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OFFICE OF THE ASSISTANT
SECRETARY-INDIAN AFFAIRS

TRIBAL LISTENING SESSION
E.O. 13792 - REVIEW OF DISGNATIONS
UNDER THE ANTIQUITIES ACT

PUBLIC COMMENTS

MONDAY, JUNE 12, 2017

3:10 P.M.

MOHEGAN SUN

ONE MOHEGAN SUN BOULEVARD

UNCASVILLE, CONNECTICUT 06382

1 **(Listening session commenced at 3:10 p.m.)**

2 **MR. BLACK:** Good afternoon, everybody. We
3 are now here for the listening session on monuments.
4 So we'll have everybody introduce themselves at the
5 front table here real quick, and I'll make a couple
6 of opening comments, and anybody else that has any,
7 and then we'll go ahead, and we want to listen.

8 **MR. JOHNSON:** Good afternoon. I'm Dave
9 Johnson. I'm with the Bureau of Land Management as
10 Tribal Liaison.

11 **MR. JANSSEN:** My name is Miles Janssen.
12 I'm Counsel with the Assistant Secretary of Indian
13 Affairs.

14 **MR. MONETTE:** D.J. Monette, U.S. Fish and
15 Wildlife Service. I'm the Associate Native American
16 Liaison Advisor for the Headquarters in D.C.

17 **MR. STEPHENS:** Hi everybody. I'm Doug
18 Stephens. I'm the Assistant Heritage Program
19 Manager in the National Headquarters for the U.S.
20 Forest Service in Washington, D.C.

21 **MR. BLACK:** Well, again, good afternoon
22 everybody, and as most of you know, this is coming
23 out of an executive order requiring the review of, I
24 believe it's all national monuments of 100,000 acres
25 or more that had been designated in the last how

1 many years? Since '96. One of the big ones that's
2 been ongoing here is Bears Ears out in Utah, many of
3 you have an interest in that, I'm sure, but we are
4 asking for input on any of the national monuments
5 that are subject to the report, and in the letter
6 that you got out at the front table there is a list
7 of all the monuments that are subject to this
8 review, but as of about a half hour ago, there was a
9 press release, and the Secretary issued its 45-day
10 interim report on Bears Ears to the President on
11 Saturday, so I am trying to get some copies of the
12 press release that came out so that we can hand
13 those out to everybody, but I will read just a
14 couple quick quotes from Secretary Zinke in there,
15 and he talks about "There is no doubt that it's drop
16 dead gorgeous country, and that it merits some
17 degree of protection, but designating a monument
18 that including state land encompasses almost 1.5
19 million acres where multiple use management is
20 hindered or prohibited is not the best use of the
21 land, and is not in accordance with the intentions
22 of Antiquity Act. I've submitted my 45-day interim
23 report to President Trump expressing my belief that
24 the monument needs to be right-sized, and that it's
25 absolutely critical that an appropriate part be co-

1 managed by tribal nations. I also recommend that
2 Congress take action to protect some areas."

3 And then he goes on to say, "Co-management
4 will be absolutely key going forward, and I
5 recommend that the monument and especially areas
6 with significant cultural interests be co-managed by
7 the tribal nations. I'm grateful the representatives
8 from tribal governments met with me in Utah, and I'm
9 optimistic for our future."

10 That's just a couple of quotes that I
11 wanted to read to you from the press release. We
12 will get copies of it to all of you here hopefully
13 before the end of the session, but with that I'm
14 going to see if anybody else has any opening
15 comments they would like to make.

16 Then otherwise, I would like to go ahead.
17 I don't want to waste anybody's time, so I'm going
18 to open it up for comment. Is there anybody that
19 would like to kick it off.

20 **MR. CHARLES:** Just a quick question. Is
21 this considered an informational session, or is
22 this considered a formal consultation session.

23 **MR. BLACK:** This is considered a listening
24 session, but we do have a court reporter here taking
25 down all of the comments, and all of the comments

1 will be fed up to the Department as part of their
2 overall process for the reviews.

3 **MR. CHARLES:** So it's not formal
4 consultation, sir?

5 **MR. BLACK:** It's not technically a formal
6 consultation, no. We couldn't meet that with the
7 30-day requirement, you know, for posting notice in
8 the Federal Register, so we are going with listening
9 sessions, but as I said, we are recording all of
10 them with court reporters. All comments will be
11 compiled and submitted as part of the record.

12 **MR. CHARLES:** Thank you, sir.

13 **THE COURT REPORTER:** May I get your name,
14 please.

15 **MR. CHARLES:** James Charles.

16 **MR. RILEY:** (Speaking Native Language.)
17 Good afternoon, everyone. I hope that everyone is
18 doing well this afternoon, and those that sit and
19 advise the President and/or his secretary, I also
20 wish you a good afternoon.

21 My name is Governor Kurt Riley from Pueblo
22 of Acoma. I do have a written statement that I'll
23 hand in to the reporter, but before I make some of
24 the remarks from this paper, I wanted to give give
25 audience and maybe some of the people in the agency

1 a bit of history from the Pueblos of Acoma.

2 There are currently 19 Pueblos within the
3 state of New Mexico, I'm one of them. In our role
4 in history at one time we emerged on to this earth
5 at a place called Chibok, and our early history
6 tells us that we migrated from the north to the
7 south to where today present day Acoma sits in the
8 Acoma Valley, it's on a Spanish land grant. Our
9 first contact was with the Spaniards. Our oral
10 history also tells us that a group continued south.
11 It is our belief that as our ancestors traveled,
12 they not only built villages, but also left villages
13 behind in order to migrate south. If you ever have a
14 chance to look up, or I invite you to Pueblo of
15 Acoma, you will see that the architecture is similar
16 to those that are more well known, Chaco Canyon,
17 Mesa Verde, and others.

