

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

BIPARTISAN INFRASTRUCTURE LAW
TRIBAL CONSULTATION
(Volume 2)

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P R O C E E D I N G S

(2:03 p.m.)

MR. NEWLAND: Great. Thank you, Rachel.

(Speaks in Native language) My name is Bryan Newland. I am assistant secretary for Indian Affairs here at the Department of the Interior, and I greeted you by saying hello to all my relatives and good day. And just a reminder that January is almost done. The days are getting longer. The weather is getting warmer in many places. And brighter days are on the horizon. I'm glad to be with you today and so many colleagues from the Department of the Interior and the federal government on this government-to-government consultation for how we implement the President's bipartisan infrastructure law funding streams through the Department for Tribal Nations.

Before we begin, I want to make sure that we start this conversation off in a good way as we always try to do when we're gathered together and discussing important matters. And

1 toward that end, I want to invite my friend
2 Governor Michael Chavarria from the Santa Clara
3 Pueblo onto the screen to share some words of
4 blessing for all of us. Governor?

5 MR. CHAVARRIA: Well, thank you,
6 Secretary, and thank you Assistant Secretary
7 Newland as well. First I want to ask in my Tribal
8 language for permission to speak and then I'll
9 begin, all right? (Speaks in Native language).
10 Again, in my language, I just asked permission to
11 speak, Secretary, or Assistant Secretary Newland.

12 MR. NEWLAND: Yes, sir, Governor, thank
13 you.

14 MR. CHAVARRIA: Thank you. That's how I
15 was taught to show that respect to leadership,
16 asking for permission to speak and not just speak
17 out of turn. So, with that, (speaks in Native
18 language).

19 So, again, out of respect, Secretary,
20 Assistant Secretary, and staff, my fellow brothers
21 and sisters, staff on the call, in my Tribal
22 language, I just asked the Creator to come down

1 and join us this afternoon for this very important
2 meeting with the Secretary and the Interior staff.
3 It is very important that we have this respect for
4 one another. We're still living in these
5 challenging times that the Creator Spirits work
6 their magic in that belief to wash this sickness
7 away. It's still plaguing all of us, which is
8 unfortunate.

9 But we have to maintain that belief and
10 the love, the care, and respect for each and every
11 one of us. But importantly, our children. And
12 it's up to our staff that they do this day-to-day
13 activity on our behalf for our people, our lands,
14 our waters, our animals, for our traditional
15 culture, religious activities that we still
16 undertake today, for the future. And so, this is
17 very critical that these type of sessions are
18 important to then mention to speak, ask questions,
19 so you know exactly how things are going to
20 transpire, how things are going to work and the
21 relationship government-to-government with us as
22 political Tribal sovereign governments is very

1 critical as it pertains to this many funding
2 opportunities and projects. Not only with
3 Interior, but across the federal agency spectrum.
4 So, with that, Secretary, Assistant Secretary, I
5 did want to interpret my prayer this afternoon.
6 And with that, the meeting has now respectfully
7 opened and started, okay? Thank you.

8 MR. NEWLAND: Thank you so much,
9 Governor Chavarria, for your words today and
10 sharing a blessing with us. At this time, I want
11 to turn it over to our leader here at the U.S.
12 Department of the Interior, Secretary Deb Haaland.

13 SECRETARY HAALAND: Thank you so much,
14 Bryan. Thank you so much, Bryan. And thank you
15 very much, Governor Chavarria, (speaks in Native
16 language), for your prayer and I'm just really,
17 really happy to be with all of you, (speaks in
18 Native language), and honored to welcome you all
19 to the Department of the Interior's Consultation.
20 I am in New Mexico, the ancestral homelands of the
21 Tanoan and the Tiwa people here from my kitchen in
22 Albuquerque.

1 First, I want to thank you all for
2 participating in this important consultation,
3 which will help the Department of the Interior
4 gain your valuable input as we look to implement
5 transformational investments in the President's
6 bipartisan infrastructure law.

7 When our country was thrown into a
8 global pandemic at the beginning of 2020, it
9 brought to light generations of the federal
10 government's broken promises and neglect for
11 Native Peoples. Lack of infrastructure investment
12 over years and years left indigenous communities
13 without running water, internet connectivity,
14 access to healthcare, and public safety, and so
15 much more. All of the things that we needed to
16 battle the pandemic. This was not news to Indian
17 country. For generations we had to fight for
18 every inch of self- determination, consultation,
19 and investment and often learned to expect those
20 broken promises.

21 But we are in a new era. And the
22 bipartisan infrastructure law is a turning point.

1 This is a once in a lifetime, \$13 billion
2 investment in indigenous communities. With it we
3 can re-envision our future. We can build roads
4 and bridges, install water infrastructure,
5 transition to clean energy, and bolster climate
6 resilience. It's an investment in the idea that
7 we cannot only reshape our future, but also
8 safeguard the wellbeing of our elders,
9 communities, and future generations.

10 Today's consultation will further center
11 your voices in this important work. As we move
12 forward in service to that goal, we do so with the
13 support and commitment of President Biden and the
14 entire Biden-Harris administration. Each cabinet
15 agency is committed to meaningful Tribal
16 consultation, fulfilling our trust
17 responsibilities, and strengthening our
18 Nation-to-Nation relationships across all areas of
19 the federal government. As someone whose story is
20 not unlike many of yours, I know how much this
21 means to indigenous communities. This is an
22 historic opportunity to lend our voices to

1 decisions that impact our families and our
2 communities through the administration's
3 all-of-government approach, the consultation in
4 which indigenous people are consulted before
5 policies are developed instead of after they have
6 been determined.

7 Together we're working to ensure that we
8 are grounding decisions in our shared heritage
9 using traditional knowledge and always, always
10 mindful that Tribal leaders are the ones who know
11 best how to help their own people. I want you to
12 know that the Department is committed to working
13 with you. And we're eager to hear your voices and
14 priorities during this consultation. And know
15 that we will put those voices and those
16 suggestions and those ideas to work for you.

17 Thank you for everything you do every
18 single day to care for your people and your
19 communities. Please know that my door is always
20 open to all of you. Now, it is my distinct honor
21 to introduce President Biden's senior advisor and
22 infrastructure coordinator, and my friend, Mayor

1 Mitch Landrieu. Thank you very much. (Speaks in
2 Native language)

3 MR. LANDRIEU: Thank you, Madam
4 Secretary. I really appreciate it. And, Governor
5 Chavarria, thank you so much for that wonderful
6 introduction. And good afternoon and thank you to
7 all of the Tribal leaders for joining. And just
8 thank you so much for the incredible leadership,
9 Madam Secretary, that you have shown on behalf of
10 the President relating to the Infrastructure
11 Implementation Task Force and the operations of
12 such a very important Department of the Interior.

13 You know, when President Biden came into
14 office just over a year ago, he pledged to use the
15 power of the presidency to help everyday Americans
16 to bring people together and to really rebuild our
17 country. And with this bipartisan infrastructure
18 law, President Biden is delivering the largest
19 investment in infrastructure in a generation, and
20 the single largest investment in Tribal
21 infrastructure ever. More than \$13 billion
22 directly to Tribal communities, and billions more

1 dollars that Tribes are eligible for.

2 A little more than 60 days ago, our team
3 hit the ground running to deliver results. We
4 have now convened the task force made of the
5 cabinet a total of eight times. The last meeting
6 we had was with the President. We're discussing
7 hard questions seeking to flush out the tough
8 stuff first. I'm a big believer in running to the
9 fire in that way. We're trying to breakdown silos
10 across agencies on guidelines, on permitings, and
11 on hiring so we can make it easier for you. This
12 is a one team, one fight, one mission. And we're
13 going to operate in that way. Our team is here to
14 be problem solvers, to deliver, to build the team
15 to help tell the story. And, ultimately, we want
16 to help people take advantage of this great
17 opportunity to build a better, stronger America.

18 Now, as a country, we haven't spent this
19 kind of money on infrastructure in generations.
20 So, we're talking about how to do it with
21 accountability, on time, on task, on budget,
22 spending taxpayer dollars both wisely and well.

1 I've had the opportunity to speak with a number of
2 Tribal and Alaska native leaders since taking this
3 position. And have learned about the tremendous
4 diversity of native communities and about the
5 unique needs and challenges related to building
6 and improving Tribal infrastructure.

7 This administration is committed to
8 honoring Tribal sovereignty, strengthening
9 self-determination, and fulfilling the federal
10 trust in treaty responsibilities to Tribal
11 Nations. And I can assure you that the Tribal
12 Nations will continue to be key partners as we
13 seek to better understand those challenges, seek
14 innovative solutions, and invest critically
15 important resources to empower your communities.

16 So, in closing, let me just say the
17 President has been clear in his charge to me.
18 Rebuild America's infrastructure without
19 unnecessary bureaucracy and delay. While at the
20 same time, doing what is difficult for the sake of
21 doing what is right. Creating good middle-class
22 jobs, investing in American manufacturing, and

1 building capacity here at home. Supporting
2 disadvantaged and underserved communities so that
3 no one and no community is left behind. And
4 advancing climate resilience and sustainability.
5 It's an honor to be with you here today and I look
6 forward to receiving your input in today's
7 consultation. Have a wonderful day and I look
8 forward to listening.

9 MR. NEWLAND: Thank you so much, Mayor
10 Landrieu, for joining us today and sharing your
11 time with us to exemplify the President's
12 commitment to consultation and to getting this
13 infrastructure bill right everywhere in America
14 for all Americans.

15 At this time, I want to now turn it over
16 to Deputy Secretary Tommy Beaudreau.

17 MR. BEAUDREAU: Thank you Assistant
18 Secretary Newland and thank you all of you. It is
19 an honor to join this group of Tribal leaders
20 today to talk about the Department's work in
21 implementing the bipartisan infrastructure law,
22 and it's an honor to participate in this

1 consultation.

2 This consultation is an important part
3 of the Biden- Harris administration's
4 all-of-government approach to strengthening our
5 government-to-government relationships with Tribes
6 as President Biden directed us to do when he
7 issued his memorandum just over a year ago.
8 Today, we will consult on the \$20 billion
9 investment through Department of the Interior
10 programs included in the bipartisan infrastructure
11 law.

12 This investment includes \$466 million
13 for Tribal climate resilience in infrastructure to
14 support community-led transitions for the most
15 vulnerable Tribal communities, including climate
16 adaptation planning, ocean and coastal management
17 planning, capacity building, and where necessary,
18 relocation, managed retreat, or protect in place
19 planning to address climate risks, \$2.5 billion
20 investment in Indian water rights to fulfill the
21 government's obligations. As well as programs
22 that make Tribal communities eligible for

1 resources to support building resilience to
2 wildland fire and draught, restoring ecosystems,
3 enabling fish passage, and addressing legacy
4 pollution from abandoned mines and orphaned oil
5 and gas wells.

6 Today, Interior Department leaders will
7 provide you with presentations to give more
8 clarity about the law and Interior's work to
9 implement funding opportunities under the
10 bipartisan infrastructure law. We'd also like to
11 hear from you about ways we can work across Indian
12 country and the federal government on technical
13 assistance to unlock resources under the law,
14 including through the Departments of Energy,
15 Transportation, EPA, Agriculture, and Commerce.
16 As we move forward, we welcome this ongoing
17 discussion and collaboration so that we can
18 continue to build trust and honor the federal
19 government's trust responsibilities.

20 Thank you very much and we look forward
21 to hearing from all of you. I turn it back to
22 you, Assistant Secretary Newland.

1 MR. NEWLAND: Thank you so much, Deputy
2 Secretary. So, at this time, we're going to walk
3 through as the Deputy Secretary noted, we're going
4 to walk through some brief presentations from all
5 the different offices here at the Department of
6 the Interior that have Tribal funding provisions
7 through the infrastructure law. I see we've got a
8 couple of folks with their hands raised already
9 for comment. We're going to get through this in a
10 relatively quick fashion and get to the Tribal
11 comment portion of this. But we want to make sure
12 that we are sharing some of the things that we are
13 proposing as a potential spend plan through the
14 Department. And with that, I will turn it over to
15 the Commissioner for the Bureau of Reclamation,
16 Ms. Camille Touton.

