U.S. DEPARTMENT OF THE INTERIOR

TRIBAL CONSULTATION

POTENTIAL DEPARTMENT OF THE INTERIOR (DOI) REORGANIZATION

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TRANSCRIPT OF PROCEEDINGS

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Held at Henry M. Jackson Federal Building

915 Second Avenue

Seattle, Washington

1:04 p.m. to 4:52 p.m.

REPORTED BY: Julia Williams, CCR #2307

DATE OF PROCEEDINGS: August 23, 2018

Verb8M Reporting, Inc.
Phone: 206-467-0800  E-mail: info@verb8m.net
ATTENDEES

U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS:
John Tahsuda, III, Principal Deputy Assistant Secretary for Indian Affairs

OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS
OFFICE OF REGULATORY AFFAIRS AND COLLABORATIVE ACTION:
Regina Gilbert
Annette Romero

AUDIENCE MEMBERS

CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION:
Harry Pickernell, Chairman
Jeff Warnke

COEUR D'ALENE TRIBE:
Caj Matheson, Natural Resources Director

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION:
Cody Desautel
Andrea George, Colville Business Council
Margie Hutchinson, Colville Business Council
Janet Waki Wak Nicholson, Colville Business Council
Norma Sanchez, Colville Business Council

CONFEDERATED TRIBES OF GRAND RONDE:
Michael Karnosh, Ceded Lands Manager

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION:
Gary Burke, Chair
Charles F. Sams, III, Communications Director, Staff

CONFEDERATED TRIBES OF WARM SPRINGS:
Austin Greene, Chairman

COWLITZ INDIAN TRIBE:
Stephen Kutz

KOOTENAI TRIBE OF IDAHO:
Pamela Rentz

MAKAH TRIBE:
Mike Chang
Nate Tyler, Chairman
ATTENDEES (CONTINUED)

MUTLAKATLA INDIAN COMMUNITY:
Karl S. Cook, Mayor/Chairman

MUCKLESHOOT INDIAN TRIBE:
Anita Mitchell, Vice Chair

NEZ PERCE TRIBE:
Shannon F. Wheeler, Chairman

PAIUTE INDIAN TRIBE OF UTAH:
Tamra Borchardt-Slayton, Chairperson
Patrick Charles, Chairperson, Shivwits Band of Paiutes

PORT GAMBLE S'KLALLAM TRIBE:
Kara Horton-Wright
Renee Veregge, Tribal Council

SAUK-SUIATTLE INDIAN TRIBE:
Ben Joseph, Chairman
Elmer Ward

SHOSHONE-PAIUTE TRIBES:
Theodore Howard, Chairman
Yvonne Powers
Arnold Thomas

SPOKANE TRIBE:
Greg Abrahamson
Carol Evans, Chairwoman

SUQUAMISH TRIBE:
Leonard Forsman, Chairman

TLINGIT-Haida TRIBES OF ALASKA:
Andy Ebona, NIGA

YAKAMA NATION:
JoDe Goudy, Chair
Delano Saluskin

ALSO PRESENT:
Brian Gunn, Attorney for Colville/Coeur d'Alene/Chehalis
Tammie Poitra, BIA Regional Director, Northwest Region
Anissa Sebastian, BIA, Northwest Regional Office
Angela J. Vanderpool, Chugachmiut
Dawn Winalski
SEATTLE, WASHINGTON; THURSDAY, AUGUST 23, 2018

(Proceedings began at 1:04 p.m.)

MR. TAHSUDA: Good afternoon. Quick question:

How well can you guys see the screen in the back, or is it
better to turn a light off? Can we leave the light on? We
can turn the light off if you want. Is that better? Okay.
We'll do that, and once I get through the PowerPoint, we'll
turn the light on so I'm not sitting in the dark.

So thank you for coming. My name is John Tahsuda.

I'm the Principal Deputy Assistant Secretary for Indian
Affairs at the Department of the Interior. And thank you
for coming on -- this will be the last of the formal
consultations that we have had on the reorganization of the
Department, and so I want to open up the opportunity for
Chairman Forsman to get us started on the right foot with a
prayer, and then I'll offer a couple of just points of order
for us to get through the meeting officially.

MR. FORSMAN: All right. Thank you. Thank you,
John, and thank you, everybody, for coming out here.
Welcome to Seattle on behalf of the Suquamish and the other
central Puget Sound tribes. Of course Chief Seattle's
buried on a reservation over in Suquamish, and the city here
was named after him for all the work he did doing similar --
well, the same as what we're doing today, just like all of
our -- our ancestral chiefs did in working with federal
government and other countries and doing all the diplomacy and all those good things. So I'd just like to thank everybody for carrying on this tradition today.

So, Creator, I'd just like to thank you for this day and the people in this room and everybody at home that supports us and follows us. And also for our families who sacrifice so much to allow us to travel and kind of hold our responsibilities to our sacred trust to preserve our natural resources and provide the things promised to us in those agreements that we made with the United States. And just put a blessing on our veterans and our elders and our children and those people that are sick, and just a thank you for the beautiful day today. We know we've had a lot of smoke and fires and just put a blessing on those that are fighting those fires and people that are suffering as a fact of those and people that are doing their best to get them under control, and just a blessing in general on our homelands and just thank you for this day. Amen.

(Amen from attendees.)

MR. TAHSUDA: Thank you, Chairman.

So I would -- a couple points before we get started here. If you -- we have a mic for folks?

MS. GILBERT: (Indicates in the affirmative.)

MR. TAHSUDA: So I'd like to, if that's okay with you, get through the PowerPoint. It's not very long. I can
kind of get through it and get the basic information there
to you, and then we'll open it up for questions and have a
general discussion. And I can always go back through the
PowerPoint if there's something that caught your eye or you
want to ask a question about.

You should have a paper copy as well. If you
don't, Regina can get you one from the back. And if you
need anything else also that we can help you with during the
meeting here, I hope you've met Regina and Annette, who are
assisting us today in the back back there. And, also, if
you've had an opportunity to sign in, that's great. I would
like to just for purposes of the consultation, if we could
have tribal leaders speak first, those who are formally
representing their tribe and making those comments so we can
get those on the record first and make sure we have plenty
of time for that, and then we can open it up to other tribal
folks that are here to comment, but I want to make sure we
have plenty of time to get those comments on the record
first.

So if you have -- later on when we get into
discussion or if you -- I mean feel free if something I have
up here prompts a question at the moment, but at any point
whenever you wish to make a statement, if you could use the
microphone and if you could state your name clearly and your
tribe and your position so that our court reporter can get
that down for the record as well. This is a formal consultation. We have a record being prepared, as we have with the other consultations. Those will be going up on the website once the transcripts are finished, and you'll be able to view those as well, the prior ones as well as this one.

So that's really all the point of order I have. I want to just thank you again for being here, and I'll try to get through this initial PowerPoint as quickly as I can and allow us the -- as much time as possible to get through any questions that you have.

I would like to -- we have three hours set aside, and we can go a little bit past that if need be, but we can't go too much past. We have -- our reporter has -- we only have a certain amount of time that we get with her, as well as in the building here, so -- but I -- but with those time limitations in mind, I do want to say that we'll try to take a break about halfway through, which will be I guess at approximately 2:30 or so, and take a short break so people can use the restroom, get some water, coffee, et cetera. Speaking of coffee, I think we do have some in the back if anybody wants some, and -- but so we'll take time to do that in the middle of the -- of the meeting as well.

So let's start this off with where we started from. Work this.
(Beginning or PowerPoint presentation.)

MR. TAHSUDA: So very quickly, where did this effort begin? This effort began shortly after President Trump took office. He asked each of the cabinet agencies to come up with a plan on how they could reorganize their department in a way that would be more efficient, effective and accountable to the American people.

Last year the department requested tribal input by letter and held a number of listening sessions around the country, and since that time and this year, we've had a couple more listening sessions, but we've also engaged in nine -- and this will be the tenth -- formal consultation that we've had as well.

So, now, my PowerPoint is a little bit dated. We're a couple months into doing the consultations, but -- so the reorganization plan that the Secretary has prepared and delivered to the President has not been finalized yet, but it is being drafted. We have -- when I get further into the PowerPoint, I'll show you we have a map, which is pretty close to final as far as a geographic map of the unified regions that are proposed in the plan.

So we also -- again, as I said, we're wrapping up our consultation. Most of the discussion with other groups like governors, et cetera, who are heavily involved with the other bureaus have largely taken place, and, again, you see
that reflected like in the maps and some of the thoughts
that were organization that you'll see in a minute.

There's a couple reasons that this I think is
important to us, important to Indian country but important
for the department as well. The department is the largest
civilian agency in the federal government, large in size,
large in number of employees and large in its management
responsibilities.

So we have over 2400 operating centers, if you
want to call them that, various offices that the department
has stretched across 12 time zones. That means literally
half the globe. We have over 70,000 employees. We have
over 600,000 volunteers that assist with a lot of the
things, parks, refuges, et cetera, that we operate around
the -- around our responsibilities, 12 time zones.

And most of you know this, but we also have a lot
of physical responsibilities, 530 million surface acres,
700 million subsurface acres, and not to be forgotten, very
important to us as well, over 25 million acre-feet of water
that the department is directly responsible for managing or
assisting in the management of.

So not only is this, you know, in response to the
President's request for a plan from the department, but
Secretary Zinke has taken this on in his mind. He cares a
great deal about the department. Those of you that don't
know, he grew up in Montana. He's very interested. He's a -- kind of a child of the West, and so all of the things that the department does are things that are near and dear to his heart. And so, in addition to having the requirement to respond to the executive order, he personally believes in launching this and reorganizing the department.

Why is that? Because the department, again, you've seen the size of the responsibilities. The department was never -- has never really been organized in any comprehensive fashion. The department started in 1849. One of the -- as you probably know, one of the first agencies that was folded into this new department was the Bureau of Indian Affairs. Came out of the Department of War into the Department of the Interior.

Over time as new responsibilities, new things were created by the federal government like our parks system, wildlife refuges, fish and wildlife services, these things were created, and they were placed into the department, and these responsibilities were given to the department, but they were kind of placed ad hoc as these things were created over time. Nobody took a comprehensive look at what the department does across the board and what would be the best way to manage those responsibilities.

So that's at the root of what the Secretary's proposing here is to better look at how the department
responds to its management responsibilities and in particular decisions that it has to make across the department in a way that reflects the modern department as it is, the different bureaus, all the responsibilities they have and the necessary interaction they have to have with each other on behalf of the American people.

So the basic proposal is to bring all the bureaus into common unified regions. They'd have a director who would be responsible for interbureau decisions in that unified region. And the unified region itself across bureaus would have three primary functions it would focus on: Recreation, conservation, and permitting. And these are three functions that each of the bureaus does, and they often require input from the other bureaus, so that's the reason that they're identified as priorities.

As you know, permitting, almost everything that we do that requires physical action requires a permit.

Conservation involves like biological opinions. We also would include in that the EPA requirements that we have to do, et cetera.

Recreation is one that people don't commonly think of, but the department is actually, if you think about it with all of the western land it manages, very heavily involved with the recreation of this country, the outdoor recreation of this country, which is about an
800-billion-dollar-plus-a-year industry, and so that's also
something that the department -- almost every bureau of the
department has some role in, and so that's something the
Secretary wants them to coordinate with as well.

So why unified regions? Right now we have 61
different regions amongst the nine bureaus that are within
the department. So -- and if you think about it, common
sense, we have -- again, focusing on sort of interbureau
decisions, we can have any geographic region, a river, a
bridge over a river, that needs permitting, and it would be
in one region for us. It would be in a different region for
one of the other bureaus, say, Fish and Wildlife, who would
have input into that decision. And so our Bureau Director
would necessarily have to be interacting with a Regional
Director from an agency in which that Regional Director is
in a totally different part of the country he doesn't have a
lot of contact with.

So the idea is to kind of -- and that happens with
all the bureaus. The idea is to kind of bring -- bring
these Regional Directors into common regions so that they
will be managing their responsibilities in a more effective
way, and you'll see that in a minute when we get to the map.
And, again, the idea being that with more -- with more
common leadership and the ability to make decisions in the
field, we can get decisions made there without them rising
to Washington D.C. There could be better interaction amongst the bureaus. And one of the -- one of the basic concepts of this for the Secretary is to break down sort of decision silos that happen within the different bureaus so that when decisions that involve input from each of the bureaus in a geographic region have to be made, they can begin at the ground level.

As it works now, I'll just tell you anecdotally decisions that, again, will affect several bureaus like something affecting a waterway, a bridge or riparian bank repair or something like that, usually it takes about two or three years working up through the bureau that is the lead agency for it, and then they start talking to the other bureaus.

And so the concept with the unified leadership on these interbureau decisions would start that discussion from day one amongst the bureaus that are involved so that they can work together in deriving a common solution or a common decision in permitting, et cetera.

Here's the map. So I hope you can see it well. The colored regions are our current BIA regions as they exist now. The black lines would be the proposed new unified regions. So you can see some of them like the Northwest Region is actually pretty close to what our current BIA region is now for the Northwest. Some of them
would change a lot, and so part of that depends upon the --
the -- all the activities that occur in a common area.

And so, say, like in Northern California you can see, you know, we would split our region in California into two, but we have rivers, water basins and other things that come through Northern California, and so the concept is that it's easier for the regions who are in that area. And right now like Bureau of Rec has a common region in Northern California. It's easier for them to work with the other bureaus if they can focus on having the same region. And a good example, again, is Northern California. All of the offices of the bureaus that are there except for Parks are already located in Sacramento, and so sort of formally connecting them is a process to, again, break down these barriers to decision-making amongst the bureaus and get them working together in a more effective fashion earlier on.

How would this be organized administratively? So, again, I want to emphasize we're talking about decisions that happen across bureaus that necessarily have to have input from the different bureaus in the same geographic region. So in these unified regions there would be an Interior Regional Director who would be responsible -- and you can think of them like a project manager -- they would be responsible for getting decisions, opinions, et cetera, that are necessary in that region done, and they would
impose timelines, they would require the communication between the bureaus to happen, again, from day one, and they would be in a sense cracking the whip making sure that these things get done in a timely way.

One of the concepts that we had -- and we've had a lot of discussion internally with our career folks, and this is actually a -- was a strong discussion of our career management folks -- was to have this person, instead of being someone from the outside or even a political appointee, that they actually be one of the Regional Directors from the bureaus that are operating in that region. And so one of the ways that they derived, again, sort of in their own discussion how to make sure that one bureau doesn't sort of put its priorities ahead of the others' would be to have this be a rotating directorship for maybe two or three years. Each of the bureau Regional Directors in that region would have their Regional Director elevated so that they would be overseeing these interbureau decisions or projects. It also would have the added effect of having greater communication so that the different bureaus understand what the priorities and the responsibilities for those other bureaus are in that -- in that region.

(End of PowerPoint presentation.)

So that's largely it. Talked really fast. I
wanted to get through that real quick and get sort of into a
good discussion with you. So the -- you can supply written
comments as well as your oral comments today. We have moved
the August 15th date to September 15th. So -- and, again,
as I say with all these, we'll take your comments anytime
too I mean, but for our purposes in trying to assist the
Secretary in finalizing his plan to submit to the White
House, which is due in October, we've set a deadline of
September 15th so we can get as much information together as
we can to inform him by that time.

So there were the consultations that we initially
had. We've had a few more. And then I will just keep you
entertained. I'll go back to the map, and we can start from
there. If you don't mind, I'm going to sit down now, and
does anybody have a comment before I get started?

MS. EVANS: I have a question.

MR. TAHSUDA: Yes.

MS. EVANS: Carol Evans, Spokane Tribe of Indians
Chairwoman. So when you talk about -- oh, thank you very
much. (Referring to microphone.) Hello, hello. When you
talk about these Regional Directors, what -- what is their
chain of command? Do they have -- do they have supervisory
roles over, say, all the way down to the Department of
Interior, or what does it do to that particular -- the
current organization as it -- as what is being proposed?
MR. TAHSUDA: Let's see. I think I have it here.

(Referring to PowerPoint.)

UNIDENTIFIED SPEAKER: Yeah, Deputy Secretary.

MS. EVANS: Yeah, the Deputy Secretary.

MR. TAHSUDA: Right. So those are -- a good question. So the Interior Regional Director would formally report directly to the Deputy Secretary, and the concept behind that is that one of their responsibilities is to resolve any type of policy or other conflict that the different bureaus in that region would have. That's a -- one of the major responsibilities they have. If they can't resolve that, then they would bring it to the Deputy Secretary, and the Deputy Secretary would then essentially convene the Assistant Secretaries to resolve that policy question, but the idea being that the Regional Director gets to go to the top of the department, cutting the, you know, response time down, et cetera, getting a decision. And a lot of this is really focused on, you know, better communication and faster decision-making, and so that's, you know, what the intent of these are.

So -- and it's not -- you know, the hope is that we won't have to create sort of a new big bureaucracy to do this. That was also part of the notion of using the current Regional Director, but it's more about lines of reporting for these Interior Regional Directors for the unified
And so yes, that's a really good question. They report to the Deputy Secretary. Their priorities and their -- really the assessment of how well they do their job will be handled by the Deputy Secretary.

MR. ABRAHAMSON: Do -- along with that question -- Greg Abrahamson, Spokane Tribe -- along with that, do you have in your draft right now of how that Deputy Secretary's under the Assistant Secretary? Will there still be an Assistant Secretary then? Are there, as you said, Assistant Secretaries? Does it go Secretary, Assistant Secretaries and Deputy Secretaries, or would that Deputy Secretary be above the Assistant Secretary, and then --

MR. TAHSUDA: So it's current Deputy Secretary, who is the second ranking official in the department, Secretary, Deputy Secretary, and then Assistant Secretaries under them. And so the Assistant Secretaries will still oversee their bureaus and their regional staff there.

Again, to make sure I get the concept across is, this unified Region Director is only dealing with the interbureau decisions that require multiple bureaus' input and focused on these three primary functions, and so that is maybe 10 percent of what a bureau does in that region in any particular -- in any particular year, say. And so everything else that happens following this current chain of
command, right, the Regional Director is responsible for what happens in his region. He reports to the Bureau Director, who reports to the Assistant Secretary, et cetera. That all stays in place, and it's really focused on the decision-making on these, you know, cross-bureau, if you want to think of it that way, cross-bureau actions and to make sure that they happen in a timely fashion.

