In The Matter Of:
U.S. Department of the Interior Tribal Consultation
Potential Department of the Interior Reorganization

Transcript of Proceedings
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U.S. DEPARTMENT OF THE INTERIOR
TRIBAL CONSULTATION

POTENTIAL DEPARTMENT OF THE INTERIOR REORGANIZATION

August 2, 2018
9:25 a.m.
Elizabeth Peratrovich Hall
Juneau, Alaska

CONDUCTED BY:
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THURSDAY, AUGUST 2, 2018

9:25 A.M.

JOHN TAHSUDA: Good morning. We'd like to get started here. Sorry for the delays, but I think we're ready to kick off. Our usual practice is to get us started off with an invocation, hoping we can get off with a good mind and a good heart and on the right foot.

So Ms. Demmert, I believe, has graciously offered to do an invocation for us.

MICHAELA DEMMERT: I want to thank everyone for being here, and if we'd bow our heads, please.

Our precious Heavenly Father, be with us today as we discuss important issues for our people. We pray for all of those who have traveled and for their families that they leave in the villages and in the communities. Lord Jesus, we just thank them for letting our people be here, and all of the leaders here who have traveled, and those who are here working for our people, Lord Jesus.

We are where you put us, and we thank you for this beautiful land that you put us
in. And you have us working to do what's best for our people for generations to come. Lord, give us the wisdom. Help us, Lord, as we make these decisions. Give us ears to hear, Lord Jesus, and to speak up for our people and not be shy. Lord, we thank you for this beautiful day, and please continue to bless us. In your precious name, amen.

JOHN TAHSUDA: Thank you.
So my name is John Tahsuda. I'm the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior. With us today I have Kyle Scherer, who is our Acting Deputy Solicitor for Indian Affairs. Also in the back we have our Alaska Regional Director, newly on board, Mr. Gene Peltola. I imagine a lot of you know him, but we're really excited to have him on board.

And also we have some of our staff who work on regulatory matters, et cetera, as well as our acting chief of staff, Liz Appel, and Regina Gilbert in the back there. So thank you, guys, for your help with this.

For us, this is a formal consultation. And what I mean by that is we can have a lot of consultations, but this is one in which we're going to transcribe what's spoken
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today. It will be part of the record for us of any action that we may take or not take regarding this reorganization effort.

So if you could, when you -- if you've signed up to speak, that would be great. And I'd like to try to follow that as we can. Usually the procedure we'd like the following is to have tribal leaders speak first so they can speak on behalf of their community. And then when they have had that chance to speak, if there are other representatives from a tribe, a council, et cetera, that want to speak as well, that's fine. And then at the end, if they have other folks from the tribe who would also like to provide comment, we can have them come up and speak. That way we can try to get the formal presentations from the tribal leadership and make sure we get all those on the record in the time we have allotted.

Additionally, when you come up, if you could come up to the microphone and speak your name, your tribe, and your leadership position. Or if you're a member of the community, you can just say that. That also helps us in creating the record for us to make sure we have documented who has provided us comments, et cetera. So thank you
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very much, again.

And, Liz, do we have a sign-in sheet list yet, or not? Okay. Very good. Even better.

So I'm going to -- if you'll bear with me, I'd like to go through -- we have a fairly short slide show to go through, just to kind of give a brief overview of where this departmental reorganization idea and effort started and kind of where we are today, where we are with the department, and then for us in Indian Affairs where we are as well.

So if you'll bear with me, I'll go through the slide show. And then at any point, if you would like, I can go back through the slide show to put something back up that you would like to comment on or refer to in addition to what you may have prepared.

And, I'm sorry, before I forget -- while I'm talking about the record, if you have a written document that you would also like to supply for the record, we accept that. If you can leave that on the table with Liz and Regina in the back, they will keep that part of the record of this meeting as well.
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So if there's no objection, I want to go through the slide show and just hit the high points real quick on where we are.

Yes, ma'am?

MICHAELA DEMMERT: Excuse me. If I may respectfully ask that both of you would also acknowledge the tribes that you represent, that would be appreciated.

JOHN TAHSUDA: Oh, certainly.

That's a great idea. Thank you.

So I'm Kiowa. I'm Kiowa-Comanche. I'm enrolled Kiowa. It's a tribe in Oklahoma, for those of you that don't know the Great Plains area in the Lower 48 very well. But we're in the southwest corner of the state. Unlike a lot of the other tribes in Oklahoma, we've always been there. We didn't get removed there. We're not part of the Trail of Tears or anything. We were always there. And I'm not sure we welcomed them when they came in this way; but, anyway, we now share our state and this area with them. And we have a great state, a great collection of tribes in Oklahoma, and great leadership. So I'm very proud to be from there.

Thank you.

KYLE SCHERER: Sure. I'm Chippewa
Ojibwa from Wisconsin and enrolled in the Munsee-Delaware Reservation, being outside of London, Ontario, indigenous to the Hudson River Valley and, more famously, Manhattan.

(Beginning of PowerPoint presentation.)

JOHN TAHSUDA: Thank you very much. All right. So where did this effort start? Shortly after taking office, President Trump issued an executive order to all of the cabinet agencies, asking for a plan on how that agency could reorganize itself to basically better serve the American people, improve efficiency, effectiveness, accountability, et cetera.

It's not an uncommon thing. A lot of presidents when they come in, they want to ask how they can make changes to how the government operates, and in their mind, to fit their efforts as president, how that can be implemented. So that started in March of last year.

The executive order has a time frame in it which requires delivery by our boss, the Secretary -- and the other cabinet secretaries have to do this for their agencies -- to deliver a report 18 months later, which, for us, comes up in
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October. So part of our effort has been to get as far along as we can to assist in preparing that report for the Secretary to submit to the President.

As part of that, the department asked for tribal input last year. We sent letters out by May, held a number of listening discussions in May and June of last year, and then began the process. And then, obviously, other bureaus and the department reached out in general to stakeholders at large that the department works with and serves. So this effort has been ongoing to develop this report.

So at this point, I would say probably my slide show is a little behind. I think we can say that there is a reorganization plan in the works. It is not final yet. It's still in draft, and it's still being worked on.

Along with that -- and I will show you later in the slides -- we have maps of one of the major components of this reorganization, which will be unified regions within the bureaus within department. That is also in draft form. It is also -- at this point, the map is largely, I would say, probably how it's going to look, but there are
still adjustments to be made for different areas
for different purposes for some tribes, et cetera.

So I guess, in short, we're still
in draft phase, but we're getting to the end of
that. And, again, we have this timeline coming up
that we have to submit this report to the White
House. So part of what we're doing is we've
engaged, over the last month or so, in formal
consultation with the tribes on the concept of the
reorganization.

In addition, this is a significant
effort by the department, and so the full
implementation of the Secretary's plan will take
some time, meaning some years to implement. What's
important in that for all of us is to understand
that this means that we have to have -- really, to
achieve full implementation, we need to have buy-in
by all of the stakeholders that work with, get
services from, or are somehow involved with the
department. So that's tribal leaders, that's
governors, that's congressmen, senators, all these
people that play a role in how we do our business
in the department or that we provide services to or
have responsibilities to or for. They all have a
role in this.
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1. Additionally, for us to implement this effectively requires buy-in by our employees. So, obviously, a lot of this will depend upon them being engaged and seeing this as a good idea for the department. So they're also, for us, a major stakeholder in this effort.

2. So why does the department need to take a look at how it's organized? The first reason for that, I think, is to take a look at what the department is. Geographically, the department stretches across 12 time zones, so literally half the globe; right? From the U.S. Virgin Islands out to Palau, the department has management responsibilities and other programmatic responsibilities, and relationships.

3. In addition to the tribes, some people don't know this, but the department is responsible for the United States' relationships with other sovereigns in the Pacific. There are Pacific Islanders, et cetera, who are their own sovereigns, but they're under the umbrella -- similar to tribes, under the umbrella of the United States. And the department, by and large, has that responsibility for that relationship with them as well.
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So across these 12 time zones we have over 70,000 employees. We have over 600,000 volunteers who help us do things like, you know, provide visitor services in Parks and Rec areas. We even have volunteers, like in the summer, students who come and work on projects in various regions that we have projects or activities going on.

Geographically, or I should say for management responsibilities, I'll talk about what the department's responsibility is. It's one-fifth of the United States, essentially, the surface area of the United States, 530 million surface acres. In addition to that, there are 700 million subsurface acres that we are responsible for, primarily minerals, et cetera.

We also have responsibility for the outer continental shelf and, in addition, and very important to Indian country, the department is responsible for 25 million acre-feet of water supplied around the country every year.

So in addition to just thinking reorganization is a good idea, the Secretary engaged in sort of a look-back and a look-forward. So the department, looking back, has not been
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reorganized in over 150 years. Really, since the
department was founded, there has not been a
systematic look at how the department, over 150
years, has grown, expanded, been given new
responsibilities, new bureaus added, new employees
added, new regions of the country coming under its
purview as far as land management or mineral
management, et cetera.

So what that means is, other
bureaus have been added ad hoc. For our purposes,
as you probably know, the Bureau of Indian Affairs
was already existing before the department was
created. It was moved out of the department over
into Interior so that it became a civil agency
rather than a -- well, we call it Defense now -- a
war agency at the time.

So BIA has been part of Interior
from the beginning of Interior, but other bureaus
have been added over time. And each of these
bureaus have kind of grown up with their own
operations. They have kind of siloed in to how
they do their operations, even though we're all
part of one department. And ultimately, all these
bureaus answer to one Secretary. There are at
times not great levels of communication and
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coordination between the different bureaus, but we
do have a lot of need for that, because there are a
lot of overlapping responsibilities that the
different bureaus have.

So this effort is to try to now
take a fresh look, 150 years later, and also to
look at, if the department stays as it is or even
changes in the future, how can we avoid this sort
of silo-in lack of communication from the past
moving forward, so that the department will be
prepared for its responsibilities for the next
hundred years.

So the basic proposal that the
Secretary has is to bring the different bureaus
into unified regions. I'll skip ahead a bit.
Currently, as I have up here, there are nine
bureaus in the department. These bureaus account
for 61 different regions, so the department has 61
different geographical regions in which it
administers its responsibilities.

The idea is to have 13 unified
regions, and for the mainland U.S., really the 13th
one would be islands. And so for our purposes, by
and large, we're talking 12 unified regions,
including Alaska. So instead of have the 61, we'd
have 13, and 12 mainland unified regions.

In these unified regions, we would have a regional director responsible for that entire unified region, but this is not creating a whole new bureaucracy. The idea behind this is to have a person who will be responsible, really, for three primary functions that stretch across all of our bureaus when they operate in the same geographic region. And those are, in reverse order, permitting, conservation, and recreation.

Why is that important for us? So in the unified regions, the original map was designed to look at watersheds, other ecosystems, et cetera. There's a lot of what the department does that sort of has a science basis, a basis in, you know, animals, water, minerals, et cetera.

And then, for us, tribal histories dictate that a lot of what -- a lot of tribal settlements, what eventually became our tribal communities, have also developed along these same ecosystems, be they water, animal corridors, et cetera.

So the original design of the unified regions came out of the U.S. Geological Survey, which is our science arm. And they looked
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1 at all these different factors and threw it into
2 the pot, mixed it up, and out came the 13 unified
3 regions, but trying to take into account all of the
4 factors the department considers whenever it's
5 operating in a geographic region.
6
7 At the end of the day, the idea is
8 to have better coordination, better communication
9 between the bureaus, again, in any geographic
10 region. This would allow for more field-based
11 decisions. As everybody experiences now, one of
12 the significant time delays that we have is when
13 there is a difference of opinion in a region
14 between two of our bureaus that have to cooperate,
15 have to work together to reach a decision. If that
16 is not immediately resolved, what happens now is
17 that works its way through each bureau, all the way
18 up to D.C. It's discussed. They figure out why we
19 want to do it one way or the other or together, and
20 then it's sent back down to each bureau, and then
21 they talk again at the bottom.
22
23 The idea, essentially, behind the
24 unified region is to cut all of that out and keep
25 that process -- the discussion, the different
26 views, and the resolution of that in the region.
27 And so that's the idea behind being in a unified
region, having closer quarters, but having this
general director who will also be both a
facilitator and, in some sense, the taskmaster.
He's going to be the one who will enforce time
frames, enforce communication levels, and make sure
that everybody is cooperating and coordinating so
that the decisions made by the department happen
faster. We'll have better decisions because
they're made out in the field by the people in each
of the bureaus who know their job, and they're
hearing the best. And they will have direct input
with each other into resolving and reaching a
conclusion, or reaching a decision for the
department.

There we go. I finally got to it.
So here's the basic current map.
As I said, the 13 regions really stretch out to the
islands. So we have 12 -- 11 on the Lower 48, and
the 12th being Alaska.

Now, for Alaska, essentially you
already have a unified region. All of our bureaus
that operate in Alaska already have Alaska as a
separate region. The size and unique nature of
Alaska I think has compelled that over time. So
for purposes of Alaska folks, whether you're Native
or not, you know, I think the issue of the map is
less important as it's going to be how we talk
about how we're going to coordinate between the
different bureaus.

But for the Lower 48, you can see
we've got in here the dark lines, which would be
the new unified regions. The colored areas are the
current BIA regions, and we have 12 of them,
including Alaska. And so we actually wouldn't
expand the number of regions we have, but in a few
places there would be some significant changes, the
biggest one being in the East.

Again, not following any plan,
necessarily, but just following history as it
happened, the BIA did not play a very large role in
the East for a long time. And then, as more tribes
were restored, we recognized and we reengaged --
the department reengaged with them, or the BIA
reengaged with them, that became one huge region,
going all the way from basically East Texas to
Maine, and down to Florida. So that would actually
be divvied up into parts of four different regions
for what is currently our eastern region.

Some of the other regions, as you
can see, won't have that much change. So the
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Pacific Northwest, for us, won't see all that much change. The Great Plains, which would be in this one the Missouri Basin -- it doesn't change that much. And so for the Lower 48 tribes, you know, some things would change a lot. Some things wouldn't, vis-a-vis the map.

For the Lower 48 tribes, the Secretary has made the commitment that if they would like to keep the BIA in its current regions rather than changing them, then we'll work with that. So, basically, a part of our effort in meeting with the tribes has been to determine -- try to gauge their level of interest and whether or not they would like the BIA, and particularly their BIA region, to participate in this unified region structure. So that's been an effort we have engaged in. We're now in our sixth, seventh consultation, I think, on this.

So then to move beyond the map, in my mind the really important part of this has less to do with the map and regions as it has to do with what the new regions are supposed to accomplish. Again, we have a regional director. This regional director would actually report directly to the Deputy Secretary of the department. And so that's
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another effort to cut through sort of the bureaucracy of the department for decision-making.

And, again, this regional director is not intended to have, really, a large policy role; he's really to have a management and strategic decision role. So his responsibility is to oversee the core functions of permitting, conservation, and recreation, in this unified region; facilitate to make sure that those bureaus that have input into that decision in that region are working with each other, coming to a decision in the time frame, and consistent with each of the bureaus' policies, et cetera.

When that doesn't happen, he gets to elevate it directly to the Deputy Secretary and get quicker resolution of the decision and back down to the region for it to be implemented.

Okay. So that's basically it. In addition to oral comment, we also would love to have your written comments. You can submit them to consultation@bia.gov. You can see up here I've got "Pilot Project" -- shared services in Alaska. So that's what I wanted to -- I think it would be helpful to try to cover today as well.

So with Alaska, in a sense being
its own unified region already, what would be important and helpful to the tribes here for us, the BIA, in meeting our responsibilities, delivering services? And what would be important for you from the other bureaus in how they interact with you and you interact with them, and how can that be better facilitated?

So thoughts that have been floated around, you know, involve not only this sort of redirecting lines of communication and lines of reporting, but also, you know, are there other -- looking forward, are there other advantages that could be had in co-locating offices, et cetera.

And that would be something that doesn't happen quickly. We have office leases, et cetera, so this is not something that's going to happen next month; but it's something that, you know, again, is sort of a pilot project on this notion of: Can we have better coordination also through co-location, et cetera? And that's something that can, in a sense, happen faster up here because, again, all of the bureaus have already been operating in the same geographic region.

So those are thoughts that we've
had, and I'm happy to take yours. I'll share with you, I think, that there's -- part of what we've been trying to do is also just deliver basic information. I think when the notion of reorganization first came out, it seems to me, after we've done a number of these consultations -- and in addition to the consultations, we've done three or four listening situations earlier this year. And I think that it's been important for us to try to get, in part, information similar to yesterday.

We had a consultation on recognition of tribes under the Alaska IRA provisions, and I think that maybe we didn't fully appreciate that there would be questions asked by tribes who are already recognized under the IRA as to what that meant for them.

And so in a similar vein as yesterday, we're saying that doesn't mean anything for you. This is a look forward. In this context as well, I think the tribes, you know, did not have as much information probably as they needed early on, and so that's been part of what we've been trying to do. It's just to get the information to tribal leadership, let them consider it; and then,
again, at the end of the day, you know, make a
decision -- probably regionally for the tribes --
as to whether they would like to have participation
in a unified departmental region or not.

The other thing that I think is
really important for folks to understand is that
this is not reorganization of the BIA. This is a
reorganization of the department. And it's not a
reorganization aimed at affecting or changing
budgets. I know those have been things that
have -- concerns that have been raised about past
reorganizations. So this is not an exercise in the
budget. This is not an exercise in anything other
than trying to get better, more strategic decision-
making, and get it done faster and more efficiently
on your behalf and on the department's other
constituents' behalf moving forward.

