TRIBAL CONSULTATION
POTENTIAL DEPARTMENT OF THE INTERIOR
(DOI) REORGANIZATION

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REPORTED BY: DAVID BUCK, CSR
APPARENCES

Speaker: John Tahsuda, III
Principal Deputy Assistant Secretary - Office of the Assistant Secretary - Indian Affairs
MR. TAHSUDA: Good morning. I guess if we can find a seat and get started. So welcome to this consultation with the Department of Interior and my name is John Tahsuda, I'm the principal deputy assistant secretary for Indian affairs. And we would like to start off with a good heart and a good mind and so I've asked my brother Lonnie here to give us an invocation.

(The prayer.)

MR. TAHSUDA: Thank you, Lonnie.

So let me get started off here. First thing I want to do is thank my staff and some of our bureau staff and others staff that are here. I want to call your names just so everybody can see you're here. Jim Schock, our director in Anadarko, and I think Eddie is here, I thought I saw Eddie running around somewhere. There's Eddie from Muskogee. And then also I want to introduce Jason O'Neal to you. Jason is relatively new as our agent in charge here in the city and to make sure -- with the Office of Justice Services. So make sure you guys know him and I'm sure he has a card or anything if you have anything -- a way to get a hold of him, a contact. I also have Algin somewhere in here. There he is, Algin, one of our other agents.
And Algin drove me here this morning. Thank you.

Out front Elizabeth and Amanda who you signed in with, they're from our central office staff, they help us handle these regulatory matters, et cetera. Many of you probably know Nedra Darling, she's in here as well. Nedra? Oh, there she is in the back here. And Gina Tydedossa is right over here. I'm sure many of you know her. So, as you might have guessed, I did the best I could to staff the office with Oklahoma people, so I hope you appreciate that. And I know we have some other folks here as well from some of our offices, local offices. So thank you guys for coming and helping out as well.

So I'd like to also just give a couple of I won't call them ground rules but pointers or whatever as we get started. So, first of all, this is a consultation, so I would like to make sure that we have the tribal leaders get the first opportunity to speak so that we can get the tribal comments on the record for us and then after that we make available time as we have for other folks. So if we could have you know, governors, chairmen, chiefs, whoever are here representing the tribe or if you're designated as the speaker for your tribe for this meeting please come up first and then, as I said, we can have other
folks contribute later. When you do come up we'd greatly appreciate you saying your name and your tribe so that we can get that on the record as well clearly as to what your tribal comments were. Oh, yes. And make sure we have those on the record as well. So I also forgot, we have from the secretary's office with us also Rick May. Rick, you want to wave your hand? So Rick is the czar of recreation at the department. And one of the priorities of the Secretary is opening up the use of public lands for the public for recreation. And one of the things he also wants to do as part of that is give tribes the opportunity to do economic development through recreation as they are near and around and connect to parks, refuges, et cetera. And so Rick is the man if you have any thoughts on that how you'd like to be involved in that. We'll talk a little bit more about that later too because recreation is one of the primary functions that we hope to accomplish through this reorganization.

So, I think I've covered everything. Lastly, I think it generally works better for us if you give me the opportunity, I know you will have a lot of questions, but give me the opportunity to run through this PowerPoint real quick and then we can get
into more specifics. It's not that long, we can get through it fairly quickly. But also part of what we've been trying to do in these consultations is just give to you some very basic information about what the secretary's ideas on reorganization are, what the basic plan is and then we can talk further about that, talk about how it affects the tribes, affects our BIE regions or doesn't affect them. But if you don't mind I'd like to go through the PowerPoint first and then if you like later I'm happy to flip back through it, if something struck your eye while you're giving your comments we can go back to it and reference it that way. Does that sound good with everybody? All right.

So we'll begin our consultation. Actually this part I can probably do standing up. Go back to my teaching days here. So, where did this effort start? Shortly after taking office President Trump issued an executive order to all the cabinet agencies, which really honestly almost every president does when they come in. They issue an order to the cabinet agencies and say how could you do your job better. And so President Trump issued an order asking for a plan from each of the agencies on how they could reorganize their department to achieve more efficiency, effectiveness and accountability. Last
The department requested tribal input by letter and held listening sessions at six locations. Since then we have had a number of consultations, our eighth consultation as well as about four more listening sessions we've had through this year so far on this.

Where are we now? So, right now so like we've been going at this almost a month and a half now, so my PowerPoint is probably a little behind time. So the reorganization plan is not final yet. It is being written now. This is part of what we're doing is trying to get some input into the Secretary as he develops it. There is a draft map which I have further on in the presentation which will show you what these unified regions, and I'll explain that more, what these unified regions would be around the country. And so -- and I want to make sure also to let you know, so we're seeking your input through consultation but we also are obtaining input from all of our stakeholders both external and internal, and so the other bureaus, the other Assistant Secretaries in the department have been reaching out to members of Congress, those congressional committees that have oversight over our various bureaus getting their input, talking to state and other local officials that
they interact with. We've also been trying to make a big effort to gather input from our employees. So this is a big effort, requires not only, you know, sort of consensus from the outside but consensus from the inside. So we've been trying to at the same time we've been making this external outreach we've been trying to do an internal outreach, get the input, the views of our employees, our career managers and career employees on their views on how this could work.

So, to give you an idea where the Secretary's thinking started with this, it started by taking a look at the department. So interior, as you know, is the largest civilian department and if you think about it the Department of Interior stretches around half the globe. We have responsibilities in 12 timezones, so literally half the globe. We have about 2,400 operating centers or offices in those 12 timezones. Here in the mainland U.S. we are responsible for management and other oversight over one-fifth of the United States, one-fifth of the service area, 530 million acres. We're also responsible for 700 million subsurface acres as well as the outer continental shelf and, not to be forgotten, 25 million-acre feet of water a year. Those are a lot of responsibilities. And the
department in general the way it's structured has been sort of a haphazard organization. Starting with the first establishment of the department in 1849 the BIA was one of the original bureaus that was created -- or it wasn't created, it was created in the Department of War as you probably know but was moved into the department as one of the original components of the department in 1849. Since that time as the department has been given new and additional responsibilities over time both by the executive and by Congress, new bureaus were created, new offices were created to help administer those responsibilities, et cetera, but nobody took a look at what an overall organizational management plan would be best to serve all of these various responsibilities and needs. So, the Secretary's thought on this is let's take the time now. We're really literally a hundred years into the department sort of as we know it as a large public land management agency with responsibilities for people, wildlife, water, man, minerals, et cetera. So if you go back to the time of Teddy Roosevelt, a little over a hundred years ago, that's when the department was really sort of coming into being as it exists now with all these different bureaus. So, taking a look at it and thinking, okay, now for the
next hundred years where do we want to be, obviously
fundamentally we want to serve the American people,
serve the American public, serve Indian tribes better.
And so how is the best way to do that? I actually
skipped forward. So, the best way to do that the
Secretary as a fundamental thought saying is to get
better problem solving, better decision making within
the department, that's accomplished through better
communication, better coordination across the
different bureaus as they interact with each other on
decision making and problem solving for the
department.

So, to accomplish this the basic proposal is
to bring all the different bureaus into 13 unified
regions. And really for our purposes we're talking
12. The 13th region would really be the islands,
Hawaii, et cetera, so 12 regions in the continental
U.S. including Alaska. Each of these regions would
have an overall director who would be responsible for
three primary functions in that unified region which
would stretch across all the bureaus that operate in
that region. The idea behind this is to kind of get
out of our silos, reduce the jurisdictional and
organizational barriers between the bureaus as they
have to work each other on common decisions. Where
does that happen the most? These three primary areas. As we think about it, each of the bureaus has missions and goals that are sort of unique to it or that it's sort of primary purposes that it's a government bureau. But in achieving their missions and goals they all do some functions that are common across them. And so if you raise those sort of to a high level the three that the Secretary wants these unified regional organizations to focus on are recreation, conservation and permitting. Recreation is an effort to sort of look at what the department does with public lands for public recreation. It's also a big part of our economy. People don't often think about this, but recreation in the United States, outdoor recreation is almost a $900 billion a year industry and growing. So, again, the Secretary wants to make sure that the department is an active participant in that and that that is also available to the tribes to be able to take advantage of as well.

Conservation, and conservation we kind of roll up a lot of the environmental work, the other sort of biological work that we do and for us in decision making things like biological opinions, NEPA analysis and reviews, et cetera, that kind of rolls up into conservation.
Permitting is decisions. So, you need a decision sometimes, governors need a decision, county commissioners need decisions out of the department on projects, et cetera that happen on public lands and in or around our reservations. Right? Those permits get issued by the bureau. So, and all the bureaus do it. We issue permits, BLM, all the bureaus issue them, so that's another common function that we do. It's also one that often happens in isolation until we get way down the road and then we have problems between the bureaus trying to figure out the different views that we have. So, through all this the Secretary said one of our primary missions for Indian Country is to make sure that we respect and support tribal sovereignty through this. So, that's a primary mission and goal that we have. It's also a primary mission and goal for the department. And so through this process that's our hope to continue being fulfilling that mission.

The unified regions, why do we need unified regions? Right now we have nine bureaus with 61 different regions. It's kind of a nightmare. In fact, when I put the map up in a second you'll see, we had earlier maps as they were being looked at and the USGS, which is sort of our science arm, they had been
trying to put together maps with different ideas and
they did this map overlay with all the regions for the
different bureaus in the department and they ran out
of, you know, the distinctions you make between
different regions, so crosshatches and dots and all.
They literally ran out of those and tried to put
together the overall map of the bureau as it exists
now.

So, how do we get to the unified regions?
The Secretary asks again USGS sort of if you were to
take this department with all of its responsibilities
and say on the basis of science how would you organize
geographically the department so that it could
administer its responsibilities most effectively. And
so they looked at wildlife quarters, watersheds,
ecosystems, et cetera and said, okay, these are areas
that the department has large responsibilities in,
should think about giving some emphasis on how you
would manage in that area. Then we overlaid that with
tribal areas, overlaid it with the states, et cetera,
other considerations that come into it and also we
took input from our bureaus in other current regions
and how that meets their current -- their current
regional organization meets their needs and how that
would fit into a larger map if they had to adjust
that. So, that's how we came up that. And let me get
to the purpose of unified region is so that all the
bureaus operating any geographic region will be able
to make decisions in that region and not having to
come to Washington D.C. all the time. So, each of the
bureaus will keep their districts, they'll keep their
agency offices, et cetera around the region. There's
no intent to impact or take anything away from the
fieldwork that goes on on the ground. But the idea is
to allow this coordination and communication in this
region between the different bureaus to allow them to
reach decisions in the region faster, more effectively
and without having to come to Washington.

So here's the map. So the black lines would
outline these new unified regions. We had it overlaid
with our current BIA regions so you could see how
there would be some adjustment potentially to the
unified regions that we -- or the current regions that
we have and how they would fit into the new unified
regions. So, for example, here we would largely
combine Southern Plains and Muskogee into one region
for purposes -- and again, I want to keep emphasizing
this, this is really reorganizing to accomplish these
three functions in this unified region. So, we would
combine those. You see like upper what is now Great
Plains for us would include part of Rocky Mountain and also include Kansas. So, other parts of the country would see bigger changes particularly on the east. As you know, sort of historically the bureau did a lot of western relationships with tribes and only, you know, really from the '60s on did we add a lot of tribes in the east coast into the work that we did, the tribes that we work with. So the eastern region for us is huge, really big. That would be divvied up into parts of four -- or actually really parts of five other but four, mostly four other regions.

What is the interior regional director to do? So they're set up to report directly to the deputy Secretary again in this attempt to facilitate decision making, cut through the bureaucracy. They report to the deputy Secretary. They really oversee the core functions in the region, in this unified region. So we go back to recreation, permitting, conservation, they're going to be really thinking like a project manager, they're going to be responsible for the decisions that fall into those three functions making sure that there is coordination and communication from the very beginning amongst all the bureaus that have input into that decision from the very beginning all the way through and conceptually
they will resolve any issues before it gets out of the region and that way the decision making stays in that region. They will also be responsible for enforcing timelines, et cetera to make sure that the decision happens in a timely manner and that there are no sort of out-hanging issues before the region gets to a final decision on that.

There are potentially, you know, sort of in a second step for this the opportunity for us internally to do shared services amongst the bureaus then in common, things like IT, HR, et cetera. We do that already in Alaska and in Minnesota and we also do like shared HR services with the bureaus in that region, so it's kind of operating the same way. And so the regional director would also make sure that he facilitates those sort of back office functions.

How would this operate? There's been a couple of concepts on basically who this interior regional director would be and there was some thought about bringing in sort of a political level person who come from DC and oversee this and I got to tell you, honestly I think there was a little bit of discomfort from our senior career management with adding another layer of political decision making over that. And as we've had these discussions with our senior career
management they suggested that a good way to do it maybe would be to have a rotating directorship amongst the bureaus that are in that region. So like every couple of years our BIA director in that region would be the interior regional director. So in addition to his responsibilities as the regional director for BIA he would also take the lead role in this sort of project manager role in working with the other bureaus to coordinate these regional decisions and it would rotate like every couple of years amongst the different bureaus in the region. That's it largely.

So, in addition to your oral comments today, obviously we take written comments. You can submit them to consultation@bia.gov. Going to August 15 again, my PowerPoint is slightly dated now. We're doing consultations through the end of the month and I believe the first week of September, so our comment period will probably go to middle of September or end of September, in that range. The sort of end date for us for this sort of preliminary discussion is really October. So, going back to the president's executive order, he gave all the cabinet secretaries 18 months to get this plan together to submit to him. So, that's the deadline the Secretary has in putting his plan together.
So, I want to relay to you, I don't have it in the PowerPoint here, but relay to you the Secretary's commitment to Indian Country. So, to respect and support tribal sovereignty he has said that the ultimate decision on whether you want your BIA region to participate in this larger unified region is your decision. It's the decision of the tribes. There's a lot of extra information that you'll want, I know there's more that we will do. In some ways this is still a work in progress as we figure out so what does this mean for us administratively to work in and among the other bureaus. We have regions like California in which they are almost there already, all of the -- in Sacramento, all of the bureaus that operate in the Pacific region all have their head offices there. And so Amy who is our regional director there has a great relationship and the decision making that happens among the bureaus out there happens really quickly and they resolve almost all their issues there in the region because all the regional directors are in one spot and so they sort of accomplish this communication, coordination naturally by having an office across the hallway from each other. So, there's lot of advantage to be had with that but
there's a lot of thought to go into it. So this sort of initial discussion, the Secretary wanted to make sure that you understand that this is your decision on behalf of the tribes to decide whether you would like your region to participate in the unified region. And from there then we will have more discussion, we'll have more consultation. There's sort of as I see it two paths that we go down. One, you can say, well, we really don't want our region to participate in that, so we'd like to keep ourselves separate. That's fine, your decision, but we will have to have a conversation then about what that means for our region to still effectively participate with the other now unified regions who are going to be coordinated and, you know, working with each other more closely. We'll have to figure that out and see how that goes. If you decide that we think this is a good idea, we'd like to talk further about how this could work, then we'll have a further discussion, we'll have consultation about how our BIA region can fit in with this unified region and how it will impact you. And one of the other commitments the Secretary has made also is that so this is not a budget exercise, we're not trying to suck money out of the regions, out of the field. In fact, he's hoping more money can go to the field. So,
for the tribes this is intended to be at least budget neutral, which means that we will then -- if you want your region to participate in it because of the uniqueness of our budget, now we do tribal shares, et cetera, and divide them up by region, et cetera, we'll have to have an intense accounting discussion about how we accomplish, you know, no harm to your budgets, no harm to our region budget for services to you, how we accomplish that in this new session. If we have to, you know, move some geographical lines, that obviously impacts how we do the budgets, et cetera. But that's on us to accomplish that. Obviously we've got to consult with you and work together to figure that out. But that is the Secretary's commitment as well to the tribes.

