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BUREAU OF INDIAN AFFAIRS

BIPARTISAN INFRASTRUCTURE LAW
TRIBAL CONSULTATION
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1 P R O C E E D I N G S

2 (1:04 p.m.)

3 MS. BROWN: Good afternoon or good
4 morning to you, depending on where you're joining
5 today. This is the Bipartisan -- I'm sorry, this
6 is the Consultation for the Bipartisan
7 Infrastructure Law, programs for the Department of
8 Interior. Welcome to everybody. This is a
9 government-to-government consultation, so if you
10 are with the press or a member of the press, we
11 ask that you disconnect at this time. And thank
12 you, everybody, for joining.

13 I will now turn to Assistant Secretary
14 Bryan Newland.

15 MR. NEWLAND: (Speaks in Native
16 language). Thank you, Rachel. And (speaks in
17 Native language), everybody. My name is Bryan
18 Newland. I am the assistant secretary for Indian
19 Affairs here at the Department of the Interior,
20 and I'm happy to kick off our consultation with
21 you regarding President Biden's Bipartisan
22 Infrastructure Law and the funding that will flow

1 through the Department of the Interior out into
2 Indian country.

3 As we always try to do for these types
4 of gatherings and meetings, we want to make sure
5 that we begin with words of prayer and blessing so
6 that we can have a good respectful conversation
7 with one another with open minds and open ears.
8 And toward that end we have asked Chairwoman
9 Cheryl Andrews- Maltais from Aquinnah to join us
10 today and share a blessing.

11 Chairwoman?

12 MS. ANDREWS-MALTAIS: (Speaks in Native
13 language) Cheryl Andrews-Maltais. I'm the
14 chairwoman of the Wampanoag Tribe of Gay Head
15 Aquinnah in Massachusetts. And if you would all
16 pray in your own way.

[Blessing]

14 (Speaks in Native language).

15 MR. NEWLAND: (Speaks in Native
16 language). Thank you so much, Chairwoman, for
17 those words of blessing and for taking time with
18 us today.

19 We have a lot of presenters from the
20 Department here today. And ordinarily and today
21 we want to make sure that our consultation is
22 spent hearing directly from Tribal Leaders and

1 doing more listening than talking. That said, we
2 do want to make sure that we are offering a
3 presentation of the Department's roles and our
4 ideas for how this funding will roll out. So we
5 ask your patience as we spend some time going
6 through those funding streams from different
7 officials here at the Department.

8 And to kick us off, we have our leader
9 here to welcome us all, Secretary Haaland.

10 SECRETARY HAALAND: Thank you so much,
11 Bryan. And thank you, Chairwoman. It's always
12 wonderful to see you. We are so grateful that
13 you're here to offer those words of blessing and
14 get us off on the right foot here.

15 (Speaks in Native language). I'm
16 honored to join you, all of you, at
17 the Department of the Interior's
18 consultation from the ancestral
19 homelands of the Tanoan and the
20 Tiwi People here in Albuquerque,
21 New Mexico. First I want to thank
22 you all for participating in this

1 important consultation, which will
2 help the Department of the Interior
3 gain your valuable input as we look
4 to implement the transformational
5 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 of native
11 peoples. Lack of infrastructure investment over
12 years and years left indigenous communities
13 without running water, internet connectivity,
14 access to healthcare and public safety, and so
15 much more. This wasn't news to Indian Country.
16 For generations we had to fight for ever inch of
17 self determination, consultation, and investment,
18 and often learn to expect broken promises. But we
19 are in a new era and the Bipartisan Infrastructure
20 Law is a turning point. This is a once in a
21 lifetime, \$13 billion investment in indigenous
22 communities. With it we can re-envision our

1 future, we can build roads and bridges, install
2 water infrastructure, transition to clean energy,
3 and bolster climate resilience. It's an
4 investment in the idea that we cannot only reshape
5 our future, but also safeguard the well-being of
6 our elders, communities, and future generations.

7 Today's consultation will further center
8 your voices in this important work. As we move
9 forward in service to that goal, we do so with the
10 support and commitment of President Biden and the
11 entire Biden-Harris Administration. Each cabinet
12 agency is committed to meaningful Tribal
13 consultation, fulfilling our Trust
14 responsibilities, and strengthening our
15 nation-to-nation relationships across all areas of
16 the Federal Government.

17 As someone whose story is not unlike
18 many of yours, I know how much this means to
19 indigenous communities. This is an historic
20 opportunity to lend our voices to decisions that
21 impact our families and our communities through
22 the Administration's all of government approach to

1 consultation in which indigenous people are
2 consulted before policies are developed instead of
3 after they have been determined.

4 Together we're working to ensure that
5 we're grounding decisions in our shared heritage,
6 using traditional knowledge, and always, always
7 mindful that Tribal Leaders know best how to help
8 and care for their own people.

9 I want you to know that the Department
10 is committed to working with you and we're eager
11 to hear your voices and priorities during this
12 consultation.

13 Thank you for everything you do every
14 single day to care for your people, to lead your
15 people and your communities. Please know that my
16 door is always open to all of you.

17 Now it is my distinct honor to introduce
18 President Biden's senior advisor and
19 infrastructure coordinator, mayor, and my friend I
20 will say, my dear friend, Mayor Mitch Landrieu.

21 Thank you all so much. (Speaks in
22 Native language).

1 MR. NEWLAND: Thank you, Madam
2 Secretary. I don't believe the Mayor is able to
3 join us this afternoon. He was on our last two
4 consultations. But he is indeed a great champion
5 of this effort on behalf of the President. And
6 thank you, Madam Secretary, for taking time out of
7 your packed schedule to join us today on this
8 consultation. We're all very grateful for that.

9 I want to now turn it over to Deputy
10 Secretary of the Interior, Tommy Beaudreau, to
11 share some words with us as well.

12 MR. BEAUDREAU: Thank you, Assistant
13 Secretary Newland, and thank you, Secretary
14 Haaland, and thank you, Chairwoman.

15 It is a true honor to be with all of you
16 today. And I want to take the opportunity to
17 thank each of you for participating in the
18 Department of the Interior's Bipartisan
19 Infrastructure Law Consultation session today.

20 This consultation is an important part
21 of the Biden- Harris Administration's all of
22 government approach to strengthening our

1 government-to-government relationships with
2 Tribes, as President Biden directed us to do in
3 his memorandum, issued just more than a year ago.

4 Today we will consult on the \$28 billion
5 investment through the Department of the
6 Interior's programs included in the Bipartisan
7 Infrastructure Law. These investments include
8 \$466 million in Tribal climate resilience and
9 infrastructure, just for community-led transitions
10 to the most vulnerable Tribal communities,
11 including climate adaptation planning, ocean and
12 coastal management planning, capacity building,
13 and, where necessary, relocation managed retreat,
14 and protect-in-place strategies based on climate
15 risks, a \$2.5 billion in Indian water rights to
16 fulfill the Government's obligations, and programs
17 that make Tribal communities eligible for
18 resources to support building resilience to
19 wildland fire and drought, restoring ecosystems,
20 enabling fish passage, and addressing legacy
21 pollution from abandoned mine lands and orphan oil
22 and gas wells.

1 Today Department leaders will provide
2 presentations to give you more clarity about the
3 law and the Interior Department's work to
4 implement these funding opportunities under the
5 Bipartisan Infrastructure Law.

6 We'd also like to hear from you about
7 ways to work across Indian country as well as the
8 Federal Government on technical assistance to make
9 sure that resources under the Infrastructure Law
10 are deployed not just through the Interior
11 Department, but through the Departments of Energy,
12 Transportation, EPA, AG, and Commerce to reach
13 communities across the country, including
14 especially in Indian.

15 As we move forward, we welcome ongoing
16 discussion and collaboration so that we can
17 continue to build trust and honor the federal
18 Government's Special Trust responsibilities to
19 Tribes.

20 Thank you so much and look forward to
21 hearing from you today.

22 Back to you, Assistant Secretary

1 Newland.

2 MR. NEWLAND: Thank you so much for
3 sharing that with us, Deputy Secretary, along with
4 your time today and all week long during these
5 consultations. We here at the team at DOI really
6 appreciate you, Madam Secretary, and Deputy
7 Secretary for sharing your time and support for
8 this important work.

9 So we actually have a number of
10 consultations going on here at the Department
11 today. I am going to turn over hosting duties for
12 this consultation to my friend and colleague, our
13 Principal Deputy Assistant Secretary Wizipan
14 Little Elk Garriott. Wizipan is our designated
15 lead for Indian Affairs on implementation of the
16 Bipartisan Infrastructure Law. And he has been
17 instrumental in our work with all of you to make
18 sure that we're getting these funds out to Indian
19 Country for investment in infrastructure.

20 So, Wizi, I'll turn it over to you.

21 MR. GARRIOTT: Thank you, Assistant
22 Secretary Newland and thank you to Madam Secretary

1 Haaland and to Deputy Secretary Beaudreau.
2 (Speaks in Native language). I greet each and
3 every one of you with a good heart.