So if there are -- and I've
offered this to tribal leadership as we've gone
around the country in these consultations. If
there are aspects of the BIA that you think could
be improved, we're happy to hear those and work on
those; but that would be a separate effort. This
effort is purely engaged in this unified region and
unified decision-making on the three primary
functions. And I should probably reconfirm that as well. This is something that I think sometimes we have not -- it seems we have not been able to provide enough information about what this means.

The three primary functions are recreation, conservation, and permitting. And let me expand on that. Each of our bureaus have to do some permitting. We have to do -- under conservation, you can think of NEPA work or biological opinions, depending on what the decision is, and recreation. Across the bureaus, those are things that each of the bureaus does, and oftentimes we have to have input, coordination, communication at some level with the other bureaus in that region. And so that's really the focus of this changing lines of reporting to get better, faster decision-making in a unified region.

Permitting -- there are a lot of things. If one of the bureaus needs to fix a riparian bank, we need to repair a bridge, et cetera, each of the bureaus have involvement. And as an example, if you're doing a bridge -- right? -- you have water going under the bridge. We have the banks of the bridge. There might be a Forest Service holding on one bank of the river.
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There may be a tribal holding on the other side.

So just in that context, we have Fish and Wildlife involved, we have probably the Bureau of Reclamation, depending on what part of the country you're in, or the Army Corps of Engineers. We'll have BIA involved because of the tribal holdings. That means for a simple decision, even like repairing a bridge, we have to get coordination among all those bureaus.

What slows us down often is that we don't have the communication level and coordination between the bureaus in that region. And part of that is because we have these overlapping regions that don't line up. Our regional director may know the regional director for Fish and Wildlife for the half of that Fish and Wildlife region that's in his region, but he may not know at all the regional director for the other half of the other Fish and Wildlife region that is in the other half of his BIA region.

So for these three purposes, it's really the primary function to get the coordination and communication going between the bureaus in a geographic region.

(End of PowerPoint presentation.)
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JOHN TAHSUDA: I've talked a lot, so I've probably confused you, but I'd like to throw it open now. And, again, I'm happy to work my way through here if it would help you in asking or raising questions about anything that I've talked about.

There's probably more things that I haven't covered, but I would like to leave that up to you. So you can ask questions that come up to you or are on your mind about how this might work. I know we have some tribal leadership from other parts of the country, but we really also want to hear from Alaska here and how you view this could or could not work well for you.

So thank you. Again, if you could step up to the mike to offer your comments, offer your name, your tribe, and position, that would be great. Thank you.

I'm sorry. I'll let Kyle have a thought here.

KYLE SCHERER: Sure. So -- and I think something the Secretary always says is that part of this is driven by just the reality that we're always asked to do more with less money. And as part of that, base realignments is an example of
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one way where we can share back office and NEPA functions in a way -- sort of similar to how there used to be a, you know, a Fort Richardson and an Elmendorf Air Force base. They have essentially combined those to make a joint base, and they do it throughout the country, whether it's Lewis-McChord, etc.

So that's part of the justification, to try to, again, do more with less. And just within the two divisions of the Solicitor's office, I supervise Indian Affairs and Parks and Wildlife. You know, as John said, there are seven National Parks regions in the United States, eight Fish and Wildlife regions, twelve BIA regions, eight Solicitor's regions, and none of them overlap.

And it's actually not that significant of an issue, at least from my perspective, in Alaska because the state is already a unified region. But in other parts of the country, it does sometimes become difficult when -- you know, the National Parks region is quite expansive in one part of the country, and Fish and Wildlife, you know, is sort of expansive going the other way in the country. So, I mean, it does have
actual real-world applications in the work that we do.

JOHN TAHSUDA: Thanks, Kyle.

So I'll offer it up to tribal leadership.

GEORGIANA HOTCH: Thank you. My name is Georgiana Hotch. I'm the president of the Chilkoot Indian Association in the Haines area.

And I'd like to bring your attention to the "Current Status" frame, Frame No. 2, under the bullet number: Open to input from the Department of the Interior employees, Congress, state and local governments, and others.

We are a tribal government. And if you look back through time, and you look at the governments, the tribal government was the first one to be here. We are listed under "others." I propose that we -- our input is to put tribal first, and the others after.

Thank you.

JOHN TAHSUDA: Thank you, ma'am.

So I'll just point out, this is our slide show, which means, obviously, you're first in our minds. You have your own bullet there. That's referring to, in addition to the
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tribes, these are the other folks that we've been
seeking input from department-wide.

GEORGIANA HOTCH: Okay. I didn't
read it that way. Thank you.

JERRY ISAAC: My name is Jerry
Isaac. I'm the former president of the Tanana
Chiefs Conference. I also have been a tribal leader
from the Native village of Tanacross for 30-plus
years.

Oftentimes I've gone to sessions
like this and have pretty much been dismayed during
the implementation of these efforts. I point out
to you that the Secretary says he wants us to do
more with less. If that's the case, if that's what
you're -- the department really wants to do, then
contracting functions of the government with tribes
would be a good fit. The reorganization needs to
be followed, once completed. I've seen efforts in
the past where, for example, the self-governance
compacting was such a difficult effort in the early
days, up until the Office of Self-Governance was
established. Then effective implementation
occurred.

Any plan that we come up with, the
plan has to address trust responsibility and how
best to implement it, uphold treaty rights, and support tribal sovereignty.

The reorganization plan must be consistent nationwide and should address all federal agencies providing services to tribes, working in the field, that directly and indirectly affect Indian interests.

Once BIA and BIE complete this listening session, this reiteration, it must follow the recommendations and provide a detailed summary of findings from the listening sessions that you conduct. And then if you happen to realize any cost savings, this needs to be reinvested in the BIA programs for the tribes.

Self-governance is something that is pretty much a godsend to the Indian country, in my opinion. The reason I say that is, it allows tribes to do things that are out of the ordinary bureaucratic red-taping type of implementation strategies and/or work.

My small village contracted 8(a) contracts before, and it was nothing but a nightmare. All the agencies that claimed to support 8(a) contracting, support tribes, services to tribes, helping tribes with bonding, it never
materialized. We weren't big enough and we were not popular. We were like -- we were treated like stepchildren that need to be thrown out of the house as soon as possible.

And this has got to stop. Our villages -- and I'm only talking about Alaska. I'm not talking about nationwide. Oftentimes we deal with a $100 problem with $10 to address it. On those odds, it's very difficult. Even though, you know, there's a lot of good ideas that get generated, we need a lot of help. One of the -- one of the helps you can provide is to expand general contracting with tribes such as NPS and the Fish and Wildlife Refuge and this stuff. You can provide the basic framework to which all have to adhere.

At the same time, any effort that you undergo, you must consult with the tribes. You need to always and forever consult with tribes. It is your responsibility under the treaty rights.

The other thing, too, is when you consult, you need to send ranking members of the cabinet on the decision-making level. When we were consulting with Corps engineers, they sent us colonels and sergeant majors and these people. And
their message to us was, "I'm sorry. I cannot make that decision." We simply asked, through the consultation, that my tribe be allowed to contract for 8(a) type contract work that was on the local level. We did some, but it was because of the fact that they wanted to get rid of the problem we were creating. It was for the time being only. There was no longevity. There was no long-term, long-range plan in the understanding. We failed. We miserably failed. To this day, we are still absorbing the resounding impacts of that failure.

And it is your trust responsibility to make sure that stuff like that doesn't happen. You want us to do more with less? Well, you know, you need to really study the contracting, you know, functions of the government with tribes. We tribes have grown in the last 30 to 40 years. We've become more educated, more sophisticated, and more able to do things.

So just some of the thoughts that I wanted to share with you is generally, during policy discussions, you need to consider contracting and consulting and really put flesh to your effort to consult.

Thank you.
JOHN TAHSUDA: Thank you, sir.

Those are good points. I want to hit home again, and I want to make sure that I'm very clear on this. So this effort is not a budget exercise. It's not an attempt to, as has been done time and time again in the past, create efficiencies by consolidating offices and then pulling money out of the budget.

So the Secretary's commitment to all of the bureaus, and to all of the stakeholders that each of the bureaus have, and for us, for you, the tribes, is that, first and foremost, tribal budgets will be held harmless. We're not looking to affect the BIA's budget. We are not looking to change any of that, but rather the opposite. And as you suggested, that's his intent, is that if -- and, again, it's not the primary purpose of this exercise, but if there are cost savings that occur, and we're able to do more with the same, not less -- more with the same -- those cost savings will stay in the field at the regional and agency levels so that there will be more resources on the ground. That's hopefully a positive side benefit, if you want to think of it that way, but a positive outcome that could come out of this as well. So
thank you for that.

   And the other thing, also, is, I agree wholeheartedly with -- and I think that this is something that can be better facilitated through this unified region concept, and so the more unified regional leadership concept is -- one, is that there is a department-wide -- not just a BIA or not just an Indian Affairs -- commitment to Indian country or to tribal sovereignty, to our trust responsibilities. It's firmly the Secretary's position that the whole department owes a trust responsibility.

   And so that's easy to say, but to put it in practice, you have to have a commitment by management, leadership, all the way down through the regions and into the agencies. And so that's also something that we hope will be better facilitated through this type of regional structure, that there will be the trust responsibility that we exercise every day with you, for you, will be further implanted and imprinted into the decision-making and the leadership of the other bureaus in the same region.

   Thank you very much.

   Mr. President?
RICHARD PETERSON: Richard Peterson, President, Central Council Tlingit & Haida Indian Tribes of Alaska.

I'm going to go back a little bit. So we have really comprehensive comments that we're just going to submit in writing, but I want to summarize just a little bit.

In 1996, the Senate Committee on Indian Affairs released a Senate report, 104-227. And in it they said, since 1934, there had been 1,050 investigation reports, commissions, and studies on BIA reorganization. That's quite a bit.

At the end of page 15 of its report, the Senate Committee said, "Meaningful, worthwhile BIA reform will be achieved only if federal authority is delegated directly to tribal governments to design both the structure and functions of BIA."

And I say that because -- and point that out -- nothing has really changed for us. Here we are in, you know, this day and age, so many years later, and still I see our government wasting energy, time, money to restudy over and over again, and we have not moved forward.

Now, in some areas, we have, and I
think that's self-governance. And I really think that if BIA is truly to be successful in its role with tribes, you're going to delegate authority over to the tribes. We've shown that we have the capacity, the wherewithal, the infrastructure. And not just as a regional tribe am I saying this; I'm saying down to our village tribes. We have the capacity to stand toe-to-toe with our peers in the federal and state and local governments. We are a government. We should be treated as such. And, really, if this administration -- and if you go back through all these administrations, every administration has failed. Whether you're a Democrat or Republican, whatever, they failed. And this administration talks about efficiencies and streamlining. If that's truly the case, we really need to delegate and turn over these authorities to the tribes. And, really, I feel like that should be the mission of the Department of the Interior anyhow.

So, again, we're going to offer very comprehensive comments, but I just wanted to boil it down to that and share that with everybody. And that is where Central Council stands.
I was glad to hear my brother Jerry Isaac's comments. We stand in support of his comments. Gunalchéesh.

JOHN TAHSUDA: Thank you, Mr. President.

Let me, real quick, add that I totally agree with what you said. I think that one thing, though, to keep in mind is this effort is not really looking to reorganize the BIA. And so what we're looking to do is increase the interbureau communication, coordination.

For us, to step a little to the side, off of this, I think that the only real successful reorganization of the BIA has been self-governance. And I think that's a reorganization that we're still in the process of, because that's something that is tribal-dependent as more tribes come in. And, again, as another aside, I think there are continued improvements we can make to self-governance, both in how we deliver it and the authorities that we've been given by Congress to do it.

So I think the challenge for us is that not everything that -- or I should say, not every tribe is ready for self-governance. So for
us, for the BIA in particular, you know, we're still sort of half in, half out as far as that kind of reorganization. To my mind, it would be great if every tribe was ready to do self-governance, and we could devolve almost everything we do over to them and only continue to perform our inherent federal functions. But not everybody is there yet, so we still have to juggle with that.

Having said that, as I said, as a lead-in to this discussion, I think, if it is a topic of the BIA working better in your region, or even if you have it for the BIA in general, I'm happy to have that discussion. That's just a separate discussion from this departmental reorganization, but I think that's very important.

We have -- in addition to this discussion on departmental reorganization and unified regions, we have a few regions in the country where the tribal leaders have said that, "Hey, we don't really like the way our region is operating now within the BIA, and we would like to talk some more about how we think it could work better."

And so, you know, we're beginning the process of engaging in that discussion as well.
So I hope if you have thoughts on improving how the BIA itself works and does things, I'm happy to do that anytime.

Thank you, Mr. President.

JACQUELINE PATA: Thank you.

Jackie Pata, Second Vice-President for Tlingit & Haida.

I'd like to thank our president for his remarks, and certainly I support those. In addition to his remarks, I'd like to offer a few additional comments.

So first of all, thank you for, once again, coming to Alaska. It's great to be able to have consultations here. I know Alaska is a vast region, and it's difficult to choose locations within the state; but it's nice that we actually had the options within Alaska.

You mentioned that, you know, the Secretary believes that this trust responsibility should be department-wide. And I, too, agree that it should be department-wide. In fact, I remember the last reorganization when we were dealing with trust modernization in the Cobell era; and we had several years of negotiations, working through with the department how do we actually address this,
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from the highest level in the department, as well as with the bureau itself.

And we recognized then that it was important for us to have an Undersecretary for Indian Affairs, because the way that the bureau, BIA, sits within the department, there are areas of cross-purposes with other divisions within the department; and it seemed that we weren't getting the traction within the agency overall, the department overall. And that was an attempt to try to deal with some of the coordination issues, and I know that tribes worked hard to get that included in the Indian Trust Asset Reform Act, and yet it has yet to be implemented.

So as we're thinking about how to make sure that there is equal participation in a department-wide effort, I would also put that on the table as one of the suggestions of implementing.

In addition to that, you know, in previous conversations, we've talked about how important it is to -- how the Secretary feels -- and I heard from the Secretary directly on this -- to break down the silos that are within the department -- BLM, Fish and Wildlife -- to be able
to have a more -- a greater working relationship.

And we, too, believe that that is important. But we also want to be able to make sure that, since the BIA is the only, you know, bureau within the department that actually deals with humans and human resources, and the rest are natural resources, that, you know, we respectfully recognize -- I don't want to say a hierarchy of that, but the value of dealing with people and engaging with people and communication being so important.

I recognize, in the map that you showed of the 13 regions, Alaska is left intact -- obviously for good land management reasons -- and that Alaska would likely be the pilot of implementation, because you don't have to make any changes.

And yet I know -- I recognize also that you stated and confirmed, because I know there are people here from other states, that the way the lines are drawn on the maps, that there is room for exceptions to the drawings. So from my last conversation, I just wanted to clarify that -- from the last conversations -- perhaps if tribes in a certain area felt like they needed to have some --
you know, to make some exceptions to where they are located just because of current situations, that those could be recommended and considered in the final drawings of the map.

So, for example, perhaps California might want to remain California for their own political reasons, or Navajo might want to choose one of the three states that it resides within, whatever might make some sense. So I understand that, and I just wanted to bring that to everyone's attention.

But I really am more concerned about some of the services, the tribal services themselves. You know, when we are looking at this idea of bringing together, at least initially, these siloed kind of, you know, divisions within the department and wanting for them to come together in a different way and what shared services could look like, I want to be able to make sure that we're protecting tribal services.

So, for example, I'm very concerned about, you know, the combining of appraisal services within -- department-wide, because appraisals is such a scarce resource. And, for example, BLM, at least for Alaska, from what we
know, tends to be 40 years behind on being able to
deal with their backlog. I worry about tribes who
are dealing with, you know, Land Into Trust and
transfer of property and for home ownership -- I
mean for home sites or other kinds of things, that
they could get bogged down in that. And we want to
be able to make sure that those resources would be
protected for those immediate needs of humans
within the department.

And then I also want to say, too,
that I do think this gives us an opportunity to
think about opportunities within the department.
So if the tribes were more closely aligned with
parks services, for example, it seems that there
should be opportunities to think about
comanagement. It seems like there should be
opportunities to -- for tribes to think beyond just
the tribal services, but the management of some of
these natural resources, and certainly the
relationships that we have with Fish and Wildlife.

And so I would want to -- hope
that for all of those, in the thinking about where
we sit, it would be not only about where they are
co-located, but how do we co-work.

And then I also think that it
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would be important for us to -- you know, you said -- I guess one of the things is, we have a program which you're very familiar with, the 477 program. It's a philosophy. And when people say "477," only tribal people know what 477 is.

But, really, it's a philosophy, and it's a philosophy of being able to create efficiencies about reporting and the way money comes on the ground. I would think that that -- these philosophies that are important in a co-located, you know, new department with a different philosophy would be thinking about extending things such as, you know, buy-Indian, consultation requirements to a much broader scale of the other divisions within the department so that they truly understand their federal trust responsibilities to tribes and how to engage with them.

And then, lastly, I'd like to say that, you know, mostly co-locating -- I don't even want to say this example. It's probably not a very good one -- but many of us co-locate in the same house. My husband sits down and watches TV. I might not talk to him all night long; right? So we can co-locate together, but it doesn't mean that
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we're communicating better. And so as was said earlier by an earlier speaker today, it really is about communication. You can spend all the money in the world, but if you haven't figured out the communication, then you still haven't gotten anywhere.