17 COMMISSIONER TOUTON: Thank you,
18 Assistant Secretary Newland, and good morning and
19 good afternoon to our Tribal leaders and our
20 stakeholders who are joining us today. As the
21 Assistant Secretary mentioned, my name is Camille
22 Calimlim Touton and I serve as the Commissioner

1 for the Bureau of Reclamation. I will be covering
2 the provisions in the law that relate to western
3 water, as well as touch on the Water Rights
4 Settlement Fund as part of this conversation.

5 First, I'd like to thank Secretary
6 Haaland for her leadership and, certainly,
7 everyone who supports for the provisions in the
8 Bureau of Reclamation title. This is a once in a
9 generational investment in the water and power
10 infrastructure in the West. And I know many of
11 you have participated in several of the
12 stakeholder sessions that we have held since
13 enactment of the law in December and January.
14 Those informations are recorded and we have more
15 information on our website too at
16 www.usbr.gov/bil.

17 Since enactment in those stakeholder
18 sessions, one is to share that January 14th we
19 released our first spend plan for the first \$1.6
20 billion of the \$8.3 billion that was allocated to
21 the Bureau of Reclamation. So, if we could just
22 switch to the next slide, please? So, with \$8.3

1 billion over 5 years, the focus is really on using
2 all the tools that we can use in dealing with
3 climate change and draught across the West.
4 Includes water recycling, water storage, fixing
5 our existing infrastructure, and aging
6 infrastructure, rural water projects,
7 desalination, dam safety, WaterSMART grants,
8 draught contingency planning, specifically to the
9 Colorado River, watershed management, aquatic
10 ecosystems. And really there are many
11 opportunities for our Tribal partners to
12 participate within all of those. And, certainly,
13 there's some limitations, but we can walk through
14 those as well. We'll touch on, as well, Division
15 G, Title I, which is the completion of the
16 congressionally authorized Indian Water Rights
17 Settlement Fund.

18 Next slide, please. Here is a great
19 summary of Title IX for the reclamation
20 provisions. As you can see, they're broken up
21 into three different kinds of how they can be
22 distributed. Some of them are funding

1 announcements. And some of them are internal
2 formulations using our criteria like dam safety
3 and rural water. And then there's certainly
4 others that are in application period.

5 Three things to flag for you that we
6 also announced in January, two weeks ago, were
7 several funding announcements. One for Title XVI,
8 water reuse and recycling, both traditional Title
9 XVI, but also WIIN Act Title XVI. That closes on
10 March 15th. We also announced a funding
11 announcement for desalination at \$15 million as
12 shown in the bill but could grow once we get our
13 mark from Congress on our FY '22 budget. So,
14 there's three there for water recycling,
15 desalination. But there's another fourth one,
16 which is an application period for aging
17 infrastructure. That closes next week. That was
18 released in December. Again, more information on
19 that we can provide on our website as shown on
20 this slide.

21 Next slide, please. I know we've had
22 this conversation already, but certainly these are

1 some of the questions that we would appreciate
2 your comments and your feedback as we look to
3 formulate our spend plans in the future, but
4 certainly, how we shape those in this current
5 fiscal year. What you'll see in our budget for
6 our spend plan is most of those that are at
7 programmatic levels. So, we're working through
8 some of the specificities as far as projects,
9 especially as it relates to rural water projects.
10 And some of the storage projects as well. And as
11 we formulate for new authorities like watershed
12 health in aquatic ecosystems, your partnerships
13 and your comments is of value to us and we look
14 forward to connecting with you on there.

15 Also, if you have any specific projects
16 as it relates to your project, please email us,
17 usbr.bil@usbr.gov. We have a team who is also on
18 here, our project management implementation team
19 leads, Matt Maucieri (phonetic) and Beth
20 Hughes-Brown. There's a group of us who have
21 access to this who are answering those questions
22 in real time. And so, please reach out should you

1 have any specific questions to any project
2 specifics as it relates the implementation of this
3 law.

4 Next slide, please. This covers the
5 \$2.5 billion that was authorized as part of the
6 bipartisan infrastructure law. This is to
7 complete already authorized congressional Indian
8 Water Rights Settlement Fund. This slide shows
9 the specific language within the law and this is
10 something that we are working very closely with
11 the Secretary of Indian Water Rights Office along
12 with BIA, because this isn't just the Bureau of
13 Reclamation.

14 Next slide, please. This is where it is
15 a good place to find which enacted settlements we
16 are considering under the fund. Many of these
17 settlements have been funded, but there are
18 several with balances to complete or that are
19 ongoing obligations such as operation and
20 maintenance and replacement costs. So, those are
21 all things that we're considering as we're
22 developing the plan for this specific fund.

1 Next slide. So, I just want to also
2 leave you with two questions that we are looking
3 for feedback on. What factors should the
4 Secretary consider in determining the sequencing
5 and timing of the distribution of the fund? And,
6 certainly, the second question, should it be paid
7 out immediately? Should some funding be held back
8 in the event that the 34 settlements enacted as of
9 November 15 could potentially need additional
10 funding from future authorized amendments?

11 Next slide, please. That might be my
12 last slide. So, thank you again for the
13 opportunity to discuss the western water
14 provisions, as well as the Indian water rights
15 settlements provisions. We look forward to our
16 continued partnership with you and certainly look
17 forward to receiving your feedback on how best we
18 can implement this law. So, thank you very much
19 for the time and the opportunity today.

20 MR. NEWLAND: Thank you, Commissioner.
21 Thanks for joining us today and giving --

22 COMMISSIONER TOUTON: My pleasure.

1 MR. NEWLAND: -- us an overview of those
2 two. Next up I will go over the Bureau of Indian
3 Affairs programs that are funded through the
4 bipartisan infrastructure law. Can we get our
5 first slide? Thank you.

6 So, as you can all see here, and many of
7 you have read the infrastructure law provides \$50
8 million to the BIA for irrigation and power. We
9 have proposed, before this consultation, to invest
10 70 percent of those funds at Indian irrigation
11 projects and 30 percent at BIA-owned power
12 utilities. This is the first time that
13 discretionary approaches have been made available
14 for the three BIA-owned power utilities, which are
15 operated and maintained through user fees.

16 We're planning to invest a portion of
17 the infrastructure funds in updating specific
18 power utility components to reduce the risk of
19 failure, which is based on a recent assessment and
20 the reports out of that assessment. We're also
21 proposing to use bipartisan infrastructure law
22 funding in accordance with current prioritization

1 processes for the rehabilitation of those
2 irrigation projects and to place a lower priority
3 for projects that have received water settlement
4 funds within the last decade.

5 The law also provides \$200 million to
6 address the safety of dams and water sanitation.
7 And we are proposing the following. The dam
8 safety program will prioritize projects that are
9 already identified as presenting unacceptable life
10 and safety risks to downstream residents and those
11 which are planned for design and construction of
12 remediation modifications. The water sanitation
13 program will address EPA notice of violation,
14 identify contamination issues, reducing system
15 failure risk, reducing exposure to contaminants,
16 and addressing critical gaps in water delivery.

17 Can we go the next slide? Here are some
18 additional resources and points of contact for you
19 to ask questions about the dams and the water
20 projects. We'll go to the next slide. These are
21 the questions that we pose to you for feedback
22 during this consultation process regarding dams

1 and irrigation. For those listening in on the
2 phone, please know that this PowerPoint is
3 available on our website. And the first question
4 is, do you have questions or comments on the
5 implementation strategy proposed by BIA that might
6 improve how we meet the programmatic goals of this
7 law? Question number two is, do you have any
8 questions or comments about BIA's funding
9 distribution methodology? And question number
10 three is, do you the factors proposed to
11 prioritize investments for irrigation and power
12 seem appropriate or should we consider other
13 factors?

14 Next, we'll move on to the climate
15 resilience part of the infrastructure law. The
16 law provides \$130 million to the BIA for community
17 relocation. And we are proposing to use those
18 funds to support risk assessment, planning,
19 implementation, and capacity building for
20 community relocation. In 2022, the program we're
21 expecting that we will identify a few
22 demonstration projects to be supported with this

1 funding. We would anticipate that these will be
2 Tribal communities facing high risks with existing
3 plans or designs and that have indicated a certain
4 amount of community readiness. These pilots are
5 something that we hope to yield lessons learned
6 from so that other Tribes facing similar issues
7 can follow that path when they're doing relocation
8 projects.

9 The infrastructure law provides \$86
10 million for Tribal climate resilience and
11 adaptation projects. We are proposing to use
12 those funds to support training and workshops for
13 adaptation planning, youth engagement,
14 implementation, travel, and capacity-building.
15 Criteria for allocation of these funds we are
16 proposing would be based on overall quality of
17 design, potential for implementation, and
18 incorporation of science features, as well as
19 capacity-building features, and strength of budget
20 in the proposals, as well as supplemental factors
21 such as the breadth or width of benefits and the
22 ability to leverage those funds.

1 Here are some additional resources on
2 your screen. For those of you on the phone,
3 again, you can access this PowerPoint on our
4 website. These are some additional resources on
5 this part of the infrastructure funding.

6 Next slide, please. And would just
7 kindly ask those of you who are joining us to mute
8 your lines until you raise your hand and have the
9 ability to have the floor.

10 So, the questions that we have for
11 feedback are, do the eligible cost categories for
12 community relocation and climate adaptation seem
13 appropriate? Question number two is, given the
14 amount of funds available, does the criteria for
15 awarding the funds seem like an appropriate
16 approach or should we consider other factors?
17 Question number three is, should we have a cap on
18 funding per Tribe or direct funding to those
19 Tribes most at risk and ready to implement
20 projects? And question number four is, does your
21 Tribe participate in any of these programs
22 currently? And if so, what works well and what

1 aspects of the program need improvement?

2 So, I want to, before turning it over to
3 our next presenter from the Office of Wildland
4 Fire, I just want to note that we are going to tag
5 team the moderating duties today for this
6 consultation. I have to leave briefly for another
7 meeting at 3:00 p.m. eastern in 20 minutes. And I
8 will be replaced by our principal Deputy Assistant
9 Secretary Wizipan Little Elk Garriott and I will
10 return as he has to leave for other obligations.

11 So, with that I will turn it over now to
12 Mr. Rupert from the Department of the Interior
13 Office of Wildland Fire.

14 MR. RUPERT: Thank you, Assistant
15 Secretary. It's a real honor to join all of you
16 today to share information about the wildland fire
17 management provisions contained in the bipartisan
18 infrastructure law. First, just a little overview
19 of the Department of Interior's Wildland Fire
20 program. The Department implements a suite of
21 activities that make up the fire program. All of
22 those activities are implemented through the land

1 management bureaus of Interior. They include the
2 Bureau of Indian Affairs, Bureau of Land
3 Management, the National Parks Service, and the
4 U.S. Fish and Wildlife Service, and importantly,
5 the Wildland Fire Management program is also
6 supported with science delivery through the U.S.
7 Geological Survey.

8 The fire management program activities
9 are supported through several funding categories.
10 They include preparedness funding. So, it's the
11 funding that occurs and supports workforce
12 equipment, supplies, planning to respond to fires.
13 Suppression funding, which supports actual fire
14 suppression. Large incidents, when interagency
15 incident management teams are deployed to fire
16 suppression supports those activities. Fuels
17 management, which supports all of the work that
18 occurs prior to a fire. Vegetation management to
19 reduce the risk of intense and catastrophic fire.
20 We also have facilities support, burned area
21 rehabilitation, which is the work that occurs
22 after a fire burns to recover and rehabilitate

1 land and then finally, science support.

2 I'd like to provide a little bit of
3 additional information about provisions in the
4 bill within these funding categories. And so,
5 I'll just run through some of those provisions. I
6 would note that there's more detailed information
7 that was included with the notification for this
8 consultation. So, some of these numbers that I'll
9 read through are contained in that more
10 comprehensive information.

11 Under preparedness in the bill, Tribes
12 are eligible, and we believe will benefit from, a
13 number of resources to increase preparedness
14 activities to respond to wildfire. There's a \$50
15 million provision for preplanning fire response
16 workshops and training for fire fighters. There's
17 an additional \$50 million provision for Tribal
18 Nations and local governments to support the
19 purchase of slip-on firefighting modules for
20 pickup trucks. So, slip-on tankers to support
21 fire response. A \$10 million provision for radio
22 interoperability and incident management team

1 support to respond to wildfires. A \$10 million
2 provision for agreements with NOAA to establish
3 and operate the GOES-R satellite program and to
4 aide in rapid detection and reporting of wildfire
5 starts. And then finally, under preparedness, a
6 \$5 million provision for purchasing sensors,
7 cameras, and equipment for wildfire detection and
8 real-time monitoring.