4 My name is Wizipan Little Elk Garriott.
5 I serve as the Principal Deputy Assistant
6 Secretary for Indian Affairs. I am a citizen of
7 the Rosebud Sioux Tribe. And, with that, we're
8 going to jump right into our presentations and
9 we're going to walk through a lot of the various
10 funding that is going to be available to Tribes,
11 that Tribes will be eligible for. So if we can
12 pull up our presentation. Excellent. And first
13 up we're going to be discussing Western water and
14 Indian Water Rights Settlements. So Assistant
15 Secretary Trujillo.

16 MS. TRUJILLO: Thank you. Hello,
17 everyone. This is Tanya Trujillo, the Assistant
18 Secretary for Water and Science at Interior. I'm
19 very happy to be here today with you as part of
20 this consultation meeting to discuss the Western
21 water provisions in the Bipartisan Infrastructure
22 Law. I will also cover a few slides relating to

1 the specific funding we have for the Indian Water
2 Rights Settlements program as well.

3 First I just want to say that I
4 appreciate being part of the team with the Bureau
5 of Reclamation and I know many of you have
6 participated in the special webinars that the
7 Bureau of Reclamation has made available for the
8 Bipartisan Infrastructure Law. Those webinars
9 were held in December and one earlier in the month
10 of January. And the background information that
11 they presented in also available on line at
12 USBR.gov, with a special link to the Bipartisan
13 Infrastructure Law provisions. The information
14 that they have presented has detailed the various
15 provisions that are available through the
16 Bipartisan Infrastructure Law for the Bureau of
17 Reclamation.

18 On January 14 Reclamation published its
19 initial spend plan for the use of the Bipartisan
20 Infrastructure Law funding for 2022, and that
21 document is also on line and it covers a lot more
22 detail than we're going to go over today about the

1 particular projects and programs that can be
2 available for funding through the Bipartisan
3 Infrastructure Law.

4 I want to reaffirm that part of our
5 commitment is to be able to utilize as much of the
6 funding that we have as possible as quickly as
7 possible. And many of the programs are building
8 off of existing programs that rely on application
9 processes and funding opportunities that are
10 available to multiple participants, but many of
11 them are specifically available to Tribal
12 communities as well as non Tribal applicants. And
13 I know that is one thing we want to be very
14 careful about, being able to highlight those
15 opportunities.

16 Moving onto the next slide, which is
17 just the program overview, this slide contains a
18 lot of information and is just an example of what
19 a big variety we have for the programs that we
20 have available. We currently have four public
21 funding processes underway and those relate to
22 extraordinary maintenance projects. The second

1 category is water recycling projects. That is
2 tied to previous authorizations. And then we have
3 a new authorization for recycling projects. That
4 is also available and those applications are open
5 through March 15. The fourth category that's
6 currently available is for desalination projects.
7 All of those funding opportunities are open to
8 Tribal and non Tribal communities and they are
9 available now. More information is available now
10 at grants.gov website.

11 As far as the big picture level,
12 Reclamations programs are broken down into
13 different types of funding projects. The funding
14 is available through public funding opportunities,
15 like the ones that we juts mentioned, but there
16 are smaller scale application periods for some of
17 those categories.

18 And then there are some internal
19 determinations that are made for some of the
20 programs, like the dam safety programs.

21 All of these programs are coming
22 together at a time where we have to keep track of

1 a lot of things at the same time, but we're trying
2 to be efficient about that and have good
3 information available through the website. These
4 different programs are relating to our WaterSMART
5 grants. Some of them also relate to watershed
6 projects, and a new program relating to aquatic
7 ecosystem projects. And we are in the process of
8 developing updated criteria for some of those
9 programs and we will have the new applications
10 available in the spring and summer and the fall.

11 As I said, we are doing a lot of things
12 at the same time, so we're trying to put out the
13 new funding availability for these new projects at
14 the same time as we are still continuing to make
15 progress on our ongoing construction projects,
16 such as the rural water projects. And some of
17 these programs will be supplemented by the new
18 funding that's coming in through the Bipartisan
19 Infrastructure Law.

20 With respect to the additional resources
21 we have, I know we are going to have many of those
22 programs that are available to Tribes, we are

1 trying to have as much information available as
2 possible. We can't describe all of the
3 information on a single table, but we have just
4 tried to summarize it here. And I really
5 encourage everyone to reach out to us directly
6 with questions or to be available at -- or to send
7 in your questions through this process.

8 So part of this consultation is that we
9 would like to have feedback from you. So the
10 questions that we have for feedback are here
11 presented to you. These are the questions that we
12 wanted to get your input on. First, which drought
13 resilience programs have the best potential to
14 address your Tribe's needs. And part of that is
15 wanting to know more information about whether the
16 Tribes participate in any of these programs
17 currently and then, if so, what works well and
18 what aspects of the program need improvement. And
19 then we have an opportunity to receive input from
20 you through an email.

21 So thank you very much for that. I
22 would like to also comment relating to the Indian

1 Water Rights Settlements programs as well.

2 So we have three slides of information
3 as part of this consultation meeting to present.
4 And, again, I am very happy to be participating
5 with several other members from Secretary
6 Haaland's office and from our other assistant
7 secretary offices with respect to our
8 implementation of our Indian Water Right
9 Settlements programs and the new funding that we
10 have available from the Bipartisan Infrastructure
11 Law.

12 The Bipartisan Infrastructure Law
13 authorizes an additional \$2.5 billion in mandatory
14 funding that can be deposited in the Indian Water
15 Rights Settlements fund. The statute has very
16 specific language about what that new funding can
17 be used for and it says it can be used for
18 application to the existing authorized
19 settlements. The existing authorized settlements
20 are identified in our website for the Secretary's
21 Indian Water Rights Settlements program.

22 Yes, thank you. That the list of those

1 enacted settlements is listed, as I mentioned, and
2 many of the enacted settlements have been funded,
3 but there are some of them that have balances or
4 that have ongoing Federal obligations, such as
5 funding for operations, maintenance, and
6 replacement costs. So we are in the process of
7 evaluating the needs of the existing settlements
8 in connection with this new funding.

9 So as I mentioned with the Western water
10 funding opportunities, we are very interested in
11 receiving feedback from you on specific questions.
12 Those that we have specifically in mind are what
13 factors should the Secretary be considering in
14 determining the sequence and timing of
15 distributing the \$2.5 billion that we have from
16 the Bipartisan Infrastructure Law? And should we
17 utilize the entire amount in the fund to be paid
18 out immediately to satisfy the remaining costs
19 that have a balance to complete or should some of
20 the funding be held back in the event that the 34
21 settlements enacted as of November 2021 could
22 potentially need additional funding from future

1 authorized amendments or authorizations?

2 Thank you very much for listening and
3 participating in the meetings today. And I again
4 appreciate being part of the team in connection
5 with these issues.

6 Thank you all.

7 MR. GARRIOTT: Thank you, Assistant
8 Secretary Trajillo.

9 Next up I will be walking us through the
10 funding that has been made available to the Bureau
11 of Indian Affairs.

12 Next slide. The funding came in in two
13 kind of large areas. One
14 was the dams and water projects and then
15 the other kind of big bucket was around climate
16 resilience planning and community relocation. So
17 the first area that we're going to walk through is
18 the dams and water project funding.

19 In total \$200 million was awarded in
20 this area and that of that at least \$50 million
21 must be used to address irrigation and power
22 systems. With regard to the irrigation portion of

1 the funding, we are planning to invest 70 percent
2 of that funding with Indian irrigation projects
3 and an additional 30 percent at BIA owned power
4 utilities. With regard to the prioritization and
5 use of the funding, we are planning to prioritize
6 projects that reduce deferred maintenance and the
7 risk of failure and that we want to make sure that
8 the use of the funding is aligned with our
9 condition assessments that we have for each of
10 these various facilities, as well as our
11 modernization studies to rehabilitate this aging
12 infrastructure.

13 We also have received specific money for
14 dams and we know that there are many Tribal and
15 BIA owned dam projects throughout the country.
16 And we're looking to utilize funding to accelerate
17 rehabilitation activities. And that the
18 prioritization, in terms of which projects move
19 forward first, is based on inspection and an
20 analysis of all of the hazard programs that we
21 maintain and monitor with each one of these dam
22 projects throughout Indian Country. These

1 projects really run through existing
2 authorizations and existing programs. We have
3 also received authorization to use some of this
4 funding for water sanitation projects. This is a
5 newer program that we're looking to stand up
6 within Indian Affairs through the use of this
7 money. And that with regard to water sanitation
8 work in Indian Country, we want to prioritize
9 projects that will address EPA, Environmental
10 Protection Agency, notice of violations,
11 contamination issues, and that address critical
12 risks of system failure of system outages. And,
13 again, we maintain a list of assessments and we're
14 looking to prioritize the work based on these
15 assessments of facilities and projects that are,
16 you know, related to drinking water and waste
17 water systems that we own and maintain.

18 Next slide. Additional resources for
19 the dam and water safety
20 can be found at the safety of dams
21 programs website and also we have a list of the
22 BIA irrigation and power systems. For additional

1 information please reach out to Johnna Blackhair
2 for safety of dams and irrigation of power
3 systems, and for water sanitation please reach out
4 to Jason Freihage, the deputy assistant secretary
5 for management.