And I worry that the interdepartmental systems of communicating are not always as strong as they could be, and those are tougher silos to break down. It doesn't matter where you work.

So my concern is that, by moving folks from the central office out to the regions -- and we have done that back-and-forth before in several iterations of reorganization and restructuring within the department -- we move them out to the regions, and then we find out it doesn't really work, and we need to have people to make decisions. So then it comes back to the central office.

And I think, in this day of technology, it doesn't really matter where you live and where you work; it's a matter of how you communicate and where the lines of authority for decision-making are.
So I know that it's difficult if you have politica ls making decisions in Washington, D.C., and department heads who don't have access to those politica ls out in the field. You still have a strained relationship in making decisions. So I would want to be able to make sure that, in this restructuring, we actually really have a communications restructuring, probably stronger than the actual movement or location. So that would be just one of the recommendations I put on the table.

And let me see if I had anything else here that I wanted to make sure I said. Oh, yes.

And one of the things that the tribes have been asking for in that whole idea of communications is -- and at the Tribal Budget Advisory Committee, we reinforced that. We have a couple of Alaska representatives who participate, and actually Co-Chair Rick Harrison does a great job. But we've asked for the Secretary to develop a Tribal Advisory Committee, similar to the Secretary's Tribal Advisory Committee at the Department of HHS. And we have found that that's a real good model for actually looking
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department-wide.

So this restructuring is
department-wide, and it would be helpful to develop
a communication system for tribes to engage,
department-wide, within the Department of the
Interior. And so as part of this restructuring, we
would put that on the table too.

Thank you.

JOHN TAHSUDA: Thank you. Thank you, Jackie.

You covered a lot of territory
there. I did want to just comment on a couple of
things, and some of these we can come back to, I
think, later on. I don't want to take up too much
time.

Thanks for noting this, and I've
said it before, and the Secretary says it all the
time now, that the BIA is the people bureau within
the department. Most of the department manages
animals or fish or rocks or water. And we do that,
too, but we also have people, which is our primary
responsibility -- tribal, in the tribes.

So to go all the way back to what
you were talking about at the beginning, the notion
of an Undersecretary, I think -- I have a couple of
thoughts on that. One is, so that was an attempt to reorganize the department before the change in administration, before the Secretary came in. It was an attempt to try to force some of the things that we're trying to do with this. So in one sense, I think, we've kind of leapfrogged over that. And for our purposes -- and this is part of the Secretary's, I think, view of effective leadership within the department -- is that there are -- you can have undersecretaries. You can do all that stuff; right? But, effectively, 90 percent of the decisions are made in the field.

And those decisions, if they can be improved, if they can be made faster, more effectively, and that the people in the field have clear direction and authority to make those decisions, it can happen in the field. It never even has to come to D.C. We don't need an Undersecretary. That happens out there.

Again, as Kyle alluded to in the beginning, if you don't know -- I'm sure everybody knows -- but, you know, our boss is a former Navy SEAL. He's been a commander. So he's been both a soldier and a leader within a large organization within the Department of Defense.
He's also -- much of his career spanned this effort of reorganizing the Department of Defense. And so some of these ideas that he has put into this thought process -- again, if you think about this as strategic leadership, reorganizing the department for strategic leadership -- borrow concepts that have been very successful for the Department of Defense.

And so, very briefly, you know, the Department of Defense operates in geographic regions around the world. Prior to the Grenada incident -- what do we call those? Operations? I don't know -- the services had different regions for themselves that they operated in within the department. And that led to bad communication. When they had an operation in one specific location that they all were involved in, they didn't have coordination. They didn't have communication.

Thankfully, that was a relatively small operation, and so the consequences of those failures were not catastrophic. But the national and the defense department leadership realized, "Oh, my God. What if that happened in a bigger situation?" That began this process of identifying and realizing that all the services that operate in
geographic regions should have the same graphic
regions. We all have the ultimate goal in that
region, which is, you know, the interests of the
United States. But each of the services have their
own missions, and they have their own goals on how
they get to that ultimate goal for the country.

And so what they went through --
and this is part of what we're doing, what the
Secretary is doing here -- they identified that,
even though they have different missions in an area
of operation, a geographic area of operation, there
are common functions that each of them perform in
pursuit of their missions and goals. So if you
identify those, and you have shared communication
and coordination in your decision-making in pursuit
of your missions across those functions, then you
get to the common goal -- better leadership, more
effective decision-making.

That's essentially the root of
what we're looking to do here, and that's why I
identified the three core functions that these
unified regions and the leadership of that would be
really be focused on.

And so, again, all of our bureaus
in a geographic region, at some time or another,
perform NEPA functions, do biological opinions.
There's a lot recreation, in case you didn't
know -- you probably know up here, because you have
a lot of that too. But recreation is like almost a
$900 billion business in the United States and
growing every year. A large part of that happens
on public lands. It happens around Indian
reservations.

But as with these other areas, we
have very little coordination within our own
agencies that have public land management on how
they coordinate this. And to date, there has been
almost zero coordination with the tribes that are
around them on these things. So there are
practical implications. They have these economic
implications, but the idea is that these are common
functions that we all perform in our bureaus. And
if we can coordinate on those, even though we may
have separate missions that we're trying to perform
to get to our bureau's individual goals, the
ultimate goal of the department is reached more
effectively and faster. I probably have
over-belabored that point.

And I do want to note -- so you
mentioned, in the Lower 48 in particular, one of
the things that the Secretary is trying to be very clear about as well is that, you know, this is not intended to create a new, rigid bureaucracy. So to the extent that if there needs to be a minor change in the lines, but even more importantly, without even changing the lines on the map, if there is some flexibility that can be provided to keep tribes in a current region working with each other, even though they may be in different regions, unified regions, that would be something that we would work on to accomplish on behalf of the tribes.

And I'll just use this as an example. If you look at the Missouri Basin, the new Area 6 for us, it includes what's our current Great Plains region and also part of the Rocky Mountain region. The other part of our current Rocky Mountain region is really only two tribes. Even though, under this new map, they would be in the Upper Colorado Basin, the new Area 8, I think it is, it would be, I think, relatively easy for us to figure out how they could continue to work as they do now with their brothers in Montana, with the other folks -- and they work very closely with the tribes in the Great Plains as well.
And we could help them coordinate with one unified region, even though they may formally be in another region. And so they would still get the same level of services. The unified region directors will be not only required to facilitate within their regions, but they're going to have projects, et cetera, decisions that cross these new unified region boundaries as well. So part of their responsibility is making sure that their unified regions also coordinate well across these lines.

So the idea is that we can build a lot of flexibility into this to meet tribal needs and to make sure that, at the end of the day, we provide no less services than we do now; and hopefully we provide much better service in the future.

So, thanks, Jackie for your comments. I don't want to take up too much time, and I'll let this young lady speak next.

ANDREA CADIENTE-LAITI: I forgot what I was going to say. If I could -- oh, I'm Andrea Cadiente-Laiti. I'm the tribal land administrator for Douglas Indian Association.

Moving forward, I'd kind of like
to bring it back to the IRA presence, the IRA
tribal government presence in this room. And
having said that, I know that you said the Alaska
Regional Director was here. And although he's not
a part of your presentation, I would ask that he
come to the front, where the Alaska tribes -- where
he can hear us as well, because you're going to
receive a blend of comments on the issues. We have
to grab you while we can, when you're a captive
audience. So I think he should be in the front as
well.

And, first of all, I'm going to
kind of give you time to think about this in your
proposal for reorganization. And the reason -- not
the only reason that I've asked the Alaska Regional
Director to come forward, but that I see in your
proposal you have an Interior Regional Director for
each region that you're looking at. And so after
I'm done, I hope that you can expound on that. And
then hopefully, as you lead into that, we can just
hear a formal introduction from the new Alaska
Regional Director.

Now, I'm going to speak pretty
candidly about our challenges. I appreciate all
that are here in this room, and I can understand,
with 70,000 employees, how monumental your task is
in looking to reorganize. Even though you face
criticism about past attempts, you're still going
at it. Maybe with this new generation -- and some
of those that have been in elected positions in the
past and are currently serving, whether it's direct
services or the governmental aspects of tribes -- I
hope that we're looked at with more recognition,
especially for those of us that are small.

We tend to get enveloped or cast
aside, if you will, like stepchildren, by
consortiums that have become tribes. And, of
course, I have Central Council folks that are here,
and I mean no disrespect. I was a Juneau delegate
for the Central Council Tlingit & Haida Indian
Tribes of Alaska for many, many years, and I also
served as -- I was a 17-year employee with them,
and I served as a human services director; so I
oversaw quite a large staff in doing so.

And so I have a loyalty to them as
tribal citizens, but now working for an IRA and
having worked with IRAs as a human services
director, I have respect for their right to
self-determination, sovereignty, and
self-governance.
And so many of us come wearing more hats. On our tribal council we have a Sealaska director seated. I myself am a director of Goldbelt Incorporated, the Juneau urban corporation. I've served on the Juneau Community Council, as I said, as a delegate.

So with those hats, we all have to become pretty adept, with our limited resources, to know when we have to change hats. But basically what I'm saying is, you have the talent, the education, the ability for small tribes to be recognized; and that if you put any advice to regroup together, it is that we don't fall by the wayside to the people or the tribes or entities with deep pockets, with their own attorneys, with a staff of 300 and whatnot.

We've actually had federal departments that we work with come, and we're the afterthought. As Douglas Indian Association, we're the last in line before the federal reps run for their jets to leave. And so they'll go to see Tlingit & Haida Central Council, they'll go to see Sealaska Corporation. We're an afterthought, but we are the historical federally recognized tribe of this area.
So I would encourage what you take back to D.C. is that, just exactly what you said, with how monumental, with how many acreages, how many employees you have, the partnering difficulties, the communication difficulties -- that you understand just how frustrating it is for us smaller tribes who have government-to-government authority, just like the larger tribes.

And so I would also like to say -- I know there was one other thought that was very critical. Oh, it was the fact that when Jackie Pata -- who, by the way, is also NCAI, so her voice gets to be heard all over the place, nationally and whatnot. And so we're struggling. We do not have six vice-presidents to stand up and take turns and talk to the interests of the Central Council. While we are tribal citizens of Central Council for purposes of the tribal judgment fund, they -- we have the same enrollment. Hydaburg, Craig, Klawock, Yakutat -- it's a dual enrollment with them, but ours is the base enrollment. And so we petition the Department of the Interior to stop and think about that and make sure that our voices are heard.

At the Douglas Indian Association
I only have a small staff of six. I have an environmental specialist, who works also as our communication person with our cultural research -- as a cultural research specialist. I have a tribal transportation director, who also works as the environmental director. I mean, we do what we can to pull the funding sources together and duct-tape them to make ends meet and to meet all these requests for tribal consultation, but never to find ourselves with our feet at the table in D.C.; but we are quite capable of doing that.

Douglas Indian Association -- and back to Jackie. I appreciate she talked about partnering or the co-management. Douglas Indian Association, as I'm sure with other tribes -- we have partnership with the National Forest Service, partnership with the U.S. Coast Guard, partnership with the Environmental Protection Agency, and partnership with the Federal Highways Administration. And that's with a staff of six and a council of nine.

So we do what we can to make ends meet. I always hesitate to say we're a small and needy tribe, because we have strength in our own right. And we have a tribal council who exercises
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1 fiduciary responsibility, that any monies coming
2 through to us, allocations that come to us for the
3 benefit of our tribal citizens -- and, my God,
4 we're going to try and find out how that was spent
5 on our behalf. That's why we're wary of
6 consortiums. We're wary of pooling funds. We're
7 wary of memorandums of agreement. When we hear
8 larger entities tout that they're in it for the
9 people and the services, how terrible it is for our
10 tribal citizens when we can't even stand up a
11 tribal building. We can't even pave potholes in
12 the road because we have nothing to show for the
13 funding that we receive.
14
15 So you'll excuse me for being so
16 candid, but these are some of the challenges that
17 smaller tribes face. So I myself appreciate that
18 the Department of the Interior is here, holding a
19 face-to-face. And that's why I asked our Alaska
20 Regional Director to come forward.
21
22 Yesterday I indicated that the
23 Taku River is indeed within the territory of the
24 tribal government of Douglas Indian Association.
25 We have been testing the waters for mining residue
26 since the '90s, and the Department of the
27 Interior -- not the Department of the Interior, the
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Bureau of Indian Affairs gave funding to Tlingit & Haida Central Council and forgot all about us, our environmental program. No resolution to speak of to go out onto our river. I'm sure they will do so for the Unuk River, for the Stikine River, for the Chilkat River. As we speak, I know that Senator Murkowski -- tribes are raising up to put their hands together and clap for Murkowski moving to secure a million and a half dollars in funding for the tribes to go and have their rivers tested.

And the Chilkat River was named in this round, and one of the Yakutat rivers. I'm sorry. I can't remember -- the Alsek River. And then I believe the Stikine and the Taku. Unless we have the resources to travel and to do whatever we have to do to come and visit you at your offices in D.C., we're going to be lucky to get a sliver of that piece of pie. But, by God, our voices are going to be heard. We're going to try for it.

I stand for the IRAs. We're separate tribal governments. When Tlingit & Haida says they're a Southeast Alaska tribe, I know that in the beginning it was because they talked about 25,000 strong in our membership, people that weren't necessarily tied to any particular IRA, and
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1 how are they represented.
2
3       But somehow IRAs got swallowed up.
4
5 We have over 700 members with DIA. I have to speak
6 for them, even though they have a dual membership
7 with Tlingit & Haida Central Council. I applaud
8 our tribal council. They exercise their fiduciary
9 responsibilities. They have had to take their
10 licks. I believe in tribal sovereignty. I believe
11 in sovereign immunity. But when we throw that out
12 to block a tribe from going for its allocation,
13 then it circles. So there is much, much more than
14 meets the eye, and we have to -- we have to get the
15 courts, the Department of the Interior, the Alaska
16 regional office to take a close look at: Are you
17 satisfying your duties and responsibilities just by
18 talking to the big guns, or are you actually having
19 face-to-face consultation with IRA leaders, the
20 original tribal governments?
21
22       Thank you.
23
24 JOHN TAHSUDA: Thank you,
25 Ms. Andrea. I really appreciate your comments.
26
27 So let me say it's a challenge, I
28 think, for the bureau and for us that we've not
29 always addressed properly. Your issues are not
30 unique, necessarily. We have a lot of parts of the
country in which we have small tribes who, in some ways, are kind of overshadowed by larger tribes. And sometimes they're related. They're in a consortium, and then they're not. So, I mean, it is kind of challenging for us.

I don't think we've always done the best job of trying to make sure we're meeting everybody's -- our responsibility to every tribe and every tribal group. So that's going to be part of Gene's job, though, is making sure -- and I promise you you can always reach out to him, and he will listen to you. So, thank you for that.

I wanted to -- I appreciate you pointing out the Interior Regional Director. That is something I wanted to cover, but I wanted to get through the first part of the slide slow quickly.

So let me expand a little bit more on the concept of the Interior Regional Director. So we said that the concept is that there's a unified region. And in that unified region, all the bureaus will retain their regional director for their bureau for that region. We're not cutting the heads off of those folks.

And, in fact, I don't know what it's like for the other bureaus, but as we've been
engaged in this part of the discussion with our own employees and out in the regions, I've asked a number of times. And I would say, on average, our regional directors tell me that, when we talk about, you know, these interbureau functions and the projects or the decisions, et cetera, where they really need leadership and involvement from the other bureau, it's probably, I don't know, 10 percent of what they do. We're not talking about, you know, even close to a small majority of what the regional directors and what our bureaus do in a region.

And so, now, even though that's only 10 percent, those are often very big and critical decisions, because when it rises to that level, they're usually, you know, some kind of project that's very important to the entire region or to one of the bureaus there. And our goal is to make this important to all of the bureaus. So when it's important to us, it will be important to the other bureaus there. When it's important to them, it's important to us as well; and our views are heard as well.

So Gene is in no danger of losing his job, but this is going to put a person, in the
line of reporting, above Gene and above the other regional directors there. And, again, this person's primary responsibility is going to involve those three core functions -- conservation, permitting, and the recreation.

And you can think about it in this way, and maybe I'll get to, in part, what Jackie was commenting on as well. So you can both encourage and force facilitation and coordination; right? That's going to be this guy's job. So it's easy to say we can have better communication, we can talk more, we can do this and that, but whenever each of the bureaus has their own mission and goals, and those don't overlap, their priorities are not the same as the other bureaus' priority; right?

This guy's job is to make sure that, in these three core functions, this is a regional priority, not a regional bureau priority. And so all the bureaus in that region will be tasked -- he's going to be the taskmaster, to make sure that they have, from the very beginning, the coordination and the communication to get to a common decision on that project or whatever it is that needs to be done in that region. That's the
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purpose of, really, that regional director, this Interior Regional Director.

In practice, how is it going to function? There are a couple of concepts, but I would say, you know, in part through discussion with our staff -- and not just ours, but department-wide and the regional staff and our regional leadership in the different bureaus -- I think that there is getting to be sort of a growing consensus that the option that is probably going to be taken up for this Interior Regional Director is to have a rotating directive.