I think I have said a lot. The only -- oh, and I forgot to tell you, I want to get your comments started, we have to take a break at about 10:25. I have a conference call that I have to be on. We'll take a break for about twenty minutes probably. It might be a good time to take a coffee and bathroom break anyway and then we can come back to it as soon as my call is wrapped up. So, try to keep an eye on that.

I think that I will turn it over now to you.
And again, if I could repeat, when you come up to the microphone if you could state clearly your name and your tribe and if you're a tribal leader your position so that we can get those into the record.

Thank you. And again, if you have -- want to see something on the map I'm happy to -- I mean on the slide show I'm happy to go back to it. In fact, I'll go back and leave it on the map for now. Thank you.

MS. BUTLER-WOLFE: Good morning. Hi, my name is Edwina Butler-Wolfe, governor of the Absentee Shawnee Tribe, and I want to thank you for your presence here to go over this here, but I don't think that our tribe would want to be taking part in this. But my question to you is anything that you want to change or reorganize or anything there's always that thought of funding and it is what it is. My concern is if you do this change is there -- funding will be cut, I know it will be because your regions are unified, but that's my concern as a tribal leader is that I just don't think that -- you know, I'm against it. I don't like this. So, I just wanted to let you know and let everyone know that the Absentee Shawnee Tribe is not for this. I think our comments went in sometime back, so I just wanted to let you know that and let
everybody else know that are tribal leaders and their tribes.

Thank you.

MR. TAHSUDA: Thank you, governor. Let me just respond real quick and say again, I understand the concerns and I know there is a history of reorganizations which have often meant reorganizing resources and in the past that's often meant pulling the resources to DC so they can balance budgets, et cetera. Again, this is not intended to be a budget exercise, this is an exercise in reorganizing the department's basically strategic decision making process. And so it's really about lines of reporting and making sure that we knock down these silos between the different bureaus. It is, again, you know, it's not the intent of this necessarily but it is potentially an opportunity though to increase the resources in the field and not because we would ask for more money, if we get more money we use it the best we can, but our expectation always is that we're not going to get any more money. That's up to Congress, we don't get a say in that. But if we accomplish a couple of things, better communication and coordination, that makes the work done faster and more efficient in the region, that means more work can
get done. If there are things like -- say let's use the environmental reviews as an example. So right now each of the bureaus has their own teams that do environmental reviews, they go through them. They don't talk to each other until they're almost done with their own review and then they have a fight over those views and usually what happens is they never agree and it goes to DC and then it sits there and waits for it to be reviewed, et cetera. The concept behind this is that that review would really be done by a team in the region, so each of the bureaus would have participation in the environmental review team for that decision or project that's happening in the region. And not only, you know, would you hopefully see some efficiency by getting it done better and faster, but conceptually then we wouldn't need like three environmental people on each project, we might only need one. That frees them up to do additional work. And so that's also part of the concept, the efficiency side of this that we're hoping with better coordination and communications.

MS. DeCAMP: Kathy De-Camp. I represent the Ho-Chunk Nation from the State of Wisconsin. Good morning relatives and friends. This is about the maybe fourth time I appeared at a consultation to
represent my tribe and once again I'm here to say representing President Wilfrid Cleveland that we are not for this. We are not for this simply because -- and I'm not trying to be radical or a rebel or I'm not trying to speak to everyone with my back towards you because I think that's rude, but anyway, that's how this room is set up. So good morning, Mr. Tahsuda, thank you for coming here to allow us to weigh in on what we want and what we need. I don't think very much that the BIA has been very good to native tribes, native peoples. Don't take that personally. I know that you have a mission and a job to do as well. I don't believe that anything that the U.S. government at this time is good for native nations, especially for our nation, the Ho-Chunk Nation. I know that we started out with a prayer, thank you Mr. Emhoolah for saying that prayer, that was very good. I think that these types of meetings and consultations should start out that way. In this way we have a base of how we're going to go and how the day is going to go.

I traveled down here with instruction from my tribe to say that we are not for this, this move. You talk about that it's for efficiency and actually anything that has ever done for us has not been with efficiency or expediency or with effectual response
for us. So I firmly say that do not do this.
And also when you have something that you
want to bring to the table you should also have a
suggestion about what to do. Right? I can't stand up
here and complain or give you my concerns if I don't
have a solution, otherwise I'm part of a problem.
Correct? No, thank you. So anyway, my idea is that
you need to look at where you can trim the fat, are
there staff that are duplicated, are there things that
you do that are not necessary. Why are we in the
Department of Interior with parks and recreation.
We're people. If you're going to reorganize take the
BIA and put it out somewhere separately so that way we
can be truly sovereign nations.

Thank you for listening to me.

MR. TAHSUDA: Thank you.

So, first off, you made a couple good
points. Let me address those. Coming to you with a
solution. We have this challenge always in our
relationship with you, the federal government's
relationship, in which we want to engage in a
government to government relationship, we want to
respect and engage in consultation. That's a
challenge though in this sense, if we come to you with
zero information you tell us you haven't even
presented us anything, what are we even here for, but if we come to you with a solution and say we want you to accept our solution or even think about it, you tell us wait, wait, wait, you've already made a decision, you're too far down the road. So, I appreciate that thought, but we're trying to hit the sweet spot here in giving you, you know, the basic information about the department wide reorganization and to give you some thought and time to think about it. And I would say honestly we would have loved to have been out months ago doing this, but, you know, it's taken time to get to this point and as soon as we had enough information -- in some ways it's a bigger challenge for us, right, because you're right, in the department the BIA is the people bureau. Right? We do the same things all the other bureaus do, we deal with fish and wildlife and water and all that, but we also have tribes and people. And so making sure that, you know, we had enough information to come to you to at least initiate the discussion took a while. And again, it's kind of a challenge to make sure that we're giving you enough information without giving you the thought that we have pre decided anything. So, that's kind of where we are.

And also, and I appreciate the comment that
we can do our jobs better and there's no doubt about that, that we could achieve some efficiencies. However, this is not a BIA reorganization, this is a department reorganization. None of the other bureaus are reorganizing their field offices or getting rid of FTEs or firing people and hiring new people. This is not part of that. This is just to affect the decision making within the department amongst the bureaus and that's the hope with this. And through that we will basically all do our jobs department wide better. I think the Secretary has stated to every tribe he's met with, he's talked about this with a number of tribes and has said that, you know, our government to government relationship, our trust responsibilities is not the BIA's, it's the department's. How is the department going to better fulfill that mission, the trust responsibility. The best way for us to do that is have us, who have the longest and closest relationship with you, having better level of communication and coordination with the other bureaus. That's how we think we can best effectuate that.

So, thank you for your comments.

Sir?

MR. MILES: Gilbert Miles, Lieutenant Governor for the Cheyenne Arapaho Tribe. Good morning
everybody. Appreciated Lonnie's prayer.

The first thing I learned in college was bureaucracy begets bureaucracy. So, I see that a little bit here. You know, the governor and I was saying we're for this as long as you consolidate somebody with us. We don't want to consolidate with somebody else. So, you know, if you bring them to our house that's fine, we just don't want to move to somebody else's house. But, you know, I've seen very few decisions made at the bureaus or even the interior where there wasn't a lawyer involved. Most of the time when there's a decision made, you know, you're talking about we're going to go across the hall and see the interior regional director and a bunch of people are going to make a decision and I've seen very few decisions ever made at the bureau that were made like that. They ended up going to the solicitor and being appealed somewhere down the road. So, the only thing I see about this is that you're asking us to buy into something that we have no guarantee whether the wheels are going to fall off somewhere down the road and then the next thing you know we're gambled and took a decision and made a choice that we had no idea where it was going. So, I think we're kind of flying blind here. And, you know, for us we're asking --
we're saying that, you know, we're not in favor of this. We're pretty happy with the way things are right now. I know the decisions are slow and increments, but we've gotten used to that and we've learned how to play the game and we learned the hoops we have to jump through and the decisions -- the directions we have to go. Now, if you change it we're going to have to learn a whole new curve over again.

So, Cheyenne Arapaho Tribe of Oklahoma, we're not in favor of it.

MR. TAHSUDA: Thank you, Lieutenant Governor. Good points. Always too many lawyers. Right? I call myself a recovering lawyer. So, but that raises a good point, you know, I want to give you and this is purely my perspective having walked in the door just about a year ago. The department gets sued for almost every major decision it makes, regardless of which bureau we get sued by somebody. And one of the -- this is not a primary purpose of this, but one of the hopefully positive effects of doing this sort of more coordinated and joint decision making and problem solving among the bureaus is -- let me describe to you right now what happens. As I alluded to earlier, in environmental decisions, right, each bureau works up its own decision. And I can't do it as well, the
Secretary has this great story he talks about a river that runs through the west. Right? But most of our western water, and like the wildlife quarters are the same way, they go through and touch almost every one of our bureaus. Right? So like if you're going to repair a bank on a river, if you're going to put a dock in say in a wildlife refuge for people that boat or you're going to repair a bridge, that requires input from fish and wildlife, usually BLM. If there's a national forest there the Department of Ag through Forest Service gets to have some input. You know, we will have input because almost every bit of water in the west involves a tribe at some point, right, so we'll have a say in it. All these different bureaus work up their own environmental views on this decision that has to be made. Right now those decisions are made in a silo until they reach a critical point and then they have the argument. What that means for us, and you talk about lawyers, is that whoever doesn't like that decision and they sue us over it, we've kind of ready made their case for them because we have put on paper the arguments from each of the different bureaus. Rather than them working those views out from the very beginning so that we have one decision to defend when we get to the final decision, we have...
three or four decisions that we have to defend and
then maybe the final one which is a little different
than all of those. So, yeah, too many lawyers. Part
of this is if we can get better decision making maybe
we can cut some of that out. That also weighs in, as
you know, into the time it takes us to make decisions
because if we have a court case that involves it who
knows how long it's going to take for you to get a
final decision. And also for us I ultimately view it
as part of our trust responsibility that the decisions
that we make are not just good decisions or the right
decision but they are defensible positions for you.
The last thing we want to do is make a decision on
your behalf but we haven't provided the solid
foundation for it and if we get sued and go to court
that decision gets taken back by a court. To me
that's in some way a breach of our trust
responsibility because we clearly didn't do our job
well enough for you in helping get to that decision.
So, part of this, you know, decision making process
and problem solving is aimed at hitting at, you know,
this myriad of ways that we get to decisions and
going them more consolidated into a common core of
decisions. Thank you.

Ma'am?
MS. WATERS: This is kind of high. Good morning. My name is Modina Waters. I am a Kiowa legislator for District 7. And thank you, Mr. Tahsuda, and your support staff for being here today.

I support the goals of reorganization, personally I support the goals of reorganization. As I said, personally I support the goals of reorganization if it can improve services. I've written a couple things here I want to read. For example, if you can help with this in some way that would be fantastic. I would say getting very specific, contract with realty offices, of course using the competitive bid, like for a five year period to assist with land acquisitions. And I say this because some tribes have had their applications in to convert fee land into trust status. And for our tribe it's been ten years on one piece of property. So I think there needs to be more help from the BIA to get these through the system more timely.

And then create an arm within the BIA to be more interested in tribal economic development where they will assist with things like installation of wind turbines, cellphone towers, water and usage on Indian and tribal Indian owned land. Recently I visited with some non Indian field workers and had fun discussing
how to have wind power or cellphone towers and they
told me it's political. They said get state
legislators involved it to get approval for these type
business ventures. For example, on a smaller scale,
on my land it's always farming and grazing year after
year and I want other types of leases. You mentioned
a political person in DOI I believe. Maybe they can
require BIA to use a checklist for economic
development on individual Indian and tribal lands at
lease renewal time. And again, I say this kind of on
a personal level because when I look out across my
land when I'm way, way out in the country it's like
all these wind turbines are 15 miles away, there's
three to 500 of them and there's nothing on my land
and maybe nothing on the tribal land, I don't know.
But, of course, I will check into that a little bit
later. But thank you.

MR. TAHSUDA: Thank you, councilman. I
appreciate the comments, but I do want to reiterate
that we're not -- this is not an effort to reorganize
the BIA. However, I've gotten as we've done the
consultations, I've gotten a lot of good thoughts from
tribal leaders in different regions around the country
about things we could do in the regions for the BIA as
well. And so I would encourage you and one of the
things that I would like to do, you know, for us at
the BIA is to talk about things that we can improve in
the region, in the field that works for you. You
know, the Secretary is a career military man and so
part of his sort of management philosophy derives from
that experience and one of the things that he
reiterates all the time is this sort of the military
management discipline of you get the right training to
people, you give them the resources they need to make
decisions and the authority to make them and then you
let them run with it. And so, you know, the past
history, as you know, in a lot of ways is ultimately
the authority keeps pulling back to DC. He wants to
reverse that. And that's part of what this effort is
at but it's also just part of his philosophy and how
he wants the department to run. And so we have an
interesting dynamic that we have to work through in
which we want to encourage the regions to be creative
in addressing the particular issues that arise in
their region. At the same time though we do still
have to have some common core processes in how we do
our work. And so at the end of the day, again, we
have decisions that come through a chain, they've been
reviewed, analyzed as they need to be so that we can
sort of stamp final on the decision. So we have that
dynamic that we have to do. You kind of get pulled both ways. But I would like to -- I know that Assistant Secretary Sweeney is very interested in both management of the BIA and economic development and I think we would love to continue that part of the conversation on what we can do specifically with the bureau and with Indian Country.

So, thank you.

MR. TIPPECONNIE: Good morning to all. My name is Bob Tippeconnie. I'm the Comanche Nation tribal leader. You know, sometimes we are very skeptical of anything that's proposed nationally. I know a few years ago some of us guided DOI in working in consultation policy and we had 22 tribal leaders working on that. Two of us were cochairs, I was one of those. We thought there were going to be grand results in this, as you say, coordinated decision making of U.S. DOI agencies. It has not materialized. And the thing that I see that disappoints is that the solicitors come in after you do all this work and then they change it to say it's not legal that way. And that's what happened in this consultation policy. If you go into the books so to speak, it went through the Federal Register, was approved and very few tribal leaders even know about it. You know, it was to be
promoted, was to be something that everyone knew about
in Indian Country, especially our federally recognized
Indian nations, and that didn't occur. But if you
look at it you can see it's very weakened, it is very
weakened. Well, when I look at this now I can see
some things in this pursuit of being more effective
and efficient in you say the three primary areas. I
would say one of the most primary areas is the
responsibility and duty of the federal government to
Indian nations and that is the trust responsibility.
And when you look at that, that overrides this
recreation and overrides these others. Not to say
that they don't prevail and that they're essential,
they are, because each of our nations look at that,
those primary kind of thoughts within our own nations,
within our own lands. But despite it, you know, I
think a primary function of DOI until they change and
you look at the history of DOI, how they work with
Indian nations, you know, going way back even before
the establishment of acknowledgment of Indian nations
as being nations within nations, well, you can't then
put a primary factor in here to say that we aren't a
primacy so to speak. We've above it all. Indian
nations are nations. So you're working at DOI with
two nations outside the federal, that's the state and
Indian nations. The Indian nations in my opinion override the states, although the states have been by Congress continually given some of our responsibility taking away sovereignty regularly because it's so political. It's so advantageous to the states to gain some of our assets or gain some of the revenue as an example in gaming and then as we move in Oklahoma to taxing more tobacco and such, you know, the state is still grabbing, still grabbing. Okay, this occurred because of politics and federal government not doing its duty relative to the nations and that responsibility again is over the state. You know, we were nations that were established before states and we had governments. Well, again, going back to this reorganization then, I say a primacy is this duty to sovereign federally recognized Indian nations and it's above recreation. And I don't discount, as I said earlier, any of that.