6 Next slide. As with all of this funding
7 we have questions and

8 I'll walk through these three questions
9 with regard to the irrigation and dam safety and
10 water money. Do you have questions or comments to
11 the implementation strategy proposed by BIA that
12 might improve how we meet the programmatic goals
13 of this law? Second, do you have any questions or
14 comments about BIA's funding distribution
15 methodology? And in three, do the factors
16 proposed to prioritize investments for irrigation
17 and power seem appropriate or should we consider
18 other factors?

19 Next slide. The second kind of large
20 pot of funding that Indian

21 Affairs received is around climate
22 resilience. We received a total of \$216 million

1 to provide for Tribal climate resilience,
2 adaptation, and community relocation planning,
3 design, and implementation projects. We
4 anticipate that \$130 million will be provided to
5 Tribal communities for relocation and that \$86
6 million will be provided to Tribal communities for
7 climate resilience and adaptation projects. Of
8 that total, \$43 million is available each year to
9 spend.

10 With regard to the community relocation
11 awards, we're looking to support projects around
12 risk assessment, planning, implementation of
13 relocation, and overall capacity building. We
14 also anticipate that we will have a pilot
15 demonstration project that would be ready for
16 implementation very soon and much quicker and that
17 we would prioritize Tribes based on a number of
18 factors, including risk level, community
19 readiness, existing plans or designs, and the
20 potential to yield lessons learned in the complex
21 task of moving an entire tribal community.

22 With regard to the climate adaptation

1 awards, we anticipate that these will support
2 training and workshops, adaptation planning, youth
3 engagement, implementation of climate adaptation
4 projects, travel, and overall capacity building
5 for Tribal communities.

6 For both of these categories we plan on
7 considering a number of factors, including overall
8 quality of design, potential for implementation,
9 and incorporation of science features, capacity
10 building features, and strength of budget proposal
11 and other factors, including the breadth of
12 benefits and the ability to -- planning for
13 leveraging funds. And, you know, one other thing
14 I would mention in kind of the science features is
15 that it is also very important that we take into
16 account Tribal ecological traditional knowledge as
17 well. And that's another priority for the
18 Administration.

19 Next slide. Here we have additional
20 resources where people can

21 look at previous awards. There's also
22 been a number of listening sessions hosted on

1 Tribal climate resilience and planning and you can
2 look at those listening sessions. And then also
3 we've conducted a very comprehensive report
4 looking at some of the unmet needs for Tribal
5 communities and relocation. And, again, if there
6 are any other questions around this, please feel
7 free to contact Johanna Blackhair, deputy director
8 for trust services.

9 Next slide. We have questions with
10 regard to the implementation
11 of the Tribal climate resilience
12 funding. And these are -- do eligible cost
13 categories for community relocation and climate
14 adaptation seem appropriate? Given the amount of
15 funds available, does the criteria for awarding
16 funds seem like an appropriate approach or should
17 we consider other factors? Three, should we have
18 a cap on funding per Tribe or direct funding to
19 Tribes most at risk and ready for implementation?
20 And then, four, does your Tribe participate in any
21 of these programs currently? If so, what works
22 well and what aspects of the program need

1 improvement?

2 Next up. Next we are going to be
3 talking about wildland fire.

4 And for this portion of the presentation
5 we have Director Rupert.

6 MR. RUPERT: Thanks so much for the
7 introduction. It's a real honor to be here today
8 to share with all of you some information about
9 the Bipartisan Infrastructure Law, and
10 specifically wildland fire provisions.

11 First just a little overview of the
12 wildland fire management program in Interior. The
13 Department implements a suite of activities that
14 make up the fire management program. These
15 activities are implemented through the
16 Department's Bureaus, including the Bureau of
17 Indian Affairs, the Bureau of Land Management, the
18 National Parks Service, U.S. Fish and Wildlife
19 Service, and importantly, science delivery through
20 the U.S. Geological Survey. The fire management
21 program activities are supported through several
22 funding categories. Those include preparedness

1 funding that supports workforce, supplies and
2 equipment, and response planning. Suppression
3 funding that supports direct fire operations. So
4 when wildfires are occurring across the Nation and
5 the inter-agency management teams are deployed to
6 respond to those fires, that support is funded
7 through suppression. Fuels management, which are
8 the vegetation management and risk reduction
9 projects that are implemented across the Nation to
10 reduce the risk of intense and catastrophic
11 wildfire. We have facilities funding support,
12 burned area rehabilitation. So the activities
13 that occur after a wildfire to help land to
14 recover and be rehabilitated. And then, finally,
15 we have science support.

16 Next slide please. So the Bipartisan
17 Infrastructure Law provides nearly

18 \$1.5 billion to the Department of the
19 Interior wildfire management program. The Law's
20 funding is intended to prepare communities and
21 ecosystems for the threat of wildfire by making
22 historic investments to address wildfire risk

1 through fuels management, science and technology
2 to improve the early detection of wildfires,
3 support to local communities to prepare for and to
4 mitigate the impact of wildfires, and additionally
5 post-fire restoration activities. The Law also
6 invests in wildland firefighter pay and benefit
7 reforms. And I'll talk a little bit more about
8 these provisions.

9 In most of these cases the U.S.
10 Department of Agriculture Forest Service has
11 received complementary appropriations and our
12 departments are collaborating very closely on
13 implementation of these provisions and reforms.

14 So first a little more information about
15 preparedness. And I will also mention here that
16 some of the information that I'll share here, this
17 more detailed information, is included in the
18 information that you received with the
19 notification for this consultation. But real
20 briefly, so for preparedness support, Tribes are
21 eligible for -- or we believe will benefit from a
22 number of investments to increase preparedness and

1 response to wildfire. Those provisions include
2 \$50 million in support for pre-planning fire
3 response workshops and training for firefighters,
4 an additional \$50 million provision for Tribal
5 Nations and local governments to purchase slip on
6 tanker firefighting units for pick up trucks, a
7 \$10 million provision for radio interoperability
8 and incident management team support for wildfire
9 response, an additional \$10 million provision for
10 agreements with NOAA to establish a program that
11 uses the GOES-R, the geostationary operational
12 environmental satellite program, to rapidly detect
13 and report wildfire starts, and then, finally,
14 under preparedness, a \$5 million provision for
15 purchasing sensors, cameras, and equipment for
16 wildfire detection and real-time monitoring.

17 So for fuels management, additional
18 support and provisions. Tribes are eligible for
19 resources to plan and implement fuels management.
20 These provisions include \$100 million of support
21 for mechanical thinning, an additional \$250
22 million provision for prescribed fire, an

1 additional \$250 million provision for developing
2 and installing control locations, including fuel
3 breaks, a \$100 million provision to support
4 employment of contractors, young adults, Tribal
5 Nation youth, veterans, and others to remove
6 vegetation and where possible produce biochar or
7 other innovative wood products, and, finally, a
8 \$178 million provision to support the Department's
9 fuels management program.

10 Under burned area rehabilitation, Tribes
11 are eligible for a \$325 million provision provided
12 to Federal, state, and Tribal entities to complete
13 post-fire restoration activities. There are
14 specific wildland firefighter workforce reforms
15 that are with noting. The law provides \$120
16 million to support firefighter workforce reforms
17 that include base pay increases, the creation of a
18 wildland firefighter occupational series, the
19 conversion of seasonable wildland firefighters to
20 full-time permanent positions, and the development
21 of a program to support firefighter mental health
22 and wellness, and then finally, the Law provides

1 \$10 million in support to DOI over the next five
2 years for science and research associated with
3 wildland fire risk and that will directly impact
4 and support local communities.

5 Finally, similarly, we have developed a
6 couple of questions for feedback that include
7 which wildland fire resilience programs have the
8 potential to be most important to your Tribe or
9 where do you see your Tribe having capacity to
10 implement these programs through contracts or
11 agreements? And does your Tribe participate in
12 any of these programs currently, and if so, what
13 works well and what aspects of the program need
14 improvement?

15 So that's the information I have to
16 share today. Than you all very much.

17 MR. GARRIOTT: Thank you, Director
18 Rupert. Up next we have Associate Deputy
19 Secretary Sarah

20 Greenberger to discuss the eco
21 restoration programs.

22 MS. GREENBERGER: Thank you. And thank

1 you, everybody, for being willing to spend your
2 time and your insight with us today. It's an
3 honor to be with you.

4 I think as you've seen in the
5 presentations that have come before me and you'll
6 see in the ones after, there's a real focus in the
7 Infrastructure Act on ecosystem restoration.
8 There are programs in water and wildland fire and
9 in other places throughout the bill, but they have
10 given the Interior Department an investment in the
11 Office of the Secretary and a number of different
12 tools that we can use to support ecosystem
13 restoration in a number of different ways.

14 So the total to the Office of the
15 Secretary for this purpose is \$905 million over
16 five years. That's again -- like in wildland
17 fire, that's half of the total pot. The other
18 half went to the Department of Agriculture for a
19 similar set of programs. I'll run through them
20 and give you a little bit more information.

21 So one of the tools that they've funded
22 is for contracts to restore ecological health on

1 Federal, but also Tribal lands. And that's \$50
2 million to us and USDA Agriculture Department got
3 \$150 million. So that's one example where we both
4 have resources for a similar purpose.

