

**To:** Darling, Nedra[nedra\_darling@ios.doi.gov]  
**From:** Appel, Elizabeth  
**Sent:** 2017-06-20T12:40:28-04:00  
**Importance:** Normal  
**Subject:** Re: Reorg and Monument Listening Sessions  
**Received:** 2017-06-20T12:40:47-04:00  
[Phoenix, AZ 06-01-17.pdf](#)  
[Portland 05-25-2017.pdf](#)  
[Prior Lake, MN 06-06-17.pdf](#)

Hi Nedra-

I think I forgot to send you the transcripts... here are the ones for the Reorg sessions so far:

- Phoenix
- Portland
- Prior Lake, MN

We haven't yet received the transcripts from Rapid City or Connecticut. And then Anchorage is happening this week and Tulsa next. So there will be 4 more coming eventually.

I'm not clear on whether the Department wants us to post the Monuments transcripts. I'll check and find out.

Liz

On Mon, Jun 19, 2017 at 10:54 AM, Appel, Elizabeth <[elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov)> wrote:

Yes, that'd be great! Thank you!

On Mon, Jun 19, 2017 at 9:26 AM, Darling, Nedra <[nedra\\_darling@ios.doi.gov](mailto:nedra_darling@ios.doi.gov)> wrote:

Thanks and I should post them on the consultation page??

On Mon, Jun 19, 2017 at 9:24 AM, Appel, Elizabeth <[elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov)> wrote:

Sorry, I had my timing off... We should have the report ready by mid-July. I will send you transcripts in a separate email.

On Mon, Jun 19, 2017 at 9:17 AM, Nedra Darling <[nedra\\_darling@ios.doi.gov](mailto:nedra_darling@ios.doi.gov)> wrote:

Thanks Liz. Are there transcripts that we need to post at this point?

If the last session is on June 27, 2017 do you mean that you will have the report ready for Jim on June 30?

Just checking.

Nedra

**From:** Appel, Elizabeth [mailto:[elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov)]  
**Sent:** Monday, June 19, 2017 8:13 AM  
**To:** Nedra Darling  
**Cc:** Black Mike  
**Subject:** Re: Reorg and Monument Listening Sessions

Hi Nedra-

I can have my office compile the comments. We should be able to have them ready by the end of the month.

Thanks!

Liz

On Sun, Jun 18, 2017 at 12:07 AM, Nedra Darling <[nedra\\_darling@ios.doi.gov](mailto:nedra_darling@ios.doi.gov)> wrote:

Hi -  
Mr. Cason asked me Who in BIA is compiling comments received? When should he expect a summarized report?  
Who is the lead on this sessions?  
Thanks.  
Nedra

Sent from my iPhone

--

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vs.

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OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS

TRIBAL LISTENING SESSION

Executive Order 13781

Reorganization of the Executive Branch

June 1, 2017

Phoenix, Arizona

8:45 a.m.

Prepared for:

Department of the Interior

(Original)

Prepared By:

Kimberly Portik, RMR, CRR

Certified Reporter

Certificate No. 50149

CANYON STATE REPORTING

RRF Number R1031

2415 East Camelback Road

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Phoenix, Arizona 85016

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1 MR. JANSSEN: All right. I think we're  
2 going to start.

3 So at this time I'd like to call the  
4 listening session to order. As a way of introduction, my  
5 name is Miles Janssen. I work for the Assistant Secretary  
6 of Indian Affairs as one of his counselors. I've been in  
7 that position for going on two years now, since May of  
8 2015.

9 So I'd like to thank all the Tribal leaders  
10 who are here in attendance today. We have a lot of  
11 important matters to discuss, matters that need your  
12 guidance and your leadership and your wisdom. And you'll  
13 know, you know, many of -- the two other people sitting  
14 next to me here today, senior career level employees we  
15 have worked with for many years. So we're here to listen  
16 to you today, to work with you on the questions being  
17 presented by the Trump Administration.

18 So right now I will provide an overview of  
19 today's listening session and then ask my colleagues to  
20 introduce themselves.

21 So the purpose of this listening session  
22 today, the Trump Administration has issued two executive  
23 orders that we'd like your input on. The executive orders  
24 instruct DoI, under the Department, to take certain  
25 actions, and it's critical that we get your insight for

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1 their implementation.

2 First we'll be discussing Executive  
3 Order 13781, Comprehensive Plan for Reorganizing the  
4 Executive Branch. We will do that until about noon. Then  
5 we will take a lunch break, and then we will switch focus  
6 to Executive Order 13792, review of designations under the  
7 Antiquities Act. That deals with national monument  
8 designations and also includes the Bears Ears National  
9 Monument.

10 Today's listening session is for Tribal  
11 leader input and comments as part of the nation-to-nation  
12 relationship between tribes and the federal government.  
13 We are here primarily to listen and to ensure that your  
14 views are considered as part of the record for the  
15 Administration's next steps moving forward.

16 Today is not the only listening session.  
17 There's going to be a total of six reorganization  
18 listening sessions. A few of them have already taken  
19 place, one in Portland and I believe in Billings, and  
20 there will also be four national monument listening  
21 sessions throughout the month of June. I believe the  
22 schedule is online. We might have a copy of the schedules  
23 for you as well.

24 The listening sessions are going to be  
25 recorded and transcribed. The transcriptions of the

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1 listening sessions will be made available at [www.bia.gov](http://www.bia.gov).  
2 Any kind of transcripts and written comments will be  
3 analyzed, and the recommendations will be reported to the  
4 Assistant Secretary of Indian Affairs as well as to the  
5 Secretary of Interior, who will then make reports and  
6 recommendations to the White House.

7 So, again, the first listening session today  
8 is on the reorganization of the executive branch, and then  
9 we'll transition after lunch to the national monuments and  
10 Bears Ears discussion.

11 So at this point in time, I'd like to turn  
12 to my colleagues for their introductions. Thank you.

13 MS. ORTIZ: Good morning, everyone. My name  
14 is Hankie Ortiz. I'm a member of the Kiowa Tribe from  
15 Oklahoma. And I am the Acting Deputy Bureau Director for  
16 Field Operations, which means that I am acting as a  
17 supervisor for all of the regional offices, and I work  
18 with the BIA Director, Bruce Loudermilk.

19 MR. DEARMAN: Good morning, everyone. First  
20 of all, I really appreciate all the Tribal leaders for  
21 taking the time to come here today. We really look  
22 forward to hearing your comments.

23 But my name is Tony Dearman. I'm the  
24 Director of Bureau of Indian Education. I've been on  
25 board since November. And I'm a member of the Cherokee

1 Nation of Oklahoma.

2 MR. JANSSEN: Thank you.

3 So we'll turn now to Executive Order 13718,  
4 Comprehensive Plan for Reorganizing the Executive Branch.

5 As a little bit of background, this  
6 executive order was issued on March 13th, 2017, and  
7 directs agency heads to send proposals to the OMB, the OMB  
8 director for the reorganization of their agencies, if  
9 appropriate, in order to improve the efficiency,  
10 effectiveness, and accountability of that agency. So  
11 that's what we are here for today.

12 You may have heard the Secretary, Ryan  
13 Zinke, talk about taking authority and moving it to the  
14 front lines. You also might have heard him talk about how  
15 the organization, the structure was formed 100 years ago  
16 and to think about what will Indian Affairs look like  
17 100 years from now. The way that it is structured now,  
18 does that meet your needs for Tribal sovereignty. So  
19 there's also -- more information about the executive order  
20 has been provided on the handouts that we've given to you.

21 And some of the questions that might be  
22 helpful today, for today's discussion are do the  
23 structures of the Department of the Interior and Indian  
24 Affairs currently meet Tribal needs?

25 You can see the structure of Indian Affairs



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1 on the org charts that we passed out today. There's three  
2 of them. One is the Office of the Assistant Secretary of  
3 Indian Affairs, one is the BIA, and then one is the BIE.  
4 And we'll go over those org charts in just a little bit.  
5 If you have any questions regarding that -- because  
6 sometimes I know it can be confusing between the BIA and  
7 the Office of the Assistant Secretary, I know sometimes  
8 some confusion might happen.

9 So the questions also are what changes to  
10 the structure, if any, do you recommend and why? What  
11 kind of structure would improve efficiency in terms of  
12 possible delivery of services? What kind of structure  
13 would improve effectiveness in terms of better providing  
14 to meet the tribes' needs and promote self-determination  
15 and self-governance? And what structure would make the  
16 Department of Indian Affairs more accountable to tribes?

17 I think it's important to say, to note right  
18 now there are no proposals currently on or off the table.  
19 We have no plan. We want to open this up and receive  
20 recommendations. So any kind of -- any kind of  
21 suggestions would be helpful today.

22 So we'll start first with the Office of the  
23 Assistant Secretary org chart. Obviously at the top is  
24 the Assistant Secretary. Below him is the Principal  
25 Deputy Assistant Secretary. So in the last administration

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1 that was Kevin Washburn was the Assistant Secretary, Larry  
2 Roberts was the Principal Deputy Assistant Secretary.

3 Now, most of this org chart is -- the Deputy  
4 Assistant Secretary for Indian Affairs is management.  
5 What that does is that takes care of HR, leasing,  
6 technology, budget issues relating to Indian Affairs. And  
7 most of that is based in between D.C. and Albuquerque.

8 Moving over to the left side of the org  
9 chart, the Deputy Assistant Secretary for Policy and  
10 Economic Development. Under the last administration that  
11 was Ann Marie Bledsoe Downes who headed that. Under that  
12 is -- you have the White House Council on Native American  
13 Affairs, the Office of Self-Governance. So that's the  
14 office that deals with self-governance tribes. And then  
15 you have IEED, the Office of Indian Energy and Economic  
16 Development. And there are the three divisions located  
17 within them, and they're based in Denver and D.C. as well.

18 Also, if you note under the Principal Deputy  
19 Assistant Secretary, there's the Office of Federal  
20 Acknowledgement, dealing with the acknowledgement of  
21 groups wanting to become federally recognized tribes; the  
22 Office of Congressional and Legislative Affairs; the  
23 Office of Regulatory Affairs and Collaborative Action,  
24 that deals with regulations, promulgation of regulations;  
25 and then the Office of Indian Gaming.

1                   So I think it's important to note that all  
2 these offices are within the Office of the Assistant  
3 Secretary of Indian Affairs, not within the BIA. And so  
4 right now I'll turn it over to Hankie to talk a little bit  
5 about the organizational structure of the Bureau of Indian  
6 Affairs.

7                   MS. ORTIZ: Well, welcome, everyone. I  
8 think -- I appreciate that you're here to provide some  
9 comments. I think before I talk just about BIA, I want to  
10 reiterate something that Miles just said in that what we  
11 are talking about with regard to structure is that the  
12 Assistant Secretary oversees basically, like, three  
13 different branches. And one of them is directly in his  
14 office, the Office of the Assistant Secretary, one of them  
15 is the Bureau of Indian Affairs, and the other one is the  
16 Bureau of Indian Education. And that's kind of how  
17 we're -- how we're sitting here is kind of how it's  
18 represented.

19                  And so within the Bureau of Indian Affairs,  
20 we have -- in central office, we have four deputy bureau  
21 directors. The first one oversees field operations --  
22 that's the position that I'm acting in right now -- and  
23 works with all of the regional offices. There are 12  
24 regional offices across the country, and I'm pretty sure  
25 you all know where your regional office is located. But

1 also within the regional offices there are agencies that  
2 fall under those regions.

3 We also have a deputy bureau director for  
4 justice services that basically oversees all of the law  
5 enforcement issues, and tribal courts is also located in  
6 justice services. And you can see all the different  
7 divisions that we have here for the police; land mobile  
8 radio; emergency management, which is in case of any kind  
9 of emergency, they kind of do the planning for all of BIA,  
10 all of Indian Affairs; internal affairs. And so that's  
11 all within justice services. And of course, like I said,  
12 tribal courts, working with the Tribal courts and doing  
13 the evaluations and helping them with training issues and  
14 things like that.

15 The deputy bureau director of Indian  
16 services, that's my permanent position. That's the job  
17 that I normally do. There are five divisions under Indian  
18 services, including human services, tribal government,  
19 transportation, self-determination, and workforce  
20 development.

21 And then the last deputy is the deputy  
22 director of trust services. And within trust services  
23 there are these eight different divisions: real estate  
24 services; probate services; forestry and wildland fire  
25 management; Indian energy service center; land, title and

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1 records; natural resources; water and power; and then  
2 program management and coordination.

3 So that's the overall central office  
4 structure. And then, of course, within the regions you  
5 have the regional office with a regional director, and all  
6 the regions have one or two deputy directors. A lot of  
7 that depends on the size of the regional office. They  
8 might have a deputy director for Indian services and trust  
9 services or just one deputy director. And then there are  
10 agencies located throughout the country that relate to  
11 different regional offices as well.

12 So that's kind of the overall structure of  
13 the Bureau of Indian Affairs, and I hope that's helpful.  
14 If there are any questions that you need to help clarify  
15 kind of what we're talking about to better respond and  
16 provide your comments, I'd be happy to help you after  
17 Tony's presentation.

18 MR. DEARMAN: In the copy of the org chart  
19 that you have from the Bureau of Indian Education, we've  
20 also included the positions and locations of the offices.

21 And going back to what Secretary Zinke has  
22 really been pushing is he wants to strengthen the front  
23 lines. And so we felt like it was important to make sure  
24 that the locations of the offices and the positions were  
25 on the organizational chart.

1           As you can see, we have deputy director of  
2 school operations in Washington, D.C., and that position  
3 oversees -- works with BIA in school construction,  
4 repairs. And many of you in the room, we've met with you  
5 in the office and you know that we have to have our  
6 brothers and sisters from BIA to come in and help us take  
7 care of our schools and our kids. Without them, we  
8 couldn't -- we wouldn't be able to do it.

9           Associate deputy director for division of  
10 performance accountability, that's located in D.C.  
11 Sovereignty in Indian education -- I'm not going to go  
12 through each one of the boxes, but you do see the  
13 locations.

14           The one -- when we get down to the education  
15 resource centers out in the field, what we would call  
16 front line services that actually work with the tribes  
17 that are embedded into the field, they're down in the --  
18 below the associate deputy directors. And tribally  
19 controlled has seven, BIA operated has three, and  
20 associate deputy director for Navajo has five.

21           And we look forward to the comments that you  
22 are going to provide today.

23           MR. JANSSEN: So I think we'll open it up to  
24 comments from tribal leaders. Again, there's nothing on  
25 the table and there's nothing off the table in terms of

1 what a reorganization would look like.

2 So I know for probably most tribes, you deal  
3 primarily with the superintendent for the regional  
4 director and then, you know, sometimes the issue comes up  
5 to D.C. So that -- you know, that might be a framework  
6 where you're coming from. But if there's -- if you have  
7 any kind of ideas of what you would like to see changed,  
8 that's what today is for.

9 And so I forgot to ask. Is there any press  
10 in the room today at all? Okay. Then we don't need to  
11 worry about that issue.

12 So at this point in time I'd invite tribal  
13 leaders to come up to the microphone, or we can pass the  
14 microphone around to receive comments. I'd ask that you  
15 just state your name and your tribe before making your  
16 comment. Thank you. And also if you could spell your  
17 name for the court reporter as well, that would be  
18 helpful.

19 Or if you have any questions regarding the  
20 org chart in terms of location of where the office might  
21 be, what the office does, we can also answer those  
22 questions as well if that would help guide discussion.

23 MR. BEGAYE: Russell Begaye, Navajo Nation.  
24 I think this is on; right?

25 First of all, thank you for providing

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1 opportunity for us to make comments on the possible  
2 restructuring of the Department of Interior, specifically  
3 Bureau of Indian Affairs.

4 This is a great opportunity to improve the  
5 federal agency that impacts the lives of Native American  
6 people across this country. The Navajo Nation, like other  
7 Indian nations, has a long-standing  
8 government-to-government relationship with the federal  
9 government. The central piece of this relationship is the  
10 trust responsibility that exists between the United States  
11 government and the Navajo people and all tribal nations  
12 across the country.

13 I also have some concerns about this  
14 process, the timeline, and what exactly we're gathered  
15 here to comment upon, the fact that BIA isn't just another  
16 federal agency. There is a federal trust relationship  
17 that goes back to the founding of this country on Indian  
18 land. This Administration needs to understand the BIA  
19 plays an important role in administering and fulfilling  
20 the statutory treaty-based and policy-based trust  
21 obligation that the United States has to Indian tribes.

22 The BIA just -- isn't just another federal  
23 entity to be downsized. We have a treaty with the United  
24 States. This is very different than the Department of  
25 Labor, the EPA, or other federal agencies. Depending on



1 how much BIA's reduced, there is a risk that there will be  
2 inadequate staff available to fulfill the trust duties the  
3 United States has to tribes generally and to the Navajo  
4 Nation specifically.

5 The BIA is unique to Navajo. The BIA  
6 manages 17 million acres for the Nation, or about  
7 32 percent of all Indian trust land, and we need true  
8 consultation and adequate time. No other group or entity  
9 has a trust responsibility to the original Americans. As  
10 such, 120 days is insufficient when we are discussing  
11 matters of a critical nature such as public safety,  
12 education, and other services through the BIA. It is  
13 impossible to have adequate time for such a sweeping  
14 review in short notice.

15 As for BIA's welfare, 40 percent of our  
16 membership, Navajo Nation, lacks access to broadband  
17 Internet, let alone access to the knowledge that the BIA  
18 will be reorganized and restructured.

19 Tribes must also be part of the  
20 decision-making process on these critical matters.  
21 Oftentimes tribes comment on already drafted policy after  
22 the decisions are made, and we provide comments to ensure  
23 needed changes are included in these matters. It would be  
24 more prudent for tribes to be at the forefront and not at  
25 the end.

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1                   We need the plan to comment on. Generally  
2 we are concerned the nation is putting forth comments  
3 without receiving anything of substance to comment on.  
4 This will have the effect of making our comments appear as  
5 requests for changes, and the intention of the  
6 Administration in seeking the downsize of BIA are dubious.

7                   With that background, I believe this  
8 reorganization and review is much needed in this century,  
9 the 21st century. BIA in the 21st century, first I'd like  
10 to put our recommendation for a name change. Office of  
11 Indigenous Nations is what we are putting on the table to  
12 say that needs to be considered in terms of a name change,  
13 Office of Indigenous Nations.

14                  Secondly, there's a need for modernization.  
15 The BIA was created more than a century ago and was  
16 originally housed under the War Department. Then it  
17 updated and moved under the Department of Interior. Now  
18 it is time to modernize again to support tribes in this  
19 century, 21st century, and we have new challenges and new  
20 opportunities.

21                  First, energy leadership. 24 percent of  
22 natural resources are on Native lands. BIA should help us  
23 become energy powerhouses so we can build our economies  
24 and supply energy to the world. If tribes develop energy,  
25 we can also rely less upon Russia, Saudi Arabia, and other

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1 nations.

2 Technology. Tribes have changed in what we  
3 need and how BIA can help. Now we need technical  
4 assistance. We don't need someone to hold our hands, but  
5 in negotiating with Microsoft, Boeing, Raytheon, and other  
6 industry leaders in various fields is that we need that  
7 technical assistance in making deals with and negotiating  
8 with these companies. So we need BIA to become a  
9 technological leader.

10 Workforce development. In the 21st century,  
11 there's opportunity to develop a workforce. We are  
12 opening doors. BIA needs to be there to help us open  
13 doors with colleges, state, private colleges and  
14 universities so that we can develop our own law schools  
15 and medical schools and other types of educational  
16 institutions.

17 Also we need BIA to be an advocate, to play  
18 an advocacy role across all federal agencies, not just be  
19 housed under DoI, but become an extended arm of Indian  
20 nations like Navajo. So we need the BIA to go -- to  
21 advocate for us with other agencies like EPA, HUD, and BLM  
22 and other agencies.

23 BIA should have the ability to fight for us  
24 and uphold the trust responsibility over Department of  
25 Justice, EPA, and others. If the BIA is restructured, it

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1 should be done so in a way that will help them better  
2 serve as liaisons between the two sovereigns of the U.S.  
3 and tribes. They help understand -- they need to help the  
4 United States understand its treaty obligation and trust  
5 responsibility. That's a role they need to play.

6 Also, best practices. BIA should be a  
7 leader in best practices, filled with experts. And we  
8 need experts to -- they need to bring in economists,  
9 technology experts, cutting edge energy and resource  
10 engineers and others. Economic development and energy  
11 support is what we need from the BIA in the 21st century.  
12 Help us develop the 20 percent of natural resources we  
13 own. We want to help build America.

14 And we don't want to become corporations as  
15 part of this reorganization, restructuring. We want to  
16 maintain the trust status of our land as it is today on  
17 Navajo.

18 Funding in the 21st century. Don't cut our  
19 budget by 12 percent when funding for Indian Country is  
20 already grossly underfunded.

21 Opportunity for BIA to build expertise. BIA  
22 reorganization should be -- should not be done in a  
23 vacuum. This is an opportunity to deal with the silos  
24 that we know exist at Department of Interior because of  
25 the many hurdles we had to jump through when dealing with

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1 various issues, including Fish and Wildlife, BLM, and  
2 others on SMCRA regulation. The BIA shouldn't have to run  
3 through other DoI subagencies. It is more efficient to  
4 manage approvals and reviews within the Bureau of Indian  
5 Affairs, or the Office of Indigenous Nations.

6 Also, transfer oversight on oil and gas to  
7 the Navajo Nation from BLM and also transfer relevant  
8 functions of the National Park Services to Navajo Nation.  
9 We have Monument Valley, we have Canyon de Chelly, we have  
10 other national parks, but we need those functions to be  
11 transferred to the Navajo Nation.

12 And opportunity for more tribal  
13 self-determination, but we need -- but need to ensure  
14 funding for programs remain level -- remains level. We  
15 generally support tribal programs, self-determination such  
16 as our 638 contracts for public safety and general  
17 assistance. The more we can take on these programs and  
18 run them on our lands with our laws, the better. But if  
19 we transfer these programs, the tribes must ensure that  
20 fundings remain at the same level.

21 TBIC needs reorganization. The current TBIC  
22 structure is inefficient and does not provide efficient  
23 delivery of resources to where they are needed.  
24 Specifically, TBIC, or its successor, should have  
25 proportional representation. The Navajo Nation is

1 approximately 19 percent of the BIA on-reservation  
2 population, a third of trust land, and half of the BIE  
3 population. The Nation should have proportional influence  
4 in decision making and allocation.

5 Regional prioritization should be developed,  
6 not a national priority list. To ensure decisions are  
7 made at the local level, the Navajo Nation, for example,  
8 should not have to bend and negotiate budget priorities to  
9 meet the needs of other tribes, other regions, and D.C.  
10 bureaucratic priorities. So it should be regionally based  
11 rather than nationally based.

12 Funding. Faster and more efficient funding  
13 distribution is needed. All tribes can testify to the  
14 inefficient process of getting funds to regions after a  
15 budget or CR is passed. It can take weeks. This can have  
16 drastic impact to public safety, health, and education.  
17 In extreme cases, this has directly resulted in  
18 scholarships not being offered and students having to drop  
19 out of college. The BIA has already studied this problem,  
20 but with retirements and shuffling of staff, little action  
21 has taken place. This inefficiency must be addressed by  
22 automating funding distribution directly to regions and  
23 away from Washington as soon as it is available.

24 Annual funding should be granted and not  
25 piecemealed through the year as it is today. Small budget

1 modifications and disbursements spaced out over the course of  
2 the year does not help with planning or doing large  
3 projects. Regional priorities should mean something.  
4 Regions should receive their funding as they prefer and as  
5 they know best. For example, the eastern region should  
6 not have preferences be determined in part by the Great  
7 Plains region. And then ability to transfer tribal  
8 priority allocation, TPA, line items that cover shortfall  
9 in other line items, that needs to be put in place.

10 In terms of lands, right-of-ways, approvals,  
11 the driving principle should be the Navajo Nation and  
12 other tribes should have full authority over all lands.  
13 That's surface, subsurface. This should be DoI's driving  
14 principle with regards to our lands. If we need federal  
15 approvals and sign-offs, that should be transferred to our  
16 authority. This is our land. It's simple.