As you guys know, a lot of times, if there are multiple bureaus that have to be involved in a decision, it can take ten years to get that decision finalized, and this is all aimed at getting that knocked down to two or three years at a max, so.

MR. ABRAHAMSON: Another comment if I can there, on the primary, three primary, functions then, so where does the trust responsibility fall into those three primary functions there because that's -- one thing that the tribes rely heavily upon is agreements as a lot of the trees and everything goes that trust responsibility to the tribes there.

MR. TAHSUDA: So good question. The trust responsibility is not impacted in any way by this, and so -- and I think personally that's one of the -- the positive benefits that this brings is that to my mind the trust responsibility is not something that belongs with the Bureau of Indian Affairs or even Indian Affairs Office, but belongs
to the whole department. I know the Secretary feels the
same way. And so, you know, in creating better
decision-making, I think that helps the department at large
fulfill this trust responsibility better.

Now, when we say functions -- and maybe I can
describe this better -- the -- each of the bureaus has their
own missions, right, their responsible for, and they have
goals that, you know, go towards meeting those. These
functions are the activities that accomplish the missions.
And so for BIA for Interior at large, you know, try to put
it at the bottom that, you know, the Secretary has
reiterated over and over respect for tribal sovereignty, our
trust responsibility. That's a mission of both our bureau
and a mission of the department in general. These functions
are what give the actions that accomplish the real things
that go into meeting the trust responsibility, right, so
permitting right, making sure that, you know, if a permit is
needed by the tribe, that that happens in a timely fashion.
If it's permitted by another bureau but it impacts the
reservation or it impacts the tribe's treaty rights in some
way, that that discussion happens from day one as this
decision moves forward and that our bureau folks are
involved with them from day one.

And so that's -- when we talk about functions,
that's what we're talking about, the activities that go into
meeting the missions. So, you know, Bureau of Land Management, Bureau of Rec, they have different missions than we do, right, but we all do these same functions. We all do permitting. We all do NEPA analysis, say, et cetera. So that's the idea behind functions.

Do -- maybe I should -- would it be more fair to start going down the list, or would you rather take -- I'm open to it. We can take ad hoc questions.

UNIDENTIFIED SPEAKER: I can go.

MR. TAHSUDA: Okay.

UNIDENTIFIED SPEAKER: The list.

MR. TAHSUDA: So I have the Chair from Yakama, JoDe Goudy.

MR. GOUDY: Yeah.

MR. TAHSUDA: Well, you're waving your hand anyway, so.

MR. GOUDY: Yeah.

MR. TAHSUDA: Let me just say I'm not trying to be rude. I use my iPad to make sure I get notes on questions that you ask so I can be sure to answer them, so I'm not checking my e-mail or anything.

MR. GOUDY: Okay. (Speaking in native language.)

I want to say (speaking in native language). Good morning to you. My name is Chi' Qwax. That's my name. My English name is JoDe Goudy, and I currently serve as the Chairman of...
the Yakama Nation Tribal Council.

   And to open, as it's become common in my
acknowledgment in these type of listening sessions, is,
first and foremost, brother from the U.S. government,
listen. Today we are presenting you with an important
critique of the history of the present moment.

   Listen. We are here to notify you that we reject
the U.S. government's use of ultimate dominion, a claimed
right of domination based upon the so-called discovery by
Christian people of the lands of Natives who were heathens.

   Listen. That language of domination is found in
U.S. Supreme Court ruling Johnson versus M'Intosh, which has
never been overruled and is still considered valid law in
the United States.

   Listen. We reject the Johnson versus M'Intosh
doctrine as a political and legal framework for the treating
and dealing with our nations, the original nations of this
continent.

   Listen. We are here today to discuss with you a
proper basis for our relationship, truly nation to nation
with true self-determination, not domination.

   So now that I've gotten that statement and brought
it forth because there are components with regard to that
spirit that is expressing itself in this, I guess you can
say, dictation of a presentation that's come forth about a
potential reorganization for what the Yakama Nation is a historical trust fiduciary responsibility that's memorialized within the Yakama Treaty of 1855 [12 Stat., 951] that was brought forth in 1855 and ratified in 1859.

I also need to express that from Yakama Nation's perspective this indeed is not consultation regardless of what the DOI and the BIA is proclaiming it to be. We do not condone expressions with regard to regional listening sessions to be proper consultation to get into an engaged and responsible discussion by which you can administer communication from the Native nations who are impacted by the potential decisions for true, free, prior and informed consent about what is happening pursuant to previously existing executive orders and, namely, specific to the Yakama Nation in our concerns the treaty itself, the reserved rights and the articles that memorialize those rights and govern the relationship between the United States and the Yakama Nation.

So getting back into the understanding here that this indeed is not recognized as consultation, we need to express that when it comes to I guess my first question that I was going to ask you there before we began is, from your perspective currently, who is the legally defined head Indian agent from your perspective here today?

MR. TAHSUDA: I'm not sure. So can you clarify
more what you're asking?

    MR. GOUDY: So I'm sure you're aware that within various treaties with Native nations and the United States that there's a head Indian agent that's been identified for a number of provisions with regard to the trust fiduciary responsibility that's been -- as it was historically promised, reserved and memorialized within the articles of treaty, but as well in the current-day practice when it comes to the acknowledgment of many aspects including consultation, including dispute resolution, the significance of the head Indian agent on behalf of the treaty and trust fiduciary responsibility becomes an important question for us because if you are indeed indicating that the Regional Director is going to begin to report to the Deputy Director on certain instances and bypass the Assistant Secretary of Interior, our question would be, from a legal perspective, who is DOI acknowledging to be the head Indian agent that is listed within the Yakama Treaty and a number of other treaties that exist between Native nations and the United States?

    MR. TAHSUDA: So if I'm understanding you, what you're asking correctly, I would say that there are -- so the word agent is used in different ways in different contexts, so we have, you know, an agent who is in our agency offices, right, who is sort of like the day-to-day
agent. The Secretary of Interior is the one who is most often identified as the agent for the United States to fulfill usually by statute, which is filled in the administrative structure to deliver on treaty promises, other statutory requirements, et cetera. So it's usually the Secretary of Interior.

So formally the Secretary of Interior I guess would be who you're referencing, and so -- now, that authority is most often delegated down to the Assistant Secretary of Indian Affairs.

MR. GOUDY: Okay. So I need to acknowledge that, but while we're on this listening session here to understanding the stipulation that's come forth with regard to the Executive Order 13781, which directed this potential reorganization process, and I just wanted to note that within that specific executive order, that there's a notation in there within Section 2, and it's in -- listed in Bullet Point e. And so the comprehensive plan for reorganizing the executive branch is the name of executive order, but the specific provision within Bullet Point e indicates, In developing the proposed plan described in Subsection (c) of this section, the Director shall consult with the head of each agency and, consistent with applicable law. And that's the question right there, applicable law.

And so, you know, for the benefit of this
listening session, I need to remind yourself as the Acting Assistant Secretary of Interior that 12 Stat., 951 is an applicable law. It is a treaty between the United States and the Yakama Nation. There are provisions within the treaty that speak to this potential reorganization based upon the reserved rights and the commitments that were memorialized in that discussion.

If there's going to be indeed a change in the manner of today's time, day and age in spite of the already-existing changes that have come through judicial precedent and legislative act, which has essentially renegotiated the provisions of our treaty between the Yakama Nation and the United States, we take extreme exception with the fact that true consultation, which from Yakama's perspective only exists within our chambers amongst the 14 elected officials which are the historical chiefs, past into present-day time, that is memorialization with regard to true and proper consultation giving free, prior and informed consent with regard to how we understand fulfillment of our trust fiduciary responsibility being upheld by the different individuals who have been tasked in present-day time to fulfill the historical promises within the reserved rights and the articles of our treaty.

And there's something that needs to be said specific to treaty nations, executive order nations and
other nations that carry some type of formalized existence
in our memorialized governing relationship and our documents
such as treaty nations who have a treaty that essentially is
the governing government and other nations such as executive
order nations and other nations who have, you know, had
unfortunate interactions historically. And the provisions
within the articles of the treaties within the treaty
nations go hand in hand with, once again, Article VI, Clause
2, Clause 3 of the U.S. Constitution.

Treaties are the highest law of the land, and when
it comes to the interpretation from our perspective as to
how these trust fiduciary responsibilities are being played
out, materialized throughout time, we oftentimes find
ourselves in dispute with Department of the Interior, with
BIA. We as Yakama Nation have currently pending a number of
formalized consultation requests with Secretary Zinke, with
individuals from BIA, specific to a number of issues, which
we have a differing opinion with regard to how it is
materialized and as far as the trust fiduciary
responsibility, and BIA, Department of Interior
Secretary Zinke currently is not stepping forward to meet in
proper true consultation in a responsible manner, the
communication that would be up to our standard with regard
to fulfilling trust fiduciary responsibility in today's
current-day time.
And if that's the case, then we take extreme exception with regard to developing a plan, once again, without true consultation, which for us exists in our chambers, and ability to say that this is going to happen, and it's going to happen regardless of what the Yakama Nation or the other Native nations throughout these various listening sessions have to say.

So that would be another question that I have is that it seems as though that this effort is going to materialize, and the deadline of October for Secretary Zinke to essentially give his results for specific to the executive order are going to come forth.

Now, the question would be -- and I -- once again, through other communications and listening sessions on other issues that are important to Native nations throughout our lands here, I have not heard in my interactions one Native nation, one leader, who does not take some type of exception or who does not challenge the reorganization that is being discussed in the manner it's being discussed and the potential implications of what it means for the governing relationships between the Native nations and the United States.

So I'm asking you today, is this happening regardless because if we get in your totality based upon the dictation throughout all the minutes that are taken
throughout these listening sessions to a point where, you
know, 99.9 percent of the Native leaders and other
individuals who are offering testimony based upon the
perceived actions that are being dictated to us as Native
nations and if we take exception and disagree, is there
going to be a potential halt and our reconsideration based
upon the documentation that's going to be submitted to the
President on the reorganization efforts from
Secretary Zinke?

MR. TAHSUDA: Thank you, Chairman. So covered a
lot of ground there. Let me see if I can try to answer all
the questions you have, and those are good questions and
things that I've been trying to pull out in each of the
consultations that we've had.

So the plan -- so we have a timeline on the plan
that's imposed by this executive order. What -- and I guess
I would say, you know, the -- it's always a challenge for us
wanting to do consultation, right, because if I don't have
enough information or if we don't have enough information
come to you, then it's kind of a useless discussion and had
plenty of tribal leaders say, Why are you even talking to us
now, right? And then of course if we have too much
information, it looks like we've already made a decision and
we've moving forward without you. So, you know, there's
kind of a sweet spot there that we try to hit.
So, you know, the timeline on putting together, you know, a plan like this, you know, this 18 months is pretty short in general, particularly for a department this big. So it took some time to work through all this. Took some time to get through internal meetings. And I would say, you know, that this is something -- this is something that the Secretary very much wants buy-in from folks who are both external to the department and folks that are internal, and external are all the people at that we work with. We have tribes. We have governors. Right? We have Congress, congressmen, senators who are interested in this and how it may impact their states, right? We have all these external people. And so the process has tried to incorporate as much as possible.

And then we also have internal, right? So, you know, this does impact our employees, and, at the end of the day, for it to really be effective, our employees have to believe in it as well. And so we've had a lot of internal discussion.

And this is all to say that it has taken some time to get to where we are, and it took some time -- and, you know, was really only a few months ago that I felt like we had enough information to start coming to tribal leadership to say, okay, here's the broad outlines of what we're talking about.
And so, you know, that in some sense kind of puts us on an even shorter time frame to meet this October deadline. So -- but I think that for our purposes, you know, we have more flexibility. And why do I say that? So from day one the Secretary's commitment has been that because Bureau of Indian Affairs is, for better or for worse, so much entwined with the lives of tribes, and, you know, this relationship that we have and how much we do on a day-to-day basis as well as, that that decision should really be tribal leadership, right, that the tribes should make the decision of whether their bureau, the BIA, will be part of this reorganization.

So -- which brings me to another point that I want to be -- try to be as clear as I can on is, is that this is not a reorganization of the BIA. This is really a reorganization at a level above that, the communication between the different bureaus out across the country and the regions in particular.

And so we -- and I have as I've done these a -- tribal leaders in several of the different regions have said, you know, Why aren't we working with BIA? And I'm happy to have that discussion how we can make our regional offices work better with the tribes, but that's -- that's a different discussion than this one is.

So this is not reorganizing the BIA. It's just
about how all the bureaus, including the BIA, will fit into this, you know, regional decision-making structure. So the Secretary has said that's your decision for the tribes, and you tell us.

So what does that mean? What does that mean vis-a-vis the shortened time frame we have? I think that part of what I've been trying to do in this -- and I consider these sort of the initial ground consultations, not the consultation on this whole process -- my intent has been to try to just really get this information to the tribal leadership and answer as many questions as I can now that I have a better sense of how this could play out. I've had discussions with the other Assistant Secretaries and how they're dealing with it with their bureaus, et cetera. So my really intent in this is to try to get as much information to tribal leadership as I can. The decision, again, is ultimately with the tribes for the BIA.

Now, that does not apply to the other bureaus. In the tribal leadership, you don't have a veto over the other bureaus. They are going to be part of this plan, and you can look at it in a sense that you've got a veto the governors don't because the governors didn't get to veto this plan, right, Bureau of Rec, the BLM. You know, they're -- they're going to be part of this plan.

So it's really a question of where the BIA will
sit after this process takes place. Where will they sit vis-a-vis our regional management and the other bureaus? The other bureaus are going to be in a unified regional management structure. And, again, it really only applies to probably 10 percent of each of the actions that a bureau takes in a year, but, you know, they're going to have their regions in these common unified regions.

There will over time -- you know, but this will take a number of years to implement. There -- once -- once the bureaus get comfortable working in these unified regions on the decision-making process, they will turn to looking at administrative processes that could be efficient, so like HR, IT, you know, each of the -- even in -- so even in Alaska, which is essentially a unified region right now, all of the bureaus have Alaska as a single region, so it's essentially that. Even in that case, each of the bureaus, we do. Fish and Wildlife does. They all have their own IT staff and use their own IT staff. So they have their own software contracts, which seems kind of silly to me, but -- so there will be an effort in coming years to try to unify some of those sort of back-office functions that each of the bureaus have. And the Secretary's commitment on that front, you know, has been that if we can bring some cost savings out of that, they will stay in the region, right? Each of the bureaus that have cost savings will -- that will
basically be more resources that will be available for them to use in their region.

And so -- but I want to be -- caution you to think about it. So this is not a budget exercise, and we're not -- this is not an effort to try to shrink a budget or to change budgets or anything, and so as part of the decision-making process for tribal leadership, I want to say that the Secretary's other commitment has been that if in your region there is consensus, to, you know, be part of this, that we will hold the tribal budgets harmless. So we will figure out how to adjust tribal shares because, as you know, how our regional budgets work with our tribal shares, et cetera, so that the funding you get from us is held harmless, that the resources that are in the region will stay there. Obviously in some of the regions like California, et cetera, we'll have a bigger sort of accounting issue to deal with as far as juggling those, but that's -- that's the Secretary's commitment is to hold budgets harmless, and really, again, the focus of this is on this decision-making across bureaus so that we can get more timely decisions done.

So that also means -- and I really want to emphasize, you know, that this is not to impact treaty rights. It doesn't impact the trust responsibility. You know, in fact, I mean we can't do that, right? Those
things, as you noted, are in law, right, treaties or statutes, et cetera. So nothing that we do administratively can change that anyways, but I want to reaffirm that it's not the Secretary's intent. This is really hopefully a way that we will be able to better fulfill our responsibilities in the future.

So I don't -- I hope I answered all your questions or your questions.

MR. GOUDY: Yeah. I appreciate the -- the response. So, you know, I -- understanding the statement that you had indicated that there will be essentially a materialized veto authority coming from the Native nations, and you also said later on that that veto authority may materialize within a regional decision-making process. And so is that what you are going to be forcing because I -- maybe I'm -- maybe I've lost the correspondence or it didn't get to me, but I haven't received anything from yourself and/or Secretary Zinke indicating that, you know, the timeline associated with the recommendations and the outcome that's going to be presented is going to happen here? Here's the timeline with regard to a materialized veto authority that can be -- come forth at this time. This is the process by which you can administer such. And that is going to be in conjunction with all the proposed 13 regions, or that's all just within the Northwest Region.
And so if these are things that indeed exist, it's one thing to have in verbalize. It's something else for me to be able to have it in correspondence and have those commitments written so I know and understand in our dialogue in and amongst our table because you made the statement that indeed the provisions within the reserved rights within articles of treaties cannot be impacted, but we have a number of implications and controversies associated with the current fulfillment of the trust fiduciary responsibility that I know that you're aware of some, and -- but there's a number of them, and we are, you know, a little concerned with regard to decisions that are going to potentially impact the framework by which dispute resolution occurs.

And getting back into, you know, your history lessen that you've given us and the original formation of Bureau of Indian Affairs in 1824, which ironically enough came one year after the implementation of Johnson versus M'Intosh ruling by the Supreme Court, which essentially laid out a false religious doctrine for the framework in justifying decision-making processes that impact not only everything associated and under the sun specific to the articles and the provisions in our treaty, but essentially has laid the framework for a renegotiation process to the articles of said treaties throughout time, through the legislative acts and the judicial precedent that's been set.
So, you know, you can verbalize that there's been no implication or potential implication with regard to fulfillment of these materialized rights from our perception, from our unambiguous interpretation of what said rights are versus what BIA or Secretary Zinke or someone else in another agency of the federal government may realize and understand what their interpretation of said rights are, what their interpretation of trust fiduciary responsibility means and the fulfillment or upholding of those reserved rights.

And so just wish to say that I appreciate that, and I guess my question back to you would be, do you anticipate or plan from yourself or have any anticipation coming from Secretary Zinke in understanding of the response that you had given me, their -- their -- this effort comes forth, it looks as though some of the other agencies under Interior are moving forth regardless. There is a veto authority that will be essentially offered to the Native nations on the BIA portion of this. This will be implemented by -- by what, and is there going to be that 51 percent of the Native nations within this region disagree with such and so we met the threshold that we do not wish to, or is it going to be, you know, anyone who disagrees, and all of a sudden there's 60 percent of the Native nations here within the Northwest that perhaps agree, 40 percent who...
disagree, and are moving forth regardless?

