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

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

I. PURPOSE

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

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

II. PARTICIPANTS

For Reorganization of Executive Branch listening session:

- Bruce Loudermilk, BIA Director
- Morgan Rodman, Indian Affairs
- Tony Dearman, BIE Director
- Bart Stevens, BIE

For National Monument listening session:

- Bruce Loudermilk, BIA Director
- Morgan Rodman, Indian Affairs
- Jody Weil, Acting State Director for Oregon, BLM
- Scott Aiken, National Native American Programs Coordinator, FWS
- Nathan Dexter, Pacific Region Native American Liaison, FWS
- Tracy Fortmann, Superintendent, Ft. Vancouver National Historic Site, NPS
- Becky Blanchard, Congressionally Delegated Area Program Lead, USDA-FS
- Jeff Walker, Ph.D., Regional Heritage Program Lead, Pacific NW, USDA-FS

III. BACKGROUND

- **EO 13781:** For the *Reorganizing* EO, the head of each agency must submit to the Director of OMB a proposed plan to reorganize the agency, if appropriate, in order to improve the efficiency, effectiveness, and accountability of the agency. The EO calls for

soliciting input and suggestions on improvements in the organization, and tribal leader input is critical to any proposed changes to the organization.

- **EO 13792:** The *Antiquities Act* EO requires the Secretary of Interior to review national monuments that have been designated or expanded since January 1, 1996, where the designation covers more than 100,000 acres or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders. 27 monuments have been designated for review, including Bears Ears.

IV. AGENDA

See attached.

V. FORMAT

1:30pm – 1:35pm

Tribal leader offers opening remarks.

1:35pm – 1:40pm

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

1:40pm – 1:50pm

Panel introduces themselves.

1:50pm – 3:05pm

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

3:05pm – 3:15pm

BREAK

3:15pm – 3:25pm

Tribal leader offers opening remarks.

3:25pm – 3:35pm

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

3:35pm – 4:50pm

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

4:55pm – 5:00pm

Mr. Loudermilk offers summarizing remarks and next steps.

VI. HOT TOPICS

- **Budget Questions:** Tribal leaders may be concerned about the details of the 2018 budget and how cuts impact Indian country programs and services. The President released the budget on May 23, 2017. The 2018 President's budget for Indian Affairs is \$2.5 billion in current appropriations, \$303.3 million below the 2017 CR baseline level reflecting the need to balance the budget by 2027. The BIA estimates staffing will equal 6,770 full time equivalents in 2018, a decrease of 241 FTE from 2017. Dozens of tribal leaders testified before the House Appropriation Subcommittee on Interior, Environment, and Related Agencies on May 16-17 to speak against budget cuts to Indian programs. In the President's original FY18 budget request, DOI overall had a 12 percent reduction in funding. By the time of the listening session, the budget details may have been shared.

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

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

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

Possible Q&A's:

- *Why has no formal consultation been scheduled for the Reorganization of Indian Affairs?*
The Dept. has no draft plan or idea about reorganization of Indian Affairs regarding EO 13781. The goal of these listening sessions is to hear from tribal leaders first before any plans or ideas are formed. Tribal leader comments received during listening sessions will inform any future consultations on any reorganization efforts of Indian Affairs.
- *Why are you asking for Bears Ears comments by May 26 and other comments due by July 10?* The White House EO specifically references Bears Ears in Section

2(d), in that the Secretary must submit an interim report to the President on recommendations for the Bears Ears monument. Therefore, comments need to be received early so that they'll have maximum impact.

- *Why didn't you use tribal consultation for this process?*
Formal tribal consultation requires notice at least thirty days in advance of the consultation. Given the White House issued the Executive Order on April 26, 2017, and a report from the Secretary to the President is due on June 10, 2017, there was not sufficient time for formal consultation so DOI is organizing listening sessions to ensure that tribal leader comments are considered.
- *How will the comments be evaluated? Who's doing the evaluating?*
DOI's Office of Regulatory Affairs and Collaborative Action (RACA) is compiling the comments for consideration by Indian Affairs, BLM, and the Secretary's office.
- *Why did the EO specify Bears Ears?*
The White House made the determination in the EO to specify Bears Ears.
- *Why is January 1, 1996, specified in the Executive Order on the Antiquities Act/National Monument designations?*
The White House made the determination in the EO to specify that date.
- *Will we see a copy of the report the Secretary submits to the President?*
We're happy to take your comments on whether that should be made public.
- *Why didn't you go to my location for listening sessions?*
The listening sessions for the monument discussions are located in the regions where the monuments are. The listening sessions for the reorganization discussions are located in places where the most tribal leaders could be reached.
- *How would the Proclamation be repealed or amended if such an action has never been done before?*
Your input on whether that should happen is appreciated and sought. Please share your thoughts on what course of action the Administration should take.
- **Cascade Siskiyou National Monument:** Established by President Bill Clinton in June 2000 and expanded by President Obama in January 2017, the monument protects 100,000 acres of forest and grassland at the juncture of the Cascade Range and Siskiyou Mountains in southwest OR and northwestern CA. The area has ancestral ties to the Modoc, Klamath, and Shasta tribes (Shasta are not separately federally recognized but are part of Confederated Tribes of Siletz Indians or the Confederated Tribes of the Grande Ronde Community of Oregon). The land use plan has been controversial, as it tries to balance rare natural habitat, recreational activities, and agriculture activities.
- **Hanford Reach National Monument:** Created by President Clinton in 2000, the US Fish and Wildlife Service administers this national monument in WA of approximately