As we got into the consultation policy I'm reminded of all the agencies saying this is our role, this is our role, but one thing I found out in working with all DOI agencies at that time, they had no understanding of the trust responsibility. The trust responsibility is a duty, it's an action and that action has to be safeguarded. That action has to be
promoted by DOI. I look at this and I look at the organization that you propose, know they're going to have these regional directors or whatever and they're going to report directly to DC and they're going report to this deputy, which I'm sure is going to be a political appointee. It will be a political appointee and they'll have no regard fully for the duty of their federal government to Indian nations. That has occurred regularly. Political people come in there and they look at it from the advantage of the political spectrum, which is maybe often getting reelected. But the point is DOI in all this, who is that deputy, who will that deputy be? I think it's fundamental to have a very, very important person there. I remember again in a consultation we said we need a Secretary, you know, an Assistant Secretary, maybe even out of DOI as some have proposed, you know, that recognizes the responsibility of the federal government, not just DOI but the federal government to Indian nations. We need to live up to that.

You know, we're approaching a new time and we're 2018. We're going to be 21 and when 21 I like to think we've grown up and recognized that Indian nations are sovereign nations and they can run their affairs and they should be given more acknowledgment
by the federal government in anything that the federal
government does. So, when I see you putting in here,
and I know it's proposals, but when you put the
primacy look where the Secretary, you just mentioned
where he came from, the military. Does the military
know anything about the trust responsibility? No.
They have no idea of it. And I'd say the deputy would
be the same way. Now, you do, Mr. Tahsuda, and I
appreciate that, because you come from, you know, I'm
Comanche Nation, you come from Comanche Nation as well
as Kiowa Nation. So, our two nations know each other
and we have a longstanding matter that goes even
further. This duty in our case goes back to treaty
times. You know, look how we were treated in our
treaties. You know, first to be at Fort Laramie,
which is, oh, we didn't even come up to it, then the
Medicine Lodge and some of our Indian bands in our
Comanche Nation didn't even participate in the
Medicine Lodge. So I always promote the fact to some
of our Comanche people that we have still some of our
people, Comanche people who still have never made a
treaty with the U.S. government and consequently the
U.S. government should be acknowledging them and their
territory and all the things that should be reserved
for their interests.
Well, these points then I think its primary function is off the wall when it comes to Indian nations. Indian nations are nations. They're like states. Are you going to treat the states in the same way? No, you can't, you can't even tamper with the states. Well, I'm glad you're saying that the Secretary says let's listen to the Indian nations, let's hear what they want and I trust that we're given more respect.

When it comes to this coordinated effort I believe, yes, we have to do that. You know, as an example, this fee to trust that we talked about. My, we've been pending on years just as the Kiowa Nation has for moving fee lands into trust, then we have someone in the state on the eastern side gets it overnight. How do they do that? How do they do it so quickly? Politics. You know, politics still rides and it's still in place when it should be fair play among all Indian nations relative to fee to trust. But fee to trust, one of the predicaments is OST. Office of Special Trustee should be done away with. You know, at one time the Bureau of Indian Affairs did that very effectively, more efficiently. And even now if you ask the OST Albuquerque about something they don't know anything, they don't go out on the land,
they don't know the land, they don't know the people. All they can do is transfer monies on paper back and forth to your account. I mean, that's just created nonsense. So I think the OST should be done away with. Those are some of the kind of things that can be more efficient. The stovepipe of law enforcement, I know Mr. O'Neal is here, but I don't want to say I'm down on anyone, except that why have a stovepipe? Why do law enforcement people report to DC? You're talking about decentralizing decision making and having that at local levels. That's where you best do it. But we have law enforcement that reports, they report to DC. You know, why? I think that's more effective to have law enforcement that coordinates just like in our Indian nation here, our Comanche Nation, they're right there with us. So when we get into things it's integrated very effectively and fast, but with OST like on appraisals and then law enforcement in DC.

You know, there's the other thing that I note in here is that -- and I appreciate that the BIA agencies as I understand will not be tampered with, they'll be left alone. So my question would be, you know, we've had problems with the BLM and the BLM's in Denver but the BLM's also in Tulsa and you can't get
anything done out of there. And the other one is the Office of Natural Resources, which is Denver, but we have an Oklahoma office. You know, so I'm curious to say -- to think, you know, would those be abandoned and how will those entities that are more local to us, you know, how will they continue because, yes, we do have to work with other federal agencies in our nation to get certain circumstances like the BLM and their responsibility on lands and all these identification of where lands lie, et cetera, and the Natural Resource Agency, you know, relative to matters that we have in oil and gas and such. But at some point I like to think that if we were acknowledged fully as nations and given that understanding -- it's like the Navaho Nation when they moved out to say let us do our own business leases, let us do our own leases on our land. I remember testifying in Congress on that a little. You know, that's a few years ago now. But some of our other nations, we haven't grabbed that yet, we haven't put codes into effect so that we could do this leasing ourselves. So I think one of the things that when it comes to my mind is that we need more circumstances like that to empower our nations to continue our sovereignty. We don't need always these other entities to integrate. We should have them in
place and then if we need some expertise or something we should contract that or we should go out with some method of just as the state government does, you know, approach someone. So, I like to think in this reorganization then that you look at things like that. And again, I'm glad that the agencies remain.

The point of consultation though is like today, I've gone through and I've participated and I've sat in and listened and listened, you know, and I look around and I hope some young people are here because our young people are the future of our nations. But I know one thing they get so disappointed in us, they get so disappointed in matters that go on in our nations but also that go on federally because it seems that the federal government is always tampering with its duty, its duty of sovereignty. And when you talk about this sovereignty, again, it's beyond DOI, but DOI has not in my book upheld it. It has not upheld it because it looks as a trust responsibility. What you got to understand, what is that? I say it's a trust duty. Duty is an action. You safeguard it, you protect it, you empower it. That's what the federal government and DOI has a primary responsibility to do. So going back to all these primary matters, I think ours is so
different and so distinct that you can't put us in there with recreation and conservation. Yes, we do that too, conservation, et cetera. It has to be on an acknowledgment that we are nations, we are governments, our responsibility is to the federal government. And yes, DOI has a role in that, but it's to the whole of the federal government. And it's good to see that some agencies -- I should say departments in the past decade began to understand that. So they put liaisons, you know, in place in their departments to work with Indian nations. And that acknowledgment was a beginning but now it's sort of faded away. Now we're into being economically efficient and effective and that's important, we need employment. But we can't disregard the fact that Indian nations can be more empowered, can employ, can work. Just as it was mentioned here about turbines or economic development, we can do that more and more if we are given more acknowledgment of our status.

So, these things I bring out to you. I know one thing again I'd say that really concerns me is who is that deputy. And those deputies are probably a political appointee and they're going to come and go and they're going to come and go with the philosophy of whoever is in administration. And I understand
that, that's a fact of life, I see it, but I think we can override that by at this point of time looking at this challenge of organization change to acknowledge the Indian nations as being something very distinct and very different and giving them then special acknowledgment in this effort.

And you're going to hear from others so I need to stop talking here so much, but I will say that when we break and get away, you know, many times I come to a consultation, especially the one on the fee to trust, which I thought was terrible, but the fact is every time we make a comment we get a rebuttal. We don't need that. Let the tribal leaders speak, let us all speak and let the words be recorded.

Thank you.

MR. TAHSUDA: Thank you, Mr. Tippeconnie.

So I don't think it was rebuttal. I hope -- I'm trying to offer additional information that will be helpful. So, thank you. Let me add, we got a couple minutes and then if you don't mind I'd like to take the break. So first off, those are all great questions and I know sometimes -- so for better or worse, I've been in DC for almost twenty years and sometimes you kind of get into -- it's like being into the matrix, right, kind of -- and when you get out of
it you forget that most of the American people, most
of Indian Country don't understand how DC works. And
so a lot of what you raised are good questions, just I
think and maybe I can help answer some of that.

But so first off, let me say the Secretary
is from Montana if you don't know that. He grew up on
the western side around the Salish folks and the
Blackfeet and he played football and basketball
against the Blackfeet guys and he's very comfortable
with tribes, with tribal sovereignty and he will tell
you, you know, face to face that he believes that the
federal government and the tribes are equals and
that's why he respects the tribe sovereignty and
ultimately why he wants this decision to be yours.

So, I think you should understand that.

Also the deputy Secretary, he's from the
west, he's from Colorado. He's worked with tribes, he
worked for tribes, so this world is not alien to him.
Our current -- and the deputy Secretary is a political
position. The deputy Secretary is sort of the chief
operating officer if you want to think about that for
the department. And so the Secretary provides like
this leadership and strategic, you know, thinking for
the department and the deputy Secretary -- and the
deputy Secretary is sort of all of our bosses, right,
as the operations officer and so he's responsible ultimately for implementing what the Secretary wants the department to do. And so but that is necessarily a political position, as you note they come and go every few years, political positions do. Mine does, right, every few years.

So, I think that I wanted to -- you said a lot. I to try to take notes. Oh yes, I wanted to really respond to and agree with you, this is part of what I was hoping to get across, that the aim for us in particular and for the Secretary in regard to tribes is the trust responsibility. So, trust responsibility belongs to the United States, right, it doesn't belong just to our department even and surely not just to the BIA. But the history is that really interior has been the largest sort of actor on behalf of the federal government, that's the history of it. The other is that, you know, the Secretary only runs this department, he doesn't run ag or commerce or any of the others. So he's intent on doing everything he can in his department to uphold that relationship and to uphold those duties. So, that's part of what this is aimed at. And so interior is an action agency ultimately. Right? You know, some departments like education and commerce, they do a lot of sort of grant
making, they don't do a lot of real action stuff. So, that's one of the reasons why this sort of, this strategic decision making reorganization I think is really important for us when you talk about how do we effectuate the trust duty better across the department and maybe across the government better but certainly across our department. And again, because we're an action agency, right, we have to put it into effect in a way that affects action. So, we can have liaisons and the bureaus -- each of the other bureaus in the department has a tribal liaison, some of them have -- like BLM I think has one in almost every region, right, but that's different than having somebody who has -- who affects decisions being part of the decision making process and having to respect the views of the tribes. And that is if you affect that change that's how you affect long term change in this action agency. And so when people come and go, politicals come and go, if you've got that embedded into the organizational structure then you've actually accomplished something I think. So, that's the goal with this. And again, you know, it shouldn't depend upon individuals. And, you know, I'm sure some of you do, in other parts of country I've had tribes say, you know, we already have a great relationship with the
BLM guy and the fish and wildlife guy and so why do we need this. And that's great that you do now with that guy, but what happens when that guy moves. Right? And then the complaint comes, and I've heard it from Indian Country for years, right, well, then we have to reeducate this guy who's coming in. So that shouldn't be necessary if that position has to interact with you in its decision making and in the decision making of the bureaus in that region. And the analogizing this to the military is to think about it this way, it's not to say we want to impose a military mindset, but I think it's a really good example and again, something the Secretary is familiar with. When they reorganized the Department of Defense, right, they were sort of in the same boat as we are, they had different services spread around the globe and they had different -- but they had different geographic regions that they operated in and they didn't -- I mean, they overlapped, they weren't all in the same regions with the same decision making tree. Right? So, after they had some stumbles and I guess, you know, Grenada was one of those, right, in which the Navy wasn't talking to the Air Force who wasn't talking to the Army, you know. They said that's got to stop. And so they did a lot of thinking, it's been a thirty year work in...
progress, right, for them, but they've finally gotten somewhere. They have common geographic regions in which they serve the ultimate goal of the United States in that region, national security, et cetera, whatnot. Each of the services still has their missions and goals in that region and they pursue those for themselves, but they have common functions that they each perform in pursuit of their own missions and goals. And so that's the idea for us. That's when we talk about functions I'm talking about the actions that happen, not our missions and goals. And so each of our bureaus have our own missions and goals that we work towards, but when we have these common functions that are part of the decision making process in a region then they should be shared functions so that everybody, every bureau that has input into that has an opportunity to participate in that decision making. And that's how we get the tribal views from the ground floor into this decision making process. And so that's the hope with this.

Can I be really rude? I'm really sorry.

Can we take this after the break? I have to get on a phonecall. I feel bad, I really do. I'm so sorry. This just came up late last night. Okay. So if we can take like a twenty minute break, I really
appreciate it.

(A recess was here had 10:28 to 10:59.)

MR. TAHSUDA: All right, we'll get started again.

Thank you for your patience with me to let me get my call.

And start off.

MS. PARTON: Good afternoon. Or it's morning still I guess. My name is Terri Parton. I'm the president for the Wichita and Affiliated Tribes. I just want to thank you for being here today. And I also attended the one that was in Kansas City in June. I have a few questions and then just some comments.

So, one is how long do you think it will take this final plan to be in place? And two, what happens if this plan isn't in place by the time the Trump administration is over? And three, how long do you think it would take to actually do the reorganization once it's finalized and everything, how long do you think it would take? And then if the tribes decide to opt out now, can they choose later to opt in if, you know, if all the kinks and the chaos and all that stuff is worked out, can the tribes opt in? The only thing about the one danger about opting out now, I'm not for it so just realize that, but the danger about opting out now is then we don't have a
say so in how everything gets done. So that's one danger.

And so just some comments. As tribes we already have long wait times getting things approved and passed because of all the layers of approvals and reviews in the Department of Interior like trust applications and stuff like that. You'll be putting in new regional directors that possibly don't know Indian policies, understand sovereignty and self determination and self governance and more than likely in their passions or their careers or if they're in a certain field they're going to gravitate toward that focus. And, you know, what they do, you know, what you do is natural, if you're in gaming you gravitate toward gaming, if they're in health you gravitate toward that. So if they're not Indian policy focus then their attention is going to be on other things. And so if they aren't familiar with native issues those issues are going to be set to the side for two years when you're talking about rotating the regional directors out every two years. And so, you know, it's just like now, even in our region we've had different regional directors and stuff than we can't ever get anything done because everybody's rotating, we never have somebody permanently in there. And so the
Wichita and Affiliated Tribes would be opposed to this. And then also, just that's on a bigger level, but also what does it do to -- I'm from Anadarko. There's this thing going around about Anadarko being the worst town right now, but we've got the Anadarko Agency and the Southern Plains Regional Office and that employs a lot of our people. That employs my tribal members, you know, and that's -- we have kids that live there and people that work there and stuff, and so what does this reorganization do to affect that? Because we have to think about that. Our tribe, the WCE tribes and the KCA tribes as you know, I think we talked about this before about economic development and stuff, we're strapped down there. You take out the regional office from there if that was something that was to happen in this reorganization then it would have a huge effect on our area in the southwest. And so I think that needs to be taken into consideration. Thanks.