And so I guess that way I would have a better understanding, and I would definitely appreciate to have those things in correspondence and noting that those are important provisions within this discussion that need to be clarified on our end.

MR. TAHSUDA: Good points, Chairman. So let me respond this way: I think that -- so it is a bit of a challenge to try to capture that, right? I would say that, you know, we've approached this regionally in the sense of, you know, I think it's important that the tribes in -- that would be in one of these unified regions have their own voice, and so we're not looking to have sort of a national consensus, but a really kind of region by region. But even with that, of course that's a bit of a challenge, right?

I think that, you know, it's really impossible conceptually I think to have, you know, a quarter of the tribes think it's a great idea and the other three-quarters don't or even two-thirds want to but one-third don't. That's still a pretty significant minority. And so I think we really would like to have consensus of the tribes in the region. Now, what does that mean, and how is that expressed? Those are really good questions too.

I think that -- so -- and maybe I can tie this in. So what I said in the beginning, I also view this as sort of
an initial consultation, one of the reasons I say that is
that whatever the consensus is of tribal leadership in a
region, we're going to have more consultation on this
because if there's agreement that you want to explore this,
then we'll have to have a lot of discussion about what that
means and how -- how your region will fit in with the other
region, et cetera. And we have -- I've said for a long
time -- and I've actually got the Secretary saying it. I'm
kind of proud of it -- that, you know, the BIA does
everything all the other bureaus in the department does, and
then it does tribes and people on top of that, right? So we
have a lot of unique things to us, so I think, you know,
there will be a -- there would be a long -- you know, we'll
have to have a lot of consultation. We'll have to have a
lot of discussion to see how we can make that work the best.

If the consensus is to say no, then we've still
got to talk because we have to figure out at that point how
our regional staff for these interbureau discussions are
going to be able to be effective in communicating with what
is now a unified decision-making structure amongst the other
bureaus and make sure that they're still able to be a part
of that as much as possible and still have an effective
interaction on your behalf.

So whether your answer is yes or no, we're going
to have a lot more discussion about this I guess is what I'm
saying. So I think that my -- my hope is, you know, we get through these consultations, and we can -- I can go to the Secretary, and I can, you know, kind of give him the brief of Indian country, and I mean, you know, Indian country doesn't like to move quickly. I understand that. You know, I'm Indian. And so the thought of making a big change is very difficult, and he understands that as well.

So I think that, you know, I would guess that the final plan he puts forward is going to have a caveat that the Bureau of Indian Affairs will likely not participate in this, or maybe there will only be one or two regions that will participate in this, the others will at least in -- you know, for the foreseeable future will not participate in this. I suspect once this gets rolling along that folks are going to see that there are a lot of advantages to this, and maybe in the future the tribes will want to -- want to -- you know, want their region to participate.

The other -- the other piece of this is that, you know, he has also said that he wants this to be as flexible as possible. You know, he's a military man. He has his sort of -- you know, the management concept of the military is pushing decision-making down in the field as much as possible. You know, you give them the authority and the resources to take action, and then you let them take action, right? And so on that front he's also said that he wants
this to be flexible in the regions, and so let the region folks figure out what works best for them.

And so we've had discussion internally, and California's a really good example of this I think because the California tribes, you know, well, first off, they were kind of left behind for a long time, right? And they have -- in some ways they're really -- they have a unique history and a very cohesive kind of history in which they all felt like they weren't treated right, and they weren't, right? So they have very strong connections, and they're very much opposed to splitting themselves in half and being in these new regions, but at the same time, you know, they're interested. They have a lot of interactions with the other bureaus, and so I think that we can do things like essentially the Pacific Region office, which is California, you know, can still operate 90 percent of the time as a single region, and we could have the -- you know, the -- so the -- what's -- what would be the Lower Colorado, which is the Southwest office now, which is largely Phoenix -- or Arizona and Nevada -- I'm sorry. That's the West Region -- you know, those -- there's not a lot of tribes in Nevada, and in Arizona the tribes have contracted a large amount of what the Bureau does there, and so I think we can -- you know, in the name of flexibility, we could work pretty easily in forming our own unified region out of that, but
they would still be then directly connected into this new unified leadership.

So I want to -- I guess part of what I want to emphasize is that the Secretary has also given us I think the open field running to say if we have further discussion with you, everything's on the table. Let's figure out how we can make this work. And at the end of the day, he's a practical man. He wants this to work for everybody.

So I don't know. I got off topic there a little bit, but anyway I hope I answered your questions.

MR. GOUDY: I'll try to wrap because I know there's other leaders and other individuals that wish to speak, but I just wish to express that indeed when it comes to the potential for future consultation efforts that you honor Yakama Nation and each respective nation's own definition of consultation. For Yakama Nation that is indeed within our chambers amongst a governing body, a quorum body of our leadership, so that we can engage in responsible discussion about such.

And I would hope that it be noted and memorialized that I mean no disrespect to the other Native nations, but I do hope that in this effort that there will be a significant amount of time that is expended with regard to analyzing the difference of the provisions within reserve rights and articles of treaties and how the difference is with the
executive order nations and the other nations because it's
that essentially lumping us all together that oftentimes we
are suffering the consequence on an interpretation of law,
legislative act and our judicial precedent that essentially
has a different framework of the governing documents between
said Native nation, as in our case Yakama Nation with the
United States, based upon some other decision-making process
and justification process that was utilized against another
Native nation under a total different set of circumstances
and everything associated with that.

And I just have one more question here before --
before I wrap up, and a simple yes or no will suffice for
me. This is not a veiled effort to reignite an era of
termination. Yes or no?

MR. TAHSUDA: No.

MR. GOUDY: Got it.

MR. TAHSUDA: The Secretary, as I repeat, he grew
up in Western Montana. He grew up among the Blackfeet and
the Salish folks. He's comfortable with tribal sovereignty.
He's very comfortable with tribal people. And so that is
not at all in his -- in his thinking.

MR. GOUDY: Okay. Thank you very much.

MR. TAHSUDA: Thank you, Chairman.

MS. GILBERT: We've got one individual that would
like to speak because he's pressed for time.
MR. TAHSUDA: Oh, okay.

MR. TYLER: I just want to make a few comments before I leave. I'd like to thank Chairman Goudy for saying what he said. I --

MR. TAHSUDA: State your name and --

MR. TYLER: Chairman -- I'm the Chairman of Makah Tribe. My name's Nate Tyler. And, you know, there's a couple of things that's concerning the Makah Tribe. The Makah Tribe's 47 square acres of land, 1500 square -- 47 square miles of land, 1500 square miles of ocean. We own two islands, and the federal government has that trust responsibility overall.

A few things, you know, going off this three-minute slide, that doesn't tell me nothing, absolutely nothing, on -- on what's in the planning stages. I can't see one out of 13, if one out of 13 says, Let's do this, that they're going to say, We'll just have the one region. I think it's all in or nothing, you know. 13's getting crammed down our throats I think, you know. And this isn't meaningful consultation. 17 listening sessions, 573 tribes. There should be 573 consultations, and that to me is meaningful.

Years ago, years and years and years ago, we had a BIA agent in Neah Bay in Makah, he said, Don't do nothing until I get back. He hasn't been back. So --
MR. TAHSUDA: I hope you haven't been waiting on him.

MR. TYLER: No. No, we haven't, but that's -- you know, I mean that's kind of where we're at. You know, it's -- it's frightening to think we're looking at cuts, we're looking at disruption, and it's pretty much getting slammed down our throats. I mean we have an administration that can't even fill all his cabinet positions, and this is getting rushed through. That's a concern. I don't know how long you were acting, you know, when you were acting, you know, but I mean as far as filling positions to serve the needs of the Native communities, I mean we go to D.C. We meet with the bureau. We depend on them in backing our needs. We're not fully funded. You know, that's one thing that should be pushed besides this so-called reorg, you know. I mean fully fund all our needs, level need of funding, you know, law enforcement, education, you know, whatever the case is.

So I just wanted to state for the record, you know, Makah's not in support of this. Makah would rather see some meaningful consultation, and I think a lot of -- most -- most tribes would rather see that meaningful consultation, and being a part of this decision-making, we're going to submit public comments, and we're going to -- you know, we're going to state our case and point out, you
know, a number of different issues throughout this whole thing on -- on the administration's plans.

So I just gotta get back to Neah Bay. We're celebrating our 94th Annual Makah Days, you know, this weekend, starting tomorrow, so I had to come here and state for the record that, you know, we are not in support of this. It's not meaningful. Listening sessions don't count, you know, and meet with us face-to-face, one-on-one. So I appreciate it.

MR. TAHSUDA: Thank you, Chairman. So I -- look, I appreciate the fact that it -- every tribe in the country would like to have a personal consultation, but, you know, there's not enough people, and there's not enough time in the calendar to do that. We have tried to do these regionally as much as possible to give an opportunity for tribes to come in, and then we have also had -- I have personally participated in I don't know how many discussions at different tribal organizations as well, and while they're not formal consultations, I tried to do my best to have a good level of give-and-take. I don't consider a listening session me just sitting there listening. I actually enjoy having a discussion with tribal leadership.

And so, you know -- so it would be great. I'm sorry, but I don't have the time in the day or time in the year to do that, and we do have these artificial, if you
want to call them artificial, deadlines imposed, but I think, again, you know, we're going to have to have a lot more discussion about this, and I think that it would be instructive for us, as Chairman Goudy said, you know, for us to be able to have a little more discussion about, you know, the -- how what happens on your reservation can be impacted by these decisions and how we can make that process work better. I think that's -- that's hopefully would be -- that would be in the next -- well, it will necessarily be in the next discussions we have, whether you want to support this or not, so. But thank you, Chairman.

I have a Chairman Burke next.

MR. BURKE: Thank you. First off, I guess I'd like to concur with the Yakama Nation Chairman Goudy on his opening remarks, which are very true. I have my own testimony from the Confederated Tribes of the Umatilla Indian Reservation.

Good afternoon. My name is Gary Burke. I'm the Chairman of Confederated Tribes of the Umatilla Indian Reservation, a confederacy of the Walla Walla, Umatilla and Cayuse people in Northeastern Oregon.

(Court reporter discusses microphone.)

MR. BURKE: We are signatories of the Treaty of 1855, ratified March 8th, 1859, proclaimed April 11th, 1859 under the 12 Statute, 945 with the United States. In that
Tribal Consultation re Potential DOI Reorganization, 8-23-18

treaty are 11 articles of law, which today are defined as
the supreme law of the land.

I'm pleased to see you once again. Last month I
taveled to provide comments in the consultation session in
California. I have reported and consulted with my board of
trustee members. We continue to have concerns about the
reorganization which are considerable, so I am here to
reinforce the issues that I raised in Palm Springs.

The Umatilla Tribe are deeply concerned about how
the proposed reorganization will affect our longstanding
relationships with the Department of the Interior agencies
including Bureau of Land Management, Bureau of Reclamation,
Park Services, U.S. Fish and Wildlife Services, the U.S.
Geological Survey, the Bureau of Indian Affairs.

The Umatilla Tribes are comanagers of our
treaty-reserved resources, which include off-reservation
rights to fish, hunt, gather, cattle, gather traditional
foods and medicines. We have cooperatively restored a
salmon fishery in the Umatilla Basin that benefits our
tribal members and non-tribal fisheries alike, and we are
working to do the same in the Walla Walla River Basin with
our partners in federal and state agencies.

We've also comanaged water resources through the
Pacific Northwest. Two examples are the Walla Walla Basins,
Umatilla Basins where we ensure habitats exist for the
restored fish population. In the era of declining budgets, we fear that the reorganization will put further strains on the underfunded Interior agencies to meet their statutory, regulatory and trust obligations.

We will -- will the Interior reorganization require the nine Interior agencies to relocate their offices to the city where the Interior regional office is located? If so, how is this to be accomplished? The Pacific Northwest Region of the Bureau of Reclamation is currently housed in Boise. Will they move to Portland where most of the other Interior offices are currently located?

Further, the Bureau of Ocean Energy Management has only four regions, and the Pacific Region office is in Camarillo, California. Will it too have offices in the Pacific Northwest Region? If so, have these relocation expenses been estimated and budgeted?

Likewise, the Bureau of Safety and Environmental Enforcement has only three regional offices, and this is also regionally located in Camarillo, California. Will they too be located in all the 13 unified regions?

You have indicated that the Interior is willing to keep the BIA regional structure in the current configuration if tribes object to the reorganization plan. How would a reorganization of Interior interact with the BIA in its current configuration? The BIA is not currently meeting the
trust obligations of the United States or the needs of the tribes. We fail to see how the proposed Interior reorganization can improve performance of the BIA or any other Interior agencies in meeting tribal needs or satisfying federal obligations to tribes.

While the Interior indicates the intent of the reorganization is to take decision-making out of the D.C. and move it out to regions, how does this square with the Interior taking the fee-to-trust decisions from BIA regions and placing them all in D.C.? Will that decision be reserved? Also, how much authority does the Interior envision delegating to the regions?

The Bureau of Land Management manages about a quarter of the land in the Western United States. On those lands tribes retain treaty rights. How will tribal treaty rights be prioritized and protected in this reorganization?

Currently neither the BIA, Fish and Wildlife Service, BLM have sufficient funding to accomplish the basic functions the agency has under the Engaged -- Endangered Species Act, the National Historic Preservation Act and other laws and regulations addressing fish and wildlife as well as cultural resources guaranteed by law and treaty. How can the agencies do so with the additional burden of development and implementation of the agency-wide urban reorganization?
I thank you for the opportunity to present my views and concerns of the Umatilla Indian Reservation on the consultation sessions today. And on the heading of your pamphlet, it says Potential, Potential Reorganization. So I guess this is potential, not an reorganization consultation, but a potential consultation. That's what I read on that front page. So thank you.

MR. TAHSUDA: Thanks, Chairman. So the -- as I said, there is -- there is an effort to be made in coming years looking at consolidating offices. That's not part of what the current plan is, and -- and really that's something that has to happen over time. Just as a practical matter, we have office leases. We have people who, you know, live in places. There's no desire by the Secretary to spend the money breaking leases, spending millions of dollars moving people, you know, unnecessarily, you know, so these -- these are things that will happen over time.

For our purposes also, you know, this is -- one of -- one of the other commitments that he's made is that it won't impact like your local agency offices. We want to keep the people in the field where they're the most needed and most effective. So for us that means our agency offices, you know, if there is a better place to put a regional office, then happy to look at that, but, you know, at the current time we're not really in a position to be
moving those.

That's one of the -- one of the other things as we talked earlier about rotating among the bureau regional offices this regional directorship. I mean that also alleviates kind of the problem with having to have everybody centralized in one office. So, you know, by doing that you're kind of, you know, forcing the bureaus to respect each other and to -- and have communication.

There are places that -- you know, Sacramento's a really good example. I think Portland's probably another pretty good one, which a number of the bureaus have their regional offices in even the same building. Sacramento, we have all the bureaus except for Parks Service in that region. They're all in the same building in Sacramento, and they already have a great -- a pretty good level of communication. That's probably a great example of how this could work well, and so having that level of communication.

So it's not intended to -- to, you know, be something that's rushed into. You know, in out-years they'll look at that. I think even more than the budget question -- and, again, this has come out of internal discussions we've had with our employees -- is the notion that, you know, this is also not intended to uproot people's lives. You know, we have -- in all the bureaus we have people who have lived in a town for 20 years and made a
career there, and so, you know, we have to look carefully at how we can have the least disruption, you know, to people's lives.

And, you know, to be honest with you, we have -- there's a lot of input from Congress, right?

As an example, in what is now our Southern Plains office in Anadarko, Oklahoma, you know, we have a lot of -- we have a lot of staff there. They perform a lot of functions even beyond just what the region does. We have a lot of HR people there, et cetera, who service multiple regions. And Anadarko, if you've ever been there, is not a very big town, and so we have a school there, and we have the regional office there, and they probably employ, you know -- that's probably a quarter of the jobs that are in town in those offices. So, you know, we've had a lot of inquiry from the Oklahoma senators about, you know, are we planning to move that office, and what's going to happen with those jobs and these people, and what's going to happen to that town.

So we have a lot of considerations to be made before anybody talks about shutting down an office and moving anywhere. You know, again, that's -- that's something that will happen in out-years.

Now, the -- again, you know, there's the possible -- there's the potential for positive budget
impacts when you do that, when you consolidate offices or
you move -- you know, we have -- a number of the bureaus
have their regional offices in expensive cities, you know.
I mean Park Service in California has theirs in
San Francisco. I mean there's no more expensive place in
the country you could put an office, right? And so there
has been discussion -- and this was actually really led by a
lot of our career staff -- to talk about if we did
consolidate offices, can we put them in a town where it's
cheaper for our staff to live, you know, and for us that
will probably be more accessible to the tribes who are in
that region because it won't be in a major city.

So coming with that, you know, will be both, you
know, positive impacts to our career employees, but, also,
you talk about -- the Chairman from Makah raised a question
about, you know, budgets. And so, you know, we don't write
our own budgets ultimately, right? I mean we can make
suggestions, and we send to OMB, and they -- they ultimately
send it to the Hill, but it's Congress that sets the budget.
And so we -- we -- we actually don't have very much control
over that. Every year we get a set budget, and, you know,
we expend it and how we're told by to expend it, but if we
had cost savings in a region that would free up resources
there, that's, in effect, getting like a small budget
increase for that region. And so that's, again -- you know,
in out-years as this, you know, gets implemented, that would hopefully be a positive impact that we would have as well, that there would be more resources in a region. Let me just like throw out an example.

So right now let's say, you know, we have -- again, I keep saying my head -- say, there's a bridge over a waterway, and the road to the bridge serves the reservation. Fish and Wildlife manages fish that are in the stream, in the waterway, and maybe BLM has land on the other side, or they manage the subsurface on the other side. All -- all these bureaus have an input into it.

So let's say, for example, that Fish and Wildlife is -- Well, I shouldn't say that -- that BLM is ultimately responsible for the bridge. So they start their work on it. They have their NEPA staff. They start working, and two or three years down the road they have their NEPA staff working on it, and they have their own, you know, biological opinion on the water, on the fish. They have their own opinion on how it does or doesn't impact the reservation, et cetera.

And then they come to us. Then they go to Fish and Wildlife and say, Well, here's our NEPA analysis. And Fish and Wildlife says, Well, that's wrong, it's going to have a big impact on the fish. And they have a whole, you know, discussion about that and how that's going to impact. So Fish and Wildlife will engage their NEPA staff to get
into this to develop their own biological opinion. We'll have our NEPA people looking at it.