So for each of the bureaus in that unified region, their regional director would do like a two-year stint as this Interior Regional Director over that region. And, you know, there's pros and cons, different ways you can do it. But across the bureaus, our regional directors, you know, have expressed a desire that this person be sort of part of their career core leadership and not somebody that -- you know, like a political person like me -- right? -- that comes in for a few years and is gone. They want somebody who is committed to the department, the bureau, as a career, and hopefully somebody who is committed to
their region. And so that typically is a regional
director from those regions.

And so that was important to them.
It was important to them as well, you know, as a
practical matter, that if it's going to be one of
their regional directors, that this rotates so that
none of the bureau regions' leadership kind of gets
a foot ahead of everybody else. So, in a sense,
this is how you force people working together well,
as well, is when each of them take their turn doing
this, they're going to not favor their bureau over
others, because they don't want that to happen to
them the next time somebody else is the regional
director.

So there was some frank discussion
about that, and so all this kind of, like I said,
has kind of coalesced around, I think, a consensus
from our leadership, our career management
leadership staff, that that would be a good way to
go. And so I think that's the way the Secretary is
leaning. I don't know if -- obviously, he can
change his mind right up until he files the report
with the White House. But I think that's the
direction they're going, and that's how that would
basically operate.
At least in the short term, too, until there is more movement and we're able -- or I should say until we're able to move more to things like co-location of offices, et cetera, this also would help us, you know, sidestep the issue of should we have a whole new office in a new city in this unified region or whatever. So in the short term, if we rotate this around, then they can basically operate out of their current office until some future date, whenever we can co-locate regional leadership into common offices, et cetera.

So I hope that answers the question on that. If you have more on that, please ask, and I'll try to elaborate more.

Mr. Micklin, I think you're up next.

Oh, did you have something?

GENE PELTOLA JR.: Did you want me to introduce myself?


I'm sorry. Hey, we'll take one second. I know I briefly said his name at the beginning, but we're give Gene a chance to expound more.
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GENE PELTOLA JR.: Good morning, everybody. My name is Gene Peltola Jr. and I'm of Tlingit and Yupik descent. My mother is Pamela Lelani See, born in Sitka. My father is Gene Peltola Sr., both in the Bethel area. And then my grandparents were Joe and Mabel Pike -- her maiden name was Wilson -- from Douglas Island. My biological grandfather was Benjamin See, born in Excursion Inlet. And on my father's side, my grandmother is Yupik from the Middle Kuskokwim, Katherine Hoffman.

And then my grandfather was Ray Peltola, a Finnish miner who came to Alaska in the late '20s, early '30s as a teen, probably fishing in Bristol Bay and decided it was too much work. He traveled 160 miles up the Range, and trapped for the winter and found gold in the summer. And that's -- I mean, in the spring, that's how he became a miner.

My career has been almost 34 years with the federal government here in Alaska. All of my career has been in Alaska. I recently came from five years heading up the Office of Subsistence Management, and my whole career has been, except for the last month, spent with the Fish and
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Wildlife Service. That's me in a nutshell.

Thank you.

JOHN TAHSUDA: Do you want to pelt him with questions now, or later? Just kidding.

Thanks, Gene.

Will?

WILL MICKLIN: Will Micklin, Third Vice-President, Central Council Tlingit & Haida Tribes of Alaska, a federally recognized Indian tribe.

We're an original tribe, not a nonprofit or a consortium, as affirmed by the 1994 Tribal List Act. Our counsel, Phil Baker-Shenk, was principal in Senator McCain's office in '94, and one of the authors of the bill that Senator McCain sponsored that clarified the standing of all tribes in Alaska, equivalent to those throughout the contiguous 48 states.

Yesterday we spoke in affirmation and in support of all tribes in Alaska, whether organized under Section 16 of the Indian Reorganization Act, or traditional, or however established. Once federally recognized, they have equal standing as beneficiaries to the federal trust and equivalent powers of
sovereignty and self-determination. So we stand in support of all tribes with equal standing, from Alaska to the 48 contiguous states.

I'd like to address the reorganization plan. And in looking forward, I know your plan looks at the next 100 years. It's important that we look back as well to understand how to move forward. So I'll begin with the -- and John alluded to this in his earlier preamble -- to the discussion.

The Bureau of Indian Affairs began as the Department of War in 1834, and it was transferred to the newly created Department of the Interior in 1849. And in that period, it began a cycle of ups and downs for federal Indian policy. There was the treaty-making period that ended in 1871. The allotment period with the Dawes Act began right after that with the breakup of tribal land holdings and distribution of the individual allotments to tribal members, and excess lands becoming available to settlement by non-Indians.

In 1928 there was the Meriam Report that called for sweeping changes. It was a period at that time known as the Indian New Deal, and the centerpiece was the Indian Reorganization
Act of 1934-1936, amended for the State of Alaska. This put an end to the allotment of tribal lands and promoted revitalization of tribal governments. This period came to an end with the termination period, which began approximately around 1953. And the goal of that period was the termination of the special status of Indian tribes and the repudiation of federal trust responsibility.

Federal policy again changed in the 1970s, and changed course to reject the policies of assimilation and termination and favored policies that promote tribal self-determination. This was focused through the Indian Self-Determination and Education Assistance Act of 1974, with amendments in '88 and '94 and other minor amendments after that.

So these policies -- this zig-zag, as we may see it, of federal policies with respect to Indian Affairs rests principal responsibility for the trust responsibility to Alaska Natives and American Indians through the BIA, and principally under the direction of the Commissioner of Indian Affairs.

So I think it's often helpful, if
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repetitive for you, to cite the authority for the trust responsibility that's in statute. So the Commission of Indian Affairs was created by the Act of July 9, 1832, and the statutes that cite the range of authority for BIA actions are in 25 USC Section 2, 25 USC Section 9, and 25 USC Section 13.

I'll just quote the last cite.

"The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such monies as Congress may, from time to time, appropriate for the benefit, care, and assistance of the Indians throughout the United States."

The BIA is, as far as I can tell, the oldest federal agency in continuous existence in the executive branch. And it has come up, since its establishment, for considerable criticism for the way it carries out its duties. In 1834, the Congress sought to reorganize the Indian Department, as it noted at the time that, and I'm quoting, "Its administration is expensive, inefficient, and irresponsible."

In the period from 1867 to 1887, the Bureau of Indian Affairs was noted for its corruption and cynicism, along with some honest
efforts at reform. In 1869, an independent board of Indian commissioners was created to correct BIA mismanagement in the purchase and handling of Indian supplies. The Meriam Report of 1928 criticized "inefficient and paternalistic administration of Indian policy." A Senate report issued in 1943 castigated the BIA and called for a drastic reduction in its funds, staff, and activities.

A 1976 report on BIA management practices to the American Indian Policy Review Commission found a notable absence of managerial and organizational capacity throughout the BIA. The AIPRC Task Force on Federal Administration and Structure of Indian Affairs criticized, in particular, "Area office staff has been delegated too much authority by the central office and basically serves as a bottleneck designed and motivated to systematically undermine Indian self-development progress." John Borbridge, president of Tlingit & Haida at the time was a member of the AIPRC.

The Presidential Commission on Indian Reservation Economies in 1984 criticized the BIA for "incompetent management of trust assets,
excessive regulations and red tape, incompetent
technical assistance to tribes, deficient
performance of activities such as credit, finance,
contracting, and procurements," and recommended
abolition of the BIA and its replacement with a new
agency to be called the Indian Trust Services
Administration.

In 1990, Secretary Lujan chartered
a joint tribal-BIA-DOI reorganization task force.
Over the next four years, the Joint Reorganization
Task Force met 22 times across the country and
developed 44 recommendations for BIA
reorganization, regulatory reform, educational
reform, budgetary reform, but with little success.

In 2000, the report of the
National Academy of Public Administration
questioned the overall competence of BIA management
and administrative staff, citing in particular lack
of expertise in the areas of planning, budgeting,
human resources management, and information
resource management as well.

I'd like to emphasize the NAPA
report. It was brought up again in 2011, in the
last administration, with a subsequent report to
find ways to implement the National Academy of
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Public Administration report from 2000. I don't think that actually ever went anywhere, but I do like to cite the NAPA report of 2000 because there were deliberative recommendations for real and substantial improvements to BIA processes from an academic perspective, which had real practical implementation. I'm a real fan of that report, and it's a shame that it has been on the shelf or in the dumpster fire, where most of these other reports in the last 200 years have ended up.

So many of the alleged failures that were cited since 1834 of the BIA were found to be less attributable to incompetence of BIA employees than to institutional conflicts of interest within the Department of the Interior, which houses the BIA and the Department of Justice, as found by the American Indian Policy Review Commission. They recommended in their 1977 report that Indian Affairs be elevated to cabinet-level status.

President Nixon wrote the Senate Indian Affairs Committee in 1989 to remind it of its 20-year-old proposal to create an independent trust counsel authority to advocate for the trust responsibility to Indians. Numerous witnesses to
the committee told of the need for independent legal representation of the trust responsibility. This is very reminiscent of the Indian Trust Asset Reform Act, the ITARA, which the bureau is now considering for rule-making, that calls for some of these very measures which were endorsed by prior studies.

It also reflects the position of the U.S. Commission on Civil Rights, which issued a report that cited the inadequacy of federal programs needed to assist Native Americans not only in the U.S. Department of the Interior, but also at the U.S. Department of Justice, Health and Human Services, the U.S. Department of Housing and Urban Development, the U.S. Department of Education, and the U.S. Department of Agriculture. This is the U.S. Commission on Civil Rights, and the report was "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country" issued in 2003.

So my point here, in traveling back so far to get back to present date, is that, yes, DOI is a massive federal agency and manages one out of every five acres of land in the United States; provides resources for nearly one-third of the nation's energy; provides water to 31 million
citizens in hundreds of dams and reservoirs;
administers 388 units of the National Park System,
544 wildlife refuges, facilities for hunting,
fishing, recreation; oversees numerous bureaus such
as the Fish and Wildlife Service, Bureau of
Reclamation, Office of Surface Mining, Minerals
Management Service, the National Park Service, the
Bureau of Land Management, and the U.S. Geological
Survey.

The Office of the Solicitor
provides counsel to the DOI agencies and ultimately
to the Secretary. The BIA itself is a complex
organization, with 12 regional offices, 100
agencies and field offices throughout the country,
and approximately 10,000 employees.

The point I'm making here, and the
one that Vice-President Pata had emphasized in her
testimony, is that we're not saying that you need
now to stop all things and reform and reorganize
the BIA. But your trust responsibility in
reorganizing the Department of the Interior
requires, in your trust responsibility, that in
reorganizing all of the other bureaus within the
Department of the Interior, that you need to make
sure that the services, which have a long history
of miscommunication, of competition, and of diminishing the trust responsibility to the BIA, have to be reorganized so that your message of no harm is maintained, and hopefully improvements in reform and reorganization of the other bureaus lead to that same reform effort within the Bureau of Indian Affairs.

I've seen this planned when it was the watershed plan. Now it's the different region plan. There's a lot of reasons why there needs to be pause in the reform of the entire department, because there's not a deliberative, quantifiable analysis of what the consequences are, including unintended but knowable consequences, if provided reasonable analysis, to our federal interests, our trust responsibility interests to the Bureau of Indian Affairs.

So I think it's very difficult to assert that that type of deliberative planning and analysis has taken place. If it has, then we would certainly like to see it. But I think this kind of analysis needs to look back at all those recommendations that were made by prior commissions in the last 200 years and to focus it on your recommendations to assure that your pledge for no
harm is certainly maintained.

My experience is that when the department -- I mean when the bureau, meaning in the form of the Assistant Secretary of Indian Affairs, is in contest with directors from other bureaus, whether it be Fish and Wildlife Service, BLM, or any of the other bureaus, the Assistant Secretary and the Commissioner of Indian Affairs are very light in that competition, and the balance is strongly favored towards the other bureaus.

I think that is a reflection of the many recommendations that seek to elevate that Assistant Secretary of Indian Affairs to a position within the department that better competes for resources with the other bureaus within the department. My fear is that the reorganization will only further exacerbate that inequity and inequality and confuse lines of communication that are, today, tenuous at best.

If you have an analysis and finding that proves otherwise, we are anxious to hear it. But I think it's a responsibility, both a statutory responsibility under federal code as well as under federal Indian policy, that this plan not go forward; or, at least in advice to the
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Secretary, say that the plan, if it goes forward, needs to provide for the equity and equality and the maintenance of the federal trust responsibility, that that would not be a casualty of this reorganization.

    Thank you.

JOHN TAHSUDA: Thank you, Mr. Micklin.

    So can we take a short break? If you don't mind, we'll take a short break and give everybody a chance to stretch their legs, and come back in about ten minutes or so.

    Thank you.

11:12 AM

    (Off record.)

11:31 AM

JOHN TAHSUDA: All right. We're going to get ready to get started here, folks.

    Thank you.

And, again, if you can state your name and stuff for the record, we'll get rolling.

JULIE ROBERTS-HYSLOP: Thank you.

My name is Julie Roberts-Hyslop. I'm from the Native village of Tanana, which is located on the Yukon River. I serve on my tribal council, but I
also am serving currently as the Vice-President for Tanana Chiefs Conference, which is a consortium of 43 tribes in the interior of Alaska.

First of all, I'd like to say thank you to the tribes here in this local region for allowing us to be here on your traditional homelands. It is important, you know, that we thank you for allowing us to be here. We've come a long way to be here to participate in this consultation.

First of all, you know, talk about creating anxiety among the Native people. And, you know, the time of year, I think, is not really a good time, because we're very limited to the time that we can fish and gather. And so it's unfortunate, you know, that the bureau decided to come to Alaska during a time when we should be home, you know, doing important tasks to provide for our families.

But I wanted to start by saying that, in Alaska, there's -- I looked up to see how much land is owned by the federal government here in Alaska. It's amazing, the federal ownership of land here in Alaska. I think it's -- out of Alaska's total acreage, there's 365 million acres
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of land in Alaska. And of that total, 61 percent, or almost 62 percent, totaling 225 million acres of land, is owned by the federal government here in Alaska.

And I think that's an important issue to be brought forward to the department, because, you know, as traditional people, we have over 200 federally recognized tribes here in Alaska. And each of those tribes are surrounded by a lot of federal land. And I really want to thank Jackie Johnson Pata for bringing up the fact, you know, that communications between the federal agencies and the tribes are important. I'm not here to dispute the fact, you know, that we are sovereign tribes and that, you know, we do make sure that our sovereignty remains intact as tribal governments.

I also wanted to say that we know our backyards. We know and understand our needs and how to protect our resources. We were taught from time immemorial how not to take everything from our land, but to leave for the future. And as indigenous people, we have always taken care of our own, and I'm sure we'll always do that, because that's just who we are as Native people.
So my question to you is: This is a department-wide reorganization effort, and I know that there's going to be other agencies who are perhaps going to be making comments on this reorganization, like perhaps Fish and Wildlife Service, Bureau of Land Management, all those other agencies.

And when they comment on this reorganization, how and when are our tribes going to be able to get the feedback from their comments and their responses? And will we have time to respond to those comments? Because, you know, if there's going to be reorganization, we need to make sure that communication is at the top between all of us, because the impact that the agencies are going to have could perhaps impact co-management, like one of the ladies said.

Because that's something that we're really trying hard to do, is co-management within our own areas. And I know one of our tribal chiefs from Gwichyaa Zhee, Nancy James, is going to be up after me to talk about, you know, her efforts in the Yukon Flats area, about how they have been working with different departments.

But I think it's important to
stress that if comments are going to be made, that we need to be able to respond before October. So I don't know what your timeline is for that process. But I also, you know, encourage the department to really make sure that our sovereignty remains intact.

And I know that last week we were in Fairbanks talking about the IRA, and then also about the Land Into Trust. And I don't think we really had sufficient notice. So this is a fast-moving pace that we're going at. And I think, you know, like Will said, you look back 100 years, where we've been and where we've come to now. And I think our tribes have really been striving to really work hard at compacting and contracting, and I think we need to continue down that path.

So as a tribal leader from my region, there's a lot of tribes, you know, who could possibly be here. This room should be packed. Like we said in Fairbanks, this room should be packed with tribes and tribal leaders, but they're busy at home right now. And a lot of the tribes don't have sufficient money to even travel here to represent their tribes and their people. So that needs to be taken into
consideration.

If you're going to be doing a reorganization, you need to take into consideration that Alaska is big, like I just said, and we have a lot of different areas. We have different ways of doing things. So we need to bring the consultation, you know, more out into these other areas, not just, you know, way down here in Southeast where we came. You know, it took a whole day to get here, and it's going to take a whole day to get back. I know you guys came far, too, but that's beside the point.

(Laughter.)

But, you know, I just really want to stress, you know, the responses from the other agencies, you know, to the department's reorganization. So with that, you know, I think that's all I have. I know my other tribal leaders want to get up here and say something also.

So thank you.

JOHN TAHSUDA: Thank you, Julie.

I mean, I'm not -- so I'm not sure how to respond to your question about the other bureaus. So we've all had discussion internally about the unified regions. We have had a couple of
sessions. We've had -- back in January, the Secretary brought in the senior leadership, career leadership for the department, so most of the -- what they call the SES, senior executive service, their top managers. And that included the regional directors for all the bureaus, most of them. And they brought them into D.C.

And we had two days where the Secretary kind of laid out this plan and sought their advice, and this is where part of -- and it's been an ongoing discussion, but part of this is about the regional directors and what would be the best way to have that person operate, et cetera.