18 I served as Second Lieutenant Governor in
19 2015, that was my first time that I was appointed to
20 this position in tribal administration. I did not
21 run for election. It is our Acoma responsibility as
22 a male to assume these responsibilities and to do
23 the best job that we can for one year. In saying
24 that, as Second Lieutenant I had the privilege of
25 accompanying some of my religious leaders to areas

1 that were restricted on BLM, and we were
2 unfortunately not able to access private land
3 holdings on the north side of Mount Taylor in New
4 Mexico.

5 I traveled the same road that my ancestors
6 did in Chaco highways and pathways, and so it is the
7 Pueblo of Acoma's belief that Bears Ears is one of
8 those settlements, and we have great concern as to
9 why the current administration is reversing its
10 position to protect those areas.

11 The Pueblo of Acoma is also known in
12 recent years to try to stop auctions that are being
13 held in Paris for such antiquities. Some of our
14 Pueblos before they were actually recognized were
15 luted, some even on our current reservation, and so
16 our position as far as the Pueblo of Acoma is, Bears
17 Ears should stand as a monument with the current
18 acreage, because without that BLM is not able to
19 currently protect it as is, as it was before, and so
20 our ancestral ties go all the way up possibly even
21 further north.

22 As I said, as Second Lieutenant, I
23 suddenly realized that our older history is now
24 being proved by science, and so as I said before, I
25 do have this position statement, however, Executive

1 Order 13792, which I understand you must honor,
2 shows a depth of disrespect for the entire notion of
3 meaningful government-to-government consultation
4 with Indian tribes in meaningful public review with
5 the American public. It currently stands as a
6 monument, and that's why I'm referencing, and many
7 others in here are very concerned about the lack of
8 tribal consultation, meaningful consultation.

9 As a result of that formal consultation,
10 tribes must also be advised as to the reasons why
11 tribal recommendations are rejected by those federal
12 officials making such decisions. So with that, on
13 behalf of the Pueblo of Acoma as their Governor I
14 oppose any recension of Bears Ears as a national
15 monument.

16 I also know that there is another monument
17 that's on the list, Canyons of the Ancients National
18 Monument. The same holds true for that monument as
19 well. So with that, as I said, I have a position
20 paper here that I would be happy to provide to the
21 recorder. Thank you.

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

23 **MR. MITCHELL:** Good afternoon. My name is
24 Mark Mitchell. I am the Governor for the
25 Pueblo of Tesuque also located in the great

1 state of New Mexico. I'm going to start off with
2 this: All those monuments, ruins located out in the
3 greater southwest area, I say this to archeologists,
4 those are the footprints of my ancestors, there's
5 evidence of human occupation. I'm making sure that
6 you understand that those footprints belong to
7 Native people, and on our behalf, as far as Tesuque
8 is concerned, we also oppose any of the monuments be
9 taken off. Not only Bears Ears, but there's also
10 others in the state of New Mexico down south, Organ
11 Mountain area, those are others that need to be
12 protected. Why? Because those are our churches,
13 those are our ancestral pilgrimages that one Native
14 person that could understand why we do what we do,
15 and should you take it off, well, we know the
16 reasons why they want to take them off, especially
17 Bears Ears. The State of Utah wants control over
18 that for fracking and development of that nature,
19 but little -- they don't understand as non-Natives,
20 Hispanics, Anglos, they don't understand our
21 culture. Our culture is tied into the land, and the
22 State Governor, Susana Martinez, once told me, you
23 need evidence, Governor. What more does she need?
24 And likewise here, I think we need to educate folks,
25 because if you have a religion like ours is as old

1 as time, since time immemorial, before the Pilgrims
2 landed here, before the Hispanics showed up in the
3 greater southwest, human occupation by Native
4 Americans in this great continent, what we call the
5 United States, that needs to be understood, because
6 there's a reason why these ruined sites are out
7 there, especially to Native people, because they're
8 very important. Once erased, they're gone forever,
9 and there's a lot of things internally within those
10 parks or those sites, areas, prior to contact with
11 the Hispanics, Pueblo people in the southwest, we
12 didn't have any cemeteries, so wherever these, the
13 folks that passed on, that's where they were laid to
14 rest.

15 So what I'm getting at is, the landscape
16 is probably covered with human burials, and those
17 aren't marked, because you don't -- we all probably
18 have grandparents and parents that have probably
19 passed on, and how would you feel if I went to those
20 burial sites and dug them up and luted them. I know
21 that you probably have fire in your heart right now
22 and in the bottom of your bellies, but that's how we
23 feel. So in order to make sure that these areas are
24 protected, that's why we push, the Pueblo Governors
25 push to get this taken care of, protected.

1 You alluded to the oversize of it, but as
2 I alluded to, there are also things that are
3 underground that is not seen by any of us, and some
4 of the archeologists that have trained eyes to see
5 things, notify things on the surface, they know. So
6 again, I just say this because I think that it's
7 going to be a big mistake in doing this, not only
8 for the southwestern tribes, but the tribes across
9 the country.

10 So I hope that these discussions or any
11 other discussions about fallen deserts, and whenever
12 there's consultation, meaningful consultation, and
13 the tribes give you their thought process, and what
14 they think could work, that issue be written, it
15 should be taken into consideration, it should be
16 written in black and white, so that the tribes know
17 that that was meaningful consultation, because,
18 look, this is what we recommended, and here it is.

19 So with that, again, my name is Mark
20 Mitchell, I'm the Governor for the Pueblo of Tesuque
21 in New Mexico, and we too have very alarming
22 concerns about what our President is trying to do.
23 So I hope that, again, it doesn't fall on deaf ears,
24 and that this session and this time that we all
25 spent money and time to be here, that it doesn't all

1 fall on deaf ears. Thank you.

2 **MS. ANDREWS-MALTAIS:** Good afternoon.