5 There's a working capital fund to
6 support stewardship contracts and all the costs
7 associated with them, as well as \$40 million for
8 good neighbor agreements with states and Tribes to
9 accomplish ecosystem restoration. Unique to
10 Interior, we have \$400 million to provide grants
11 to states and Tribes for voluntary restoration.
12 The Infrastructure Act gives us a little bit of
13 guidance that we should be prioritizing
14 cross-boundary projects. And it does state that
15 there is a matching requirement for this grant
16 program, although it doesn't specify what that
17 match requirement should be or how it should be
18 defined. And so that's something we're thinking
19 about and trying to figure out are there creative
20 ways that we can structure that so it's the least
21 barrier possible. There are resources for
22 invasive species detection, prevention, and

1 eradication. Again, this is \$100 million to
2 Interior and the same \$100 million to USDA. There
3 are resources to restore recreation sites,
4 especially those that are over-visited and make
5 them more resilient. That includes recreation
6 sites on Tribal lands. There are resources for
7 re-vegetation and hazard mitigation on mine
8 lands, as well as resources for a national
9 re-vegetation effort, including funding for the
10 National Seed Strategy.

11 We've put this orange mark -- I don't
12 know if it's a star or how you would describe it
13 -- next to programs that explicitly mention Tribal
14 or Tribal land eligibility, but it's our reading
15 that at this state that Tribes could receive
16 resources through contractor agreements for really
17 all of these categories in exchange for services,
18 even those that don't mention it explicitly.

19 At this stage, because this is sort of
20 new and ill defined, aside from really what you
21 see here in terms of direction to us, we've put
22 together a group of experts across the Department

1 from different bureaus and offices to think
2 through how we should strategically use these
3 resources so that they can leverage and make the
4 most difference instead of sort of scattering them
5 all over the place in a way that may not, you
6 know, make as much of an impact as it could. So
7 that's -- you know, especially a place where --
8 you'll see when we get to our questions, we'd love
9 input on how we could best leverage these
10 resources with others and with other priorities to
11 have the most impact.

12 And we'll have some short-term decisions
13 to make in the next month or two about how we
14 allocate fiscal year 2022 resources. We'll be
15 looking for input over a longer period of time to
16 figure out how this program can best be
17 implemented over the five years or more that we
18 have these resources to use.

19 Next slide. So a good point of contact
20 is helping to manage the

21 development of this program, Jonathan
22 Steele. If you have questions or comments beyond

1 the formal comment period, here's a good point of
2 contact for you.

3 And next. And I think, you know, a
4 similar set of at least
5 initial questions for feedback that
6 you've seen in some of the other programs, just as
7 we try to understand where the best uses and needs
8 are for these resources, which of these activities
9 seem most important to your Tribe? Are there
10 places where you think your Tribe would have
11 capacity to implement these activities through
12 contracts or agreements? And are there key
13 barriers that we should understand as we look to
14 ramp up and spend more money that already make it
15 difficult for you that we should be addressing
16 alongside of the substantive parts of this
17 program? And do you see opportunities where these
18 funds could be used to best leverage other
19 restoration investments that your Tribe or other
20 Federal agencies are making, again, so we can use
21 these resources in the most strategic way
22 possible?

1 I look forward to hearing comments at
2 the end of the presentation.

3 Thank you.

4 MR. GARRIOTT: Oops, I'm sorry, I was on
5 mute. Thank you, Associate Secretary Greenberger.

6 Next we have Deputy Assistant Secretary
7 Strickler, who will discuss fish and wildlife
8 programs.

9 MR. STRICKLER: Thank you, Deputy
10 Assistant Secretary Garriott, and thanks to
11 everyone for the opportunity to meet with you
12 today.

13 As many of you know, the U.S. Fish and
14 Wildlife Service is the lead Federal agency
15 working with others to conserve, protect, and
16 enhance fish and wildlife resources, as well as
17 plants and fish and wildlife habitat for the
18 continuing benefit of all of us.

19 The Service has received resources in
20 the Bipartisan Infrastructure Law \$455 million in
21 total to further its conservation work with
22 partners, including Tribes in four key ecosystems

1 and one additional broader conservation goal area.
2 And as you can see here, those categories are
3 first for the Klamath Basin in California -- I
4 think California and Oregon \$162 million, \$17
5 million for the Lake Tahoe region, particularly
6 focused on invasive species, \$50 million for the
7 Sage Steppe, and importantly I think for this
8 group, the last two categories, \$26 million first
9 for the Delaware River Basin to provide grants for
10 habitat conversation and restoration through the
11 Delaware River Basin Partnership, working with the
12 National Fish and Wildlife Foundation, and then
13 also related to that, but also more broadly, to
14 other river systems throughout the country and in
15 the East \$200 million funding of projects related
16 to restoring fish passage and aquatic ecosystems
17 and connectivity by removing dams, repairing
18 culverts, and other barriers.

19 We are really excited, obviously, about
20 these opportunities and the resources provided
21 here to achieve some meaningful conservation
22 outcomes and look forward to collaboration with

1 Tribal Nations on projects of significance to you.

2 It's worth noting also that the Fish and
3 Wildlife Service will play a really important role
4 in helping implement other agency's bill of
5 projects, first of all, through Endangered Species
6 Act Section 7 Consultations, as well as the
7 National Environmental Policy Act review process,
8 and also through inter-agency consultations on
9 specific programs that are in the Bipartisan
10 Infrastructure legislation.

11 Next slide please. Sorry, it's back
12 one. Thanks. We also have designated liaisons,
13 Tribal liaisons

14 for each of these programs. You can see
15 them here on this slide. The two who are key just
16 to point out today, one is Michael Slattery for
17 the Delaware River funding, and then Eric
18 MacMillan also for fish passage. So please make
19 note of these folks and obviously we'll get you
20 this information afterwards as well. On the calls
21 today to work through the question and answer
22 session and help answer any questions or talk

1 through any of the programs with you later, we've
2 got Fish and Wildlife Service Deputy Director
3 Steve Guertin, Michael Slattery, who I mentioned
4 earlier, who's the North Atlantic Landscape
5 Conservation Coordinator, and also our Fish and
6 Aquatic Wildlife Division Chief Dave Miko.

7 Next slide please. So similar to other
8 presenters, we've got some

9 question for feedback from you all to
10 tee up the conversation for later, but first just
11 a note that Tribes are eligible for funding
12 through each of the Fish and Wildlife Service
13 programs that we're contemplating using to get
14 this funding out the door. So that's an important
15 thing just to be mindful of and something that
16 we're excited about being able to partner on.

17 And then just these specific questions.
18 You know, first, what's the best way to make sure
19 that the Tribal interests are incorporated into
20 project selection through these various programs?
21 How might Tribes be able to use partnerships to
22 put together project proposals? And is that

1 something that could help us produce better
2 projects, projects that are more competitive, more
3 impactful? And then, finally, what do Tribes
4 think about the matching requirements where they
5 may exist on some of the programs that we're
6 contemplating using do include matching
7 requirements? There aren't specific requirements
8 in the Bipartisan Infrastructure Law, so that's
9 something that we should have a conversation about
10 and talk through what makes sense with you all.

11 So that's all I have. Really, again,
12 appreciate the time to be with you all today and I
13 will give it back over to Deputy Assistant
14 Secretary Garriott.

15 Thank you.

16 MR. GARRIOTT: Thank you, Deputy
17 Assistant Secretary Strickler.

18 Next up we have Deputy Assistant
19 Secretary Feldgus to talk about orphan wells
20 program.

21 MR. FELDGUS: Thank you very much,
22 Deputy Assistant Secretary Garriott, and thank you

1 all for joining today's consultation.

2 My name is Steve Feldgus and I'm the
3 Deputy Assistant Secretary for Land and Minerals
4 Management at the Department of the Interior. And
5 I'm here to talk about two programs related to
6 cleaning up long standing polluted sites. One for
7 orphan well and another for abandoned coal mine
8 lands.

9 So within the orphan well program there
10 is \$150 million available to clean up orphan well
11 sites and any pollution that surrounds those sites
12 on Tribal lands. Under the law, Tribes with
13 orphan wells on their land may either get a grant
14 directly under this program and arrange to do the
15 plugging and remediation themselves, or they may
16 request that the Department of the Interior
17 perform those activities on the Tribes behalf. We
18 have done some additional outreach to Tribes that
19 have current or previous oil and gas activities on
20 their land. And if you have not received any
21 information about that and you know that you have
22 or think that you might have orphan wells on your

1 land, please reach out to us to the contact names
2 that I will show in the next slide.

3 The abandoned mine land program, the
4 Crow Tribe, Hopi Tribe, and Navajo Nation will be
5 eligible to receive new funds. These are the same
6 three that currently receive annual grants under
7 the existing abandoned mine land program and those
8 annual grants are also going to be extended under
9 the Bipartisan Infrastructure Law.