So I don't know -- I mean, there's not any sort of formal comments. We just had these internal discussions about how we could do it. And then it's been a process of outreach to the external stakeholders that the department has.

So I'm not -- so I think that, I guess, in my view -- and the way you related it to co-management, I think, is a good one. So I think that this should be something that facilitates those things. Again, if we aren't so siloed in, you know, we'll be able to have better discussions and better decision-making about co-management.
outside of the BIA and with the other bureaus.  

You know, it's been an ongoing and a very slow process, reaching inside of the BIA, in many ways, for contracting. Co-management seems to be a little more acceptable, because for some of the other bureaus, it's not as alien a concept to them as 638 or self-governance is. So, to my mind, those are, you know, some of the interbureau discussions that should be facilitated. And like I said, hopefully, you know, instead of me or Ms. Sweeny having to talk to our counterpart in the other bureau, you can actually, in the region, have that discussion and talk about how it would work.

I think, it sounds like to me, just anecdotally, the places that it's worked well, that's actually what happened. Instead of sort of loggerheads at kind of the top of the bureaus, the folks in the region -- so like the local Park Service guy talked to our BIA agency head or something. And they talked through it, and the Park Service guy realizes, "Well, it's really not that big of a deal; right?" And so that, I think, has worked in the past, and I think that this should better facilitate that kind of stuff. So that's the hope on that.
And I understand and, believe me, we heard the comments about the time of year and stuff. I apologize. In a sense, I mean -- or not in a sense -- but unfortunately, we have a time frame. And for us, we had to get in these consultations with tribal leadership about just the initial concept of this. Let me maybe elaborate a little bit more too.

So I think that there will be further consultation on this. And, again, it will be something that will be the sort of next step. So we're having a discussion with all the tribes in the country, region by region, about the unified regions and how this might work, to get a sense and a consensus from them on whether they want their BIA region to conform more to these unified regions. And, again, we don't have to be exactly on, but, you know, with some flexibility there, or not.

And that's something we kind of have to kind of wrap up so that we can give the Secretary, you know, our input in time for him to put that in with his larger report and submit that. And, again, the Secretary has committed this is an Indian country leadership decision. If you don't
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want your regional bureau office to play with the new unified regions, that's a tribal leadership decision.

So once this is done, though, then we have an additional conversation. And, really, in a large sense, there are sort of two conversations that can be had. One is if -- and, again, this can happen region by region or nationally, depending upon, you know, where the tribes fall out on this.

But there can be a conversation about, "Okay. We think we do." And it doesn't have to be all-in or nothing. It doesn't have to -- you don't have to say, you know, "Once we've said yes, oh, my God, we can't change our mind." It could be that we couldn't work things out.

But if the consensus is that we'd like to move forward with this, then we'll have a conversation about how the region will work, how there will be the -- you know, what will be the plan for the region as far as the communication between the bureaus, if there is a change.

And, again, you know, it's a little bit different for you here. But in some of the other regions -- and as you know, our budget,
the BIA budget, is heavily affected by the tribes. They get tribal shares, and those are divvied up by regions, et cetera. So we have -- both internally and then with the tribal leadership, we're going to have a pretty intense discussion about how we readjust that to fit a new region, again, you know, holding the tribal budgets and the tribal shares harmless. And in some sense, it's just an accounting nightmare, I mean, but that's part of what we'll do. And we'll obviously, you know, consult with the tribes to make sure the way we are going about it is going to work for them, and then they'll be able to have their input. And there will be a myriad, I'm sure, of other things that need to be discussed to implement this.

So that's one possible discussion we're going to have in the future. The other is the other direction. So -- and, you know, in some of the regions of the country, the tribes have been, I think, pretty unanimously adamant. They don't want to change their region. So that's fine. Again, that's their decision. But the other bureaus don't get -- they don't get their choice. Their stakeholders don't get this choice. Only the tribal leadership does.
So for the other bureaus, they're already moving into unified regions. And what we'll have to do is have a discussion, because we still need to have better communication and better coordination with the other bureaus in whatever geographic region you're in. So we'll have to have a conversation about how we can now have the BIA, who will, once again, be kind of on the outside -- how the BIA is going to effectively try to be part of whatever discussions are going on in the new unified regions.

And we'll have to work with you. We'll have to consult both with you, and we'll have to have our regional staff and people heavily involved. We'll have a discussion about how we can try to make that work as well. So those are sort of two possible -- and we're going to have further conversation. It's kind of going to go down one path or the other, depending on what tribal leadership decides.

NANCY JAMES: Thank you. I'm First Chief for the Gwichyaa Zhee tribal government up north. I'm also representing a group that consists of ten villages in the north region.

You know, you brought up a good
point, and the other communication that I really
want us to look at here is your terminology and
your format. It says "Effective, efficient
organization," but I don't see anything in the
response period, you know. And exercising 93-638,
in order to govern ourselves -- there are a lot of
tribes that are very successful in exercising
93-638 and helping other villages to do the same.

If things are working for the
permitting process for co-management -- the permit
process and the response period from the
interagency is very slow. That needs improvement,
because we have a memo of a contract, but the
response period for putting in for the permit
license -- the response is really slow. We haven't
heard anything.

And I think the other improvement
that needs to be done, too, is on your multiyear
contracts for -- with the tribes. I think that
needs to be really considered, for no reason. The
other one is due process, 93-638, the due process
to inform the contractors of their multiyear
contract, one-year contract, and sometimes they are
hesitant in renewing contracts without just cause.
Those are the problems.
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So I brought up four issues -- just cause, due process, response period, and also the tribal-to-tribal consultation. We follow all the rules that's set before us in order to govern ourselves and our tribe, but I believe it comes from the other side too. The response period is very important.

Thank you.

ROB SANDERSON JR.: Rob Sanderson Jr. I'm Fourth Vice-President of the Tlingit & Haida Central Council. I am Haida. My home town is Hydaburg. I live in Ketchikan.

I'd first like to thank our tribal citizens for being here today. A lot of them flew over 800 miles to be here. To our good friends, TCC, Tanana Chiefs, thank you for being here. Thank you for the opportunity to be here in Juneau.

You know, over the last couple of days -- and I don't know what was really said in Fairbanks, but I think we need to find a place for subsistence to be into the record. You know, that's something that I have not heard here. We need to be mindful of that. So I want to make this quick here. I know there's others that want to speak.
So, you know, quickly, the state of Alaska -- you know, right now, we're experiencing a fishery failure unlike any that I've ever seen. You know, there's not really even a pink salmon in the Ketchikan River right now, and that's unheard of. Climate change -- you know, we need to start addressing all these things. And you mentioned that the Interior is going through a big overhaul in working with other agencies within the federal government, and we hope that you, too, can work with the state of Alaska on this.

So, you know, in bringing up issues that are so important to us here in the state of Alaska -- suicide. You know, the young lady got up and spoke very eloquently. She's the leader of her tribe. And I forget her name, but I just wanted to acknowledge her.

You know, I serve on the Statewide Suicide Prevention Council. And we fly throughout the state, and we take testimony on what happens in a lot of our areas in the state of Alaska. You've got sexual assault, suicide, you name it. The list goes on and on. And I don't want to sound negative here, but the reality here is that we're losing our young people at an alarming rate. And she spoke of
putting land into trusts, little parcels, so that they may be able to, you know, get better law enforcement agencies, get better medical facilities in their communities.

And, you know, I'm going to share a story with you that almost brought me -- it did bring me to tears. And, you know, I'm not that kind of person to do that. You know, we've had a young lady -- I'm not going to give the time or place -- but she stood before the Statewide Suicide Prevention Council, and she had to wear a face mask over the lower half of her face. That's what it took for this lady finally to come forward to tell her story about the abuse that she had grown up with in her family because there was no law enforcement. I couldn't even register. I couldn't even wrap my mind around what she had went through.

And the point I'm getting at is that we need more law enforcement in the state of Alaska to our outlying villages. We have 229 tribes. I may be bouncing around here a little bit, but for the federal government or even the state of Alaska not to even, you know, try to get out to a lot of these far-flung villages in our state -- we're two and a half times the size of
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Texas. And, you know, for these young people that go through that trauma of assault, rape, it's not being addressed. You know, our young people are getting -- our young women, Native women, are getting murdered at an alarming rate, and a lot of these guys are not even being held accountable. A lot of these trials are not even set up for years.

So if there's anything that the Interior and the BIA can do to help assist our federally recognized tribes here in the state of Alaska, that would be great, because we need the help here. There are so many rapes that happen in the state of Alaska that our law enforcement -- which is already pared down to almost a nonfunctioning entity in its own right, the troopers -- you know, a lot of these go unreported. A lot of them do get reported, but by the time law enforcement can get there, the evidence is dried up and gone. And this is continuing to happen throughout the state.

And so if the Interior could see it through that to seriously, seriously consider the comments that our fine tribal citizens have put forth to you today -- we need your help. We don't need it yesterday; we need it today. Now.
And I have one more thing to talk about here. I don't know if this fits in to the Interior, but, you know, with being the largest land controllers in the U.S. government, you know, transboundary is a big issue here in the state of Alaska. Currently I'm fortunate enough to serve as the chair of the Southeast Alaska Indigenous Transboundary Commission dealing with large-scale transboundary mines in British Columbia, from Southeast Alaska all the way up into the Yukon and to the Kuskokwim.

We have 15 federally recognized tribes on board. We hear about the Pebble Mine. We support our tribes out there that oppose that. It's not that Central Council opposes mining; we oppose the scale of a lot of these mines.

You take the KSM, which is 78 miles behind Ketchikan, 12 miles inside the border. There's three deposits they're going to take. They're only one major funder away from getting up into operations. And that's the Kerr-Sulphurets-Mitchell mine. They have the infrastructure already in place. They have their power grids in place. They have everything in place. They just need a funder, a primary funder,
and I have every reason to believe that it will go.

These three mines will start up at 6,000-foot peaks, drop down to sea level, and go down into two of the three largest open-pit mines in the world. The tailings sites will be both -- will be two earthen-size dams that will be spilled into the Nass River -- treated, of course.

So every one of our major river systems here in Southeast Alaska and in the interior have to deal with transboundary, and that's a way of life for our people. That's who our people are. That was our economy. That is our economy for our people that are in the far reaches of the state of Alaska that can't go to the grocery store and buy food or buy gas. This is their way of life.

A lot of our people in the state of Alaska have put self-imposed moratoriums on their fisheries, so they're trying to do their part to make sure that escapement gets through. But with these mines coming up just on the other side of this border, it might just as well be at your back door. You might as well just open up your back door and step out, right here in Southeast Alaska.
So we would encourage the Interior Department to work closely with the state department and Global Affairs Canada on this issue. You know, that's our way of life.

So, you know, back to this last mine I was talking about -- I'm jumping around here a little bit -- but it's called the KSM. But the two tailings sites for this mine will be bigger than the Hoover Dam. Bigger than the Hoover Dam, two of them. That will be holding back acid-generated tailings in the Unuk watershed, right behind Ketchikan. We have the Red Chris mine above the Stikine River. And right now they're finding high levels of selenium downriver from it.

So these are just a few of the things that we are actively working on here in Southeast Alaska, and soon to be up in the interior, on the Yukon. And I can't speak for them, but we are, in the future, going to be working with them very closely on this issue, because that's our lifeline, is our fish.

So any help on any of these subjects that I talked about would be greatly appreciated. Thank you, gentlemen.

JOHN TAHSUDA: Thank you,
Mr. Sanderson.

CHAAIY ALBERT: Chaaiy Albert, Northway Village Council, and also the Tanana Chiefs.

Self-governance needs to be a key component in the reorganization. As you search for efficiencies, make compacting easily available to every agency within the Department of the Interior. While regulations exist to allow this, these hurdles that bureaucrats erect are prohibitive.

I live in a wildlife refuge. My home is completely surrounded by the Tetlin National Wildlife Refuge. And I hear people talking about climate change and the effects that we have. It is real. We do survive. We live in it. You know, we see big, giant chunks of land falling off into the river, islands that were in lakes that are no more. With the permafrost melting, you know, everything is sloughing off.

And with our Native allotments -- you know, Northway Village is the one and only community in the Upper Tanana that is completely surrounded by the Tetlin National Wildlife Refuge. Currently right now we're talking, with our Native allotments, to trade land for land that is parallel
to the highway, adjacent to the highway, as opposed to out in the swamplands.

But with my corporation, you know, they don't like to hear the talk of us possibly trading lands with a wildlife refuge. They don't like us even talking about changing our lands with another agency, a government agency. They'd rather do it with the corporations, but they leave us little to nothing at all, you know.

This all comes down to being the one and only tribe within that organization, that we should be federally funded. We can manage our own lands. Tetlin National Wildlife Refuge surrounds my community, and we're directly affected by that. All of the decisions that are made are made by outside influences, people that are hired from Minnesota, Nebraska, Wisconsin. They come up, and they work the Tetlin National Wildlife Refuge. And they're the bosses there for three to four years, and then they're gone. Well, they just keep on coming in and rolling out.

Well, we should be the real managers of that land. We should manage our own resources. But yet we're left in the loop of three- to four-year terms of people coming in and,
you know, making the decisions that directly affect us.

That's all I got for right now.

Thank you.

JOHN TAHSUDA: Thank you,

Mr. Albert.

GEORGIANA HOTCH: Georgiana Hotch from the Chilkoot Indian Association.

John, I'd also like to include Gene in my comments. And what I would like to see is -- the ANB have their convention. Tlingit & Haida have their consultation every year. I'd love to see an IRA summit, where tribes can meet and learn from each other, communicate with each other, find out what works, what doesn't work, and also to include something -- well, include subsistence as a discussion, and something more than recreation, conservation, and permitting. Make it more comprehensive. Thank you.

JOHN TAHSUDA: Thank you.

GENE PELTOLA JR.: If I may, Gene Peltola Jr. here.

I've heard the comments here from the last couple -- two of the last three speakers being on subsistence. If you look at subsistence
in Alaska, non-subsistence harvests of fish and wildlife is managed by the individual land management agencies and the State of Alaska. And federal subsistence harvest is managed by a program established until Title 8, the federal subsistence program.

From my exposure to the discussions up until this point -- and we've had one of our deputies at BIA here in Alaska engage in those discussions -- there has been nothing that has been presented that would deviate from that model.

And if you look at their potential reorganization which is being recommended, everything we do with regard to subsistence in Alaska law is dictated by ANILCA, the Alaska National Interest Lands Conservation Act. Within that, there are different titles. There is a Title 12 of ANILCA that had something similar to what is being proposed here and that's already been implemented in the state. And the reason I mention that is, a key component of that was -- had one of the goals similar to what this reorganization has in place, a conservation aspect to it.

Title 8 of ANILCA is so
significant to tribes and others because how does a tribe connect to their culture? A lot of that is due to their connection to the land. And how do we have a connection to the land? By the harvest of the wildlife and fish that it provides. That is recognized in Title 8 of ANILCA.

And the reason I mention Title 12 -- there is a little statement in there that says, "Non-subsistence harvests will still be managed via Title 8, the infrastructure that it designed and put in place to get to the cultural, social, and sustenance requirements of subsistence harvests." There is nothing that we have been exposed to, I have been exposed to, that would change that, short of any drastic redirection; but that hasn't been part of the discussion yet. So with that being said, one could look towards the existing subsistence program to still provide direction for subsistence harvests on federal lands in Alaska.

TYSON JOHNSTON: Good afternoon. My name is Tyson Johnston. I'm the Vice-President of the Quinault Indian Nation. Our tribe is located on the northwestern coast of Washington state. And this is my first time in Alaska. I'd like to
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acknowledge the territories of our relatives here. It's beautiful, and I'm so happy I was able to this session. We just found out last week that you all decided to do one more closer to our region, but the Quinault Tribe felt very strongly about being here today.

My nation is a signatory of the Quinault River Treaty of 1855. We're a Coast Salish nation. We're also a first-tier self-governance tribe and a co-manager of our natural resources under the legal frameworks established by U.S. v. Washington. We're also interested in being a pilot tribe for new frameworks established by the Indian Trust Asset Reform Act, and we'll be submitting more detailed written comment shortly in addition to my remarks.

The Quinault Indian Nation supports any changes that increase efficiency and streamline cumbersome processes, but changes must occur in coordination and consultation with tribes and must never hinder DOI's ability to, one, meet its trust responsibility; two, uphold treaty rights; and, three, support tribal sovereignty.

Quinault also recommends that any cost savings that are rectified after this
reorganization be redirected back to the BIA programs and services so that any reorganization does not take one dollar from current BIA funding allocations or, preferably, augments them.

Quinault also advocates for a Secretary-level Tribal Advisory Committee in the same vein as the STAC at Health and Human Services, which was previously mentioned.

We also recommend that the Department of the Interior should formally withdraw its consultations and considerations of the Fee To Trust regulations, which tribes have overwhelmingly opposed, and, instead, focus on working with tribes on this reorganization.

I'd also be remiss without saying that tribes in our region remain deeply concerned about the administration's priority of energy development and extraction. We ask that the reorganization's efforts please respect tribal concerns raised to date and include streamlined protocols for government-to-government engagement concerning the administration's directive regarding this issue.

The Department of the Interior reorganization should consider how best to organize
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DOI bureaus to help facilitate co-management of resources with Indian tribes and with respect to the Department of the Interior's consideration of conservation and recreation priorities.

But, again, my name is Tyson Johnston. It's beautiful here, and I'm very thankful to be here with our relatives with Alaska.