17 This means we support this Administration's  
18 review of limited waivers of the time-consuming NEPA  
19 process on tribal land, and any and all funding for  
20 approval should be contracted and authority returned to  
21 the Navajo Nation. Under NEPA, NEPA compliance should be  
22 managed by the people on the ground, in this case Navajo  
23 Nation EPA. Our people are qualified, and we should be  
24 given contracts to comply so we speed up the NEPA process.

25 Also, we are recommending that another land

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1 status designation be created called restricted fee land.  
2 This means the land that's under this restricted fee land  
3 would be, one, tax exempt similar to tribal trust land,  
4 and that under the restricted fee land we should apply  
5 tribal laws and regulations with no approval or review by  
6 the Secretary, and also delegate the ability to convert  
7 land into restricted fee through the Secretary if approved  
8 by a tribe and not requiring congressional approval.

9 Remove restriction and red tape that  
10 prohibits development of secretarial lands. We request  
11 that secretarial orders be lifted on our lands.  
12 Secretarial land reform, under that reform we currently  
13 cannot approve leases on secretarial lands.

14 Mineral and energy leases, we need authority  
15 over mineral approvals, Navajo's authority expanded to  
16 include energy and minerals. We don't need the existing  
17 patronizing setup. Any new structure should treat tribal  
18 land as tribally owned land, not like other BLM or  
19 federally owned land.

20 Structure. Looking at the structure that  
21 was passed out, we are asking that AS-IA be elevated to  
22 the Department of Interior undersecretary position. To  
23 more directly serve tribal nations, the Assistant  
24 Secretary for Indian Affairs should be elevated to this  
25 position. This is already authorized by the Indian Trust



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1 Asset Reform Act; it just needs to be implemented.

2 Then the opposition to move administrative  
3 support to D.C. The region should keep acquisitions and  
4 other administrative support locally as opposed to  
5 centralizing in Washington.

6 And then transfer -- nearly 40 percent of  
7 BIE students are on Navajo Nation. We need all  
8 management -- all management transferred to our people.  
9 We don't need DoI operating our schools from Washington.

10 And also we're asking that the Department of  
11 Interior increase its authority to directly contract with  
12 Navajo Nation using water from any surface water like the  
13 upper and lower basin of the Colorado River, as they have  
14 done with NGS, by providing them 50,000 acre feet of water  
15 by directly contracting with them. We are asking that  
16 that authority be increased so that they can have -- so  
17 DoI can make contracts with Navajo directly in these -- of  
18 these surface water.

19 And Ramah and for -- this is specifically  
20 for Navajo, that we need all Navajo land and communities  
21 to be put under Navajo region. This includes Ramah. At  
22 the same time, we need funding with these communities that  
23 come to the Navajo region remain so that the region isn't  
24 doing more with less. And right now, Ramah, which is  
25 Navajo land, Navajo community, addresses our -- or is

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1 supervised in a sense by another region outside of the  
2 Navajo region.

3 ONHIR, again specific to Navajo, any  
4 reorganization must consider and include funding  
5 obligations if the BIA -- if ONHIR is transferred to the  
6 BIA for management. You cannot ask BIA to run ONHIR with  
7 less.

8 Then talking about police and Office of  
9 Justice Services, there is redundant training. Under  
10 current BIA requirements, the Navajo Police Department has  
11 to submit itself to training and operation regulations  
12 that are redundant. Specifically, the annual 40-hour  
13 training requirement and the background checks are  
14 presently being done by our police officer standards and  
15 training certification under Arizona. Adhering to the  
16 different requirements is redundant and duplicates the  
17 services performed by our police department.

18 Unfunded mandates is another one. Under  
19 current BIA requirements, there are unfunded mandates that  
20 impact our service efforts. Critical components are not  
21 funding but are required. Communications specialists are  
22 required for the radio communication component of the  
23 contract, but they are not funded in the annual personnel  
24 budget. Additionally, emergency management components are  
25 not funded by the BIA.

1                   Competition for basic public safety  
2 resources. Navajo PD has to compete with the vast array  
3 of 638 law enforcement entities despite being the largest  
4 638 contract entity for public safety. This leads to  
5 disparity of officers providing police services on the  
6 Nation. This competition does not facilitate or encourage  
7 the equitable sharing of resources when compared to the  
8 needs of the Nation.

9                   Police need authority over all crimes and  
10 all criminals on our land. This includes not Indians.  
11 Under the current BIA requirement, despite the increased  
12 focus on Indian Country violent crimes under the Tribal  
13 Law and Order Act, there is no increase in police officers  
14 on our Nation. Using the BIA as a funding mechanism does  
15 not increase the authority of the Nation in attempting to  
16 resolve violent crime if the Nation is not empowered to  
17 act beyond historical limitations placed on it.

18                  Under BIA and Office of Justice Services  
19 audits, the BIA Office of Justice Services yearly audits  
20 need to be done on time and on schedule. Currently,  
21 detention services deal with BIA personnel who start the  
22 review and oftentimes never complete the process.

23                  Training, one-on-one training as opposed to  
24 web training under federal financial management systems  
25 for grants and program services. Under the funding best

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1 practices, we want language in PL -- Public Law 93-638  
2 applied to all grants and agreements with all federal  
3 agencies. Again, let me repeat that. We want language  
4 that is in Public Law 93-638 be applied to all grants and  
5 agreements with all federal agencies.

6 In closing, this great opportunity to bring  
7 the BIA into the 21st century is much appreciated;  
8 however, the federal government needs to continue to  
9 provide consultation, collaboration with tribes, and  
10 adjust the schedule for this review. Sometimes we must  
11 move slowly and deliberately to handle long-term impacts.  
12 Specifically, we would ask this initial comment period be  
13 extended, and we ask that the DoI share an initial plan  
14 prior to finalization for tribes to comment upon. If we  
15 as tribes and Department of Interior work together, we can  
16 improve the BIA's operation, efficiency, and help take a  
17 step forward, fully meeting the federal trust  
18 responsibility.

19 So thank you, Department of Interior, for  
20 holding this listening session, and now we're asking that  
21 all other agencies that have trust responsibilities should  
22 also consult with us likewise, including Indian Health  
23 Services, Veterans Affairs, Department of Energy, USDA,  
24 HUD, and other federal agencies.

25 So, again, thank you.

1 MR. JANSSEN: Thank you.

2 MR. FROST: Good morning. My name is  
3 Kevin R. Frost. K-e-v-i-n, R., F-r-o-s-t. I'm a  
4 councilmember from the Southern Ute Indian Tribe out of  
5 Colorado. On behalf of the Southern Ute Indian Tribe and  
6 personally, it is an honor to speak here today.

7 I understand Secretary Zinke's idea to want  
8 to reorganize the executive branch, particularly the  
9 Interior itself, so for today I'll be providing some  
10 comments. And as far as more detailed explanation, my  
11 tribe will provide written comments for that as well.

12 Reorganization should only be undertaken  
13 after comprehensive and meaningful consultation with  
14 tribes. BIA should give tribes as much notice as possible  
15 before consultations are scheduled and share proposed  
16 plans as soon as practicable. The Southern Ute Indian  
17 Tribe appreciates that BIA is trying to consult early in  
18 the process, but without a proposal it is difficult to  
19 comment.

20 The BIA should consult with tribes before  
21 submitting any proposal. We recognize that the Bureau's  
22 proposal is due soon, in June, but the Bureau should not  
23 underestimate the level of tribal interest in a proposal  
24 to reorganize the Bureau. The Bureau should consult again  
25 before submitting a final proposal in September.

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1                    Tribes rely heavily on the Bureau. The  
2 Tribe is supportive of a more efficient Bureau if it  
3 results in improved services. But the Bureau is different  
4 from other federal agencies, and any move to reorganize  
5 should be undertaken carefully with an eye toward  
6 preserving the federal trust responsibility toward tribes.

7                    The Bureau has been underfunded,  
8 understaffed, and undertrained for years. While a  
9 reorganization may be in order, an across-the-board  
10 downsizing is not appropriate. The Bureau has been  
11 undergoing a de facto downsizing for decades through  
12 attrition and neglect.

13                   Before submitting a reorganization proposal,  
14 the Bureau should consider, one, whether program goals for  
15 Indian Country are being met with the current federal  
16 workforce; two, whether existing federal appropriations  
17 are adequate; three, the extent to which constant funding  
18 shortfalls undermine the achievement or limit the  
19 achievement of tribal goals for Indian Country; four,  
20 whether 638 contracting and other delegation tools are  
21 being used to the fullest extent possible; five, whether  
22 federal streamlining goals to improve the delivery of  
23 services and programs to Indian tribes can be  
24 realistically achieved through consolidation of Department  
25 offices and the downsizing of the Department's federal

1 workforce; six, how federal -- how Department  
2 reorganization or a recommendation to reduce the  
3 Department's federal workforce may impact program services  
4 to tribes; and, seven, the logistical and practical impact  
5 to tribes of closing or consolidating field/agency or  
6 regional offices and downsizing the federal workforce.

7           As it relates to energy development, tribal  
8 lands are different from public lands. In attempting to  
9 address the multiple interests of federal taxpayers and  
10 interest groups in the use of federal lands, many laws and  
11 regulations fail to recognize the drastic differences  
12 between public lands and Indian lands. The legitimate  
13 stakeholders in decisions affecting Indian lands are  
14 dramatically different from those related to public lands,  
15 and laws, regulations, and policies should reflect the  
16 unique interest that tribal constituents have in those  
17 outcomes.

18           The decisions of tribal governments about  
19 their lands are entitled to greater deference. Each of  
20 the 567 federally recognized Indian and Alaska Native  
21 governmental entities has its own set of priorities and  
22 cultural needs. Some tribes favor energy development as a  
23 means for funding their futures; others do not. Although  
24 federal laws generally prevent the use of tribal lands and  
25 resources without tribal governmental consent, required

1 federal approvals at many stages delay and impede the  
2 power of tribal governments to act affirmatively to use  
3 their lands.

4 The Tribe encourages the BIA to review the  
5 federal regulations applicable to Indian tribes and their  
6 lands and to modernize them by permitting electing tribes  
7 to make and assume the responsibility for decisions  
8 without the necessity for federal approvals except where  
9 absolutely necessary.

10 Application of the -- of NEPA to tribal land  
11 decisions is strangling tribes. As reflected in the  
12 HEARTH Act, the Navajo Nation Trust Leasing Act and the  
13 Energy Policy Act of 2005, Congress has taken initial  
14 steps to remove tribal land use in energy development  
15 decisions from the procedural constraints of NEPA.  
16 Congress and federal agencies should move decisively to  
17 exempt from NEPA those federal actions needed to implement  
18 tribal land use and energy development decisions. The  
19 expense and delay imposed upon tribes due to federal NEPA  
20 compliance requirements is staggering and prevents or  
21 impedes economic development on Indian lands.

22 The division of federal/Indian trust  
23 functions among multiple federal agencies complicates  
24 energy development on Indian lands. The trust management  
25 federal approval processes involving Indian energy



1 development are divided among multiple federal agencies,  
2 including the Bureau of Indian Affairs, the Bureau of Land  
3 Management, the Office of Natural Resource Revenue, the  
4 U.S. Fish and Wildlife Service, and the Environmental  
5 Protection Agency. Coordination among those agencies with  
6 respect to trust functions is often poor, and the  
7 principal missions of the agencies are sometimes  
8 inconsistent with the furtherance of tribal governance and  
9 economic development.

10 The condition of Interior real property  
11 records and recording system needs comprehensive review.  
12 Whether tied to fossil fuels or alternative energy  
13 resources, energy development typically involves  
14 land-based operations for the generation and transmission  
15 of energy. The Department of the Interior, through the  
16 BIA and the Office of Special Trustee, has a  
17 responsibility to maintain land ownership records for  
18 tribes and individual Indian allottees. Those records  
19 must allow for the timely and accurate determination of  
20 ownership, encumbrances, and priority of liens applicable  
21 to lands and associated real property interest.

22 Based on Southern Ute experiences in recent  
23 years, as confirmed in a February 2016 report of the  
24 Interior Inspector General, report  
25 No. CR-EV-BIA-0011-2014, we are very concerned that the

1 real property record systems of the Department cannot meet  
2 the modern commercial needs of tribes or Indian allottees  
3 which further diminishes the opportunities for energy  
4 development in Indian Country.

5 Governmental support for Native American  
6 education and capacity building continues to be critical.  
7 Educational challenges in Indian Country are widespread  
8 and well documented. While the conditions vary among  
9 Indian communities and reservations, Native American  
10 educational success and achievement is often the exception  
11 rather than the rule. As tribal governments assume  
12 greater responsibility for the destiny of their members,  
13 the need for well educated tribal members continues to  
14 grow. Indian Country needs continued federal support for  
15 programs that will allow Native Americans an effective  
16 opportunity to develop the skills necessary to succeed in  
17 a complex modern world. Particularly as related to  
18 energy, emphasis should be placed on STEM subjects.

19 With that being said, the Southern Ute Tribe  
20 is honored by the opportunity today to comment on this  
21 reorganization, and we look to work with the Interior in  
22 any manner possible to help further those goals.

23 Thank you.

24 MS. ORTIZ: Thank you.

25 MR. JANSSEN: Thank you.

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1 MR. VELASQUEZ: Good morning. My name is  
2 Kasey Velasquez. I'm the vice chairman for the White  
3 Mountain Apache Tribe here in Arizona.

4 I'm going to speak -- I have our Tribe  
5 that's going to be giving their -- pretty much a position  
6 paper in writing, meaning that I'm not going to be as  
7 specific as these two leaders are. But understanding from  
8 White Mountain Apache Tribe, the Honorable Chairman Ronnie  
9 Lupe, we will be putting a position paper in place in  
10 terms of where we stand as Apaches of Arizona.

11 Earlier we talked about the consultation in  
12 terms of it appears that time is really not of essence for  
13 the tribe, for all the tribes in Indian Country,  
14 especially in terms of the consultation processes. I feel  
15 that right now, speaking for White Mountain Apache Tribe,  
16 you know, the position paper for us will pretty much  
17 indicate specifically what our thought process is in terms  
18 of the 100 years in terms of the reorganization of the  
19 Bureau of Indian Affairs.

20 Second is, as a leader of White Mountain  
21 Apache Tribe, as second in command of White Mountain  
22 Apache Tribe, an area that's a little bit sensitive, but I  
23 also would like to put a notation specifically as the  
24 sovereignty, tribal sovereignty, as it pertains to the  
25 White Mountain Apache Tribe, as it pertains to all tribes

1 here in Indian Country. You know, that's one area that I  
2 really want to be very keen of in terms -- this relates to  
3 the Bureau of Indian Affairs, the trust obligations,  
4 responsibilities, that BIA, United States federal  
5 government have obligations to the Native tribes here in  
6 the United States of America.

7 Another area that I want to highlight a  
8 little bit more on is the strong emphasis on the United  
9 States veterans, especially the Native American veterans.  
10 You know, right now I feel that we need additional funding  
11 for our Native vets. A lot of them right now, we've  
12 recently begun to hear the post-traumatic stress syndrome  
13 that plagues the Native tribes, and of course it plagues  
14 all the United States of America, all the armed veterans.  
15 So we -- you know, my Tribe is also looking at where are  
16 we at on the veterans, how are we -- how are we appealing  
17 in terms of treatment plans, financial endeavors in terms  
18 of housing, et cetera, for our Native veterans. That's  
19 another area that our Tribe is going to be pushing.

20 Another area that we haven't really talked  
21 about, too, is substance abuse. I feel that that's an  
22 area that needs to be heavily focused on. You know, as  
23 a -- you know, substance abuse plagues all over the  
24 country, even in -- even in non-Native tribes,  
25 organizations. You know, all walks of life, regardless of

1 how educated they are, regardless of where they're at  
2 financially, their incomes, you know, substance abuse  
3 plagues a lot of our people also.

4           You know, that also, you know -- I remember  
5 about 20 years ago, over 20 years ago when I was first  
6 in -- when I was finishing my first master's degree, I  
7 remember the late Dr. Dukepoo from Northern Arizona  
8 University in Flagstaff said that in a couple of decades  
9 Native tribes are going to be hit with depression. And we  
10 as Native tribes are not going to have a clear  
11 understanding of what depression means because that's a --  
12 that's foreign to us Native people. Years later, I  
13 reminisce back, and it amazes me how the late Dr. Dukepoo,  
14 who was a -- who worked for NAU in Flagstaff could see two  
15 decades ahead. So when it comes to depression, that's  
16 another area. Of course, it plagues all the people here  
17 in the world too.

18           Last thing I really want to hit on also is  
19 the economy, the economics in Indian land. You know,  
20 right now White Mountain Apache Tribe, you know, we --  
21 through the -- through our Honorable Ronnie Lupe, our  
22 Tribal Chairman, we've been in contention with the water  
23 rights. So water rights, through his hard work, through a  
24 lot of our Tribal leaders that are pretty much passed on  
25 now, you know, with that in mind, that's something that my

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1 Tribe is looking toward in terms of getting all the bases  
2 together, understanding the premises for years to come.

3 So the economies, the economic development  
4 on the reservations -- I'm speaking for all tribes -- is  
5 prudent. You know, I feel that sometimes we as tribes  
6 have to take a look at all of the United States federal  
7 government red tape. You know, I think reading in some of  
8 the paperwork here, it doesn't really emphasize a lot  
9 about how -- where the red tape is at also. So the White  
10 Mountain Apache Tribe is also going to go ahead and make  
11 note of that in our writing when we respond, because I  
12 feel standing here and talking, you know, through the  
13 gadgets here, you know, I'm not a leader like that. I  
14 rather have it in writing, but I also like to appeal to  
15 you specifically what White Mountain is thinking also.

16 Thank you.

17 MR. JANSSEN: Thank you.

18 MR. BATES: Good morning and thank you for  
19 the opportunity to be able to -- rather than make a few  
20 recommendations, I will make some comments. I am LoRenzo  
21 Bates. L-o-R-e-n-z-o, B-a-t-e-s, speaker of the 23rd  
22 Navajo Nation Council.

23 Let me reiterate my message at the time that  
24 President Trump was -- the night before his inauguration  
25 to the western caucus group at that time. They were

1 speaking directly involving Indian Country at this  
2 particular function, and one of the things I stated on  
3 behalf of Indian Country was that Indian Country was  
4 not -- was not looking to continue a handout; we are  
5 looking for a hand up.

6 And what that meant -- what that meant was  
7 that Indian Country, as indicated in your -- in the letter  
8 that Indian Affairs has been 100 years. And when you  
9 consider the sophistication that has evolved within Indian  
10 Country from then until now and you hear from Indian  
11 leadership, Indian leadership has advanced -- Indian  
12 Country has advanced itself to the point that we know what  
13 can be done, we know what is needed. And all that you  
14 heard today, this morning, says that we are able to do  
15 what needs to be done as it applies to meeting the needs  
16 of Navajo, of Indian Country.

17 One shoe does not fit all. So when you  
18 consider a policy or procedure through the process, it  
19 will not necessarily fit in this case as applies to  
20 Navajo.

21 As indicated, I support the idea of, as an  
22 example, Indian Country taking more control over its  
23 resources, over economic development. I represent six  
24 chapters in New Mexico. I've been waiting for a  
25 convenience store to go through the BIA bureaucracy.

1 Eight years, still haven't turned over a shovelful of  
2 dirt. That is entirely ridiculous. When the regional  
3 office has supposed final authority to be able to grant  
4 permission to develop, it's ridiculous. So that's just  
5 one scenario.

6 Let me give you another example. You talk  
7 to BIE, BIE budget and the education process, and I'll  
8 provide this with you. It's a resolution of the Navajo  
9 Diné School Board Association. The Navajo NEAP basically  
10 means educating the Navajo today. It talks to rescinding  
11 Secretarial Order No. 3334. So when I talk to  
12 sophistication of Indian Country, this is a prime example,  
13 that when this secretarial order was issued it did not  
14 take into consideration in this case Navajo and how it  
15 would impact schools within Navajo. So by virtue of this  
16 legislation, it goes against all that the federal  
17 government was intended to do.

18 This resolution is going before Health and  
19 Education's social services committee. When passed, this  
20 is Navajo Nation's position as it applies to this  
21 particular secretarial order. That is Navajo Nation's  
22 position. So by based on this as an example, when Navajo  
23 takes a position, no matter what it may be, resources,  
24 public safety, that's the position of Navajo Nation.

25 And so with that, let me close with this



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1 statement, is that given that we are -- I was only  
2 notified of the hearing as of a day or so back, the 23rd  
3 Navajo Nation Council will submit its written comments as  
4 applies to all of what is being requested. The 23rd  
5 Navajo Nation Council is the governing body of the Navajo  
6 Nation and so they will make recommendations along with  
7 what President Begaye has stated in moving forward.

8 But I leave you again with this: one shoe  
9 does not fit all, and that needs to be taken into  
10 consideration on any changes that you make.

11 Thank you.

12 MR. JANSSEN: Thank you.

13 Does anyone else have any comments on the --  
14 on the proposed reorganization of Indian Affairs?

15 MR. SCABBY: Robert L. Scabby, Salt River  
16 Pima-Maricopa Indian Community. I just wanted to make  
17 just a brief comment. It's kind of a general  
18 self-governance initiative area.

19 You know, whenever -- Salt River is a  
20 self-governance tribe. We're just a small tribe and out  
21 here, Scottsdale. And when we got into self -- we've  
22 compacted these -- most of the Bureau functions that  
23 were -- before were handled by the Bureau as operators.  
24 Well, the intent of self-governance was to take the BIA as  
25 day-to-day operators of federal functions affecting the

1 tribe and relegate them to technical assistance centers.

2 And in 1995 there was an effort to  
3 reorganize. I remember President Clinton was in office,  
4 and there was a reorganization. There was cuts at the  
5 top, and the net result was the BIA was cut and the money  
6 wasn't transferred to the tribes. It was transferred back  
7 to the treasury. And tribes, we have to be real careful  
8 that if there's a reorganization -- you know, we are  
9 already underfunded -- that this funding comes to the  
10 tribes. Right now we fund -- probably for every dollar we  
11 get from the BIA, we turn around and put 15 to \$17 of our  
12 own money to make those things work right, the police  
13 services, detention services, social services, court  
14 services, et cetera.

15 And so I just wanted to let -- you know, let  
16 you know that it's -- that we need to take that into  
17 consideration if there's a reorganization. We are still  
18 underfunded. And even though Salt River, you know -- we  
19 have to take care of a lot of people, and we are still  
20 concerned. Our budget, we are still concerned about our  
21 budget, and the amount that we can spend on the people is  
22 not infinite. It's finite. And so even though we are  
23 looked at as a, you know, successful gaming tribe, we do  
24 need the federal dollars protected if there's a  
25 reorganization.

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1 Thank you.

2 MR. JANSSEN: Thank you.

3 MS. CAMPOY: Good morning. My name is  
4 Antonia Campoy, C-a-m-p-o-y. I am a member of the Pascua  
5 Yaqui Tribal Council, and I want to thank you for having  
6 this opportunity to come up here and speak.

7 The Pascua Yaqui Tribe is a unique tribal  
8 nation. We were recognized in 1978, and we have our  
9 reservation in Tucson. And we also have a population --  
10 our Tribal membership right now is 22,000. Out of those  
11 22,000, in Guadalupe, which is about ten miles down the  
12 road south of here, has a population of 35 -- 3200 Pascua  
13 Yaqui members. And so one of the -- one of the issues  
14 that we have is we need to find ways to support our  
15 membership in the metropolitan Phoenix area because we  
16 also have members in Scottsdale and in Hightown in the  
17 Chandler area.

18 And one of the biggest things that our Tribe  
19 is looking to is economic development. And I know a lot  
20 of our nations here, that's one of the key elements of  
21 providing for our members, Tribal members, economic  
22 development. And so I'm here to ask to support the other  
23 tribes in the economic development, which is a major issue  
24 for all nations across the country, I would think. And so  
25 if we can work on that issue, and also education.