3 Cheryl Andrews-Maltais, Chairwoman of the Wampanoag
4 Tribe of Gay Head Aquinnah, and just as a note, or a
5 side note, being a New England tribe, and one of the
6 first tribes to have early contact with the
7 Europeans, and having endured the losses, the
8 profound losses of tribal lands, we in the northeast
9 are on a fraction of a fraction of a fraction of our
10 land bases, so most of our sacred sites, or I should
11 say a lot of our sacred sites in places that hold
12 cultural significance to us have already been
13 destroyed or are negatively impacted, and we
14 understand so acutely what it means to be able to
15 try to hold on to them, as well as when we have the
16 bigger or the more vast expanses of those sacred
17 sites, to be able to really acknowledge what they
18 mean, and how extensive they truly are, because they
19 service as a place of worship and ceremony for
20 multiple tribes, not just one, but for entire
21 regions, you know, and the monument protections that
22 we had in place, and particularly underneath the
23 Antiquities Act, are vitally important to Indian
24 Country and sacred sites, and they must endure.

25 You know, we performed for a very long

1 time, particularly for the monument designations
2 that they just put out, they did perform extensive
3 outreach to the general public, and I find it really
4 ironic that here we are having these discussions
5 about the general public being upset, because the
6 vast land masses now being held and protected for
7 Indians, but yet when it's Indian land, vast tracks
8 of land being taken away from Indian Country, there
9 doesn't seem to be the same type of outcry or
10 uproar.

11 Also, this is another indication of where
12 Federal and Tribal partnership relationships could
13 really work well by being able to utilize or engage
14 the tribes to help protect these things and identify
15 certain unsensitive areas that will make more sense
16 for the tribes to handle as well as the federal
17 partners to be able to help, but the other thing is
18 that's really troubling is that we have to protect
19 these sacred sites and cultural landscapes from the
20 extracted industries that do nothing but assault our
21 mother earth and create live wounds that will never
22 be repaired.

23 These are nonrenewable resources that
24 we're talking about. We're talking about sacred
25 sites, ceremonial sites, and places of cultural

1 significance. They cannot be replaced. Once
2 destroyed, they're destroyed forever, and that goes
3 to the core of who we are as Indian people, because
4 that's how we identify ourselves, as people of
5 certain places, and we go to those places in order
6 to rejuvenate our spiritual soul, and the United
7 States Government has a responsibility to assist the
8 tribes in not only our government structure, our
9 health and our education, and that's our entire
10 health, that includes our cultural health, and our
11 spirit as well, and I thank you for being here and
12 listening to us.

13 **MR. BLACK:** Anybody else?

14 **MR. WASHINES:** My name is Davis Washines,
15 also known as Yellowash. I'm the Chairman of the
16 Yakama Nation General Council. We are the largest
17 tribe in the northwest with approximately 11,000
18 members. We have a 1.2 million acre reservation.
19 In 1855 we ceded 12 million acres to the U.S.
20 government in exchange for a reserve of certain
21 rights, and our traditional, usual, and custom area
22 extended from Canada to California, from the
23 Chickasaw to East of the Rockies.

24 One of the monuments under consideration
25 under the Secretary of Interior is Hanford Reach,

1 and I'm here to make a statement on behalf of the
2 Yakama Nation that one that was designated in 2000
3 was very important to the Yakama Nation, which as
4 you know, the Hanford Reservation, nuclear
5 reservation, within the treaty territory of the
6 Yakama Nation, and it was because of the designation
7 when the Hanford nuclear reservation was created
8 that this area was pretty much left hands-off, if
9 you will, from any type of development. So this
10 area of the Columbia River on the Hanford Reach is
11 one of the most pristine waters in the northwest,
12 vital to our salmon, the place where they come and
13 reproduce. So it's very vital to the Yakama Nation,
14 just as the previous speakers have ties, that these
15 waters and this resource has to our cultural and
16 spiritual way of life, and so the Hanford Reach
17 needs to be protected as with other sacred sites
18 because of the value that it has to sustain our way
19 of life, and there will be probably a tribal council
20 session this morning that most likely we'll be
21 submitting or continuing to submit documents
22 regarding the Hanford Reach monument, so I welcome
23 this opportunity to speak on behalf of the Yakama
24 Nation regarding that designation, and also I
25 believe our Yakama Tribal Council, also in regard to

1 the Bears Ears monument, supports our fellow
2 nations.

3 And I just want to make a comment on the
4 press release. In it the Secretary says that the
5 Secretary met with state, local, and tribal
6 stakeholders. We are not stakeholders. We are
7 sovereigns, there's a distinction that we hold that
8 we, because of our treaty and its legal status under
9 Article 6 of the constitution, that we are not
10 merely stakeholders, I want to emphasize that. We
11 are sovereigns, and that sovereignty is based on our
12 being here since the beginning of time, as you heard
13 from my brothers from Acoma, the creation stories of
14 our people.

15 So I think this type of understanding
16 needs to be clearly made at all times that we hold
17 responsibilities, as you heard, to this land and to
18 the resources, and so that is why it's important
19 that these types of listening sessions have some
20 productivity and that you incorporate that, but I
21 just wanted to say that on behalf of one of the
22 monuments, and I'm pretty sure there are others that
23 have similar feelings about their meanings, but this
24 is in regard specifically to the Hanford Reach, so I
25 want to thank the panel for being here and

1 listening.

2 **MR. BLACK:** Thank you, sir.

3 **MR. CHARLES:** James Charles. I
4 respectfully ask for three questions, if you don't
5 mind, sir. These areas and these lands that will be
6 stripped of their designation, what will their land
7 status be, and what uses will be allowed on those
8 lands?

9 **MR. BLACK:** Do either of you guys know?

10 **MR. STEPHENS:** I don't know enough details
11 about what parcels they're talking about.

12 **MR. JOHNSON:** It would depend on which
13 monument you are referring to. Each has a separate
14 designation for whatever values are valuable at that
15 location.

