792 requires that the Secretary of the Interior review national monuments that have been designated or expanded since January 1, 1996, where the designation covers more than 100,000 acres or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders.

In making the determinations about the monuments, the Secretary is directed to consider:

- i. the requirements and original objectives of the Antiquities Act, including the Act's requirement that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected;"
- ii. whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest;"
- iii. the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries;
- iv. the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries;

- v. concerns of state, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected states, tribes, and localities;
- vi. the availability of federal resources to properly manage designated areas; and
- vii. such other factors as the Secretary deems appropriate.

**How will the information from the listening sessions be gathered and utilized?**

- ✓ Meetings will be recorded and transcribed.
- ✓ Comments will be collected in writing.
- ✓ Copies of the transcripts will be available at [www.bia.gov](http://www.bia.gov).
- ✓ Your comments, ideas, and suggestions will be used by DOI in its review of the 27 monument designations and the subsequent recommendations to the President.

**What will happen after these listening sessions?**

- ✓ Transcripts and written comments will be analyzed and recommendations reported to the Assistant Secretary – Indian Affairs and the Secretary of the Interior.
- ✓ The Secretary will provide an interim report to the President summarizing the findings of the review with respect to Proclamation 9558 (Establishment of the Bears Ears National Monument) and other monument designations the Secretary determines appropriate for inclusion and provide recommendations for such Presidential actions, legislative proposals, or other actions within 45 days of the date of the Executive Order (June 10, 2017).
- ✓ The Secretary will provide a final report to the President summarizing the findings of the review and provide recommendations for such Presidential actions, legislative proposals, or other actions within 120 days of the date of the Executive Order (August 24, 2017).

**Questions to help guide the conversation:**

1. Are there other monuments in addition to the 27 being currently reviewed that should also be reviewed because they were designated after January 1, 1996, without adequate public outreach and coordination with relevant stakeholders?
2. Comments on the application of the seven factors (i-vii) listed in the Executive Order 13792 that the Secretary of the Interior is to use in reviewing the 27 monument designations. Please share other factors that should be considered.

Tribal Listening Session  
**E.O. 13781 - Reorganization of the Executive Branch**



Office of the Assistant Secretary    Indian Affairs

**Why are these listening sessions being held?**

Executive Order 13781, *Comprehensive Plan for Reorganizing the Executive Branch* (issued March 13, 2017) requires:

Within 180 days [September 9, 2017], the head of each agency shall submit to the Director [of OMB] a proposed plan to reorganize the agency, if appropriate, in order to improve the efficiency, effectiveness, and accountability of that agency.

The E.O. calls for soliciting input/suggestions on improvements in the organization

➔ Tribal leader input is critical to the development of any proposed changes to the organization.

**How will the information be gathered and utilized?**

- ✓ Meetings will be recorded and transcribed
- ✓ Comments will be collected in writing
- ✓ Copies of the transcripts will be available at [www.bia.gov](http://www.bia.gov)
- ✓ Your comments, ideas, and suggestions will be used to guide the Administration in discussing how Indian Affairs can meet the needs of Indian Country in the future

**What will happen after these meetings?**

- ✓ Transcripts and written comments will be analyzed and recommendations reported to the Assistant Secretary – Indian Affairs and the Secretary of the Interior
- ✓ The Secretary will submit a plan to reorganize Interior to OMB by September 9, 2017
- ✓ OMB will publish a Federal Register notice inviting public comment
- ✓ Within 180 days of the comment deadline stated in the Federal Register, OMB will submit a proposed plan to reorganize the executive branch to the President.

**Topics we would like to discuss:**

1. Does the structure of the Department of the Interior and Indian Affairs currently meet Tribes' needs? (*See organization charts*)
2. What changes to the structure (if any) do you recommend? Why?
  - a. What structure would improve efficiency (e.g., would promote efficient delivery of services)?
  - b. What structure would improve effectiveness (e.g., would better meet Tribes' needs and promote self-determination and self-governance)?
  - c. What structure would make the Department and Indian Affairs more accountable?

## **Organization of Indian Affairs at the U.S. Department of the Interior**

The purpose of this informational sheet is to provide background on the organizational structure and management within Indian Affairs (IA) at the U.S. Department of the Interior.

***Assistant Secretary*** - Indian Affairs is led by the Assistant Secretary – Indian Affairs (AS-IA), who provides overall leadership and direction for all organizational components of Indian Affairs nationwide. Within the parameters established by the Congress and the Executive Branch, the primary responsibilities of AS-IA are to advise the Secretary of the Interior on Indian Affairs policy issues, communicate policy to and oversee the programs of the BIA and the BIE, provide leadership in consultations with tribes, and serve as the Department official for intra- and interdepartmental coordination and liaison within the Executive Branch on Indian matters.