1 Education is very important, as stated  
2 before by other tribal member leaders here. Scholarships  
3 are needed, monies is needed to continue the education of  
4 tribal members. We are -- it's a big need because even  
5 though our tribes are trying to support the students to go  
6 to college, what we can support is not sufficient with  
7 what they need. I was just attending a student  
8 recognition last night here for our college and high  
9 school graduates, and one of our students said that he's  
10 working very hard to try to come up with the tuition to  
11 ASU. He just graduated from the community college, and he  
12 is -- he is striving very hard to work on his own to get  
13 to ASU. And we are very proud of him.

14 But we will be submitting our  
15 recommendations in writing by the due date. And I just  
16 want to take the opportunity to say that I support what  
17 our other tribal leaders have stated here this morning.

18 Thank you.

19 MR. JANSSEN: Thank you.

20 Any other comments regarding the  
21 reorganization or any questions regarding the current  
22 organizational structure of Indian Affairs?

23 MR. WHITE: I'd like to say good morning to  
24 everybody in the audience as well as the staff here today.  
25 It's an honor to be here. My name is Willie White. I'm a

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1 councilman from the Fort Yuma Quechan Indian Tribe. We're  
2 located along the banks of the Colorado River on both  
3 sides, Arizona and California, and we have compact gaming  
4 with both states. We have about 50,000 acres of irrigable  
5 land and vast water from the Colorado River.

6           You know, I just kind of want to share my  
7 insights, you know, my -- what I say, I don't mean to  
8 offend anybody, so please don't, you know, take it that  
9 way. But, you know, I've kind of had my feet in both  
10 worlds, my grandmother likes to say, as far as the way I  
11 was brought up and, you know, my teachings and, you know,  
12 the experiences that I've had in business, you know, in  
13 the mainstream world as well as, you know, endeavors  
14 within our Tribal government and, you know, the challenges  
15 that we face.

16           My heart goes out to our people always, you  
17 know, our elders, our kids, our children. You know,  
18 there's many struggles. And the BIA, you know, in many  
19 cases has fallen short of the obligations that I feel  
20 personally that, you know, that our people are entitled  
21 to. You know, we have a lot to share and we have a lot to  
22 give. We always are giving, you know, in almost all  
23 respects, you know, to our surroundings and to the, you  
24 know, communities around us. I mean, a lot of our  
25 communities represent, you know, large employers and, you

1 know, economic, you know -- vast economic opportunities  
2 for engagement, you know, across the borders and  
3 boundaries.

4 And so I guess my -- the message that I  
5 would like to convey to you folks here today is a request  
6 that you do take your time in this reorganization. I  
7 personally, you know, welcome it. I think that it's long  
8 overdue, you know. I mean, some of the things that were  
9 said here today were very enlightening, and I thank you,  
10 leaders, for bringing these topics and issues forward.

11 But one of the things that's not really  
12 brought up is kind of a comparison/contrast between, you  
13 know, the things and the approaches that are taken toward  
14 Native people through the years of the BIA and all the  
15 organizational, you know, boundaries that are set and  
16 guidelines that are intended to help us prevail, you know,  
17 have actually in many ways limited our self-determination.  
18 And so, you know, when we are approaching these  
19 restructuring, you know, keep in mind that, you know, we  
20 do have a very good understanding of what our needs are  
21 and that we need to have less, in my opinion, less, you  
22 know, hands-on from the federal government.

23 I think that, you know, the more that the  
24 federal government and the BIA and all the different  
25 departments try and control the interest of the Tribe, the

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1 worse that it gets. And so, you know, that goes for  
2 economics, goes for our cultural practices especially, you  
3 know, what we do with our lands and our waters, what we  
4 choose, you know, not to do with them. You know, that's  
5 our right, and it should be respected.

6 You know, our -- very important, you know,  
7 is our cultural identities, our languages, and so all  
8 those, you know -- as opposed to trying to make us like  
9 everyone else, you know, let us be independent. And, you  
10 know, I hope that your plans in the reorganization and,  
11 you know, the approach or the end goal is to encourage our  
12 self-determination and not, you know, inhibit it.

13 So that's my statement. Thank you.

14 MR. JANSSEN: Thank you.

15 MR. VELASQUEZ: I have a question. Vice  
16 Chairman Velasquez.

17 After all the reconstruction or whatever the  
18 process is, once you start moving on that, when are we  
19 going to have specifics in terms of -- I hear a lot out  
20 there about budget cuts, about it possibly affecting  
21 Indian Health Services. There's some of our Tribal  
22 entities on my reservation that really helps a lot of our  
23 Tribal people also. So we have series and series of --  
24 there's a lot of anxiety out there, wondering where we're  
25 at on this too.

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1                   You know, I've been researching a lot on my  
2 own, but I don't get specifics. But I can -- the sense  
3 sure is out there to me is the ball is moving, but, you  
4 know, how -- what are the -- what are going to be the  
5 significant impacts in terms of, you know -- you know, we  
6 have programs out there that help subsidize our low income  
7 families, food, jobs, you know, just really down to the  
8 grassroots people. You know, those are the things that  
9 concerns me on continuance now.

10                   You know, I've been in D.C. several times.  
11 I think that's where I met you. As a matter of fact, that  
12 was taken care of as of yesterday. The White Mountain put  
13 their word on the line, and I think it's in the  
14 clearinghouse now, so you might want to let the director  
15 of Bureau of Indian Affairs know that that's completed  
16 from White Mountain.

17                   MS. ORTIZ: Okay.

18                   MR. VELASQUEZ: But moreover, the more I  
19 think about this is I think as we move forward in terms of  
20 President Trump's budget cuts, or whatever his thinking  
21 is, you know, I believe the Bureau of Indian Affairs,  
22 there's trust responsibility. You guys need to let us  
23 know where this is going. You know, we have a couple of  
24 lobbyists in D.C., so they're on a continuance of letting  
25 us know.



1 But my concern is for the grassroots people,  
2 like the people that -- you know, jobs on the reservations  
3 are hard, the economy is hard. You know, I know for a  
4 fact livelihood in D.C. is a totally different environment  
5 than the reservation life. So, you know, about what to  
6 tell our Native Americans, our fellow Native Americans  
7 that work in D.C., you know, like you said earlier, you  
8 come from a federally recognized tribe; therefore, my  
9 assumption is you have a clear understanding of how your  
10 people are, likewise with Tony there too. You know?

11 So, you know, those are just some of the  
12 serious concerns that I have right now because, you know,  
13 we -- as my Tribe, you know, we are in a rural area. We  
14 are in a rural environment. Yes, we have -- yes, we have  
15 the casinos. Right now we are also in the midst of  
16 renegotiating with the -- you know, Governor Ducey, State  
17 of Arizona, and I like where that's moving.

18 Second thing is also Indian healthcare, IHS.  
19 You know, what -- if our budgets are going to be cut on  
20 that, what are we going to face? I'm concerned about  
21 third-party billing, AHCCCS, all the medical help that a  
22 lot of our Tribal members look to too. But all of that,  
23 of course, will be coming in our position paper also.

24 And I did see, you know, directly a lot  
25 of -- more of the technicality processes of thinking, but

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1 I need you to really simply, to really get down to where  
2 are we at for the grassroots people, where are we at for  
3 grandma, grandfather, our brothers, our sisters, our  
4 aunts, our uncles that may have different multiple issues  
5 that are coming, that they are facing today.

6 You know, we talked about academics, tests  
7 and measurements. You know, earlier, I believe it was  
8 President Begaye talked about the redundance in terms of  
9 difference between state law enforcement and the Bureau of  
10 Indian Affairs law enforcement. My thinking also goes  
11 back to the Bureau of Indian Education in terms of tests  
12 and measurements.

13 I notice that Bureau of Indian Affairs  
14 also -- Bureau of Indian Education. I take that back.  
15 You know, I don't know whether it's a norm, but my take is  
16 that when it comes to tests and measurements, you know,  
17 first thing that Bureau of Indian Education -- maybe  
18 that's their thought process indirectly, reactively, but a  
19 lot of that is reciprocity. If the State of Arizona has  
20 this law here, well, we as BIE, we're going to go ahead  
21 and acknowledge that law.

22 But the thing that bothers me is the tests  
23 and measurements of our Native kids, and that's something  
24 that really bothers me. I've been a board member before.  
25 You know, I've been a school administrator before. So,

1 you know, that is one of my pet peeves also when it comes  
2 down to the measurements of our children. You know, we  
3 talk about the Headstart population, early childhood  
4 development. You know? You know, when I see some of  
5 their tests or whatever that's being brought up to me, to  
6 me there's really no significance to what -- of how that  
7 test is going to measure our Native kids also. So those  
8 are just some of the things that, Tony, I'll be looking  
9 towards BIE in the near future.

10 Okay. Thanks.

11 MR. JANSSEN: Thank you.

12 Just to address your question about the  
13 budget, as you know, on May 23rd, 2017, the President  
14 released his budget. It's \$2.5 billion in FY18 for Indian  
15 Affairs. That is \$303 million below the 2017 CR baseline.  
16 And I guess I can say right now, right now tribal  
17 engagement is key to ensuring the tribal priorities are  
18 met and the trust responsibility is upheld. It's  
19 important to make sure your concerns are known to us and  
20 to Congress. So if you can share those concerns, you  
21 know, with the Congress and with the Department, that  
22 would be helpful.

23 MR. VELASQUEZ: Yes. My response to that --  
24 is it Mr. Janssen?

25 MR. JANSSEN: Yes.

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1 MR. VELASQUEZ: You know, I understand where  
2 your versions of thinking is. Okay? I know where that  
3 is. I live in that world. Okay?

4 What I'm trying to say here as a leader of  
5 White Mountain is you are talking about the lobbying  
6 efforts with our senators and our house of representatives  
7 here in Arizona. That ain't a problem. My thinking is --  
8 my hope is that Tony, Miles, and Hankie -- uncommon name,  
9 huh? -- that you three, by the time you leave here, you  
10 guys will have a clear understanding of what the thinkings  
11 of the leaders are here. Because who is it to say and who  
12 is it not to say that -- everything that is brought here  
13 is brought here. But we can't read the United States  
14 Congress, too, when it comes to cutting budgets.

15 That's why my thinking is what lies ahead  
16 for Indian Health Services. I understand that 300-some  
17 million. I have read that. It's in here. Okay? But my  
18 thinking is you guys are falling short of telling the  
19 leaders where exactly, where exactly is the emphasis here.  
20 But I'm thinking that in a few days or down the road we'll  
21 have a clear understanding so that we know as tribes. As  
22 tribes --

23 Like good example, the burial assistance.  
24 You know, my Tribe, we -- you know, we can't control  
25 death. You know? Only one that controls death is the

1 Creator. You know? Unfortunately, there's some  
2 reservations that experience the continuance of people  
3 leaving this earth.

4 But even that, my concern is they are  
5 also -- because we have a lot of our tribal members that  
6 are -- can't afford the funeral expenses. So there's a  
7 norm -- there's that norm. There has always been that  
8 norm that Bureau of Indian Affairs have a certain amount  
9 of money that will help in terms of, you know, putting  
10 our -- burying our people. But now even that is so  
11 limited now that now my people are beginning to think,  
12 okay, what do we do now?

13 So I know part of it is trying to reteach  
14 our Tribal members about the likelihoods of maybe perhaps  
15 discussing to go this way in terms of, you know,  
16 sponsoring this in terms for our loved ones. But that's  
17 another area of concern that comes to me. But a lot of it  
18 is, you know, the taxations, the economy, the land, the  
19 natural resources, all of that, you know. You know, to me  
20 that's very important to the Apache people.

21 You know, and my son, who is also an  
22 attorney at law, has given me some specific insights about  
23 him telling me that I need to be very concerned about the  
24 budget that's coming up. That is why I'm here. That is  
25 why we cancelled a lot of our trip, because I wanted to be

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1 here. You know, I want to know where we're going. I want  
2 to know what's going on in terms of what -- what is the  
3 thinking of the White House in terms of the lower economic  
4 people, the Native people, the sovereignty, the tribal  
5 sovereignty. Those are the three emphasis that I have.  
6 That's why I speak what I speak and I'll continue to speak  
7 what I speak also.

8 Thank you.

9 MR. DEARMAN: I want to address your  
10 assessment question. I totally agree. I mean, I come  
11 from being a superintendent for Riverside Indian School  
12 where we had 75 different tribes represented from 23  
13 different states, and I've given them the Oklahoma state  
14 assessment. We do have an opportunity to have one  
15 assessment, and we are going to be sending out letters to  
16 our tribes asking for members for a negotiated rulemaking  
17 committee.

18 MR. VELASQUEZ: Good.

19 MR. DEARMAN: And hopefully -- my wish is  
20 that we come out of that committee with a recommendation  
21 of one assessment for all of our schools with the  
22 exception of our tribes that are -- have their own  
23 accountability system. But we are working on that, and I  
24 agree totally with you.

25 MR. VELASQUEZ: Okay. Thank you.

1 MS. ORTIZ: Mr. Vice Chairman, I want to say  
2 thank you very much for your comments, and I'm glad that  
3 you are here and you are putting your comments on the  
4 record. So everything that you have stated is going on  
5 the record.

6 I think at this point decisions haven't been  
7 made on a lot of these issues, and that's why we are here.  
8 We are listening to what's important to you. All of this  
9 will be recorded and all these comments will be noted.

10 I do want to make a special note that, you  
11 know, Indian Health Service is under the Department of  
12 Health & Human Services, so I'm not really sure what their  
13 consultation is or listening sessions are that they are  
14 having. That is a separate department, so I would  
15 encourage you to speak with them about your comments  
16 directly related to those health issues.

17 Likewise, with the -- I know you talked  
18 about Veterans Affairs, Veterans Affairs issues.  
19 Different agency. So we will have all those issues  
20 recorded for us, but might be important for you to  
21 communicate those with the other agencies too.

22 MR. VELASQUEZ: Okay.

23 MS. ORTIZ: And as Mr. Janssen noted, the  
24 budget has been published for FY18. The President's  
25 proposed budget, that will be going to Congress, and they

1 will be making some decisions on that. So I think if you  
2 have specific comments on that, you know, you could  
3 probably put those on the record for us. Any comments  
4 that you are going to submit, that would probably be  
5 helpful.

6 Thank you.

7 MR. VELASQUEZ: I think the reason why I  
8 said what I said in terms of Indian Health Services and  
9 the Department of Veterans Affairs is because, you know,  
10 you are here to facilitate. And, you know, I feel that,  
11 you know, facilitation is excellent. At the same time,  
12 everything that's being brought up will also be  
13 disseminated to the organizations. And as tribes, we can  
14 also clarify that in writing also. So I agree with you on  
15 that. Okay.

16 MS. ORTIZ: Thank you.

17 MS. HAMANA: Good morning. My name is  
18 Candace Hamana. Candace is spelled C-a-n-d-a-c-e, last  
19 name H-a-m-a-n-a.

20 I am both Hopi and Navajo. I am not a  
21 tribal leader, but I am a vigilant and concerned voter,  
22 both for my indigenous community and local, state, and  
23 federal elections as well.

24 For my public comment, I would implore  
25 President Trump and Secretary Zinke to extend the deadline



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1 to gather public comments, considering the tremendous  
2 potential impacts of such sweeping reorganizations of  
3 vital agencies.

4 Tribal consultations, if that's what you  
5 want to call this, should not just be about checking the  
6 box. We deserve more time to get this information about  
7 listening sessions out to our remote tribal communities.  
8 In order to truly move forward, we will require a more  
9 pragmatic and inclusive approach that will result in  
10 higher participation from our indigenous communities. I  
11 respectfully ask that we extend the deadline for public  
12 comments.

13 Thank you.

14 MR. JANSSEN: Thank you.

15 MR. BEGAYE: Mr. Chairman, maybe you want to  
16 talk about your schedule, where the hearings will be from  
17 this point? That might be good to know. And your  
18 timeline.

19 MR. JANSSEN: So I mentioned before we had a  
20 previous listening session in Portland on May 25th, at  
21 ATNI, regarding reorganization. Obviously we are having  
22 this one today. The next meeting for reorganization will  
23 occur on June 6th at Mystic Lake Casino & Hotel in Prior,  
24 Minnesota. Then there will be an additional listening  
25 session on June 8th at the Rushmore Civic Center in Rapid

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1 City, South Dakota. Then a reorganization listening  
2 session on Monday, June 12th, NCAI, at Mohegan Sun in  
3 Connecticut. And then the final reorganization listening  
4 session will be June 27th at the Tulsa Convention Center  
5 in Tulsa, Oklahoma.

6 So those are the upcoming listening sessions  
7 on reorganization. But we are accepting written comments  
8 on reorganization up until July 15th. So the times on  
9 that, the June 6th one is from 8:30 to noon. It's at  
10 Prior Lake, Minnesota. The June 8th is also 8:30 to noon  
11 in Rapid City. The one at in NCAI is from 1:00 p.m. to  
12 2:45, and then the one in Tulsa is 8:30 to noon as well.

13 MR. BEGAYE: Let me ask another logistic  
14 question. Are these listening sessions for restructuring  
15 also being held by other federal agencies, HUD, Department  
16 of Energy, USDA, others?

17 MR. JANSSEN: I know that OMB issued a  
18 federal notice in the -- issued a notice of requesting  
19 that agencies hold listening sessions. I'm not sure if  
20 they are, though.

21 MR. BURSON: Miles, can you repeat  
22 President Begaye's question?

23 MR. JANSSEN: He asked if other agencies  
24 were going to hold listening sessions, like HUD, USDA.  
25 And I'm not aware if those agencies are holding listening

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1 sessions at this time.

2                   So if there's no additional comments or  
3 questions, I'll bring this portion of the listening  
4 session to a close on reorganization. We will reconvene  
5 at 1:00 p.m. in this very same room to discuss the  
6 monument executive order. So we'll see everyone back here  
7 at 1:00 p.m.

8                   Thank you.

9                               \* \* \* \* \*

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1 BE IT KNOWN that the foregoing proceedings were  
2 taken before me; that the foregoing pages are a full, true  
3 and accurate record of the proceedings, all done to the  
4 best of my skill and ability; that the proceedings were  
5 taken down by me in shorthand and thereafter reduced to  
6 print under my direction.

7  
8 I CERTIFY that I have complied with the ethical  
9 obligations set forth in ACJA 7-206(F) (3) and ACJA 7-206  
10 J(1)(g) (1) and (2). Dated at Glendale, Arizona, this 12th  
11 day of June, 2017.

12  
13  
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KIMBERLY PORTIK, RPR, CRR  
15 Certified Reporter  
16 Arizona CR No. 50149

17 \* \* \* \* \*

18  
19 I CERTIFY that Canyon State Reporting Services, LLC,  
20 has complied with the ethical obligations set forth in  
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3 UNITED STATES DEPARTMENT OF THE INTERIOR  
4 BUREAU OF INDIAN AFFAIRS  
5 TRIBAL LISTENING SESSION  
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8 MYSTIC LAKE CASINO  
9 SHAKOPEE MDEWAKANTON SIOUX RESERVATION  
10 PRIOR LAKE, MINNESOTA  
11 TUESDAY, JUNE 6, 2017  
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25 REPORTED BY: JAYNE M. CARRIKER, RPR, CCP

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1 Tribal Listening Session, held at the Mystic  
2 Lake Casino, 2400 Mystic Lake Boulevard, Prior Lake,  
3 Minnesota, on the 6th day of June, 2017.

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6  
7 APPEARANCES

8  
9 FOR THE BUREAU OF INDIAN AFFAIRS:

10 Ms. Hankie Ortiz

11 Deputy Bureau Director

12 Office of Indian Services

13  
14 FOR THE BUREAU OF INDIAN EDUCATION:

15 Mr. Tony Dearman, Director

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PROCEEDINGS

(Commencing at 8:45 a.m.)

MS. ORTIZ: Okay. Good morning, everyone. Welcome to the listening session on reorganization with the Department of the Interior. My name is Hankie Ortiz, and I'm the acting deputy director for field operations for the Bureau of Indian Affairs, and in that capacity I oversee the 12 regions in the bureau and work directly with the director of the Bureau of Indian Affairs.

We are holding these listening sessions with regard to Executive Order 13781, which is a comprehensive plan for reorganizing the executive branch that was issued on March 13, 2017.

And that executive order requires us within 180 days to 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, and it calls for us to solicit input, suggestions, and improvements on the organization, and tribal leader input is critical to the development of any proposed changes to the organization.



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1                   So this listening session is being held for  
2                   the benefit of tribal leaders, and we're going to give  
3                   you an opportunity to comment. I kind of want to walk  
4                   you through a little bit about the organization. We  
5                   have the org charts. There was a packet out there, so  
6                   please make sure that you have picked up a packet of  
7                   information that includes the letter, Dear Tribal  
8                   Leader letter, the executive order information that  
9                   was issued in the federal register, and the org charts  
10                  for the Bureau of Indian -- for the Bureau of Indian  
11                  Affairs, the Bureau of Indian Education, and for the  
12                  offices that are within the assistant secretary of  
13                  Indian Affairs office directly.

14                Before we get started, I want Mr. Dearman  
15                to introduce himself.

16                MR. DEARMAN: Good morning, everyone.  
17                First of all, really appreciate the tribal leaders.  
18                Thank you for taking the time to come and talk to us  
19                today. Really look forward to hearing what you have  
20                to say, your comments, and again thank you.

21                My name is Tony Dearman. I'm the director  
22                of the Bureau of Indian Education, six months on the  
23                job, member of the Cherokee Nation, and I'm from  
24                Oklahoma.

25                And in the packet that we passed out, we

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1 gave an overview of our proposed organizational chart,  
2 our organizational chart currently. The organization  
3 chart right now has not been signed off. It is with  
4 our administration being reviewed for signatures, but  
5 the positions as far as the duties will not change  
6 other than maybe possibly the locations depending on  
7 what our tribal leaders decide and what the input is  
8 that we receive.

9 But in the organizational chart right now,  
10 my office is located in Washington, D.C. We have  
11 several offices located in Washington, D.C., and if  
12 you'll look at the education resource centers and our  
13 associate deputy director, we actually have an  
14 associate deputy director in Minneapolis, Minnesota,  
15 and that's Rose-Marie Davis, and she's in charge of  
16 seven education resource centers located in  
17 Albuquerque, New Mexico; Bismarck, North Dakota;  
18 Flandreau, South Dakota; Howes, South Dakota;  
19 Minnesota, Minneapolis, Minnesota; Nashville,  
20 Tennessee; and Seattle, Washington.

21 And then we have an associate deputy  
22 director that's over the BIE operating schools which  
23 consists of 22 schools, and we have an ERC located in  
24 Phoenix, Arizona; Albuquerque, New Mexico; and  
25 Belcourt, North Dakota. And then we also have our

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1     associate deputy director for the Navajo region, and  
2     we have offices in Shiprock, Window Rock, Crownpoint,  
3     Chinle, and Tuba City.

4             So this is an overview of our  
5     organizational chart, and we really look forward to  
6     hearing the comments from our tribal leaders. We're  
7     really looking for comments about improved services,  
8     distribution of offices throughout the United States,  
9     whatever the tribal leaders have to comment today.  
10    Thank you.

11            MS. ORTIZ: Thank you, Tony. I also want  
12    to share with you a little bit about what we're doing  
13    and how we're going to be doing that so that you  
14    understand how the information will be gathered and  
15    utilized.

16            So these meetings are being recorded and  
17    transcribed. We have the recorder over here.  
18    Comments are also being collected in writing, so if  
19    you have anything in writing, you can hand that to us,  
20    or you can submit that on the website. Copies of the  
21    transcripts are going to be available at [www.bia.gov](http://www.bia.gov).

22            And your comments and ideas and suggestions  
23    will be used to guide the administration in how Indian  
24    Affairs can best meet the needs of Indian Country in  
25    the future.

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1                   So after these meetings -- We're doing  
2 these consultations or these listening sessions across  
3 the country. After we complete all the listening  
4 sessions and at the end of the comment period, the  
5 transcripts and all the written comments will be  
6 analyzed, and recommendations will be reported to the  
7 Assistant Secretary of Indian Affairs and to the  
8 Secretary of the Interior.

9                   The secretary is going to submit a plan to  
10 reorganize interior to the Office of Management and  
11 Budget by September 9, 2017. OMB will publish a  
12 federal register notice inviting public comment, so  
13 you will see the results of the listening sessions and  
14 what decisions are made, and that will be published,  
15 and you'll have an opportunity to comment on that.