16 **MR. CHARLES:** Kind of following off of the
17 comments by the chairwoman for the Aquinnah. It is
18 my understanding the reason why these designations,
19 or at least the reasons that have been given in the
20 news, is that there's a belief that there was
21 inadequate public comment and input in the original
22 designation. What steps are you guys doing now to
23 have adequate public input, and how does that differ
24 from when they were originally designated it?
25 Because I'm having a hard time seeing the

1 difference, and I hope you can clarify that for me.

2 **MR. BLACK:** Well, I don't know if I can
3 necessarily clarify it for you. I wasn't part of
4 the original monument designations, that really does
5 fall outside of Indian affairs. I was tasked with
6 making sure that we had a voice coming from Indian
7 Country, so that's why we're out conducting these
8 listening session.

9 I can tell you, as I stated early on, we
10 are making sure that we have a court reporter, and
11 all of these listening sessions will be transcribed,
12 they will all become part of the; formal record for
13 the overall formal comment period for these reviews.

14 One of the things you'll probably notice
15 in the press release is they did extend the comment
16 period for Bears Ears to July 10th to coincide with
17 the comment period for all of the monument
18 designations. So like I said, this will become part
19 of those records. We are gathering that. How
20 they're doing the rest of the public consultation or
21 comment period, there was a notice put in the
22 Federal Register. Outside of that I don't know how
23 they're dealing with the public outside of Indian
24 Country.

25 **MR. CHARLES:** I appreciate that. My final

1 question has to do with the news release. It talks
2 about the co-management of tribal nations, and that
3 sounds good on paper, but I'm trying to understand,
4 how do you perceive that co-management being? Is it
5 going to allow for traditional uses on those lands?
6 And whenever there's co-management, it entails some
7 type of obligation from the tribal nations, whether
8 it be financial or otherwise. How is that going to
9 come into play? It may sound good, but how is that
10 actually going to work where the use of these lands,
11 and you heard from the governors, how does that co-
12 habitation differ from their current traditional use
13 of land, and what obligations are you expecting from
14 the tribal nations in connection with that co-
15 management arrangement, even if the tribes agree to
16 it? How does that work, and how do you foresee that
17 working?

18 **MR. BLACK:** Well, to be honest with you, I
19 don't know. Those have been discussions that have
20 gone on between the Secretary and some of the tribal
21 leaders that have come to visit with him as well as
22 come visit with Jim Cason, the acting deputy
23 secretary, co-management discussions have come up in
24 a number of those conversations. I think the tribes
25 themselves may have some proposals to push forward,

1 or ideas of how that would look. I think that would
2 be yet to be determined in discussions and
3 consultation between the tribes and the Department
4 as to how that co-management would look.

5 **MR. CHARLES:** Thank you for answering
6 those questions. I have to say that I'm extremely
7 disappointed by this, and I mean no disrespect when
8 I say this, it seems like this is perfunctory.
9 We're going through the motions. The decision has
10 been made, and now it's just checking a box to make
11 it look and smell good, and it's really
12 disappointing. I appreciate your time and your
13 frankness in the answers. Thank you.

14 **MS. ANDREWS-MALTAIS:** I was just
15 wondering, this is a follow-up to the gentleman's
16 question. Will Secretary Zinke or Assistant
17 Secretary Cason be coming to speak to Indian
18 Country? Because as you pointed out, this panel
19 here is representing Indian Country for Indian
20 Country, but where is the forum that Indian
21 Countries get to speak to the Interior that has
22 oversight over all of those particular land
23 management and fish and wildlife management
24 agencies? We're working in a silo here, and it's
25 not going to get outside that silo unless we have

1 the people that actually are the conduit to all
2 those other agencies in the room hearing these
3 things as well, that they would be able to answer
4 questions.

5 It's not fair to have you guys sitting
6 there as a panel addressing Indian Country only
7 representing Indian Country to go back in the forum
8 that you're bringing our voices when your
9 responsibility is bringing Interior, the entire
10 Department of Interior's people to Indian Country to
11 hear Indian Country's voices.

12 **MR. BLACK:** Well, you know, I can't speak
13 to what the Secretary or Mr. Cason's plans are right
14 now. I can say that Secretary Zinke did go out to
15 Utah. He did have a two- or three-hour session with
16 some of the tribal leaders regarding Bears Ears. As
17 a follow-up to that session, and upon request to the
18 tribal leaders, there was about a four-hour session
19 in D.C. with Mr. Cason with representatives of the
20 Bears Ears coalition and some of the other tribal
21 leaders to just really specifically address Bears
22 Ears. Now, the rest of the monuments I don't have
23 an answer for you, Cheryl.

24 **MS. ANDREWS-MALTAIS:** And we're talking
25 about Bears Ears currently right now, and other

1 monuments that were identified or designated as the
2 scrutiny, for lack of a better word, but what about
3 anything else that might be out there, or how this
4 decision of the disposition of how these are going
5 to be treated will impact or affect other ones that
6 would be considered or hadn't even made it to that
7 point that have been either in the queue working
8 with the tribes themselves, or tribal coalitions
9 that hasn't made it all the way up to where it got
10 its designations under the Antiquities Act.

11 So whatever this decision is, is going to
12 have a long-term or far reaching effect. So,
13 therefore, although it was appropriate to have
14 consultation specific to these two, or to these
15 individual sites that are under consideration now
16 for reversal, where is the consideration for things
17 that are not those two specific if they're going to
18 make that type of a wide-sweeping change and try to
19 do or undo the President's authority under the
20 Antiquities Act, or try to create some sort of other
21 mechanism for consultation with the outside world
22 that is something that is specific to Indian
23 Country's interests?

24 **MR. BLACK:** Well, right now all I can say
25 is that they're going through the review of the

1 monuments that have been designated since whatever
2 that date was, 2000 or 2001. They're just looking
3 specifically at those that have been designated, so
4 there's about 20 on the list, and they're all shown
5 here.

6 There haven't been any discussions with me
7 or anybody in my office regarding how they're going
8 to approach those that are in the queue right now
9 for consideration. So I mean, it's pretty
10 preliminary for me to even try to speak to that. I
11 really don't have an answer for you on that.