Thank you.

JOHN TAHSUDA: Thank you, Mr. Johnston. So I think -- I don't know if you were here at the beginning, but somewhere through this I think I probably answered most of your questions in the positive. I won't say affirmative.

But those are good points and in line with what the goals of the Secretary are as far as, you know, making sure that we continue to meet our trust and treaty responsibilities, that nothing in this alters that. That we'll work to -- in the work of creating better efficiencies and better management, basically, of the bureaus, that we will hopefully free up resources that will stay in the region or in the agency. And it is not his intention to let those escape back to D.C., but to keep them in the region so that there will, hopefully in the future, be resources freed up.
It's not our capacity to say there's new resources, because Congress is the one that provides that, not us. We have to do what they tell us with the money. But if there are cost savings and resources made available in a region, it's the intent to keep that there so as to continue to enhance what's going on in that region.

Thank you. Mr. Chairman?

HARRY PICKERNELL: Good afternoon. My name is Harry Pickernell. I am the chairman of the Confederated Tribes of the Chehalis Reservation in southwest Washington state.

First off, I'd like to echo the thanks of our Alaska neighbors for allowing us to come up on your lands. And thank you, John, thank you Kyle, thank you, Gene.

I have but a few comments here. At the New Buffalo consultation we asked that there be a consultation scheduled to occur in the Northwest region, in Portland, Oregon, to accommodate the many tribes which receive their services through Portland. This is important because any reorganization could affect over 30 tribes serviced by the region, and their sovereign voices must be heard. I appreciate the fact that
the BIA has now added a Northwest consultation to its agenda. Thank you.

    I was happy to hear that, at the New Buffalo consultation, Secretary Zinke was quoted as having committed to tribes that, if they oppose this reorganization, that it will not be implemented by the BIA.

    What was clear in New Buffalo, as it appears to be at several occasions, was that all the tribes there opposed the reorganization. The Chehalis tribe has reviewed the map provided at the New Buffalo consultation, setting forth the new regions. And even though the northwest region remains virtually the same, the Chehalis tribe joins its fellow sovereign tribes and opposes the implementation of the reorganization of the BIA.

    Finally, if the BIA wants greater efficiency and to reduce the time it takes to service a request from a tribe, then return the delegation for non-gaming Fee To Trust to regions and no longer require submissions to D.C.

    Thank you for your time. Thank you.

    JOHN TAHSUDA: Thank you. Thank you, Mr. Chairman.
SUSAN PICKRELL: We're now in the afternoon. Thank you for staying this long. My name is Susan Pickrell, and I'm with the Ketchikan Indian Community and a tribal council member for our tribe.

I've kind of been waiting all this morning and into this afternoon, hoping to hear something different from the government. And by that I mean it seems to me this is a little bit backwards in that you've said you're going to reorganize, and yet I don't really see a plan in front of us to say "Here's what we're going to do. We want your input on it." It seems like you're asking us to tell you how to do your jobs more efficiently, and yet you're not providing enough information for us to be able to determine whether or not the changes you're making are going to be more efficient.

The other area I have, I guess, just a concern -- to me it seems like you're creating more bureaucracy in that you're creating 13 regional directors that are going to be, I'm assuming, making decisions. And I guess the question that I would have is, you're adding yet one more person to make decisions on behalf of the
state of Alaska. Is that person actually going to be able to have the authority to make those decisions? Or is it yet one more person that we have to go through to get an answer?

The other question that I have is, you're addressing three primary functions -- and I think this is on Slide No. 6. So you're talking about recreation, conservation, and permitting. And I guess if there are changes in those primary functions, what do those changes mean for tribes?

As I was looking at your map today, you talked about, you know, all of the -- and I think it's on the next slide, where you're talking about the number of millions of acres that are, you know, under the United States and under the Department of the Interior. And I'm just wondering, how much of that affects the tribes?

Russia sold Alaska to the United States over 141 years ago, and I don't know necessarily that all of the benefits that came from that -- if the Alaskan Natives make up about a third of all the population, how does that benefit us with those three primary functions, with recreation, conservation, and permitting? And what changes are you going to bring about, and how does
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that affect the tribes?

Consultation, it seems to me, should be providing us with enough information so we can make, you know, a proper determination as to whether or not this is going to benefit us or not.

So those are the concerns I have, that, to me, this is very preliminary. The information that you provided on these documents talk about the change that you want to see but not how you're going to change it, and then you're asking for input with very little information on our part as to what this change will look like. Consultation is not just saying, "Tell us what you think"; it's having that back-and-forth discussion based on data, based on information. And, to me, it just seems that it's a little bit lacking.

Thank you.

JOHN TAHSUDA: Thank you, Ms. Pickrell.

I'm not entirely sure what data you want to see. Again, this is not an exercise in budget. This is not an exercise in moving offices or anything at this time. Again, once the unified regions are in place, there is a thought that you could get more efficiency from co-location of
offices and maybe better communication.

But this is about strategic
decision-making, and so you pretty much know what I
know -- the unified region maps, moving the
different regions of the bureaus into common
regions. The idea is not really to create any new
bureaucracy. As we talked about earlier, probably
the plan that's going to go forward, that the
Secretary will put to the White House, is that this
Interior Regional Director will be a current
regional director in that region, and they will
rotate that every couple years to allow each of the
bureau regional leadership to have an opportunity
to play that role.

So there are the three primary
functions. There is no change to those functions
as part of this. This is identifying that those
are three common functions that each of the bureaus
in a geographic region perform. And to say that
those are also the functions in which we, by
necessity, often have to have a lot of
communication and coordination that right now
doesn't happen, if those decisions are to be able
to be made -- and you asked about authority. And
so if the authority for that decision is to stay in
that region, which the Secretary believes, in most cases, is the most efficient way, that that authority then needs to be able to be exercised across the bureaus in those functions.

And that's really the primary purpose of the Interior Regional Director, is to enforce the communication on those three primary functions so that the decision can be made. It stays in the region, and we get faster, more effective, and -- I haven't talked about this that much, but there is an important component for us and for you as well in this.

What happens now, as I said at the beginning, if we have a decision, whether it has to do with NEPA, whether it has to do with a permit or something, it usually triggers something to do with NEPA that involves the other bureaus, let's say. Right now, that is worked up by the bureau who has the primary responsibility for that decision, whether it's a NEPA analysis, whether it's a permit to be issued, et cetera. And that bureau gets way down the road on this before it starts talking to the other bureaus in that region about this decision, even though those other bureaus are ultimately going to have to be consulted,
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1. interbureau, or among the bureaus in that region, before they can get to a final decisions.

   What this is intended to do is to have that communication start at the very beginning. If you don't do that, what you end up with, in the current situation we have now in many regions of the country, is that we get divergent views that all go into a discussion about this decision, and it affects and slows down our decision-making, because it hasn't happened and been worked through at the beginning.

   It also -- to be honest, it slows down our decisions, because many decisions that we make involve litigation. If it's any kind of significant decision, there is somebody out there that doesn't want it to happen or doesn't like the way it's going to happen. And so virtually every one of these decisions involves litigation for us.

   It's not a good position to be in when we have created divergent views within our own department about that. That doesn't help us in our position in defending a decision for you or defending another decision that the department is making.

   And so that's another component of
this effective decision-making, is to have the
coordination and that discussion at the first
possible opportunity so that we really have sort of
one departmental discussion going forward. They
work through the issues, and we get to the
decision, a common decision, not something that's
worked up through separate bureaus and then is
resolved in D.C.

That's the basic concept, and,
really, that's all it is. Again, I don't have a
bunch of data hidden in a briefcase somewhere, that
there's not -- the budget discussion for us and the
tribes will happen after this as we figure out how
to adjust tribal shares in regions, et cetera, and
make sure that tribal budgets are held harmless.
But that's the Secretary's commitment, and we will
do that.

So, again, I want to be clear.
I'm not sure. Either Mr. Johnston or Chairman
Pickernell said the decision that we're asking for
-- or the input that we're asking for from tribal
leadership is about the BIA and its participation
in this reorganization. The Interior
reorganization is going forward for the other
bureaus. And so, again, as I said a little bit
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ago, the real discussion following this is going to be the significant discussion about how we either implement BIA's involvement in that, or how we implement BIA dealing with being on the outside of that reorganization, but still trying to be effective in its representation of tribal interests.

So, thank you. Go ahead.

RALPH WOLFE: Ralph Wolfe, Fifth Vice-President for Central Council Tlingit & Haida Indian Tribes of Alaska.

I guess I'm trying not to be frustrated, because it seems like we have been talking in circles for two days now. And I hope we get a clearer picture on where we're trying to go with this, especially with that last statement. I thought we were talking department reorganization, and now you're talking just the bureau. So --

JOHN TAHSUDA: The bureau is part of the department.

RALPH WOLFE: Yeah, I understand that, but are we talking full reorganization, or the department and the bureau are still looking at it?

JOHN TAHSUDA: That's, I think, a decision tribal leadership needs to make; right? So
the other bureaus are going to be reorganized into these unified regions. The opportunity that tribal leadership has, that no other external stakeholder has, is to say, "The bureau that we are most associated with and that we work with most closely" -- you have the say. Is it going to be part of this, or not? That's --

RALPH WOLFE: Okay. Thank you.

So I guess, in that concept, you know, seeing those three primary functions, I don't see anywhere in there the people or the land. I see issues dealing with land. I see issues dealing with people who use the land, but I don't see anything with people who live on the land, who live from the land. And that's concerning to me, seeing as that's why we're here. That's why I live in Alaska. That's why I'm not going to live anywhere else. I was born here, and I will die here.

And it's a struggle for me to see how you don't see the importance of having that listed on there, as our go-between. I hope that we can get there because it's absolutely important. I struggle with the word "subsistence." I struggle with the word because it's just our way of life. It's who we are. It's how we survive. It's what I
teach my kids. It's not an activity that we do. It's not something that I take for granted, by any means. It's something that I fight for. It's something that I hope -- I know everyone in this room fights for. So I hope that we can see that as one of the pillars, because it's very important to us as Alaska Natives.

You know, we always have to fight within Alaska for survival. I know that you guys are here representing for BIA, but if we're looking at the full department, which we've talked about a couple of times, you know, Alaska gets left out in many, many places -- the BIE, getting, I think, equal opportunity to have education dollars for Alaska, especially in rural Alaska. I'm sorry. That's where I stand my ground.

As a rural community and communities within Southeast, we struggle, as does everywhere else. Our issue is our state funding is shrinking, and our schools are shrinking, and we're having outward migration. So our quality of education is absolutely failing us, and we're seeing it at drastic numbers, which affects everything. It affects our economy. It affects just top to bottom. It's been very hard to hear it
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1 and see it and go through it.

2 But just to bring it back, I know
3 you guys have heard it, is to that one pillar. You
4 need another one. It has to be there for the land
5 and the people. These ones just don't cover it in
6 the way that I feel it needs to be covered.

7 Thank you.

8 JOHN TAHSUDA: Thank you,

9 Mr. Wolfe.

10 So I guess I'm not sure -- so it
11 is a primary mission of the BIA to serve tribes and
12 tribal people. That doesn't change. That is also
13 a primary mission of the department. Whatever
14 happens with reorganization, that does not change;
15 and the Secretary has a firm commitment to that.

16 And, in fact, in his list of
17 priorities for the department, one of the most
18 prominent is respect for tribal sovereignty; right?
19 And that, to him, encompasses everything that we do
20 for tribes and tribal people. We need to do our
21 best in that. That is a primary mission for him
22 for the department.

23 So what that means for us is
24 whatever we do, either in this context with the
25 reorganization, or in the performance of our jobs,
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he has told us that that is a primary responsibility that we have and that we have to fulfill. So, you know, obviously, to my mind, that's always been the mission of the department. But Secretaries come and go, and some of them are more or less committed to that. He's absolutely committed to that.

I would just add, too, he has a great commitment and desire to have a big, positive impact on Indian education. So we just had the honor and the privilege of opening the first school that's opened up under this administration, a new school -- I'm sorry -- a new replacement school in Minnesota.

And it's a great building. It was a facility in which previously there were holes in the wall. Kids had to wear coats in the wintertime in their classroom because it was below freezing in the classroom. So that was a great experience and hopefully is going to be the first of many. He's got a plan to spend over $600 million to replace Indian schools. We have somewhere around, depending on how you want to look at it, 60-plus schools that really just need to be replaced. They can no longer be maintained in any fashion.
The challenge for us on education -- and I guess this is stepping outside of this discussion, really, but -- is, as with everything, at the end of the day, Congress can both give us more responsibility and take responsibility away. And that's out of our hands. As an executive agency we don't get any say in that. We can tell them our views on it. We're telling them our views on Indian schools, that "You need to give us the authority to build a bunch more," but ultimately Congress is the one that has to say, "Okay. You got the authority to do it and the money to do it." So we're waiting on that.

The other thing with education -- it's a challenge, I got to tell you, for us, because there are things that we would like to do. And we have requests from tribes. We have some sharp limitations that Congress has placed on us, what we can do with our schools. We can't expand the number of schools we have. If we decide to change a school -- and we have several tribes that are interested in doing like state charter schools. But if we move one of our schools to that format, we lose that out of our system forever until Congress changes that.
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So there are some peculiarities that Congress has done that makes our delivery of education services a challenge, but we're -- you know, to the extent that we are able to, with the limitations they put on us, we're absolutely committed to that as well.


First of all, I'd like to welcome the tribes who are not here from Southeast Alaska. And how refreshing it is to see representatives come from the Quinault and the Chehalis Nation. Welcome. Had I known how many would be here, I would have sought Mount Roberts Tramway passes for you all to be able to see the glory of Juneau and Douglas from the mountain. And I hope that you do have an opportunity to visit that before you leave Juneau.

I'd also like to congratulate Gene for your appointment as the Alaska Regional Director. I had no idea, when we were talking in the parking lot, that we were talking to the Alaska Regional Director when we met all of you and just extended greetings and thank-yous, et cetera.

And I have to say, too, that not
only is it very exciting to, once again, have an
Alaskan Native in office, but to hear that you have
lineage to Douglas Island is quite remarkable,
considering the work that we did there.

So I'm hoping that you were able
to see the two totems that were raised in Douglas.
And the second one, the one which is really
magnificent, representing the burning of the
Douglas Indian Village in 1962 -- that was
classified as a "healing pole" because of all the
historical trauma and the seizing of the land, the
boat harbor.

And you may have seen the
Mayflower School, which was a government school.
And so that was built with Department of the
Interior funds but never returned to the tribe, as
it should have been.

So Gunalchéesh. Thank you for
going over there and taking the time to see that.
That was very, very important to us. We have spent
years sharing our story. And the only time we
started to begin to be heard is when graves were
unearthed with the renovation of Gastineau School,
where the site of the first pole is.

And we've always believed that
those souls that became unearthed allowed
themselves to be revealed to tell us not to give up
and to continue telling our story. We always knew
there was a sacred site underneath that school. It
was not new to us, but many of these events were
shocking to even local people, that they happened
as early as 1962. And how could that happen, when
we're supposed to have come so far past, you know,
sending missionaries and assimilation. And yet
indeed it did, because racism was that rampant here
in Juneau and Douglas.

So I really extend my gratitude to
you. I know it's not easy to listen to dozens,
decades, maybe hundreds of years of frustration.
And then here in Alaska, which is so unique -- and
we have so many entities that even our tribal
citizens don't understand sometimes the difference
between village corporations, urban corporations,
tribal entities, and tribes like us who are called
an association, and yet we're a tribe with a tribal
territory. So it can be pretty confusing.

I'd also like to take this
opportunity to tell Gene, because he probably has
not yet attended the annual Tribal Services
Providers Conference -- and, you know, I've
attended them over the years of my career, and we send council members as representatives. And as some of the leadership has said here before, this is a terrible time for consultation, because many of our tribal members and our leaders are out making a living, including the president of Douglas Indian Association, who, as Barbara indicated yesterday, is really the last young adult from his traditional territory to still do what the traditional occupation was of his parents, grandparents, and ancestors.

So what he's doing is very important. It's not just -- and I hate the word "subsistence" too. It's our customary use. We've lived on the land and the waters to sustain ourselves for tens of thousands of years. But our people are also trying to -- they're passing on those skills and abilities, so they're teaching, when they do this, as well.

Back to the Providers Conference, I think it's somewhat of a misnomer to say BIA Tribal Providers Conference, because it's not necessarily providers. That's when you have our tribal government leaders come to the table, come to that forum as tribal council members, to try and
pick up where things were left off in some of these
flurry of meetings that happen during the
summertime.

   With that said, I'm hoping, Gene,
that you'll look closely at this templated agenda
of the Tribal Providers Conference, and that we
have a summary to roll out there to our tribal
leaders who attend that conference, because they
come from all over Alaska, to talk about this
consultation and where we are at with it.

   Now, I understand that, for those
from the Interior, that the department -- on the
reorganization, or proposed reorganization, that
you have until October to get your report out, or
at least that's what I think I heard yesterday.
October?

   JOHN TAHSUDA: Yes.

   ANDREA CADIENTE-LAITI: So I know
it's going to be after the fact when the Alaska
Regional Director closely sees to it that our
leaders that come to the Providers Conference in
December, that they have the information, and they
can be updated.

   But I notice that, on your letter,
you also said, "Consultations will be held with
both federally recognized tribes in Alaska and the
Alaska Native corporations."