10 Now we can go to the next slide to put
11 up the points of contact.

12 Again, if you believe you should have
13 been contacted by us but have not, please reach
14 out to some of these folks. For the orphan well
15 program, the best contacts are Albert Bond with
16 the Indian Energy Service Center or Steve Tryon
17 with the Office of Environmental Policy and
18 Compliance. And if you have questions about the
19 abandoned mine land program, the best contact is
20 Yolande Norman of the Office of Surface Mining,
21 Reclamation, and Enforcement.

22 Next slide please. Now, we would love

1 to get feedback on all of the
2 ways the program is going to be set up
3 and how it will operate, but in particular we
4 would love feedback on the following questions.
5 First, does your Tribe currently participate in
6 the abandoned mine land program? And if so, what
7 is working well and what aspects of the program
8 need improvement? Second, what would be the best
9 way to administer the funds for the orphan well
10 clean up program? Would you prefer distribution
11 via formula grants or through a call for
12 nominations? And, third, how can we best ensure
13 that Tribes that don't have orphaned wells or
14 abandoned coal mines on their lands are able to
15 provide early and useful input into the programs
16 for cleaning up those wells and mines on other
17 lands, whether they're Federal, state, or private?
18 We're obviously very aware that air and water
19 pollution from orphan wells and abandoned mines
20 does not respect political boundaries, so Tribes
21 can be experiencing negative impacts from sites
22 that are near but not on their lands. So we want

1 to make sure that we find out about those wells
2 and that they are properly prioritized under the
3 other orphan well programs, because even if your
4 Tribe does not have abandoned mines or orphan
5 wells and you don't directly receive any of the
6 funding under these programs, you should still be
7 able to receive their benefits.

8 Thank you very much again. And I'll
9 hand it back to Deputy Assistant Secretary
10 Garriott.

11 MR. GARRIOTT: Thank you for that
12 information. Next up we have Associate Director
13 Ryker.

14 MS. RYKER: Thank you very much. I'm
15 honored to be here.

16 I am Sarah Ryker. I'm the U.S.
17 Geological Surveys Associate Director for Energy
18 and Mineral Resources and I have with me Colin
19 Williams, who is leading our mineral resources
20 program.

21 My Department of the Interior co-agents
22 have just described several lines of funding

1 provided by the Bipartisan Infrastructure Law.
2 The funding that Congress provided to the USGS is
3 a little different. Many of you know us for our
4 maps and the statute directs us to update those
5 maps and collect new data to better understand the
6 land's surface and subsurface. Now, that's why
7 it's important to us to have a discussion with you
8 now while we're still early in our planning. This
9 new funding will accelerate and expand our
10 mapping, and that means that over the next few
11 years our activities will likely touch more and
12 more Tribal lands. So we want to work with you to
13 collect data in ways that are not disruptive for
14 you and produce maps that are useful to you.

15 Now, on this slide I'll talk a little
16 bit about the scope and the purpose for the
17 funding we were provided. The statute directs our
18 mapping efforts through the USGS Earth Mapping
19 Resources Initiative, which we call Earth MRI.
20 And I mention that our new mapping is meant to
21 improve our understanding of the land surface and
22 subsurface. Earth MRI does that by partnering to

1 collect new data. We call these types of data
2 foundational geoscience data because they have so
3 many uses. In the left hand column are the major
4 types of data that Earth MRI collects. And I
5 won't linger on the technical detail because I
6 want to emphasize the scope and the geography of
7 this afterward. The statute tells us to focus
8 this new mapping on regions with potential for
9 critical minerals. And critical minerals are
10 minerals needed for technologies such as energy
11 generation and storage and for consumer devices.
12 Critical minerals also include some minerals that
13 are frequently used, like the rare earths.

14 So all the critical minerals are the
15 focus for our mapping under the statute, but the
16 data we'll collect are actually need for many
17 other purposes too. In the center column of the
18 slide are a few of the major uses of these types
19 of data. These data, for example, are used to
20 understand mineral resources, including not only
21 critical minerals, but construction materials such
22 as sand and gravel, and also to understand

1 geothermal energy potential, groundwater,
2 earthquake risk, how the chemistry of mine wastes
3 may affect the environment, and how the land
4 contributes to and responds to climate change.

5 At right is a little more on how the
6 funding is to be used under the statute. The
7 mapping is to focus on a definition of critical
8 minerals that is provided in the Energy Act of
9 2020. And Earth MRI is to map both mineral
10 resources still in the ground and what's in mine
11 wastes. We are also directed to work through
12 partnerships. And so far we've established
13 partnerships with a number of state geological
14 surveys. We know that some of those state
15 geological surveys are also your partners. We are
16 currently building partnerships with other Federal
17 agencies and most recently beginning to work with
18 private industry.

19 The next slide please. Thank you. I
20 mention that we are at the very early stage in our
21 planning. That's perfect because we
22 hope to partner with Tribes as we develop our

1 mapping efforts. Colin Williams and I are here
2 today to take any questions and we're happy to
3 follow up separately too.

4 We've also included two of our technical
5 contacts here because I know some of your Tribal
6 agencies are already working with them. Those may
7 be familiar names. And at the bottom of the
8 screen is a website on the mapping work. It's
9 USGS.gov/earthMRI.

10 Next slide. Like my colleagues, I'm
11 going to pose a few

12 questions to help us understand how best
13 to work with you. My first question is whether
14 your Tribe has already

15 identified geoscience needs. Do you see
16 opportunities and needs for dedicated studies
17 supporting any of those need? Secondly, would
18 your Tribe be interested in training or workshops
19 to help with capacity to use the data that we'll
20 be gathering through this Earth Mapping Resources
21 Initiative to inform your land and resource
22 management needs or to help characterize legacy

1 mine sites on Tribal lands. And my third question
2 is whether there's any other training or support
3 that would be useful to your Tribe?

4 Now, these are our ideas on the ways to
5 work with you and I look forward to hearing your
6 questions for us.

7 Thank you very much.

8 MR. GARRIOTT: Thank you, Director
9 Ryker. Next, and last but certainly not least, we
10 wanted to

11 also introduce Winnie Stachelberg who
12 serves as the Coordinator for the Department of
13 Interior on Implementation of the Infrastructure
14 Law.

15 MS. STACHELBERG: Thank you so much,
16 Deputy Assistant Secretary Garriott, and thank you
17 so much to all of you.

18 My name is Winnie Stachelberg and I am
19 the Bipartisan Infrastructure Law coordinator here
20 at the Department of Interior. It is an honor to
21 be present with you at this consultation with
22 Tribal Leaders listening to you, hearing from you

1 today and moving forward is essential so that the
2 transformational investments from the Bipartisan
3 Infrastructure Law reach Tribes, Tribal Leaders,
4 your people, and communities. As Tribal Leaders
5 you know what's best, what works, and what
6 doesn't, and we are eager to hear from you. I
7 look forward to gaining your valuable input today
8 and in the future.

9 And with that, I turn it back over to my
10 colleague, my friend, Deputy Assistant Secretary
11 Garriott, to hear from all of you.

12 Thank you again and I look forward to
13 working with you.

14 MR. GARRIOTT: Thank you, Winnie. You
15 heard a lot from a lot of different Federal
16 leaders. We all have titles that we go
17 through, but I think that that's a testament to
18 our directive with regard to Tribal Consultation,
19 that when we do have consultation that it's
20 important that we have decision makers and people
21 who have authority to help make decisions on the
22 -- participate in the consultations and we

1 certainly have that over the -- seen that today
2 and over the previous consultations.

3 We will now hear directly from Tribal
4 Leaders. I would just ask to use the raised hand
5 function and we will call on folks as we see them
6 appear in the top with their hand raised. Please
7 state your name, title, and Tribal Nation that you
8 are representing. This helps us because we all
9 take a -- we record everything and then we put
10 together a compilation of all the comments and we
11 want to make sure that we attribute those comments
12 to the right people. And we take that compilation
13 and then review it.

14 So, with that, I see the first person is
15 Paul Revard. You're up next.

16 MR. REVARD: Can you hear me okay?

17 MR. GARRIOTT: Hear you.

18 MR. REVARD: So thank you. It's a real
19 pleasure and I appreciate the opportunity to meet
20 with you today. I am an Osage Mineral Council
21 Member, one of originally eight members elected by
22 the headright owners of the Osage Tribe. I'm here

1 to represent the Minerals Council.

2 We happen to have -- well, we've had
3 wells drilled on our reservation, our mineral
4 estate, consisting of 1.5 million acres for the
5 last 100 years. Approximately 45,000 wells have
6 been drilled. We currently have 14,000 active
7 wells on our reservation, but we are really in
8 quite a unique situation different from the other
9 Tribes inasmuch as that we are -- our minerals are
10 held in trust by the Federal Government and our
11 headright owners are the beneficiaries of that
12 trust. We're governed by the Bureau of Indian
13 Affairs, who was responsible and is responsible
14 for the governance of all the activity on our
15 mineral estate, unlike the other Tribes, that I
16 believe are governed by the Bureau of Land
17 Management. The Bureau of Land Management has in
18 the past received significant funding for plugging
19 of wells and remediation of well sites, whereas
20 the Bureau of Indian Affairs, over the last 100
21 years, has not had any funding for that purpose.