12 **MS. ANDREWS-MALTAIS:** Again, it's just
13 blatantly unfair to you guys to have you guys
14 sitting here trying to field these questions when
15 it's something that should be agency wide.

16 **MR. BLACK:** I quite honestly don't know
17 that they would have answers to some of those
18 questions either for you right now.

19 **MR. BROWN:** John Brown, Narragansett
20 Tribe. There were two things I heard when you were
21 speaking on these issues that kind of peaked my
22 curiosity. The first thing was that the gentleman,
23 David Johnson, indicated that the monuments are
24 going to be determined based upon the riches or the
25 resource value.

1 **MR. JOHNSON:** Bears Ears was designated
2 for cultural resource value protections. Others are
3 for natural, biological resource protections.

4 **MR. BROWN:** So we're not talking about
5 something that is underlying those principles?

6 **MR. JOHNSON:** No.

7 **MR. BROWN:** Okay. We'll get back to that.
8 The second issue that came from you, Mr. Black, you
9 indicated that you have a stenographer here, and
10 she's taking, I guess, a total transcript of this
11 meeting. If, as you indicated, you don't know
12 what's going to happen from here on out, what would
13 be the purpose of having a stenographer, and exactly
14 what are these minutes, these notes, going to be
15 used for?

16 **MR. BLACK:** Well, right now they are going
17 through a formal comment based on all of these
18 monument reviews, including Bears Ears, where they
19 are soliciting formal comments from the public and
20 Indian Country as well. These are specifically
21 targeted to gather comments from Indian Country.
22 So, therefore, all of the notes and the
23 transcriptions will become part of the official
24 record.

25 **MR. BROWN:** And that's it. Just part of

1 the complaints that people have to say --

2 **MR. BLACK:** I wouldn't say part of the
3 complaints, but for part of the consideration. We
4 will take a look at all of the recommendations that
5 come from Indian Country through this process, we
6 will put those recommendations forth for the
7 Secretary and the President to consider in their
8 decision-making process.

9 **MR. BROWN:** I see. Now I will come back
10 to the resources that are being -- who requested a
11 resource review of these particular monuments, or
12 monument areas that are being discussed?

13 **MR. BLACK:** President Trump through
14 executive order.

15 **MR. BROWN:** And it is based upon that sole
16 authority?

17 **MR. BLACK:** Basically I would say yes.

18 **MR. BROWN:** I understand. Just one
19 question, and this is probably outside the scope of
20 what we're talking about, but how much is enough?
21 When you own the world, and just about everything in
22 it, how much is enough? How much more do you have
23 to take to make your point? How much must be
24 destroyed where, in the actions themselves, wipe out
25 the pathways and the foot paths for untold

1 generations? It seems like in some ways that there
2 is an attempt to remove the genetic record, but it's
3 somewhat assiduous in the sense that you first start
4 by removing all record of people's past life-ways
5 and lifestyles, and so the question becomes, how
6 much is enough? When will it stop? Some of us are
7 people of the ancient world and people of the modern
8 world, but we have to coexist in both places. But
9 I've noticed something about the Americano society
10 that we live in, if in this modern day and age, and
11 you said something wrong about the Hispanics, or the
12 Italians, or the Jewish people, there would be
13 immediate retaliation, your actions would be
14 considered irreparable. But if you go to the news
15 channels, and you go to the entertainment channels
16 on television, there are still cowboy and Indian
17 movies, and it's still okay to speak disparagingly
18 about the indigenous people that are here, and that
19 seems to be what people have no understanding of
20 what we're about, why we're here, what we're doing.
21 The fact that they have taken 60, 80 percent of
22 everything else, they don't learn from their
23 mainstream society, they don't care. But how much
24 is enough? When is commonsense going to prevail?

25 What is being destroyed or being proposed

1 to be destroyed is not just for the people in this
2 room, it's for the people that came before, the
3 people that are here now, and the people that are
4 yet to come. The destruction of these things, you
5 can't put it back. Maybe one of these days when we
6 have time travel and stuff like that, you might be
7 able to go back and see it, but gentlemen, we're not
8 there yet, that science, those mathematics do not
9 exist.

10 If you're going to give anything
11 consideration, consider the fact of what you're
12 doing, and the ultimate cost to future generations,
13 not only of the indigenous people, but the people
14 around us, because eventually somebody is going to
15 want to know, and what are we going to tell them? A
16 place that was tore up and there's now a parking lot
17 there? Something that was fracked, so now you have
18 a big hole in the ground.

19 Those people in the ancient world, they
20 did things for a specific reason, and they were
21 stewards of the land. They kept those things in
22 that way so that future generations would have a
23 place to go, that what they were about would be
24 seen, and now someone who has come across the waters
25 uncaring, their societies uncaring, are going to

1 remove those things, and that is wrong.

2 It's not expected that you would be able
3 to resolve this matter at this panel in this place,
4 or to ask to be more than just a comment and a
5 footnote that goes into your records, so there was
6 just that consideration.

7 **MR. BLACK:** Thank you. I appreciate that.

8 **MR. LEVY:** Jay Levy. I was wondering if
9 Katahadin Waters Memorial is under consideration for
10 review?

11 **MR. BLACK:** What's it called?

12 **MR. LEVY:** It's up in Maine. Katahadin.

13 **MR. BLACK:** Yes.

14 **MR. LEVY:** Even though it's under a
15 hundred thousand acres.

16 **MR. BLACK:** That says, "National monuments
17 being reviewed to determine whether the designation
18 or expansion was made without adequate public
19 outreach and coordination with relevant
20 stakeholders." That's the only monument under that
21 category.

22 **MR. LEVY:** And I would just like to say
23 too, we need to respect each other, and respect each
24 other's culture, and respect each other's
25 differences, and especially with respect to the

1 land. Thank you.

2 **MR. BLACK:** Thank you. Chairman Forsmin.