I know of two directors for the
Sealaska Corporation, our regional corporation,
that are in the room in different capacities,
however; and myself, too, for the urban corporation
of Goldbelt Incorporated. But I'm wondering if
these letters were sent to the Alaska Native
corporations, because, you know, I don't see that
representation here.

And please make no mistake about
it. I'm not chastising you for that, because ANCSA
corporations and tribes do not always see eye to
eye. Ironically, when ANCSA passed and our
corporations had to identify lands out there that
were tribal lands, it was our tribal leaders that
took them to the Taku, showed them the significant
areas, the burial sites, you know, showed them our
tribal territory. And then they cataloged it.

And then, in the long haul, we
ended up having to ask permission -- tribes had to
ask permission to go hunt and fish and berry-pick
on our tribal lands. Like Berners Bay, through the
lands program with Sealaska, we have to ask
permission. And so that didn't bode well,
obviously, with tribes, because tribes predated ANCSA.

But I do have to ask the question, you know, if the Department of the Interior notified the ANCSA corporations, because it's just as important for us to be able to hear their responses as well.

Thank you.

JOHN TAHSUDA: Specifically for this consultation and the letter that went out, it was published in the Federal Register, but then because this is a tribal consultation, the letter should have gone out also to all the tribal leaders. And so whether it's village corporations -- so a lot of -- you know, we have these on our list of tribes. So basically every entity that is on our tribal list would have got a copy of the letter as well.

I don't know if that answers your question, but I think it does.

CATHERINE EDWARDS: Catherine Edwards, Sixth Vice-President, Central Council Tlingit & Haida Indian Tribes of Alaska.

Since I got confused as well, whether we're talking about the proposal for reorganization of the Department of the Interior or
for BIA, I'm going to lead with this part.

The best federal reorganization for Indian tribes is one that permits tribal governments to shape the federal offices according to their tribal priorities. So if that's what we're talking about, tribes should be permitted to reorganize and shape both the BIA regional office and central office according to their tribal priority, and transfer some of those dollars and functions to the tribes.

I wanted to get that out there before this died (indicating the microphone), because the other thing I wanted to ask is, earlier, when we started talking, it was the Department of the Interior reorganization. You did say something about it was going to be more efficient, and there might be some costs savings that go along with that. And then if there is costs savings that go along with that, those should go to tribes, not necessarily BIA.

Then later on in the conversation, you say there is nothing associated with budget at all. Then my colleagues are asking for data. If my staff came to me with a proposal like this, I would ask them, "Where is the data?" Show me the
bottlenecks and the inefficiencies -- where is it not working, how it would work better, and how you came up with a plan like this. We need the data, and there probably is money associated with that. We need that information so that we can make better decisions. Was there that type of planning involved, and where can we get access to that data? Because you said you're not hiding it somewhere, but we don't have it in these packets.

JOHN TAHSUDA: So, again, there is no reams of data somewhere, because what we're talking about here is really readjusting the lines of reporting on these three primary functions; right? So realigning the regions into a common geographic region; and then within that region, realigning the lines of reporting so that more decisions can be made, can be facilitated, can be better coordinated in that region and stay there.

CATHERINE EDWARDS: So did all these department heads get together and say, "This will work best for us" when they came up with this plan?

JOHN TAHSUDA: I'm not sure what you mean. We've had multiple internal discussions about it as well, and got input from like our SES
CATHERINE EDWARDS: So let's look at a map, and let's draw some lines on it, and that's what they came up with? I'm asking because --

JOHN TAHSUDA: No. Let me go back to the process for the map, and maybe I didn't kind of go over this really well. The process for the map was, again, for the Secretary -- and he's the one tasked by the President; right? And then we all work for the Secretary.

So he wanted to take a step back, think about the fact that the department hasn't been reorganized in 150 years. Because we are, in many ways, a land management agency -- even for our people, even for the tribes -- a lot of what we do revolves around land and land management.

So to take a step back, if you took this department that has these nine different bureaus -- and there's a number of other offices, and there's a broad range of responsibilities that stretch across half the globe, 12 time zones, and has responsibilities for fish and rocks and water and people. If you're a scientist, first off, you've got to find some basis if you are going to
reorganize this. What's the basis for looking at this?

And so he went to our science arm, which is the U.S. Geological Survey, and said, "As a scientist, we've got all these things that we are supposed to manage, look at, consider, whatnot, to fulfill our responsibilities. How would you organize this department, you know, from top to bottom, across the region" -- or I should say "broadly across the country to meet our needs in this vast area that we have to meet our responsibilities?" That's why they went and looked at animal corridors. They looked at waterways, ecosystems, et cetera. And that sort of came up with the first iterations of the map.

And for us, you know, in some sense, or in some -- you know, so we have -- I should say, we have pieces of history in which some tribes didn't stay where they originally were, where they traditionally were, for some folks, unfortunately; right? But for a lot of tribes, you know, their traditional -- and where they still are now -- territories, evolved along these same ecosystems -- waterways, et cetera; right? And so that was the first iteration.
And then the map was massaged over time. It looked at the current regions for the different bureaus. And so I'm not -- I don't even know how they meshed all that together; right? I'm not a scientist, and I'm not a geographer. But anyway, they took all that information and then went through several iterations of the maps.

As I said earlier, there was a request from the tribes last year about comment, a lot of which revolved around, you know, "We certainly don't want common tribes" -- let's use an example. The Pueblos in New Mexico; right? Well, they don't want to be split up, even though you might have a separate ecosystem or waterway that some of them are in, as compared to the ones that are on the Rio Grande, you know.

So the map was massaged further to take those things into account. And so that went through a number of iterations. And we had input, then, from our staff. There was input from BLM, and they talked about their responsibilities and how they have to work with governors on a lot of things in their regions and stuff. So all this stuff kind of, you know, went into the meat grinder and came out the other side.
Transcript of Proceedings

By and large, with this map there's been some additional changes and amendments to the lines, et cetera, to get us to where we are now. So that was the process of getting the maps done.

BARBARA CADIENTE-NELSON: Good afternoon. Barbara Cadiente-Nelson. I'm Taalkweidí. My Tlingit name is (speaking in Tlingit). I'm also a child of the L'eeneidí and a Filipino.

Before I begin my remarks, I would like to know, really, who I'm in the room with. And I'd like to know how many among us are elders. If you could just raise your hand. Gunalchéesh for being among us. I can see a few elders that are reluctant raising their hand.

And I also would like to know how many veterans are among us. Gunalchéesh. You honor us with your presence and your service for our country.

It should be stated how far we've come as a people to be addressing a Native delegation, that whether we have 13 unified regions or not, that you presented yourself to us with your lineage; and I respect that.
I'm reminded, before I start my remarks, of a cartoon I saw a long, long time ago. And when I hear the word "BIA," it always come to mind. It was a door of the area director. And I used to work for the BIA when I was a young woman, so the cartoon made sense then. And on the area director's door it said, "Look what we have done with so little. Imagine what we're going to do with nothing."

(Laughter.)

So take heart that we, as a people, are very resourceful. And I just say that to all of us. We've heard from an elder that spoke and said, "We've always taken care of our people, and we always will."

I really rose because I heard so many comments in answer to the question, "What does this" -- and my own question is this: What does this proposal to create 13 unified regions have to do with suicide? What does it have to do with subsistence? What does it have to do with climate change? What does it have to do with safe communities, with creating more police or having more police in our communities? What does this all have to do with education?
I'm an educator. I'm an administrator in the Juneau School District, and so I'm responsible for the education of our children. And I know the system has failed our children, and that's what compels me to stay in the system, to try to make those bridges. And so we as a people have had to define what education means to us, particularly when those Indian dollars are so few. It really comes down to: What is our responsibility as a clan? What can we do that this system cannot do? And so I really appreciated those that spoke ahead of me. I also wanted to trigger some of those thoughts.

When my clan brother, Will Micklin, Third Vice-President of Tlingit & Haida, spoke, he gave a history of Indian law and events. And in it the takeaway was: How should we trust the BIA when there's been so many failures?

And I wanted to add to that, just collectively, we here as a people, that one of the failures that he didn't mention was the enrollment process. Earlier, or yesterday, our tribal administrator for DIA said that we're defined by our land and by our membership. And our membership is of concern to us because of aging out, and our
children who are following, whose blood quantum is less than a quarter but nonetheless Native. And yet there are those that are Native, like my own children. My husband and I have four children. My husband is Aleut and Norwegian. He's a member of DIA because we lived within the region, but he's not a member of Tlingit & Haida Central Council like me and my children are.

Where I'm going with this is that he, as an Aleut, is very proud to be able to say he's within the region of his own connection, where his mother was relocated in Funter Bay, within the waters of Southeast Alaska, and the trauma that that cost him and his family. But he has a place here, and it's his home.

What happened with our four children is that our first two children, when the BIA got their enrollment papers, only acknowledged the Tlingit side and not the Aleut side. And so on their enrollment they show that they're one-quarter Alaska Native, not one-half.

And so this is impacting their children and my grandchildren and my great-grandchildren to come. So that was also a real failure, and that needs to be addressed. I guess
it's only through an Act of Congress, but the BIA should really take ownership of that and lead in that discussion on how to address that failure.

We heard about the failure of the land grab and how we felt it here and still feel it. And I believe I heard you state, John, that "Come see us afterward about the land that went to the Coast Guard, rather than back to the tribe, Mayflower Island." And I hope that that's what I heard, and certainly we're going to connect with you after this meeting.

But there's also an ultimate failure that needs to be stated, and I see this as a positive with regard to this potential unification of 13 regions. There are some pros and cons to that, certainly; but I think what I heard today is that, regionally, we are unique. We are unique in that we're not a reservation, other than Metlakatla; and that we have to address this in our management of our resources and our land differently.

I usually carry around a Tlingit traditional clan map, and I wish I had it today to show you how complex that is, because it all boils down to, aside from bureaucracy, a clan system that
has to be restored and remembered. And that's part of the education, because all of us represented here, we're the fallout of two cultures colliding. And so we're restoring ourselves, as our tribal administrator mentioned.

So as I look at the three primary functions in this proposal, recreation -- as an educator that has been working at transforming our school to be culturally responsive, I see everything, as do all of us, through the lens of our identity, through the lens of culture. I think about recreation and why that just disturbs me. It disturbs my spirit, just like the word "subsistence," because recreation is certainly for those that have -- that can recreate, that aren't so busy working to try to make ends meet.

But we see -- and that is in the same connotation as sports, sports fishing. But we see it, recreation, as access. It's our connection to place. If I may, for the tribes from Yakutat, I know that they -- when they have their memorial celebrations, it's not a memorial celebration unless they bring the waters from Chicago Harbor to that gathering to honor their loved one who has passed, to move on to the next world. And it's not
a celebration in the Hoonah area, closer to home, unless the seal and other eggs and the like from Glacier Bay are present at that celebration. So it's not recreation. It really is encompassing our way of life. So we, as a people, have to redefine your three primary functions as to how it -- what this may mean to us potentially.

For conservation, I hear "stewardship" and the perpetuation of who we are and our lifestyle; so certainly it's conservation of our waters and our land and our identity.

And permitting -- I heard here about communication, coordination, and really gatekeeping, or the potential of gatekeeping. But I heard "co-management," and that was music to my ears. But in that permitting is something else that's really near and dear to us. As we mentioned, our president of DIA is fishing in the waters right behind our back door here.

But he is one of so few Native fishers. My life and how my family sustains our life is from commercial fishing, but we've lost even in that system. And I know that the Limited Entry Commission is a holy cow. It can't even be
touched anymore. Just like ANCSA, it was supposed to be a social experiment, and it turned against us and then fleeced our Native fishers from accessing that resource to take care of their families, their communities, and their clans.

And so back to permitting. I know it's a far stretch, but it's something that I would like the record to reflect, that this is something perhaps that BIA can look at, at how they have helped, hindered, or whatever the process of limited entry, that's limited us as Native people, indigenous people of this place. Because, really, what this all comes down to is the economics and our sustainability to maintain who we are.

Let me close by sharing that, in my former capacity as the education director for Sealaska Heritage Institute, my niece, Dionne Laiti, and I launched the fishing (speaking in Tlingit) camp. And we envisioned it, and we rolled it out. We brought our results back to the board of trustees, Dr. Walter Soboleff said after our presentation -- he said, "You know what you've done here? You know what you've accomplished here?" He says, "When our children know who they are, they don't kill themselves."
I've softened that word in the many times I've shared his comment, because that's a harsh thing to hear. "When our children know who they are, they don't kill themselves."

And that's what we are striving to survive, the undertow of no longer having access to our lands and our waterways, to continuing the education of who we are as a people. And core to that is respecting one another and their boundaries. It's core to that. And so, as an educator here in this community, I don't let anybody go by without knowing the principal clans, and then acting responsibly and with all the respect and protocols, acknowledging the true people of this particular area, this land.

But where I'm going with this is I don't want you to leave us without knowing how this is all-encompassing. And I apologize for making that assumption that you might not be able to connect the dots, but as a people that is so tied to a place that informs us of our identity and then sets the course of how we interact and communicate, and how we take care of this community around us, I don't want you to leave without knowing that pulse, why we have so many incarcerated, or why we have so
many endangered or in harm from their own loved ones, has much to do with that disconnection to place.

So I just want to charge you, if you will -- and I know it's there. I know, Kyle, you've served our country with distinction, and I know the three of you know this, but I just want to underscore it again, because this is the opportunity to do it. That just like Mr. Wolfe said, I don't hear "people." I don't hear the connection to place. And that's what our dictate by our forebearers is. This is our identity here that we're standing on.

And so when you go back and you look at and consider what's been said here, know that, for me, personally, that I see opportunities of co-management. I see opportunities for redefining your primary focus to be so integral to sustaining who we are as a people, not just of Alaska but through all the United States.

And so thank you, again, for coming here. And thank you for serving all of us with distinction. And we'll keep you in our prayers for safe travels and to continue to be guided by the one sovereign God. Gunalchéesh.
JOHN TAHSUDA: Thank you very much.

VICTORIA DEMMERT: Good afternoon.

My name is Victoria Demmert. I'm a council member of the Yakutat Tlingit tribe, and I come from the Raven Owl House. My real name is (speaking in Tlingit). And I really want to thank the people of the Taku that we're able to stand on their lands, their tribal lands. And we thank them for allowing that. And we always recognize whose land that we stand on. Gunalchéesh.

I think the message that you wanted to bring to us has been lost in the paperwork that you gave us. You gave us the message from the Department of the Interior. You didn't give us the message from the Bureau of Indian Affairs. And what you really want to know is: Do we think it's a good idea for you to be regionalized with the rest of the Department of the Interior; is that correct?

JOHN TAHSUDA: Yes.

VICTORIA DEMMERT: Okay.

JOHN TAHSUDA: Yes. So --

VICTORIA DEMMERT: But --

JOHN TAHSUDA: -- would the BIA regions be part of the common regions for the other
bureaus, so would they be readjusted to the same as theirs?

VICTORIA DEMMERT: Right. But all the paperwork we have has to do with the Department of the Interior; and since we are only speaking to the Bureau of Indian Affairs, what we want to know is, how does that affect the Bureau of Indian Affairs and, therefore, affect us? And that got lost for quite a while with me in looking at this and looking through it. And I kept saying: So what is the Bureau of Indian Affairs -- they apparently want to do this, and communication is good within the department.

The questions that we feel are going to affect us -- as you said, nothing will change with what you have -- what you're doing now. Communication is good. And we're trying to communicate to you now that we don't want to see you not just have -- not change; we want to see you, as an entity, recognize who we are and what our needs are. And we want to see better and we want to see more partnership, and us actually working together, not having things done for us, because we can do for ourselves if we have the opportunity.
And so those are the things we want to see. We want to know: How long is this going to take to implement? How much will it cost? And we definitely don't want to see any money being taken from the bureau, because it doesn't have enough money as it is now. And so if that's going to come out of our services, we're not going to be in favor of it.

And then looking at your map, I notice that it's deceptively small where you show Alaska. Now, Texas, which is a small state, has its own region. But there's -- Alaska probably is two regions. When you look at the diversity of Alaska, and then you try to lump it all in one, did you consider making it two regions? Because you're northern and western regions are very much different from your interior regions and your southeast regions. And I'm wondering if that was something that was considered or not.

So that's one of the things that I have in question.

JOHN TAHSUDA: Can I answer that right now?

VICTORIA DEMMERT: Yes.

JOHN TAHSUDA: Because I think it's
simple. No, because for this reason. All of the bureaus actually have Alaska as a region already. And so, in practical effect, it's already a unified region. So I don't think anybody wanted to take on the task of further dividing it and figuring that out. But the idea was, can we just work better in Alaska? And in that sense this is like a pilot project. Can we get the bureaus working even more closely?

I would guess there's probably as good a communication amongst the bureaus, the different bureaus here in Alaska, as there is in any other region that we have, just because of the fact that there has been, essentially, one unified region here, in a sense. And the bureaus have been operating together in that region, so that you have -- you know, you have one regional director for every bureau here, and at some point they get to know each other and the different staffs. So I would suspect that there's been better communication here than we've had in other regions, but I'm sure it could always be better.

VICTORIA DEMMERT: Well, one of the things that I think you should consider is adding to your staff without costing the tribes, going back to
Congress and really fighting for the money and
saying why, because we have climate change hitting
us very badly in so many areas of Alaska. And in
Yakutat, we haven't fished yet. We haven't been
able to commercially fish, and they're not letting
us subsistence fish in our rivers.