22 Now, we did in 2018 receive \$3 million

1 from Congress for plugging and we have put that
2 funds to work. We have over the years developed a
3 plugging program and most recently we used that \$3
4 million to plug over 50 wells so far on our
5 mineral estate. We've identified more than a
6 couple of dozen wells that we are going to plug,
7 but determined while we were working on the wells
8 that they may have potential for future
9 production, so we have set those aside. We call
10 those "keepers". Maybe something to look at in
11 the future and not plug.

12 But, you know, with the nationwide
13 56,000 orphaned wells, we think we have -- well,
14 the Federal Government has prepared a list of what
15 they think orphaned wells are on our mineral
16 estate and they came up with 1,600. We think that
17 number is way low. We think it could be two to
18 three times that. So of the 56,000 wells
19 nationwide that are orphaned, we represent
20 probably 4 percent of that total number. So if
21 there is something in the neighborhood of \$4.7
22 billion for plugging and remediating orphaned

1 wells, 4 percent of that would be I think in the
2 neighborhood of \$180 million. Now, this program
3 that we're talking about today is \$150 million and
4 I'm here to basically describe our current
5 situation and really request that the larger share
6 of the \$150 million available because we think we
7 could use every penny of it plus more.

8 So with that being said, I would also
9 like to state that these -- some of the wells on
10 our reservation are actually under water. One is
11 in the riverbed of the Arkansas River. A couple
12 of these wells are under Lake Skiatook. These
13 type of wells might cost \$500,000 to \$1 million
14 each to plug. Our average well cost, however, is
15 about \$27,000 for a well.

16 And so, you know, out of respect the
17 other participants, I just want to thank you again
18 for this opportunity and let you know that we do
19 have comments headed your way prior to the
20 February 4 deadline that will set these comments
21 and more in writing. And we do appreciate the
22 time and this opportunity today.

1 Thank you so much.

2 MR. GARRIOTT: Thank you very much. And
3 I would also just apologize in advance if at any
4 point I mispronounce anyone's name or
5 don't get a title correct. I'm just going off of
6 what I see on the screen.

7 So up next we see Talee Redcorn.

8 MR. REDCORN: Thank you. Can you hear
9 me?

10 MR. GARRIOTT: Yes.

11 MR. REDCORN: All right. Thank you.
12 I'm Talee Redcorn. I'm with the Osage National
13 Minerals Council. And I've been told some of
14 these meetings have been taking place by our
15 attorney. His name -- and I see him on here --
16 Rawley Wilson (phonetic T2 00:22:05) -- that's
17 been working to get more funding for our plugging
18 program.

19 We started the plugging program a few
20 years ago called the orphaned well and I and
21 another individual wrote a grant to the Department
22 of Energy and Mineral Development. And we were

1 funded and we called the program Plug or Produce.
2 So we were given a list of orphaned wells to about
3 1,600. And the number you are hearing is 45,000,
4 somewhere about, for total wells historically.
5 The Osage owns all the minerals in the Osage
6 Reservation. They're not split up. As we own all
7 the minerals in whole. So we jumped on this
8 opportunity and we -- I think we are the flagship
9 operation for plugging wells because we got -- we
10 went to DC and requested funding for -- by
11 appropriation and we were successful. Rawley was
12 there and we got \$3 million to start plugging
13 wells.

14 Then we've negotiated with the Osage
15 Nation and we combined our efforts with them and
16 through our procurement process and contracting,
17 which I'm very familiar with, we did a competitive
18 process to select our plugger suppliers, and we've
19 also got folks that are actually watching the
20 wells being plugged. And I'm very happy to tell
21 the team here that majority of most those
22 individuals are members of the Osage Nation.

1 We've got many Osage Nation members that spent 20,
2 30 years in the oil field and now they're
3 graciously a part of the program, you know,
4 showing us and telling us, you know, the status of
5 these different locations. When you go out to the
6 filed, it's just a side of different
7 configurations and a lot of it's a mess and
8 there's a lot of -- you know, what we're running
9 into currently, we have plugged 51 wells, we've
10 identified 14 for producers, and everyone of the
11 wells we've plugged have been classified as
12 emergencies.

13 So the initial plan was to "plug or
14 produce". And we also started a process where
15 we're going to -- we're looking at a nonprofit
16 development -- we've been funded by our government
17 to look into this -- to where we operate wells at
18 a very reduced royalty, waiving the bonuses so we
19 can continue to get some of these wells that
20 customers out there are not interested anymore,
21 but maybe we are as a Nation. And we've
22 identified a couple of locations. We're going to

1 start on one location and the idea is to pay
2 royalties, pay the monies for the working
3 interest, and anything up and over will not be a
4 profit, it will go into the plugging fund to
5 continue plugging wells and cleaning up well
6 sites.

7 So this is something -- and we've
8 purchased property to store equipment when we
9 start doing this. We have to store equipment,
10 we've got to pull it off out of those locations,
11 you know, get those areas cleaned up. So I think
12 last fall, winter I was in a meeting at the --
13 what they call APG, the American Association of
14 Petroleum Geologists, and I was able to listen at
15 the State of Oklahoma and their efforts. And
16 after listening to their presentation, I think
17 we're leaps and bounds ahead of the State of
18 Oklahoma as far as dealing with their orphaned
19 well program and how they want to implement that.
20 They estimated \$40-60,000 per well. I am happy to
21 report our average is \$27,668 per well. So, you
22 know, we're getting it lower as far as cost and

1 trying to drive to clean up areas that are
2 impacting communities here in Oklahoma.

3 So I jumped on this call to hopefully
4 give a pitch for our Osage Nation that we are --
5 we tackled a very difficult problem in our area
6 here and I think through our own sovereign
7 abilities and government and Osage talent, we were
8 able to come up with some fixes. And I think if
9 we can get more funding, I think, you know, it
10 would help us tremendously.

11 And then one other thing, I heard some
12 commentary on resilience. And some of the
13 programs we're looking at for further development
14 is to utilize energy resources driving toward 100
15 percent resiliency. And I hope I'm understanding
16 that term correctly, but I'm looking at it as the
17 Osage Nation goes after eventually 100 percent of
18 their energy use being developed for us here as
19 the Osage Nation. So that's kind of driving one
20 of our next projects to look at, gas
21 infrastructure. That's been left on in the
22 country from -- you know, that's what's happening

1 in Osage County. We're looking at marginal
2 production across borders, our main production.
3 The very successful things you're seeing in the
4 Balkan (phonetic T2 00:28:08) and the three
5 Tribes, the affiliated Tribes, and some other
6 areas around the United States, that's -- they're
7 in a primary phase, but we're far from that. That
8 was the '20s. We had a lot of water flooding,
9 taking off in the '40s and '50s. So, again, we're
10 looking at the bulk of our development is in the
11 marginal production, so -- and with that comes
12 clean up. But, again, this is a place where
13 you've got to roll your sleeves up to try to get
14 more money, try to solve these problems. And we
15 think we're doing a good job.

16 I don't know if Rawley has any more to
17 say about that, but I appreciate your time.

18 Thank you.

19 MR. GARRIOTT: Thank you. Up next we
20 see Governor Romero.

21 MR. ROMERO: Good afternoon, Madam
22 Secretary of the Interior, Deb Haaland, delegates,

1 all distinguished guests. Thank you for giving me
2 the opportunity this afternoon to speak on behalf
3 of my Tribe.

4 My name is Clyde M. Romero, Senior, Taos
5 Pueblo Governor. I'm here with my Tribal
6 Secretary, Dwayne Lefthand.

7 And getting into the program here, I
8 want to talk about the Bureau of Reclamation,
9 Water, Infrastructure, and Drought Resilience.
10 Question one would be on what drought resilience
11 programs have the best potential to address your
12 Tribe's needs. And then the Taos Pueblo response
13 is the BOR should prioritize the distribution of
14 funding to infrastructure projects that are
15 essential benefits for water delivery and for
16 agriculture and wildlife programs. The BOR should
17 consider landscape watershed projects that
18 increase snow capture and stream flow to enhance
19 drought resiliency. BOR should also consider
20 whether the projects are capable of completion in
21 the next two years so that immediate percolation
22 and storage of underground water needs can be met.

1 The next question is does your Tribe
2 participate in any of these programs currently?
3 If so, what works well and what aspects of the
4 program need improvement? Taos Pueblos response,
5 no, but given the opportunity we would take
6 advantage of these programs and would consider
7 aligning other Tribal cooperators to make this
8 work, as mentioned in question one.

9 Next one is wildland fire resilience.
10 Question one, which wildland fire resilience
11 programs have the potential to be most important
12 to your Tribe. Where do you see your Tribe having
13 the capacity to implement these programs through
14 contracts or agreements? Taos Pueblos response,
15 the following programs are most important to us:
16 all our preparedness, fuels management, burn area
17 rehabilitation, Tribal Forest Protection Act, and
18 wildland firefighter workforce. The other one is
19 we our a self-governance compacted Tribe and
20 therefore would want these programs in our
21 compact.