3 **MR. FORSMIN:** Chairman Leonard Forsmin of
4 the Suquamish Tribe in Seattle. We've got a long
5 cultured history that dates thousands of years back,
6 and we're very concerned about this trend about
7 reviewing national monument designations that
8 include a lot of cultural and spiritual resources,
9 sacred land to the tribes, so it's very shocking to
10 us.

11 Although we don't have any in our general
12 territory yet, we are concerned with our friends in
13 the Yakama Nation, and the hard work that they did
14 to preserve Hanford Reach, and we'll be submitting
15 some comments. It just seems to be that there's a
16 disturbing trend out there that there's a small
17 number of people with loud voices, that sometimes I
18 don't even think represent the majority of the
19 populations, are complaining about the Federal
20 Government designating lands for cultural
21 preservation, and so it's important that I think the
22 Administration take into account the importance that
23 these monuments provide to the economies of the
24 local areas, and also oftentimes protection of
25 important ecological habitat as well, and where we

1 come from is under constant threat to pollution and
2 overdevelopment, storm water filling in of wetlands,
3 salmon spawning areas, all those things that we feel
4 that the Federal Government to tribes have a trust
5 responsibility and a sacred responsibility to
6 preserve our threat, and I did have a statement that
7 I'll add, a written statement that we'll submit by
8 July 10th, and I'm glad to hear that the comment was
9 extended for Bears Ears, because I have been down to
10 those places, and if anybody hasn't been down to New
11 Mexico to see these places, it's a very powerful
12 experience to see what's been preserved, and the
13 Federal Government has preserved a lot of beautiful
14 places that are very fragile, and unfortunately
15 there's a lot of luting that goes on in those areas,
16 and it hasn't been mentioned yet, because it's so
17 hard for us to talk about, but a lot of these local
18 communities are engaged in luting. It's a small
19 number of those people, because most of the people
20 in those communities, I believe, value those ancient
21 places as well, and there has been pretty swift
22 punishment for the people that they can catch, and
23 the local communities don't stand for it. So I
24 don't want to paint a brush saying all people in
25 those areas are luters, but there's a few out there,

1 and the Federal Government, of course, has been very
2 active in trying to prosecute those as well, and
3 I've been to Native American Tribal Historic
4 Preservation Officers meetings where we've heard
5 about some of these folks being managed by the
6 courts and the Federal Government in trying to
7 return a lot of the things that are seized back to
8 the people for them to reinter or at least restore
9 the only way we know how, and I just hope that the
10 Administration will see this for what it is, because
11 I think it's a very, very small number of people
12 that there's a knee-jerk reaction to, but the people
13 that were able to make it out here, obviously
14 there's a lot of concern, and we represent a lot of
15 people, and there's a lot of supporters, so I think
16 it's important.

17 I'll just go ahead and read this: The
18 arguments for reviewing and potentially reducing the
19 size of our national monuments are short-sided. The
20 need for short-term gains and energy extraction and
21 expansion of destruction or recreational activities
22 pale in the value that these monuments will have
23 over many generations who can continue to have
24 unique cultural and spiritual experiences with these
25 unique ancient landscapes. Local communities should

1 work together to balance the need for living wage
2 jobs through the preservation of our irreplaceable
3 cultural heritage and spiritual places. Cultural
4 tourism is a renewable growing industry. National
5 monuments are key to the tourism industry's
6 sustainability. The Suquamish Tribes are concerned
7 about the disturbing trend that this administration
8 has taken toward the preservation of the places that
9 make our traditional homeland safer and nurturing,
10 including our beaches, lakes, streams, mountains,
11 and desserts given to us by our creator to preserve,
12 sustain, and enjoy. Thank you.

13 **MR. BLACK:** Thank you, Chairman.

14 **MS. PITKA:** I'm Chief Rhonda Pitka from
15 the Village of Beaver. In full disclosure I'm also
16 a member of the Federal Assistance Board. So I have
17 one question, and then I'll make my comments. In
18 the Federal Register Notice it says that the Marine
19 National Monuments are also under review, but it
20 doesn't list a date when comments will be taken for
21 that, and it also says that they want to implement
22 the America First Offshore Energy Strategy. We're
23 opposed to the Offshore Energy Strategy for the
24 coast of Alaska. That would put marine mammals in
25 dire critical extinction, and I would also like to

1 say that we oppose any, I guess, any of the
2 reversals of the Antiquities Act. That just seems
3 like it's going directly against the American
4 interest.

5 The American people have a right to have
6 our cultural and sacred sites. We are American
7 people. I mean, first we identify ourselves as
8 Native American, but we are also Americans, and
9 these cultural sites are part of the backbone of
10 what makes America great. It was already great, by
11 the way.

12 We also oppose removing the monument
13 status for Bears Ears. I feel like there was ample
14 public comment, and it was open for a long enough
15 time, and they followed the law on that.

16 Oh, I didn't get an answer about the
17 Marine thing.

18 **MR. BLACK:** If you can get me your name
19 and contact, and we'll try to get that information
20 for you, because I don't have that.

21 **MS. PITKA:** It lists the areas of the
22 Marine National Monuments being reviewed, but it
23 doesn't list a date for comments, or how that
24 comment period will take place. We have several
25 comments on that, and I would like to know that.

1 **MR. BLACK:** Until I can give you a better
2 date, I would assume July 10th as the same deadline,
3 but we'll try to give you a better answer than that.
4 Anything else?

5 **MS. PITKA:** No, just as a side note, I
6 live within the Yukon Flats National Wildlife
7 Refuge, that's where our tribal lands are, the
8 refuge happened after ANICA, so they took away our
9 tribal lands and designated them as a National
10 Wildlife Refuge, so I'm very concerned about the
11 reversal of public land in this country, because I
12 live on public land, and that's really the only way
13 that we still have fish and wildlife to eat for our
14 people, and how we're able to observe our culture
15 and pass it on to our children. Thank you.

16 **MR. BLACK:** Thank you very much.