16                  Within 180 days of the comment deadline in  
17 the federal register, OMB will submit a proposed plan  
18 to reorganize the executive branch to the president.  
19 So we're looking at all of the executive branch, but  
20 right now we're focusing on Indian Affairs.

21                  And Indian Affairs is structured -- the way  
22 Indian Affairs is structured, there's -- the assistant  
23 secretary oversees several offices directly and then  
24 oversees also the Bureau of Indian Affairs and the  
25 Bureau of Indian Education, and that's what the

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1 different org charts represent.

2           Some of the topics that we want to discuss  
3 are does the structure of the Department of the  
4 Interior and Indian Affairs currently meet the tribes'  
5 needs? What changes to the structure, if any, would  
6 you recommend, and why would you make those  
7 recommendations? What structure would improve  
8 efficiency, in other words, would promote efficient  
9 delivery of services? What structure would improve  
10 effectiveness to better meet the tribes' needs and  
11 promote self-determination and self-governance? What  
12 structure would make the Department and Indian Affairs  
13 more accountable?

14           So those are the kind of questions that  
15 we're asking you to address, and I'm going to -- Tony  
16 talked a little bit about the organization of the  
17 Indian education, so I'm going to talk a little bit  
18 about the Office of the Secretary of Indian Affairs  
19 and the Bureau of Indian Affairs.

20           And if there are any questions about those  
21 organization charts, you can ask us questions to  
22 clarify, and we're happy to do that and to explain a  
23 little bit how the structure is if that's not clear.

24           But our main purpose here is to listen to  
25 you because tribal leader comments are extremely

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1 critical to transitions like this, and what you have  
2 to say is most important, so we want to dedicate time  
3 to that.

4 After our walkthrough of the charts, we'll  
5 open up the microphone, and when you make a comment,  
6 please clearly state your name for the record and also  
7 spell your name, and that will be helpful I think to  
8 the person who is taking notes for us.

9 Okay. So let's take a look at the Office  
10 of the Assistant Secretary of Indian Affairs chart.  
11 As you can see, the assistant secretary has a  
12 principal deputy assistant secretary, and that deputy  
13 oversees several different offices including Federal  
14 Acknowledgment, which is the recognition, Office of  
15 Congressional and Legislative Affairs, the Office of  
16 Regulatory Affairs and Collaborative Action, and the  
17 Office of Indian Gaming.

18 The assistant secretary also has a deputy  
19 assistant secretary for policy and economic  
20 development, and that deputy oversees the -- is the  
21 executive director to the White House Council on  
22 Native American Affairs, the Office of  
23 Self-Governance, the Office of Indian Energy and  
24 Economic Development, and there are several divisions  
25 under that office.

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1           The assistant secretary also has a deputy  
2 assistant secretary for Indian Affairs, so there are  
3 three deputy -- deputies under the assistant  
4 secretary. The deputy assistant secretary for Indian  
5 Affairs or Management oversees the Administrative and  
6 Resources Management Division, the Division of  
7 Internal Evaluation and Assessments, and the Office of  
8 Human Capital Management, which is our human resources  
9 office, Office of Facilities, Property and Safety  
10 Management, Office of Information Management  
11 Technology, the Office of the Chief Financial Officer  
12 in the Office of Budget and Performance Management.

13           And then underneath all of those offices,  
14 there are numerous different divisions, but that's  
15 kind of a broad general overview.

16           And for the Bureau of Indian Affairs, the  
17 director of the Bureau of Indian Affairs reports  
18 directly to the assistant secretary and oversees  
19 directly Land Buy Back and the Acquisition Center.

20           And then also there are four major offices  
21 located in central office for the Bureau of Indian  
22 Affairs, that a deputy director for field operations,  
23 which is the position I'm acting in now, oversees the  
24 12 regional offices located across the country. On  
25 the far left-hand side of the page, you can see all

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1 those.

2 Also there's a deputy bureau director for  
3 justice services, and that deputy oversees the law  
4 enforcement and tribal courts as the major portions of  
5 that deputy's responsibilities.

6 There's a deputy director for Indian  
7 Services. That's my normal position, and that  
8 includes these five divisions: human services, tribal  
9 government, transportation, self-determination,  
10 workforce development, and then there's a deputy  
11 bureau director for trust services, and that deputy  
12 oversees real estate services, land title and records,  
13 probate services, natural resources, forestry and  
14 wildland fire management, water and power, Indian  
15 energy service center, and the division of program  
16 management and coordination.

17 So the BIA director has four deputies, and  
18 those are the offices that they oversee, and so that's  
19 kind of the structure that we have now for Indian  
20 Affairs and for the BIA, so this is the current --  
21 these are the two current structures. There's no  
22 proposed changes in these two structures.

23 So do you have any other comments, Tony?

24 MR. DEARMAN: I do have a couple comments.  
25 Secretary Zinke, one of his initiatives is he's really



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1 big about strengthening the front lines, and in  
2 strengthening the front lines, what they're looking at  
3 doing is moving a lot of the offices to the field.

4 And I think it's important for our tribal  
5 leaders to know that there is no proposal on the  
6 table. This is at the very beginning because in the  
7 past some of the consultations that I've attended when  
8 there's proposals brought in, a lot of the tribal  
9 leaders have said, We'd like to get in at the very  
10 beginning.

11 Well, that's what's great about this.  
12 You're at the very beginning. There are no proposals  
13 on the table, so that's why we're really looking  
14 forward to the comments that we hear today.

15 MS. ORTIZ: Okay. And with that said, I  
16 think we're ready to open up the microphone for  
17 comments. So, again, please state your name and spell  
18 it for the recorder.

19 VICE CHAIRMAN ANDERSON: Hi, good morning.

20 MS. ORTIZ: Morning.

21 VICE CHAIRMAN ANDERSON: My name is Keith  
22 Anderson, and that's with an s-o-n. I'm vice chairman  
23 here at Shakopee Mdewakanton Dakota Community.

24 I thought I would stand up first and  
25 acknowledge all the important leaders and people in

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1 the tribal Indian Country. It's an honor to be here  
2 and welcome all of you to the listening sessions, and  
3 I look forward to enlightening myself on a lot of the  
4 comments that you'll have to make. I think for now I  
5 will listen to that and just say good morning. Thank  
6 you very much.

7 MS. ORTIZ: Thank you very much.

8 VICE CHAIRMAN ANDERSON: They thought I was  
9 going to go on longer.

10 MS. ORTIZ: You're welcome to.

11 VICE CHAIRMAN ANDERSON: I'm still writing  
12 down. I'm still formulating.

13 MR. CHAPMAN: Good morning. My name is  
14 Eric Chapman, C-h-a-p-m-a-n. I'm a tribal council  
15 member with the Lac du Flambeau band of Lake Superior  
16 Chippewa Indians of Wisconsin. Appreciate you being  
17 here, inviting us to come here and speak and also for  
18 our brother tribe that has agreed to host this session  
19 for us. Thank you.

20 Some of the concerns that I have is if you  
21 look at the 2016 sequestration budget cuts, a lot of  
22 the tribal programs were, boom, slashed, you know, and  
23 you look at the -- what BIA, BIE within the Department  
24 of Interior, they're like, you know, just a few  
25 pennies compared to, you know, all of the other

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1 interior departments.

2 And I went to some of the tenet meetings,  
3 and we tried to put together solid funding packages,  
4 but for some reason once they get higher up, a lot of  
5 times they fall on deaf ears.

6 My recommendation for reorganization is no  
7 reorganization. I think it's important that we keep  
8 what we have now because, you know, usually if there's  
9 any type of cuts or reductions, usually the minorities  
10 are the first ones that feel it, and they feel it the  
11 hardest. So with that, thank you.

12 MS. ORTIZ: Thank you for your comment.

13 MS. MASON: Boozhoo (Native American  
14 greeting).

15 Tara Mason, White Earth secretary/  
16 treasurer. Spell that T-a-r-a M-a-s-o-n. First of  
17 all, I would just like to thank Shakopee for hosting  
18 this and for you being present and listening to our  
19 comments and concerns.

20 I thought I would go just kind of close to  
21 the beginning because there's a lot of things that I  
22 have to say, and I haven't had time to prepare because  
23 one of the comments that I want to make is that though  
24 I really appreciate this opportunity to be able to  
25 speak and to be able to have comments and that it's

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1 open to the tribal -- all tribes to be able to present  
2 this information, I think one thing that when I was  
3 first made aware that the listening sessions were  
4 going to happen, my first concern was that the BIA  
5 structure just looking at the organizational chart is  
6 huge, right?

7 And as an elected official just knowing the  
8 issues and all of the responsibilities that are placed  
9 on our shoulders and the work that we do on our  
10 reservations and our tribes makes it difficult to  
11 completely understand the system that the BIA is  
12 functioning, and when I look at this org chart, I have  
13 ten questions that come just right off the bat.

14 But I do appreciate all that you do, and I  
15 do appreciate you taking this opportunity to speak and  
16 meet with us.

17 But I think when it comes down to it when  
18 asking the tribes how best to serve us, I think one  
19 thing is is that we don't have a full understanding of  
20 the entire system. Some of the things that I've  
21 noticed, I've been an elected official for three  
22 years, is just communication in between departments.

23 So how is your communication working? You  
24 know, how are we to advise on a system that treats us  
25 as warts of the federal government, right? So the

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1 relationship that is currently, even though we say we  
2 have consultation, just like I believe the chairman  
3 had just mentioned is that we can do all this work, we  
4 can make all of these statements and offer all of  
5 this -- these opinions and positions of where we  
6 stand, but in the end does that consultation really  
7 carry through.

8           So we haven't had any reorganization in the  
9 BIA for over 100 years, right? Okay. So one thing  
10 is, is my question is, what is the state of Indian  
11 Country? Do we know, what is the evaluation process  
12 that's going on at the BIA to say, This is the  
13 progress that we've made?

14           Because if we're really going to make  
15 changes, if we're going to do something, not to just  
16 react and have something done by September, but if  
17 we're going to make significant changes that are going  
18 to impact our members' lives, then do we really have  
19 evaluations that are done on the BIA on the  
20 effectiveness.

21           One of the reasons, the big reason why I'm  
22 not prepared today is because on my way down I got a  
23 call from our chief of police. We had a suicide, a  
24 young mother. Okay. The thing that hits me so hard  
25 is that this is my children's namesake, the grandma.

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1 She has to tell her 6-year-old granddaughter why her  
2 mother is dead. But the thing that hits me the  
3 hardest, this is the second daughter she's lost to  
4 suicide.

5 Okay. So we have drug epidemics. We have  
6 all of these things. As elected officials this is  
7 where we're working, you know, so I spent last night  
8 and I spent this morning helping make arrangements,  
9 right, making sure that we have support out there.

10 When we turn around and look at our  
11 funding, the first thing I thought of was teewahee.  
12 We are not a teewahee tribe, right? And they said,  
13 Well, teewahee is a light self-governance.

14 But when I look at this org chart, where is  
15 self-governance on this org chart? How is the  
16 communication happening? Because when it comes to  
17 self-determination and we -- we're funded at 11% in  
18 our tribal courts. There's a great disparity because  
19 in Minnesota we're a PL280C, and we look at law  
20 enforcement. We look at public safety. We look at  
21 the drug epidemic. We look at all of these things,  
22 and there's a federal trust responsibility that's not  
23 being met. Okay.

24 And so now we're talking about  
25 reorganization. We're talking about streamlining. To

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1 me that puts more anxiety on me as a tribal leader  
2 because I'm thinking, Oh, they want to reorg, they  
3 want to get rid of what's not efficient.

4 Well, when you look at the state of Indian  
5 Country, we -- this is not efficient. Our people are  
6 dying because we are not funded at many times 50% of  
7 need. You know? I think this is the thing is that  
8 there's so much responsibility that's put on us as  
9 tribal leaders to take care of our people, and I will  
10 never shirk my responsibility as an elected official.  
11 I know why I ran. Because our people need help. The  
12 tribes need help, you know.

13 And so when this reorg came up, and yes, I  
14 appreciate the listening session, but for me I'm like  
15 how are you going to cut us more? What is going to be  
16 the easiest way for us to have to swallow additional  
17 cuts?

18 Because my first thought is if they're  
19 going to start cutting -- You know, we've already  
20 seen that proposed budget, right? If they're going to  
21 start cutting, my first knee-jerk reaction is to cut  
22 the BIA staff, the ones that are actually working  
23 those federal offices. Don't harm us any further in  
24 these cuts, you know, because this is life and death.  
25 This is what we deal with on a -- this is life and

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1 death.

2 And then at the same time there are pieces  
3 where we have social service programs. We have law  
4 enforcement. We have education. We have all of these  
5 pieces. But at the same time we're trying to put  
6 trust -- or be in trust status. Can we go any slower,  
7 you know?

8 You guys can't afford to be cut as well,  
9 but who advocates for us, because you have to stand  
10 there and hold that line. The message that comes is  
11 that we have to support that budget. We work for the  
12 BIA. Who works for us?

13 Not many of us are gaming tribes, and we  
14 appreciate the gaming tribes that do help and do  
15 provide support to the smaller tribes, but we have to  
16 do everything we can to not lose an inch, and when it  
17 comes to restructuring, I only see this as something  
18 that's going to be detrimental to our people, to  
19 ground level services.

20 And so my one question is how does self-  
21 governance work in this whole organizational chart?  
22 Because I think one of the things is if you want to  
23 streamline the big pieces is how are the different  
24 organizations conversing back and forth, how are they  
25 streamlining, how are they working jointly instead of



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1 in silos, you know, and how is it that the  
2 communication is coming down directly to the tribes.

3 So that would be one of my big questions is  
4 the communication process and what can we do to really  
5 make that more effective and more efficient and so  
6 things are done more in a timely manner.

7 I sent out messages, because I look at the  
8 room, and it's kind of sparse in here, so I sent out  
9 messages to some tribal leaders, and some weren't  
10 really aware, you know, so I'll always do everything I  
11 can to get communication out there. So that was one  
12 of my big pieces.

13 The other one, too, is the time frame. So  
14 we haven't had a reorganization in 100 years, and now  
15 there has to be a plan not just for BIA but for the  
16 entire interior by September. That's huge, you know,  
17 because if we go back and start looking at our data,  
18 what is the overall picture? Is there some place that  
19 we have, you know, with all of the statistics.

20 To me I seem kind of spread out, and if I  
21 need something, I have to go, and I have to dig, and I  
22 have to find it, and I have to call people, and I have  
23 to have other people call people and try to find, but  
24 there's no central area because I think that data, our  
25 data that we keep reporting every month and keep

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1 reporting and keep reporting, where is that collected,  
2 and how is that given back to us. Because if we're  
3 really going to talk about a change, we need to know  
4 what the problem is, you know. We need to understand  
5 what exactly it is that we're trying to achieve.

6 We can restructure all day. You guys can  
7 have a great plan by September, but is it really going  
8 to impact the objectives that have been set. And what  
9 are those objectives? Do we have something like that  
10 from the other tribes and reservations across the  
11 country?

12 Yes, we prioritize, and here's our top ten,  
13 and here's what we're going to do, you know. But in  
14 the end that's just a laundry list of different issues  
15 in Indian Country that are currently being funded and  
16 is this really being raised.

17 And then again I just want to mention, you  
18 know, looking at zeroing out teewahee, to me that is a  
19 huge concern, and it's not that White Earth is a  
20 teewahee tribe, but I think this was the real true  
21 opportunity for tribes to make a significant  
22 difference and impact for their people for the simple  
23 fact is that when I look at teewahee and it says,  
24 well, oh, it's a light self-governance. No, self-  
25 governance, we're backed into a corner. We're serving

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1     our people on pennies on the actual need, but we're  
2     still confined to trying to meet that need.

3             With teewahee here was a chance to step  
4     outside of that and say what would really make a  
5     difference, what would really impact our people, you  
6     know, and I do advocate. Red Lake is our neighbor,  
7     but I also think when we start talking about  
8     infrastructure, right, so that was one of the big  
9     agenda items was that infrastructure.

10            I'll tell you right now White Earth is  
11     taking our own dollars, and we're investing heavily  
12     into our IT systems, right? We've looked through and  
13     in the past few years evaluated the inefficiencies on  
14     White Earth.

15            And so I think this is something that if  
16     you really want to support tribes, it goes back down  
17     to data collection. It goes back down to having  
18     efficient ways of collecting data to be able to  
19     correlate it to make sure that we are able to stand  
20     here and say, Here's where we're at, this is what we  
21     need, instead of us even internally running.

22            So with that I just want to say thank you  
23     so much. I really do appreciate the time to speak,  
24     and with that I'm done.

25            MS. ORTIZ: Thank you so much for all your

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1        comments.

2                    CHAIRMAN TAYLOR: First of all, I want to  
3        thank you for being here. I think, you know, it's  
4        time that we reorganize the Indian people tribes,  
5        reorganize and look at the BIA.

6                    But before I do that, I want to tell you a  
7        little story about the creation -- about the creation  
8        of the BIA. When the BIA was originally created,  
9        there was a gentleman by the name of Calhoun that  
10       became the first director. When he went to his other  
11       job, he told his BIA employees, Don't do anything  
12       until I get back. And it seems like that's been the  
13       story ever since.

14                   You know, to me because of the high  
15       technology that we don't need three layers of  
16       bureaucracy to get an approval for a simple request  
17       either to get a referendum on our reservation to  
18       change, you know, the charters and bring up to date a  
19       more sophisticated tribal government, and, you know, I  
20       think it's long overdue that BIA have an overhaul.

21                   Not only that, but for every dollar that's  
22       appropriated from congress, what really trickles down  
23       to the tribe is maybe a dime. You know, the bureau is  
24       created for us, not for bureaucracies, and today as a  
25       tribal leader, you know, I can't participate in social

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1 security nor can I participate in 401(k), but the BIA  
2 employees that are employed through our system that's  
3 designed to put the betterment of life on our  
4 reservation, look at all the federal benefits they  
5 get, and yet when we get a 638 contract, those cannot  
6 be extended to our employees. Why? You know, we have  
7 the poorest type of a retirement program probably in  
8 the nation, and yet we can't participate in the  
9 benefit of things.

10           So I think, you know, for me to sit here  
11 and to sit here and be part of this testimony, try  
12 to -- you know, try to recreate the BIA, I think we  
13 ought to. About time we did. I think it's -- all  
14 this is history.

15           To me, you know, we need to put in place  
16 what they call the policy of government to government,  
17 not government to bureau into the tribes. To me I  
18 think that's all, you know -- there's so many --  
19 there's so many layers that have -- that we have to do  
20 to get approval for simple questions.

21           And to me I think that those layers that  
22 absorb our allocations that are created -- that are  
23 appropriated by congress, I have no benefit from them.  
24 My people are suffering. It's time that we -- you  
25 know, that we put in place policies.

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1           And I mean I'm not the only Indian that's  
2 going to speak here. I think they should echo across  
3 Indian Country that we need to -- you know, we need  
4 to, you know -- we need to change the policies and we  
5 need to change the direction that the BIA has a trust  
6 obligation to the Indian people. You know, some  
7 obligation that that's been reaffirmed. I don't see  
8 much of it.

9           But, again, you know, if we realign this  
10 and give more direct funding as it should be, I think  
11 we'll -- you know, to me I think that Indian life on  
12 the reservation will -- we'll have a better life  
13 there. Not only that, but a higher standard of  
14 living. We can fix these holes that are made of tar  
15 paper.

16           I think we need to really, you know, revamp  
17 our reservations and make it more accessible to  
18 government to government as stated by law as created  
19 by some of these statutes, and yet they don't apply to  
20 us. I think, you know, for white folk and everybody  
21 else, it goes directly to them.

22           Look at Trump eliminating food stamps. How  
23 many Indian people are going to starve? I mean we're  
24 not all rich, you know. You know, thank God for those  
25 that are in prime locations to access, you know, a

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1 market for their gaming operations.

2 We don't. We live in the boonies, you  
3 know, and the only time we probably are going to make  
4 money is in the summertime when the tourists come to  
5 those cabins and fish, and for their entertainment,  
6 you know, they might come to the casino.

7 But again, like I say, location is, you  
8 know, part of the success where, you know, in large  
9 metropolitan areas they take advantage of it, and I  
10 thank them. I stand right with them. But for us that  
11 are in the country, I mean, you know, that's where the  
12 government should have -- should look to their  
13 obligations.

14 And I think, again, you know, I think for  
15 the better life of us that are -- that are living in  
16 poverty, let's change that. Let's have a good  
17 standard of life, and let's eliminate this bureaucracy  
18 because that money belongs to us, not the government  
19 employees, and I think, you know, for me that we need  
20 to stand together as we try to realign and make a  
21 better bureau for what it was created for for us on  
22 the reservation.

23 So I want to thank you for this opportunity  
24 to say these few words, and God bless us all if we  
25 make this happen. Thank you.

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1           MS. ORTIZ: Thank you. Thank you for your  
2       comments. I'm sorry, sir. I don't think we got your  
3       name or your tribe. Would you mind putting your name  
4       and tribe for the record. Your name and your tribe.

5           CHAIRMAN TAYLOR: My name is Lewis Taylor.  
6       I'm the chairman of St. Croix Wisconsin, and, again,  
7       you know, let's hear some voices here. I didn't come  
8       here to sit around and listen to myself. We all  
9       represent these nations, tribes. Let's realign this,  
10      and let's do a good job of trying to get these  
11      policies changed, and hopefully Trump doesn't need an  
12      executive order to terminate us if we don't say  
13      anything and protect ourselves.

14          MS. ORTIZ: Thank you, Chairman.

15          MS. BUCK: Hi, I'm Shelley Buck. I'm  
16      president of the Prairie Island Indian Community here  
17      in Minnesota. Thank you for being here listening to  
18      us.

19                I guess I agree with the chairwoman -- or  
20      the councilwoman from White Earth. Communications is  
21      a big key. I know for my tribe a lot of turnover  
22      within the department throughout the years has really  
23      stalled some of the things that we send up to the BIA  
24      whether it be contracts all the way up to trust  
25      applications.



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1           So the turnover, seems like every time  
2       there's a new person in legal or a new person in a  
3       different department, we're having to reeducate those  
4       people, we're having to wait for them to catch up to  
5       speed with what we're doing, so that's a big issue for  
6       us.

7           And then communication, apparently --  
8       We're currently in a secretarial election right now,  
9       and before we could actually do this one, we were told  
10      we needed to rescind I think one or two previous  
11      requests for secretarial elections that none of us had  
12      any clue had ever happened. These were back in the  
13      '90s.

14           So the fact that that communication stopped  
15      and the BIA never -- whether it was contact the  
16      council at the time and find out if they still wanted  
17      to do the secretarial election or what the process  
18      was, but the fact that that communication stopped  
19      somewhere, it's a factor for us, and it holds us up  
20      along with the turnover.

21           I'm not real sure with the reorganization,  
22      I don't know how it's going to help or if it's going  
23      to help. I'm still really unclear about that. I'm  
24      like her. I don't know what a lot of the things are  
25      that the BIA, the Department of Interior can do, will

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1 do, need to do. But that's all right now that I have  
2 to say. Thank you.

3 MS. ORTIZ: Thank you.

4 MR. CLEVELAND: (Native American greeting)  
5 Say good morning to you and thank you for coming. My  
6 name is Wilfrid Cleveland, president of the Ho-Chunk  
7 Nation.

8 I guess I'm here out of curiosity to find  
9 out this restructuring that's being talked about is --  
10 how is that going to happen. And there was mention --

11 Well, first of all, thinking about it in  
12 the restructuring, the way that we do things -- And  
13 I'm from Wisconsin. Back in Wisconsin when we begin a  
14 meeting, usually we make an acknowledgment to the  
15 Creator of what's going to happen, how it's going to  
16 be and thankful to be here, those types of -- I don't  
17 know if that changes once people go to Washington,  
18 D.C., but I was kind of thinking about that, you know,  
19 as the things got going here.

20 But I appreciate the time that the two of  
21 you, three of you are making for us, and as you're  
22 following direction from Washington, D.C., and there's  
23 a lot -- there's a lot to be talked about, and  
24 according to that short letter that we received saying  
25 that there was going to be this meeting here and Zinke

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1     talking about it's been 100 years since the BIA has  
2     been restructured, and I was thinking maybe there's an  
3     idea that was going to be brought forth other than  
4     what's in place for us to give us some ideas of how  
5     the restructuring is going to be and how we can add to  
6     what's going to be taking place just like right out of  
7     the gates for us to being saying, Okay, this is what  
8     we want.