In this process you've got three bureaus with their own -- with their own environmental staff all looking at the same question, right? What is the impact of this action, of this, you know, project on the responsibilities of the bureaus in those regions? If they were working together from the very beginning, we could have one NEPA staff working on it, right, and we could have one from each of the bureaus, or we could have, you know, the lead bureau working on it but have contact and input from day one from the other bureaus. That obviously frees up the staff that -- who would otherwise be working on it as they are now to work on other projects.

So, you know, those aren't -- dollar figures get added to the bottom line, but those are resources that are freed up to do more work in the region, so that's part of the content of how this could have a, you know, positive impact on the resources in the regions.

MR. BURKE: Yes. Then I want to state fiscal year 2018 President's budget request proposal for reduction for the Interior Department of approximately 1.5 billion of the 10.6 billion budget, a 13 percent reduction from what was enacted in 2017. The President's proposed fiscal year 2019 budget for the Interior is a 60 per -- 16 percent reduction
from 2017 enacted levels.

If the department plans on going forward with the reorganization, it can only do so if Congress authorizes it, fully funds it, but how can you implement the reorganization and carry out department's functions with so little less?

MR. TAHSUDA: Well, again, we don't write the check, and so whatever gets worked up in President's budget goes to Congress, and, you know, to be honest with you, the recent history is that Congress just ignores it, and they write their own -- you know, they write their own check to us and tell us how they want us to spend money.

So I -- I think, you know, it's a challenging exercise to go through these. I think personally it's helpful for us -- it's been helpful for me, you know, even coming up on one year that I've been at the department and looking at the budget process and figuring out, you know, how do you go through -- in a world of limited resources, how do you go through and identify your core responsibilities, your core missions, and make sure you meet those and then move out from there?

And so that's really the process that we use internally, and we have a layer over that. It wasn't that long ago, if you recall, that Congress instead of writing bigger checks every year like they've done the last couple, they were writing smaller and smaller checks. We went
through a number of years in which the budget got shrunk, and, you know, it's always I think a good exercise for us to make sure that if one of those budget -- if Congress doesn't write us a big check like other people -- everybody wants, right, what do we do? Well, we have already identified what we're going to do. We have these core responsibilities we've met, we have additional responsibilities we'll be able to partially meet, and we have some we'll just have to put off. And I think for us as an organization that's a useful function to go through.

I don't -- you know, tribal leaders, you go through a lot of tight budgets, and I'm sure you do the same thing, identify the priorities, secondary priorities, and then, you know, how do you plan for ones you can't meet this year but you hope to get to in subsequent years?

So that's the process that we go through budget-wise, and you see these, you know, percentages, et cetera. You know, it's a -- it's not a fun exercise, and it's a -- sometimes can be a little frustrating because, at the end of the day, you understand that Congress is going to do what it wants anyways, but that's beneficial to tribes of course, right? And at the end of the day, when we have -- you know, we have more or unexpected resources, say, you know, we do the best we can to start filling in those priorities that we haven't met yet.
MR. BURKE: Thank you. Another question is, we had a Regional Director, and a couple years ago he had probably three ultimatums, but he's gone now. And if we're going to keep our Regional Directors, then why was this one eliminated from the bureau as a Regional Director? And you stated also that if we want to keep the bureau and don't want it to be bothered, I guess are you authorized to say something like that for us?

MR. TAHSUDA: I'm not clear what you're asking.

MR. BURKE: If you can say that the BIA won't be bothered in this organization, all the other departments will --

MR. TAHSUDA: Mm-hmm.

MR. BURKE: -- is that a firm question that you're going to tell them?

MR. TAHSUDA: Oh. Tell who -- I'm telling you, and this is not me saying. This is the Secretary's commitment.

MR. BURKE: Okay. It's the Secretary?

MR. TAHSUDA: Right.

MR. BURKE: Thank you.

MR. TAHSUDA: Thank you, Chairman.

We have Chairman Greene, Warm Springs.

MR. GREENE: Do I need the mic, or can I go stand by the recorder?
MR. TAHSUDA: If you can -- you sound like me. You're kind of loud anyway I think, so you might not need it at all.

MR. GREENE: Well, I'm come stand by her so she hears me.

MR. TAHSUDA: All right.

COURT REPORTER: Thank you.

MR. GREENE: I'm Austin Greene. I'm the Chairman of the Confederated Tribe of Warm Springs, a treaty tribe, and I do concur with the prior two treaty tribe Chairmans and their submission of their testimony here today. And, again, meaningful consultation is you coming directly to my chambers as well, and I heard you say not enough staff, but I'll go ahead and start because I know there's many statements that want to be read off here today. I'll keep it short. It's only seven pages, but it's in a size 24 font, so.

(Laughter.)

Good afternoon. My name is Austin Greene, and I'm the Chairman of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon. I appear before you today to present the comments of my tribe on the proposed reorganization of the Bureau of Indian Affairs and the other agencies and offices of the U.S. Department of Interior.
In our written comments submitted in early July regarding the proposed BIA reorganization, we objected strongly to the lack of a scheduled consultation in the Northwest Region. The proposed reorganization is of particular importance to the tribes in the Northwest Region. The current Northwest Region, Oregon, Washington, Idaho and Western Montana, is the location of numerous tribes, both large land-based tribes such as Warm Springs, as well as smaller tribes. There's a tremendous variety among the tribes in the Northwest. Some like Warm Springs are direct-service tribes, and others are self-governance tribes. Many Northwest Region tribes have treaty-secured off-reservation fishing, hunting and food-gathering rights, which brings these tribes into contact with other Interior Department agencies such as the Bureau of Land Management, the National Park Service, the Bureau of Reclamation and the U.S. Fish and Wildlife Service.

The Northwest Region also has the nation's largest concentration of tribes impacted by federal protections of fish and wildlife listed under the Endangered Species Act. In short, the Northwest tribes are in all likelihood more affected by the reorganization proposals than the tribes of any other existing BIA region. Accordingly, it is highly appropriate that the BIA host a consultation in the Northwest and hear the views of the Northwest tribes on this
very important reorganization proposal.

Our first comment is to note that the current consultation on the BIA Department of Interior reorganization proposal overlaps with the BIA's pending proposals to the dramatically change -- change the 25 CFR Part 151 fee-to-trust regulations.

Based on our experience at the Portland consultation in late January 2018, under proposed new fee-to-trust regulations, the tribes and tribal leaders are unanimously opposed to the proposed changes under Part 151 regulations. In order to make efficient use of its limited resources, the department should abandon the proposed changes to the existing Part 151 fee-to-trust regulations and focus instead on the consultation process regarding DOI and BIA reorganization. Accordingly, we urge the department announce at the earliest possible date that the consideration of changes to the Part 151 regulations has been suspended indefinitely.

Another reason to suspend the proposed changes to the Part 151 regulations is that, as proposed, they would concentrate decision-making into BIA central office in Washington D.C. and take away existing decision-making authority for most fee-to-trust applications that is now lodged in the BIA regional offices and in the case of on-reservation transfers into agency offices. That is
directly -- this -- that is directly counter to President Trump's Executive Order 13781 on reorganization. That requires more decisions at the region, fewer in Washington D.C.

Regarding the proposed BIA reorganization specifically, Warm Springs urges the department to acknowledge that BIA is unique among DOI agencies and bureau in terms of both its proposed and the constituent it serves. The primary purpose of the BIA is to act as the centerpiece administrative agency and trust it with carrying out the federal government's trust responsibilities to the nation Indian tribes and Indian people. The BIA's constituent tribes are the only Interior Department's beneficiaries made up of people that govern territories and resources and coordination of the Department of the Interior. Accordingly, the BIA's mission is and its relationship with the constituents are essentially legal and political. This mission and these relationships are based on watersheds and ecosystems, which are the basis of the BIA reorganization.

We also object to the certain -- what is certain to be a very costly reorganization process. BIA limited financial resources should be prioritized for spending on direct-service tribes to the Indian people who are the BIA's constituents. Devoting scarce financial resources to a reorganization process that offers nontangible or certain
benefits to the agency constituents is contrary to the
department's trust responsibility to the -- to the tribes
and Indian people. Any objectionable aspect to the
reorganization proposal concerns the Department of
Interior's Office of the Solicitors.

We understand that reorganization proposal does
not impact the Office of the Solicitor in each Regional
Solicitor's Offices; however, because of the number of
tribes are moved out of the existing BIA regions by the
reorganization proposal, it must be assumed that those
tribes will then become under the jurisdiction of the new
Regional Solicitor's Office. All tribes have a close
relationship with the lawyers in the Regional Solicitor's
Office. These lawyers work on water rights, treaty fishing
and hunting rights, fee-to-trust transfers, and host of
other BIA regional administrative matters that involve legal
issues. It will be very disruptive to the tribes who are
moved to the new regional offices by the reorganization
proposals to lose their existing, often long-term
relationship with the lawyers in the -- their current
Regional Solicitor's Office. That would clearly be harmful
to the tribes and should not happen.

Our final comment concerns recent BIA personnel
changes. We have become aware of numerous personnel changes
involving transfers from and to the central office and the
regional offices and between regional offices, as
Chair Burke had mentioned. These changes appear to be part
of an agency-wide reorganization, but to our knowledge there
has been no consultation with the tribes affected directly
or indirectly by these changes. It is critical to the BIA's
mission that its personnel have deep experience and
knowledge about the tribes they serve and a strong
relationship with the tribes' leaders. Those relationships
and that knowledge can be -- can come with time and
experience. Frequent and inexplicable changes in agency
personnel without any consultation with the -- with the
directly and indirectly affected tribes undermines the BIA's
mission of carrying out the government's trust
responsibility to the tribes and for that reason must cease.

Thank you for considering our comments. I did
have one section on the Klamath Tribes, which will be
affected, and they, like us, have senior water rights within
the Klamath Basin as we do in the Deschutes River. So I
don't know if anybody from Klamath is here today, but that
reorganization and working with the state would be strongly
affected by this change to that Columbia -- or California
Region. Thank you.

MR. TAHSUDA: Thank you, Chairman.

Next up I have Chairman Wheeler.

MR. WHEELER: (Speaking in native language.) I'd
like to say thank you to the Creator today for allowing me
to be here to give the comments of the Nez Perce Tribe. My
name is Shannon Wheeler. I serve as the Chairman for the
Nez Perce Tribe.

I would concur with the opening remarks of our
Chairman, Chairman Goudy, as it pertains to the Doctrine of
Discovery and that be on record, also with the remarks of
our Brothers Austin Greene and Chairman Burke of Umatilla
Tribe as we are part of the Walla Walla Treaty of 1855, as
they have stated. Our treaty with the United States of
America is 12 Stat., 957. There are obligations that the --
that the United States holds -- have to each of us that
being treaty tribes.

So my comments of the Nez Perce Tribe to the
Department of Interior on the reorganization would be, the
Nez Perce Tribe appreciate this opportunity to provide
comments on how and to what extent the Bureau of Indian
Affairs' functions could be included in the efforts to
reorganize and to modernize the Department of the Interior.

First, the Nez Perce Tribe would advise that any
actions or changes made to the current structure of the DOI
be strictly guided by the United States trust responsibility
to sovereign tribal nations as all of the agencies within
DOI have a trust relationship with tribes.

The Nez Perce Tribe regularly consults with the
Fish and Wildlife Service, the Bureau of Land Management, the U.S. Parks Service, the U.S. Geological Survey, and other entities as decisions are made in the management of resources when the tribe exercises its treaty-reserved rights, and our usual and accustomed areas stretch into Montana, Wyoming, Idaho, Oregon and Washington. Our ceded lands were over 15 million acres, and we deal with all of these entities under the DOI. Because of this relationship with all of the agencies within the DOI, the tribe would expect to be directly involved in a strategic planning and decision-making for these agencies as part of this reorganization effort. It does not seem like this consultation is set up to address all of the entities under the DOI's umbrella. The tribe would expect to have consultation with these entities as well.

As the -- as the other Chairmans have said of the Walla Walla Treaty, that our consultation is in our chambers as well with that -- a minimum of six of the nine members elected to represent the Nez Perce Tribe.

Regardless of what decisions are made about possibly reorganizing the DOI, the tribe recommends that DOI establish the Undersecretary for Indian Affairs that was authorized by the Indian Trust Asset Reform Act as this position would be higher than the Assistant Secretary of Indian Affairs. It would promote greater efficiency between
DOI departments in relations to tribal trust responsibilities. This could help address any concerns about different departments operating independently of each other without coordination. This would assist in helping facilitate more cooperative management of resources with tribes. Filling this position authorized by Congress should be a priority.

The tribe understand that BIA has stated that this effort will not negatively impact budgets for the BIA; however, given the fact that the DOI has asked for reductions in spending in its first two budget proposals while also asking for millions of dollars to fund this reorganization, the Nez Perce Tribe is concerned about the future budgets and the commitment to fully fund federal trust obligations. The tribe regularly has to use tribal dollars to supplement BIA programs that are chronically underfunded such as law enforcement.

The tribe appreciates DOI's commitment to allow Indian country to ultimately decide whether the BIA is involved in the reorganization; however, how the final decision is made on whether a BIA region would be involved in a reorganization is unclear. Having tribes make the decisions individually does not seem plausible, while requiring consensus among the tribes in a region or area does not seem practical either.
Ultimately, statements that the BIA will not be involved in the reorganization unless tribes want BIA to be involved seem like a false choice or at minimum an idea that has not been well thought -- thought out in the terms of the mechanics.

Also, the 13-common-regions concept will not -- will simply not work for the tribes. Although regional consistency makes sense in some way, tribal lands and areas cannot be divided the same way as the 13 common regions have been drawn. These proposed regions do not run along geographic boundaries of tribal lands. The BIA's regions need to be allotted so that the tribes are served by one region and not multiple ones.

The tribe is concerned about how the Interior Regional Director would work with BIA's regions and what type of chain of command would be in place under this system. The two-year turnover cycle for the Interior Regional Director position seems to -- an idea that will foster inconsistency and leadership knowledge for that position.

Also, the tribe is not interested in adding more layers of bureaucracy to the decision-making process, which would compound concerns about ultimate accountability for decisions regarding tribes. Tribes have already experienced issues with accountability between BIA and the Office of...
Special Trustee and would not want that duplicated with other DOI agencies.

   Overall the tribe appreciates the efforts to make government more efficient and accountable to tribes. We have borne the brunt of government neglect throughout our history. However, change or reorganization should recognize the sovereign nature of the tribes the agencies work with.

   So those are some of the comments that we have. We'll generate more written comment before the date. It just seems like if you look at this and you see corporate America, now you see corporate government, and now we're in a situation where you want to streamline NEPA or speed the process up so that -- so that they can extract more resources in a faster method now, and it just seems that that's what this is all about, corporate reorganization, and that's the way government is ran now, as a corporation.

   So we just have our concerns with the reorganization of the Department of the Interior and how it will affect the -- the peoples of this nation, of -- the indigenous people that were here first. Thank you.

   MR. TAHSUDA: Thank you, Chairman. Let me comment real quick. I think you brought up a couple of points, and the -- the borders -- some people have asked questions about how the borders were come up with on these new regions, and -- and so -- anyway, I mean first I would note that our
current regions, you know, follow state lines, you know, so
I don't know -- there's a certain arbitrariness to drawing
on those lines. The -- the unified regions as they are
reflected up on this map went through a lot of pro -- lot of
discussion, a lot of internal discussion. They started at
focusing on, what are the -- what are the core sort of
missions of the department and through the different
bureaus. You know, we have waterways. We have animal
corridors. We have wild -- wild -- or migratory bird
corridors. We have mineral deposits. And we have tribes,
right?

And so -- so they went through -- the USGS went
through this process of trying to identify all of those
myriad of responsibilities and how could you put those into
a region that would sort of more efficiently work for all
the bureaus. It's not perfect for any one bureau, but would
work better for all of them in that region so they could
work together. That's where they came -- those lines come
up.

There was a lot more variation in them in the
beginning, and they didn't really follow state lines, and so
part of tribal input, input from governors, kind of brought
them back to more closely following state lines as -- in
particular, like BLM and us probably have the most
interactions with -- with government leaders, and so it had
a lot of input.

So, you know, there were several changes in the lines to accommodate keeping tribes who are culturally connected like the Pueblo Tribes in New Mexico. One of the early iterations of the map would have split the Pueblos in half between regions. That obviously doesn't make sense.

So there's been, you know, some adjustment to the map, and then over -- over the last, you know, like six or eight months as it got to this point -- and, again, I want to note too that the Secretary has said that he wants to be as flexible as possible, and so if there are tribes that, you know, have, let's say, common issues with other tribes that are -- would be in a different region now -- and a really good example is our current Rocky Mountain Region, which is essentially Montana and Wyoming, right? The tribes there are very similar. They're treaty tribes. They have, you know, big reservations with all of the -- the challenges that come with that, right, very common issues. So in this map obviously they'll be split between, you know, Montana would go with the Missouri River Basin, and Wyoming would go into the Upper Colorado.

But for our purposes, you know, we can essentially fold the Wyoming tribes into the Upper Missouri Basin one. I mean there's -- there's only really one reservation in Wyoming with two tribes on it. And, again, their issues are
so common, not just with Montana but with the Dakota Tribes as well in that region.

So we have a lot of room to make this work on a practical level, so I think that -- my hope is that, you know, the tribes -- you don't get too caught up in where the lines on the map are. I think we can really focus on what functionally will work better, you know, for your tribes and the regions that you work with, and not just our staff but with the other tribes as well in the region. So something to think about anyways.

I do want to comment real quick too. The two-year cycle, and some people keep raising this question about, you know, how are they going to develop understanding the tribes and whatnot, and I -- I -- I think that -- you know, that is a lesser -- to my mind that's a lesser concern and for this reason: The -- first off, our senior management, which we call SES, Senior Executive Service, folks are not intended to be subject-matter experts, right? They're supposed to be management experts. And so they are actually intended from day one, they get this training on how to be leadership, management and to move around, and the whole concept of them is that they're supposed to be able to go to a different office, a different region of the country if needed, where there needs to be management leadership. They go in there. They help right the ship. They get things
working well. If they aren't needed elsewhere, they stay there. If they're needed somewhere else, they move.

That was the original concept, and that's still how the Secretary views it. And, again, some of this stuff comes from his background as, you know, being in the military. That's really how the military leadership works as well. I mean they identify trouble spots, and they send people there that they think can right the ship. So that's the concept of it.