And you've got, you know, 229
tribes, and a lot of things happening with fish and
wildlife and with homes being lost to climate
change. There's a lot of things that are happening
that we really need attention to. So we want you
to think about that and not just try to run with a
skeleton crew, because we might have a small
population, but we have a lot of big problems.

Thank you.

JOHN TAHSUDA: Thank you, Ms. Demmert.

So let me just quickly try to
address that. So I think that one of the
concepts -- and, again, you know, it may be -- it
may facilitate this better in Alaska just because
we're ahead of the game as far as a common region;
right?

So at the end of the day,
realistically, we get a budget given to us by
Congress, and we do what we can with it. So if there is cost savings -- one of the concepts with this is, if there are cost savings, if we can make decisions better, if we can have better coordination, that would hopefully -- and with better communication -- that would hopefully free up resources.

There were other things that -- I think Kyle mentioned this at the beginning. So there are some other things that could come sort of down the road in a second step, such as -- not just co-location of offices. That will take a significant period of time. We have leases that we're in; right? We can't just break those, so that will take some time.

But there are like back-office functions, HR functions, IT functions right now that -- most of the bureaus do their own, so there are certainly also some efficiencies that could be run out of that. And the Secretary's commitment is that if there are cost savings, resources -- you know, more resources that are made available out of the current pool -- we're not anticipating getting a whole bunch of new resources, but if there are resources that become available out of that pool,
that they will stay in the region, to be used in the region.

And if we realize cost savings, they would stay in our bureau in the region. For the others, the same. If there are -- I mean, in some sense, things like NEPA, biological opinions, et cetera, they really shouldn't be -- there shouldn't be a divergent view, really, between the bureaus on those, in my view. I'm sure, if you get down to the weeds, they may perceive some differences. So, you know, with guidance, maybe, from our bureau on what the particular needs of the tribes are -- but if Fish is doing one, then we shouldn't have to put a lot of our own staff into doing an environmental or a biological review; right? We should just be able to help guide them where they need to go.

And so, in that sense, you know, it's possible that we will see sort of a resource savings there as well, in the sense of that maybe if we had to do all of our NEPA stuff separately from everybody else, we might need four more staff to do that stuff. I'm just throwing numbers out there. But in this case, since there would be more coordination, where we're more closely working with
the other bureaus, maybe we don't need those four additional people. And if we get more resources to hire people, maybe Gene can put that into something else -- probates, et cetera, something like that that we also really need, and that we can't share that resource with the other bureaus.

So that's a potential. And, you know, for those who are looking for data, we don't have any data worked up on that, because that's sort of a future possibility. And when the time comes and we can talk, in a second-stage discussion, about what that might entail, hopefully we can get more information, because I think you probably have as much information as we do in the region on how that would work for you and what more resources might or might not be needed in any particular area.

I thought I had a second thought, but now it's gone, on that front. So, anyway, that would be, hopefully, one thing that might be a positive outcome of this effort.

Yes, sir.

PETER DEMOSKI: Good afternoon. My name is Peter Demoski. I'm from the Nulato tribe. I'm a Koyukon Athabascan from the Middle Yukon
River. I want to thank the Tlingit & Haida Indians for allowing me to come to your land and address the Department of the Interior.

I've been listening to speakers for the past three and a half hours, and they have touched on the need for tribal consultation. In the short period of time for this tribal consultation for tribes to be here, we've heard land and security. We've heard the need for the Department of the Interior to directly consult with tribes in everything that they do regarding reorganization.

In the late '80s and early '90s, the fathers of self-governance weren't the BIA people or Department of the Interior people. There were Indian leaders like Joe Delacruz, Joe -- I forget his last name -- Ron Allen, and several other Indian leaders. They developed a self-governance demonstration project, and it worked.

When the Department of the Interior recognized the tribes in Alaska in 1993, that's when I became involved in tribal self-governance and self-determination. And I went to these meetings with Joe Delacruz, Joe Garcia --
that's who I was talking about -- and Ron Allen. And they were often in contention with the BIA people at these demonstration project meetings. But the Indian leaders kept telling the BIA, "We're not your enemy. We're trying to help you." And they proved to the BIA that Indian country can provide programs for their people better than the Department of the Interior could.

So it became my mission in my small tribe of Nulato -- 260 people -- to advance self-determination and self-governance, and I did. And I did it better than the BIA. And I was able to employ a number of people after I went compacting with the federal government.

After I retired, some of those employees were still there after 18, 19 years. Those employees thanked me for giving them employment where they could remain in the village, raise their families, see their families graduate from high school and go into the military or further their education. That's what self-determination, self-governance can do.

So in your reorganization process, you need to implement tribal self-determination to its full extent for the people all over the United
States. I recognize that, through self-governance, a tribe can determine its own destiny and have the opportunity to provide maximum employment for its tribal members.

Like I said, I'm just from a small tribe, 260 people, but through the compacting process, we still have a number of -- 12 employees in the village. Without self-determination, we wouldn't be able to do that. We would still be under the BIA Memorandum of Agreement or something like that.

I have here a list of analyses developed by Tanana Chiefs Conference. I'm also the elder advisor on the Tanana Chiefs Conference, the nonprofit regional corporation in our area. I won't go through the whole analysis, but I just touched on one, the need to elevate tribal self-determination. I know John. I didn't expect to meet you so soon after just meeting you last week in Fairbanks. I met Gene a couple years ago in your past role as a subsistence manager for Alaska. And I'm hearing people congratulating you for your promotion to regional director. I don't know if that's a promotion or a demotion.

(Laughter.)
All right. I'd like to leave just an analysis from TCC with you, and I'll just repeat what other speakers have said. This tribal consultation notice came to us so short that we lack many of the 220 tribes in Alaska in here who should be here. And that's my closing comment. But whatever you do in reorganization, we need to see the draft as soon as you get it printed, and give us time to comment on it. That's tribal consultation.

Thank you.

JOHN TAHSUDA: Thank you, Mr. Demoski.

So we're a little bit past the original closing time for the consultation; but we got off to a late start, so I'm happy to stay here a little bit longer. I know there are some folks that need to head out at some point to catch planes. So if you have closing thoughts and stuff, we'll go ahead and take those. And then hopefully we can wrap up in about 15 or 20 minutes.

And, again, if there's anybody else that hasn't yet had a chance to speak as well, I'd appreciate it if you would jump up before we try to close out again. I want to try to close out
here in about 15 or 20 minutes.

    Thank you.

    WILL MICKLIN: I'm happy to yield
to anyone that hasn't spoken yet.

    So I'll be brief. Will Micklin,
Third Vice-President, Central Council Tlingit &
Haida Tribes of Alaska.

    So I just wanted to express my --
that I am struggling with the map-driven plan, that
it seems to me that there's a map that describes
the reorganization effort and then all the
pertinent functions that are the mandate of each of
the bureaus, but then the department will be
reconciled after you divide up the map for the
department. And that, to me, seems like a
challenged path as a way to proceed.

    So, I mean, just -- there are
different ways to divide up a map equally, as
arbitrary as this effort appears. Southeast Alaska
is about the size of the state of Indiana. So if
you overlay it on the Lower 48, it's about half the
size of some of those other regions. The state of
Alaska itself is more than a third, maybe
45 percent of the entire Lower 48 land base.

    So if I thought that there was an
allocation of resources commensurate with the map footprint for each of the regions, then great. Alaska would be receiving a significant additional influx of resources and capacity, but I don't see that as a result of the reorganization. You could as well divide up, let's say, by number of tribes. 226 or so in Alaska, 111 in California. You could have those two regions, and the rest of the Lower 48 could be a third region. That's equally as rational, I think, as the map that we're looking at. You could go by population. Again, likely California and Alaska would be two regions. The rest of the United States, another region.

So I think relying upon a map to be the starting point for a subsequent reconciliation, without really doing a thorough analysis of the real mandate and functions expressed through key performance indicators that would tell you what the effect and consequence of an exercise like a reorganization would be -- how that would result, what the outcomes would be -- would seem to be proceeding without a business plan, and that's what Vice-President Edwards was referring to.

So if you looked at those key
functions, like leasing of federal lands within
your Department of the Interior authority,
including agricultural leases, mineral leases,
grazing permits, recreational uses, various uses
for the lands, easements, rights-of-way,
transportation within those land areas, irrigation,
water rights, the responsibilities as a landlord --
and BLM is a principal landlord within the United
States government -- mineral development, mineral
leasing, reserve rights of the United States in
contest with the reserve rights for federal lands,
which is often in contest with the rights of states
for state-held lands.

So all of those, to me, seem to be
more determinate than a map-based approach to
reorganization. If one were to divide up those
functions and say, for example, that you would
consolidate environmental assessments and impact
statements under NEPA, well, given that the
structure of environmental law under NEPA is really
species-driven, single-species-driven -- Fish and
Wildlife Service, the Migratory Bird Treaty Act,
the Golden Bald Eagle Protection Act, the Lacey
Act -- when they conduct their environmental
review, it's based on the mandate under statute in
U.S. code that they are bound to protect.

If they, then, share their environmental process and do it for us, are they protecting Native people, or are they protecting a single species? Their practice is in single species. We've often been in contest with BLM environmental assessments, Fish and Wildlife Service environmental assessments, other organizations that don't have the interests of the Indian as the paramount interest to be protected in the environmental document. And it's been a real struggle to apply a rule of reason to that environmental process where that primary interest would prevail for the Indian, its tribal government, its communities, in contest with the overriding priorities for other departments and bureaus where they seek to protect their mandate.

So I think I would -- my point here is, it's very difficult for us to provide consent to a plan that, to us, seems really based on an arbitrary determination of what a map would look like, and then subsequently looking at reconciliation of outcomes for unintended consequences that, at this point, may be known or may be unknown or essentially could be unknowable
until the consequence itself would arise and, therefore, subject ourselves to an unmitigated and unbound risk in agreeing, consenting to this process moving forward.

On that basis, we've expressed our opposition to the reorganization until there could be presented to us a plan, a model, and analysis with real indicators of what the consequences are, how we address them, how we resolve them, and what resources we have moving forward.

There is, we think -- at least we seem to appreciate that there was a reduction in the President's proposed budget based on cost savings with reorganization. If that doesn't occur, then we would hope those funds would be restored if, in fact, the reorganization for the BIA does not move forward.

We understand that we have to operate within the funding that the Congress provides. It would be most helpful if the President would propose a budget that is not a significant reduction below what the Congress has demonstrated that they are willing to approve and enact. There has been a great disparity, where the President's budget has been much lower, and the
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Congress has stepped up and protected tribal interests by restoring those cuts.

A first step in good faith, we think, is moving the President's proposed budget, which has great impact, to levels that the Congress is willing to protect, and then move forward to providing those resources to those areas where -- that we need to use to address the outcomes of reorganization, which the department seems intent on moving forward.

As you stated, the department is going to reorganize. It's a question of whether or not we want to be a part of it. It's very difficult for us to, I think, fully appreciate that if the bureau doesn't -- is not part of the department reorganization, then how the communications, the essential, both statutory and mandated, functions as well as those that are provided under federal policy, like the federal Indian policy and the federal trust responsibility, are protected and accommodated as we begin to understand what the real consequences are, which, you know, at this point, I can't begin to understand what those would be.

So I'm hopeful you understand that
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Central Council is not attempting in any way to impede what the department believes is a reasonable and rational approach to improving the function of the department under the mandate provided to it by the Congress. At the same time, there is a mandate provided on a government-to-government basis with tribes. Governments don't tell other governments what they can and can't do; they seek consent. Consent does not mean that you show them the plan, and that is -- that discharges your checklist of trust responsibility and consultation and move forward with what you want to do.

We think there should be a rational basis for the plan, and a plan for accommodating those needs that, if the plan moves forward, which it seems apparent to us that it is, how we can accommodate those concerns which necessarily arise because of the change in business operations for the rest of the department, while we proceed under what has been demonstrated as an insufficient and unmet need of what we demonstrated as our need and what has been accomplished.

I cited a number of significant studies since 1934 in my earlier testimony. That does not include inspector general reports, reports
by the Congress, reports by the media and others that flesh out the total opinions and analysis of what has gone wrong in the past and how it could be improved.

But I would point you back. There have been federal dollars, significant federal dollars and efforts spent on prior studies. Most of those studies were very rigorous and provide very specific recommendations and processes for improving the relationship between our trustee and us tribes as the trust beneficiary. It would seem to me to be a prudent use of federal funds, rather than to reinvent, to go back, cite those studies, and use that analysis to inform the plan moving forward.

I don't see that that has occurred, and with the -- I understand that there may have been consultation amongst the bureau heads and the senior executives servicing the department. With the number of actings that sit in decision-making positions within the department and its bureaus, it's very difficult to think that there is a sufficient planning that has occurred. If that's not the case, then I'd be happy to be pointed to a real business plan and model for
operations that accounts for all of the concerns expressed, not just today but throughout the consultation process for the reorganization plan.

    So with that, I thank you.

    JOHN TAHSUDA: Thank you, Mr. Micklin.

    Anybody else? Going once. Going twice.

    Well, thank you. I appreciate your time in coming here, and -- did you have a comment, Ma'am? Certainly.

    LORETTA MARVIN: Oh, I'm real short. Here we go. Loretta Marvin. Everyone calls me Betty. Douglas Indian Association. I'm a family caseworker. (Speaking in Tlingit.) My Tlingit name is (speaking in Tlingit). I'm a Tlingipino, which meals half Filipino and half Tlingit. And I know quite a few can relate to that.

    I've been around for many, many years, and I've seen a lot. And I was just thinking about the old warriors that used to -- and this was many years ago. But I had an aunt named Amy Hallingstad, and I have a letter that she wrote, I believe, in 1944, or in the '40s. And the letter is addressed -- and I believe I still have a
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copy of that letter. And it was addressed to the Secretary of the Interior. And she was Grand Camp President for the ANS Camp 16 in Petersburg, Alaska. That's where I hail from.

But she wrote this letter, and she told, you know, the Secretary of the Interior everything that was wrong and what help that our people needed. She was quite -- she had a lot of humor and a lot of wit, and she could put you in your place in a nice way, in a comical way; but she got her point through.

And I admire people like that, because our strong warriors that we had, this was in the days of -- I don't know if you would remember or know, but William Paul, Walter Soboleff, Elizabeth Peratrovich. You know, these were tough warriors.

And the letter that she wrote -- and I have the copy, where she says, "Our children are starving. Our hunting is poor. We have no employment. The fishing has been taken away from us." And they fought at that time to take the fish traps out because it was hurting the fishermen. I mean, you know, when I'm sitting here, listening to everything that's being said, it almost seems like
nothing has really changed that much, you know. And it's sad to see.

I admire all our leaders that we have now, the ones that come forward and stand forward. And I see a lot of the children of our leaders. And, luckily, we have the Cadientes. Their mother is, well, 91. 91. She was one of the warriors. And there was Bob Sanderson. I think his father was one of the warriors.

So I've been there for a long time, and I'd like to see, you know, a coming together. I didn't understand why we were here at first. And I've listened to some of the younger ones get up, and I wish -- I wish that you will listen to what they're saying. Hopefully that will come to something good out of this and make some of these old warriors not turn in their graves but be happy.

JOHN TAHSUDA: Thank you, ma'am.

Anybody else?

Again, thank you for your time.

And I know for some of you it was a challenge getting here. I appreciate that greatly. We will have another consultation -- we have several more coming up in the Lower 48. If you have an
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interest, we'll also have one in Seattle.

What's the date on that, Elizabeth?

ELIZABETH APPEL: August 23rd.

JOHN TAHSUDA: August 23rd? August 23rd in Seattle. I know that's also a trip for many of you; but if you wish to come and comment again, please do so.

We appreciate everything that you've said. We've got it in the record, and it will be part of our internal discussions. We have a process. Once we have reached the end of the consultations, there's a comment period. We close that, and we get -- if, for your purposes, you want to review the transcripts when they go online, you'll be able to look at those as well.

And I'm going to add this too. You know, we have to, sort of for our administrative purposes, have like a comment period and close that; but you can certainly not feel bound by that. You can send your comments to the department. You can send them to the Assistant Secretary. We'll always consider those. And if they're relevant to this conversation, they will inform us as we discuss this as well.
So we look forward to getting your comments, additional ones in. I've got one written one here that we will make part of the record as well.

And we'll close this out. Thank you very much.

(Tribal Consultation concluded at 1:32 p.m.)
CERTIFICATE

STATE OF ALASKA )
FIRST JUDICIAL DISTRICT ) Ss.

I, LYnda BARKER, Registered Diplomate Reporter and Notary Public duly commissioned and qualified in and for the State of Alaska, do hereby certify that the foregoing proceedings were taken stenographically before me and thereafter reduced to typewriting by me or at my direction.

That the foregoing transcript is a full, true and correct transcript of the proceedings, including questions, answers, objections, statements, motions and exceptions made and taken at the time of the foregoing proceedings.

That all documents and/or things requested to be included with the transcript of the proceedings have been annexed to and included with said proceedings.

That I am not a relative or employee or attorney or counsel of any of the parties in these proceedings, nor a relative or employee of such attorney or counsel, and that I am not financially interested in said proceedings or the outcome thereof.

IN WITNESS WHEREOF, I have set my hand and affixed my Notarial Seal this 21st day of August, 2018.

______________________________
LYNDA BARKER, RDR,
Notary Public for Alaska
My commission expires: 5/6/2020