9             And each one of us, each one of us as  
10    tribal leaders, we have needs in our reservations and  
11    our trust lands and our communities, similar but maybe  
12    different, and so the priorities that we have because  
13    of where we're located may be different, and so I was  
14    curious as to how this is all going to take place  
15    within -- within the -- Back in the years when  
16    treaties were made and what was said, what was written  
17    in those treaties and responsibility that the federal  
18    government was saying that they were going to have for  
19    the indigenous people on these lands and --

20            But where is that? Where is that today?  
21    That seems to have gotten -- gotten away from, got  
22    watered down to where most of our programs are here  
23    because the majority I would guess, I would assume  
24    that our trust lands, our reservations that we're  
25    below poverty, so they push us into that category, and

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1 most of the programs that we have are because we're  
2 poverty indigenous people on these lands, not because  
3 the federal government has the trust responsibility  
4 for us. So how is this going to change?

5 I think most of the programs, the education  
6 programs, the housing programs, we all have to go by a  
7 poverty, poverty level that's out there rather than  
8 because we're indigenous people because the federal  
9 government has a fiduciary responsibility to us  
10 indigenous people here.

11 And so I think that's where -- one place  
12 that we could start is getting -- eliminating this  
13 idea that indigenous people are here because they're  
14 giving us assistance because we're poverty-stricken.  
15 There was a lot that was said in those treaties and  
16 what the federal government is going to do for us, but  
17 that isn't happening because we're all poverty people.

18 And so then also the other thing that's  
19 going to be happening with the way that we are as  
20 indigenous people and what is happening with Mother  
21 Earth has a lot of effect on us and our ceremonies.  
22 We talk about our water. All these are a very, very  
23 important part of us, and being stewards of these  
24 lands, these all have to be addressed.

25 But it isn't because money talks, and

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1     that's where all this destruction, destruction of  
2     Mother Earth is happening, and for us to thrive on the  
3     creation, we have to take care of her, and this is  
4     another area that really needs to be looked at, and  
5     how is this -- are all these things going to be done  
6     by, what the young lady was saying earlier, by  
7     September. Is this all going to be happening?

8             And with these field offices that are  
9     coming in here, are they -- is that just another --  
10    what Chairman Taylor was saying, another layer of  
11    bureaucracy where we don't have to -- we don't want  
12    the indigenous people in Washington, D.C., so we'll  
13    make field offices, so we go over there and talk to  
14    those people. What authority do they have to fulfill  
15    what we want from the federal government, or do they  
16    have to go and talk to another layer in Washington,  
17    D.C., to get what we want. And, again, where is that  
18    going to end up? Picking up dust someplace.

19            And so these are the kinds of things that  
20    need to be looked at, and efficiency, we all know that  
21    the BIA and the -- is very inefficient for Indian  
22    Country in what we're doing today, and these -- these  
23    streamlining that's going to be taking place, and how  
24    is it going to happen if we're having field offices  
25    put out here, more field offices, and then they're

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1 going to streamline. It doesn't seem like that's  
2 going to work if that's the way that it's going to be.

3 So I was just kind of curious as to what --  
4 you know, how is this restructuring going to happen.  
5 We know that we as indigenous people and tribal  
6 leaders, we have to work with whoever is the president  
7 of the United States, whether they're a republican or  
8 a democrat, and I feel that indigenous people are  
9 neither republican or democrat, but we have to work  
10 with those people because they have their alignment to  
11 be where they're at today.

12 And with the president being more of an  
13 economic development type of a person, is that going  
14 to be giving Indian Country opportunities to become  
15 more independent with our possibilities, that the  
16 president is going to be making it so that we would be  
17 able to become more independent of the U.S. government  
18 by putting jobs in our communities, making ways for us  
19 to become more self-sufficient with opportunities that  
20 are out there, or is this just some -- another way for  
21 the federal government to again push us further back  
22 away from them and so that they can be divisive with  
23 Mother Earth and what is happening with her.

24 So I think that this restructuring is  
25 something that could be looked at and could be worked

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1 with I think maybe even a better way than a listening  
2 session where we would have to come down to even the  
3 different communities and look at us, see how we are,  
4 and then see what our needs are and then put that all  
5 together, and it ain't going to happen overnight.

6 I mean it took 100 years to get us -- to  
7 get to where we're at today, and then in a few short  
8 months we're going to be making a complete overhaul of  
9 all this deterioration.

10 Maybe the intent was good when the BIA was  
11 put together to make a relationship with indigenous  
12 people, but like I say, to me maybe over time things  
13 have become deteriorated, so I think, yeah, that this  
14 is probably a good intention, but if it could be -- it  
15 would be successful if we could make major  
16 accomplishments where we could deal with the president  
17 on a face-to-face as tribal leaders, as a nation to  
18 nation, I think that would be one good step that we  
19 could do. Thank you for listening.

20 MS. ORTIZ: Thank you very much for your  
21 comment.

22 VICE CHAIRMAN ANDERSON: Hi. I get two  
23 times at the microphone. Keith Anderson, vice  
24 chairman at Shakopee. On some of the -- based on some  
25 of the comments that have been made here today, I'd

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1 like to mention that we recognize and appreciate the  
2 BIA's hard work and individual work that you all do  
3 and the professionalism that you bring forward, so  
4 thank you for that. We've never been lost on that.

5 One of the thoughts that was presented to  
6 me by our individuals who work with the BIA is -- has  
7 to do with the -- one of the comments made by the lady  
8 from White Earth, and that's communication amongst the  
9 departments, and at our level that's what we discuss  
10 and spend a lot of time on, and recently for us it  
11 would be the trust process, new employees, not enough  
12 employees, just legal interpretations of interior  
13 operations I would guess.

14 One of the suggestions that I would have is  
15 I think that's probably what your listening sessions  
16 here are for would be for suggestions, and the thought  
17 was that if there were a tribally elected board of  
18 indigenous people selected as a liaison for their  
19 region or even an individual navigator for specific  
20 parts of the region as each tribe has their individual  
21 needs almost separate from the neighboring tribe or  
22 different tribe in their region, that would greatly  
23 increase that communication.

24 I looked at the org chart, and it's two  
25 pages. It's very large. I mean and I'm sure you're



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1 all aware, but as tribes under the Department of the  
2 Interior, these are the original people of the United  
3 States, and as mentioned in the constitution,  
4 separately and sovereign tribal nations, and we're  
5 under the Department of the Interior, Bureau of Indian  
6 Affairs. That's a category that we're put into so  
7 that you would think that it's the Bureau of Indian  
8 Affairs, but sometimes we sometimes think it could be  
9 the bureau of state affairs or the bureau of county  
10 affairs because of the access that some of our local  
11 legislative people have had in Washington to try and  
12 influence the BIA. It has worked in the past.

13 We used to say around here it isn't the  
14 bureau of county affairs, it's the Bureau of Indian  
15 Affairs, and, you know, that's part of the position  
16 that you have, that liaison and that communication  
17 with the local.

18 The paternal part of what you do is hard to  
19 take, but then the necessary part of what you need to  
20 do in dealing with all of the governments across the  
21 country, that's understandable as well. But I would  
22 just like to point out that sovereignty is written  
23 into the constitution, is also part of that federal  
24 responsibility.

25 I heard gaming mentioned. We are the rare

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1 success story that suggests that gaming has been a win  
2 all, a positive for all tribes. It is not. Gaming,  
3 tribal gaming works for tribes, providing jobs and  
4 income for their infrastructure and their local  
5 economy. We just happen to have a higher population.

6 But we're very cognizant of the fact that  
7 it does not supplant that federal responsibility, does  
8 not add that copper and relieve that responsibility  
9 and then sometimes cuts right to the bottom line in  
10 supplementing those tribal coppers and providing jobs  
11 for tribal people in their area. It works quite well  
12 with a lot of the tribes that we help.

13 And so part of the responsibility here at  
14 Shakopee for our success is to help our tribes, our  
15 sister tribes, our friends in the region and across  
16 the country with that success, and we do so very  
17 openly and very responsibly, so I thank our tribal  
18 members for that.

19 Somebody mentioned that there would be --  
20 The last gentleman mentioned that there would be a  
21 decision made by some tribes to be democrat or  
22 republican. I think that's a donkey and an elephant,  
23 but we're the buffalo party so -- I hope.

24 MS. ORTIZ: Thank you very much.

25 MS. MASON: Boozhoo again. I'm going to

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1 take another crack at this, then. So, again, when I  
2 first started -- Tara Mason, White Earth, and as I  
3 mentioned before, I really -- I haven't prepared for  
4 this, so I do apologize for that, but I would like to  
5 start with the mission statement of the Bureau of  
6 Indian Affairs.

7 The Bureau of Indian Affairs' mission is to  
8 enhance the quality of life, to promote economic  
9 opportunity, and to carry out the responsibility to  
10 protect and improve the trust assets of American  
11 Indians, Indian tribes, and Alaska natives.

12 So with that when we start really looking  
13 at the reorganization of the BIA is how do we through  
14 a bureaucracy build in a system that will hold the  
15 tribes harmless when budget cuts like these come and  
16 affect the lines, and then moving forward with that is  
17 really looking at mandatory funding versus  
18 discretionary funding. You know, is that something  
19 within your authority or ability to advocate or put in  
20 place.

21 Because when it comes down to a tribal  
22 trust responsibility, in March of this year White  
23 Earth just celebrated its 200th anniversary of the  
24 1867 treaty that was signed by the White Earth people,  
25 the Mississippi Band. Okay.

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1           So I'll tell you right now White Earth did  
2 not have a huge celebration celebrating our treaty.  
3 Next year we will celebrate -- we will celebrate our  
4 150th year. Next year we will celebrate with our  
5 150th powwow. We will celebrate our people, but we  
6 will not celebrate our treaty because we look at all  
7 of the unfunded, the unsupported, the unbacked  
8 promises that were given to the White Earth people.

9           And, again, we sit, and we talk about how  
10 are these cuts going to affect us, and we're going to  
11 restructure. How are we going to support and enhance,  
12 promote all of the promises that were made to us.

13           So with that I just wanted to mention that  
14 maybe with the rest of your listening sessions you  
15 bring that mission statement of the BIA with your  
16 paperwork and your organizational charts so we all  
17 have a clear understanding of what is the mission of  
18 the BIA because, like I said earlier, I know you guys  
19 will probably be cut as well in this reorganization,  
20 but it's going to affect us as well.

21           And so we do appreciate the work that has  
22 been done, the work that needs to be done, and we know  
23 that we need to do this together, but I do support a  
24 lot of everything that's been said here because  
25 reorganization does need to happen. With that I shall

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1 say miigwech, and this will be the last time. Thank  
2 you.

3 MS. ORTIZ: Thank you. You can come back  
4 if you think of another comment. And just so everyone  
5 knows, I think that you may be helping -- hearing  
6 other comments helps you think of comments you want to  
7 make, and if you want to formulate your comments, you  
8 can submit them in writing, and there's some time to  
9 do that.

10 CHAIRMAN TAYLOR: Chairman Taylor again.  
11 You know, to me I think the bureau is just overloaded  
12 with responsibility that they can't really, you know,  
13 process timely for Indian tribes.

14 We have a pipeline going through our  
15 reservation, and this pipeline is a natural gas, but  
16 to extend it up to our reservation to our own land, we  
17 have to get the bureau's permission. It has been  
18 almost two years since we requested right-of-ways, you  
19 know, to have that extension of that gas line to our  
20 homes, and, you know, it's very expensive for us as --  
21 you know, without that.

22 When our -- when this pipeline, when this  
23 gas line came in, we heated our -- we usually heat our  
24 tribal center in our conferences on our campus there  
25 with, you know, fuel oil, and fuel oil is very

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1 expensive, and, you know, we cut our costs of heating  
2 for our buildings there almost by 70%, and yet we're  
3 having some difficulty from the bureau to get it  
4 extended.

5 Hey, it's our land. I think we have the  
6 right to agree to a pipeline extension. I think  
7 that's a sovereign right of the tribe, and yet the  
8 bureau says it's their responsibility. I guess I  
9 really need to -- We have to draw a line as to what  
10 is the bureau's responsibility versus, you know,  
11 the -- that of the tribe, and I mean maybe it's our  
12 constitution that prevents us from it, but I think to  
13 me that, you know, we've got some problems.

14 And we recently in our economic development  
15 phase of our tribe, we're looking at economic  
16 development trying to diversify our reservation  
17 economy, and we're doing that. We're doing that.  
18 We've got a section 17 economic development component  
19 that we want to -- you know, that's recently, you  
20 know, approved by the bureau, so that's one of the  
21 things that we're currently working on to do.

22 The other thing is the -- the backbone. I  
23 mean there's a maze of regulations that it's just  
24 difficult for us to succeed as entrepreneurs, and I  
25 think in that phase of economic development I think we

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1     should have the right to determine our destiny, but  
2     we've got regulations from the bureau that kind of  
3     stifle our efforts. There are so many great nations.

4             I think for me EPA, that's been there ever  
5     since the treaties were acquired, and we never dirtied  
6     the land, and yet we have to comply with EPA. There's  
7     so many regulations that impede the progress of the  
8     tribe, so we're -- maybe we're just a tribe that is  
9     burdened down by regulations, and maybe we're -- you  
10    know, we're too receptive of that paternalism by the  
11    bureau. Maybe if we do it by ourselves and the bureau  
12    can ask questions later.

13            But I think, you know, to me in terms of  
14    realigning the bureau, you know, look at some of these  
15    regulations, I think as Indian tribes we've got to. I  
16    mean, you know, like this paper says, it's been --  
17    there hasn't been a realigning in over 100 years.

18            Well, 100 years, you know, we've stepped up  
19    in terms of technology, communication, and the ability  
20    to be educated and to govern ourselves. We don't need  
21    the BIA to govern my tribe. I mean 100 years ago  
22    nobody spoke English, and that was the, you know --  
23    And I would agree that we had some cause for the  
24    bureau to regulate us.

25            But today with, you know, learning this

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1 English, you know, absolutely, I don't think we need  
2 these layers of bureaucracy, and I think as educated  
3 tribal leaders, I think we all got to stick together  
4 and make something happen good for our people. I mean  
5 I'm here to, you know, protect and defend tribal  
6 sovereignty and the erosion of any trust obligation or  
7 responsibility that may be the result of a future  
8 executive order that the president might have on us.

9           So, again, I think we need to, you know,  
10 really -- we really have to defend ourselves even more  
11 I think for the -- for the warriors that Indian people  
12 have developed over the years protecting us, you know,  
13 we need these -- we need people to defend us called  
14 attorneys. I think, you know, in terms of where we  
15 need to go and what avenues in protecting us, I think  
16 we all need to get a good tribal attorney so that  
17 we're not bamboozled with some kind of language that  
18 we don't understand.

19           So, again, I think as Indian people this is  
20 our chance. We can now realign the bureau because,  
21 hey, I speak English, and I can speak it good, and I'm  
22 going to defend my people. Again, I think in terms of  
23 coupling that allocation that congress gives us and it  
24 only trickles down to 10 cents to my people, there's  
25 something wrong with that story, and we need to change



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1     that story.

2                 So, again, I want to thank you for the  
3     opportunity to comment on a few more words. Hopefully  
4     we can do something with it, but again I appreciate  
5     this listening session.

6                 MS. ORTIZ: Thank you, Chairman.

7                 MS. JORGENSEN: Hi. My name is Donna  
8     Jorgenson. I'm a member of the Cheyenne River Sioux  
9     tribe, and I came here today not expecting to see all  
10    these wonderful people, but thank you for being here,  
11    and thank you, Shakopee, for supporting this event.

12                I'm an end user of what has happened with  
13    the BIA. Since my mother died in 1992, this is one  
14    month's worth of paperwork that I get from the BIA,  
15    the Department of Interior, one month's worth of  
16    papers, so you can imagine since 1992 I have had that  
17    many papers and more trying to solve fractionalized  
18    land interest, probates.

19                I'm working with five different counties  
20    because my grandfather, great-great grandfather owned  
21    land from Pierre, South Dakota, all the way out to the  
22    Black Hills, and that's five different counties we  
23    have to work with to determine what's going on. Some  
24    of the information we have currently is in Arlington,  
25    Virginia, at this point. We're still working on some

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1 issues.

2 My brother spent over \$20,000 trying to get  
3 attorneys that will work with us on all of these  
4 issues, and we continue to do a lot of the reparation  
5 kind of work trying to determine who relatives are.

6 Probates have not happened. We are now  
7 having to do probates for many of the people that we  
8 are related to. We started out with over 45 people in  
9 the family that we have to work with. We're down to  
10 about 20 whatever. I'm not sure of the exact number.

11 But, again, I just wanted to let you know  
12 that these are personal issues for me that I've had to  
13 deal with for many, many years. I'm at the point now  
14 where -- my brother is getting to a point where he's  
15 very ill. I don't know how much longer we can do  
16 this. We're working on our wills now. I would like  
17 to have these done.

18 So all these levels of government that we  
19 have to deal with get to be very frustrating for us.  
20 So thank you for listening.

21 MS. ORTIZ: Thank you for your comments.  
22 Does anyone else have any comments or questions about  
23 the organizational charts that were provided?

24 VICE CHAIRMAN ANDERSON: Just one more  
25 thing. I'd like to address the education. Keith

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1 Anderson again, vice chairman of Shakopee. Once  
2 again, thank you for listening.

3 Tony, I saw you up here, and it just  
4 reminds me of the number one thing that is hard to  
5 justify, and it has been in school districts forever,  
6 and that's to put money into education, but we all  
7 know that that investment, while hard to measure  
8 return, is well spent, and that solves a lot of issues  
9 proactively. If that's a way to consider putting more  
10 money towards the Indian schools.

11 And I know, and Minnesota is one of the  
12 most -- the most, I don't know, forward thinking both  
13 conservative and liberal state, and they like to jump  
14 back and forth and test the water on the leadership  
15 here. But I almost believe that within the last few  
16 years one of Mark Dayton, our governor's, criticisms  
17 was that Indian education was ranked last nationally  
18 here in Minnesota.

19 And right now I'm -- I was kind of relieved  
20 of a meeting with our education committee on electing  
21 new officers, as we have elections every two years for  
22 that committee that oversees our education, but  
23 nevertheless I asked if they needed me to be there  
24 because one of the things I encourage is that it's not  
25 a blind allocation of money, but it's an investment in

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1     that system that we have, and I want it to expand  
2     beyond our educational guidelines and so forth, so  
3     that type of leadership is something that maybe you  
4     can think about in the reorganization.

5             I don't know how to say invest in it, but  
6     that's what I'm saying. Invest in that for tribes,  
7     especially for the tribes that have issues with their  
8     school structures and so forth. I mean it's the whole  
9     gamut. That's going to be a great investment I think  
10    that would help your overall organization eventually.  
11    So thank you very much again.

12            MS. ORTIZ: Any more comments? Okay. Not  
13    hearing any comments, I want to remind you that the  
14    transcripts will be available on the BIA website, and  
15    that's [www.bia.gov](http://www.bia.gov), so you can look at those and any  
16    comments that you want to emphasize or just for your  
17    information. You can also continue to submit comments  
18    prior to the deadline. I think --

19            So the secretary's plan is going to be  
20    submitted on September 9, but go to the BIA website  
21    for information on how to submit your written  
22    comments, and there's information in the federal  
23    register also.

24            So I want to thank you all very much for  
25    taking time out of your schedules. I'm sure you're

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1 very busy and have many places that you need to be,  
2 but I'm glad that you found it important enough to  
3 spend your time here this morning in putting your  
4 comments on the record. Thank you very much for  
5 welcoming us here and for being here yourself, and  
6 with that I think we'll close this comment session.

7           Comments are due on July 15, and they can  
8 be submitted at [consultation@bia.gov](mailto:consultation@bia.gov),  
9 [consultation@bia.gov](mailto:consultation@bia.gov) by Saturday July 15, 2017.

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11                           (Proceedings concluded at 10:02 a.m.)

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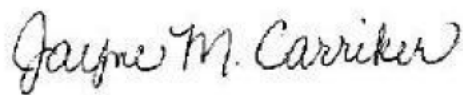
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CERTIFICATE OF REPORTER

I, Jayne M. Carriker, Registered Professional Reporter, do hereby certify that the foregoing proceedings were taken in the above matter on June 6, 2017, that said proceedings were reported by myself, translated and proofread using computer-aided transcription, and the above transcript is a true and accurate transcript of my notes as taken at the time the proceedings occurred.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this record was made; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Dated this 9th day of June, 2017.



Jayne M. Carriker, RPR, CCP  
Notary Public, Wright County, Minnesota  
My commission expires January 31, 2021



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DEPARTMENT OF INTERIOR  
OFFICE OF THE ASSISTANT SECRETARY  
OFFICE OF INDIAN AFFAIRS

AFFILIATED TRIBES of NORTHWEST INDIANS

MID-YEAR CONVENTION 2107

TRIBAL LISTENING SESSION

THURSDAY, MAY 25, 2017

1:30 P.M.

DOUBLE TREE HOTEL

1000 NORTHEAST MULTNOMAH BOULEVARD

PORTLAND, OREGON 97232

**TRIBAL LISTENING SESSION REORGANIZATION of  
the EXECUTIVE BRANCH**

**MAY 25, 2017**

**1:30 P.M.**

**MR. RODMAN:** I think that we'll go ahead and get started. We're going to have some mics as well in just a little bit to help with the acoustics. And I'm Morgan Rodman. I'm representing the Office of Assistant Secretary for Indian Affairs today. And there will be two listening sessions in this room. The first one is for the Executive Order on the reorganization of the Executive Branch and we'll go into detail about kind of the run of the show in just a bit, but before we get too far, I would like to invite the Secretary of the Confederated Tribes to Grand Ronde, Jon George.

Mr. George, would you mind providing some opening remarks, please.

**MR. GEORGE:** Thank you. In our language we say (speaks Native American). I'm George (speaks Native American) secretary. (Speaks Native American) Confederated Tribes of Grand Ronde. And I'll (speaks Native American.) I said "hello" in our language. Our local language



1 here is Chinuk Wawa or Chinook Jargon to speak. And  
2 it's an old trade language that's really kind of one  
3 of the last existing languages amongst the Northwest  
4 tribes here. It was a language designed for when we  
5 were placed on reservations. All the natives that  
6 were -- that come from all the existing tribes  
7 within our ceded lands that went from southwest  
8 Washington to northern California to the crest of  
9 the Cascades and to the crest of the coastal range.  
10 And so when we were all brought to the Grand Ronde  
11 reservation, I come from -- my family comes from the  
12 Rogue and Umpqua area in southern Oregon. And so  
13 when we were placed there, that language came from -  
14 - so that the Canadian and the French fur traders  
15 could speak with the tribes, and then also so that  
16 the other tribes could speak to either because of  
17 all of their dialects that they came from. And so  
18 it was -- to me it's like we use an example of it's  
19 like trying to put Russians, French people, Hispanic  
20 people and Asian people and everybody into one place  
21 and then expect them to speak to each other, you  
22 know. And so we were pretty fortunate for that.

23           So in that language I said, hello, my name  
24 is Jon George, the Tribal Council Secretary for the  
25 Confederated Tribes of Grand Ronde, and today my

1 heart is good. So I thank you for all being here.  
2 And it was very good -- I don't see anybody here --  
3 we also got to -- had a media session to speak on  
4 the President's budget. And I was very proud of the  
5 tribal leaders that stepped up to kind of speak, you  
6 know, on the behalf and how they -- how kind of  
7 unfair it was to us as Native people and the  
8 thinking of, you know, the appropriations of how  
9 kind of thoughtless that it was towards Native  
10 American people. And so I was very proud of our  
11 Vice-Chairwoman, Cheryle, that had said also that we  
12 will continue to pray for him and that his ears be  
13 opened to hearing the Native people.