22 Next question would be does your Tribe

1 participate in any of these programs currently.
2 If so, what works well and what aspects of the
3 program need improvement. Our response from Taos
4 Pueblo, there is a great need to have these
5 programs funded adequately to accomplish projects
6 in a timely period to avoid any impact from
7 wildland fires. The Tribal Forest Protection Act
8 has been used by us and requires funding to
9 alleviate impacts from adjacent Federal lands
10 where your program, by Tribal, Federal, private
11 concerns for a particular area of issue to the
12 Tribe. The Tribe has compacted the preparedness
13 program, but due to the funding formula it does
14 not adequately provide the funding that keeps up
15 with inflation or areas of responsibility. The
16 funding formula needs to be reviewed to take into
17 consideration factors that seem to penalize Tribes
18 from taking over these compacted programs.

19 The fuels program is also a
20 complementary program to preparedness and as well
21 as need to be adequately funded to support the
22 gradual increase of fuels accumulations of decades

1 and complete suppression. The Tribe is
2 reinstating its critical burn practices with
3 modern day techniques to protect cultural
4 significant areas and infrastructure in our
5 forests, but there seems to be a hindrance of
6 legislation that prohibits Federal funds from
7 being utilized in the wilderness areas. A policy
8 change should have the Secretary level change this
9 for the use of Federal funds to address culturally
10 significant fuel hazard reductions on designated
11 Tribal wilderness areas such as ours. Otherwise
12 the fuel hazard continues to pose a greater hazard
13 to complete loss of natural resources if gone
14 unchecked.

15 Now I will turn it over to my Tribal
16 Secretary for the next --

17 MR. LEFTHAND: (Speaks in Native
18 language). Thank you, Governor Romero.

19 Thank you, good afternoon. Again, my
20 name is Dwayne Lefthand. I'm the Tribal Secretary
21 for Taos Pueblo. We have a few more issues that
22 we wanted to address here.

1 So moving onto ecosystem restoration,
2 looking at question number one. Which programs
3 have most importance to our Tribe and where do we
4 see our Tribe having capacity to implement these
5 programs through contracts or agreements. Our
6 response is the Tribe considers the seven programs
7 important and feels the contracts to restore
8 ecological health on Federal lands, working
9 capital fund for stewardship contracts, and
10 invasive species seem to hold the most potential
11 to address some of our needs within our
12 geographical location and the Federal agencies
13 that we deal with. We are a self- governance
14 compact Tribe, as Governor Romero mentioned, and
15 we would like to see these programs in our
16 compact.

17 Question two, do we see opportunities
18 where these funds could be used to best leverage
19 other restoration investments. Our response to
20 that is the Tribe -- we currently do have MOEs and
21 MOAs with Federal and private cooperators in our
22 area where we do use funds and other DOI program

1 funds. And these could be leveraged in
2 restoration investments and other projects that
3 have cultural significance and value to us as a
4 Tribe, you know. And I think that's very
5 important in terms of, you know, what we're trying
6 to do to address climate change and situations
7 here dealing with the protection of our watershed
8 and our wilderness area. We sit here at the top
9 of the Rio Grande in New Mexico and we have two
10 main head water, the Rio Pueblo and the Rio Lucero
11 that feed into the Rio Grande. And, you know, we
12 want to make sure that our watershed and our
13 resources and our land is protected in regards to
14 that. So we appreciate any efforts in regards to
15 that.

16 Moving on, looking at our Indian Water
17 Rights Settlement, the completion fund. We do
18 have the -- a beta settlement that was recently
19 implemented and we're implementing it right now
20 here at Taos Pueblo. Some of the response to
21 question one that we had was what factors should
22 the secretary consider in determining the sequence

1 and timing of distributing the \$2.5 billion. We
2 feel the secretary should prioritize the
3 distribution of funding to settlement
4 infrastructure projects that are essential
5 settlement benefits. We would also recommend that
6 the secretary take into consideration whether the
7 projects are capable of completion in the next
8 three years, so that immediate needs can be met
9 and portions of the settlement completion fund are
10 not unnecessarily obligated to projects that can
11 wait for later appropriations.

12 Looking at question two, should the
13 entire amount in the fund be paid out immediately
14 to satisfy remaining costs of settlements that
15 have a balance to complete as of November 15,
16 2021, or should some funding be held back in the
17 event that the 34 settlements enacted as of
18 November 15, 2021 could potentially need
19 additional funding for future authorized
20 amendments. We think DOI should reserve a portion
21 of the funding for settlements that did not have
22 an otherwise authorized appropriation balance to

1 be completed as of November 15, 2021. In our
2 case, here at Taos Pueblo, the funding for
3 Settlement mutual benefit projects was not
4 inflation adjusted and costs for mitigation, while
5 essential to the Pueblo's development of its
6 additional groundwater, right now substantially
7 exceed authorized funding. So that's an area that
8 needs to be addressed. This shortfall threatens
9 our plans for additional Pueblo housing and Pueblo
10 community facilities that need water.

11 Tribes have generally been discouraged
12 from going back to Congress to amend their
13 settlement acts to authorize new appropriations,
14 to address cost increases. Now that Congress has
15 appropriated the \$2.5 billion for the raw purpose
16 of completing Tribal Water Rights Settlements, we
17 should have opportunity as a Tribe and with our
18 settlement to tap into that funding.

19 So in regards to that, you know,
20 definitely, you know, that's an area of concern
21 and those are our response to those questions.

22 Also looking in areas of the USGS, we

1 would also ask for support in training in GIS and
2 GPS need for our programs. Because I mentioned we
3 have this wilderness area and we are building
4 capacity within our program and our departments
5 and looking a lot of this infrastructure funding
6 that's coming down. You know, we're in the
7 process of, you know, working on our sewer and
8 water and our electrical lines. And a lot of our
9 systems need upgrades and data needs to be
10 expanded because of growth within the community,
11 you know. So that's very important to us. And,
12 you know, we need that type of training to help
13 within our department and natural resources, our
14 municipal service division, our water
15 administration and housing and other areas. So,
16 you know, that will definitely be beneficial.

17 And I just wanted to mention in regards
18 to some of the fish barrier funding too that's
19 available, Taos Pueblo, like I mentioned, sits in
20 the headwaters in our Rio Lucero watershed. We
21 have Rio Grande cutthroat trout, which is a native
22 species in New Mexico and it's a very important

1 fish to Taos Pueblo. And, you know, we want to
2 make sure that efforts continue to do that. And
3 we completed successfully a three year project
4 with our Rocky Mountain Youth Corps -- Taos Pueblo
5 Rocky Mountain Youth Corps Conservation Group
6 that's been doing studies and monitoring and
7 shocking and doing assessments on barriers within
8 our watershed. So we feel that's important and,
9 you know, we just wanted to mention the fact.

10 We weren't able to make the session
11 yesterday, so that's why we're participating in
12 the today's session. But I would like to thank
13 Madam Secretary Deb Haaland, all delegates,
14 distinguished guests, for giving Taos Pueblo an
15 opportunity to speak this afternoon. And I just
16 want to mention that we will also be submitting
17 our comments, along with other comments that we
18 have. In due respect for everybody's time today,
19 we'll be submitting more before the deadline.

20 So thank you and appreciate the
21 opportunity today. Thanks. Thank you very much
22 from Taos Pueblo.

1 MR. GARRIOTT: Thank you to the
2 representatives of Taos.

3 Next up we have Mr. Tom McDonald and
4 after that we'll have Mr. Joseph Rupnick

5 MR. McDONALD: Thank you. (Speaks in
6 Tribal language). Good afternoon to everybody.
7 Hopefully you can hear me okay.

8 My name is Tom McDonald. I'm the
9 Chairman of the Confederated Salish and Kootenai
10 Tribes in the Flathead Nation. On behalf of the
11 Tribal Council, thank you for the opportunity to
12 consult on the Bipartisan Infrastructure Law.
13 Yesterday I provided a link to the overview of our
14 Tribe's considerable efforts to protect and
15 preserve our water resources. I described the
16 decades long multi-million dollar investment in
17 the water measurement, analysis, research,
18 dedication, and commitment by Tribal, state,
19 Federal leaders, and staff, the dozens of lawsuits
20 and the decades of negotiation we engaged in. as
21 you know, this considerable investment finally
22 paid off with the congressional ratification of

1 our water rights settlement on December 27 of
2 2020.

3 I will not repeat my comments of
4 yesterday now. Instead I want to emphasize that
5 in order to implement our water settlement in an
6 effective and efficient manner it's imperative for
7 the Department to immediately distribute the
8 entirety of the water settlement fund under the
9 Bipartisan Infrastructure Law to inactive water
10 settlements. Over the last two days you've heard
11 a similar message from a number of our sister
12 nations, including our closest neighbor, the
13 Blackfeet Nation. From the comments you've
14 received, it's clear the Department should not
15 impose unnecessary criteria, sequencing, or timing
16 factors into the distribution of the funds. The
17 fund was authorized and appropriated based upon
18 numbers certified by the Department to Congress in
19 amounts necessary to satisfy the existing enacted
20 settlements. It should be distributed by the
21 Secretary in such a manner.

22 In conjunction with the efforts by our

1 Tribes to protect our water resources, we've
2 engaged in dozens of cutting edge, award winning,
3 natural resource management initiatives, including
4 the reintroduction of endangered trumpeter swans,
5 grizzly bear and big horn sheep preservation,
6 river and stream restoration, assumption of and
7 ownership and management of the National Bison
8 Range, and the management of the Nation's first
9 travel wilderness area in our beautiful Mission
10 Mountains.