So the same way with this Interior Regional Director and this unified region. It's not intended to be a subject-matter expert in any of the bureaus in particular. Obviously if they rotate amongst the different bureaus, they will have a level of knowledge coming from their particular bureau that the other Regional Directors don't, but their real purpose is functional. It's to get decisions made in a timely manner and get the right decisions done with all the input from the bureaus that have to be involved. That's what they're focused on, and they're not focused on necessarily trying to understand. Each bureau makes its own arguments. They have their subject-matter experts that will be part of that decision-making process, so it's not necessary that that person be steeped in Indian policy or be steeped in, you know, fish policy. I don't -- whatever that is, right?
So I think that it's more important that we have folks there who could help facilitate the decision-making process. Thank you, Chairman. We'll take a really quick break.

UNIDENTIFIED SPEAKER: Yes.

MR. TAHSUDA: And then we'll come back. Five minutes. Could we do it in five minutes?

(Recess was taken from 2:53 to 3:04 p.m.)

MR. TAHSUDA: Thank you. So I know a couple of folks that have got to get going quickly. So how quickly do you need? So I'll let Chairman Forsman go first, and then --

MR. FORSMAN: One minute or two at the most.

MR. TAHSUDA: Okay.

MR. FORSMAN: I'm Chairman Leonard Forsman of the Suquamish Tribe, and I'm also President of Affiliated Tribes of Northwest Indians. I don't think I need a mic. Can you hear me okay, reporter?

COURT REPORTER: Yes, sir.

MR. FORSMAN: Okay. Great. And I'd just like to thank you for the opportunity to consult on these important issues. Really appreciate the testimony of the previous leaders, and it's very meaningful and important that we take those seriously. The Suquamish Tribe of course is a signer of the Treaty of Point Elliott and live on the Port Madison
Indian Reservation. I just wanted to kind of keep my comments brief.

One of the things I have a concern about is the dilution of the trust responsibility. I think there are advantages to getting the people into the field, but then sometimes those people get localized, and the politics from tribes locally can be very fierce and ignorant of our treaty relationship with the President and the Congress and the Department of Interior and their appointees. So I think it's very important to remember that because there are many people in the regional and local areas that don't have the same respect for the government-government relationship that at least Secretary of Interior Zinke has and previous Secretaries Interior -- of the Interior have mentioned.

I think that we want to be careful that we're not creating too much more bureaucracy with Regional Directors as we seem to be adding an extra layer, and we want to make sure these people have experience in tribal issues. So it's very important that Regional Directors be of high quality and represent our tribal interests as well, not only the new ones, but the Area Directors too need to be there.

And I'm concerned about the military style of rotation. We run into that when I'm working with the military, and sometimes you get somebody schooled up, and then they leave, and that's really difficult because it
reduces the familiarity.

We just want to emphasize savings and earnings should be put back into the tribal programs and not reduce the budget, as mentioned before.

And the one -- the last two things: I want to ask the Secretary of Interior and his people underneath him to advocate for us, and especially the Secretary of the Interior to advocate for any Indian issues and other agencies as well and other cabinet and secretarial agencies as well, in Energy, in State, Department of State, for example, these other places. We need an advocate in those other federal agencies because the Columbia River tribes haven't got a negotiator on the team in the U.S./Canada Treaty, which is very difficult for ATNI tribes to accept, and just want to make sure that we pass that on to Secretary of the Interior.

And also just want to invite you or a representative, preferably you, John, to come to the Affiliated Tribes of Northwest Indians Annual Conference in Coeur d'Alene September 17th through the 20th. Thank you.

MR. TAHSUDA: Thank you, Chairman.

Chairman.

MR. HOWARD: Yes. I have a loud voice as well. I don't think I'll need a mic. My name is Ted Howard. I'm Tribal Chairman from the Shoshone-Paiute Tribes of Nevada.
and Idaho.

Now, when we first started, you said that this was the last formal consultation, and then later you made the comment, I view this as an initial consultation. So I found the -- I find these contradictions there, and as far as the tribes, they'll probably agree with me that we don't think there's ever been any consultation as far as the true government-to-government consultation. Today you said we have three hours. Look how much -- how many people we've gone through, and there's a lot of tribes here, and this is going to be tagged as a formal consultation. I think that's very wrong.

And in here I see that they're -- they state that the Department of the Interior has not been upgraded for 150 years, and I don't think that the treaties and agreements that tribes made with the U.S. government has any -- any expiration date on it. In fact, a lot of them say that they'll be there as long as the rivers will flow and the grass shall grow. And there's no deadline. It's good forever when we gave up our homelands.

Another thing in this -- in this pamphlet that you handed out, there's no mention of the sovereignty of tribes. As I look through here, here under the Current Status, it says, Also open to input from Department of Interior employees, Congress, state, and local governments, and
There's no mention of tribes as sovereign entities. That should be pointed out that we are -- we have a unique standing with the federal government.

You stated this is a reorganization above the BIA, not a reorganization of the BIA, but the federal government and all its agencies have legal obligations to tribes. It's not just the BIA. And we're not all under the BIA. We're a self-governance tribe. We go directly to Congress.

So I think there's -- there's a lot of things in here that people don't understand, people at levels that should be addressing these things.

And you say Zinke, Secretary Zinke, is very comfortable with tribal sovereignty, but I don't see that reflected anywhere in this presentation that you handed out.

You know, you keep referencing California and Sacramento. You know, that's different over there. There's little rancherias and little -- little Indian communities. Here you're dealing with a lot of large land-based tribes who are still connected very much to their homelands and the resources that are on the -- on the homelands and then the rivers. How we view our surroundings is very different than agency people. We have a traditional and spiritual connection to all of these resources, the fish, the animals, the land itself. Our people are buried out there. Our blood was shed out there. All of these things have to be
considered. So I -- I really -- we too oppose this reorganization.

But I -- I just made a few notes, but I am really disappointed with this so-called formal consultation because when this executive order was written, authored a couple of years ago, it was never mentioned to the tribes. And then it says that letters were sent to the tribes to ask for comments. Well, that's not consultation. Letters are not consultation.

So I think you guys need to rethink this whole thing and follow your own laws that's up there and consult with us on a government-to-government basis and discuss all of these issues. It's not just the BIA. Anywhere you go on this land is the homeland of some tribe. We're the original people of this continent, and when we moved to -- to our present-day reservations, there was agreements made, and the federal government still has those obligations to our people. Thank you.

MR. TAHSUDA: Thank you, Chairman. So let me go back. You raised a point about respecting tribal sovereignty, and I think that I want to be sure. So I tried to note under the proposal, you see the three primary functions that I've referenced. That doesn't impact -- those don't impact the mission of either the BIA or the Department of the Interior. One of these primary missions
is to respect and support tribal sovereignty.

The real question is or the real point of this is to say, is there a better way we can do our jobs? Is there a better way that the department in general can do its job so that we do a better job of respecting tribes, of protecting tribes' treaty rights, their inherent sovereignty, et cetera? And so that's -- that's the goal of this is to have the government work better.

MR. HOWARD: I think we've got to start all over again and include the tribes from the very beginning. We'll sit at the table and write it with you.

MR. TAHSUDA: And so -- and you made a good point too, and I guess I wasn't -- wasn't clear. I said this is initial consultation. We -- this is the last one of this initial round. We've had ten. And, again, my purpose in these consultations has largely been to kind of get this information into your hands, have a discussion with you, get your questions, answer questions as much as I can, take points, questions that you have back to be considered, but we will have further discussion. We'll have further consultation about what this all means in the department so that we can try to either have the bureau working well in the region or have the bureau at least -- or have the bureau be part of the unified region or have it -- at least figure out how it's going to work with the new unified region even
if it's not part of it, and that's -- that's the further consultation. That's the further discussion that we'll have.

So thank you, Chairman. I know you have to go. Appreciate your comments.

Chairwoman?

MS. EVANS: Can you hear me? (Speaking in native language.) Good afternoon, my friend and friends. My Spkins name is Tsmosa given to me by my late grandmother, Cecilia Peone Abrahamson. My English name is Carol Evans, and I'm the Chairwoman of the Spokane Tribe of Indians. And I thank you. I thank you today for coming here to listen, to listen to us, the people that represent our tribal people, the people that represent our lands, our air, our water, our children. So I thank you for coming for this consultation. I truly do appreciate it.

I -- I would like to also agree with the other esteemed tribal leaders that spoke before me on consultation, on what it means. For treaty tribes, I know a lot of treaty tribes have it in there what consultation means to them. The Spokane Tribe is -- is not as fortunate. We're an executive-order tribe, but we still hold you. We hold you to that trust responsibility. We are a sovereign nation, and we deserve the trust responsibility. For me and for my people, consultation, I have to kind of put it in
perspective of what it meant precontact. Before contact, people who came to our land, they asked for permission to come onto our land. If they wanted to do something that affected our people or our lands, they told us what they wanted to do, and they seek -- they asked for us permission. And -- and that -- and then if it was good for our people, if it was good for our lands, if it was good for our air and water and the animals that helped and the fish that helped sustain our lives, then my ancestors would give those individuals who requested that permission.

And so -- and the other thing, normally it is the decision-maker coming on the land to the decision-maker on that -- that is on the land. So the chief to the chief or the chieftess to the chieftess.

And so that's my view of consultation, and that's how I would promote it for my tribal people, a free, prior and informed consent. We truly support it, like stated of the Yakama Chairman in prior statements. So I just wanted to make sure that I -- I was able to give my view of what consultation is, and I look at it as the respectful way to conduct business because we are sovereign nations, and we deserve that respect.

The Spokane Tribe, the current-day reservation is in Eastern Washington. It is approximately 159,000 acres. We have approximately 200 -- 2,880 members, half of them
living on the reservation and half not living on the reservation. At the same time, we're about half -- half are men or half are male, and half are female.

We ceded 3 million acres when they came and took our land, and so we -- we -- we do expect that the Department of Interior as they talk about reorganization respect that we had given that up for them too, and they have to always realize that, and no matter how they reorganize, it's important that they keep that in mind. That is number one for us. It is up to us to -- we -- we are the ones who know what our people's needs are. We know what our lands' needs are and our environment, and so we need to be consulted with regarding that.

So if reorganization results in -- in streamlining or doing away with environmental regulations that, say, the Spokane Tribe has high water quality standards that's helping the City of Spokane clean up the Spokane River so someday we can bring back the salmon, that could negatively impact us if that is done away with. I don't know if in reorganization that would happen, but I just look at how things are going, how things are being privatized. Like one of the leaders said, we're here for profit, and we're turning some of this in for the mighty dollar rather than to really respect our Mother Earth and the environment.

And so I'm hoping with the streamlining, the
reorganization, that we always remember that it's important
to protect our environment and we honor that land
because we have -- we have -- we have a lot of problems. I
just want to read -- as I talk about the environment, I just
want to read an e-mail that we got on August 20th regarding
air quality.

On August 20th, 2018 in the Spokane area, we had
the worst air quality in the nation according to the
Environmental Protection Agency. The Air Quality Index
called the AQI on Monday, 8/20/2018 registered at 382 in the
Spokane area. The AQI is a measuring stick that runs from
zero to 500. Above 300 means it's hazardous for everyone.
This air quality affects the most vulnerable, the older
adults and children who have respiratory problems like
asthma.

So I think it's important as we move forward and
we consider reorganization, we -- if we're told we're going
to privatize federal assets, you know, those -- if it's like
one of the leaders said, we're doing that to try to get more
land for -- for the mighty dollar, I think we need to step
back and realize we have to protect this environment, or we
are going to continue to have the wildfires we have in
the -- in this area. The Spokane Tribe has had two
wildfires that have burned approximately a third of our
reservation, and now we have to plan what are we going to do
next year for the smoke that's in the air that's hazardous to our people. We have to find ventilation systems. We can't let our workers outside.

And so as we reorganize, we have to remember this, that we can't just overlook that. We have Mother Earth, and -- and I'm compassionate about this. We have to protect her, or she's not going to be here for us. And so as we reorganize, streamline, if we're privatizing things, if we're selling the federal assets, we have to realize that that's going to have an impact on our people and our reservations. We need to -- we need to step back and -- and really stand up for -- for those things that can't talk, that Mother Earth that can't talk, that water that can't talk.

And so -- so I'm just -- I'm just hoping I -- I feel maybe I'm off track by talking about this because you may turn and say, Well, that -- we're not going to do anything with that, that's not the purpose, but if I don't say it and it happens, it's my fault too, and so I'm going to say that. It is important. It's important to protect our reservations.

I do have another comment on the three primary functions in the reorganization that you talk about. One of the concerns I would have as its reorganization is that those don't become so important that the sovereignty and
trust responsibility becomes a secondary thing, that they
forget that they have this special responsibility to the
tribes because it appears that we're not -- that -- that's
one bullet point, and then all of the other bullet points on
the reorganization.

So it's important that -- that we remember that
the tribes are sovereign nations. We have a special
responsibility with the federal government. They took
3 million of the Spokane Tribes' acres and put us on the
current-day reservation. We have lost our salmon when they
built the dams, and my ancestors sustained off of the
salmon. 90 percent of our sustenance was off of the salmon.
We have not had salmon for -- for three generations at
least, and so that to me means that we have lost a lot.
We -- my tribe has suffered greatly. The generational
trauma, the loss of tribal custom and spirituality that went
with that salmon, you know, if we're not allowed to continue
with the high air quality and water quality standards to
improve the environment so we can bring the salmon back,
that could be devastating for my tribe because we work for
salmon recovery. Salmon is important for the Northwest.

So I just -- I just wanted to provide those
comments, and as you -- I know you're early in this
discussion, so I don't think my tribe is willing to step up
and say we do not support it at this point. I think we want
to be part of the discussion. We want to be given the
opportunity to be able to provide comment. And as new
drafts are developed, we expect that we would get additional
consultation. I think that's important for us, and I want
you to know that also.

So, once again, I thank you for listening to me
and appreciate you taking the time to come out and consult
with us. (Speaking in native language.)

MR. TAHSUDA: Thank you, Chairwoman. Thank you,
Chairwoman. So I want to I guess confirm. I don't know if
you're asking this, but this is -- so this is an -- this is
an intent to provide better decision-making basically. It's
not about decisions, whether it's to privatize or anything
like that. That's not part of this process. And, you
know -- but as a -- as unrelated but I will tell you that
Secretary Zinke has publicly made the commitment as well.
He does not support giving away federal assets. That's
not -- you know, he -- his -- his real, true -- he calls
himself Teddy Roosevelt, you know, of conservation. His
idea is that these are public assets, you know, public --
part of the public treasury that the American people should
enjoy, public lands, not Indian lands. Those are other --
not public.

So that's not part of his process, and that's not
part of his thinking either, but it is really all about
trying to get better decision-making, which I think is about
doing a better job of respecting tribal sovereignty. The
decisions that we make on behalf of your should be timely,
right, so you don't have to wait around years and years to
get a decision, and they should be the right decision so
that when we make a decision -- I gotta tell ya personally
it's very frustrating to me when we have decisions that are
attacked, and the department gets sued by almost everybody
on most of the decisions that it makes, and so we have to do
a good job of making sure it's a good, defensible decision,
and I think -- I find it very frustrating, and I think it's
actually a failure on our part to support tribal sovereignty
when we've made a decision that we can't defend on your
behalf. I think that's a shame.

So I view this as -- in part, as making sure that
that doesn't happen so that not only can we defend the
Indian part of the decision, but the other parts of it that
the other bureaus weigh in on as well, that those are part
of that good decision and help us defend it. Yeah, thank
you, Chairwoman.

I have -- is Mayor Cook still here? Okay. I
think he had to leave.

Chairman Pickernell, have you -- you want to
comment?

MR. PICKERNELL: Good afternoon. My name is
Harry Pickernell, Senior. I am the Chairman of the Confederated Tribes of the Chehalis Reservation in Southwest Washington State. Thank you for your time today, John, for listening to the comments here today.

In the Juneau consultation the Chehalis Tribe expressed that it did not wish to join the overall Department of Interior reorganization. I wish to give the Chehalis Tribe's reasoning behind that decision.

The tribes are sovereigns, and unlike the BLM or an accounting department, they need to be treated as sovereigns and not as an adjunct to address the needs of Fish or Parks or purely administrative functions. The BIA deals with governments and human beings and not trees and rocks. To lump all animate and inanimate recipients together under a single structure detracts from the BIA's mission and trust responsibility.

Tribes need their Regional Directors to be focused on their individual and collective needs without the distractions of trying to figure out how to make all the various departments work more efficiently. What tribes need for more efficiency is delegation and not consolidation.

Finally, if the BIA wants to integrate its HR and accounting functions with other departments for greater savings, as long as such integration doesn't detract or slow down the core government-to-government responsibilities,
that would be acceptable, but not a total participation in a
planned reorganization. The BIA system is far from perfect,
but it is the world that tribes know how to work in. Don't
change the world and force a whole readjustment to new
systems, people and problems. Thank you.

MR. TAHSUDA: Thank you, Chairman.

I have Chairperson from the Paiute Tribe of Utah.

MS. BORCHARDT-SLAYTON: Tamra Borchardt-Slayton.

MR. TAHSUDA: I'm so sorry. I was having a hard
time trying to figure it out.

MS. BORCHARDT-SLAYTON: I think I'm loud enough.

I don't need the microphone.

Good afternoon. I'm Tamra Borchardt-Slayton. I'm
the Chairwoman for the Paiute Indian Tribe of Utah. We're
located in South Central and Southern Utah, so we take a
majority of the state. Just so you're aware, the Paiute
Indian Tribe of Utah is very unique. We have five
constituent bands that form the Paiute Indian Tribe of Utah:
The Cedar Band, the Indian Peaks Band, the Kanosh Band, the
Koosharem Band, and the Shivwits Band.

Concerning the Department of Interior's proposed
reorganization, I offer the following testimony on behalf of
the Paiute Indian Tribe of Utah, and I want to be -- I want
to thank you guys for this opportunity.

In summary, we join other tribes from across the
country and organizations like the Department of Interior
Self-Governance Advisory Committee and oppose the current
planned reorganization of the department. Historically the
Paiute Indian Tribe of Utah has been let down by the federal
government. We were a terminated tribe, not specifically
the tribe itself but the bands. In 1954 when the
termination legislation was passed, we were terminated by
our own senator, Arthur Watkins, and we were in fear that
this reorganization was going to be that, but you addressed
that earlier, John, and said no.