17 **MR. CUTHAIR:** My name is Harold Cuthair,
18 that's C-U-T-H-A-I-R. I'm the chairman of the Ute
19 Mountain Tribe, and we've had numerous, numerous
20 discussion with the Federal Government and the U.S.
21 state governments about Bears Ears and how it was --
22 how it has the ancestral ties with the Native
23 Americans, and where we have our ceremonies, and we
24 get herbs from. We have discussed this when we had
25 that press conference a while back, and we met with

1 Zinke up in Salt Lake, and we came back over here to
2 D.C. to do the discussion with the deputy secretary,
3 and we had spoke to them, and, you know, how much
4 longer are we going to continue this discussion
5 about Bears Ears. You know, we would like to keep
6 that monument to preserve it being a sacred site,
7 because all Native Americans have that same culture
8 and tradition that's sacred to them, and we had,
9 like I said, we've been talking with the Secretary
10 at that time, and the one thing that I told him, I
11 says, with all the policies and the laws that are
12 set for different entities, and I said with all that
13 said, where does the Department of Interior stand as
14 far as all the treaties and the water rights and
15 what was there before all this, and where do you
16 stand, the Department of Interior, you know. You
17 know, because of what's going on in Indian Country,
18 I'm here as part of the Ute Mountain Tribe on behalf
19 of the Ute Mountain Tribe and other Native Americans
20 that have similar ties to their culture, their
21 tradition, and mother earth, and the water. We have
22 that tie, that connection with the earth and nature,
23 so that's how we look at it.

24 I would say this, is that you have to be
25 Native American to understand what it's like to be a

1 Native American. We people here know that, and we
2 don't want to -- we've seen non-Indians come to our
3 reservation and say those things, their
4 interpretations from the Government, with
5 archeologists, and the way they interpret it, but
6 they don't really understand the Native American
7 side of it, how we respect nature, mother earth,
8 water, the herbs we have, the herbs we pick off
9 mother earth. Bears is one of those places. Thank
10 you.

11 **MR. BLACK:** Thank you. I appreciate that.
12 Anybody else? Yes, sir, Mr. Charles.

13 **MR. CHARLES:** I'm sorry I'm asking so many
14 questions. Can you help me out with the process of
15 how this works? We had a news release about Bears
16 Ears, so there's a recommendation from the
17 Secretary. If there's going to be a downsizing of
18 the geographic scope of the landmark, is that going
19 to be done by Executive Order where you go back to
20 Congress and have Congress vote on the designation?
21 What is the next steps, when you get this
22 recommendation, how is, as Secretary Zinke said,
23 rock sizing, quote unquote, how are you going to
24 implement and perfect that? What is the process
25 going forward; that is, I haven't been able to see

1 what the process is, and I'm hoping you can explain
2 the process of what is trying to be accomplished and
3 will be accomplished?

4 **MR. BLACK:** Does anybody know the process?
5 You know, I don't know. I'm taking a guess here,
6 because none of us here are formal -- like I say,
7 we're Indian affairs, we don't do monument
8 designations. I have representatives here from the
9 other agencies that do certain parts of it that can
10 help explain certain things, but I'm guessing that
11 whatever process happens to designate a site,
12 similar like in Bears Ears, for an example, I think
13 that was designated by Secretary Jewell, that would
14 take an action by either Secretary Zinke or
15 President Trump to reverse that action and make a
16 new designation is my guess, but there again, we
17 would have to go back and find out exactly what that
18 process would be.

19 **MR. CHARLES:** I appreciate you giving me
20 your best guess. I hope you can understand from
21 this side of the room --

22 **MR. BLACK:** I totally do.

23 **MR. CHARLES:** -- how can we meaningfully
24 comment if we don't even know what we're commenting
25 on, especially the process?

1 **MR. BLACK:** I apologize for that, but I
2 don't know what the process is and how to do that,
3 but I'm hoping that we can still garner whatever
4 comments you guys feel are important for the
5 Secretary and the President to hear regarding these
6 monuments and their importance to you, that we can
7 make sure that those messages get conveyed.

8 **MR. CHARLES:** As a follow-up sir, you said
9 that you believe that the way it's going to be done
10 is either by Secretary Zinke or Trump issuing some
11 kind of order to create a re-designation of the
12 geographic scope. If these areas require a
13 Congressional Act to designate them as landmarks,
14 well, why wouldn't that be the process --

15 **MR. BLACK:** Well, if that's the case, then
16 they probably -- I don't know. There again, my best
17 guess would be that it may take congressional action
18 then to change that designation, if there was
19 congressional action to designate it in the first
20 place. I apologize, I'm not an expert on monument
21 designations.

22 **MR. CHARLES:** But that's what we're
23 talking about.

24 **MR. BLACK:** I apologize again, but this is
25 really a listening session to make sure that we're

1 hearing from Indian Country so that your voices get
2 heard to the Secretary and to the President
3 regarding these monuments and the importance of them
4 to you, your feelings on whether or not they should
5 be changed in any way, shape, or form, whether they
6 should be reduced, whether or not they should be,
7 heck, enlarged for that matter, but whatever your
8 voices are, we want to make sure that we gather that
9 input, and then that input gets put forward.

10 **MR. RILEY:** Again, my name is Governor
11 Kurt Riley from the Pueblo of Acoma. Again, I'm
12 going to read from my written statement. Executive
13 Order 13175 directs you to consult with Indian
14 tribes on a government-to-government basis. You've
15 already acknowledged that this is not a formal
16 consultation but a listening session.