MR. TAHSUDA: Thank you. So, how long to implement? So there's a couple of guideposts I guess along the way. To reorganize basically these reporting lines doesn't take that long. And really as soon as we roll into --
at the end of the day it depends on how significant
the change is. If it's just changing the lines of
reporting we probably don't need congressional
approval because it wouldn't really impact budgets or
anything, you know. So if we change office functions
and thereby change budgets then sometimes we have to
get congressional approval. I don't know exactly
where that line is, but anyway, that's what I'm told.
So that part of it should be relatively easy.

But it's a really good question about long
term implementation. And let me answer that by saying
this is why we have, the Secretary has really tried to
engage all of our stakeholders, external and internal.
Because at the end of the day politica...
or even saying we're neutral. Right? All those players that affect the department get a chance to do that. You can do that directly through the administration, you can also do that through The Hill because The Hill also exerts a lot of pressure on us. So, that's why I was talking about at the beginning, one of the other stakeholders for us is Congress. Right? They control our budgets at the end of the day, they -- you know, and so our hope is that we will have addressed all the concerns, issues and there would be consensus for the majority of the external stakeholders including Congress that this is a good idea for the department. And I think the Secretary has done a pretty good job in general. I think there seems to be a broad level of support in Congress which reflects states, governors, et cetera. Obviously we want any country to be part of that as well, but again, that's your decision. But it's not just enough to have sort of this external body, we need to have internal buy in. So we've been trying to engage our employees as well. We've had several rounds of meetings with our senior executive management and we have had -- I try to meet with our staff as we've gone around the country. We have other department officials who will have, you know, a role in getting
all this into place in the Secretary's office. They've gone around the country and met with all of our staff in all the bureaus in a region to try to explain what this means and doesn't mean, et cetera, to them so that we can have internal buy in as well because at the end of the day implementation will not be fully successful if our employees don't have buy in too. Right? So, it's a large scale effort to get buy in from everybody that's involved, everybody that has a stake in the success of the department. So, that's the hope. And if that then gets there, we get that buy in then this will carry us through, you know, over the next couple years as it unfolds. It should only take a couple years really to get, you know, this map and sort of these new reporting lines in place.

The larger effort or reorganization that would be part of sort of the talking about these back office functions, et cetera, that could yield more resources in the regions will take more time. You know, getting in place the shared services where we have contracts for telephones and computers, IT, right, we got to get through that, we can't get new ones, you know, like right now. If you talk about combining office space with another bureau, obviously we have office leases, those take time, years
sometimes to roll around. So, all that stuff will
take time. And so again, to make sure that gets fully
implemented, that's why we have to have this large
scale buy in.

Maybe I didn't explain well. Let me try to
impart too. So this interior regional director is not
intended to be a subject matter expert. Really
they're supposed to be like a project leader in a
sense. Right? So they facilitate the decision
making. They're not the one who agrees or disagrees
with the biological opinion, they're the one that gets
the scientists and the staff who are subject matter
experts to get together, work on it and come to an
agreed position. So, having said that, one of the
things that I think was of interest to our regional
directors and not just our regional directors but the
regional directors from the other bureaus in this sort
of rotating directorship was, one, it doesn't really
create a new level of bureaucracy, somebody over the
top of them, it's one of their own that they will be
working with in the region, but if everybody gets a
chance at it then two things happen. One, you get to
learn more about the other bureaus because you're
going to be interacting with them on these decisions
and projects. And two is that lessens the incentive
of any one director thinking that they will promote
the priorities of their bureau over the others because
it's going to rotate. Right? And so the idea is that
also creates an incentive for the directors to pay
attention to all the bureaus in the region. So, you
know, that in some ways was a large -- was an input
from our senior management, and these are career
people who have to work with each other for years.
And so I think that's a great idea. And I think that
will -- there's probably a good chance that that will
be the direction that it goes.

And I want to reiterate because we get this
question too and I appreciate that, you know, it's
hard when you've gotten to know a regional director
that we have and then they get moved to another
region, but we have a couple of things, you know, sort
of responsibilities we have to juggle. One is we're
just understaffed at senior management level. That's
just a fact of life. Right? And so we have to
periodically almost in crisis mode we have to move
senior managers to places where they're desperately
needed. And maybe they've done a good job where they
are and that means then we can move them from that
position to another region. Right? So, sometimes
that happens and it's sort of an unfortunate reality
and until we get to the place where we have a sufficient cadre of our senior management to fill all those slots permanently, then we're going to -- we Unfortunately are going to be in that position of having to do that. Having said that, the way that our senior management, which is the same as the senior career management across the department and really across the federal government is intended to be is to be a management expert, not a subject matter expert. And so sometimes that gets misunderstood as well. So, a regional director theoretically doesn't have to know everything about what happens in that region, he just has to know how to provide leadership to his staff for that region so that the responsibilities that they have get done, functions get performed, decisions made, et cetera, projects improve, permits granted, et cetera. He just has to make sure that happens. And so there is intended -- and this was in the beginning of what they call the SES, the senior executive service, that's our top level career management, the creation of that core was with this in mind, that they would be management experts, not subject matter experts and that they could essentially go into an area that needed more management attention, get things operating correctly and then if needed they could be
moved to another area, another place around the
country, et cetera. That was the idea with the
creation of this management core. And so that's the
intent of that group and that's -- you know, as a
matter of reality that's also how we kind of have to
operate.

I think I addressed everything you said.

MS. PARTON: I've just got one more comment. I
don't know how it affects the budgets and stuff like
that, but, you know, right now I think there's 24
tribes under our region and then you're combining it
with another region and stuff, so a lot of our tribes
are smaller tribes and we're going to be in with the
larger tribes which has it's good and -- pros and
cons. It's just a lot of those, and it's not an
excuse or anything but it's just how it is, you know,
we're smaller, we don't have as much policy people,
people working on budgets and stuff like that to speak
up for our needs for our tribes. So, that needs to be
taken into consideration too.

Thank you.

MR. TAHSUDA: Thank you.

MS. RHOADS: Thank you for being here today to
hear our concerns. I'm Kay Rhoads. I'm the principal
chief of the Sac and Fox Nation. And I was just
reviewing all of your documents and listening to your comments and it created a few more questions for me.

First off, you know, you were saying that this is going to create efficiency but when I look at this map as you have up here and we look at the location of the tribes throughout the nations, most of the tribes thanks to the government are west of the Mississippi and you've got all these territories east of the Mississippi, especially the South Atlantic Gulf, and so you're going to set up a DOI office down there. How many tribes are you going to represent? And then we start looking at Oklahoma, our region in particular, and the number of tribes that are going to be there in that particular region, it's going to put more burden on that agency to work with the tribes and just as President Parton just said, you've got a lot of small tribes that don't have those political powers that some of the larger tribes do and I don't know how all of those things are going to be addressed. Anadarko as it is right now doesn't even address our issues, so I don't know how adding more tribes to our region is going to eliminate that problem.

The other thing that was said was that they respect the tribal sovereignty. If they're respecting tribal sovereignty don't they realize that these
tribes have developed partnerships and relationships
with each other in those particular regions and
there's a lot of comradery there, there's a lot of
traditions that now you're separating them into
different regions. I don't know how that respects
sovereignty in that regard.

The other thing, your three primary
functions, where do Native Americans fit in under
recreation, conservation and permitting? I assume
that we fall under recreation so they can come and
watch us dance during our powwows.

All right. The other question I have is --

UNKNOWN SPEAKER: Casinos.

MS. RHOADS: Yeah, casinos, that's right.

And then you said that you're concerned
about working with these different agencies. You
know, under DOI, yes, you have a lot of different
departments within that, but in the federal government
you have a lot of different divisions as well and all
of those DOI offices cross over into those other
agencies too. So are other agencies reorganizing?
And how is this reorganization in these particular
regions going to affect those other departments? Is
it going to create more problems for everybody? DOI
and Department of Justice, for example, I mean, they
have different policies there. And does it make sense for us to look at watersheds as setting up regions in order to deal with people? I don't know. I just don't see the emphasis on tribes and yet we're the only ones of all of these priorities that you're talking about, we're the only ones that have a voice, as native people we're the only ones that have a voice. We're the ones that are protected by those treaties that you have a trust responsibility to and yet the priority is more on let's break up these regions based upon water and rocks and the grass and stuff. I don't know where he's getting opinions from them. I guess they speak to him somehow.

If you're dividing these regions up how is that going to actually make a difference? Why can't those departments communicate with each other right now, what's the problem there? I mean, just because you're going to change it into a different watershed. It sounds to me like the problem is communications back there and setting up different boundaries isn't going to improve communications with those regions, it's just going to create even more.

The issues about the directors, the regional directors, I think we all have the same concern there. I'm not going to beat that dead horse anymore because
you've heard the comments regarding that. But under
the administration that is in place now, and I think
President Parton asked that question about how long is
this going to take to put into place. So, we're going
to dismantle a system that's in place right now, we've
got an administration that has, what, another year or
two left and what happens after that? Do we go back
to the drawing table again after we've disrupted
everybody and create a new plan? And where is the
money going to go in that regard? Again, like I said,
you've get the Southern Atlantic Gulf Region and
whenever we start looking at monies that are going to be
set up over there, how much money is going to be
allocated to that region whenever you've got the
majority of tribes out west of the Mississippi?

And the experts, I understand management
experts, I totally agree with what you're saying in
that regard, that we do need people that manage, but
on subject matters in particular, if you change those
directors from every two years it's going to put --
it's Washington D.C. They have their priorities.
They're going to push their political agenda and very
few times is Native American issues going to rise to
the top. That's why we're in court half the time on
different issues. So, switching those directors
around to get communication across the departments in there, you know, I mean, it's a good concept but it's not practical because, again, it's political appointees and they're going to push their political agenda. And you can shake your head as much as you want, but we know.

MR. TAHSUDA: No, I do agree, but they're not intended -- they're intended to be career management staff.

MS. RHOADS: Excuse me?

MR. TAHSUDA: They're intended to be career management staff.

MS. RHOADS: But they're going to report to those political powers.

MR. TAHSUDA: They all do already.

MS. RHOADS: Yeah. And that is exactly what the problem is is that, you know, our priorities as native people aren't going to be addressed. Plus the fact that, you know, again, if somebody is from a different department, you know, they're still going to push their own agendas, their own budgets. I mean, anybody in here that's in politics right now knows that, they do the same kind of thing.

So the Sac and Fox Nation, we've sent letters to you, we stand opposed to this.
MR. TAHSUDA: So, if I could real quick address. So, we're not moving tribes. We're not moving our agency offices, et cetera. So, all -- in the regions all the services, all the staff, everything stays there. There's no intent to move people around, you know, there's no intent to move offices around. So, you're talking about like in Louisiana the tribes and their agencies there stay there and they keep interacting with them, they keep getting services from them. It will be in an effort or in the effort to keep the budgets harmless basically we'll have to go through, as I said in the beginning, consultation, we'll talk with you, we'll figure out, there will be a lot of accounting I imagine we'll have to do with our budget to make sure that in working in these new unified regions it doesn't impact the way that our current region works, the way that the tribal shares work in that region, et cetera. So, there is not intended to be any impact with that and that also shouldn't affect how -- so that shouldn't affect the tribes getting services regardless of whether in the same region or for purposes of these functions they get moved into a new region. Again, the functions are processes, they're functions that each bureau performs. We perform them, BLM performs them, et
cetera. And recreation is one that I know we don't think about it in Indian Country a lot, but it's a really important role that the other bureaus play and one that we're often left out of when a decision is made, when there's opportunities there and the Secretary basically just wanted to say you should be part of that too, you should have both the input and the opportunity as they become available in your region. So, that's where recreation comes from. And it's not intended to be disrespectful to anybody, it's really intended to be an opportunity. So, for us on a day to day basis the other two functions are things that we deal with everyday. Conservation, permitting are sort of the two particularly land based things that we do that we have to interact with the other bureaus and if it's not a primary decision for our bureau then our input comes much further down the line usually. You would like to think that, yeah, we could just say we're just going to communicate better bureau to bureau and that would happen. The problem is that the structures of the bureaus right now are in these silos and, you know, there are some personal relationships between the bureaus in a region sometimes that they communicate well, but again, it shouldn't be dependent upon a person, it should be
part of their job. Right now their job is to report straight up the chain and so to break that down that's what the intent of this is.

Let me put it kind of bluntly. Right? Each of the bureaus have, as I said, their missions, they have their organizational goals and their employees have assessments and standards and things that they get judged by and ultimately they get pay raises and stuff based upon those. Right now that doesn't include having a great relationship with the BIA if you're in BLM, you just do that because maybe you want to. Right? This is intended to make that part of their job, right, so that this interior regional director will require the bureaus to interact with each other and be part of their assessments and standards as employees. That's how you actually get this to happen. Right?

So, again, you know, there's several concepts, ways you could go. You could have this interior regional director be a political, but the strong suggestion of our career staff was that, no, make it one of us and that's where this rotating idea comes from. It's not to rotate our bureau director out of his job, he's still going to do his job in that region, right, but he's going to have this
responsibility to enforce the inter bureau
coordination and communication. Right? And he's
going do it and again by rotating it we get out of the
notion that one bureau guy is going to put his ahead
of everybody else because if he does that, guess what
happens to him two years later? Right? So there's,
you know, sort of an incentive going both ways to make
it work. That's the idea behind that.

I don't know, I think you covered more than
that but I tried to cover it. Thank you.

SIR?

MR. PRATT: Bruce Pratt from the Pawnee Nation.
First of all, when I get up and publicly speak for the
federal government I'll start off by saying that I
want to remind you of your treaty and trust
responsibility because all of us here in this room, we
uphold that, we honor that, we look at that and so
just want to start by saying that.

You know, you keep talking about these
silos, you know, and you are the ones that created
these silos. You're talking about a level up here and
we're down here, you know, we're down here but you're
talking about up here and, you know, the
communication, lack of communication, the lack of
working together, you know, that's on you all. I
mean, you all should fix that on yourself. It should already be fixed. And you're coming here and you're telling us, you know, that redrawing these lines on had map is going to fix that? You know, as a tribal leader, and all of us here as a tribal people and things, you know, we are always given opportunities and, you know, the business plans come and we look at things, we look at things. And so we study it, we look at it and we say, well, is that good for us or not good for us. You know, what you have brought to us is a huge lack of information. I'll be -- I'm sitting here and I attended the meeting up there at NCAI in Kansas City and I still don't understand how switching these things around is going to fix the BIA. You know, our problem with the BIA is this, is the slowness of everything, the slowness of getting anything done. Is moving lines on a map going to improve this? I don't see how. I mean, we as Indian people are constantly told no or wait or maybe and, you know, there's a tremendous amount of frustration with the BIA and the lack of services and things. You know, if the federal government really wants to do its trust responsibility, uphold the treaty responsibility, put your money where your mouth is and give us more funding and fund the things that we every
year bring before TIBC, the committee brings to
Congress these priorities that we had and then our
president and the administration, they just put it
aside and say no, this is what we're going to do. And
so, you know, there's a real hesitancy, you know. I
speak on behalf of the Pawnee Nation. We haven't
officially sent in anything, we were here to listen
and these things and so we haven't said yea or nay on
any of this.