9 Fuels management, so, pre-fire risk
10 reduction. A number of provisions Tribes are
11 eligible for resources to plan and implement fuels
12 management. This work will protect communities
13 from wildfire while preparing landscapes for
14 climate resilience. The law provides a \$100
15 million provision specifically for mechanical
16 thinning. There is an additional \$250 million
17 provision for prescribed fire. An additional \$250
18 million provision for developing and installing
19 control locations to include fuel breaks. A \$100
20 million provision to employ contractors, young
21 adults, Tribal youth, veterans, and others to
22 remove flammable vegetation and where possible,

1 produce biochar and other innovative wood
2 products. And finally, a \$178 million provision
3 to expand Interior's fuel management program.

4 Under burned area rehabilitation, so,
5 the work after a fire to recover and rehabilitate
6 land. Tribes are eligible for \$325 million
7 provided to Federal, State, and Tribal entities to
8 complete post-fire restoration activities. These
9 activities are intended to mitigate the effects
10 and the damages of wildfires and set landscapes on
11 a path to recovery.

12 Specifically, the bill has a number of
13 firefighter workforce reform provisions. It
14 provides \$120 million to Interior for wildland
15 firefighter workforce reforms that include base
16 pay increases, the creation of a wildland
17 firefighter occupational series, the conversion of
18 seasonal firefighters to full-time permanent
19 status, and the development of programs to address
20 firefighter mental health and wellbeing.

21 And then, finally, the bill provides
22 \$100 million in support to Interior over the next

1 five years for science and research associated
2 with wildfire risk and that directly impacts local
3 communities. And similarly, it provides support
4 to USDA Forest Service. And I should note for
5 nearly all of these provisions, the infrastructure
6 law similarly provides support to USDA Forest
7 Service. And so, there is a very strong focus on
8 coordination and collaboration with the Forest
9 Service on the delivery of all of these
10 provisions.

11 Final slide please. And finally, some
12 of the questions we have for feedback. Which
13 wildland fire resilience programs have the
14 potential to be most important to your Tribe? Or
15 where do you see your Tribe having capacity to
16 implement these programs through contracts or
17 agreements? And finally, does your Tribe
18 participate in any of these programs currently?
19 And if so, what works well and what aspects of the
20 program need improvement? Thank you all.

21 MR. NEWLAND: Thanks so much, Jeff. I
22 appreciate you taking the time to share with us.

1 Next up to explain the portions of the
2 infrastructure law that flow through Interior for
3 ecosystem restoration is our Associate Deputy
4 Secretary Sarah Greenberger.

5 MS. GREENBERGER: Thank you, Bryan. And
6 thank you everybody for making time to join and to
7 listen to us one after the other. It's greatly
8 appreciated. And this in particular is going to
9 be a program where input is really needed and will
10 be appreciated. I think as you've listened to my
11 colleagues who've gone before and those who will
12 come after, or if you've reviewed the factsheet,
13 you'll see that there's a real investment in the
14 bipartisan infrastructure law in ecosystem
15 restoration. There are programs in the western
16 water portfolio, in the wildland fire portfolio.
17 But there are also a specific investment in
18 ecosystem restoration. A total of 905 million
19 over five years that goes to the Office of the
20 Secretary for a number of very specific tools to
21 support, again, broad ecosystem restoration.

22 Like the wildland fire resources that

1 Jeff Rupert just talked about, with that 905 is
2 about half of a pot of money and the other half
3 went to the Department of Agriculture for very
4 similar tools. So, as you're thinking about what
5 might be helpful, know, that whether it's some of
6 these contracts or agreements or investments in
7 invasives, USDA has very similar resources with
8 the same statutory language.

9 So, just going through these a little
10 bit, as you can see, there are, again, a number of
11 different tools to accomplish ecosystem
12 restoration. So, you have resources to contract
13 with third parties to restore ecological health on
14 Federal and Tribal lands. Working capital fund to
15 support those contracts. Good neighbor agreements
16 with States and Tribes to accomplish ecosystem
17 restoration. And then uniquely to Interior, this
18 is a place USDA does not have resources, is a 400
19 million over five years for grants to States and
20 Tribes for voluntary restoration. Congress, here,
21 noted a preference for cross-boundary projects and
22 did state that there would be matching

1 requirements, but didn't specify what those would
2 be. So, this is a place where we'll be looking to
3 be creative and minimize barriers to these
4 resources.

5 There are 100 million for invasive
6 species detection, prevention, and eradication.
7 There are resources for recreation sites on
8 Federal and Tribal lands. Revegetation effort and
9 hazard mitigation on mined lands. And last,
10 resources to initiate a national revegetation
11 effort including funding for the National Seed
12 Strategy. We've put this orange mark as an
13 indication of where the statutory language
14 explicitly mentions Tribal or Tribal land
15 eligibility, but we think that Tribes would also
16 be eligible for the other categories of funding
17 through contracts or agreements in return for
18 services.

19 Again, these are new resources. They're
20 not necessarily tied to any existing program. So,
21 this is a place where right now we put together
22 senior representatives from each of the relevant

1 bureaus and offices within the Department of the
2 Interior to think about, right? What the overall
3 purpose and goals of this program should be and
4 then how we use these tools to advance those
5 goals. While it's a lot of money, if you just
6 spread it everywhere, we're worried, right? We
7 might not have the kind of impact if we can be
8 strategic in thinking about what are some of the
9 biggest challenges or problems that we could try
10 and address? And those are the kinds of questions
11 where your input will be really important and
12 helpful.

13 You know, as noted, these slides will be
14 available. There's a point of contact if folks
15 have questions or comments or want to talk more
16 about this program as we put together. And last,
17 similar questions, right, to what you've heard
18 from some of the other programs today. Which of
19 these restoration activities or what are some of
20 the problems or challenges that are most important
21 to your Tribe so we can take that into account as
22 we define how we use these resources? Does your

1 Tribe have capacity to implement activities and
2 are there barriers, you know, complications, ways
3 that we make it more difficult for you to help us
4 implement and secure outcomes? And are there
5 places where you see these funds could best
6 leverage other investments your Tribe or Federal
7 agencies are making?

8 Again, we're looking for ways that these
9 resources could complement or leverage other
10 investments to accomplish more than they could on
11 their own. And we'll have to, along with the rest
12 of these programs, have to provide an initial
13 spend plan to Congress by February 11th. So,
14 initial information and input on how we shape this
15 program will be helpful. But unlike others that
16 are programs that have existed for a while, our
17 initial plan will be pretty high- level and we
18 expect this to be an ongoing dialogue as we look
19 to shape and refine this over the next couple of
20 years. So, thank you.

21 MR. NEWLAND: Thank you so much, Sarah,
22 for joining us. And before I turn over the

1 presentation to my colleague from Fish and
2 Wildlife Service, Matt Strickler, and the
3 moderating duties to Wizipan Little Elk Garriott,
4 I just want to provide a reminder for Tribal
5 leaders on the phone today that this coming
6 Monday, January 31st, from 1:00 to 3:00 p.m., the
7 White House Council on Native American Affairs is
8 hosting its first ever Tribal leader engagement
9 session. This engagement session is going to
10 focus on two of the White House Council committees
11 to discuss the bipartisan infrastructure law and
12 the President's recent executive order on
13 improving public safety and criminal justice for
14 Native Americans in addressing the crisis of
15 missing and murdered Indigenous People.

16 During this engagement session, Tribal
17 leaders will have the opportunity to engage
18 directly with Secretary Haaland and her colleagues
19 from the President's cabinet across the
20 administration to discuss these issues. So,
21 please make sure that's in your calendar and
22 register if you have not done so.

1 At this time, I will turn it over to
2 Deputy Assistant Secretary for Fish, Wildlife and
3 Parks, Matt Strickler and then ask my colleague
4 here in Indian Affairs, Wizipan Little Elk
5 Garriott to sub-in as our moderator. Thank you.

6 MR. STRICKLER: Thank you Assistant
7 Secretary Newland and thanks to everyone for the
8 opportunity to meet with you today. As many of
9 you probably know, the U.S. Fish and Wildlife
10 Service is the lead federal agency working with
11 others to conserve, protect, and enhance fish,
12 wildlife, and plants in our habitats for the
13 continuing benefit of all of us. The services
14 receive resources through the bipartisan
15 infrastructure law \$455 million in total to
16 further its conservation work with partners in
17 four key ecosystems and one additional broader
18 conservation goal. As you can see here broken
19 down, there is \$162 million available for
20 restoration of the Klamath Basin, including
21 habitat projects, water rights acquisition, and
22 construction of a fish hatchery to assist

1 restoration of the two federally endangered sucker
2 species. There's \$17 million for activities in
3 and around Lake Tahoe to deal with invasive
4 species challenges, \$50 million for restoration
5 actions in the sage-steppe ecosystem related to
6 sagebrush restoration and related resources, \$26
7 million for the Delaware Basin on the east coast.
8 And then, importantly, \$200 million to fund
9 projects for restoration of fish passage and
10 aquatic ecosystems and connectivity.

11 We're very excited, obviously, about
12 these opportunities that are provided by the
13 resources in the bill and hopeful that we can
14 really achieve some meaningful conservation
15 outcomes. And, importantly, look forward to
16 collaboration with Tribal Nations on projects of
17 significance to you. It's worth noting that the
18 service, Fish and Wildlife Service, will also play
19 a very important role in implementation of other
20 federal agencies' bipartisan infrastructure law
21 work, particularly through Endangered Species Act,
22 Section 7, consultations, and the National

1 Environmental Policy Act review process, as well
2 as through interagency consultation on specific
3 programs as required in that piece of legislation.

4 Next slide, please. We have also
5 dedicated Tribal liaisons for each of these five
6 programs, as you can see on the slide and we also
7 have regional leadership and subject matter
8 experts here to talk with you today. The folks on
9 the slide are kind of your one-stop shop for
10 anything, any questions you have related to any of
11 those programs. And the folks that we have with
12 us here for the question-and-answer session going
13 into the afternoon are Fish and Wildlife Service
14 Deputy Director Steve Guertin, Pacific Southwest
15 Regional Director Paul Souza, Mountain Prairie
16 Region Acting Director Matt Hogan, and Assistant
17 Regional Director Samantha Brooke, as well as our
18 Fish and Aquatic Wildlife Division Chief Dave
19 Miko.

20 Next slide, please. It's important to
21 note that Tribes are eligible for all of the
22 programs and to receive funding through all of the

1 programs that we're envisioning using to implement
2 and get money out the door through the bipartisan
3 infrastructure law. And just an important note
4 there. And I'd like to close just by offering
5 some questions that are similar, maybe a little
6 bit different from some that have been posed by
7 the other presenters today. One, of course, is
8 what's the best way to make sure that Tribal
9 interests are incorporated into project
10 selections? So, that's very important to us and
11 we want to make sure that we're able to get that
12 feedback and work to incorporate your work,
13 ongoing work, and interests into the way that we
14 spend these funds. How might Tribes use
15 partnerships to put together the project proposals
16 and would the use of partnerships produce projects
17 that are more competitive or more tactful? And
18 then finally, what do Tribes think about matching
19 requirements where they exist? Some of the Fish
20 and Wildlife Service programs that we're
21 contemplating using do have matching requirements.
22 However, there is certainly flexibility within the

1 bill spend plans on how we put that into action.

2 So, I will stop there and turn it back
3 over to Deputy Assistant Secretary Garriott.
4 Thanks for your time.

5 MR. GARRIOTT: Thank you, Deputy
6 Assistant Secretary Strickler. Next, we are going
7 to hear about the Orphaned Wells Program. But
8 before that I should probably make sure to
9 introduce myself. (Speaks in Native language).
10 My name is Wizipan Little Elk Garriott. I serve
11 as the Principal Deputy Assistant Secretary for
12 Indian Affairs serving under the leadership of
13 Assistant Secretary Newland. And I am a citizen
14 of the Rosebud Sioux Tribe. Next up, we are going
15 to hear from Deputy Assistant Secretary Feldgus.