As an independent sovereign nation, we retain our
human rights to liberty, freedom and self-government, our
inherent, inalienable rights and are not subject to diminish
by the United States, which is why we are concerned about
the proposed reorganization. The Department of Interior
plans to reorganize based upon Executive Order 13781, and
its planned reorganization may make sense for the land and
natural resource agencies like the National Parks Service,
U.S. Fish and Wildlife, BLM and BOR; however, in moving
forward with the plan, the Department of Interior has not
engaged in appropriate government-to-government consultation
on the formulation of the Interior reorganization plan per
Executive Order 13175, consultation and coordination with
Indian tribal governments.

As Native nations we are Native people, the
original people of America. Sovereignty and self-government are protected by the Constitution, treaties, statutes and our nation-to-nation, government-to-government relationship with the United States.

In 1970 President Nixon declared in a special message to the Congress that the United States would adhere to the Indian self-determination policy.

President Reagan said in 1983 American Indian Policy Statement, when European colonial powers began to explore and colonize this land, they entered into treaties with sovereign Indian nations. Our new nation continued to make treaties and to deal with Indian tribes on a government-to-government basis. Throughout our history, despite periods of conflict and shifting national policies and Indian affairs, the government-to-government relationship between the United States and Indian tribes has endured.

President Clinton in Executive Order 13175 reaffirmed the United States policy to be -- to respect Indian sovereignty, Indian treaty rights and honor American federal trust responsibilities to Indian nation.

At the present time we oppose the inclusion of the BIA and the Department of the Interior's reorganization proposal.

Native nations are self-governing Native people.
Treat us with respect. Steps must be taken to ensure that the department, department's bureau and the department overall will adhere to federal trust responsibilities despite any changes that may occur within the department. Such steps begin with meaningful consultation with tribal nations. The Office of American Indian Trust should be re-established.

Consultations must be based upon mutual consent to honor our rights to liberty, self-government and self-determination. We are deeply concerned that the department has responded to the state government's concerns even before efforts of meaningful consultation began with tribal governments. The scant mention of the tribes and the complete lack of the mention of Indian treaties or the trust responsibility and the administration's recent publication Delivering Government Solutions in the 21st Century Reform Plan and Reorganization Recommendation compounds these concerns.

Consultation must be informed. While today's session is called a consultation, we still have no details on the proposed cost of the reorganization, the impact on services to tribal government, staffing any changes in authority or other things. We support congressional oversight of the reorganization process as mandated in H.R. 6147, Section 608, which requires Senate and House
Tribal Consultation re Potential DOI Reorganization, 8-23-18

Appropriations Committee approval of reprogramming requests before any funds may be obligated for reorganization purposes.

We also agree with the Senate Appropriations Committee concern about the lack of details about the department's proposed reorganization and its potential impact on staffing, funding and service delivery.

DOI should retain the current regional jurisdictional boundaries. The current boundaries divide tribal regions and programs, have been meticulously designed and adjusted overtime to fit the needs of these problems and to serve each tribe's sovereign interest. Under the proposal the Paiute Indian Tribe of Utah would be directly impacted. Services for the tribe within Utah would move from the current Western Region with Nevada and Arizona to the new Upper Colorado Region with Wyoming, Colorado and New Mexico. And this is a major concern for us because currently our aboriginal territories, our homelands, are Nevada, Arizona, California and Utah, and our sister bands are located in those areas.

Overall, the new proposed boundary groups together tribes with no similarities, and, in fact, the proposed boundaries will result in a grouping of several tribes that both in the past and present have disputes over issues such as control of land, water, jurisdictional lines. This
change will destroy decades of progress and programs and services.

The mission must be clear. It must alleviate treaty and trust responsibilities in the core DOI function. The department's proposed reorganization has no clear mission other than to try to address bureaucratic red tape. Tribes have been told that the department's priorities are recreation, conservation and permitting.

Tribes -- sorry. My phone went dark -- Tribes in the federal trust responsibilities must be a reorganizational core function of the department, and if reorganization does occur, the department must ensure that all IRDs will diligently carry out these responsibilities and all actions in their decision-making processes. Prioritizing treaties and trust responsibilities will improve the department's efficiency, effectiveness and accountability in all decisions affecting on tribal interest. Cost-benefits analysis must be included in the impacts on tribes. The department's decision on reorganization must include the direct and indirect cost to the tribes and not just focus on cost savings to the department. Department costs that affect tribes should also be considered, for example, the cost of spending time and resources on reorganization efforts that (a) may not happen, (b) tribes oppose, and (c) are very clear whether there will
be benefits to tribes if it does happen.

Instead of undertaking the reorganization, the DOI should create a new Deputy Secretary of Interior -- of Indian Affairs. The Assistant Secretary of Indian Affairs should be redesigned as a Deputy Secretary of Department of Interior, follow Indian preference and BIA administrative rules and promote tribal self-government and report directly to the Secretary. The Deputy Secretary of Indian Affairs should oversee all Indian-related functions, BIA, BIE, OST, and land and natural resource management. OST should be merged back into BIA, and BLM should get out of Indian land-management areas because it does not honor federal Indian law or the trust responsibility. The BIA, BIE and all Indian agencies must be fully funded. The BIA function of promoting Indian self-determination, self-government and fulfilling the federal trust responsibility are mandatory duties of the United States. Indian education, housing, healthcare and infrastructure are required by treaty and statute, and our tribal government services are not discretionary. They are mandatory. DOI must prioritize funding for BIA programs and services.

Many inefficiencies within BIA are simply failures of BIA staff to carry out their duties, often because a lack of funding, staff or other resources. The most effective method to improve the efficiency, effectiveness and
accountability across all BIA programs and all BIA levels would be to fully fund and fully staff the agency. Shifting office locations, personnel or duties and responsibilities of employees will only increase delays, cause confusion and further slow the BIA down.

DOI must restore tribal independence. The Department of Interior should restore decision-making authority to Indian nations. BIA, BIE and the other offices should defer to tribal government decision-making to the full extent provided by treaties, statutes and inherent rights to self-govern. The Secretary should act and as necessary call upon Congress to act to the preempt conflicting state law. The Secretary should promote the National Council on Native Nations. The Council can serve as the interdepartment decision-making body to promote the Indian self-determination and resolve agency conflict. The National Council of Native Nations should meet quarterly with the Secretary and the elected leaders of Indian nations to conduct real business, not speeches.

Annually the President should meet with the Native nations to promote Indian self-determination, honor treaty rights and promote tribal economics.

As a sovereign Indian nation, the Paiute Indian Tribe of Utah stands ready to work with the Secretary of Interior and the administration to honor our rights to
self-determination and self-governance, promote our tribal
homelands as a liveable homelands for our people and promote
Indian self-determination for economic independence.

For the Secretary's part, we expect real
collection based on mutual consent. We call upon the
Secretary to seek full and honorable funding for our Indian
nation programs and services consistent with the federal
trust responsibility, and at this time we ask the Secretary
to defer the proposed regulations of the BIA until he has
the opportunity to personally sit down with us on a
nation-to-nation basis and address these issues that have
arisen.

MR. TAHSUDA: Thank you, Chairwoman.

MS. BORCHARDT-SLAYTON: Thank you.

MR. TAHSUDA: So real quick I would -- you covered
a lot of ground there, but the -- let me kind of reiterate.
So none of this exercise is intended to have budget impacts,
and the Secretary's commitment has been that -- to hold
tribal budgets harmless.

So if there -- if there are movements regionally
for us, that obviously impacts the regional budgets, the
tribal shares as they come back out of the regions, but
that's something that we'll work through, and we'll have
further conversation to make sure that you're onboard with
that. I see that largely as an accounting process. We make
Tribal Consultation re Potential DOI Reorganization, 8-23-18

sure that the budgets are not impacted, that both for you tribes and for in the regions so that the resources are there as well.

So there's no changes in personnel that are considered as part of this. I mean really, again, all we're talking about is for these three primary functions changing the lines of reporting so that those decisions can be -- can be accomplished faster and more effectively. And so that -- that's -- that's the purpose for it.

If there were -- again, if there -- you know, once this gets implemented and there's an opportunity to achieve either cost savings or free up resources in a region by consolidating offices, you know, have that discussion then. I don't know. I mean that's also a bureau-by-bureau consideration that has to be made because some of the bureaus, you know -- some of the bureaus are like us in that they have a lot of offices out in the field. Some of the other bureaus don't. So that's something that would have to be worked out in the future if there's a more efficient way to do it, but, you know, the Secretary's commitment again is no budget impact and no impact on the resources. So we're not closing agency offices. We're not moving staff that are out in the field, staff that are on the reservation working for you. You know, we're not talking about any of that, so that will all stay the same.
MS. BORCHARDT-SLAYTON: Can you guarantee that the Southern Paiute Field Station office won't be closed?

MR. TAHSUDA: I can tell you that there's no intent to close any field office.

MS. BORCHARDT-SLAYTON: How will they service with these new boundaries, Nevada tribes, the Arizona tribes, as well as the Utah tribes, because the Southern Paiute Field Station is located in Utah?

MR. TAHSUDA: So they would continue to serve the tribes that they serve. So the -- again, the unified regions, and we have the direction that we can make this as flexible as needed to be to make sure that the delivery of service either stays the same or gets better. That's our direction, right? But, again, focused on these interbureau decisions that happen across these three primary functions, permitting, conservation and recreation. So that's the focus of the unified regions.

For all the other decisions that have to be made, they stay in the offices that are making them. If we have to make some adjustments, you know, to ensure that they get, you know, the -- if they're going to be reporting to a different Regional Director, all that does is change who they report to. It doesn't change the fact that they are there providing services in that region. And I think that, again, we want you to be comfortable with that, and if you
would prefer that agency office to stay in another region, we can try to figure out how we would make that work, you know.

So that's the most I can tell you right now, but it's not intended to -- it's not intended to change anything on the ground other than to get better decision-making.

MS. BORCHARDT-SLAYTON: But you also have to remember that my tribe is a terminated tribe. We had consultation back in the 1950s. We weren't heard then, and we were terminated. So we come here cautioning what your real intentions are.

MR. TAHSUDA: I'm sorry. That's a horrible history. I understand that. I can't do anything about that, but what I can do right now is -- is -- from my position and from my work is to say the bureau and the department can do a better job of delivering the services, providing the support to tribal sovereignty that we're supposed to, and this is one way that we can try to improve that. There are other things that I'm sure we can do, and I'm happy to try to explore those, but this is, you know, an effort to get these decisions that impact reservations that require input or decision-making from other bureaus to make that decision process faster, more efficient and better. That's -- that's really -- that's the focus of this.

MS. BORCHARDT-SLAYTON: Thank you.
MR. TAHSUDA: Thank you, Chairwoman.

I have Chairman Ben Joseph.

MR. JOSEPH: Sorry. We'll see. Probably won't need it. (Referring to microphone.) My comments may be fairly short. Again, my name is Ben Joseph, Sauk-Suiattle Indian Tribe, and we are signatories to the Point Elliott Treaty.

I'd just like to reiterate, like my fellow leaders before me, we don't view this as formal consultation as our consultation is considered to be consultation within our chambers, with our seven council members, with an equivalent personnel from the Department of the Interior.

With that being said, we are opposed to the reorganization, and we'll follow up with further comments through our written comments that will be in by the September deadline. Thank you.

MR. TAHSUDA: Thank you, Chairman. Let me reiterate too, it's helpful for us if you can get your written comments in by September 15th, but we still want to get them whether you can get them in by that time or not, and, you know, we will do our best to make sure that is part of our information process in forming as we brief the Secretary. Thank you, Chairman.

I have three people on the list here from Colville. Is there one person who can get up and speak...
first? I have --

MS. GEORE: I'll go.

MR. TAHSUDA: I have Margie Hutchinson?

MS. SANCHEZ: Andrea.

MR. TAHSUDA: I'm sorry. Maria?

MS. GEORE: So I'm not on the list, but

Norma Sanchez who is on the list deferred her time to me.

MR. TAHSUDA: Okay.

MS. GEORE: I'm Andrea George. I'm a Councilwoman

with the Colville Confederated Tribes in Washington State.

Good afternoon. Thank you all for staying.

So, as many others have indicated, this isn't

meaningful consultation, and I don't mean to be rude or

disrespectful, but the presentation to some degree feels

like a used car that you're trying to sell or put off as

though it's a new car. You painted it, and you can't tell

us the make or the model, but you want us to buy it. And,

you know, if you had given us the proposal in advance with

additional information, we might have been able to consume

that and provide meaningful comments, and, as others have

indicated, we didn't get notice about what the proposal

looks like, so it's hard to buy that car, buy into the

program when we don't know exactly what that looks like.

I think it's also important to indicate that

you've stated on numerous occasions, John, that this doesn't
impact budgets, but the fact of the matter is resources have been invested already up to this point in order to do these listening sessions, to develop a plan, to go out and make efforts to see about putting this together. And if you'd pull up the map, if you'd be so kind as to do that.

MR. TAHSUDA: Okay.

MS. GEORE: As tribal governments looking at this map, at least for the Colville Confederated Tribes -- and I'm only one of 14, so our brother down the road from us at Yakama, who's left, but Chairman Goudy had indicated they have 14 on their tribal council. So I'm only one of 14, but I can tell you at least from my perspective and at least I know a couple of my colleagues are opposed to the reorganization. And although you're indicating there's no budget impact, if you look at this map, you've taken one section on the East Coast, and you've now made it so that it's part of four or five different regional offices or proposed regions. And so I don't know what the administrative costs look like, but on the other hand you've got the Northwest, and you're proposing to make it the Columbia Pacific Northwest. You've got a lot of tribes, a lot of tribal people and a significant amount of land in the Northwest.

So I don't know why it is that if you're coming to us with a proposal, why not make that meaningful? Do
something radical. You know, for many years -- I used to
work for NCAI about 20 years ago, and there were tribal
leaders just like us who stood up and said, Why are we in
the same department with the cows? Why are we on the same
playing field with the birds, the minerals, the cows? We're
governments and people. So if you want to come up with a
proposal to change it, because maybe the system is broken
and it needs to be changed, why leave us in Interior? We're
tribal governments. We're -- it's insulting, quite frankly,
to many of us that we're kept on that level playing field.

And we're told -- you want to tell us there's no
implication to the budgets, but there will be because you
can't set up all those different regions, unified regions,
without costs associated to it. And you want to make one
region in particular with the Pacific Islands. You're going
to make that Region 13. What about all the tribes in the
Northwest because we have a lot more resources and a lot
more people than those tiny islands out in Hawaii? And you
want to take the East Coast and divide it into five
different areas so two comes five? We've got a lot more
resources and people that should be looked at, and in that
respect I personally object, and, again, I know that there
are colleagues of mine on Colville that also object to this.

But, you know, I don't know what unified means.

You know, there hasn't been any discussion about the
cultural impacts and what this means for the Bureau of Indian Affairs, as well as any of the other organizations under the DOI umbrella. You know, there -- in your presentation you indicate customer service.

You also mention that there's a commitment from Zinke and that he's comfortable with sovereignty and tribal people. I don't know that that means. I'm not sure what it means to be comfortable with Indian people. Does that mean that we get listening sessions and you sent letters because mailing letters and listening to us for a short period of time is insufficient? And there's a good group of us here today, but there's a lot of us who are missing, even from our own region, and not everybody here is from the Northwest Region.

So -- and you can tell us that maybe this isn't the last time you'll see us, but I do now that when you come out with your proposed comments and what your plan will look like, you will look back and say, We sent out notice to all the tribes, and we had listening sessions, so we had consultation, is what that equates to.

So I would encourage Zinke to really take a look at this, and even if all of the tribes are unified and say, We object to this, we don't want the BIA to be included in the reorganization, the fact of the matter is, is that this proposed plan is to going to affect all of us even if we opt...
out. Thank you.

MR. TAHSUDA: Thank you, Councilwoman. So when I say he's comfortable, I don't know how else to say that other than he -- he grew up around the Blackfeet people, played basketball, football, so -- and he's also from the West, so he's kind of comfortable with all of that. He has made it a point -- I think at this stage he's visited more reservations than any other Secretary of Interior in -- I don't know -- recent memory, if ever. I don't know. But he certainly -- he makes it a point when he travels throughout the country to meet the tribes that are in the region. Whatever purpose he's there, he always tries to meet with the tribes that are in that region. He personally came to Colville in Spokane earlier this year.

And so when I say he's comfortable, I think I mean that he believes in tribal sovereignty, and he wants to do what he can as the Secretary of Interior to respect that, respect the history of the department.

I mean we have certain -- he has and I have -- we have certain -- you know, when you're in administration, you don't have free reign to just do whatever you want to do, and we have statutes we have to abide by. There are other directives. So we do what we do, and we do the best we can to provide services to tribes, to respect tribal sovereignty as we can within those. Again, whether we would want to do
more or not, I mean we have certain bounds on what we are authorized to do. So -- but within those bounds, he wants to do everything he can I think. So that's what I -- I don't know how else to say it. That's what I mean by that.

I mean the budget impacts, again, this is not intended to be a budget exercise, meaning that we're not trying to consolidate offices, pull money out of the regions and, you know, cut the budget. In fact, in the Secretary's view, sort of world view, on managing a large organization like this with responsibilities that cover a wide geography is educated by his military experience, right? So the U.S. military's all over the globe. They had to figure out how to geographically organize amongst different services who have different missions but have common functions in how to do that.

So that's, in part, his thought is that there's got to be a way to figure out how these different bureaus that have different missions would organize it, and one way you do that so that you can have better decision-making, and one of the ways you do that is, you look at, what are the common functions? And so for us across the bureaus, these are three things that we all do, right? We all do permitting, we all have conservation -- and, again, within that you have biological reviews you have to do, you have environmental reviews, et cetera -- and then we have
recreation matters, right, which across the bureaus.

And the recreation one is really -- to my mind is something that's sort of an open field for the tribes because in his mind that's a huge economic opportunity for tribes to be able to connect their -- their opportunities in a recreation business to the other bureaus which already offer recreation, right, as part of the industry. So -- but, you know, that doesn't have to be. It's totally up to the tribe. You can be as connected or not as you want to be.

So -- but sure, there -- there would be some minor, you know, expenditures to accomplish setting up a regional office and how it's going to rotate amongst the offices, but I mean that's admin -- just, you know, purely administrative function that we'll perform, part of our regular budget.