14 And so today I also want to thank you for  
15 being here today and upon our -- into our ceded  
16 lands homeland of the Multnomah people, the lower  
17 Chinook and Watlala and Cascade Indians that lived  
18 among -- along the Columbia River, and the Kalapuya  
19 people from the Willamette River up to Willamette  
20 Falls and the Clackamas too. So we had -- we had 28  
21 bands of Native Americans in those ceded lands move  
22 to the Grand Ronde reservation which was formed in  
23 1857.

24 And so we are -- we are a tribe of seven  
25 treaties that because of the movement of our people

1 and in this area we are the 1855 Treaty --  
2 Willamette Valley Treaty of 1855. And so -- so we  
3 just want to thank you and we'll give a blessing and  
4 to welcome to any tribal leaders that are here.  
5 Too, we just -- we appreciate you being here and  
6 attending to these conferences and having your  
7 voices heard too, and working with the partnerships  
8 of -- you know, with all the agencies. And I know  
9 we have a good relationship with BLM and so -- too,  
10 and so working with them and in our tribe and the  
11 forest management plan so we thank you to -- we lift  
12 you up for that too.

13 Today I was asked also to give a blessing  
14 today for this meeting and to the BIA people that  
15 have come to speak to you, and so in those, I know  
16 that we work with them and so that -- you know, that  
17 together I think today is a good healthy dialogue  
18 that can happen. And so upon that, too, we ask that  
19 ears -- that ears be opened today, too, and that our  
20 voices, you know, be heard and that we, you know,  
21 create this dialogue in a very good way today so we  
22 appreciate you being here.

23 **(Speaks Native American.)**

24 Our Creator and our Heavenly Father, we thank you  
25 for the day that you have given us. We thank you

1 for the beautiful people here that stand before you.  
2 And we thank you for the time that we get to share  
3 with our government as we look here upon the BIA,  
4 Lord, that you entrusted them to help our people and  
5 to all the peoples of this country.

6 Lord, and so in that, we look upon this as  
7 a friendship and a partnership, as a speaking is,  
8 and our people here as we talk about that this --  
9 this nation was our land and our home and our  
10 mother, and upon that they had -- who had given --  
11 the Creator had given us an opportunity to actually  
12 be given the charge to take care of her. You know,  
13 where we become the original stewards of this land.

14 And so upon that, we thank you for the  
15 education that has been built upon, you know, to  
16 bring other people within here so that we can work  
17 with, to teach them our ways, to show them our ways,  
18 and to talk about how important the subsistence of  
19 our food is to us' the salmon, the deer and the elk  
20 and the scock-wool (ph), the eel. You know, upon  
21 that, and with the plants of the berries and, you  
22 know, and our living members that help us to make  
23 clothing and to basketry. You know, and to build  
24 our plank houses and our long houses. And from  
25 that, you know, that you have given us, and that we

1 give back to them and how we hold Mother Earth, the  
2 land so sacred to us. And upon that we -- we know  
3 in return have been given us life and to give us --  
4 and enable to be taken care of and to take care of  
5 our people.

6 And so in this, you know, we look upon  
7 these now agreements and friendships and  
8 relationships upon that so that for our younger  
9 generations to rise up again to knowing that, you  
10 know, their -- their job and their stewardship of  
11 this land to work with and work with people, you  
12 know, to continue these relationships that we know  
13 that all will be well for either other each, each  
14 and every one. So in this we stand before you as  
15 humble and grateful people for all that you've  
16 provided for us. So in your name, Amen.

17 (Off-the-record exchange.)

18 MR. LOUDERMILK: Do we need microphones or  
19 can everybody hear me all right? Do you want me to  
20 blast you out with a microphone?

21 AUDIENCE MEMBER: We're good.

22 MR. LOUDERMILK: Oh, you're good. Okay.  
23 If ever we need to, we'll certainly pass microphones  
24 around if there gets to be a problem with, you know,  
25 hearing us. But, basically, I want to take this

1 opportunity to introduce myself. My name is Bruce  
2 Loudermilk. I'm the Director of the BIA in  
3 Washington DC. I want to welcome you all here.  
4 Thank you very much. I want to thank all of the  
5 tribal leaders for coming to this listening session  
6 that we're going to have. We're going to have a  
7 couple of them this afternoon and I believe some  
8 pamphlets of informational material have been handed  
9 out.

10 So Morgan will go through and give a  
11 little bit of information on the background of it.  
12 The first one is going to be on the restructuring in  
13 the Executive Order regarding the restructuring of  
14 the Department of Interior. More particular, we're  
15 going to be looking and talking about BIA and BIE  
16 and trying to get input from tribal leaders on what  
17 you all may think is, you know, whatever your input  
18 is. Right now, there's nothing on the table.  
19 There's nothing off the table. So we're coming out  
20 here to listen, to hear. As I said earlier, our  
21 ears are going to be open.

22 And the other thing we wanted to let folks  
23 know, and I know Morgan will go through this, but we  
24 do have a court reporter here that will be making  
25 sure that she's capturing all the comments and all

1 the information. And if you could, when you to speak  
2 and you do provide comments, please go through and  
3 state your name and your tribal affiliation. So  
4 with that I'm going to turn it over.

5 Tony, if you want to give a quick  
6 introduction.

7 **MR. DEARBORN:** Sure. Good afternoon,  
8 everyone. My name is Tony Dearborn. I'm a member  
9 of the Cherokee Nation and honored to be here today.  
10 I want to thank you, first of all, all the tribal  
11 leaders for taking the time to come and sit with us  
12 today. I want to introduce Mr. Bart Stevens. He is  
13 our Deputy Director of School Operations and we both  
14 came from DC to listen to what's said today. We  
15 look forward to working with all our tribes and  
16 building partnerships, and really look forward to  
17 hearing what you have to say today. Thank you.

18 **MR. RODMAN:** Thank you, Tony.

19 And again, I'm Morgan Rodman. I'm  
20 representing the Office of the Assistant Secretary  
21 for Indian Affairs today. And I'm Cherokee and  
22 Osage from Oklahoma. I'd like to thank the tribal  
23 leaders who are in attendance today, especially from  
24 -- from this region. Thank you for allowing us on  
25 your homelands. And first up, we're going to be

1 discussing the Executive Order on reorganization of  
2 the Executive Branch. And after that we'll  
3 transition to the Antiquities Act Executive Order.  
4 And I think -- hopefully many of you know us on the  
5 panel. We're senior-career employees in Indian  
6 Affairs and that we're here today to really listen  
7 to you and work with you on your comments, your  
8 recommendations, and your concerns you may have  
9 about the Executive Orders today.

10           The Trump Administration has issued two  
11 Executive Orders we'd like your input on. The  
12 Executive Orders instruct the Department of Interior  
13 and other departments to take certain actions. And  
14 it's critical we get your insight on the  
15 implementation. Again, first is the Executive Order  
16 13781, and it's titled Comprehensive Plan for  
17 Reorganizing the Executive Branch, and you should  
18 have a copy of that in the meeting packets, in  
19 addition to the organization of Indian Affairs and a  
20 written description of each of the offices to help  
21 with the discussion.

22           So a little bit about the mechanics of the  
23 listening session. The listening session today is  
24 geared toward tribal leaders, tribal leader input  
25 and comment as part of the nation-to-nation



1 relationship between the tribes and the federal  
2 government. And again, we're here primarily to  
3 listen and ensure your views are considered and part  
4 of the record for this administration with the steps  
5 moving forward.

6 Today is not the only listening session.  
7 There will be a total of six reorganization  
8 listening sessions and four National Monument  
9 Antiquities Act listening sessions through June.  
10 The listening sessions will all be recorded and  
11 transcribed, and the transcripts will be made  
12 available at [www.bia.gov](http://www.bia.gov). Transcripts and written  
13 comments will be analyzed and recommendations  
14 reported to the Assistant Secretary for Indian  
15 Affairs and the Secretary of the Interior. The  
16 Secretary will then make a report and  
17 recommendations to the White House.

18 Again, the first listening session will  
19 focus on the reorganization of the Executive Branch,  
20 and that is Executive Order 13781. It was issued on  
21 March 13, 2017, and directs agency heads to send  
22 proposals to the OMB Director for the reorganization  
23 of their agencies, if appropriate, in order to  
24 improve the efficiency, effectiveness and  
25 accountability of that agency.

1           There was a Federal Register notice  
2 published on May 15, 2017, and the comments on the  
3 federal register notice close on June 12. And you  
4 can submit those comments to  
5 [www.whitehouse.gov/reorganizing-d-executive-branch](http://www.whitehouse.gov/reorganizing-d-executive-branch).  
6 So I'll say that one more time and we'll have that  
7 on the printouts for next time. It's  
8 [www.whitehouse.gov/reorganizing-d-executive-branch](http://www.whitehouse.gov/reorganizing-d-executive-branch).  
9 And a little bit easier way for tribal leaders to  
10 submit comments is [consultation@bia.gov](mailto:consultation@bia.gov). You can  
11 also submit them that way.

12           The Secretary of the Interior will submit  
13 his report to the OMB Director by September --  
14 September 9th, I'm sorry -- and within the Executive  
15 Order that you have you'll see that there are five  
16 considerations that the Executive Order encourages  
17 as far as making recommendations on whether an  
18 agency should be restructured or somehow changed.

19           Some of questions that may be helpful for  
20 today's discussion regarding Indian Affairs are do  
21 the structures of the Department of Interior and  
22 Indian Affairs currently meet tribes' needs? What  
23 changes to the structures, if any, do you recommend  
24 and why? What structures would improve efficiency,  
25 in other words, would promote efficient delivery of

1 services? What structure would improve  
2 effectiveness, in other words, would better meet  
3 tribes' needs and promote self-determination and  
4 governance? And what structure would make the  
5 Department of Indian Affairs more accountable?

6 So that's a high-level overview. More  
7 details are in the packets, but at this point,  
8 unless anyone has other suggestions, I think it  
9 would be good to jump into the discussion and the  
10 comments. Again, please state your name and what  
11 tribe for the record. And thank you, we'll open it  
12 up.

13 **UNIDENTIFIED FEMALE:** May I ask just a  
14 logistical question?

15 **MR. RODMAN:** Sure.

16 **UNIDENTIFIED FEMALE:** When are the written  
17 comments due? It says on here July 15 but I think  
18 you mentioned June.

19 **MR. RODMAN:** So that may be -- the packets  
20 you have refer to two Executive Orders. And so that  
21 one may be referring to the Antiquities Act  
22 Executive Order. For the Reorganization Executive  
23 Order the comments will close by June 12.

24 **UNIDENTIFIED FEMALE:** June?

25 **MR. RODMAN:** June 12.

1 UNIDENTIFIED FEMALE: June 12.

2 MR. RODMAN: June 12, yeah.

3 MR. LOUDERMILK: Yes, sir.

4 MR. KUTZ: Steve Kutz with the Cowlitz  
5 Tribe. A quick question, I guess. So the  
6 organizational chart we're looking at is the  
7 existing organization, not a proposed change; is  
8 that correct?

9 MR. LOUDERMILK: Yeah. One of the things  
10 is that -- like I said, there's nothing on the table  
11 at this point in time, there's nothing off the  
12 table. And I think most everybody in here  
13 understands the structure of the Bureau of Indian  
14 Affairs in particular and the ASIA office, of  
15 course, BIE, but we have 12 regional offices and I  
16 believe we have about 86 agency offices out there.  
17 We have Mr. Stan Speaks here who is the Regional  
18 Director for the Northwest Region here, but that's  
19 what we're looking at right now so --

20 MR. KUTZ: Well, my second question is do  
21 the comments that we as tribal leaders make here  
22 have the same weight as sending them to  
23 consultation@bia.gov and the White House -- do they  
24 have the same weight?

25 MR. LOUDERMILK: Yes, they do.

1           **MR. KUTZ:** Thank you.

2           **MR. LOUDERMILK:** And we understand that,  
3 you know, coming through here -- you know, people  
4 are very busy here, and we want to thank all of you  
5 for taking time out of your busy schedules to be  
6 here. I know there's a lot going on here with the  
7 conference that's already here. But it is going to -  
8 - we're going to have a number -- as Morgan has  
9 said, we've got six more of these that are going to  
10 be running out through here. But this is your  
11 opportunity to provide any kind of comment that  
12 you've looked at.

13           One of the things that Secretary Zinke has  
14 talked about, and this -- you know, just for folks  
15 to maybe hear this and think about it a little bit,  
16 is that he's talked about -- one of the things that  
17 he's real big on is moving resources to the field.  
18 He wants a small presence in Washington DC, and he  
19 wants a small presence in Denver in the metropolitan  
20 area. As you all know, there's a big Fed center in  
21 Denver. But he's actually looking at trying to get  
22 the resources out and the decision making out  
23 closest to the places where those things need to  
24 happen, where they have the most effect.

25           So I just wanted to kind of preface that a

1 little bit and let you know that, you know, that's  
2 something the Secretary has been looking at. That's  
3 something that he's talked to us about from day one  
4 when he first came into the -- the Department of  
5 Interior, when he rode in on horseback, and we were  
6 fortunate enough to be one of the first agencies he  
7 visited was the BIA. Once he got changed into his  
8 suit and everything, out of his cowboy boots and  
9 everything, he came up to Indian Affairs and had  
10 that discussion. That was one of the first things  
11 that he talked about was making sure that the  
12 resources are moved out to the field level to where  
13 the decision making would have a greater impact.

14 So that's the only thing that he has said.  
15 So if you all have other ideas on how that might  
16 happen. I know, you know, we've been thinking about  
17 it and we're certainly -- you know, as we have these  
18 listening sessions, any kind of comments, reviews,  
19 information that you can provide will certainly be  
20 taken into account. It will have the same weight as  
21 whether you're here versus if you send it in over  
22 the -- through email.

23 **MR. JAMES:** Well, I'll start. Again, you  
24 guys --

25 **MR. LOUDERMILK:** Thank you. I was going

1 to say this is going to be a long meeting.

2 **MR. JAMES:** Well, I'll start with --

3 **MR. LOUDERMILK:** Can you introduce  
4 yourself, please, and your tribal affiliation.

5 **MR. JAMES:** I'm G.I. James from the Lummi  
6 Nation and I'm only acting in the capacity of a  
7 natural resources person officially, but I'll give  
8 you some of my personal point of view and -- if that  
9 will help.

10 **MR. LOUDERMILK:** Absolutely.

11 **MR. JAMES:** The -- I was strongly involved  
12 in the self-governance initiative. I'd like to know  
13 where that may fit in your restructuring and  
14 reorganizing for one. And two, tribes are on  
15 different ends of a development scale. And just to  
16 make sure that when you're reorganizing that you  
17 consider that you need to address tribes at  
18 different levels of --

19 **MR. LOUDERMILK:** Of the spectrum?

20 **MR. JAMES:** Yeah.

21 **MR. LOUDERMILK:** Well, I guess, the first  
22 thing is that as I mentioned earlier, there's  
23 nothing on the table, there's nothing off the table.  
24 So if you have a suggestion that might work better  
25 for the self-governance tribes here in the

1 Northwest, Alaska and all -- that's where the bulk  
2 of self-governance compacts are at. But if you have  
3 ideas, recommendations, things that might better  
4 serve the tribes on how the Bureau of Indian Affairs  
5 and Indian Affairs and -- we can restructure -- and  
6 it's not just the BIA that's going through this.  
7 All of the Department of Interior, all the Federal  
8 government is doing it too.

9           So if there are other things, partnerships  
10 that we need to take a look at, we're certainly open  
11 to it. And I understand your comment about having  
12 tribes at different spectrums when it comes to self-  
13 governance, self-determination. You know, I know  
14 when we start going across the nation, we have the  
15 large land-based treaty tribes and the North Dakota,  
16 South Dakota, Montana, Wyoming. And then we get  
17 over here and we have the folks of the Northwest,  
18 and then we get up into Alaska and, you know, we've  
19 got corporations and ANCSA and things like that  
20 going on up there and, you know, just everywhere we  
21 go around the United States, our tribes are  
22 different.

23           But any ideas, any comments that you have,  
24 something that might work well that you believe for  
25 the Northwest tribes may very well work well for



1 some of the other compact tribes -- but that will  
2 all be recorded and taken into consideration as we  
3 start looking at moving forward.

4 **MS. LEKANOF:** Good afternoon. I'm Debra  
5 Lekanof with the Swinomish Tribe sharing a few  
6 comments from Chairman Cladoosby. Unfortunately, he  
7 couldn't be here today but he sends his regards.  
8 The comments that we share from Swinomish is as you  
9 begin your restructuring and reorganizations, thank  
10 you for taking the time to come out to the  
11 Northwest. When you speak to different spectrums,  
12 you're right, in the Northwest we have usual and  
13 customary fishing and hunting areas.

14 Yesterday in our discussion, Secretary  
15 Zinke took the time to hear our concerns on  
16 understanding that our programs and our budgets are  
17 unique to this area. Many of the budgets and the  
18 programs that are developed enable us to engage in  
19 various different roles and responsibilities as co-  
20 managers of the resources. One is Pacific Salmon  
21 Commission, much of our funds come out of the  
22 Department of Interior. We look to further  
23 consulting with you as the 20 treaty tribes on how  
24 we can better engage and provide our insight on  
25 helping this Administration be successful in

1 upholding its charge and responsibility to those  
2 tribes. So we extend our arm out to you to come out  
3 to the Northwest to meet with us.

4 Chairman Cladoosby also, please, wanted to  
5 express his -- his opportunity to share when you  
6 need our help to create the programs to be  
7 sustainable, we're happy to provide the success  
8 stories that have worked for us. You have an  
9 administration of folks coming in from the Bush  
10 Administration. They did great work then. We  
11 continue to look forward to doing great work with  
12 them again and share in the experience.

13 Again, his concern was making sure to  
14 restructure trust treaty rights and responsibilities  
15 are upheld, and that as you come forward in your  
16 final analysis and report, the administrations  
17 before him, going as far back as we can remember,  
18 will remember to come out and engage with us on what  
19 your final recommendation is so we can provide any  
20 feedback, support or any testimony to help implement  
21 those next steps. So thank you from Swinomish.

22 **MR. LOUDERMILK:** Thank you very much.

23 You know, one thing I forgot to do when I  
24 was introducing myself is give some basic  
25 information. Again, my name is Bruce Loudermilk.

1 I'm the Director of the BIA. I'm an enrolled member  
2 of the Fort Peck Sioux Tribe of Northeastern  
3 Montana. Previous to my post in Washington DC,  
4 which was November 4 of this year -- or of 2016, I  
5 was the Regional Director in Alaska. And prior to  
6 that, I was the Regional Director in the Great  
7 Plains Region. So I know how important Federal  
8 Subsistence Boards are and how important -- we  
9 worked a lot with the Kuskokwim River Inter-Tribal  
10 Fish Commission who had partnerships down here in  
11 the Northwest. So we understand -- I understand  
12 that unique partnership, if you will, so obviously,  
13 we will take all that into consideration and make  
14 sure that we -- we -- folks understand the  
15 differences between our tribes in the United States.

16 **MS. LEKANOF:** Thank you, sir.

17 **MR. LOUDERMILK:** All right. Thank you.

18 **MR. KUTZ:** So again, my name is Steve  
19 Kutz. I'm a Tribal Council Member for the Cowlitz  
20 Indian Tribe here in Washington State. And so I'm  
21 going to start with some preliminary things and may  
22 come back with some others later.

23 So I've been on tribal council for 15  
24 years. We are a non-treaty tribe. But you are  
25 sitting close to -- and sitting right now on land

1 where my family traveled up and down Columbia and  
2 north. And so when -- so when you talk about the  
3 chart that you've been given around efficiency and  
4 effectiveness and accountability, we think that the  
5 efficiencies and effectiveness and accountability,  
6 if you follow what you're talking about, should be  
7 here locally. We do not want to see gridlock in a  
8 small agency. If we're talking about putting all  
9 the assets out to the field, we don't want to see  
10 gridlock happening back at Washington DC. And  
11 specifically, we want to see a smooth land-in-trust  
12 procedure that can be handled locally and be taken  
13 care of locally to address our tribal concerns as  
14 we're looking at land acquisition throughout our  
15 territories.

16 When you look at the BIA departments, if  
17 you're talking about sending some people out here  
18 into the field, there's not enough law enforcement  
19 assets. There's no division here that I can see  
20 that ought to be collapsed into another division and  
21 giving somebody multiple hats and then not fully  
22 support those divisions.

23 There -- we have grave concern in this --  
24 in this state around climate change. And it's being  
25 reflected in the wide variation that we're seeing in

1 the rains and the snows, and the dries and the wets,  
2 and the huge problems that we're seeing with forest  
3 fires. So there needs to be adequate assets to  
4 address those concerns.

5 We see that our -- our natural resources  
6 and our fish are under constant pressure from both  
7 the environment and the other people that live in  
8 this area besides tribal folks, and we want to make  
9 sure that those areas are constantly addressed. And  
10 so if there are things that the Secretary thinks  
11 needs to be handled at the agency level, we're  
12 hoping that he retains enough assets there to  
13 rapidly turn these things around.

14 There's a -- there was a commander at an  
15 air defense site north of Kaiserslautern in Germany  
16 when I was on active duty over there, and he had a  
17 philosophy on turning things around. Because you  
18 constantly get inundated in an office. And so he  
19 would pull out -- put all his stuff in an inbox.  
20 And if he got a call about it later, he'd pull it  
21 out, he'd get a coffee cup, put a couple coffee cup  
22 rings on the document and approve the document and  
23 head it back.

24 And so -- so what I -- so what I hope is,  
25 you know, that's a way about going and saying I

1 don't want to see things stacking up in inboxes like  
2 they've had a tendency to do off and on in past  
3 administrations. Things happen rapidly. So those  
4 are just some of the comments that I will end with  
5 at this point in time while I listen to what some of  
6 the other tribal leaders say. And thank you very  
7 much for this opportunity to provide our input.

8 **MR. LOUDERMILK:** Thank you very much. Let  
9 -- let me do a follow-up question for you. So when  
10 you're talking about making sure that we have the  
11 resources and we don't have gridlock, are you saying  
12 that you would like to see more assets at the agency  
13 level, the regional level? Or do you have a  
14 preference depending on the practice, the policy,  
15 the procedure?

16 **MR. KUTZ:** Well, I go -- I go back to  
17 efficiency, effectiveness and accountability. And  
18 if you put the authorities -- you don't want to  
19 stick a bunch of people down here and not give them  
20 the authority to act. So you want have -- you want  
21 to have the people support the activities and the  
22 authority to carry out those activities.

23 **MR. LOUDERMILK:** Very good. Thank you  
24 very much.

25 Yes, sir.

1           **MR. JAMES:** Stan will back me up on this,  
2 but when we were going through self-governance, we  
3 had the budget which was about this thick, we were  
4 going through it page by page doing -- and there was  
5 a category on the -- on the sheet -- on the  
6 spreadsheet that said LLH, as to the source and  
7 history. And we were going, what is that? We  
8 finally had to -- you know, one of Stan's folks  
9 said, "Long lost to history." Had no idea why the  
10 money is there or how it got there.

11           So to the extent there's any of that still  
12 within the system, I just really suggest why -- what  
13 are you doing? What's the outcomes that you're  
14 looking for? Hard to reorganize if you don't know  
15 what you're doing in the first place. So, you know,  
16 streamlining or whatever we want to call it is -- it  
17 can only be effective if you know what it is that  
18 you're trying to go achieve in the first place.

19           So to the extent you're going to  
20 reorganize, make sure you got a clear idea of what  
21 it is that you're trying to achieve with whatever  
22 source, because some of it comes from regular  
23 appropriations that it was done. Some come from  
24 special appropriations that were stuck in for an  
25 individual tribe for a specific need. And you end

1 up over decades and decades and not knowing what  
2 you're doing with it and why.

3 **MR. LOUDERMILK:** Well, I must admit that's  
4 the first I've ever heard that acronym and that --  
5 so --

6 **MR. JAMES:** It was for me too.

7 **MR. LOUDERMILK:** Okay. So I know we can  
8 have a sidebar discussion on that, but thank you  
9 very much. And the fact of the matter is, you know,  
10 the points of having the authorities and the  
11 decision making at the -- at the levels closest to  
12 where, you know, things are happening, that is one  
13 of the Secretary's priority goals. So we just need  
14 to make sure that whatever the policy, procedure,  
15 practice is with your comments and with your input,  
16 that we make sure that those things can happen  
17 smoothly, effectively, efficiently. Thank you very  
18 much.