You know, the one thing that concerns me,
Mr. Tahsuda, is this, is that the Secretary Zinke and
President Trump, they have talked from the very
beginning about privatization and when they speak of
privatization they're talking about our Indian lands.
Yes, they are. I mean, you can shake your head and
all of that, but --

MR. TAHSUDA: I want to interrupt you real quick.
What the Secretary has been talking about is turning
more decision making over to you and what's the best
way to do that. If you're uncomfortable with how long
it takes for decisions to be made on trust land, is
there a different way to do it so that you don't have
to wait around for those or can you just make all
those decisions yourself without the federal
government being involved? That's what he's talking
MR. PRATT: All right. Well, that's not what we're hearing. That's not what we're hearing. You know, and I'm not here to go back and forth with you on the policy, I'm just telling -- sharing with you our concerns and where is this going to lead ultimately. Is it going to lead toward the benefit of tribal nations or is it going to lead to the benefit of opening up our lands? And because we are under the DOI and -- I don't know, it's just an uncomfortableness in listening to this. If this business plan come to our tribe like we've got it right here, man, we'd just say there's no details, there's no details in here. Looking at a map and, you know, we're going to do this, we're going to do that without any details. How are you specifically going to do that? What people that's involved? How much money is involved? What are the details of this plan? You say that you're trying to get buy in from the states and from the counties and from all these other things. You know, first of all, you've got buy in from the tribes and if the tribes say no then it stops, there is no buy in from anybody. And so the first buy in has to be with us. And if we say no -- and let me hear you again, you said if we don't want
it you won't implement it. Is that true? Is that true?

MR. TAHSUDA: Yeah.

MR. PRATT: Okay. If we don't want it --

MR. TAHSUDA: I'm not saying it, the Secretary is saying that.

MR. PRATT: Okay. If we don't want it you won't implement it?

MR. TAHSUDA: You have to understand though -- okay, I'm sorry, I know I keep interrupting you.

MR. PRATT: Because I'm hearing you talk about this buy in and what I'm also hearing you is you're speaking like it's already going to be done.

MR. TAHSUDA: So let me be clear on this. Right?

MR. PRATT: Okay.

MR. TAHSUDA: The tribes have the opportunity to say we don't want our BIA region to be part of this. All right? Nobody else gets that. Every other bureau is going to be operating on unified regions, every other bureau in the department. Only the BIA and the BIE because the BIE is different, we don't actually have geographic regions, we are separated out by schools, right, types was schools. But nobody else, the governor, nobody else gets a veto on that, only the tribal leaders get a veto on that. But you have
to understand then at the end of that, and this is what I was saying at the beginning, we're going to have a followup conversation regardless of what your decision is. Right? Because at the end of the day if the decision is no, right, then we're going to have to figure out and make sure that our BIA regions and their regional leadership is still able to operate effectively when they're on the outside of this new unified leadership structure. Know what I'm saying?

That's happening. Right?

MR. PRATT: Okay, all right.

MR. TAHSUDA: And as I said, governors, nobody else got -- they didn't get a veto on any of this, they're being told it's happening. You get to have a say as it affects the BIA. The only consequence of that is that we'll then have to figure out, right, how we can continue to have the BIA, well, these guys are going to start operating in a better coordinated fashion, how we're going to try to keep basically from the position that we're in now, separated out in silos from the other groups, and try to make sure that we have an effective level of communication and coordination with these new unified regions. I mean, that's the fact.

MR. PRATT: So the big picture, the big plan is
it's already going to get done?

MR. TAHSUDA: Right, right.

MR. PRATT: Okay. And so you're asking us if we want to be a part of that?

MR. TAHSUDA: Right. That's your choice.

MR. PRATT: And we're saying, well, what's our benefit. I mean, really, what's the benefit to us? I mean --

MR. TAHSUDA: So the benefit, you know, maybe this will help a little bit let me say. So, I've talked to our regional directors and stuff and I've tried to kind of suss out so what does this mean on a day to day basis, right, for you, for not just in the region but your agency offices, et cetera. How much interaction do you have on these big decisions that you have to interact with the other bureaus. And sort of the average response I've gotten is maybe ten percent. Right? So, at the end of the day I said, you know, we're not changing what happens in the agency offices, we're not moving staff, you know, Jim is not going to lose his job or have to move to Wyoming or anything. They're going to be there. Right? Ninety percent of what they do will stay exactly the same. The other part in which they already have to have input into these decisions
because they affect multiple bureaus, regardless of which is the lead agency, you know, multiple bureaus are involved in that, this is intended to -- and going back, I keep harping on these three functions. Right? Those are the three areas identified that for these multi bureau decisions, those are the three areas that we have the greatest level of crossover if you want to call it that or call it functions. Right? It's a process each of us go through. Those three, permitting, conservation and the recreation are the three that we have the most inter bureau interaction necessarily to get to a final decision. So where it becomes good for the tribes I think is, one, our folks will be involved in the discussion from the ground zero. Right? So, in this decision that will necessarily impact the tribes in that region, right, that's why they have to have this discussion, right, they will have input, or the flip side, if it's a tribal decision but it does impact the other bureaus in the region, then they get the input from them from day one, right, so that everybody is working on this decision from day one. That way the decision is better and it happens faster. Because what happens right now, and I could only tell you how the government operates now, I have no -- you know, a lot
of organizational theorists can tell you why government agencies are in silos and this and that but it's a fact that they are. Right? So what happens now in each silo each bureau, and some of the bureaus don't even know that a decision is being worked on in one of the other bureaus until it's half baked, right, and then all of a sudden they're like, oh, my God, so like we're a year behind in working on this because nobody told us. Right? So instead of that being the case they will be told, hey, this decision is percolating in BIA, right, so if you guys want input into it you better start working with them now, otherwise a year from now when you say wait, wait, wait, we never got to say anything, you're going to be told too bad, you're done, you had your chance. Right? So, that's why, you know, this is I think good for Indian Country because these decisions, and again they're big decisions, right, usually they're a permit for something that affects the whole community, Indian and non Indian, et cetera. Right? The tribes will have their input through our guys in that decision making process.

UNKNOWN SPEAKER: And why can't that happen now?

MR. TAHSUDA: What's that?

UNKNOWN SPEAKER: Why can't that happen now?
MR. TAHSUDA: If you had an answer to that you could solve a lot of the government's problems I think. It's just -- and it's not just the government. If you think about if any of you have ever worked for a large corporation, that's always the biggest complaint in large organizations, over time people get siloed in and decisions aren't, you know, spread across and that's why there's these management theories about flattening out, you know, management structure, et cetera. I mean, so, this is an attempt to address that. It's not an attempt to affect budgets or anything like that, it's an attempt to get this decision making coordinated at the very ground level as it works its way up through. And again, you talk about delays, et cetera, that's a very common part of our delays particularly on land issues, issues that affect land. Right? At some point one of the other bureaus finds out and they put the brakes on, wait, you know, wait, and right now we have to wait, wait till they get their input and if they disagree with us it doesn't stay in the region, it goes to DC and then it comes to me, right, or the Assistant Secretary and they go to their Assistant Secretary and we have to have a discussion. Ninety percent of the time on that ten percent of the actions that happen
they can be resolved in the region. Right? If you just had somebody kind of cracking the knuckles to make sure they were working together from day one they would be resolved, they would never come to DC. That's the concept, to keep the decision making pushed down to the lowest level.

MR. PRATT: I agree with Kay. Why don't you do it now? It's a simple question.

MR. TAHSUDA: Well, that's part of what I was trying to describe. So, there's not the incentive there now, right, because their assessments and standards, their job doesn't depend on it now. Right? Part of this effort, it's both to encourage people but also to kind of say no, there is an enforcement mechanism here. If you don't do that then you're going to get a bad assessment. Right? And at the end of day that's what this regional director is to do is to force from the top of the region down, if they're not doing it then he tells them there's going to be a consequence for you.

MR. PRATT: You know, the only thing -- not the only thing, but the big thing about all of this is the other people, the recreation and, you know, all of that, but, you know, what we're talking about is our people, is our families and our home places and our
sacred sites and, you know, all these things that we hold dear. And what I'm trying to wrap myself around and, you know, my council folks that are here is how do we go back and explain this to our people. Well, you know, we went to a meeting, the BIA wants to do this and, you know, they've got these silos, they can't communicate with each other but fixing that, you know, is going to solve everything and they're going to start communicating, everything is going to streamline.

MR. TAHSUDA: I didn't say it would solve everything.

MR. PRATT: Everything is going to streamline and everything is going to be better.

MR. TAHSUDA: I think at the end of the day if you think that the system is not working properly we have a responsibility to try to --

MR. PRATT: Then what are we going to do?

MR. TAHSUDA: What do you mean?

MR. PRATT: You know, if this doesn't work then what are we going to do? If we change this -- and, you know, what I hear, I don't know about the rest of you but this is what I'm hearing, hey, we're going to do this anyway whether you buy into it or not and then, you know, we're going to be on the outside
looking in and the slowness of the BIA is going to be your fault, tribes, because you didn't do it. I just don't get it. The federal government has a treaty and trust responsibility to do anyway.

MR. TAHSUDA: So let me ask you this though. I appreciate this, I actually enjoy having this discussion with you believe it or not. So, if we told you we're going to do it you'd be mad. Right?

MR. PRATT: Well, you just told us you're going to do it.

MR. TAHSUDA: No, I -- the other bureaus. Right? The BIA is going there regardless of whether you want it to or not you'd be angry. Right? I'm telling you that it's your decision and now you're telling me you don't like that either. Am I supposed to give you the decision or not?

MR. PRATT: No, no. So what I'm saying is how do I explain this to my people, our people? You know, I don't know. I don't know. I'll say this, I want BIA to be more efficient. I want us to when we put a land and would look to get it into trust to let it happen. And like it was said, you know, some tribes have the money and resources and the lobbyists to go and get it done and they get it done really, really soon and then all of us smaller tribes we're waiting years and
decades. And, you know, we have economic development that we want to do but we can't because we're never given the okay. And this administration right now has put a stomp down, stomp everything on all of that and none of it's getting freed up, you know. And so, you know, we look at those things and I look at those things and say, you know, I don't know if -- I'll just say it, tribal leader, Pawnee Nation, Bruce Pratt, I don't trust this administration. And, you know, I know you work for them and him and all of that and you have your responsibility, but so do we because at the end of the day when this administration is over we're still here and we still have the same BIA and the same things that we're going to have to deal with. I hope that irregardless of whether you get the unanimous voice of the tribes or unanimous no, yes or whatever, I hope that you all will be better, do better for us because that's your responsibility, that's what you're supposed to do. And however this plays out, you know, and things, I hope it works, I hope it works for us because --

MR. TAHSUDA: I hope it works for me because I'm one of you.

MR. PRATT: I know you are and we're not here to bash you because, man, I know you've been bashed ever
since you've come on and I feel bad for you on that part. But then --

MR. TAHSUDA: Don't do that, I asked for it.

MR. PRATT: But on your federal side, your job side, come on now. So, anyway, we'll see, I know, we'll see.

MR. TAHSUDA: So I appreciate everything you said. And again, you know, this is not -- this is not intended to, you know, reorganize the BIA. I think that's on us and, you know, we have some ideas, we're a trying to do some things that could hopefully improve how the bureau works, get faster decision making, get more authority to Jim and the guys in the regions to do things like categorical exclusions on NEPA. Right? I'm big on that. I think, you know, if a tribe buys farmland and they want to keep farming on it, why do we have to do NEPA on it. Right? Or they bought a gas station and they're going to keep selling gas there, why do we have to do NEPA on it? I mean, so there's things that we are working on and I know some of those are kind of nibbling around the edges but that's kind of on us. But for the department at large and again, you know, the interactions we have the other bureaus, that's what this is intended to have a positive impact on and, you know, I think it
I will honestly. So, I'm in the department now and I see the interactions. And let me say this. So, I have a great relationship with all the people at my level, the Assistant Secretaries in the different, you know, bureaus and departments, I mean, across the department and they're really great. When the tribe comes and says I'm having to hang out with the BLM guy in my region, I talk to, you know, the assistant secretary or deputy Assistant Secretary over the top of them and they get on it and get it resolved. Right? But it shouldn't depend on that, it shouldn't depend on me or anybody's personal relationships, we need to have a structured process that forces that to happen. So anyway, that's why I think it's a positive thing.

MR. PRATT: Well, more power to you. I hope it works.

MR. BURCH: If you enjoyed that discussion, you're going to love mine. I'm Melvin Burch. I'm a member of the Chickasaw Nation. I'm not representing the Chickasaw Nation.

MR. TAHSUDA: Sir, I'm sorry. Have all the tribal leaders had a chance to speak yet?

UNKNOWN SPEAKER: No.

MR. TAHSUDA: Okay. Can we make sure we offer
again? I want to make sure we get the formal comments from the tribal leaders on the record first. I'm sorry about that.

MS. THOMPSON: I'll just hold it.

Good morning. I'm Angela Thompson. I'm the treasurer for the Pawnee Business Council, Pawnee Nation. I also serve as the TIBC representative for the Southern Plains Region in Oklahoma and I just have some comments. As our president just spoke and we haven't made a formal decision on whether to opt into this, we're just getting information and I'm sure we'll discuss it as a council and provide the written response whether we agree to it or not.

My first comment is will the tribes be able to review the final product? As part of meaningful tribal consultation, you know, going out to the tribes and getting our input but then taking it back and doing the final draft, is it going to be put in the Federal Register for final comments so that we can ensure that our voice was heard and listened to and put into the final draft? So I hope that will be a part of the process.

You also spoke about buy ins and you talked specifically about if tribes don't opt in, but what I'm hearing is that there's going to be some type of
consequence for the tribes that do not opt in and I'm interested in knowing what those consequences are and how it's going to impact those tribes because I feel like it's going to be by force, a forced acceptance and that's a concern of mine.

In one of your goals of reorganization you talk about reducing administrative redundancies and maximize use. I'm sure all tribes will agree with this, we do want the federal government to reduce their administrative redundancies but without reducing funding in tribes or if there's savings transfer the savings to the tribes through the reduction of administrative redundancies. For instance, center office, to me I'm hearing that there's the silos, you speak of the silos within the bureau. To me that's an internal administrative issue and I feel that you all are addressing it and the tribes are bearing the brunt of that internal silos, which is an administrative and a federal government responsibility and it should not -- the tribes should not bear that burden.

Another issue I have, it talks about improving communication and coordination across agencies. Well, I serve as the TIBC representative and, Mr. Tahsuda, we came there in March to present our priorities from the 24 tribes that I represent.
You were -- hardly any of your staff was there. We worked hard on those surveys and hard on those presentations and we were never able to, you know, deliver those to you as a part of that structure or that process in developing our priorities going forward. So I have a hesitancy on this consultation when we can't even meet and agree to sit down with the Assistant Secretary of Indian Affairs to discuss those federal priorities and then when we do submit that information to you it comes back to us in program eliminations and cuts of those ten priorities in the national roll up that you are supposed to work with us in moving that forward, in moving the agenda forward. You know, because those are all tribal representatives from the 14 regions that go to that meeting, spend money to go to DC and I get to talk to you here in Oklahoma City, I just had to drive a little ways.