16 MR. FELDGUS: Thank you very much,
17 Deputy Assistant Secretary Garriott and thank you
18 all for being here and participating in this
19 consultation. My name is Steve Feldgus and I am a
20 deputy assistant secretary for Land and Minerals
21 Management at the Department of the Interior. And
22 I'm here to talk to you about two of the primary

1 programs in the bipartisan infrastructure law
2 related to cleaning up longstanding polluted
3 sites. One for orphaned wells and another for
4 abandoned coal mine lands.

5 Next slide, thank you. So, this is a
6 very short summary of the money that's available
7 for these two programs in the law. Within the
8 Orphaned Well Program, there is \$150 million set
9 aside to clean up orphaned well sites and any
10 pollution that's surrounds those site on Tribal
11 lands. And under the law, Tribes with orphaned
12 wells on their land may either get a grant
13 directly under the program and arrange to do the
14 plugging and remediation themselves. Or they may
15 ask the Department of the Interior to perform
16 those activities on the Tribes' behalf.

17 We have done some additional outreach to
18 Tribes that have current or previous oil and gas
19 activities on their lands. And if you have not
20 received any information about that and know that
21 you have or believe that you orphaned wells on
22 your lands, please reach out to us and we will

1 give you the contact information on the next page.

2 For the Abandoned Mine Land Program,
3 there are three Tribes, the Crow Tribe, the Hopi
4 Tribe, and the Navajo Nation that will be eligible
5 to receive new funds under the infrastructure law.
6 These are the same three that currently receive
7 annual grant funding under the existing Abandoned
8 Mine Land Program. And those annual grants are
9 also going to be continued as, you know, those
10 were extended under the law.

11 Next slide, please. So, after this
12 presentation, if you have specific questions about
13 these programs, the best points of contact for the
14 Orphaned Well Program will be Albert Bond, with
15 the Indian Energy Service Center, or Steve Tryon
16 with the Office of Environmental Policy and
17 Compliance. And for questions about the Abandoned
18 Mine Land Program, the best contact is Yolande
19 Norman from the Office of Surface Mining,
20 Reclamation and Enforcement.

21 So, the questions that we would love
22 some feedback on are not limited to these three,

1 but these just give you, you know, some of the top
2 questions that we would love answers to. First of
3 all, does your Tribe currently participate in the
4 Abandoned Mine Land Program? And if so, what is
5 working well and what aspects of the program need
6 improvement? Second, what would be the best way
7 to administer the funds for the Orphaned Well
8 Cleanup Program? Would you prefer distribution
9 via formula grants or through a call for
10 nominations? And third, how can we best ensure
11 that Tribes that don't have orphaned wells or
12 abandoned coal mines on their lands are able to
13 provide early and useful input into these programs
14 for cleaning up those sites on other lands, such
15 as Federal, State, or private lands? Because we
16 are very aware that air and water pollution from
17 orphaned wells and abandoned mines does not
18 respect political boundaries and Tribes can
19 experience severe negative impacts from sites that
20 are near, but not on their lands. So, we want to
21 make sure that those wells and those mine lands
22 are property prioritized on non-Tribal lands.

1 Because even if your Tribe does not receive
2 funding under either of these programs, that does
3 not mean you should not also enjoy the benefits.

4 (Interruption)

5 MS. RYKER: Thank you, Steve. I hope
6 that my video and audio are okay. Steve looks
7 frozen on my screen. Would one of our folks --

8 MR. GARRIOTT: We see you and hear you,
9 Sarah.

10 MS. RYKER: Wonderful. Thank you very
11 much. All right. Well, I'm honored to be here
12 today. I'm Sarah Ryker. I'm the U.S. Geological
13 Survey's Associate Director for Energy and Mineral
14 Resources. And I have with me Colin Williams, who
15 is leading our mineral resources program. My
16 Department of the Interior colleagues have
17 described several lines of funding provided by the
18 bipartisan infrastructure law. And the funding
19 that Congress provided to the USGS is a little
20 different. Many of you know us for our maps and
21 the statute provides funding and tells us to
22 update those maps and collect new data to better

1 understand the land surface and subsurface.

2 So, that's why it's so important to us
3 to have a discussion with you now while we're
4 still early in our planning. This new funding
5 will accelerate and expand our mapping. And that
6 means that over the next few years, these
7 activities will likely touch more and more Tribal
8 lands. So, we want to work with you to collect
9 data in ways that are not disruptive for you and
10 produce maps that are useful to you.

11 On this slide, I'll talk about some of
12 how the funding will flow and what the purpose is.
13 The bipartisan infrastructure law funding is
14 directed through the USGS Earth Mapping Resources
15 Initiative. We call it Earth MRI. And I
16 mentioned that our new mapping is meant to provide
17 -- or to improve our understanding of the land
18 surface and the land subsurface. Earth MRI does
19 that by partnering to collect new data. We call
20 these types of data foundational geoscience data
21 because they have many uses. In the left-hand
22 column are major types of data that Earth MRI

1 collects.

2 I won't linger on the technical detail,
3 but I want to emphasize the priorities we've been
4 given in the statute. We are to focus the new
5 mapping on regions with potential for critical
6 minerals. Critical minerals are minerals needed
7 for technologies such as energy generation and
8 storage and for consumer devices. And they
9 include some minerals that are frequently in the
10 news like the rare earths.

11 So, critical minerals are under the
12 statute a focus for our mapping, but the data
13 we'll collect are for many purposes. In the
14 center column, we've listed a few of the major
15 uses of these types of data. So, these data are
16 used to understand mineral resources, including
17 not only critical minerals, but construction
18 materials like sand and gravel. And these data
19 are also used to understand geothermal energy,
20 groundwater, earthquake risks, how the chemistry
21 of mine wastes may affect the environment, and how
22 the land contributes to and responds to climate

1 change.

2 In the right-hand column is a little
3 more on how the funding is to be used. And first
4 of all, the mapping will focus on a definition of
5 critical minerals that's given in the Energy Act
6 of 2020. Earth MRI is to map both mineral
7 resources still in the ground and also mineral
8 resources in mine wastes. Earth MRI is to work
9 through partnerships. So far, we have established
10 partnerships with a number of state geological
11 surveys. And I know some of those state
12 geological surveys are also your partners. We are
13 also building partnerships now with other federal
14 agencies. And most recently, beginning to work
15 with private industry.

16 Next slide, please. So, we're at a very
17 early stage in our planning but we're hoping to
18 partner with Tribes as we develop this mapping
19 effort. We've listed several contacts here.
20 Colin Williams and I are here today to take any
21 questions and we're happy to follow-up separately
22 also. We've also included two of our technical

1 contacts. I know that some of your federal
2 agencies are already working with them. And at
3 the very bottom of the screen, is a website on the
4 mapping work, which is usgs.gov/earth-mri.

5 And finally, like my colleagues, I'll
6 close with a few questions to help us understand
7 how best to work with you. Thank you. First of
8 all, does your Tribe have geoscience needs? Do
9 you see opportunities for dedicated studies
10 supporting your science needs? Secondly, would
11 your Tribe be interested in training or workshops
12 to help build capacity to use the data that this
13 funding will generate? Or training or workshops
14 to help build capacity to characterize legacy mine
15 sites on your lands? And finally, is there other
16 training or other technical support that would be
17 useful to your Tribe? So, those are our ideas on
18 ways to work with your and I look forward to
19 hearing your questions for us. Thank you.

20 MR. GARRIOTT: Thank you, Associate
21 Director Ryker. At this time, we are going to
22 begin the portion on our agenda where we have the

1 privilege of hearing directly from Tribal leaders
2 who can make comments. As part of our
3 housekeeping, when you speak, we would ask that
4 you state your name, title, and Tribe. This is
5 being recorded and we do keep an official record
6 and compile all of these notes into a consultation
7 report so that helps us to make sure that we have
8 an accurate record. We ask that we use the raise
9 the hand function and we have several folks who
10 have done that and are in queue. And we will do
11 our best to make sure that we call on Tribal
12 leaders in the order in which they use the raise
13 the hand function. And then also, I would ask for
14 your personal forgiveness if I misstate a title or
15 anything like that. I mean no disrespect in any
16 way, shape, or form. And so, the order in which I
17 see the hands raised are President Nez, Governor
18 Lewis, and Governor Chavarria. So, President Nez.

19 MR. NEZ: Good afternoon, everyone. I'm
20 sorry, I know I see a lot of Tribal leaders doing
21 the same thing. Probably have three other calls
22 at the same time. I was just on a IHS budget

1 formulation presentation too. And I appreciate
2 the time. Thank you Secretary Haaland, Assistant
3 Secretary Newland, the one-hour presentations from
4 all the federal programs. I'm sure we got a great
5 overview of what the opportunities are for Indian
6 country. Of course, we thank the Biden
7 administration, Biden-Harris administration for
8 this historic investment in infrastructure and for
9 what it means to Indian country.

10 Infrastructure is the foundation of
11 everything we do. If you compare some of the
12 countries, smaller countries in the world, some
13 countries have put much effort into infrastructure
14 many decades ago and now they're thriving. And I
15 think that's what we see happening here with the
16 infrastructure dollars, that shot in the arm to
17 all of us in Indian country. So, we appreciate
18 that support. You know, without it, we cannot
19 provide our people with their basic needs,
20 including access to clean water, protection from
21 the elements, reliable transportation, energy to
22 keep us warm, and advance our overall standard of

1 living.

2 As there are over 20 framing questions,
3 and it would take too much time for my fellow
4 Tribal leaders to answer them all now, including
5 myself, we'll be writing this up. We will provide
6 more detailed feedback on the many issues
7 addressing this Tribal consultation. For now, I
8 just want to focus on one of the last questions.
9 What additional information or support would be
10 most helpful to your Tribe in accessing these
11 resources? You know, the resources are coming
12 into Navajo. For instance, last evening we had a
13 town hall regarding LIHWAP and LIHEAP, getting
14 everybody to understand what those dollars are
15 coming in from the feds and helping our
16 constituents, you know, apply for those
17 opportunities. So, that's just one idea I'm sure
18 a lot of Tribal Nations are doing as well.

19 So, there are several problems that we
20 see with almost all federal governments for
21 Tribes. And unless the Department of Interior
22 takes a significantly different approach to how it

1 runs the programs funded by the bipartisan
2 infrastructure law, we are worried these problems
3 will persist. Let me just give you an example.
4 Look at what happened when we were doing the
5 Tribal consultation policy. We were up to our
6 eyeballs in Tribal consultation policy
7 discussions. Some of them overlapping one
8 another. It just showed us that federal programs
9 don't talk to one another. And we were stretched
10 pretty thin.

11 And for funding, too many grants are
12 competitive, which requires a great amount of
13 resources for Tribes just to apply to be
14 considered. You know, I recognize the smaller
15 Tribes. They have a difficult time with the
16 limited resources they have. Formula grants are
17 always preferred, right? If a grant is
18 competitive, Tribes need to be provided with
19 technical assistance to ensure we are able to
20 apply. We are 27,000 square miles. We're in four
21 states, 402,000 enrolled members. Obviously,
22 we're the biggest Nation in the country, Tribal

1 Nation in the country. And, you know, the equity
2 in that, that's how it goes out to the states
3 anyway, based on population. And we recognize
4 that formula working for most Tribes.

5 Many grants require matching funding but
6 so many of the programs in the bipartisan
7 infrastructure law are for new technologies, which
8 are very costly. Most Tribes cannot afford to
9 provide basic infrastructure and do not have
10 enough money to apply for anything that requires
11 matching funds. Again, the funds should not be --
12 matching funds should not required but to extend
13 -- the technical assistance should be provided to
14 help us seek out matching funds.

15 Finally, so many of the projects funded
16 by the infrastructure law will take years to come
17 to fruition because of the various layers of
18 approvals required to build any kind of
19 infrastructure. You know, we have been talking
20 with the White House Congressional Delegation. We
21 have an opportunity to make permanent changes,
22 update the laws, policies, and regulations to get

1 projects done quicker. We developed a White
2 Paper. We said we need right-of-ways, streamlined
3 processes, environmental clearances process a lot
4 quicker. And we need to be able to streamline the
5 approval processes to do all sorts of things,
6 environment assessments, and as I said,
7 right-of-ways. We circulated this White Paper
8 detailing these issues and we can work to overcome
9 these barriers.