17 Meaningful engagement and consultation with
18 Tribes is not merely attending a listening session,
19 consultation is an ongoing process throughout the
20 decision-making effort, and has five key elements:

21 Timely notice of the proposed federal
22 activity. Tribes must be given sufficient
23 information to assess and convey to the decision
24 maker the potential impact of the proposed federal
25 activity on Tribal lands, and in this case Bears

1 Ears and the Oregon Mountain Monument both have --
2 how would you classify it? Native American
3 ancestral properties. Tribes must be told as to who
4 will make the final decision with respect to the
5 federal action. Tribes must have meaningful
6 opportunity to make comments and recommendations as
7 to the proposed action, and these comments and
8 recommendations are to be fully considered by
9 federal officials responsible for the final action,
10 and as I said before, tribes must be advised of the
11 reasons why tribal recommendations are rejected by
12 those federal officials making such decisions.

13 And so, again, I voice my opposition. This
14 is, in all of these cases, these are already
15 existing federal monuments, you cannot deny that,
16 and any action that affects federal tribes below the
17 nations of this country must require formal
18 consultation. Thank you.

19 **MR. BLACK:** Thank you.

20 **MS. ANDREWS-MALTAIS:** Since you give the
21 opportunity, I don't know if, for the record,
22 anybody has asked to enlarge them, but for the
23 record, I would like to see them enlarged.

24 The other thing is, in response to
25 Executive Order 13175 where the consultation says

1 it's still in effect, you know, that really does
2 need to happen, and I'm hearing this body asking for
3 consultation with the Secretary of the Interior and
4 those relevant bureaus underneath Executive Order
5 13175, consultation and coordination with Indian
6 tribes, because it is a regulation, it is a policy,
7 it is an action, it is an undertaking that a federal
8 agency is going to take, and therefore, until or
9 unless the 13175 gets repealed, there's an
10 obligation there, and so just to echo that.

11 The other thing is, is that I would also
12 think that through that process, even if they wanted
13 to try to get around the Executive Order underneath
14 the National Historic Preservation Act, underneath
15 the environmental protection component, Section 106
16 of the National Historic Preservation Act should
17 kick in, as well as all of the other related laws
18 and executive orders that go along with it that
19 interact or interject -- I mean, intersect with
20 Section 106. So there's a lot of consultation
21 responsibility that is not being upheld, whether or
22 not it's the Executive Order or Section 106 or the
23 other related orders that go along with it. Thank
24 you.

25 **MR. CHARLES:** James Charles again. Kind

1 of following off what the Chairwoman said. Are you
2 guys planning on doing environmental impact
3 statements on changing the geographic scope of these
4 areas, Because it's a major action? Some of these
5 areas are going to be stripping away the designation
6 and allowing uses that otherwise wouldn't be there.
7 What is the NEPA process looking like, and are you
8 doing a full-blown environmental impact statement,
9 and when will the tribes have an opportunity to
10 participate in that NEPA process?

11 **MR. BLACK:** Right now I don't know what
12 that process is going to look like.

13 **MR. CHARLES:** Has one started for Bears
14 Ears, a federal news release that there has been a
15 NEPA process for it?

16 **MR. BLACK:** Not that I'm aware of. Any
17 other comments?

18 **MR. BROWN:** John Brown again,
19 Narragansett. There is one section of law that
20 wasn't raised today. In the National Historic
21 Preservation Act there is a Section 106, but even
22 more importantly there is Section 110K, and that has
23 a little bit more bite than Section 106 would with
24 respect to antiquities. So the folks in this room
25 might want to look toward Section 110K as part of

1 your legal argument.

2 **MR. BLACK:** Thank you, sir. I had a hand
3 up in the back there.

4 **MS. KRAUS:** Hi. I'm Bambi Kraus with the
5 National Association of Tribal Historic Preservation
6 Officers, John Brown is our eastern representative.
7 So thank you for coming. I'm not quite sure who is
8 all here. So I'm in Washington, D.C., and I want to
9 state for the record that the National Association
10 of THPO supports the tribes in the local areas. The
11 question is, do local landowners have a say on how
12 that land is managed, but I believe the Indian
13 tribes in those areas have definitely made a point,
14 and I just want to say that for the record NATHPO
15 supports the local tribes, and part of the strange
16 discussion that this whole Executive Order has
17 created is that so much time, and so many meetings,
18 and so much money has already been put into each one
19 of these monuments, to reopen it in such a shortened
20 timeframe without any kind of open-ended transparent
21 process on how the decisions are going to be made
22 from now on makes it almost impossible to have a
23 real discussion. Rather, it just looks like a
24 political experience, a political exercise, but
25 that's not how Indian tribes view this at all, and

1 that's probably why this is kind of stunning to undo
2 years of work, but mostly I want to state for the
3 record that we really applaud the Bears Ears Inner
4 Tribal Coalition for what they did, they got
5 together. It's not hard having any groups come
6 together and coalesce around a topic, but something
7 as controversial as this they worked it through,
8 they spent years on it, it was a great testament to
9 their vision to see Bears Ears created, and I just
10 wanted to say that, for the record, NATHPO supports
11 the local tribes, and I just wanted to make sure
12 that that was part of the official record.

13 **MR. BLACK:** Is there anybody else? Well,
14 if not, we can cut this session a little short, I
15 guess, if nobody else has any other comments.

16 But, again, thank you for taking time to
17 come visit with us and share your comments. As I've
18 stated before, these will become part of the
19 official record. We'll make sure they get
20 transcribed and sent up to the Department, and
21 please, if you have any other additional written
22 comments, submit those by July 10th, and then, there
23 again, those will become part of the official record
24 as well.

25 With that, thank you very much. We

1 appreciate everybody coming out.

2 **(Listening session concluded at 4:15 p.m.)**

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1 CERTIFICATE

2
3 I, Robin Balletto, do hereby certify that I
4 reported all proceedings adduced in the foregoing matter
5 and that the foregoing transcript pages constitutes a
6 full, true and accurate record of said proceedings to the
7 best of my ability.

8
9 I further certify that I am neither related
10 to counsel or any party to the proceedings nor have any
11 interest in the outcome of the proceedings.

12
13 IN WITNESS HEREOF, I have hereunto set my
14 hand this 20th day of June, 2017.

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18 *Robin Balletto*

19 _____
Robin Balletto

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