In looking at your three primary functions, I have a question mark by that. Is that a federal or tribal primary functions? Because as a tribal leader I see it as a federal. Those are all federal priorities. I know a lot of the other tribal leaders have questioned, you know, where's the treaties and trust responsibility in those three and I can only see it under permitting, you know, because that's access
to our tribal lands for oil, for gas or whatever is involved in this privatization initiative, if you will, by the administration. You know, we have real estate services, our impacted Indian child welfare law enforcement, social services, tribal court, job partnership training, agent tribal government programs, higher ed, adult vocational training and enrollment, these are all people services. That's our business to take care of our people and we need to be in coordination with that. We need to have the same goals and priorities in supporting tribal sovereignty. Those types of things to support tribal sovereignty in a tribal leader's eyes is taking care of our people, not these other, recreation. I was at a TIBC meeting and Cason likened an example of recreation, he was talking about recreation, that they have bathrooms in some of the national park service that don't even work. Well, we have families, we have people that don't have running water, don't even have a bathroom. So that's where we're coming from.

The other concern I have is reporting directly to the deputy Secretary. I don't have enough information in here or detailed information to -- even from your examples, I have a little bit more information and insight on how that would work, but I
need to see more details to even provide any input to say I would agree to that and to see if it would maximize the fiduciary and trust responsibilities that of the federal government. If it would then I might be a proponent of it, but without the detail I can't even go back to my council and say yea or nay on that piece. So I'd like more information on how that would work, the details, the plan.

I guess that's all the comments I have. But as an individual tribal member of the Pawnee Nation I can't support this. Thank you.

MR. MOSELY: Good afternoon, Mr. Tahsuda. My name is Palmer Mosely. I'm the undersecretary for self governance for the Chickasaw Nation. And first of all I just want to say thank you for coming today. You're in a very tough position and I appreciate that very much. I also want to say thank you to Lonnie Emhoolah if he's still here. I used to have an office beside Lonnie for about seven years and he is a great public servant to the Indian people.

I just have more procedural process questions than I do anything else. I'm looking at this map of Region 7 which we're located in here in Oklahoma. This is the Number 2 map. The first map from my understanding was rejected by the western
governors. Is that correct? Or they had strong
opposition to that first map that was issued by the
BIA or Department of Interior?

MR. TAHSUDA: I don't -- I'm not entirely sure.
I wasn't part of those. I kind of heard secondhand.
I think -- but I think this reflects input from the
governors. I wouldn't say western governors, I would
just say the governors because I think the map they
were originally looking at was one of the early ones
much more focused on waterways, you know, in
particular, wildlife quarters, but waterways really
because, you know, water is life, right, and a lot of
the west is, you know, developed around water. Right?
Well, I guess the country itself, but in the west it's
particularly acute and so that was one of the really
sort of big conceptions early on in the maps, but
yeah, no, they weighed in and there is -- it wasn't
just the governors. So, some of the other bureaus
like Bureau of Rec, BLM, they interact really heavily
with the governors because they're very involved in
the infrastructure of western states. So, you know,
they also kind of weighed in and it was kind of a
joint I think discussion from the bureau -- well,
internal and external, right, from the bureaus as well
as from the western states.
MR. MOSELY: So this map that we're seeing today, that particular map is what the Western Governors Association has basically agreed to or they're in support of that from my understanding because I have read their letter about the first map and they were not very happy about that. So then the Department of the Interior then changed to this second map.

MR. TAHSUDA: I wouldn't call this the second, this is like the tenth iteration. But --

MR. MOSELY: Well, this is the second map that we've seen publically.

MR. TAHSUDA: Right.

MR. MOSELY: I've never seen any -- I've only seen two maps and this is Number 2.

MR. TAHSUDA: I think you're correct.

MR. MOSELY: Okay.

MR. TAHSUDA: We've only had two up on the website.

MR. MOSELY: My question is again more procedural and process related. Region 7, which is what we're located in today, it consists of Southern Plains in Anadarko and Eastern Oklahoma in Muskogee. The Chickasaw Nation is located in the Eastern Oklahoma Region. We deal directly with the BIA superintendent there in Ada. We then deal directly with the BIA
regional director in Muskogee. If this is fully implemented, which we all know it's going to be, say for example the Chickasaw Nation opts in versus opting out, and again, I'm not going to make a statement about that today, I'll reserve that for our written comments later, but say, for example, we opt into this. What's going to happen -- and again, we all know that no services are going to change, no offices will be removed, we will still have a BIA superintendent. What's going to happen to the BIA regional office in Muskogee if this is fully implemented and say we opt in today? Will the BIA regional director, will we still have two BIA regional directors, one in Anadarko and one in Muskogee?

MR. TAHSUDA: So, I would say if this was implemented tomorrow we would have two regional directors because, you know, we would have -- like I said, this would be the conversation we would have as a second step, so what will work for you, what will work for us. Right? What would be the best to come out of that? And I think that's a discussion to be had, how can we -- you know, do we have to call them regional directors, are they -- you know, I mean different regions of the country have things that are bigger or lesser priorities for them. Right? And so
for Eddie, you know, self governance is a really big deal for him. Right? Not so much for the regional director in Great Plains. They're not really big on self governance up there. So, you know, these will be region by region discussions really that we will have to hopefully identify with the tribes in that region, you know, how this could work for them, is there restructuring. You know, I think that there is an interest by the Great Plains folks in having a further discussion I think and part of that is around they have specific ideas about changing their region including moving their regional office and they actually I think, I mean, I shouldn't -- I get the impression from them that they actually would like to wrap it up as part of this second discussion we have. So, it's intended to be very flexible going forward and trying to -- and really a lot of this is left up to you, to the tribes to figure this out. The one thing I would say is I have a hard time conceptualizing how we can do it tribe by tribe. I think it's got to be region by region. I don't think we can have one tribe or even, you know, half the tribes in a region, I think it's got to be a consensus of all the tribes in the region, you know, to do this or not.
MR. MOSELY: I can tell you probably what the answer is going to be for the Five Civilized Tribes. It's going to -- we want to keep the eastern Oklahoma regional office as is today.

MR. TAHSUDA: Well, and that's understandable. So, Navaho has its own region, right, all by themselves. Do you think they want to give up their regional director and their own region?

MR. MOSELY: I've already read President Begaye's remarks. No.

MR. TAHSUDA: So, you know we'll have to have a discussion. Now, President Begaye is interested though in how he can get better interaction with all the other bureaus he has to interact with. So with EPA he has to interact with three regions. All right?

MR. MOSELY: Well, as you know, every Indian tribe is different. Everyone has different priorities, has different issues.

MR. TAHSUDA: Right.

MR. MOSELY: The second question I have about procedures and process, as I understand it -- and I spent a great deal of time looking at what the BIA has on their website about the reorganization, and I've had a tough time explaining to Governor Anoatubby
exactly how this is going to work and I admitted to him that I simply don't know at this time. Region 7 on the map will have an interior regional director, an IRD. And then underneath that IRD -- oh, I'm sorry, the IRD will report directly to Deputy Secretary Bernhardt. Correct?

MR. TAHSUDA: Yes.

MR. MOSELY: Okay. Now, Deputy Secretary Bernhardt stated about four weeks ago to the Albuquerque Journal, we will leave the regions for BIA alone. Is that still the thought today?

MR. TAHSUDA: Yeah. I mean, I would say the general -- so this is the seventh or eighth consultation we've done. I mean, I think that the general consensus has been that they don't want to participate. And I think there's a lot of fear about what would it mean for the regions. So, and I didn't address earlier, it's been asked a couple times, you know, what opt in, opt out, whatever. I mean, the Secretary's intent he's expressed both to us and to tribal leaders when he's met with them about this has been to provide great flexibility. So I think he's open. Right? If the tribes want to say I think we're not really on board with this but then later they find out, well, maybe there is a way that this could work
well, I think he's open to letting them come in or the opposite. Right? If you decide you want to opt in and then halfway in you decide I don't think we like this, we can back it out, you know, we can try to, you know, get things back to where they were. So, I think it's intended to be a great deal of flexibility. You know, I think underlying a lot of the comments people have said is he fully understands that of all the bureaus we need the greatest flexibility in trying to make this work because we have the most unique responsibilities. Again, we do everything all the other bureaus do, right, minerals and fish and wildlife and water and then we have the ultimate responsibility of people and tribes. Right?

MR. MOSELY: I say the BIA, and I say this as a former 15 year BIA employee, that we are a department of human services and it's to front line employees out there in the BIA, which I used to be one for 15 years, how I did my job affected how they graded you and how they graded the Secretary of the Interior. So I simply don't want this proposal to forget about the people out in the field, the people that's actually making things happen in Indian Country because at the end of the day those are the people that's most important. They're the ones that's making and
breaking the BIA or Department of Interior. And like I said, I can say that from experience because I did it for 15 years as a law enforcement officer.

The second -- or actually the third question is how does the Assistant Secretary of Indian Affairs fit into the chain of command or the process or decision line? How is she going to fit into this in addition to the Interior Regional Director? How are those two positions going to work? And, of course, the ASIA is your boss. How are you going to play into the ASIA, Interior Regional Director and then you and then what these positions that we call today are the BIA regional directors? Because I can tell you the agency superintendent and the BIA regional director are the two people that I deal with on almost a weekly basis, they’re the most important people. And I'd just like to see how is ASIA going to fit into this, how are you going to fit into this along with the IED or Interior Regional Director, IRD?

MR. TAHSUDA: So, again, so largely our structure stays the same and the regional directors are a direct line of authority coming up through the bureau director to us. And, again, ninety percent of what our field staff -- more than ninety percent of what our field staff do doesn't change and they perform
their jobs and their functions, it's only in these larger inter bureau decisions. And that's why -- and the same for the other bureaus. So, you know, like for BLM it's state directors. Right? They're going to stay there. They still have the same line of reporting and everything. That's why this IRD is kind of uniquely situated because he's more like a project manager. Right? And so instead of having the day to day responsibility within the bureau, he's managing decisions like projects so that they get done and that's why his report is to the deputy Secretary so that in the case of conflict that can't be resolved by him in the region, he goes directly to the deputy Secretary. So --

MR. MOSELY: But will that go through the Interior Regional Director or through the Assistant Secretary?

MR. TAHSUDA: No, hear me out. So, he will then report that directly to the Deputy Secretary. Right? And conceptually there's sort of two things that would be unresolvable conflicts. One is just obstinence, right, in the region. And if for whatever reason he can't resolve that the Deputy Secretary will take that over and resolve it. Right? The other more importantly would be a policy where there's sort of an
irreconcilable policy view between the bureaus in the region. And so the Deputy Secretary -- he would then elevate that to the Deputy Secretary who would then bring in the Assistant Secretaries affected by that policy, right, and under the -- sort of under the gaze of the Deputy Secretary, you know, sort of he will convene with the notion that we need quick decisions, right, but then the Assistant Secretaries would resolve the policy conflict that would be there. And conceptually what will come out of that then, this policy issue is resolved and it should not come up again. Right? And so it goes back down to the region, that has been resolved to the satisfaction of the bureaus through their Assistant Secretaries and from that day forward then that shouldn't be a conflict again.

MR. MOSELY: So what we're accustomed to currently is the Assistant Secretary of Indian Affairs dealing with a lot of the policy issues that we have going on. So under this new reorg, this proposal, the Interior Regional Director will take care of most of that, those policy issues, those --

MR. TAHSUDA: No, he's not a policy person, understand.

MR. MOSELY: So say, for example, it's a policy
issue, it goes directly to the Assistant Secretary, correct, from a regional director?

MR. TAHSUDA: So if it's not one of these inter bureau issues, right, it's just a policy --

MR. MOSELY: Let's just say strictly BIA.

MR. TAHSUDA: Right. So it's strictly a BIA issue, our guys are not clear on what the policy is, comes right up through the chain like it does now.

MR. MOSELY: That's where I'm getting confused is the chain.

MR. TAHSUDA: Right.

MR. MOSELY: Say, for example, our regional director has an issue that he or she cannot take care of or they need to bump it up to DC. Are they going to bump it up to the Interior Regional Director or are they going to bump it up to the Assistant Secretary?

MR. TAHSUDA: Only if it's one of those three primary functions that involve the other bureaus and that's the conflict. If it's purely a BIA issue, then no, he goes right up through us, you know, as it is now. Hopefully we resolve the issue ourselves, right, and we send it back down.

MR. MOSELY: Okay. I understand the concept. I have one other thing is how is this going to affect Bureau of Indian Education? Because we have a local
Oklahoma City office here and I know, I can't speak for all tribes but I can speak for the Five Civilized Tribes to some degree because they've already passed a resolution in intertribal saying they do not want to lose that Oklahoma City office because we need that local contact. It's just like the agency superintendent or the regional office. We need those local contacts to have a good government to government relationship. And I'd just like to know how is BIE going to be affected by this proposed unified regions if they're going to be affected because, again, we want Oklahoma City office to remain because they've been wonderful to us and it's better to have a contact in Oklahoma City than it is South Dakota.

MR. TAHSUDA: Right. So, they're not affected by this geographic regional, you know, change in reporting. And, I mean, they're really unique. Right? The only other federal agency that does actual education. Right? So, they're outside of that. And you probably know, but they're organized now not around regions anyways, they're organized around schools, the bureau schools, tribal controlled schools and then Avilla schools. So they will stay in that fashion. The question that we'll have to work through in the short term would be on the sort of back office
side, you know, because they get a lot of their facilities and operational support from the BIE regions. And so we just will have to make sure that they're still fully supported. That will be the only question for them. I don't know, I guess I haven't thought that much about it, but I guess conceptually if the schools geographically end up in a different region then we would just have to make sure that that region would be taking care of them. That would be it.

MR. MOSELY: I understand it's complex and, again, I appreciate you being here because you do have a tough job and having worked very shortly in DOI in Washington DC I see how things run sometimes. But as a --

MR. TAHSUDA: Or don't run.

MR. MOSELY: As a manager now, I just want you to remember, and I know you know this, is the front line people are the most important people. And again, I just don't want this to do no harm with a reorganization because at the end of the day it's about trust federal responsibility and treaty obligations. That's how, you know, how the Indian Country survives. And again, I just don't want anything to be implemented -- and I'm sure that you
I don't want this either. I'm all for making things more efficient and effective. I mean, who can say no to that? But again, do no harm with this if this is how we go in the future. And just remember that the front line people, the BIA and the BIE, they are the people that make this work at the end of the day and if they need more oversight or more resources or more funding, let's try to give it to them because I know the tribes support them. But again, thank you and appreciate your time.

MR. TAHSUDA: Thank you.

The Secretary has a favorite saying, of course, coming from his background, but if the front line is not healthy the force is not healthy. And he's firmly of the belief that we have not over the past however many years supported our front line well enough and so that is part of his goal through this effort and through others across the department is to better support our front line people. Thank you.

MS. DOTSEN: Hello. Deborah Dotsen, Delaware Nation president.

I know that things look great on paper and a lot of times when you implement that it doesn't do what you thought was going to happen. Down in Anadarko we have a unique situation because we share...
lands with the Wichitas and the Caddos, so every time we regional director comes in we have to educate them as you have said before about our situation. So every two years we're going to be educating them. So, how can that --

MR. TAHSUDA: I'm sorry, let me correct that. Regional director does not change under this. Right? The rotating Interior Regional Director is for the unified region and net communication. It would be a Regional Director from the bureau in that region who would take over that responsibility and it would rotate every two years. They don't lose their day job, they just assume this additional responsibility.

MS. DOTSEN: Okay. And Delaware Nation opposes this.

MR. TAHSUDA: Thank you.