10 Once again, we urge this administration
11 to improve these administrative processes.
12 Without doing so, it will take years of Tribal
13 communities to reap the benefits promised to them
14 in the infrastructure bill. And you saw that
15 happen with the CARES Act. A lot of it just had
16 to go into the pockets. I know that people needed
17 it. But we also want to improve our permanent
18 homeland. And in order to do that, a timeline
19 like three years, one year, two years, three
20 years, gets difficult. So, thank you so much.
21 Have a good day. We'll follow-up with written
22 comments. God bless you all, Tribal leaders.

1 MR. GARRIOTT: Thank you, President Nez.
2 Governor Lewis.

3 MR. LEWIS: Thank you, everyone, this is
4 a very important consultation. The Gila River
5 Indian Community -- and this is -- excuse me --
6 Governor Stephen Roe Lewis of the Gila River
7 Indian Community. It's good to talk to everyone.
8 Good day. The community was an aggressive
9 advocate for this law that we're talking about and
10 consulting about because of the Water Rights
11 Completion Fund, which was a part of the earlier
12 slides, which includes funding to solve
13 long-standing issues impacting the communities and
14 other CAP Tribal settlements. During our
15 advocacy, in Congress we were told that the \$2.5
16 billion was not an arbitrary number. And we also
17 understood that the 2.5 billion specifically is
18 based on the estimated cost or rather an estimated
19 cost of completing existing water settlements only
20 and not amendments to these settlements to cover
21 additional costs that are not currently authorized
22 by Congress.

1 So, one of the primary purposes of
2 consultation is to inform Tribes how they may be
3 impacted by federal actions, as we all know. It's
4 impossible to respond to the question in your
5 framing paper regarding holding back some of the
6 \$2.5 billion in the completion plan for future
7 amendments without really understanding how that
8 \$2.5 billion number was derived and seeing the
9 list of existing approved settlements and the
10 estimates to complete them without amendment. So,
11 the community specifically, we oppose holding back
12 any of the \$2.5 billion completion fund at this
13 time until we receive adequate assurances that any
14 proposed holdback will not impact our settlement,
15 the Gila River Community's settlement. And I
16 image many other Tribes in the same situation feel
17 the same way.

18 Because we need to understand the
19 implications of holding back any of the completion
20 fund money. We have and we are requesting
21 government-to-government consultation to explain
22 in more detail our specific concerns and to

1 provide you the opportunity to explain how this
2 holdback idea might impact the community and other
3 Tribes in a very detrimental way. So, I have two
4 questions that I'll now ask and then I'll stop to
5 listen to your response respectfully. Thank you.

6 First, will the Department wait until
7 government-to- government consultation is
8 completed to the satisfaction of the community and
9 other Tribes before it makes a decision regarding
10 holding back any of the \$2.5 billion? And second,
11 will the Department provide Tribes with the list
12 of cost estimates to complete current settlements
13 that was used to determine that size of a 2.5
14 billion completion fund? Thank you.

15 MR. GARRIOTT: Thank you, Governor.
16 Very quickly, Pam, are you available to have a --
17 with a concise answer?

18 MS. WILLIAMS: I am available. I don't
19 know if I have a concise answer. I think we just
20 received the request from Gila River to have
21 consultations on the Indian Water Rights
22 Settlement Fund and I will defer to others in

1 leadership positions to answer that question. And
2 with respect to the list of cost to complete, that
3 information is available. It's public information
4 if you look at, you know, the budgetary request
5 the Department has made. And we do have -- we
6 have received requests from Gila River to do that.
7 And that is being considered right now.

8 MR. GARRIOTT: Thank you, Pam. Up next,
9 we've got Governor Chavarria.

10 MR. CHAVARRIA: Okay. Again, good
11 afternoon, (speaks in Native language). So, good
12 afternoon. My name is Michael Chavarria. I serve
13 as Governor for Santa Clara Pueblo here in New
14 Mexico. So, I appreciate the Interior for holding
15 this Tribal consultation session today as it
16 relates to the bipartisan infrastructure law
17 funding as provided through the Interior agencies.
18 I very much appreciate our Dear Tribal Leader
19 letter that included the various factsheets of
20 potential projects of funding opportunities within
21 each agency. But it is challenging to navigate
22 all of the potentials.

1 What is important to understand is that
2 we must do our research to figure out what is the
3 best approach and financially feasible for us. Is
4 it allowable to leverage other potential federal
5 funding sources as a phased approach to complete a
6 project? And if allowable, I see that as
7 leveraging and not duplicating efforts within a
8 specific phase of a project. Just as an example,
9 can we use our BIL funds as provided to the Corps
10 of Engineers for project planning assistance,
11 planning design, which costs and requirements for
12 Tribes are waived up to 200,000. Then use BOR BIL
13 funds for construction, for example, water
14 storage, groundwater storage, conveyance,
15 construction projects, or other water-related
16 projects, watershed management projects, ecosystem
17 projects. I don't know. So, that's kind of a
18 question we got to throw out there. How about
19 request using a Public Law 93-638 contracting
20 agreements as a way to provide direct funding to
21 us? By using the 638 contract mechanism provides
22 us with the financial benefit as then we could use

1 those potentially contract funding for leveraging
2 and cost matching obligations for other federal
3 funds.

4 You know, there was a decision by the
5 Interior solicitor in the past and it was deemed
6 as allowable to use 638 funds as cost matching for
7 other federal agency forces because we were told
8 once the Tribe receives a 638 contract, it
9 basically loses its federal identity. So, it's
10 basically our Tribal funds. So, this is something
11 to look into. This would also include
12 administrative and indirect cost allowances.

13 Another consideration is including to
14 our current self-governance multi-year funding
15 agreement. Because I'm just not aware of how
16 these funds are going to be allocated. What type
17 or processes are going to be used. I see a sum
18 for reclamation as having 25, 50 percent, 75
19 percent cost match. Are these funds for -- I
20 mean, BIA are they 100 percent? So, any
21 clarification of where those costs match come into
22 play.

1 So, we are not only looking at Interior
2 agency projects and funding, we also need to take
3 into consideration the potential projects and
4 opportunities across all federal agencies to
5 include agriculture, rural development. Because
6 they have money for distance learning,
7 telemedicine, broadband related for reconnect
8 program, you know, commerce, justice, science for
9 broadband connectivity fund, energy, water
10 development, such as project planning for the
11 Corps of Engineers, updating building energy
12 codes. Then you have the financial services of
13 general government, affordable connectivity fund,
14 Department of Homeland Security for State, local,
15 Tribal, territorial grant program for
16 cybersecurity. Interior for today to use the aid
17 for wild risk reduction ecosystem programs, labor,
18 health services, IHS sanitation facilities.
19 Transportation, housing, urban development for
20 roads, streets, bridges, culverts.

21 And so, investment in infrastructure
22 continues to be a persistent unmet need for my

1 Pueblo as the existing infrastructure is outdated,
2 eroding, and in general disrepair. Efficiencies
3 in our infrastructure systems are creating
4 vulnerabilities. So, we are in dire need of
5 updating our drinking water wells, the service
6 lines, plan, and design to construct the
7 wastewater treatment facility, getting away from
8 open sewage lagoons, septic tanks that do pose a
9 negative environmental impact from nitrates
10 pollution are polluting our groundwater, including
11 solid waste collection and disposal. Again,
12 broadband, ecosystem restoration, hazardous fluid
13 reduction projects, adopting to climate change,
14 draught, irrigation, reestablishing water control
15 facilities, et cetera.

16 So, I see many of those types of
17 opportunities contained within the Interior
18 agencies but also with other agencies. So, one of
19 the biggest challenge is to determine what is
20 going to be feasible to go after? We have limited
21 internal capacities and capability but we can do
22 the job. However, our programs only receive other

1 types of federal and state funding and it is our
2 obligation to meet those deliverables as we are
3 held accountable by those funding agencies to
4 implement and expend such funds as outlined in the
5 funding agreements. If not, we are considered as
6 noncompliant, which poses a negative impact for
7 future funding opportunities.

8 You know, so at this time internally, we
9 are in the process of determining a functional
10 structure, meaning formalizing our Pueblo
11 infrastructure team, which would include Pueblo
12 staff, housing staff, community school staff, our
13 corporation, and our newly formed utility board.
14 This type of team is dire needed to create a
15 infrastructure strategic plan to identify current
16 projects, current funding sources, status of
17 projects, unmet funding needs, and most
18 importantly, to determine measurable and
19 beneficial outcomes. So, as previously mentioned,
20 not all of the BIL Interior agency funding is 100
21 percent. As there are associated non- federal
22 costs and requirements and this does pose a

1 financial hardship.

2 So, we must take this into consideration
3 as we plan. We are not going to place our Pueblo
4 in a financial dilemma. So, I'm working with my
5 staff. We did go in and review all the questions.
6 And we will prepare a more detailed response to
7 submit for the record. I believe there's a
8 deadline to send in our comments by next Friday,
9 February 4. But it's very important that, you
10 know, under BOR, the small surface water,
11 groundwater projects, safety of dams, watershed
12 management projects, the new program aquatic
13 ecosystem restoration. But again, what is the
14 process? Who's going to be providing that? Is it
15 from headquarters? Is it going to be divided to
16 the regions? What's going to be the grant
17 requirements, the processes, allowable expenses,
18 eligible criteria? All these are very important
19 with all those programs identified under BOR.

20 What's very important is I want to give
21 thanks to Tracey Heller who is our Native American
22 programs coordinator. You know, the continuation

1 is a invaluable asset to provide us Tribal
2 assistance. Resourcefulness and direction of this
3 type of support is instrumental in coordinating
4 our Pueblo and BOR efforts.

5 We have currently a WaterSMART grant
6 application, which is pending award notification.
7 It does require a cost match. So, again,
8 requesting a waiver of the cost match. I do see
9 in the law it allows Tribes to use the coronavirus
10 physical recovery funds. I believe that's
11 referring to the CRF to meet those nonfederal
12 matches. However, for us, those funds are already
13 gone. They're already expended. So, is this the
14 same for the ARPA that we just received? If so,
15 it makes it more challenging because the ARPA
16 funds have already been budgeted for other
17 critical projects. So, it will require us to
18 reorganize, restrategize to determine how best to
19 meet that cost match for these type of programs.

20 You know, irrigation is very important
21 for since 2018, we've been advocating to Congress
22 to reauthorize the Rio Grande Pueblos Irrigation

1 Infrastructure Act. It never received
2 appropriation to move forward. So, BIA and BOR
3 need to, please, coordinate and ask OMB to release
4 the final report to Congress. Inflation costs
5 need to be added into the timelapse and the start
6 of the report to the potential appropriations
7 time. The Rio Grande Pueblos Irrigation
8 Infrastructure Act is congressionally approved,
9 public law 111-11. However, these delays in
10 completing that study even BOR submitted to OMB,
11 it's been held up there. So, last year on that
12 OMB consultation session, I made that request for
13 OMB to release that study to Congress but I
14 haven't received a response.

15 So, due to the inflation of construction
16 materials, the identified projects are no longer
17 relevant because those costs have risen. So, I
18 feel we should be able to secure funding for
19 irrigation-related activities needs to BIA or BOR
20 through this legislation for those irrigation
21 projects where each Pueblo sits and has already
22 considered a congressionally approved authorized

1 irrigation project, which is very critical.

2 We also addressed issues regarding to
3 safety of dams. And in the water sanitation, we
4 support this new funding because we struggle with
5 finding funding to address the EPA drinking water
6 violations in a timely manner. We ask this
7 program be again 100 percent federal shared. When
8 we incur a violation, we add to our SDS list, but
9 it takes years before being funded. Also, the SDS
10 is not again 100 percent cost shared. We got to
11 put in additional cost match. For instance, we
12 have two projects for updating our drinking water,
13 tank repairs, illegal dumpsites, but they required
14 us to put additional federal -- or general fund
15 dollars to that cost match.