The -- I mean you point out a good thing, I mean an interesting thing. If you look at the map, of course you'll see our Eastern Region, which is enormous, right? It goes from Maine down to Eastern Texas, Florida, you know, all the way up to ostensibly Indiana; although, there -- well, I guess there's some land there but no tribes. And so how would we accomplish that, right?

So we have one Regional Director for that whole area. Some of the other bureaus don't have any regional
offices in that area because they don't have responsibilities. The federal government doesn't operate really any dams in the Eastern United States, right, so the Bureau of Rec is almost all out West.

So what that means is that, you know, in this region there will probably be very nominal presence by that bureau, and so it may only be -- and it may not even be any personnel. There just may just be somebody who is in like the Arkansas-Rio Grande Region if something happens in the Lower Mississippi Basin that would impact, that would affect that, right, or more likely the Southern Atlantic Gulf, right? There would be a contact person that would be responsible for that, but there wouldn't be the creation of a whole new office who would sit there and have nothing to do, right?

So I mean there's a -- there's a practical side of this in how, you know, we will try to make it work administratively. For us I think actually it would be good to divvy the Eastern Region up into at least two because we have the -- if you know the USET tribes, the United Southeastern Tribes, you know, they have tribes that were part of the organization when it first formed. They were -- in some ways they were the only recognized tribes at the time in the 60s, right, in the East? And over -- since then of course we've added a lot of tribes that have been
recognized and got -- got the recognition they deserve, and a lot of them -- those in the Northeast are very different than the tribes in the Southeast.

So in that case I think it would actually be beneficial to us to have, you know, some more staff who would be able to work with the Southern Eastern tribes and staff that would work with the Northern Eastern tribes, and then they would cooperate with these new unified regions.

But, again, you know, that's up to the tribes in that region if they want to do that.

MS. GEORE: Just one more thing since you added that.

MR. TAHSUDA: Yes.

MS. GEORE: If you're going to be breaking up the regions by the diversity of tribes, you're going to need a lot more than 13 regions.

MR. TAHSUDA: Well, the focus is not on -- the focus is trying to create an efficiency in the different bureaus in a geographic region, and so. And, you know, obviously we would not have any staff who would be working in Region 13, so, unless, you know -- because, believe me, we have plenty of people that would volunteer to go work in Hawaii, but we don't have any services we provide there.

I'm sorry. And you were Ms. Sanchez; is that right?

MS. GEORE: She deferred her time to me.
MR. TAHSUDA: Okay.

MS. HUTCHINSON: I'll just be real quick, John.

MR. TAHSUDA: Oh, sure.

MS. HUTCHINSON: Then I can submit -- we can submit some written too. My name is Margie Hutchinson from the Colville Business Council.

I'm almost afraid to give comments because it gives the appearance that we're buying into this, and we're opposed to it. And I -- I guess I just wanted to say that I don't think tribes should be treated as just a department or a bureau because, like all the other tribes have stated, you know, we're tribal governments.

And then it concerns me I guess when you said that decisions will be made more quickly. That really concerns me because that's what happens to our land that goes out of trust. It's just a stroke of a pen, and the land goes out of trust, and if we want to get it back into trust, it takes 40 years.

And then if we have to, you know, if this is going to be put upon us, then I guess the positive that I would see, you know, or the improved communication and coordination across agencies, I think that would force the other agencies to know what Indians are and what they do. And so I think that would be a positive, you know, for them to -- instead of just saying, Oh, that's an Indian issue, we
don't have to work on that. And -- and I think that with
them working with the OST and the BIA -- I worked for the
OST for nine and a half years, and so I think, you know, if
eye worked with them, that would be good. Thank you, John.

MR. TAHSUDA: Thank you, Councilwoman.

MS. NICHOLSON: I'm Janet Nicholson with the
Colville Tribe. Just wanted to share these comments.

I think for the Confederated Colville Tribe, we do
not consider this a true consultation, like the previous
chairmans have stated, that it should be at our council with
our 14 council members there. And it's real difficult to
consider this to be consultation when the reorganization
plan has not been written or presented. This PowerPoint is
the first I think that we've really seen of the details, and
how John came across it or how he was briefed on it, you
know, really hasn't been shared with us. You know, it's
here in the PowerPoint, so I guess you've been briefed on
it.

The closest that we've come, you know, when this
initially came out last spring is this map. Immediately
after the executive order was issued in March of 2017, this
map was shared. Back then they said it was a draft. Today
John says this is possibly the final. And now they're
drafting the reorganization plan. So it's real difficult to
have really good input when they're just given a broad
We're a tribal sovereign government, executive order from July 2nd, 1872, and we're very cautious. You know, in April of 1872 our reservation was 3.4 million acres, in April. In July of 1872 we were reduced to 1.4 million acres. And we have millions of acres in our usual and accustomed territories, and in that today on and off reservation, we deal with many of the other eight Department of Interior agencies, and in our day-to-day business, we deal with decisions languishing in the other offices.

So when you say in this presentation that you're going to decentralize the decision-making, you know, how that would come about because you're not changing the agencies. You're mapping out that they'll be located regionally differently, but how? How are you going to change that if we're going to have the same people, the same offices?

You know, you're saying that this new IRD would be responsible for that project management, but from a tribal standpoint how would that improve our service from them? Right now we don't get answers, so I would be -- definitely want to see how that's going to improve in your actual documentation.

I also would like to know how the tribes would --
and it's been stated earlier -- the veto, you know. If tribes want to veto, is it going to be individual tribe, is it going to be a consensus of all the tribes, and how that would work, and if we do veto out, how it will work for the bureau, our Regional Director, to work with this new IRD? You know, how would that work? How would we make sure that these decisions are streamlined?

And the other thing is that the Indian Trust Asset Reform Act, Public Law 114-178, that was enacted in June of 2016, and that called for an Undersecretary to deal with the Indian affairs, and I think in this reorganization that we should implement that. I believe Secretary Zinke should look at implementing that, that we have an office equal to the Deputy Secretary so if we do opt out, that we have that level of input in the organization.

The other thing is, is that I -- the veto process and the communication, coordination and that the IRD with the BIA. I'm not certain how that would work.

And also the cost to date. I'm -- I'm not looking at it as a cost to actually doing the reorganization, but my colleague was deferring that there has been a cost expended to this point for this so-called consultation. So I don't -- I do believe there have been costs incurred, and that's at the detriment of services that we should be receiving from the Bureau of Indian Affairs. So -- and
we'll also submit formal comments. Thank you.

    MR. TAHSUDA: Thank you. So I guess I didn't really address that earlier. So your question about costs to date, you know, really there's not any out of our budget other than doing these consultations. The extent that there has been, you know, resources put towards this, the USGS spent time coming up with these maps. A lot of the discussion about the organization at this level between the bureaus has been conducted by what's called the Office of Policy Management and Budget within the Secretary's office or -- well, they're one of the Assistant Secretaries, but they're, you know, in with the Secretary, and they've been sort of the office that has coordinated with all of the Assistant Secretaries to get our input, et cetera, into that. And so -- and, you know, those are largely just internal costs. So the -- you know, in a $10.6 billion budget, it's pencil shavings really.

    The cost of these consultations doesn't come out of your budget. It comes out of mine, right? So it's largely my travel budget, and we have a Regulatory Affairs office that the two young ladies in the back that work for us. You know, they're part of that office, and so it's really travel costs and the cost of hiring a court reporter, so. And, again, that comes out -- directly out of the Assistant Secretary's office.
So I think -- I'm trying to think. You asked a couple good questions, and so one is, again, let me go back and talk about, you know, cultural impacts, et cetera. I guess to my mind this is not something -- this is a -- this is a strategic management kind of plan. Doesn't impact substantive knowledge. Our people will still be there weighing in with, you know, their expertise, you know, and anything that has to do with the tribes on the actual decision that's made. That's where that -- that knowledge needs to come in and not on saying you've got two weeks to get this done. I mean that's what this IRD will do. He's going to impose deadlines, and he's going to say, Did you talk to BIA? Did you talk to, you know, BOR? You know, and it's literally that kind of, you know -- just the management part of that is what they'll be involved with. And so I don't know -- there shouldn't be any cultural impacts to my mind.

But how will -- you asked how will these affect the other bureaus? It's a -- it's true. And this is something that I -- I guess for me, not only as a departmental employee but as an Indian person as well, I think that -- and I have been told over years in different positions that I've had and my work directly with tribes, a lot of tribes feel like that other government agencies including those within the Department of Interior don't
necessarily respect the BIA. They don't respect the tribes, right? And I think one of the reasons that that is, is that BIA has always been held out as being different, special, right?

And of course we have some unique responsibilities that no other government agency does except for maybe IHS. I don't -- but, you know, that -- it's -- it's great to acknowledge that, but the functioning of the department, that shouldn't impact the functioning of the department, but it has over time. And so one of the ways that you change that dynamic is changing the reporting lines. And so under this process the other bureaus will have a -- somebody who's telling them that everybody that has input into that gets talked to from the beginning, everybody gets their input in and they get it done in time so that the decision is made. If we're making the decision, then we get the input from the other bureaus.

Let me tell you, how it works now, everybody's in their silo, right, and we got -- and we get three or four years down the road on some issue, and then Fish and Wildlife comes in and says, No, no, no, you can't do it that way. And then we have this discussion about the tribe's treaty rights, and they're talking about Endangered Species Act, et cetera, right? That stuff needs to happen at the very beginning, right? And, you know, we can have that
discussion.

And I will tell, you know, one of the other -- the other factors that goes into this you have to think about in practical terms is, as I said, we get sued by everybody all the time, right? And every time we do one of these decisions in which we've got some other bureau arguing with us about, you know, our decision, instead of it being our decision amongst all the bureaus, it's our decision, and then they have their decision, and then we've got to reconcile it. The people that are opposed to that decision have already made a case for them right now, and we have a lot of litigation in which we're our own worst enemy, right? Our other bureaus have provided all the ammunition that the people opposed to the decision, you know, need. So there's another time suck and resource suck on our resources, you know, on behalf of you.

So if we have this decision-making done, you know, in timely -- and when I say timely, it's not just our time, but if we can reduce the time we spend in litigation, that's another, you know, resource saver for us -- and we get the right decision, we get everybody's input and we have the right decision that's defensible and it's a -- it's kind of a unified decision from the department instead of having multiple decisions that somehow get mashed together at the end, then we're in a much better place on your behalf.
And so that's how I think we get more and more respect from our bureau amongst the other bureaus. They're forced to play in the sandbox together. And one of the ways, you know, in practical terms -- and those of you who -- you know, you run your governments. You understand this, you know. At the end of the day, you know, you have a certain amount of people who work really hard because they believe in what they're doing, and you have a certain amount of people, you know, whether they believe in what they're doing or not, they work hard because they have a list of priorities and goals that have been given to them, and their pay depends on that.

Part of this process is that with this Regional Director, Interior Regional Director -- is to impose this communication and coordination, and it will be part of the assessments that are done on the bureaus and the bureau managers. Have they -- have they had the communication they're supposed to? Are they playing well in the sandbox? Are they meeting timelines and deadlines? These are things that will also impact not just, you know, getting better communication. It impacts their paycheck at the end of the day, right? So it will be all part of how we enforce the discipline into -- into the process. So it enforces discipline. It enforces recognition that all the bureaus have to respect each other and work together, and I think
that to me is at the end of the day one of the greatest benefits we'll get out of this.

So I really went overboard talking about it, didn't I? But thank you very much. Those are great comments. I appreciate it. I want to -- we're in a -- actually, we're already a little over, but do we have -- I want to make sure I had a representative from Port Gamble. Ms. Renee? Is she still here? Did she have to leave?

Okay.

All right. Is there anybody else who needs to make a comment before the end of the day?

MR. MATHESON: Yeah, my name is Caj Matheson. I'm the Natural Resources Director from the Coeur d'Alene Tribe. I apologize on behalf of Ernie Stensgar, Chairman. He really badly wanted to be here and provide these comments on behalf of the Coeur d'Alene Tribe. He just couldn't make it. So I'm going to do it, and I just -- I'll make them really quick too.

We echo the same concerns regarding consultation. This we -- I'm very pleased to hear you say this is the beginning of consultation and there will be more to come, but without any assurances, anything in writing or anything like that, we have to be able to publically say that we reject this as any kind of meaningful consultation, both on the grounds that for us consultation is one-on-one. It is
in our council chambers, just like so many of the other tribes have iterated as well, but also, too, just like the Colville Councilwoman was talking about, that there's just not enough detail. We can't have meaningful consultation without meaningful detail.

So if this really is the start and we're going to continue to have and grow into meaningful consultation, we are pleased, but -- but we can't consider this meaningful consultation until we get to that point in meaningful details. So we'll look forward to that. Also, too, because of the -- because there's not enough meaningful detail, it's hard for us to really provide a lot of -- we can't even say whether we're for this or against this at this point.

So what we want to be able to do is reiterate some of the same concepts. Probably the most important one to us is this idea of trust and trust responsibility. We want to make sure that those things are protected moving forward. And for us we can -- we view that as happening in one of two ways: Number one, that we make sure that we maintain this opt-out for the BIA and that that is protected. So if a region decides to opt in, we want to make sure that opt-out is protected into perpetuity, into the future, so that if somehow it doesn't work out, the tribes can at some later date opt out when they start to real -- if they get to a point where they say, This was not good for us, we want to
make sure that's protected well into the future.

As far as the other bureaus, we also look at the Undersecretary position that was ultimately created with the Indians Trust Reform Act, and we really believe that this is the opportune time to make that happen. It needs to happen anyway. That position needs be filled anyway. This is a great excuse. This is a great opportunity to make that happen, and I think that if that happens, that will put us in a position that we can feel a little bit more comfortable moving forward to say that our trust -- that the trust responsibility that the federal government has will remain intact, that we'll be able to protect it.

I think one of the major concerns that we have, especially across different bureaus, is that the bureaus -- they don't all do -- they don't manage their trust responsibilities the same. Some of them are better than others at it, and for us it's a little bit scary to say that it's going to be more efficient, not because we hate efficiency. We struggle with federal government inefficiency ourselves. We don't -- we don't like it when they're inefficient when it hurts us, but we don't want to also be more efficiently taken advantage of.

And so some of the things that has happened today, for example, have been where you've provided some answers where you say, Well, I don't think that this would happen.
Historically -- and I'm sure we -- I know we're all aware of this. I'm sure you're aware of this -- a lot of those times those I-don't-think-it-should-happen, you know, turns out pretty bad for us, and so we don't want to be able to be more efficiently taken advantage of, and I think that's the concern for the Coeur d'Alene Tribe too.

So whatever happens moving forward getting to a point where we can consider something as meaningful consultation, we want to make sure that our -- that the federal government's trust responsibility remains intact.

So thank you.

MR. TAHSUDA: Thank you, sir.

MR. KUTZ: I'll try and be brief and loud, but -- so you can hear me.

COURT REPORTER: Thank you, sir.

MR. KUTZ: My name is Stephen Kutz. I'm a member of the Cowlitz Indian Tribe from Southwest Washington. I was sent here by my Chairman today, Chair Bill Iyall, to represent the tribe and some of our thoughts.

And so we -- we have -- do not have enough information to decide whether we are going to oppose or recommend going with the reorganization. What I can tell you is, I testified at ATNI when they started talking about the monuments, and I objected to that being a listening session. Decisions were already being written up and were
Tribal Consultation re Potential DOI Reorganization, 8-23-18

being made and planned ahead of time. So when -- so are you
planning on having consultation prior to sending the plan to
the President? I think not.

MR. TAHSUDA: This is what we're doing now.

MR. KUTZ: Well, we don't know what the plan is.

We just know this is about the regions, but we don't really
know what the plan is.

So what I can tell you is, I served almost 25
years in the military, 20 on active duty. I know what it is
working for commands. And you know what? The commanders
rally things around and make decisions. And so you're
talking about pulling the people together and making
decisions, and -- and I think that sometimes the voices are
lost in -- in a -- in a person pulling the people together
and making decision and treating it with a military
operation.

The other thing I can say is that the military
moved me around a lot. As soon as I was starting to -- as
soon as I was starting to have relationships with the local
community and understanding the local community and them
understanding us, they moved me. They moved me.

And so what I want to talk about is relationships.

Relationships are important. Long-term relationships are
important. It's important to us because -- because it takes
years to understand all of the complexities of what go on.
And so -- and so under this administration, we see some of those relationships have been broken because decisions have been made about moving people around, and so relationships, long-term relationships, are important.

So we believe that our natural resources -- and you talk about conservation up here. We ought to talk more about preservation than conservation, not just conservation. Got to be more preservation. So I want to give you a couple examples of things.

There should be no more dams in the Northwest. There should be no more dams. They're planning on putting a dam up in The Enchantments, which are on the upper level of the Wenatchee River, affecting the Colvilles, affecting the Yakamas, affecting the Spokanes, affecting us because it affects the fish, and they're having these -- and they're having these online little comments up there. There should be no more dams. They're talking about their -- they don't have enough water for the farms. All you have to -- I can take you up there and show you. They're tearing up the farms and selling the land and putting houses and building more farms, and so those water rights are being sold to the people that are putting land on those places. Now they need more water rights, and so they're going to take more land away from the fish. So -- so I expect that -- that our voices should be heard in more details than they're being
heard.

You know, it took -- when you -- when you talk about moving decisions along quickly, took us 14 years to get our land into trust, 14 years. We walked away from those treaties, but you know what? I -- I -- we stand here, and we listened to those who have those promises made to them, who have had those promises made. We didn't give up those promises. We didn't sign at the Medicine Creek Treaty. We didn't sign at the Chehalis River Treaty. We negotiated the Vancouver Treaty, and those promises were not kept, and those promises were not ratified.

So -- so we have -- we have reservations, and we think that in order to have consultation, we need to understand what the plan is. The plan about the monuments should have been put out in front of us so we could have conversations about those instead of just having talk about that and not understanding what we're really talking about. So those are the things I have to say from the Cowlitz Indian Tribe. Thank you very much.

MR. TAHSUDA: Thank you, sir. How many more do we have? Anybody?

Are you good to go?

COURT REPORTER: Yes, sir.

MR. TAHSUDA: Okay.

MR. SALUSKIN: Okay. I'll try to make it brief
too. My name is Delano Saluskin. I'm with the Yakama
Tribal Council, and I want to reiterate what many have
already said here, that I don't think anybody can make a
decision to support or oppose it because there just isn't
enough information.