MS. PARTON: Terri Parton, president for the Wichita and Affiliated Tribes. I just have a couple of comments. One, when Bruce was up here a while ago reminded me of a general council meeting, so I appreciate your position being on that side and having to put something before people for discussion and stuff. But like I mentioned a while ago, you know, opting out is a danger too because we don't get to have our voices heard. And so just a suggestion, why
are we converting to all these other regions, why
can't all these other bureaus convert to our regions
and that would honor our sovereign nations and our
people? It's just a suggestion, you know, as we
submit comments and stuff, why do we as tribes have to
convert over, why can't they convert to our regions?

MR. TAHSUDA: Good comment.

So, honestly if you look at the map, our
regions probably change the least out of the other
bureaus. But it was never an intent to elevate one
bureau's preference on regions over another, it was an
intent to look at the department top to bottom and all
the responsibilities that the department has and try
to develop a regional structure from that.

MS. PARTON: But I guess that's the thing, why do
we get pushed into the chaos, why don't we stay how we
are and get imported stuff and make them, you know,
they go through their changes and stuff, why do all of
our regions have to -- I mean, why do we have to be
combined into with the eastern area and stuff like
that?

Anyway, thank you.

MS. BREAD: Hello. I'm Marilyn Bread, speaker
for the Kiowa legislature newly elected. And we've
been thrown into the fire right now. But I want to
commend you, John, for having the bravery to confront us with these issues and we're praying for you.

MR. TAHSUDA: I'll take all the prayers I can get.

MS. BREAD: As well as for ourselves.

I want to say first and foremost to my distinguished tribal leaders and colleagues and the bureau officials who are here working with us in trying to tackle tribal sovereignty and trying to express the passion we have to support our treaty rights and our treaty provisions. And each time that the government takes a step in the wrong direction we have to raise up our hands and say stop. What you hear before you today, John, is this passion to protect our people, our water rights, our sovereignty from the top to the bottom.

I have some questions that came out of the discussions at NCAI and that dealt with some of the trust responsibilities issues. I don't know if you'll address them today or in the future, but first and foremost, who has accountability for the tribal consultations? Is it the local level, is it the regional level or is it your level? And then who gives us feedback from all the consultation today and who do we hold accountable if they don't get that
The second thing is that when we come before you with this proposed regionalization effort in Indian Country, will this dilute trust responsibility? What about the fiduciary responsibility of the bureau? And what will be the safeguards and protections so that that will not be diminished?

We also are impassioned with the fact that we are the only DOI agency that represents the people in our trust responsibility duties we took as an oath of office. So knowing that the government does work sometimes in these ways, I would ask that you would definitely look at this proposal with respect and support for tribal sovereignty and protection of treaty rights with funding appropriate for that.

The next thing is that on your pages you gave us I'm looking at the proposal for the 13 unified regions when we know, in fact, that state lines sometimes are in conflict with tribal lines. All of their duties and regional boundaries sometimes conflict with different interests. What will you do to ensure that we are heard at that level and that our treaty rights are safeguarded particularly when it comes to land and water?

The next thing that we would like to -- I
would like to ask you is this question of these boundaries. I support the position that we maintain our boundaries as we have them today, but I look at this Interior Regional Director position for each region and it's somewhat frightening because if you do not have a voice at that level it appears to me that you are giving up a lot of your trust responsibility. So I would like to ask and propose that there be a Deputy Secretary that would allow tribes to select their own Indian Regional Director and give us our own Native American Deputy Secretary for all native tribes. I also would like to see us look at the possibility of looking at Alaska I believe was one of the groups that you said was a model. Where is that report? How is that working as a pilot project of shared services? And would commend you on coming to talk to us today but where will this go is my bottom line question. Thank you.

MR. TAHSUDA: Thank you.

MR. KOMALTY: Hello, Mr. Tahsuda. My name is Matthew Komalty, Chairman of the Kiowa Tribe.

I just had a little confusion here and I'd like for you to explain this to me. Is this considered a listening session or a formal tribal consultation and is it adhering to the Department of
Interior policy of a tribal consultation because the leaders and the federal decision makers -- well, the leaders wasn't involved in making the agenda and being part of the policy that we're talking about now. I think that's where a lot of the confusion comes in. Because I'm here as -- I think earlier we were on a talk show together and I said that we can't support this because we don't have enough information on this and my stance is still the same because we're sitting here asking all kinds of questions that we should know as tribal leaders, already know these answers to take back home. And that's just the only question that I had for you, sir.

MR. TAHSUDA: Thank you, Chairman.

So this is a consultation in compliance with our policies on tribal consultation. And again, I understand, you know, feeling like you don't have enough information. That's part of what this is intended to do is to impart, you know, a base level of information with the intent of having a further discussion. So, and again, trying to hit this sweet spot between giving you enough information to let you know kind of what thinking is going on without being, you know, pre-decisional in getting to you before that but not being too far down the road that you feel like...
you haven't had any input. So, that's part of the I
guess sweet spot we're trying to hit.

Real quick I just want to reemphasize so
that there's no confusion. The decision making that
happens in the regions is part of our normal decision
making process, that's what you call a function.
Right? It's a process that we perform in pursuit of a
decision which is part of our mission in supporting
our goal of supporting tribal sovereignty and
respecting the tribes. So the functions don't impact
tribal sovereignty or our respect for it or anything
like that. This effort is intended to improve how we
perform those functions so that we can better meet
our ultimate goal of serving tribal sovereignty. So,
I just want to emphasize that.

Sir?

MR. HINES: My name is Charles Hines. I'm the
District 5 legislator for the Kiowa Tribe, Lawton,
Oklahoma area. And I'm glad that you came down, but
just my opinion that this consultation is just a show.
The administration is going to do what they want
anyway once we're done. We come down here, you know,
thinking our input is going to mean something. I'm a
21 year BIA employee and I know how the BIA works.
I've been around a long time. I've been around. You
know, thirty years ago I was a young man on the tribal
council and thirty years later I'm an elder on the
tribal council again. So, I think this input here is
not going to make any difference. And you said Zinke
is going to be -- you're talking about Zinke being a
good guy and all that, playing ball and all that kind
of stuff, but reality, if you go back and say the
Indians don't want this and he backs us up he'll be
gone tomorrow, he won't be there very long.

I see a lavender spot up there on the map
for the eastern half of Oklahoma they didn't put the
rest of us. There are people in Kansas and Texas and
if we don't play ball with you we'll end up with an
area office in El Paso or something. But that's just
my personal opinion for District 5 is against this
proposal.

MR. TAHSUDA: Thank you, Mr. Hines.

MR. BUNCH: Good afternoon. Or I should say this
-- good afternoon. All right. I'm Joe Bunch. I'm
chief to the United Keetoowah Band of Cherokee Indians
in Tahlequah, Oklahoma.

Initially after looking at your presentation
here today I was here to fight for my tribe so to
speak as well. But as it is we're all fighting for
our tribes. We all signed that oath of office that
said we fight discrimination and things of this nature on a daily basis that we leap tall buildings for our tribal citizens and receive the different products and services that the federal government has to offer and we are social workers. But I now see that in also talking about some of the early on issues that decisions made thirty and forty years ago that affect our tribes and my tribe in particular, different issues in terms of being a dormant tribe, a mistake on the BIA acknowledgment and those sorts of things that I'm here to clarify. We are here, we've been in existence for 68 years. But I'm glad to see that you're here. Thank you for that opportunity to allow me to discuss this with you and clarifying lot of the things that you've already done today. I know some of the other folks had mentioned things like the political leadership and things of this nature, movements and the various needs, but thank you for that.

Additionally, our council meeting, a while ago I mentioned decisions made years ago. At our council meeting this past week one of the plights for this meeting, which is still yet undecided at this point, was yes, let's reorganize based on those issues that happened years ago. And you know what our plight
is. We're one of three federally recognized tribes, we're one of the small three federally -- Cherokee Tribes I should say, that we're probably one of the smallest tribes of them all. So we still speak Cherokee, we still do the cultural ways and things of this nature and -- how does -- and I'm glad to hear new comments like the silo effect and things of this nature and the organizational structure and things like that, you're pushing the decision making down to the regional area and things of that nature. Just clarify for me, if a decision goes not in your favor, who do you go to to appeal? Now, keep in mind the financial portion of it all, litigation and things of that nature, some of us don't have that ability, and so what happens then?

And thank you again for letting us be here to share our concerns about this.

MR. TAHSUDA: So, let me try and understand. You're asking for a decision that goes up through the Interior Regional Director as opposed to a purely say BIA decision, what would be the appeal process for that?

MR. BUNCH: Right. In other words, a while ago when you mentioned that I kind of got -- we had Regional Director, an assistant and so on.
MR. TAHSUDA: Right. So, the internal conflict is resolved by Deputy Secretary and so the appeal of that decision, again, it probably would be something that would be more likely for you as tribes to have an interest in because that would be more -- usually more of a policy conflict between the bureaus. So, you would have the opportunity through us, through ASIA, you know, to be able to get your tribal views expressed to the Deputy Secretary. At the end of the day the decision I guess would be his at the end of the day because he's the -- since the Interior Regional Director couldn't resolve the issue the Deputy Secretary would be the sort of final decision on that in this process, ultimately the Secretary, yes. But the Deputy Secretary can make it final for the department and you can appeal that. So you would have the normal process internal asking for like reconsideration of the decision of the Deputy Secretary if you wanted to, et cetera, and then you would be able to go directly -- I think conceptually you would then go directly -- you'd be able to go directly to Federal Court because there would be a final departmental decision.

MS. HARLAN: I'm Marsha Harlan, chair of the Osage Minerals Council, Pawhuska, Oklahoma.
Just a couple of issues to be clarified.

When you first started talking to us today you said that this wasn't just the BIA, this is department wide. And so my question for you is this Interior Regional Director, is that going to be a BIA personnel or is that going to be one of the other departments?

That's the first question.

The second question is -- well, if you could answer that.

MR. TAHSUDA: Sure. So, there's not been a final decision, but I think the concept that seems to be appreciated most by our career staff and by the Secretary and the folks working on it from his end is to have the bureau Regional Directors in that region elevate to that position on a rotating basis. And again, not that they would leave their job, they would still have their day job as the Regional Director for their bureau in that region, it's just they would take on this additional responsibility of being this project manager for that unified region.

MS. HARLAN: So the Interior Regional Director could be Bureau of Land Management?

MR. TAHSUDA: It would rotate amongst all the bureaus.

MS. HARLAN: Okay. But it could be at any given
MR. TAHSUDA: It would be all the bureaus that are in that region. And again, you know, there's a couple of positives out of that. So no bureau director ostensibly would be silly enough to elevate his bureau's decisions over the others because as soon as he steps out of the chair somebody else would elevate theirs, you know. So it creates an incentive for them to give everybody -- make sure that all the bureaus treat each other fairly. Right? So --

MS. HARLAN: That's a nice concept but that's not how life works. And I like it that you come from DC where, let me finish, where you come from DC and that's how you view things, but that's not how real life works. If BLM was the regional director you can bet it will affect us in a different way than if it was a BIA employee. That's the first thing.

I want to give you a real life example and ask you to tell me and my council members that are present how this would benefit us. We have what is known as the American Burying Beetle on our land, on our billion dollars minerals estate that we cannot drill because of this stupid little beetle. Okay? In Osage County there are a lot of ranchers who have contracted with the United States to run these wild
horses. They can trample all over that burying beetle, it doesn't matter. They've got a waiver, they've got an exclusion. We're talking about taking up six feet by five feet space at the max to drill, not including the well, the rig, but just the well at the end of the day and we can't go in and do anything right now. And I'm told just this morning that we're in the season of mating for this beetle, so we sure can't do anything right now. You tell me and my council members how this is going to help us because you said multiple times that it's not the intention to create another level of bureaucracy. You know, the road to hell is created -- is paved with good intentions. But here we are, it is creating a level of bureaucracy for us. We can't get anything through at the local level, so now we're going to go to a Regional Interior Director. And then I just heard you answer Chief Bunch and say that, you know, effectively we could then go to court one would think. Tell me how that's not bureaucracy. That's solving a problem for you but what is it doing for us? It's creating another level for us. And that's my question for you, how can I ask my council to support this when if you have BLM and you're a rancher and you're doing something for the government, well, yeah, you trample
all over these little beetles, but if you're doing something for tribal people, absolutely not, absolutely not. We're stuck right now in a holding pattern waiting on these stupid beetles. I'd just as soon call Orkin out and get rid of them. I want to know how this is going to help us because to me it just looks like another level.

Thank you.

MR. TAHSUDA: Thank you.

So specifically on your beetle I think that would be a decision that is purely ours. Unlike a lot of other parts of the country, you know, there's a unique law that applies to Osage. So that is not a decision that requires a NEPA analysis being done.

MS. HARLAN: Well, could you pass that on to our superintendent who's got us sitting idle because we're sitting idle wasting on these little beetles.

MR. TAHSUDA: So to be fair, there's been a lot of litigation over that. And so we have to make sure that the decisions that we make, you know, are defensible and that's ultimately a part of the process unfortunately. NEPA is pretty complicated. We know that the bureau didn't handle its NEPA responsibilities good in the past and that's part of -- so that's part of it. But for purposes of this
discussion, you know, that's a decision then that
would not be affected by this really at all I think
because that's purely in our lane. Right? So we
don't need to get the NEPA views of BLM or any other
agency, we've just got to work through them ourselves
and --

MS. HARLAN: We've been guided in that direction
and they are the ones who declined. It's fish and
wildlife who won't let us have an exclusion.

MR. TAHSUDA: We can have a conversation with
about that. I think we can, you know --

MS. HARLAN: But see, now you're kind of changing
the rules.

MR. TAHSUDA: Again though, it just gets
complicated because there's so much litigation over
it. I think that's, you know -- but I'm happy to --

MS. HARLAN: But it changes the rules. That's a
real life example for us of how we're in this holding
pattern and it's hurting our tribal members. We have
billions of dollars in the ground and can't get to it.

MR. TAHSUDA: And that is a good example in this
case. Right? So, we've been working on this NEPA
stuff, right, we've been trying to get around and
resolve these issues, the litigation and stuff and I
know that our guys went a long ways down the road, our
NEPA analysis, and then when we thought we were getting somewhere fish and wildlife jumps into the middle of it. Right? This is exactly the issue that we have. So, under this concept the fish and wildlife would have been told this is going on, if you want to be involved in this decision you can be involved now from the very beginning, we work this issue out over the beetle or whatever else it may be and we work it out now. Right? You don't come in after we've been into this for three years and say, whoa, whoa, whoa, we've got an issue. Right? Because at that point then they're told you had your chance, you know, and you didn't -- it clearly wasn't important enough to you three years ago, why is it important to you now. Right? So maybe this is a good example.

MS. HARLAN: Are you saying that we would then take that to the Interior Regional Director and they would work across the board to tell folks, hey, you're coming in too late?

MR. TAHSUDA: Yes.

MS. HARLAN: Okay.