16 The wildfire resilience is very
17 important. All those programs are critically
18 important to the Pueblo. We currently have a fire
19 cooperative agreement in place with the BIA
20 regional office for wildland fire management
21 activities. You know, these funds are not
22 non-reoccurring. And they're based on

1 reimbursements. So, this is very critical is how
2 do we go about that to make it flexible to provide
3 direct funding to those tribes that have these
4 type of agreements in place. Each program within
5 the fire provides workforce development
6 opportunities, building our internal force to crew
7 capacity and capability, direct funding to support
8 the crew is needed.

9 You know, but we are obligated to
10 incorporate federal wildfire training requirements
11 and certifications which was being met annually.
12 Reserve treaty rights lands, RTRL is very
13 important. It's helped us to provide or do work
14 on Forest Service lands through TFPA. TFPA was
15 authorized in 2004, yet no appropriations were
16 identified. So, working through the Interior,
17 BIA, the RTRL came about. Now, we're using those
18 funds to do biological cultural assessments, dam
19 exams, site visits, implementation, but on Forest
20 Service lands, which is very critical.

21 And so, all these are very important
22 leading up to preparedness. We have to be

1 prepared. Instead of providing the funds to the
2 regional or the agency, it should come down to us
3 for training, which is very important. However,
4 there might be an inherent federal function in the
5 reason why the BIA office has retained that money
6 and not having that flow through to the Pueblo.

7 The slip-on tanker units is important.
8 However, it's also important that an emergency
9 rental agreement must be in place for each unit or
10 truck must pass a mechanical inspection in order
11 to be used in fire assignments. Such inspection
12 must meet BIA and federal standards. So, that's
13 another challenge. We can get it, but if our
14 truck doesn't pass inspection, then it's just
15 going to sit there with a slip-on tanker sitting
16 on the side.

17 You know, radio support is very
18 important. Fields management is very critical for
19 HFR, ecological restoration. But it depends on
20 the prescription, forest type, forest cover. Do
21 we use hand thinning, mechanical treatments?
22 Timber harvesting, you know, preparing burn plans

1 to fight fire. Again, creating a healthy forest
2 condition.

3 But again, we must submit these projects
4 through our regional office. It is good because
5 if awarded, it's done through a 638 contract. So,
6 it depends on the forest type and forest cover
7 because not one prescription is doable for peone
8 (phonetic) juniper, apondinal (phonetic) supply
9 and mixed- conifer forest. So, it's very
10 important and that takes administrative burden
11 placed on our staff, which is very critical.

12 Burnt area rehabilitation, the BAR, this
13 is very important but it doesn't come directly to
14 the Tribes. It filters down again through BIA if
15 we have a fire. So, these are for to help restore
16 post-fire impacts, which is done by an assessment
17 team by the fire and BIA to justify that work.
18 Unfortunately, fire suppression is one piece of
19 the puzzle. However, in New Mexico we have the
20 monsoon season from July to September, and we are
21 prone to heavy rains and flash flooding. It was
22 an example experience for us with the Los Conchas

1 fire they had a BAER assessment. We had flash
2 flooding, but we couldn't have no mechanism to
3 amend that work plan because it was already set in
4 stone. And those costs jumped high. So, that was
5 another unmet need.

6 And so, one of the other things that I
7 didn't see was the burnt area emergency response,
8 the BAER. So, there's the BAR, there's the BAER,
9 for stabilization and long-term treatment. And
10 those are also critical for working hand-in-hand
11 with these type of fundings which is very
12 important.

13 And so, like I say, there's -- when we
14 try to answer all the questions on TFPA, ecosystem
15 restoration, climate change program, USGS science.
16 So, in general, we see opportunity in transcending
17 programs through Forest Service, TFPA, RTRL, 638
18 funding, combined with the BOR PA 16, the
19 multi-benefit watershed health improvement program
20 to achieve a more holistic watershed management
21 that provides equal prioritization to both water
22 and forest resources enabling them to strengthen

1 each other. This could extend to USGS integration
2 of their innovative approaches to develop water
3 security, climate resiliency.

4 We also have extensive experience
5 working with FEMA, BIA, Corps of Engineers, Forest
6 Service, Parks Service, with memorandums of
7 understandings and agreements to promote best
8 practices through their agency publications.
9 We've also had learned from missteps, mistakes,
10 various challenges that helped strengthen our
11 programs to more effectively pursue and manage
12 these federal fundings. Technical support is
13 always a need for grant writing assistance such as
14 identify which agency program proposals should we
15 pursue for funding. This technical assistance
16 could then ideally be budgeted through the program
17 or work directly with the supporting grant
18 managers to efficiently execute and meet all
19 federal compliance standards.

20 Flexibility is critical on reporting
21 requirements. We are so spread thin. We are a
22 small Tribe but if we were to be provided the

1 money that can build our workforce. Then we know
2 how best to use that dollar for the benefit of our
3 traditional, cultural, religious uses of the
4 landscape, the natural resources, the materials,
5 the habitat for the animals, the plat gathering
6 areas to include watershed management, which his
7 very important.

8 So, I have many more comments, but I
9 want to go ahead and just end with that. I'll
10 work with my team to go ahead and strengthen and
11 provide more specifics for each one of these. But
12 I thank you for the opportunity at this time. So,
13 (speaks in Native language). Thank you.

14 MR. GARRIOTT: Thank you, Governor. And
15 we have a lot to get through today and we always
16 ask that -- we respectfully ask that everyone, you
17 know, be mindful of the time so that we can hear
18 from as many of our Tribal leaders as possible up
19 next. Oh, and also, the deadline for written
20 comments is February 4.

21 Next up we have Lucinda Allen, Tom
22 McDonald, Timothy Davis, and then Harold Frazier,

1 in that order. So, Lucinda. We cannot hear you.
2 We see you speaking but we cannot hear you. It
3 looks like you're perhaps using your phone to
4 speak? Yeah, we cannot hear you. Perhaps try
5 logging off and then logging back in. Sometimes
6 that helps. And then we'll put you back in line
7 as soon as you come back online. And we can move
8 over to Mr. Tom McDonald next.

9 MR. MCDONALD: Can you hear me, Wizipan?

10 MR. GARRIOTT: Yes, hear you.

11 MR. MCDONALD: Okay. Thank you so much.

12 And I really want to thank the Secretary, all of
13 the staff in D.C., you know, for your great work
14 in representing the Tribes and you are extension
15 of us. And so, it means so much to have such
16 great people there looking out for us and
17 providing this type of consultation and carrying
18 out the good work that we need for our people, for
19 our Nation, and for all people. So, thank you so
20 much.

21 On behalf of the Tribal Council, I'm the
22 current council chair of the Confederated Salish

1 and Kootenai Tribes and Flathead Nation. Again, I
2 want to thank you for the opportunity to consult
3 on this law. We will submit written comments on a
4 number of topics. But today right now, I'd like
5 to focus on an issue our Tribes have spent the
6 last three decades, or actually, I think, the last
7 four decades on to protect our water rights.

8 As fishing people no natural resource is
9 more vital to the Salish and Kootenai people than
10 water. Water is sacred. For thousands of years,
11 our people thrived on the rich natural resources
12 of our aboriginal territory due in no small part
13 to the abundance of bull trout. However, as a
14 direct result of federal actions over the past 12
15 decades, bull trout habitat on our reservation and
16 throughout our aboriginal territory has been
17 decimated and they are currently now a listed
18 species.

19 Because of the importance of water to
20 our people, decades ago my predecessors on the
21 Tribal Council began investing in research and
22 analysis to protect the Tribes' water resources.

1 Decades later, despite significant political
2 opposition, we were finally successful in
3 obtaining congressional ratification of our water
4 rights settlement in the water compact at the end
5 of 2020. This monumental achievement was the
6 result of a multimillion-dollar investment in
7 measurement, analysis, research, dedication, and
8 commitment by Tribal, State, Federal leaders and
9 staff, dozens of lawsuits, decades of negotiation.
10 The path through congressional ratification is not
11 an easy one. But the result was in the historic
12 settlement resolving some of the most complex
13 water rights in the country.

14 One of the significant challenges we
15 faced advancing our water settlement was cost. As
16 you know, our settlement ultimately included a
17 \$1.9 billion federal contribution. An amount that
18 reflected the strength and expansiveness of the
19 Tribe's water rights claims, economic losses that
20 would have resulted had the Tribes been forced to
21 litigate and the unprecedented damages to our
22 water and natural resources as a result of federal

1 actions in the past. Authorization for fed
2 funding at this level is an extraordinarily lip
3 under any circumstances. But making things worse,
4 while our settlement was pending before Congress,
5 was a backlog in appropriations for dozens of
6 other enacted water settlements worth over \$1
7 billion.

8 We were told time and time again that
9 our settlement could have not advance because
10 Congress hadn't managed to pay the settlements it
11 had already approved. To address this challenge,
12 we worked with the administration and Congress to
13 secure appropriations of 900 million in mandatory
14 funding for our settlement. However, that still
15 left \$1 billion in discretionary appropriations
16 for our settlement to become effective.
17 Importantly, until all federal funds are
18 appropriated, Tribes are constrained in spending
19 settlement funds on important and necessary
20 activities such as repair and restoration of
21 natural resource damages caused by the United
22 States in the rehabilitation of drinking and

1 wastewater delivery systems on our reservations.

2 With the help of the Montana
3 Congressional Delegation, we set out to address
4 the severe funding backlog for authorized Indian
5 water settlements. Montana's delegation worked
6 closely with the Interior and they hailed the
7 craft language and established the fund adequate
8 to resolve the backlog of water settlement for all
9 enacted water settlements including the
10 Confederated Salish and Kootenai Tribes.

11 Ultimately, Congress established a \$2.5
12 billion water settlement fund, the amount
13 determined by the Department necessary to fund the
14 unfunded but enacted water settlements. The
15 Department must now swiftly allocate the fund
16 among the enacted water settlements as of November
17 2021. Not only to implement those settlements,
18 but to remove the barrier that has existed for
19 decades for those Tribes who want to sell their
20 water rights in the future.

21 We understand that there are many other
22 water related projects that need additional

1 federal funding. However, Congress' intent in
2 establishing the fund was clear. The funds are to
3 be used to cover outstanding federal contributions
4 for enacted settlements at the time the fund was
5 established. This includes the 1 billion in
6 discretionary funds due to the Confederated Salish
7 and Kootenai Tribes. The Interior should not hold
8 back funds for potential but uncertain amendments
9 to this enacted water settlement. Nor should the
10 Interior use the funding to pay for other indirect
11 federal obligations it might have under a
12 settlement like operation, maintenance, and
13 replacement.

14 Use of the fund in such a way would only
15 delay implementation of enacted settlements. It
16 costs the United States and the Tribes more in the
17 end. The Department now has the ability to
18 address this long-standing problem and the longer
19 it waits to allocate funds, the more it will
20 ultimately cost due to the inflationary
21 adjustments provisions in the water settlement
22 funds like ours.

1 So, that's one part that I would just
2 want to mention right now conserving the time for
3 everybody else. We will provide additional
4 written comments and probably have additional
5 comments through tomorrow's session. Thank you so
6 much for the time we've had today.

7 MR. GARRIOTT: Thank you, Chairman.
8 We're going to go back to Ms. Lucinda Allen.
9 Let's see if we can hear you now. Ms. Allen, are
10 you speaking?

11 MS. BROWN: If you press *6 to unmute
12 your phone. I understand you're calling in as
13 well.

14 MR. GARRIOTT: Yes, try *6 on your phone
15 and see if that works.

16 MS. ALLEN: Okay. Can you hear me?

17 MS. BROWN: Yes, we can hear you.

18 MR. GARRIOTT: We hear you.

19 MS. ALLEN: Okay, great. Sorry for
20 that. I'm trying to multitask here with my phone
21 and my tablet. (Speaks in Native language),
22 Secretary Haaland and Assistant Secretary Newland

1 and everyone that's on the call. My name is
2 Lucinda Allen. I represent the Tohono O'odham
3 Nation on the legislative council. And I'm also
4 the chairperson for the legislative water
5 resources committee.

6 I'd like to thank you for holding this
7 session. And Tohono O'odham Nation was
8 particularly pleased to see that the 2.5 billion
9 in the Indian Water Rights Settlement Completion
10 Fund was included as part of the bipartisan
11 infrastructure law. There's a few questions about
12 the completion fund, but it's important to provide
13 a very grave background about the Nation's water
14 settlement, which turns 40 years old this year.
15 As you may know, the Nation has one of the oldest
16 water rights settlements in the country, the
17 Southern Arizona Water Rights Settlement Act, and
18 which was enacted in 1982, known as SAWRSA.