***Principal Deputy Assistant Secretary*** - PDAS serves as the first assistant and principal advisor to the Assistant Secretary and has full authority to act on behalf of or in the absence of the Assistant Secretary. The BIA and BIE Directors, as well as the Chief of Staff, the Deputy Assistant Secretary-Policy and Economic Development and the Deputy Assistant Secretary-Management report directly to the Principal Deputy.

***Deputy Assistant Secretary - Management*** – DAS-M oversees the Office of the Chief Financial Officer; the Office of Facilities, Property and Safety Management; the Office of Budget and Performance Management; the Office of Human Capital; and the Assistant Director Information Resources. DAS-M provides oversight of budget, acquisition, property, accounting, fiscal services, information technology, planning, facilities operations, and human resources.

***Deputy Assistant Secretary - Policy and Economic Development*** – DAS-PED oversees the Office of Indian Energy and Economic Development, and the Office of Self-Governance, as well as administers programs pertaining to economic development, energy and mineral development, capital investment, and self-governance activities.

***Director of the Bureau of Indian Education*** – the BIE Director has line authority over the education resource centers stationed throughout the country and two post-secondary schools. The BIE supports the operation of day schools, boarding schools, and dormitories, including housing some Indian children who attend public schools. Programs administered by BIE or through tribes include an education system consisting of 183 schools and dormitories located in 23 states for approximately 41,300 individual elementary and secondary students, and 32 tribal colleges, universities, tribal technical colleges, and post-secondary schools.

***Director of the Bureau of Indian Affairs*** – the BIA Director has line authority over all Regional and Agency offices within the BIA (see Page 2). The Director provides program direction and support to the BIA's four centralized offices: Field Operations, Indian Services, Trust Services, and Justice Services. The BIA Director reports to the Principal Deputy Assistant Secretary and provides leadership and direction for all matters relating to policies and procedures for the BIA. Some functions of the BIA include taking land-into-trust, implementing land and water claim settlements, as well as the replacement and repair of BIE schools.

The **Bureau of Indian Affairs** (BIA) is part of Indian Affairs and is organized into four centralized Offices, has twelve regional offices, and eighty-six agencies and field offices.

The BIA has four centralized offices that are each led by a Deputy Bureau Director in Washington, D.C., who reports to the BIA Director. The BIA's four centralized offices are:

1. The **Office of Field Operations** is led by the Deputy Bureau Director for Field Operations. This office provides management and direction to the regional offices, agencies and field offices nationwide. This office monitors and evaluates the performance of the regional and field offices as well as provides specialized and programmatic reviews to field offices and Tribes.
  - a. The **BIA Regional Directors** report to the Deputy Bureau Director-Field Operations. The RDs provide overall leadership, direction and technical assistance in the implementation of BIA programs in each region nationwide. Each Regional Director is supported by a Deputy Regional Director for Trust Services and a Deputy Regional Director for Indian Services.
2. The **Office of Justice Services (OJS)** is led by the Deputy Bureau Director for Justice Services. OJS is responsible for the investigation of crimes that occur in Indian country. OJS operates law enforcement and detention services, the Indian Police Academy, provides emergency tactical response teams to reservations requiring assistance, or communities threatened with disruptions or civil disorder. OJS also administers tribal courts and justice services programs.
3. The **Office of Trust Services**, *administered by the Deputy Bureau Director for Trust Services*, executes the management and protection of trust and restricted lands, natural resources, and real estate services. The office provides land related functions to Indian trust owners including acquisition, disposal, rights-of-way, leasing and sales, and assists them in the management, development, and protection of trust land and natural resource assets. Programs administered include real estate services; land title and records; probate; natural resources; forestry and wildland fire management; irrigation, power and safety of dams.
4. The **Office of Indian Services (OIS)**, managed by the Deputy Bureau Director for Indian Services, is charged with providing and promoting safe and quality living environments, strong communities, self-sufficiency and individual rights for Tribal people and Tribal governments. OIS administers social services, housing programs, and the maintenance of BIA's transportation infrastructure. OIS is composed of five divisions which include: Human Services; Indian Self-Determination; Tribal Government Services; Transportation; and Workforce Development.

## AGENDA

May 25, 2017

1:30pm – 5:00pm

DOI – Indian Affairs Listening Sessions on Reorganization of the Executive Branch (E.O. 13781) and Review of Designations Under the Antiquities Act (E.O. 13792)

Affiliated Tribes of Northwest Indians (ATNI) Mid-Year Convention 2017  
Hilton DoubleTree Lloyd Center  
Portland, OR

- I. Introductions and Opening Remarks  
1:30pm – 1:50pm
- II. Comments on Reorganization of Executive Branch  
1:50pm – 3:05pm
- III. Break  
3:05pm – 3:15pm
- IV. Comments on Review of Designations Under the Antiquities Act  
3:15pm – 4:50pm
- V. Closing Comments  
4:50pm – 5:00pm