I would ask, so what are the items the Department
of Interior identifies that would make this proposal more
efficient, effective and accountable? There's no details
there. It's just a statement.

What are the administrative redundancies that will
be reduced, and will be -- and will tribes have the
opportunity to visit those and talk about those, the
authorities that are being considered to -- at the agency
level for more efficient delivery of services? Again, I
think these are important questions that tribes need to be
aware of.

And I want to thank you for the clarification.
This isn't a reorganization of the Bureau of Indian Affairs.
It's just where it fits into this overall Department of
Interior consideration.

However, I think that if you really want good
tribal input, we really do need to have a separate
consultation regarding the Bureau of Indian Affairs because
there are a lot of deficiencies at the Bureau of Indian
Affairs when it comes to effectiveness, efficiency and
accountability. We can't hire people I mean, so I -- you know, I'm hoping somewhere you will take that back, and you need to tell your superiors, tribes want to talk about the Bureau of Indian Affairs, their effectiveness, efficiency and accountability.

So the other thing, like we talked a little bit about out in the hallway during the break, is, Chairman Burke brought it up with regards to the Regional Director. Who is going to be the Regional Director for the Northwest Region here? My big concern is the selection's going to be made, and they're going to buy into this reorganization, and, you know, we're going to get stuck with somebody that we don't truly support.

Now, I do want to reiterate that I agree with Chairman Wheeler when he talked about -- and this is my gut feeling is that this whole process is a continuation of President Trump's ability to permit pipelines to extract oil leases, I mean to make oil leases, and just to take advantage of our lands and our resources so that, again, the -- I heard the word corporate reorganization of the Department of Interior. I really think that's -- somewhere there's a hidden agenda there that I don't think we're all being told.

And I just want to say I appreciate the opportunity to participate and discuss in this fake and
rigged consultation. Thank you.

(Laughter.)

MR. TAHSUDA: Thank you, sir.

Ma'am.

MS. MITCHELL: Good afternoon. My name is Anita Mitchell, and I have the honor and pleasure to serve as the Vice Chair of the Muckleshoot Indian Tribe, which sits about 30 miles south of where you're at right now. And on behalf of our Chairwoman, I apologize. She sent me because she's not feeling too well.

MR. TAHSUDA: I'm so sorry too. I -- I saw you earlier and totally overlooked you. I was going to call you earlier in the list of tribes.

MS. MITCHELL: Oh, it's fine. It's fine.

MR. TAHSUDA: Yeah.

MS. MITCHELL: After I raced back from Chelan for a budget retreat, so it's my fault I was late.

But anyways, carrying on, our tribe is the signatory of two treaties, and we just wanted to let you know that because most of our questions stem, like the other leaders whose worry is the respect and sacred duty as the other tribal nations and the trust responsibility, especially after review of the three priorities that the department sort of has set out in this, and while we're thankful for the opportunity to comment on the Department of
Interior's proposal, we don't know if these are truly our
formal comments because, like everyone said, there's the
others of us who needed to be briefed, and the details are
just not there. We've read through what's been given, and
we're trying to figure out exactly what the end goal is, and
it's very hard for us to make any comments on that when it
just seems like no one's really considered us, including in
the original rendition of this map, the governors had to
bring to your attention the issues with jurisdiction in
Indian country. And so we just wanted to reiterate that.

But one of our biggest concerns is that we feel
that the department's already beginning to reorganize before
this consultation is finalized and before Congress has
approved any proposal, and we're coming to this conclusion
just based off of numerous BIA staff, especially the Senior
Executive Service staff, have already been relocated,
causing many issues with the programs that they were
controlling. And our Regional Director for many years,
Dan Spiess (ph.), was reassigned with little to no notice to
our tribal government. This doesn't appear to be legitimate
consultation when decisions are already being implemented,
which I'm sure is what you've already heard beforehand, but
I know Muckleshoot does have specific questions, especially
our Chairwoman, because we have a BIE school, so we're
centered with sort of how this reorganization or how this
will affect that, as well as how it's going to affect the way the BIA's role's played within our reservation.

And then I know from our other natural resources side, we would like to know how this is going to change with our agencies that we work with outside of these bureaus, so, in particular, the Army Corps of Engineers, which was already brought up, in saving the salmon. So how will the department's new structure impact permitting and other licenses for the Army Corps? And I know that is one of the things that's really striking for us, as well as the BIE schools, because we just had to restructure. I would say we have something in place that's working, so how exactly is that going to work?

And last but least, we keep hearing that the whole point of this is to render faster decisions and things along those lines, but when we're looking at it, we have two issues to raise, which we know that the leaders have already raised so far, and does this infield decision-making really only extend to -- or does it extend to issues in Indian country because, from what we've seen so far, a lot of the critical decision-making has been taken from the regional offices and moved up to D.C., and it seems that the department's pushing for natural resources decision-making or authority to the local regions while pulling Indian country's decision authority back to D.C. So we just wanted
to point that out, and we look forward to giving you more of our comments. Thank you.

MR. TAHSUDA: Thank you, Vice Chairwoman. So I can answer a couple things really quickly. BIE schools is not part of this. As you know probably, we are already -- or we're halfway through or I guess more than halfway through reimplementing a reorganization of BIE schools. That was started about three years ago, I guess about three years ago. And so -- and they -- they -- that reorganization really kind of took them out of the geographic organization and really into, you know, focused on the type of school. We have the BIE-run schools. We have tribally controlled schools and the Navajo schools, so that will stay the same.

What we are focused on outside of this discussion I guess but is, you know, I've been concerned since I served in the Senate about the resources that are there to support the BIE schools, and so that's something that Assistant Secretary Sweeney and I are both focused on. We've been trying to push through in the budget process, you know, additional resources for -- to support the schools better that we're responsible for, so. But from this -- this perspective, no impact on the schools.

And the -- I think a couple folks have raised it, and maybe I didn't really address it before because it's not
really part of this, but -- so relocation of our senior management is not part of this reorganization. It's a practical reality of the fact that we are understaffed with senior management, and we don't -- we don't have enough to cover all the senior management positions that we have. We are actively working on that, but I think that -- I'll be honest with you -- I think that's a long-term failure of the organization. We have not done a good job of working to train and promote from within so that we have the next generation of senior management in our career ranks, and we're -- we're really having to focus on bringing as many outside people that will qualify into that, but that's sort of the short-term. Long-term it's going to be an issue for us.

The department at large and BIA is no exception. In five years 40 percent of the Department of Interior career employees will be eligible for retirement. That's a huge deficit, particularly if you think about, these are senior people. This is our experienced ranks, and they're going to be retired. And so we -- we're trying to plan out. We have workplace studies, and, again, the Assistant Secretary and I are -- it's something we both care about deeply, the future of the organization, and so that's something that we're trying to focus on. And I think that at some point we want to come out and get your -- your help,
but I think that, you know, we really need to turn around
the image that we have discouraged people from working in
the Bureau of Indian Affairs. There's been such criticism
of it, and a lot of it could be, you know, maybe justified,
but we have really, you know, pushed people away from that.
And if you want the Indian Bureau to have an Indian-cultural
component to it, then we really -- all of us need to work
together to bring in a new fresh generation of kids out of
college, other people who have had military careers, et
ce tera to come in, but to kind of fill the ranks because
we're going to lose a lot of people and a lot of expertise
in a very short number of years.

So -- but relocation of people is not ideal, but
unfortunately it's something that we have to do to make sure
we cover the bases, and it's not just SPS people. We have
senior managers and law enforcement people that we have to
move around, and unfortunately it's just a fact of life for
us.

So thank you. We'll go ahead and get --

MS. SANCHEZ: Could I make one comment?

MR. TAHSUDA: Sure.

MS. SANCHEZ: One recommendation? Good afternoon.

My name's Norma Sanchez. I deferred to her, but I'm from
the Colville Tribe.

So what I seen on your three bullets on there
really impact the resource tribes, the ones with the huge land bases. And so when you guys say that it expedites the process for all three of them, almost in Indian country we're used to two generations dying before we get any action, so to us the slower process assists the Indian country in stopping action at your level and any federal government level that is imposing new structure or development within Indian country. So I don't know if you could answer. Is that to benefit Indian country, or is that to benefit DOI and the federal government?

And then my recommendation is, next time we have this consultation, I would really appreciate if you bring the head officer from the Bureau of Indian Affairs so they can sit next to you and say that, yes, this doesn't affect us. That's all.

MR. TAHSUDA: Okay. So timing of decisions, I -- I -- I have always been told by tribal leadership from when I worked directly for tribes, when I worked in the Senate, in this position now that they're frustrated that it takes forever to get decisions done. If you like decisions being slow, then we keep the current process.

You know, at the end of the day, look, I understand. I'm a minor history buff. I'm also a tribal person, right? I'm from a treaty tribe, and I understand the history there. I understand the history of mistrust, et
cetera. So, believe me, I totally understand that, but, at the end of the day, it seems to me like if you -- if you want to change the system, then you can't be afraid of change. If you're afraid of change to the point that it petrifies you, then we stay in the same system that we're in, and -- but then, you know, you kind of can't complain about a broken system if you don't want to change it.

So if there is a desire to change it, I think there are a lot of things that could be changed for the better, and we can do it within the bureau, as well as this large developmental stuff. And I'm happy to that. I'd love to do that. One of my -- my -- my undergraduate degree's in organizational management, and so I -- you know, I have to tell you I was shocked when I came into a management position in a large government organization and to see that, you know, there are a lot of organizational failures that are there. I think we can do better, but, you know, I need your support for that, and I'm happy to work. My -- you know, my position is to represent Indian country, and so I would do my best to do that, and whether it's part of this reorganization or if you want to talk about the bureau itself, you know, I would like to do that, so.

MS. SANCHEZ: So can I make a comment to that, just that, you know, on behalf of -- this is my own opinion though, but if you give us little to no information on the
conversations and the divisions, discussions that led you to this small piece of paper and a regional map -- because I mean I'm pretty sure there's way more than, you know, five sheets of paper that were discussed in this whole thing that's going to come down when it actually gets enacted because I'm assuming it will be enacted. When -- when we get all that backup information of how we got to here and how it's going to affect us and then we get every single thing that has been discussed and how it's going to be implemented and who -- how -- who and how it's going to affect and where, then I think that the mistrust might go away, but until we get to that point, I don't think that I could say truly that I would ever agree because it -- you know, there's so much more to this that we're not aware of and we're not being privy to for us to even look at this and take this seriously.

MR. TAHSUDA: So let me offer this, you know, because I know a lot of people have talked about more meaningful details, but in my experience whenever -- if I would have come to you with a whole laid-out bunch of information and details, you would have said, Oh, my God, you've already made a decision. Why are you even talking to us? That's not consultation.

So my hope was that, you know, I could come with basic information, explain to you that the outline, concept
of it, and then we could have ongoing discussions about what
that might mean.

And, you know, yes, there's a lot of -- there's
been a lot of internal discussion, and part of it is, you
know, like me trying to understand how the Assistant
Secretary for Land and Minerals, how they work in their
hallway and their bureaus, you know, a lot of this and how
we could work better and discussing our career staff and
their career staff. There's a lot of that, but to me that's
meaningless to you. I mean that's us internally, and, at
the end of the day, I guess -- I don't want to be
disrespectful, but if I was a tribal leader, I would think
about this in the sense of if I was a president of another
country. I don't care what the United States's motivation
is in this. What I want to know is, how does it benefit me,
and how do I protect those benefits into the future for me?
That's really all I care about.

And so if I was a tribal leader, I don't really
care what motivations went into the different bureaus
talking to each other, but I want to know, you know, how the
decisions that those bureaus make impact me and how I can
make those better and more to my benefit, and then how can I
protect that process so that it continues to benefit me in
the future. That's -- and I think that's -- you know, if
you want to have a future discussion, that's what I'd like
to talk about, right, fill in the details.

And I can tell you, you know, what the plan is with the other bureaus if you're interested at a later date, but if you're not interested in participating in it, it's kind of a waste of our time. Our real function then has got to be, as I said at the beginning, we've got to have a discussion then about, if -- if the BIA is not going to be part of this unified region, then how to do our best to continue to make them effective in working with this now unified region and all the other bureaus that are going to have unified common decision-making, right? How do we do that? And that will be the discussion we have then, so.

Yes, sir.

MR. KUTZ: Yeah. Steve Kutz again with the Cowlitz Tribe. So all these other bureaus we interact with too, just -- it's just that the BIA has an Indian in it.

MR. TAHSUDA: Right. We do everything all the other bureaus do, but we've got tribes and people too.

MR. KUTZ: Yeah. So what I can say is, if you would have pulled this together and said, Listen, we're talking about having -- we're talking about putting a plan together, and we -- and these are our ideas, and we want to hear your ideas, and then we're gonna come up with your plan, and then we'll have consultation, then that would have felt like it was something that really would have been
worthwhile for us.

    And the other thing that I can say is that I can't -- you know, I couldn't count how many chairmen were here today who traveled from long distances and spent their time here. They're decision-makers. They're decision-makers in the room, and the people that need to be up here with this -- because you tell us what they're thinking, but you don't have a decision -- they'll listen to you, but you don't -- you're not the one making the decision. We need the decision-makers here to have true consultation too. They -- we need to look each other in the eye and -- and have dialogue back and forth about what things are going to be about.

    So -- so I mean I think Zinke could have been here. That would have been -- I don't know how many trips it would have been to him, but I think he could have been here, and I realize he's a busy man, but he's -- but he has some decision-making authority.

    MR. TAHSUDA: Well, fair. Although, I'm not coming to you asking for a decision today. I'm coming to give you information and try to answer questions that you have and ask me and have some give-and-take so that hopefully you can make an informed decision.

    MR. KUTZ: Right, but when you talk about a consultation, a consultation talks about decision-making.
That's where consultations -- that's what consultation's about in my mind.

MR. THOMAS: I would like to make a comment.

MR. TAHSUDA: I'm sorry, sir. I know you raised your hand earlier.

MR. THOMAS: Yeah, Arnold Thomas, Shoshone-Paiute. My Chairman spoke earlier, and he had to get back on the road. More so a word of encouragement to take back to Zinke. We offered this to Scott Pruitt when he was in Boise.

We look around, and we're told about this time that's occurring by our elders. They said this time will come when water's going to be almost equal to the amount of dollars for a gallon of gas. This many fires throughout the year. All that's occurring. Our elders told us. You know, we're one of the last peoples to be colonized throughout the world; therefore, we retain that -- that knowledge that comes from our Mother, the Earth.

So I heard you make some statements along the way, John. This is John, right?

MR. TAHSUDA: Yes, sir.

MR. THOMAS: I heard that you're going to take this information back, and you're going to make some decisions. I've heard you. You know, we're told life's about learning. I don't know why you came back to this
Earth life. You were given opportunity to come back here. Maybe the last time you didn't get it right. This time you were given a chance to come back with the Creator.

So I caution you. I -- I -- I've been watching you. I can't see you, but I've been watching you during this time, this short time. I caution you of how you're going to move forward on the behalf of our indigenous people of North America. The decisions you make right now allow you into the Spirit World. Maybe you call it Heaven. But this time here is crucial because if you look at colonization, Christianity, what's occurred here on our lands, it was -- a brother talked about earlier the Doctrine of Discovery. A man wanted to conquer a woman, and still a man, a male, is making efforts to rape and pillage our Earth Mother. You look at everything you talked about, the three different, permitting, conservation, recreation. What's that have to do with? It has to do with our Mother, the Earth, our Earth Mother, the one that gave us life, gave you life, your mother, your grandmother. Some -- somewhere along the way you forgot about that.

And the water, recreation, the water. That's -- when we are in the womb of our mother, we were in water. Our -- our -- our mothers, they prayed for us. In our ceremonies out here in the West, our -- our grandmothers, our mothers, they prayed for us in ceremonies. Throughout
this beautiful North America continent, I sat in ceremonies with different relatives. It's that woman that carries life.

Remind him when you go back there because they -- you might never get another opportunity. You might be earthbound for the rest of your life, and you pass on from this earth life, but maybe that's not important to those brothers, those white brothers and sisters, as my uncle Oren Lyons told us. Maybe it's not important they forgot about that, but, yet, they serve that sacred eagle bird, that bald eagle, that symbolism, that bird, that sacred bird we still utilize in ceremonies. Our mother is still sacred.

You know, you draw this line. There was never no 49th parallel where we've been really working on having a seat at the negotiating table, like our brother said earlier, with the Department of State. Where -- where's the sovereign, sovereignty? We're not even at that table. I know you're aware. You've shared your knowledge, your education. You're a smart man, very intelligent.

So, again, you might not never get an opportunity on behalf of our tribal nations, so I caution you as a brother, you know, when you pray tonight, this knowledge you've been hearing from our relatives, what they communicated, what they expressed on the behalf of our ecosystem, on the behalf of our winged ones, four-leggeds
and the two-leggeds that shared with you, when you pray tonight, all of this knowledge that was shared with you, all of this information that you read, pray to God, see what's told you. Encourage Zinke to pray about it. Take that back from our people out in the West. We still have that knowledge.

So, again, I caution you. Be careful with that power. It could be used in various ways, in various avenues, so I just wanted to mention that to you.

And while we're at it, in time, in history, what's going on in the world, the only way to peace is through obtaining that spiritual ancient knowledge that we still obtain of how to live in balance of the water and the Earth Mother and the air and the sun and the moon and the stars. Everything is still here that our people around the world have told us as indigenous people how to live in harmony. Some other people from other races forgot about that. That's why they came to here, North America, the heartland. So this is a little different from what you heard regarding the discussion today. So I just want to say that to you.

MR. TAHSUDA: Thank you. All right. We'll wrap up here. And thank you guys again. I appreciate all of your comments. They'll go into the record. If you have any written statements or documents you want to give, you can...
give it to Regina in the back or me, and I'll give it to her, but thank you, and we'll close out this session.

(Proceedings were concluded at 4:52 p.m.)
CERTIFICATE

STATE OF WASHINGTON -- COUNTY OF KING

I, the undersigned Washington Certified Court Reporter, hereby certify that the foregoing proceedings were taken stenographically before me and thereafter transcribed under my direction; that the transcript of the proceedings is a full, true and correct transcript of the proceedings taken to the best of my ability; that I am neither attorney for, nor a relative or employee of any of the participants; and that I am not financially interested in the said action or outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of September 2018.

Julia Williams, CCR #2307
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Verb8M Reporting, Inc.
Phone: 206-467-0800 E-mail: info@verb8m.net