19 Nothing like talking government policy  
20 after lunch, right?

21 **MR. KUTZ:** So Steve Kutz, again, with the  
22 Cowlitz Tribe. What I would like to say, too, is --  
23 I guess I kind of want to thank you about having a  
24 conversation in advance. But I don't think that  
25 relieves the BIA of the responsibility of having



1 conversations with us again after preliminary plans  
2 are starting to be put in place. Because -- because  
3 it's kind of hard for us to look at the landscape  
4 and say this is the way it ought to be, because from  
5 my tribe's point of view, if authorities had been  
6 put in place for BIA to take care of business here,  
7 business would have happened in a much, much more  
8 streamlined way historically in the past. And so  
9 what I want to say is when we come up with a new  
10 diagram, if that's what's going to happen or not,  
11 programs are under pressure to be reduced or not  
12 supported, those type of issues, that's when I  
13 really think true consultation needs to happen. So  
14 just my opinion. Thank you.

15 **MR. LOUDERMILK:** Very good. Thank you for  
16 your comment.

17 **MR. DOSSETT:** Maybe I'll just join in just  
18 to be a part of the conversation.

19 **MR. LOUDERMILK:** Please do. Thank you.

20 **MR. DOSSETT:** Someone's got to talk. I  
21 just wanted to echo your comment and repeat it, but  
22 it's kind of hard to start when nothing --

23 **MR. LOUDERMILK:** Could you state your name  
24 for the court reporter, please.

25 **MR. DOSSETT:** Oh, I'm sorry. John Dossett

1 with the National Congress of American Indians.

2           It's kind of hard to start the discussion  
3 when nothing is on the table and nothing's off the  
4 table. It's sort of a -- and you know, the Bureau  
5 of Indian Affairs has a really broad range of things  
6 that it does. It's a land and law enforcement and  
7 education and transportation and self-governance,  
8 and it may handle more a broader range of activities  
9 than any other federal agency possibly. And, you  
10 know, you guys have spent years just debating what  
11 to do with detention facilities much less, you know,  
12 reorganize the whole thing.

13           Sometimes it takes years to talk about,  
14 you know -- Bureau of Indian Education, you guys  
15 have been debating that one for a long time now, and  
16 we still don't really have a final answer on that,  
17 even though it's one problem or just fixing  
18 appraisals, right? You know, it's more -- a lot  
19 more complicated when you get into it. Anyway, I  
20 guess, sort of I'm making a point is you guys kind  
21 of need to focus in on something and maybe -- and  
22 then work very closely with tribal leaders to make  
23 sure that's where they want you to go.

24           I guess one thought that you may consider  
25 is that Congress just passed the Indiana Trust Asset

1 Management Reform Act. That was a Republican-  
2 sponsored bill coming out of a Republican congress,  
3 saying, "Here's what we want you to do to reorganize  
4 the management of trust assets." And at least my  
5 thought is that might be the place to start. You've  
6 got -- you know, you've got a Republican congress  
7 and the tribes in the Northwest are very much behind  
8 the Indian Trust Asset Management Reform Act.  
9 That's a bill that talks about the organization of  
10 the Office of Special Trustee, the way that it works  
11 with the Indian's Land Office. It has -- it deals  
12 with appraisals. It deals with tribal land  
13 management on the ground. And there hasn't really  
14 been any implementation of that new law at all.

15 So at least my thought is that you've kind  
16 of already got your marching orders in this area.  
17 Congress has told you, here's the Indian Trust Asset  
18 Management Reform Act. This is what we'd like you  
19 to reorganize and that may be the place to start.  
20 It might be a little bit early to do it. You don't  
21 have an assistant secretary and you don't have a  
22 solicitor in place to, you know, tell you what the  
23 law is or even work on policy.

24 So it seems like you may want to get your  
25 leadership organized, you know, before you start

1 down this road. So -- because it could all change,  
2 you know. As soon as get a new assistant secretary  
3 and they're going to be, like, "What are you guys  
4 doing?" You know, and it'll all start anew.

5           Anyway, I guess, the other area that we've  
6 been suggesting and -- is to think about is the  
7 relationship between the Department of Justice and  
8 the Department of Interior on law enforcement and  
9 law enforcement funding. A great deal of the law  
10 enforcement budget is in the Department of the  
11 Justice. In the most recent budget, they've  
12 proposed very significant cuts to the Interior side,  
13 and then significant increases on the Department of  
14 Justice side. But tribes have been really  
15 frustrated with the grants-based approach that's on  
16 the Department of Justice side. And that's --  
17 that's no way to fund law enforcement is with, you  
18 know, two and three year grants.

19           Law enforcement is this ongoing need. So  
20 there are proposals to try to change the funding  
21 system for law enforcement so that steady,  
22 continuous funding to support public safety in  
23 Indian country. Those are two. I mean, if you're  
24 looking for focal points, I think that the tribes  
25 have really been -- you know, tribes have been

1 working on trust asset management reform, and then  
2 they've been suggesting ways to improve and  
3 streamline law enforcement. That may be two places  
4 to start.

5 Now, I know the Bureau of -- Bureau of  
6 Indian Education, that's not an issue that I work on  
7 a great deal, but that's also where there's a great  
8 deal of effort to put into that. Anyway, at least  
9 that was my thought.

10 You guys -- the Bureau of Indian Affairs  
11 might think about, you know, focus on a few of these  
12 areas and then coming back to the tribes with a  
13 little bit better developed idea of where you want  
14 to focus your reorganization efforts.

15 **MR. LOUDERMILK:** Okay. And I certainly  
16 appreciate the comments. I mean, we are going to  
17 take a look at that. But, you know, a couple of the  
18 challenges that we face, first of all, this  
19 direction is coming to us from -- through the  
20 Executive Order through the Secretary. So as we  
21 start flushing out our management and getting our  
22 folks in there, the Secretary is very keyed in on  
23 this as to how we're going to proceed.

24 The other thing that we walk -- you know,  
25 we have to balance is sometimes when we come out to

1 the tribes and we look at listening sessions or  
2 consultations, sometimes they have -- they believe  
3 we're coming out and we already know what the  
4 outcome is going to be. So that's why I've gone  
5 through and said there's nothing on the table and  
6 there's nothing off the table, and there really  
7 isn't. But I understand the need to have some focal  
8 points and to move forward, but please understand we  
9 -- we walk that tightrope of, you know, you're  
10 coming out to consult, but you've already decided  
11 what you're doing. And this here truly is we want  
12 the tribes' input as we move forward so we can  
13 articulate that so we can include that in the plan  
14 that goes forward so thank you.

15 **MS. LEKANOF:** Debra Lekanof with the  
16 Swinomish Tribe. To follow up and complement John's  
17 discussion, trust reform came out of the Northwest.  
18 It really is an extraordinary opportunity to take a  
19 bipartisan approach and then -- I know, bipartisan,  
20 but to take that approach and implement what the  
21 needs are. Streamlining in efficiency and  
22 effectiveness is really what fits into the heart and  
23 the soul of these tribes. We should be able to  
24 determine how we can better streamline our funding  
25 on programs that best fit the needs. And, you know,

1 I, too, appreciate that -- I wish you'd come with a  
2 little bit more of "this is where this  
3 Administration is going, but we have an open plate."  
4 I'll be honest with you, tribes and G.I.  
5 has been doing this a long time and Stan, and you  
6 note this too, in your experience, our needs haven't  
7 changed across Indian country. Our funding plans  
8 and needs have not changed across Indian country.  
9 We're not determining what new priorities are.  
10 We're reiterating what the priorities have been no  
11 matter who has been in charge, no matter what  
12 Administration it's been.

13 So my recommendation might be, we have  
14 NCAI coming up here in June. You'll probably more  
15 than likely will see you, our friends, there again,  
16 to have NCAI the most regional organization.  
17 Remember to have that discussion of what were those  
18 priorities that came from each Administration in the  
19 past four Presidents, streamline them and see what  
20 has been accomplished, what's still sitting on the  
21 table. Take the laws that have already been passed,  
22 and my goodness, we have probably 150 laws right  
23 then under John Dossett that have passed underneath  
24 the past couple of administrations, and find out  
25 what needs to be done.

1 Implement what's already there, fit that  
2 into your priorities and then move forward because  
3 you'll be able to have a clear pathway. And, again,  
4 no matter which Administration it's been in, our  
5 priorities haven't changed. We'll just take this  
6 Administration and take it and create the  
7 opportunities of what needs to be done.

8 **MR. LOUDERMILK:** Thank you very much.

9 **MR. SOLUSKIN:** Yeah. Good afternoon. My  
10 name is Delano Soluskin. I'm the Vice-Chairman for  
11 the Yakama Nation. And I guess I have a couple  
12 comments. Like everybody else, it's hard to really  
13 have a good discussion when we really have nothing  
14 on the table or off the table so I'm going to make  
15 some general comments.

16 My first concern is am I to understand  
17 that we're only looking at the central office  
18 reorganization or how does it affect the regional  
19 office and/or the local agencies? And if it affects  
20 the regional office and local agencies, you know,  
21 we're talking to you guys from the central offices  
22 so when will we have this discussion about the  
23 regional and/or local offices? I mean, that's my  
24 first -- first question and concerns.

25 The second thing is we're talking about



1 reorganizing to be more effective, to be more  
2 accountable. But no matter what kind of structure  
3 you have, it's all people driven. Unfortunately at  
4 our local agencies, we get BIA employees who  
5 reshuffle from one agency to the other who are, in  
6 my estimation, truly ineffective. But we don't  
7 really have the ability to have the type of  
8 organization where people are effective. And so  
9 that's a real concern that we have at our agency.

10 We get these BIA employees who are  
11 ineffective and so it's hard to have any kind of an  
12 organization when you have those employees no matter  
13 how effective or streamlined it might look. So  
14 that's my second concern about this.

15 And then my last concern is -- is that,  
16 you know, I'm not sure where the Office of Special  
17 Trustee comes into this reorganization. You know,  
18 when I -- the way I look at it, OST has basically  
19 the same mission and responsibilities that you -- as  
20 the BIA. I know at one time at our agency we used  
21 to issue our IIM checks, you know, and that was a  
22 while ago. I used to be a clerk in the IIM Office.  
23 And I look at our IIM Office today and we've got GS  
24 13-14s and some, I don't know, whatever GS level  
25 employees are, but to me, I don't see them having

1 that much work to do. I mean, so I'm really not  
2 sure how OST is truly -- truly benefiting us at the  
3 local level. I mean, it seemed like they got their  
4 own bureaucracy in Albuquerque or wherever they're  
5 at, and I really think that that needs to be re-  
6 consolidated back into the BIA's function and  
7 responsibilities. Again, if you're trying to get  
8 the services at the local level, that's where they  
9 need to be. Those are my general comments for now.  
10 Thank you.

11 **MR. LOUDERMILK:** Thank you very much. I,  
12 too, used to print IIM checks.

13 **MR. GEORGE:** Good afternoon. My name is  
14 Jon George. I'm the Tribal Council Secretary for  
15 the Confederated Tribes of Grand Ronde. And just a  
16 couple of issues too. I know we just had our  
17 chairman back in DC on the appropriations testimony  
18 and Sub 2. And one is about the Department of  
19 Justice things and that -- and we're looking at --  
20 we were terminated in 1954 under the Termination  
21 Act. And so some of the funding that was there  
22 already originally from the BIA when to the tribes  
23 who weren't terminated. And so the terminated  
24 tribes were left off the list of funding in Sub 2.  
25 And so in return, and I think sometimes it's unfair

1 because you think that tribes got casinos, that they  
2 have, you know, all this money and are getting paid  
3 for their own services. And so I think it's  
4 unfortunately, you know, that the terminated tribes,  
5 especially out here in the Northwest in Sub 2, we  
6 have to pay for our own police department and had to  
7 build our police department with some HUD funds and  
8 stuff that we had. And so we pay for our officers  
9 and have MOUs and sub-agreements with the local  
10 county police are -- like our Polk and Yamhill  
11 Counties out there.

12 And so in that I hopeful unfortunate --  
13 hopefully, fortunately that it was -- we will look  
14 at basically equal -- to treat tribes equally about,  
15 you know, it's not we're federally recognized in  
16 1983, but -- so that you look at tribes that --  
17 because of those needs and I think we've heard some  
18 about our police services and stuff there. So, you  
19 know, we want to look at especially when we're  
20 hearing stories about, you know, the drugs that are  
21 coming into our reservations and the violence  
22 against women, you know. And so those types of  
23 things, you know, that -- that we have. It's not  
24 just about speeding, you know, through our towns and  
25 stuff too. It's stuff that is getting stronger, you

1 know, and burglaries and so too, that, you know,  
2 related to drug crimes.

3 And so we just hope that, you know,  
4 there's a fairness upon, you know, the police  
5 funding and stuff through that. You know, and the  
6 other one, too, is -- I was looking at is that I --  
7 we hear that the fee to trust lands going back that  
8 now the decisions have to go back -- go all the way  
9 back to DC. And so I hope -- unfortunately, I mean  
10 -- I mean, giving land into trusts it kind of takes  
11 long enough and it's unfortunately -- to see that  
12 now it has to go all the way back to DC and becomes  
13 now on to a larger stack of paper that, you know,  
14 take many years, 10 to 20 years probably to get some  
15 land into trust for your tribe in Sub 2.

16 And so, you know, for us to be able to  
17 help with development and, you know, in some of the  
18 areas in Sub 2. And so I hope that that's looked at  
19 again because I think when we go through Stan, the  
20 regional office -- and so those at least it was --  
21 it was helping, I mean, to do that. I just see that  
22 now becoming a longer, longer process and longer  
23 time to actually get land through trust, you know,  
24 for our reservations and our tribal areas.

25 And so I think today, too, I appreciate

1 that each of you are here, Mr. Dearman, Mr. Rodman  
2 Mr. Loudermilk. I'm glad you're here to do that.  
3 And so since we're kind of saying that there's  
4 nothing on the table and there's to do, whatever,  
5 and so I'm here to give -- to give requests, then,  
6 that more funding be given to tribes and stuff too  
7 for our needs. Because, you know, for this programs  
8 and the services that we do -- because a lot of them  
9 are through grants and stuff too, but I think a lot  
10 of the tribes have to supplement a lot of their  
11 services to their membership, I think, through their  
12 gaming dividends through that. And so I just don't  
13 want a casino to be a penalization for tribes just  
14 because they think they have money and stuff too.

15           It's just as our tribes grow, you know,  
16 the needs grow and less funding comes from either  
17 grants or, you know, county services and all those  
18 other things that the tribes are having to  
19 supplement a lot of their money through that. I  
20 mean, we don't give a lot of per capita for our  
21 members. We put our money into services for them  
22 and help their educations and, too, that we have to  
23 supplement so much for some of that. So I  
24 appreciate that.

25           And, today too, I'd just truly like to

1 know in our testimony is that you are truly  
2 listening today, too. And that you take things back  
3 that are being said, you take them very seriously  
4 for us and stuff. And I remember being in the  
5 general session from the chairman of Yakama that  
6 talked about the doctrine of discovery, you know.  
7 And I don't want -- because I'm -- I'm standing  
8 before Native people also Native men that are here,  
9 you know. So we're not speaking to non-Native  
10 people of our -- of our needs for our people and  
11 stuff, too. So I truly hope that that's something  
12 very good. And, like -- and through what he was  
13 talking about the doctrine discovery, because we  
14 don't want people, especially non-Native people in  
15 DC thinking that there's other people that know  
16 better than who we are, say, instead of thinking of  
17 patting us on the head as you poor little Indians  
18 and stuff, too.

19 And so I really truly hope that the  
20 messages that are said today, too, really are taken  
21 with serious content today from that. And so I want  
22 to thank you for your time and thank you for truly,  
23 truly listening. Thank you.

24 **MR. LOUDERMILK:** Thank you very much. We  
25 appreciate it.

1 Yes, sir. I like having you right up  
2 front.

3 **MR. JAMES:** To me, and again, just  
4 speaking for me, it's always been about what is the  
5 relationship. What are we going to be when we grow  
6 up? What is -- is it that we're domestic dependant  
7 sovereigns as the Supreme Court has -- has believed?  
8 Or are we like Sid Yates, when we were going through  
9 self-governance, says, "Oh, here comes those  
10 independent tribes." What is the design for what  
11 your -- will reorganize to? What is -- what's the  
12 goal of it? And that's -- is it just dependency?  
13 Is it self-administration? Is it self-governance?

14 I think that has a lot to do with how you  
15 restructure. And if -- if you end up restructuring.  
16 I know how that stuff goes for a long time, but that  
17 would be, you know, the question I would ask is what  
18 are we trying to achieve by what we're going to do?  
19 And -- and that's the baseline question for me, what  
20 is it? Are we to be equal sovereigns, domestic  
21 dependents, administrative? I maybe don't want to  
22 ask the question, but the -- I'm always in the camp  
23 of jeez, how do you measure your progress if you  
24 don't have a -- you know, an outcome in mind.

25 **MR. LOUDERMILK:** Thank you very much.

1 Yes.

2 **MR. GUNN:** Oh, hi there. My name is Brian  
3 Gunn. I'm a member of the Colville Tribe and I'm an  
4 attorney for the Powers Law Firm in Washington DC,  
5 and I guess I'm here on behalf of the Colville,  
6 Coeur d'Alene Tribes. I've also worked with ATNI on  
7 various issues related to this the last several  
8 years.

9 ATNI was one of the proponents of the  
10 Indian Trust Asset Reform Act which, as you know,  
11 President Obama signed into law last June. The law  
12 does a few things. One of them is it authorizes an  
13 Undersecretary of Indian Affairs. It also directs  
14 the Department to submit a report to Congress  
15 related to certain issues on the Office of the  
16 Special Trustee.

17 There's a couple of comments I just want  
18 to make just for the record. On October 7 of last  
19 year, October 7, 2016, the Affiliated Tribes and the  
20 National Congress of American Indians submitted some  
21 very detailed comments to the Department about the  
22 implementation of that law. And I guess for the  
23 record, I'd like for you all to refer to that  
24 document or incorporate them by reference in this --  
25 in this consultation because they're very relevant



1 to what we're talking about. I just want to  
2 summarize them for purposes of the court reporter  
3 just so we have something on the written transcript.

4           The tribes recommended that the Department  
5 establish the Undersecretary of Indian Affairs  
6 position immediately, and organize it in such a way  
7 to where it would have line authority over the non-  
8 BIA agencies within the Department. So we'd be a  
9 deputy secretary level position that would  
10 essentially elevate certain aspects of Indian  
11 Affairs to a higher level. So those comments are  
12 laid out in more detail in full in the comments that  
13 the tribes -- or the organization submitted.

14           One of the questions that was asked --  
15 requested by the Department in its consultation last  
16 year is where appraisals should be administered  
17 within the Department and the ATNI-NCAI comments  
18 both recommended the Office of Appraisal Services be  
19 essentially kept intact but moved under the Office  
20 of the Assistant Secretary of Indian Affairs. So  
21 again, those are also explained in the record.

22           Finally, there was some detailed comments  
23 about where certain functions of the Office of the  
24 Special Trustee should be situated in the event  
25 there was a restructuring or reorganization of the

1 Department. I want to go through some of those  
2 because I think they're relevant and may, you know,  
3 provide some substance to folks here.

4 OST has an executive direction line item  
5 which is six full-time equivalents. The comments  
6 recommended that those should be moved to this  
7 Office of the Undersecretary. The Office of Field  
8 Operations which has 220 FTEs, the comments  
9 recommended that with the exception of the Office of  
10 Trust Fund Investments and the Beneficiary Call  
11 Center, that the remainder of those functions be  
12 transferred to BIA's Office of Trust Services for  
13 Natural Resource Programs. And the reasoning was  
14 there was the perception, I think a reality among  
15 the tribal leaders in this region, that a lot of  
16 that funding as it grew over the years sort of came  
17 to the expense of the BIA Natural Resource  
18 Management Programs. And as well as the fact that  
19 many of those personnel are already situated in BIA  
20 regional offices and are essentially sharing office  
21 space. So I that fits within the feedback that  
22 you're looking for.

23 Office of Appraisal Services I mentioned  
24 should stay within -- within ASIA. The Office of  
25 Trust Service is another OST item should be moved to

1 the Office of the Undersecretary. We thought that  
2 the Office of Historical Trust Accounting should be  
3 moved to the Office of the Solicitor since a lot of  
4 the work that it's doing with the tribal trust case  
5 is winding down. OST also has a program support  
6 account, which includes business management, Office  
7 of Budget, Finance and Administration, Office of  
8 Information Service, and Office of External Affairs.  
9 We think that Business Management should go to Trust  
10 Service -- BIA's Office of Trust Services. Same  
11 with the Office of Budget, Finance, Administration,  
12 that those functions should be moved to BIA's Office  
13 of Trust Services.

14 For the Office of Information Resources,  
15 we think that half of that money should go -- be  
16 redirected to BIA's Office of Trust Services. We  
17 think the Office of External Affairs Budget should  
18 be transferred to the Office of the Undersecretary.  
19 And we think that all the program management  
20 functions should be transferred to the  
21 Undersecretary. And those include Office of Trust  
22 Records, Office of Trust Review and Audit, and  
23 Office of Risk Management.

24 So I hope you got all that. If you don't,  
25 I can provide you some additional clarifications.

1 But I wanted to get that on the record just so that  
2 it's considered. And again, these comments have  
3 been provided to the Department, to Secretary  
4 Zinke's people. I personally gave them to Mr.  
5 Casson. So I guess I would just put in a plug that  
6 those joint comments that were submitted by the  
7 organizations be given serious consideration.

8 **MR. LOUDERMILK:** Thank you very much.

9 **MR. CAGEY:** Henry Cagey with Lummi Nation.  
10 I'm on the council. I've been involved for, gosh,  
11 over 20-some years already and sat through a lot of  
12 these reorganization sessions in the beginning.  
13 Back in the 90s, they tried to reorganize the Bureau  
14 and it was a big fight. You know, a lot of what I  
15 seen is that you end up moving the boxes around, and  
16 you know, feeling good about the boxes. But, you  
17 know, it should be more than about moving boxes.  
18 And what I want to see is something where the Bureau  
19 -- who -- who do you serve? Are you serving the  
20 United States or are you serving us?

21 So one of the things that we're facing on  
22 the policy level is a lot of the things we're up  
23 against is the states. You know, the states are  
24 fighting us tooth-and-nail on water rights and  
25 education. You know, where is -- where is the

1 Bureau when some of these things are happening? And  
2 where does the Bureau stand when it comes to Indian  
3 Nations? Are you there with us or are you  
4 representing the United States or the states?

5 So there has to be some separation of how  
6 do you guys, you know, work with the Indians and how  
7 you defend the Indians. You know, where -- when and  
8 how does that happen? We're up against the State of  
9 Washington on water rights. Where is the Bureau?  
10 We're up against the Bureau on fishing rights.  
11 Where is the Bureau? We're asking right now where  
12 has the Bureau been with the economy? You know,  
13 we've asked for the taxation -- the Trader's Act to  
14 be updated. We'd like to see it updated to where  
15 the Bureau can help defend our economy by defending  
16 our jurisdiction and our land base, keeping the  
17 states out of our territory. So where is the Bureau  
18 on that? Where is the Bureau when we're fighting  
19 with the State of Washington on taxation? It was  
20 federal land. It's not state land, it's federal  
21 land. So where does the Bureau defend us on that  
22 fight with the State?

23 So we need a revenue stream. You know,  
24 where is the Bureau going to stand with us in  
25 creating a new revenue stream? You're cutting 10

1 percent of our money. Where are we going to make  
2 that up? We need a way to make those cuts up if --  
3 if the administration is going to make cuts, then  
4 they'll give us ways to double that or triple that  
5 and make it 10 times -- if you cut us 10 percent,  
6 let us -- give us 10 percent back or 20 percent, 30  
7 percent back. And how are you going to get it back,  
8 a different source.