194,000 acres. The area is part of the Columbia River Plateau and has ancestral ties to the Yakama Nation, Confederated Tribes of Colville, Confederated Tribes of Umatilla Reservation, and Nez Perce. This area has important salmon spawning grounds (e.g., Chinook salmon), heavy elk activity, and is home to endangered species. This area was the buffer for the Hanford Nuclear Reservation and has been undeveloped since 1943.

- **Craters of the Moon National Monument:** A national monument in central ID that was originally established in 1924 but expanded by President Clinton in November 2000. The area is co-managed by NPS and BLM. The area is known for having some of the best-preserved flood basalt areas in the continental US. The Northern Shoshone has ancestral ties to this area

VII. TALKING POINTS

Welcome

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

Purpose of Listening Sessions

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

The Mechanics of Today's Listening Sessions

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

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

- Issued on March 13, 2017, and directs agency heads to send proposals to the OMB Director for the reorganization of their agencies, *if appropriate*, in order to improve the efficiency, effectiveness, and accountability of that agency.
 - More information about the EO is on the handouts provided.
- Some of the questions that may be helpful to today's discussion are:
 - Do the structures of the Department of the Interior and Indian Affairs currently meet Tribes' needs? (*See organization charts*)
 - What changes to the structures (if any) do you recommend? Why?
 - What structure would improve efficiency (in other words, would promote efficient delivery of services)?
 - What structure would improve effectiveness (in other words, would better meet Tribes' needs and promote self-determination and self-governance)?
 - What structure would make the Department and Indian Affairs more accountable?

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

[Break from 3:05pm – 3:15pm]

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

Executive Order 13792 – Review of Designations Under the Antiquities Act

- Executive Order 13792 *Review of Designations Under the Antiquities Act* was issued by President Trump on April 26, 2017, and requires:
 - the Secretary of the Interior to review national monuments that have been designated or expanded since January 1, 1996,
 - where the designation covers more than 100,000 acres
 - or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders.
- 27 monuments have been identified by DOI for review, and they are listed in the handouts provided at the door.
- Three of those monuments are in the Northwest area:
 - Cascade Siskiyou National Monument in Oregon
 - Hanford Reach National Monument in Washington
 - Craters of the Moon National Monument in Idaho
- The Secretary must use several factors in evaluating the National Monuments to determine whether each designation or expansion conforms to the policy of Executive Order 13792.
 - The policy is described in Section 1 of the Executive Order.
 - The factors are listed on the handout for today.
- KEY DEADLINES:
 - The Secretary must then make recommendations to the President on any Presidential actions, legislative proposals, or other appropriate actions to carry out the policy of Executive Order 13792.
 - The Secretary's interim report to the President is due by June 10 and must make recommendations on Bears Ears
 - The Secretary's final report is due to the President by August 24, 2017, summarizing the findings of the review and providing recommendations.

- Written comments are also being accepted for the National Monument discussion:
 - Deadline for Bears Ears comments is May 26 and for all other monuments until July 10.
 - Tribal leaders can send their written comments to consultation@bia.gov. Tribal leaders and the general public can also submit online at www.regulations.gov. Please see handout at the front for further details.
- Questions to Help Guide the Conversation
 - Are there any other monuments in addition to the 27 currently being reviewed that should also be reviewed because they were designated after January 1, 1996, without adequate public outreach and coordination with relevant stakeholders?
 - What are your comments or views on the application of the seven factors listed in the Executive Order 13792 that the Secretary of the Interior is to use in reviewing the 27 monument designations? Other factors that should be considered?

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

Closing Comments

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

VIII. ATTACHMENTS

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