19 SAWRSA established a funding mechanism
20 to deliver the Nation's water entitlement. But
21 unfortunately, the Federal Government has
22 repeatedly failed to appropriate money for the

1 funding mechanism. And as a result, SAWRSA has
2 been chronically underfunded since its enactment,
3 which threatens access to our water entitlement
4 and our farming operations.

5 I really appreciate the information that
6 you've shared today on distributing money from the
7 completion fund, the Indian water rights
8 settlement. The two questions that I would like
9 to pose is how does the Department plan to ensure
10 that older, chronically underfunded water rights
11 settlements like ours, receive adequate funding to
12 ensure that we receive our water entitlement for
13 years to come? And what factors will the
14 Department consider in distributing funds from the
15 completion fund? Thank you for your time.

16 MR. GARRIOTT: Thank you for that and
17 for the questions. Part of the purpose of the
18 consultation is to hear directly from Tribes on
19 matters like that to ensure that, you know, you
20 can make recommendations directly on questions
21 like that to say this is, you know, as a Tribe
22 what we would like to see. And that's the purpose

1 of the consultation. Up next, we have Mr. Timothy
2 Davis and then Chairman Harold Frazier, in that
3 order.

4 MR. DAVIS: Okay. This is the picture.
5 Hello, people out there and (speaks in Native
6 language) Timothy Davis, chairman of the Blackfeet
7 Nation. I share the sentiments of President Nez
8 and of Governor Chavarria there. And I wanted to
9 thank him for his nice prayer this day. And as
10 well as all the people on the call and those that
11 are out there like was mentioned representing us
12 for our needs.

13 One thing we have from the Blackfeet
14 perspective is similar to Chairman McDonald.
15 We've been fighting for our water rights for
16 several decades as well. And finally, through the
17 perseverance of our water attorneys, our Tribal
18 membership, we got over the finish line in 2016, I
19 believe. And now, the funding that remains for
20 our settlement and we gave up so much. Our
21 people, our Piikani people, we gave up in 1855 all
22 the lands where the Yellowstone Park is. We gave

1 up Glacier National Park lands because we had
2 nothing to eat.

3 And so now, holding back this funding
4 for us is like kind of really a step in a slot
5 because we don't believe that we should be
6 penalized for what we did with our negotiations
7 and now to say we're going to withhold some of
8 that funding because we believe that there's a --
9 and this is pitting Tribe against Tribe and we
10 don't want that divide and conquer. We're one.
11 As the prayer said today, we're one with us on
12 earth and animals, everything that Creator gave
13 us. So, including this water.

14 And like I say, we gave up massive
15 amounts of land for what we have, the little we
16 have. The IHS, the BIA, the trust responsibility.
17 Now to say that because of the compacts that we
18 negotiated that we can withhold some of that
19 funding, we want to oppose this vigorously. We
20 don't believe that the agency should be able to
21 withhold that funding that was allocated for us to
22 do several of these projects that are right now,

1 we can't build. We can't build a dialysis clinic
2 because the wastewater treatment facility is not
3 there. The water systems are not there for we
4 wanted to do a new bond order detention facility
5 but we can't do that because of the lack of the
6 infrastructure. So, this is what our funding is
7 supposed to do for us.

8 Now to withhold that, we're going to be
9 kicked back like you heard the other people say,
10 you know, years and years of what we've been
11 fighting for, Gila River, us, the other places
12 that have had compacts. And again, nothing
13 against those that, you know, are still in the
14 pipeline, but we just need to move forward in a
15 positive way and assure that those funds are not
16 withheld and that we can go forward to make our
17 infrastructure what it's supposed to be and it's
18 not.

19 And then also, there was one other last
20 comment was we don't want to get too tied down in
21 the bureaucracies of the environmental
22 assessments, right-of-ways. And that can be a

1 very lengthy delay. We need to work together with
2 our trustee to assure that we get these projects
3 up and running as soon as possible with the BOR,
4 BIA, USGS, all of our partner agencies out there.
5 We want to continue with this relationship and
6 have the opportunities to contract that.

7 And then as far as the grants, I cannot
8 agree with President Nez, you know, with matching.
9 That's really, I don't know if that's the way to
10 go. But the formula, we can live with that.
11 We're a large Tribe as well. And so, we could,
12 you know, work together with other Tribes to
13 assure that everybody kind of gets their fair
14 share so to speak. So, we will be sending
15 comments and I believe one of our longtime water
16 treaties is on the call there and she might have
17 some additional comments. But thank you for this
18 opportunity and God Bless everybody.

19 And one last question, we used to work
20 in another capacity here and during the Vietnam
21 War, the agencies that had set up facilities for
22 maintenance, when the war came along, the

1 government just zapped those funds for the war.
2 Now, with this imminent war with Russia, could
3 this happen to us, I guess, if, you know, I'd hope
4 not.

5 But anyway, again, thank you, guys, for
6 all your work out there in getting this protection
7 for this pandemic. And the administration that
8 came forward to make this occur for this, you
9 know, massive infrastructure, which we really
10 desperately need. And we will, again like I say,
11 submit comments. And again, thank you, guys, for
12 allowing me this opportunity. God bless
13 everybody. Thank you.

14 MR. GARRIOTT: Thank you for those
15 comments and recommendations. Chairman Frazier.

16 MR. FRAZIER: Yeah, thank you. Can you
17 hear me? All right. Well, I just wanted to, you
18 know, kind of touch base on one of the things that
19 I've seen as there's really nothing on roads. I
20 guess a question to you, are they going to have a
21 consultation on roads? And also, law enforcement.
22 But I'm very disappointed. You know, I see

1 there's a lot of money coming down through the TTP
2 program. And I will say that not only for our
3 Tribe, the Cheyenne River Sioux Tribe, but the
4 Great Plains region, that formula does not benefit
5 our region.

6 And, again, there's no culvert programs.
7 And what I'm really disappointed in is the BIA is
8 not fighting for a Indian Reservation road program
9 because the BIA roads, they're a mess. And a lot
10 of us large land-based Tribes, that's what we have
11 to drive on, a lot of BIA roads. Another thing
12 that kind of, I guess, and not to be negative, but
13 disappointed in is there's really no restoration
14 for bus flow. Things like that for our region.

15 I was kind of reading through that and
16 majority of these funds really do not benefit not
17 only the Cheyenne River Sioux Tribe but the Great
18 Plains region. You know, we don't have abandoned
19 wells. We don't have orphaned wells or abandoned
20 mines. We don't have, you know, water rights
21 settlements or anything like that. And there's no
22 money for economic development, anything like that

1 what I've seen so far.

2 So, I don't know. I hope that and, you
3 know, you guys are calling it a consultation. I
4 don't agree with that. You know, because it's
5 just the same old, same old government, same old
6 system, just different players. I'm a little
7 disappointed. I know a lot of our members here on
8 Cheyenne River were really excited and happy to
9 see there was a big change in the President on
10 down.

11 But I don't know, I mean, we got to have
12 something that'll benefit us. Out of \$13 billion
13 that's coming down, I mean, we don't have a --
14 water is a big issue. We're right along the
15 Missouri River. But we don't work with the Bureau
16 of Reclamation. We have never been there. They,
17 you know, they don't want to assist our water
18 system, which is owned by all the residents of
19 this Reservation.

20 So, I guess with that, I guess, thanks
21 for the opportunity to have a say. But, yeah,
22 again, I was pretty -- a little disappointed in

1 the way things are going. It seemed like we had
2 no input on where that money should be. Somebody
3 already made the deal in the way it's looking.
4 And we're just not going to be able to access too
5 much of that funds or even get any of it, in my
6 opinion, the way what I read -- what I read and
7 heard so far today, so, for our region. So, I
8 really hope that in the future, that, you know,
9 the Great Plains region would be considered for
10 something. And roads is a big issue. But, yeah,
11 there ain't much emphasis and there's definitely
12 BIA is not fighting for Indian Reservation road
13 programs, which is really sad. With that, thank
14 you. And, I guess, we've been living through it
15 before, so, we'll do it again. So, thank you.

16 MR. GARRIOTT: Thank you, Chairman. And
17 it's always important that, yeah, we have a format
18 where people can be honest. And, you know, even
19 if there's hard words or difficult truths to talk
20 through, that's always important that people can
21 speak their truth. Up next we have Shaun
22 Chapoose. And again, I --

1 MR. CHAPOOSE: And it --

2 MR. GARRIOTT: -- yeah, and I always
3 apologize if I get someone's name wrong.

4 MR. CHAPOOSE: That's cool. That's who
5 I am. Anyway, I'm Shaun Chapoose. I'm from the
6 Ute Indian Tribe. So, I'm going to talk a little
7 bit about the methodology, right? So, the
8 allocation of funds because trying to have the
9 conversation on this whole document, I mean, I
10 could spend hours on it, but. So, here's my
11 thing. If we're going to do these infrastructure
12 things, remember infrastructure has got to be
13 long-term benefits for Indian country. So, in my
14 situation particular, we're a upper basin Tribe.
15 Second largest Reservation in North America. But
16 water infrastructure will be the point I'll kind
17 of address.

18 So, if we're going to have water
19 stability or water security, you've got to
20 remember that your formula's got to address not
21 just geographies, populations, or whatever, but
22 sources themselves. Because those that deal with

1 the Forest Service -- so, our upper part of the
2 Reservation is still Tribal property managed by
3 the Forest Service. The mandate of the Forest
4 Service is water security. So, if you start
5 talking wildland fires, all that, you know, I
6 mean, like I said, we have plenty of discussion,
7 which we will submit in a formal written document.
8 But I don't want to take up too much time.

9 So, what I want you guys to keep in mind
10 is as you're going through these programs, the way
11 I look it, it looks good but if your methodology
12 of how you allocate is going to be more beneficial
13 to just a large population-based Tribe or
14 whatever, you're really not going to address the
15 infrastructure component that we're all coping
16 with. Because like I said, you know, when we deal
17 with our Tribe for instance, you know, we have
18 common area water issues like everybody else. But
19 you've still got to deal with the actual water
20 sources and so I would just hope that when you're
21 doing your evaluation after we submit our stuff
22 that you also think beyond the standard status quo

1 that's been used in the past on allocations and
2 start really looking at the resource as a whole.
3 And to try to get better impact for everything.
4 Because, you know, we don't exactly get very much
5 money in Indian country, so when we do, you know,
6 I would hope that we are able to use it to the
7 best benefit of all Tribes, not specific to one
8 Tribe.

9 So, that was just my comment. I just
10 wanted you guys to make sure you pay attention to
11 that. But like I said, we'll submit our formal
12 written responses to all these programs. So, have
13 a good day.

14 MS. BROWN: Thank you for your comments.
15 We are having a little bit of technical
16 difficulty. I know Bryan Newland is coming back
17 into the presentation today. We are recording
18 this and I want to let folks know and that we also
19 have a court reporter on who is taking down a
20 transcript of the consultation today. So, again,
21 if anybody would like to make a comment, please,
22 raise your hand by using the reactions button at

1 the bottom of the screen. And you can raise your
2 virtual hand to make a comment and we will unmute
3 you. If you're joining by phone and you would
4 like to make a comment, you can press *9 to raise
5 your virtual hand and then it will be *6 to
6 unmute. Again, if you're calling in by phone and
7 would like to make a comment, it's *9 to raise
8 your virtual hand and *6 to unmute. And I see
9 Jeanne Whiteing, your hand's up. So, if you would
10 like to go ahead, if you wouldn't mind introducing
11 yourself and giving your affiliation for the court
12 reporter, please. Thank you.

13 MS. WHITEING: Yes, thank you. My name
14 is Jeanne Whiteing and I am the water counsel for
15 the Blackfeet Tribe. I just wanted to follow-up
16 on a few comments that Chairman Davis made in
17 connection with the Blackfeet water rights
18 settlement. And that is in connection with the
19 Indian Water Rights Completion Fund. As Chairman
20 Davis indicated, it was our understanding and
21 certainly our expectation that the Tribe would
22 receive full funding under that fund. And that

1 the fund was actually calculated on the basis of
2 providing full funds for those settlements as of
3 November 15, 2001.