9           One of the streams is revenue, taxation.  
10 Right now, we're -- you know, give you an example,  
11 the Tulalips, they're giving up over \$40 million a  
12 year back to the State of Washington, not one penny  
13 back. Our tribes pays a lot of taxes to the State  
14 and we don't get one penny back. We contribute a  
15 lot to this economy, but we don't see anything in  
16 return. The taxation is something that we want to  
17 see sorted through. It's very important to a lot of  
18 the tribes -- are tracking this issue because  
19 there's no more money coming off that Hill. The only  
20 thing we can count on is that we can hold on to what  
21 we got. If we get anything it's going to be 10  
22 million, 5 million, but that's not a whole a lot of  
23 money when you're dividing it by, you know, 600  
24 pieces. It doesn't add up to a whole lot of money.  
25 So it's a good feeling that -- to bump it, you know,

1 a few million but you bring it home -- I'll give you  
2 an example, at Lummi we get a road maintenance  
3 budget of \$25. So the first year we bought a  
4 shovel. The next year we bought a wheelbarrow. But  
5 it's not a whole lot of money that we're dealing  
6 with in some of these programs that we're getting.

7 **MR. JAMES:** We're renting it.

8 **MR. CAGEY:** Oh, yeah. We had to rent it  
9 the first year. So the money is another part, but  
10 separating it with the United States on court issues  
11 with the Supreme Court, we don't want to be drug  
12 into court on all this. The Bureau should looking at  
13 that part. The congressional part what is -- how is  
14 it set up. Judicial, legislative and  
15 administrative?

16 **MR. LOUDERMILK:** Executive.

17 **MR. CAGEY:** Executive. So the Bureau  
18 should be hitting all three of these parts not just  
19 -- not these other areas but the courts -- we're  
20 getting drug into court all the time. Where's the  
21 Bureau? So where is the Bureau looking at how that  
22 they're defending the tribes when they're up against  
23 water rights. And we're told at Lummi that we got  
24 to wait in line for our own water case. So while we  
25 got one case down here we got to do before we get to

1 you guys, so that's a big problem and how the  
2 legislative and the -- the litigation matters are  
3 handled. So litigation is very important in how the  
4 Bureau handles those.

5           The legislative part with the Congress,  
6 you know, is that -- where's the Bureau? What's  
7 representing the tribes or are we on our own to make  
8 you whole? So again, the OMB, if you're going to  
9 submit this to OMB -- OMB is half the problem. They  
10 don't -- they don't ask for what really needs to be  
11 funded. We need 20 times what we're getting right  
12 now. I mean, the money that we're getting has got to  
13 be at least be 20 times what we should be getting  
14 right now. That's still not enough.

15           So what we want to see is is the OMB going  
16 to get serious about looking at it and they should  
17 be there with us. One of the things that we want to  
18 recommend is that we should have direct access to  
19 OMB. And we wanted to maybe think about an advisory  
20 committee that works with OMB at all levels. Get  
21 OMB Administration, get OMB White House, OMB  
22 Congress. But we should have direct access to these  
23 folks so we can educate them. Because I know those  
24 people, they're young guys, they're smart, know the  
25 numbers, but they don't know us. And they're just



1 looking at what they're being told.

2 Unless we take time to educate these OMB  
3 people, it doesn't happen, unless the Bureau does  
4 it. I don't know if the Bureau does it or not.  
5 I've been to a lot of meetings in DC over the years,  
6 educating OMB, and it pays off. But you got to take  
7 time to educate those folk, and it seems like they  
8 know just about that much about Indian issues. So  
9 getting access to OMB is a good thing I think you  
10 can -- we can see happening in this new  
11 Administration, if we get access to those folks on  
12 the money.

13 And then you sort out the issues on the  
14 consultation meaning two things; you got  
15 administrative things you consult on and then you  
16 got funding you consult on. And they get mixed up  
17 most of the time. So the policies you get kind of  
18 left behind and we end up talking about more money.  
19 What we want to see is more policy outcomes on  
20 fixing some of these things that need to be fixed on  
21 the policy level, policy consultation.

22 And the funding consultation, we do that  
23 every year in Congress. We submit our testimony,  
24 And it should be more about policy. Should be like  
25 this one that Mr. Gunn just mentioned, that's a

1 policy issue. It's not about funding. It's about,  
2 you know, how the government should be organized and  
3 looked at.

4           The regions should have more authority.  
5 So the regions should be -- we should be able to go  
6 to the regions and give those folks more authority  
7 to make decisions for us. They should have  
8 something that -- that they can really, you know,  
9 hold the Bureau accountable. Because I don't think  
10 they have the authority nor do they have the people.  
11 You know, we got one officer here in the Portland  
12 area that we don't even know who he is. You know,  
13 we've got one police officer that's supposed to take  
14 care of all these things and we never see him. So  
15 we get a lot of excuses, but last time I looked they  
16 were stationed in Montana. So -- the law  
17 enforcement guy. I don't know who he is anymore.  
18 So we never see them on our reservation and that's a  
19 big problem.

20           Education is another one. Our schools are  
21 failing. You know, where does the Bureau fit on  
22 getting our kids what they need for the funding?  
23 And the other one is our colleges. One of the  
24 things that our colleges need is they need full  
25 funding. They're getting probably a third of what

1 they should be getting. Our colleges are really  
2 struggling to make ends meet for our higher ed. And  
3 what they need is that they're not getting the  
4 indirect support that they need, and OMB is saying,  
5 no, you can't get in a good way. So we're -- they  
6 end up just kind of getting by on our college  
7 funding. It's not enough for our students and our  
8 colleges are struggling. And not just the Tribal  
9 schools, but the colleges. Look at those -- those  
10 areas as well.

11 Indian child welfare is another one is  
12 that -- you got to fund it. You got a -- there's a  
13 line on it but you're really failing. The states  
14 are still taking our kids. The states are still  
15 reaching in and taking our kids off the reservation,  
16 and we never see them again. So the Bureau is  
17 failing on that. You're funding it. We get \$30,000  
18 from the Bureau for Indian child welfare, but it  
19 doesn't do nothing. So if you're going to fund  
20 something, fund it. But again, it's not doing  
21 anything. So why are you funding it? I don't know.

22 But the states have really reached in and  
23 are -- continue to reach in and taking our children  
24 so that's one issue. Then the land base is another  
25 one. We want to seek -- continue extending our land

1 base. I don't know what the new Administration is  
2 thinking about but, you know, we're -- at our  
3 reservation, a third of it is wetlands. We got a  
4 growing population of people and we need to keep  
5 building our land base, the on and off reservation  
6 property. There's just not enough where they --  
7 where they're able to build.

8 Economic growth is another one. We want  
9 to see growth in our economies. You know, we want  
10 some baselines where we can grow some, you know,  
11 build some jobs. So we want -- if we put some  
12 baselines for Lummi, I want to build -- I want to  
13 have 500 jobs in the next five years. What does  
14 that look like and how does the Bureau help? And  
15 what can they do to streamline the process to help  
16 us create jobs and bring business to the reservation  
17 and create jobs and meaningful employment.

18 It's good we have casinos, but, you know,  
19 those folks there, they're making nine bucks an  
20 hour. It's not a whole lot of money. So we need  
21 better jobs and better employment for our people.  
22 And manufacturing or something that allows our  
23 families to take care of themselves, maybe around ag  
24 or something around that. Our tribes are a fishing  
25 economy and our economy has collapsed. So we have

1 over 600 registered fishermen with no -- no time to  
2 fish on the water. Our economy has collapsed since  
3 1982. And so we're still struggling with how to  
4 build -- how to rebuild our economy and it's  
5 challenging.

6           The hatcheries are something we want  
7 support for. You know, we see that as a way to  
8 sustain the economy, but the hatcheries need to be  
9 funded. And the hatcheries really are taking care  
10 of our fishermen right now, but we're seeing the  
11 Bureau, you know, not fund hatcheries enough to  
12 where it's sustaining the fishing economy. So it's  
13 important for us on hatcheries, but again, we're up  
14 against ESA. And if you're going to streamline ESA  
15 and free up our hands so we can go catch those fish  
16 that we need to catch. But if you're going to gut  
17 it, well, gut it. You'll get rid of -- you'll get  
18 rid of all the rules that go with it.

19           I think you're cutting it by 51 percent is  
20 what I've seen, the President come up with that  
21 number. So get rid of the regulations by 51 percent.  
22 You know, let us go on the water and catch our --  
23 our right to catch those fish and feed our people.  
24 I think I said what I need to say.

25           But I got to go. I'm going to the -- I'm

1 going back home here this morning then to Pendleton.  
2 I want to thank you folks for coming and listening  
3 and we'll have other chances to listen to you folks.  
4 But the taxation to me is very important. I want to  
5 see that trader status on this week.

6 **MR. LOUDERMILK:** Thank you very much. We  
7 appreciate that.

8 **MR. JAMES:** I'll just add one more thing  
9 to Henry's list. Get rid of indirect cost support  
10 negotiations. It's a total waste of time. Spend  
11 more time fiddling around with that than it's worth  
12 for both sides of the equation. Do a block grant  
13 based on levels and if we can -- if we have to add  
14 money to it, we add money to it. If we can make  
15 savings, we'll make savings, but some -- that is  
16 crazy that we're involved in that military  
17 appropriations system.

18 **MR. CAGEY:** Under Sub 2 we did the  
19 baseline. So if you look at the legislation created  
20 in '93, '94, there's baseline measures that are in  
21 there, but we've never done it. It was never  
22 executed to measure the base of where we're at with  
23 services. And we had -- the Bureau has a baseline  
24 and the tribes have a baseline. And that's kind of  
25 where you need to establish a base. What services

1 are you giving to the -- to the tribes and what  
2 services we're giving to the people. What does that  
3 base look like? Because there is no base. It's  
4 kind of just out there. You know, you get to a base  
5 funding and then you can build on it. But right now  
6 there's no base, it's just, you know, hit and miss  
7 for most of the programs.

8 **MR. LOUDERMILK:** Thank you.

9 **MR. KENNEY:** Hi, I'm Brett Kenney and I'm  
10 here on behalf Coquille Tribe. If you're -- if  
11 you're taking comments, I'm assuming that you might  
12 have some discretion over which -- which of these  
13 alternatives you might be able to pursue. And if  
14 you do have discretion, I'd like to encourage you to  
15 take on projects that not only can prove efficiency  
16 for the Bureau, but also advance the overriding  
17 federal policies for tribes, which are self-  
18 determination, self-governance, self-sufficiency for  
19 tribes. And there are a couple of examples of those  
20 that we've heard today.

21 One particularly, the Indian Trust Asset  
22 Reform Act is -- is a very nice example. And one of  
23 the things that does, for example, is it allows  
24 tribes to have -- I think Title II of the Act,  
25 allows tribes to have forest management plans

1 approved by Bureau and then once those plans are  
2 approved, the tribes can undertake more activities  
3 and have more control over their own forests, saving  
4 the Bureau staff time devoted to things, like, NEPA  
5 and timber sales, which take up -- well, everybody  
6 knows, you know, that takes up a lot of time.

7           The HEARTH Act that transferred leasing  
8 authority -- allows for the transfer of leasing  
9 authority to tribes, again, does almost the same  
10 thing as Title II of ITARA. From what I understand,  
11 Title II is kind of on hold right now because the  
12 Bureau is indicating that they've received advice  
13 from the solicitor saying that there has to be rule  
14 making, administrative rule making for  
15 implementation of that Title. And now I know with  
16 the new Administration, if you're going to adopt a  
17 new rule, you're going to have to get rid of two  
18 rules somewhere else. So I don't see anything in  
19 the Act that requires a new -- rules to be adopted.  
20 And so I'd ask you to consider whether or not that  
21 is something that actually has to happen before  
22 implementing Title II of the Act.

23           The other thing -- and this is kind of out  
24 there thing, but the tribes are -- tribal forests  
25 are managed under the most moderate piece of federal



1 forest management legislation in the country, the  
2 National Indian Forest Resources Management Act.  
3 And that Act requires that every 10 years a group of  
4 independent scientists, environmental specialists  
5 get together and do an evaluation of how good a job  
6 tribes have done in managing the forests. It's  
7 called the IFMAP Study. It comes out every 10  
8 years. We just had one come up two years ago. Every  
9 IFMAP Study makes recommendations for improvements,  
10 but overwhelmingly find that tribes are among the  
11 best forest managers in the nation.

12 At the same time in Oregon, and other  
13 states might be similar, we have nearly 1.9 million  
14 acres of land managed by one of your sister bureaus,  
15 and that land is being managed with almost no  
16 revenue generation and almost no job creation. And  
17 we have Spotted Owls on the decline, even though  
18 there's very little timber management activity in  
19 those forests. It is striking to me that there are  
20 tribes in this same region that have managed these  
21 forests for a millennia that have been dispossessed  
22 of these lands and are recognized as the best forest  
23 management in the country. And these lands are  
24 shutting down mills. They aren't meeting any of the  
25 three reasons you manage a forest; environmental

1 protection, job creation and revenue generation. We  
2 have a serious forest fire problem that's only going  
3 to get worse as long as we continue on the current  
4 regime of thinning and taking it away from the  
5 purpose of what it was intended.

6 **MR. LOUDERMILK:** I was just thinking how  
7 we're relating this back into the restructuring, but  
8 I can build a nexus on what you're telling me so --

9 **MR. KENNEY:** Yeah. So basically, the  
10 nexus is that I believe that Bureau of Indian  
11 Affairs and the Bureau of Land Management should --  
12 if they're restructuring, they should find a way to  
13 promote self-sufficiency of tribes and promote  
14 tribal co-management or ownership of these forests.  
15 Thanks. And I appreciate you guys listening.

16 **MR. LOUDERMILK:** Thank you very much. And  
17 you must be reading my notebook, because one of my  
18 top 10 priorities is ITARA and the forest management  
19 plans.

20 Yes, sir.

21 **MR. KUTZ:** Yeah. Again, Steve Kutz,  
22 Tribal Council of the Cowlitz Indian Tribe. We  
23 heard -- we heard from the Swinomish that there have  
24 been priorities the tribes have looked at for  
25 decades now with the BIA. There's -- there has been

1 priorities and conversations about putting into  
2 place. And my council member from the Grand Ronde  
3 left where they were terminated and brought back.  
4 We're a newly-acknowledged tribe. We never left  
5 this territory. We never signed the treaties.  
6 We're finally acknowledged that we've never left  
7 here and have not been here. And so I think that as  
8 the BIA is looking at restructuring, they ought look  
9 at where -- where the funding is and the needs are.

10 What -- what I suspect that we're going to  
11 hear is that they want to cut this amount of money  
12 out and all these salami-slice things are going to  
13 happen or weird things are going to be happening.  
14 But there ought to be a look -- close look at the  
15 BIA about the funding levels within tribes for the  
16 work that you have to do between areas, because I  
17 think there's some -- there's some inequities all  
18 across the country about where the funding levels  
19 are. And so you -- you could take a laundry list of  
20 things, whether it's the schools, whether it's the  
21 roads, whether it's -- whether it's policing,  
22 whatever it is, there's these -- there's these huge  
23 inequities that -- in the funding levels that have  
24 happened all the way across there and so when --  
25 when you talk about where -- where BIA is going --

1 where BIA is going, there ought to be a  
2 comprehensive look at where the needs are for these  
3 different things. Where the -- where the funding --  
4 where the base funding levels could be or should be  
5 to do the work that we have to do.

6           So rather than sit here and shuffle some  
7 people around and -- and shuffle some  
8 responsibilities around that is going to have some  
9 unintended consequences, because I don't think we  
10 could even predict if you came back with saying  
11 we're going to -- we're going to do this and we're  
12 going to do that. We're not going to really be able  
13 to understand what's going to happen until you start  
14 playing it out.

15           There ought to be some understanding of  
16 what tribes are facing on the ground, what it takes  
17 to manage the resources that they have under their  
18 responsibility. Manage the policing that they have.  
19 Manage -- manage the issues on the reservation, and  
20 take a thorough look at that, and work with tribes  
21 to put some recommendations forward. So, you know,  
22 I mean -- I mean that's my thought. I mean, other -  
23 - otherwise -- otherwise we end up battling each  
24 other to get on a downhill sled that's out of  
25 control from a funding point of view. Thank you.

1           **MR. LOUDERMILK:** Thank you.

2           **MR. RODMAN:** Time for one more, sir. Yes.

3           **MR. TOVEY:** Bill Tovey, I'm the Director  
4 of Economic and Community Development for Umatilla  
5 Tribe in Pendleton. I've been there almost 30  
6 years. But I -- you know, the Indian Trust Reform  
7 Act is big and all the attorneys kind of talked  
8 about it so I won't get into more detail there, but  
9 when we first got there, we looking at taking over  
10 Bureau functions and it took about 20 years before  
11 the tribes decided to. They said it's a Bureau  
12 problem, let the Bureau solve it, and it never did  
13 get solved. And so when we took over appraisals and  
14 realty functions and probates over a year to two  
15 years, we was getting rid of all those backlogs.  
16 And so I think we really got to look at that. I  
17 think about the Republicans and local control, local  
18 management, and that's what we really -- tribes  
19 really want, and hopefully we go that way. We're  
20 just looking, you know, to be partners with the  
21 Bureau. Our tribe subsidizes or complements BIA  
22 funding in our land program so we've got it where  
23 we've got federal and tribal employees working  
24 together for the betterment of the tribe. And it's  
25 working really good at Umatilla. So appreciate it.

1           **MR. LOUDERMILK:** Thank you.

2           **MR. RODMAN:** Thank you.

3           Yes, ma'am.

4           **MS. WHITEFOOT:** Hi, I apologize, I just  
5 came in. My name is Patricia Whitefoot. I'm a  
6 member of the Yakama Nation. I also serve as the  
7 Chairwoman for the Education Committee for the  
8 Affiliated Tribes of Northwest Indians. I'm just  
9 looking at your Bureau of Indian Education chart  
10 here and just want to say that with regard to the  
11 work that's been going on historically with the  
12 Bureau of Indian Education -- I'm the Superintendent  
13 of our -- a Bureau-funded school and so just  
14 whatever reorganization is all about, I just want to  
15 make certain that we also have a voice from  
16 education as well. And that includes not only  
17 administrators but also the teachers that are in the  
18 classroom, like myself, and then also the role of  
19 our parents and our tribal leadership in that whole  
20 process too, which is important. And unfortunately,  
21 we know, you know, from the government  
22 accountability reports about what's been going on  
23 with our Bureau of Indian Education funded schools,  
24 that they're not fairing very well.

25           And I see here where you have a role for

1 planning and research. Along with that I would put,  
2 you know, work that's going on, for instance, with  
3 the Department of Education. I know that the Bureau  
4 of Indian Education depends on the funding that also  
5 come from the Department of Education. There are  
6 some -- have been recommendations that have been  
7 made by the U.S. Department of Education's National  
8 Advisory Council on Indian education and I would  
9 hope that you would take those into consideration as  
10 well as the recommendations that we've been making  
11 through the National Indian Education Association.

12 Please seriously take a look at those  
13 comments that we've been making. It's important.  
14 And when we're talking about education, we're not  
15 just talking about Indian higher education, we're  
16 talking about the whole depth and breadth of Indian  
17 Country. Because when we're working in our schools,  
18 it's not just about academic achievement of schools,  
19 it's also the health and the well-being of our  
20 children and our families in our community. So the  
21 depth and breadth also includes economic  
22 development. It also includes health care. It also  
23 includes -- while we're here at ATNI, we've already  
24 been talking about all of those needs that we have  
25 in our communities.

1 So please, when you're looking at  
2 reorganization, take into consideration the holistic  
3 needs of our children and our families and our  
4 tribal communities at large.

5 I also just want to say that I'm also  
6 associated with the National Native American  
7 Boarding School Healing Coalition. And we currently  
8 have our request in, a FOIA request to locate  
9 missing Native students who were in the boarding  
10 schools. And we have not received a response yet.  
11 We've had that in for several months now. And it's  
12 my job to keep trying to follow up with you all to  
13 find out how we can access those records of Native  
14 students who have been missing and have not been  
15 accounted for in -- in the Bureau -- Bureau of  
16 Indian Education Boarding Schools. And I would go a  
17 step further to say it's not only just Bureau of  
18 Indian Affairs schools, it's also the church  
19 schools. Where are our children? Where are our  
20 family members who are missing from these boarding  
21 schools that existed, you know, not too long ago.  
22 Thank you.

23 **MR. LOUDERMILK:** Thank you for your  
24 comments.

25 **MR. RODMAN:** So we have the other



1 listening session that will start here in just a few  
2 minutes, but the comments that were shared today  
3 will be on the transcript and that will be on the  
4 BIA website, [www.bia.gov](http://www.bia.gov). And just some of the  
5 quick comments: ITARA was mentioned multiple times  
6 related to trusts. If that becomes local, make sure  
7 it's effective. Make sure the local staff is  
8 empowered. Treat tribes equally. Taxation as a  
9 possible revenue stream and those were just some of  
10 the many comments sharee, but they're all going to  
11 be considered so thank you very much.

12 **MR. LOUDERMILK:** Thank you all very much.  
13 I appreciate it.

14 **(Session concluded at 3:00 p.m.)**  
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CERTIFICATE

I, Kimberly R. McLain, do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 1st day of June, 2017.



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Kimberly R. McLain

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Whitefish, MT 59937  
406-438-1918

FOIA Officer  
Office of the Secretary  
US Department of the Interior  
E-Mail: [osfoia@ios.doi.gov](mailto:osfoia@ios.doi.gov)

June 12, 2017

## FOIA REQUEST

Dear Records Request Officer:

Pursuant to the Freedom of Information Act, I request access to and copies of the following records:

- All notes, maps or other documents used to create or cited within the interim report outlined in Section 2 of Executive Order 13792, the Presidential Executive Order on the Review of Designations Under the Antiquities Act, dated April 26, 2017 (see attached).
- All correspondence involving any staff member within the Office of the Secretary since and including April 26, 2017 concerning the interim report outlined in Section 2 of Executive Order 13792, the Presidential Executive Order on the Review of Designations Under the Antiquities Act, dated April 26, 2017.

## Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), Western Values Project requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. § 552(a)(4)(A)(iii).<sup>1</sup>

Western Values Project requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial

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<sup>1</sup> See, e.g., *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

interest of the requester.”<sup>2</sup> The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public’s business.

There is considerable public interest in the President’s Executive Order on the Review of Designations Under the Antiquities Act as evidenced by the nearly 150,000 comments received regarding the Executive Order on regulations.gov as of June 8, 2017. One estimate revealed that comments in support of the Bears Ears National Monument outnumbered those against the monument nearly 9 to 1 and this request seeks, in part, to establish what weight was given to public support for the monument during the review process.

This request is primarily and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, Western Values Project does not have a commercial purpose and the release of the information requested is not in Western Values Project’s financial interest. Western Values Project’s mission is to give a voice to Western values in the national conversation about resource development and public lands conservation, a space too often dominated by industry lobbyists and their government allies. Western Values Project will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Western Values Project will also make materials it gathers available on our public website <http://www.westernvaluesproject.org/>.

Accordingly, Western Values Project qualifies for a fee waiver.

### **Conclusion**

If possible, I would prefer to receive this information electronically via e-mail at [csaeger@westernvaluesproject.org](mailto:csaeger@westernvaluesproject.org).

If you have questions or need additional information from me, please feel free to call me at (406) 438-1918.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. If any documents are withheld based on the Agency’s interpretation of any exemption, we request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). Specifically, this *Vaughn* index should describe withheld documents with enough specificity as to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

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<sup>2</sup> 5 U.S.C. § 552(a)(4)(A)(iii)

Chris Saeger  
Executive Director  
Western Values Project



**Department of the Interior  
FREEDOM OF INFORMATION ACT  
REQUEST CONTROL FORM**

FOIA Request Control Number

OS-2017-00733

Requester's Name

Lisa Lambert

Action Office(s)

**OS****Curr nt Date**

6/19/17

**Du Date**

7/05/17

OS FOIA Contact (MIB 7328)

Cindy Sweeney

Instructions to Action Office. To meet the statutory twenty (20) workday response requirement, your search for responsive documents should be completed and dated no later than the "Document Search Due Date" shown above.

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		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
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BECAUSE \_\_\_\_\_.

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Search Coordinated By (Signature)	Please Print Your Name Here	Date
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**TOTAL SEARCH TIME EXPENDED****Please indicate time to within ¼ hour**

**Clerical Search Time**  
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**Professional Search Time**  
**Any other Costs (Identify)**