MR. TAHSUDA: So, the way it will work is so say our guys, and we would be the primary agency on this, right, the lead agency on this, so the notice would go out to the other bureaus, does this in any way impact...
you, do you have any input for this necessarily. Right? And we're not asking for input if you don't need to give it. Right? And you're on notice. Right? And the Interior Regional Director is the one who makes sure that that word is out and everybody -- and there's timelines involved with that, right, and they have to respond they want to be part of the discussion and then they set a schedule for when we're going to accomplish these milestones in this discussion, we're going to resolve this issue by this date, by that date, by that date and that's how it will work in resolving this. So this is an interagency conflict. Right? That's how that would be resolved. If at the end of the day -- and again, there's a deadline of one year now for most of our NEPA analysis. Right? At the end of the day if we're getting close to that year and it's still unresolved the regional director says either you guys resolve it in the next thirty days say or we're going to go to the Deputy Secretary and then they have to go -- and then these two regional directors will have to go to the Deputy Secretary through the Interior Regional Director, right, they'll have to go and explain why they can't resolve this, why is that beetle more important than our trust responsibility to the tribe.
I mean, so that's how it's intended to work. Any other tribal leaders want to talk?

All right. Melvin Burch. I'm Chickasaw. I retired at the end of calendar year from the Office of Special Trustee for American Indians as senior executive service member to the Regional Trust Administrator in OST, Mr. Tippeconnie's favorite agency and office. And Mr. Tahsuda, in retiring I didn't ever think that I would be told by someone at Interior to sit down and shut up again, but that happens.

Let me read a few things -- or I'll ask you a question. The nine agencies that you're talking about, National Park Service, USGS, Fish and Wildlife, BLM, Bureau of Reclamation, EPA, Forest Service, USDA, BIA. Are those fairly correct?

MR. TAHSUDA: The Forest Service and EPA are not in DOI.

MR. BURCH: Okay. Well, I don't have the other two. But my point being that the eight agencies other than the Bureau of Indian Affairs -- well, let me read something to you. Article 1, Section 8 of the U.S. Constitution states that Congress shall have the power to regulate commerce with foreign nations and among
the several states and with Indian tribes, in the Constitution.

Another is Article 6 of the Constitution. This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land. I want to emphasize supreme law of the land. And the judges in every state shall be bound thereby anything in the Constitution or law of any state to the contrary notwithstanding.

So, of the nine agencies, the Bureau of Indian Affairs has responsibility to provide services to a recognized entity in the constitution. None of the other eight agencies do. They have inanimate or land, minerals, those are all important but those provide the services to the Native Americans and the tribes. I think the whole concept here is misguided in putting the BIA even involved in this because the BIA and all resources from each of these organizations or each of these agencies that provide services to the tribes should be at a different level, should be at the level of the states and foreign nations. It's in the Constitution. And by then putting a decision process of your agency, the BIA, in with other
agencies, what do you think the vote is going to be when it comes to the beetle that they're talking about? Are they going to recognize the tribes? And you're going to be outvoted pretty much every time when the other things have no relationship to assisting the Indian tribes at the level that your bureau and the other offices that provide services to the tribes.

The three priorities, we talked about that, those were talked about. Certainly none of these three priorities are significant to the level of the what the servicing to the Native American tribes, the housing, all of the things that are involved in human -- taking care of human individuals instead of fish, wildlife, these type of things.

You talked about silos being an issue. You're not going to change the silos by this organization within any federal agency. For instance, the BIA is still going to have their silos, the USDA is still going to have their silos. All you're doing is putting in a basket hundreds of silos, if not this convincing.

So, let's see, and you said the tribes have -- do the tribes have the option -- or the tribal -- do they have the option to opt out
completely, is that their right? It's a little confusing because you said they have a say. Do they have a say or do they have a veto in whether they enter into this type of organization? Do the tribal governments have a say or do they have a veto?

MR. TAHSUDA: Well, you have a veto as to whether the BIA region that you're located in should participate. And again, you know, it would be most helpful if it was a consensus among the tribes in that region. So, I don't know, I've tried to say that multiple times, I'm not sure why it's not coming through.

MR. BURCH: Well, but each time you say then we'd have to have a discussion.

MR. TAHSUDA: We do, we do have to have a discussion either way. Right?

MR. BURCH: Why?

MR. TAHSUDA: Why? Because I think you would like the BIA to still be effective in interacting with the other bureaus. They're going to be -- the other bureaus are going to be -- let me repeat this, the other bureaus, the governors, the state legislators, county commissioners, they don't get a veto over whether BLM, Fish and Wildlife or whatever goes into this. They're going to into it. And so the
discussion will necessarily be, you know, how do we keep the BIA effective in working with this now unified region. And again, this is sort of a regional structure, right, in how they will operate in that region. If the tribes want to opt in then we'll have a discussion about how we can make that work best for the tribes and so that they will be integrated into the regional decision making for these three -- and they're not priorities, they're functions. Right? Whether we build a house, whether we drill a well, we have to issue permits, we have to do NEPA analysis. Those are functions and whether BLM allows a house built on public lands or whether they allow drilling on public lands, they do permits, they do NEPA analysis. Those are functions. Every bureau does them. And the point of that is to say can we have coordination if there are multiple bureaus involved in that decision whether it's a permit, biological opinion, NEPA review, those are functions, do all the bureaus who are necessarily involved in that then get a chance to coordinate from the very beginning on that instead of waiting until a decision is three-quarters done and then trying to weigh in. That's -- I want to make that very clear. They're not priorities, they're functions, they're processes on how we do our
priorities, how we do our jobs.

MR. BURCH: And all of those functions in my opinion should be separate from a group decision and because Indian tribes should have priority over all of these they should be a separate organization to service the Indian tribes. They should get what they need regardless of what the other agencies decide that their priority is.

MR. TAHSUDA: I appreciate that viewpoint, but I have to say that we are required by the Constitution, federal laws, Federal Court decisions to make sure that there are -- the lead agencies are involved in the decision and every agency that gets to be involved. No agency in a NEPA analysis gets to exclude the others and there is federal litigation about one agency excluding another as well as outside groups. So, when we do this it would be great, right, if it was a perfect world and the tribes could be international sovereigns, but that's not the case. And one of the things that you have to be comfortable with in this job. It was different when I previously did time working in Congress on The Hill, it's a different perspective from there, but in this position there are bounds to what you can and can't do. We are bound by federal law, we are bound by Federal Courts
and at the end of the day we have to find our way through that, make sure that we're meeting our trust responsibilities and that's the challenge that we face and we take it on every day.

MR. BURCH: Have the rules and regulations for how this will be managed been propagated?

MR. TAHSUDA: No.

MR. BURCH: So, everything you're saying today as explanation, that may not be what happens?

MR. TAHSUDA: The plan is not finalized yet. Right? And the plan will be a very high level plan that the Secretary will submit to the president.

MR. BURCH: Right, but there's going to have to be procedures as to how the process works through all of these agencies?

MR. TAHSUDA: And for us what would be part of this second discussion, right, regardless which way the decision goes.

MR. BURCH: And they're all going to have to agree on this one procedure. I have been in government. That is very difficult to do between two agencies much less nine. And as I said, any -- and I know you have the responsibility to come out and make this recommendation and attempt to have the tribes buy in to the situation. I would say the same thing about
the government leaders. Before I retired I was selected to go to that first group meeting to work on coming up with whether -- what we would do for the reorganization and this was already prepared. So, the people that went to DC had this laid out in front of them and it would have been very difficult in my opinion for anyone to say -- they may have said it, but as you said, they have no choice. So, this was laid out and being a federal senior executive service I would have had to accept that and go out and sell that to the Indian tribes or attempt to that I had. So, I'm not sure we have had all of the exact input that should have been coming from the leaders of the BIA and Interior, but I hear what you're saying. I apologize for saying what I believe is what happened or what is happening in this process. And I would just advise the tribes that they really don't buy into this immediately that you're going to have to do this. I think you need to -- you know, you're sovereign nations, you mentioned that they're not like international sovereign nations, I think that's what you said, but they are sovereign nations and they have -- there was discussion of will a tribe be able to opt out and no individual tribe will be able to opt out of this and if you go along with it the
explanations that have been made as to how decisions would be made under this, did you find those simple when they were explained? And you haven't even seen what the end result is going to be on these decisions yet. So, I'd just advise you to be -- and I really applaud all of the tribal leaders that are here today that are evaluating this, this proposal. And one of the comments was made you have a year and a half, two years left in this administration. And if they spent a lot of time and a lot of resources doing this development and then there's a change in administration, this is chunked, this is put in the trash. So, all of the individuals that are now serving you from the Department of Interior, they're going to be spending a lot of time away from serving you working on this reorganization I can tell you, I've done that during my career. So, it's not going to be a slam dunk as to how easy this is going to get done when you have nine different agencies trying to come up with a resolution. So, that's my comment.

Thank you.

MR. WATKINS: Good morning, Mr. Tahsuda. I'd like to thank you for coming to Oklahoma on behalf of the Delaware Nation in western Oklahoma. I am Matthew Watkins. I'm the treasurer for the Delaware Nation.
One of the questions that my president just gave me was how are you guys going to solve the interagency communication between different agencies? For example, we have a lawsuit that we have joined in with other tribes concerning 106 consultation and the rule changes that they've done. Some of the tribes depend upon those fees for their cultural programs as well as their preservation programs. How is the bureau going to recommend solving this problem between -- when one federal agency trumps another, especially when it comes to important programs such as NAGPRA? We have a process in which we have, what is it, 17 states I believe we encompass, 18 different states we've come from. Most of those consultations are in those different states and I think we've added West Virginia to the mix as well. So, our tribes come from the east coast as well and, of course, with the push of manifest destiny we got pushed across the Mississippi and bonded with the Caddos. So the Caddos --

MR. TAHSUDA: I'm sorry for that.
MR. WATKINS: Yeah.
MR. TAHSUDA: Just kidding.
MR. WATKINS: But, you know, putting us all into one pickle barrel so to say, it draws some serious complications on our end because we have cojoined
lands, we do not have land that we can buy back. You know, those are some of the problems that we have.

And getting back to the 106 consultation, you know, if you started taking away those fees away from the tribes, what are they going to have to follow up on? If somebody wants to come and build a cellphone tower on my parents' property, what protections do they have to stop such like that and maybe consult with the owners? We don't have the same consultation rules that are set up with the fee landowners, say the trust responsibilities that you guys have.

And looking at your proposal for reorganization, it says the interior mission stays the same respecting supporting tribal sovereignty. I believe your web page says something totally different. The mission statement of the Bureau of Indian Affairs mission is to enhance the quality of life, promote economic opportunity and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska natives.

So I think your mission is kind of half baked there. It's not really totally what we're looking at. You guys are responsible to uphold our
treaty rights. You're getting a percentage of our monies that come from those treaty rights to do those things. We need to see an accountability on DOI's part and the bureau's part as to how those are effectively working for us. That's the biggest problem I see is that there's no accountability. Even after Cobell we haven't seen any accountability. I haven't seen it. And it's not blaming people in OST or anybody else for not doing their job, but we need to have that accountability given to the tribes, especially in our region. We're such a small tribe, I think we number less than 1,400 people, but a lot of our people that come to council they ask us these questions, you know, what's the bureau doing for us, you know, how come we're not getting this, how come we're not getting that. Well, we don't have -- we have an arduous task trying to explain that to them but at the same time we're not getting information from the BIA. So, we need more correlation as far as communication between our departments and anything that has to do with self governance. We're pretty big on self governance right now. I think we're maybe one of the only few tribes that actually have used our self governance. So, what we need is -- I guess what I'm asking for is we need better communication between
the tribes and the bureau. I don't see that yet. You have one consultation to do one reorganization, you need to have many more consultations besides just this one. There needs to be more tribal leaders that are probably not present here that can't represent their people, they need to be here as well. So, kind of like I said, we appreciate you guys doing your job, we need something better from the bureau. That's all.

MR. TAHSUDA: Thank you.

So I'd just point out, I have on the slide show this Interior's mission with respect to tribal sovereignty and the bureau lists its mission which is taking care of tribal assets and the people part of it. Right? Anyway, that's just an aside.

I'm not entirely clear, let's talk more about -- you're talking about fees and 106 consultation. So, I don't think this should affect your role in that, but, you know, if you think it does that would be something you want to have a further conversation and make sure that we don't impact that negatively. So, yeah.

MR. WATKINS: The main thing is just supporting the tribes even when our programs, important programs such as NAGPRA. You know, we don't need the SEC pulling the rug out from underneath us.
MR. TAHSUDA: Right.

MR. WATKINS: You know, we've already established these things. The companies that actually do business with us, they don't mind paying these fees. It's actually a nominal fee compared to what they're making.

MR. TAHSUDA: Right.

MR. WATKINS: A drop in the bucket.

MR. TAHSUDA: Appreciate that. Unfortunately, I can only provide input back to the Secretary on Interior and not other agencies. I think there was a question asked earlier about other federal agencies doing this. So, just so you know, I mean, the president's executive order went to all the cabinet agencies. And so ostensibly they're all going through the same exercise but I have no clue where they are on that. Again, presumably they will be done and submit their plan by October as well, but, you know, we had some discussion with Department of Ag about Forest Service, et cetera, and we had some discussion with IHS about whether they would want to have similar regions that we do so we could kind of coordinate better and there wasn't a lot of interest on their part unfortunately. And so a lot of our effort is focused just internally within our department.
Yes, ma'am? And I would just note we have about five minutes left and I'd love to spend all day with you believe it or not, but I actually have a plane to catch. Thank you.

Ma'am?

MS. SANDERS: Thank you for the opportunity to speak. What I have to say is going to be very brief. I think my primary concern and what I hear from everybody else is the bottom line, it's economics and it's also trust issues which are very well grounded in history. And I'm happy that you seem to have trust in Mr. Zinke, however it seems to me that every department head that has been appointed has been appointed specifically to destroy that department. So, that is a big concern of mine. And as far as economics go, this really message is for the rest of my brothers and sisters here is the macroeconomic operational reality has been misrepresented to us. Anytime we want funding for the public purpose they ask us how are you going to pay for it. They tell us they're in debt and there's a deficit. It is mandated by the Constitution and the power of the purse has been given to Congress. Our government is the sole owner, creator and issuer of the U.S. dollar. We are not in debt. We do not borrow money. And a deficit
at the federal level is a surplus in the private or
the foreign sector. So, the only -- we have been
undergoing increasing austerity in the last forty
years for everybody. Native people have always
experienced that and if we don't understand how
macroeconomics works -- it is not -- a budget at the
federal level is nothing like a household, a business
or a state budget because we are currency users and
they are the currency issuer. It is Congress that we
all need to be addressing because they are the ones
who allocate the money. Every time they allocate
money to the military industrial complex you never
hear our corporate mainstream media ask how are you
going to pay for it because Congress creates money
every time they allocate for it to be spent. So, if
you want any more information I would be glad to give
it to you.

MR. TAHSUDA: Thank you for that economics
lesson, ma'am. You clearly know more about the
federal budget than I do. To me it is a bewildering
maze, but thank you.

So our time is up according to my Apple
phone, I think that's accurate. Right? So I
appreciate it again. Written comments can be
submitted. And I would tell you also as we've done
with other consultations, I know we have to put dates up, et cetera, but I'm happy to take your comments on this topic or anything, send letters into us, we'd love to hear, and if you want to speak more about the region and how you think it could work better, happy to get your thoughts and comments on that as well. Thank you.

We'll close out this session.

(End of Consultation at 1:01 p.m.)
CERTIFICATE

STATE OF OKLAHOMA )
) SS:
COUNTY OF OKLAHOMA )

I, David Buck, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that the consultation was taken in shorthand and thereafter transcribed; that the same was taken on August 7th, 2018, in Oklahoma City, Oklahoma; that I am not an attorney for nor a relative of any said parties, or otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 15th day of August, 2018.

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David Buck, CSR #1585