4 Any holdback of those funds would
5 significantly impact the Blackfeet Tribe and its
6 ability to move forward with the very many
7 projects that were funded under the Tribe
8 Settlement Act and we would be very concerned
9 about that. We are also not clear how that would
10 actually be structured and would ask for more
11 information from Interior on that. Since any
12 amendments would be in the future, it seems very
13 difficult to determine how much, how many, and the
14 timing of any amendments. And that would be
15 certainly make it difficult to holdback any funds
16 in that regard. It certainly would also encourage
17 all of the settlement Tribes to, in fact, seek
18 additional amendments with the expectation that
19 any amendments would be funded from this fund.
20 So, I just wanted to emphasize the very serious
21 concerns of the Tribe in connection with that.

22 I also had just one comment on the BIA

1 infrastructure investments for dam and water
2 projects. I noted that Assistant Secretary
3 Newland at the outset indicated that those funds
4 would be divided 70 percent irrigation and 30
5 percent dam safety. That is not in the briefing
6 materials and we would like some confirmation on
7 that. Is that 70 percent of the 250? Or is it 70
8 percent of the 50 million? So, if some kind of
9 additional information could be provided on that,
10 we would appreciate it.

11 We're also concerned about the policy,
12 or proposed policy to not allow Tribes with
13 settlements access to those funds. For Blackfeet
14 in particular, the settlement did not provide full
15 funding for rehabilitation of the Blackfeet
16 irrigation project. And so, we were denied
17 funding then. If we're denied funding now, that's
18 a double penalty for the Blackfeet Tribe in trying
19 to improve the Blackfeet irrigation project.

20 We will be submitting detailed comments
21 on those issues as well as others. And I
22 certainly would hope that there will be additional

1 consultations on the other items addressed in this
2 consultation. It is really extremely difficult to
3 comment on every single thing and respond to the
4 framing questions as someone noted at the
5 beginning. So, thank you for the opportunity to
6 comment.

7 MS. BROWN: Thank you for raising those
8 concerns. I see Winne Stachelberg has joined us.
9 Unmute if you'd like to introduce. I don't think
10 we've had an opportunity to introduce you. So,
11 thank you for joining the consultation today.

12 MS. STACHELBERG: Thank you all so very
13 much. Thank you, Rachel. My name is Winne
14 Stachelberg. I am senior advisor and bipartisan
15 infrastructure law coordinator here at the
16 Department of Interior. And it is an honor to be
17 present with all of you at this consultation with
18 Tribal leaders. Listening to you, hearing from
19 you, and partnering with you moving forward is
20 essential so that the investments from the
21 bipartisan infrastructure law reach tribes reach
22 Tribes and Tribal leaders and your people and have

1 real impact addressing draught, restoring
2 ecosystems, protecting water, cleaning up legacy
3 pollution, saving habitats, and so much more.

4 I look forward to gaining your valuable
5 input today. But more importantly and just to
6 pick up on the last comment, more importantly I'm
7 looking forward to working with this team at
8 Interior and with all of you down into the future.
9 This is not the only consultation. These are not
10 the only three days of consultations. We will be
11 here listening and we will be here taking what you
12 say to us and turning it into action with real
13 impact.

14 So, thank you so very much. If you have
15 comments, please raise your hand with the raise
16 your hand function and we will go on to the next
17 speaker. Again, it is my honor to join each and
18 every one of you here. I don't see any hands
19 right now. But again, if you have a hand or if
20 you are on the phone calling in, you just want to
21 unmute your phone. We have a hand here?

22 MS. BROWN: We have the --

1 MS. STACHELBERG: -- yeah.

2 MS. BROWN: The business counsel, if
3 you'd like to go ahead.

4 MS. STACHELBERG: Yeah.

5 MR. BOYER: Hello everyone, this is
6 Deven Boyer. I'm chairman of the Shoshone-Bannock
7 Tribes. We'll also be submitting all our written
8 comments and looking forward to looking at all our
9 infrastructure and internet needs and so forth and
10 so on. Water, of course, everything that's
11 valuable to us. But more importantly, we've been
12 trying our very best to visit with the Department
13 of Interior all the way to the top to make sure
14 that a situation with our reversionary interests
15 are looked at and met correctly. And we need to
16 get that done and this was one of our avenues to
17 visit with you for just a little bit. And we'll
18 be submitting that as well.

19 But this is our opportunity to make sure
20 that we're heard just like other Tribes that have
21 come on prior to us this morning. So, that's what
22 we'll get submitted to you. I just wanted to make

1 sure it was done. So, we'll give the rest of the
2 time to the other Tribes. Thank you.

3 MS. STACHELBERG: Thank you very much.

4 MS. BROWN: If you would like to make a
5 comment, you can raise your virtual hand by going
6 to the raise hand function at the bottom of the
7 screen. It may also be located under the
8 reactions button at the bottom of your screen. If
9 you are not able to raise your hand, you can put
10 your message in the chat and we can call on you
11 that way. Additionally, if you're calling in my
12 phone, you may press *9 to raise your virtual hand
13 and then it's *6 to unmute. And I'll also pause
14 for a moment and since written comments were
15 mentioned, you can submit written comments to
16 consultation@bia.gov by February 4th. We're
17 asking for written comments by February 4th.
18 Again, for those of you calling in, the comments
19 email is consultation@bia.gov. And I see Bryan
20 has joined us. Assistant Secretary Newland has
21 joined us again.

22 MR. NEWLAND: Thanks, Rachel. Can you

1 hear me? Okay. My audio was it just decided to
2 quit on me for a few moments. Always at the most
3 inconvenient time. It's like when your computer
4 breaks and your car breaks always at the most
5 inconvenient time. Thanks for having me back and
6 thanks everyone for your patience with the
7 swapping in and out. And Winne, for moderating.
8 I don't see any raised hands.

9 I did want to, as I was leaving to
10 restart my computer, I was hearing Chairman
11 Frazier talk about roads funding. The bipartisan
12 infrastructure law authorized funding for the
13 Department of the Interior for the BIA roads
14 program but did not appropriate funds for that.
15 The infrastructure law did, however, appropriate
16 funds to the Department of Transportation. I
17 think Chairman Frazier, you acknowledged that or
18 referenced that. And I do believe that the
19 Department of Transportation is planning their own
20 Tribal engagement on this. And we do have a link
21 to some of the materials from the Department of
22 Transportation that we can put into the chat.

1 Rachel, it now seems that my camera has
2 involuntarily quit on me. Can you hear me still?

3 MS. BROWN: We can hear you, yes. Yeah,
4 we can't see you but we can hear you.

5 MR. NEWLAND: Okay. At this time, are
6 there any other comments or anyone else wish to
7 speak? I see a hand raised from Mr. St. Clair.

8 MR. ST. CLAIR: Thank you. Good
9 afternoon. My name is John St. Clair and I'm the
10 chairman of the Eastern Shoshone Tribe, Central
11 Wyoming. I just wanted to express my agreement
12 with Chairman Nez and some of the other commentators
13 who were critical of the funding where we had to
14 do a contribution. And also, the fact that we've
15 pretty much have made our proposed budgets as to
16 expending our ARPA funds already. So, those
17 aren't available.

18 But some of the parts of the bill that
19 we have interest in here in Wyoming is we have an
20 aging dam that's located just about five miles
21 west of Fort Washakie, which is in dire need of
22 repairs. We have a large interest in our water

1 storage because of the case that adjudication back
2 in the '70s or '80s where the State of Wyoming
3 sued us for water. And so, we're looking at those
4 kind of projects. The other thing that we were
5 looking at was we have a number of orphaned wells
6 from past development of oil and gas out on our
7 Reservation here that we need to look at and
8 address.

9 So, those are just some of the things
10 that we're interested in in the bill. We'll be
11 submitting our written comments regarding our
12 position on the issues. And also, our position on
13 some of the portions of the bill that we believe
14 can benefit us. Again, I wish to thank Secretary
15 Haaland, her staff, and everyone for consulting
16 with the Tribes regarding this and look forward to
17 working with you in the future.

18 MR. NEWLAND: Thank you so much for
19 joining us today and sharing your comments.
20 You'll see in the chat function that Rachel has
21 shared a link to the Department of Transportation
22 information about their share of roads funding for

1 Indian country. Also want to note, take this
2 opportunity to note that at Monday's session of
3 the White House Council on Native American
4 Affairs, we are expecting Transportation Secretary
5 Pete Buttigieg. And if you want to address some
6 of these transportation issues, it's an
7 opportunity to speak directly to the cabinet
8 secretaries including Secretary Haaland and
9 Secretary Buttigieg about these issues. And so,
10 encourage you to sign up if you haven't already
11 and join us for that session on Monday.

12 All right. I don't see any hands raised
13 from any of our participants. I want to
14 encourage, again, if you haven't had a chance to
15 speak and you wish to do so, please use the raise
16 my hand function. We are having an additional
17 consultation session tomorrow. I do want to note
18 the accelerated timeline for this consultation
19 that is due to the requirements of the bipartisan
20 infrastructure law for us to have a spending plan
21 to Congress within 90 days. So, we wanted to make
22 sure that we left some time between the deadline

1 for Tribal comments and the submission of that
2 spending plan for us to review and incorporate
3 your comments and your feedback into our work.
4 And that's something that we're all committed to
5 doing and we'll very hard and very quickly to make
6 sure that this consultation, the feedback we get
7 is built right into our spending plan.

8 MS. BROWN: I see we had a question in
9 the chat about the transcripts and those can be
10 shared on the upcoming consultation website
11 through BIA's upcoming consultation website as
12 soon as we receive them from the court reporter.
13 So, I apologize, I don't have a specific date but
14 we will show those as soon as they're available.

15 MR. NEWLAND: Thanks, Rachel. So, with
16 that I want to put out a last call for comments
17 from our participants today. We will go as long
18 as folks need us to. But if no one has any
19 further comments, we can wrap early as well. So,
20 last call for comments from participating Tribal
21 leaders today.

22 Okay. Seeing none and hearing none, we

1 can conclude this session today. A reminder that
2 we are having an additional consultation on the
3 bipartisan infrastructure law again tomorrow. And
4 then the White House Council on Native American
5 Affairs is having it's first ever Tribal leader
6 engagement session directly between Tribal leaders
7 and members of the President's cabinet on Monday
8 afternoon beginning at 1:00 eastern time. Invite
9 you to participate in that as well.

10 I want to thank everybody who took time
11 out of your busy days and schedules to join us
12 today and share your thoughtful feedback. I know
13 that we are throwing a lot of information at you
14 about a lot of money and doing it in a short
15 period time and that you are all incredibly busy
16 running your Tribal governments, your Tribal
17 programs, taking care of people in your
18 communities and we do recognize the work that
19 you've put in to review this information, get us
20 comments, put written comments together for us to
21 review, all while running your Tribal governments.
22 And so, I want to thank you for that. Thank you

1 for your service to your people and in your
2 communities.

3 I want to thank my colleagues here from
4 the Department of the Interior for joining us
5 today and listening in. I hope that everybody
6 recognizes the presence from across the Department
7 of the Interior reflects Secretary Haaland's
8 commitment to make sure that we're all
9 participating in Tribal consultation and doing our
10 share of the work when it comes to fulfilling our
11 trust responsibilities. And I also want to
12 recognize Rachel Brown and our team here at the
13 Department for organizing this. It's a lot of
14 work on her end and thank you, Rachel, for helping
15 pull this together. So, with that we can conclude
16 our consultation session this afternoon. I wish
17 you all good health, wellness, and we'll talk
18 again tomorrow. Thank you so much.

19 MR. CHAVARRIA: Thank you Assistant
20 Secretary. Be safe.

21 (Whereupon, at 4:23 p.m., the
22 PROCEEDINGS were adjourned.)

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CERTIFICATE OF NOTARY PUBLIC

DISTRICT OF COLUMBIA

I, Kendra Hammer, notary public in and for the District of Columbia, do hereby certify that the forgoing PROCEEDING was duly recorded and thereafter reduced to print under my direction; that the witnesses were sworn to tell the truth under penalty of perjury; that said transcript is a true record of the testimony given by witnesses; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was called; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

(Signature and Seal on File)

Notary Public, in and for the District of Columbia