11 Like all of the Tribal Nations
12 represented on this call today, we have faced
13 tremendous challenges in protecting our homelands
14 and resources, particularly as a result of
15 wildfires and climate change. For that reason we
16 endeavor to address drought and global warming in
17 all of our initiatives, including our water
18 settlement. Indeed, our water settlement may be
19 the biggest effort and investment in climate
20 resiliency in the Upper Columbia Basin, if not all
21 of the western United States.

22 For this reason, we strongly caution the

1 Department against limiting resources for Tribes
2 with recently enacted settlement from priority
3 consideration for funding under this law. We
4 recognize in some instances we bargain for areas
5 of funding that are now contained in this law.
6 For example, we recognize that our water
7 settlement provides for dam safety improvements
8 and therefore we do not seek prioritization for
9 dam safety funding. However, we did not intend
10 our water settlement negotiations to give up the
11 opportunity enhance the Federal electric utility
12 that we rescued from poor management by the Bureau
13 of Indian Affairs decades ago. This Federal
14 infrastructure should not be ignored arbitrarily
15 because we also completed a water settlement.

16 That said, we stand ready to implement
17 Federal infrastructure activities under the
18 Bipartisan Infrastructure Law. From wildfire
19 resilience, fuel managements, to protection of our
20 waters from the spread of aquatic invasive
21 species, Tribal Nations are best suited to carry
22 out this important work. We appreciate the

1 planning and commitment by the Department to
2 implement these programs quickly and effectively.
3 We've been very pleased to hear these past two
4 days of inter-agency collaboration on a number of
5 issues. We encourage to continue and expand on
6 that collaboration. For example, successful
7 protection of our waters, like Flathead Lake,
8 which is larger than Lake Tahoe, from invasive
9 quagga and zebra mussels, can only be accomplished
10 by building safe and effective AIS stations along
11 our Federal highways with close collaboration with
12 the Department of Transportation and state and
13 travel partners. The entire Columbia River Basin,
14 as the last river basin in the Lower 48, it still
15 remains free from mussels and would be effectively
16 protected through such new collaborations to
17 construct regional inspection stations along the
18 Federal highway routes within the borders of the
19 Basin.

20 We thank you for this opportunity today
21 and will submit written responses before the close
22 of the consultation. In the meantime, our Tribes

1 stand ready to work with the Department and are
2 available to discuss any of the questions or ideas
3 that you may have. Thank you so much for the
4 chance to comment again.

5 MR. GARRIOTT: Thank you, chairman. Mr.
6 Joseph Rupnick?

7 MR. RUPNICK: Joseph Rupnick, Chairman
8 for Prairie Band Potawatomi Nation. I thank
9 everybody for allowing us the opportunity to speak
10 on these important topics here that are presented
11 to us today.

12 My comment is basically general overall,
13 and that is the funding methodology. Reviewing
14 the Infrastructure and Jobs Act, looking for
15 opportunities for us to take advantage of that,
16 doing my own research, I come across where the
17 Department of Transportation is using the Indian
18 Housing Block Grant formula to determine Tribal
19 populations. I am asking that the Department of
20 Interior, along with other Tribal Leaders, to
21 discourage that practice and allow Tribal Nations
22 to determine the population that is served within

1 the boundaries of their reservations or
2 territories.

3 In our case, Prairie Band Potawatomi
4 Nation, we filed the first suit as to Treasury
5 over the CARES Act distribution and subsequently
6 during the ARPA distribution, Nations were awarded
7 funds based off of their population. We have to
8 get away from that Indian Housing Block Grant to
9 be able to determine what our Tribal populations
10 are and the people that we serve.

11 That's all the comments that I want to
12 make. Thank you.

13 MR. GARRIOTT: Thank you. Mr. Hemene
14 James? And I apologize if I pronounced
15 your name wrong.

16 MR. JAMES: Oh, no, that's all right.
17 Been happening for 44 years now, so I can deal with
18 it.

19 Thank you for giving me the opportunity.
20 My name is Hemene James. I'm a Council member
21 from the Coeur d'Alene Tribe of Northern Idaho. I
22 thank you for the opportunity not only, Madam

1 Secretary, and the administration, but I thank you
2 for this opportunity to speak with you all. To
3 the other Leaders of the Tribal Nations out there,
4 hello from Coeur d'Alene country.

5 I would also like to thank not only my
6 people, but all life that resides in my country
7 for allowing me the opportunity to represent them
8 today on one of these platforms that doesn't come
9 our way very often when we have a direct line with
10 the funding as appropriated for Indigenous Nations
11 here in the United States. I'll keep my comments
12 centralized as a brief as I possibly as I can,
13 with respect to the other leaders.

14 Coeur d'Alenes, like all Indigenous life
15 in the northwest of this continent, our very
16 identities is based off of waterways that come
17 through our country, through our regional
18 territories, not just our current reservations.
19 The central figure in those waterways through time
20 in memorial, the basis of our culture, the basis
21 of our social identity, the basis if our
22 sustenance, our spirituality, is always that of

1 the salmon, the salmon that returned every year to
2 provide life to all other living beings within
3 this country.

4 We here in Coeur d'Alene country for
5 nearly a century have been cut off from that life
6 giving spirited salmon due to actions of the
7 Federal Government, and that being the building of
8 not only Grand Coulee, but Chief Joseph Dam in the
9 Columbia River System. As you can imagine, that
10 taking of that central figure of our day-to-day
11 lives has left scars within my not only people but
12 within our land. Those scars, a much as we've
13 tried to adapt to modern society and we have tried
14 to adapt to the resources we do have within our
15 boundaries of our reservation, those scars have
16 scabbed over but those scars cannot heal. They
17 can't heal until those fish are returned.

18 I'm here today to plead with not only
19 the Administration, but the other Tribal Nations
20 that all in Coeur d'Alene country are asking is
21 for the opportunity to be Coeur d'Alene and what
22 our leaders when they signed those documents

1 envisioned for us. And when they signed those
2 documents, those agreements made were that we
3 would continue to be salmon people. I want not
4 only the outside world to recognize that, but I
5 want to instill that and infuse that back into my
6 own people's daily lives.

7 We in conjunction with four other
8 Nations here in the northwest in the block area of
9 the Columbia River, have formed a coalition, the
10 Upper Columbia United Tribes, which I am chair of
11 the commission. Those other Nations are the
12 Spokane Tribe of Indians, Confederated Tribes of
13 the Colville Reservation, the Kootenai Tribe of
14 Idaho, and Kalispel Tribe. We have expended large
15 amounts of our time and monetary resources to
16 implementing a phased approach of how we can
17 reintroduce those fish above those dams, which
18 have

19 (inaudible). It is imperative that
20 I emphasize that none of these
21 plans, none of this phased approach
22 has included dam removal

1 whatsoever. All we want to do is
2 open up the Upper Columbia Basin,
3 over 1,000 miles of habitat, to
4 these salmon so that they can
5 return and breathe life back into
6 not only our people, not only our
7 Nations, but all life that has
8 depended on them for millennia.

9 We have adapted. As the time went with
10 those 80 plus years of salmon being removed we
11 have adapted and we have used the resources, the
12 life giving resources that were put within our
13 boundaries after the salmon release, that being
14 the bull trout, rainbow trout, cutthroat trout.
15 Through rising temperatures, lower water yielding
16 through essential times of the year, we've seen
17 those numbers of fish drop, so much so that we
18 have not allowed our members to fish within our
19 small streams since 1993. So you can see the
20 absolute dire situation that we are in. Our very
21 life giving spirit, first the salmon, now our
22 trout, within our boundaries are depleting.

1 We would ask that through this
2 infrastructure bill the Interior has a great
3 opportunity to fill that trust responsibility with
4 money designated -- \$200 million designed for
5 reintroduction. We ask and we plead that this
6 reintroduction opportunity that the Upper Columbia
7 United Tribes have worked on to get fish over
8 those two dams in the Columbia River System to
9 restore it to its mighty glory be heavily, heavily
10 looked at, seriously considered. We also ask as
11 an individual Nation that those of these ecosystem
12 monies be -- to be allocated to us here on our
13 reservation to help those cutthroat, to help those
14 bull trout through a hatchery system, to give
15 those natural runs to help (inaudible) so that my
16 people can continue to be fish people and one day
17 again be salmon people.

18 I thank you all for the opportunity
19 again to speak with you. I hope that today's
20 message finds you in good -- you and your Nation
21 in good health, and I pray that the spirit of
22 those that came before us, that resiliency that

1 they gave us that allowed us to be here today
2 continues to flow with you guys and that strength
3 continues to move us forward. (Speaks in Native
4 language).

5 Thank you.

6 MR. GARRIOTT: Thank you. Rebecca
7 Sullivan.

8 MS. SULLIVAN: Good afternoon. My name
9 is Rebecca Sullivan and I am from the Ponka Tribe
10 of Nebraska. We have over 5,000 members
11 nationwide and about 50 percent of our members
12 live in northeast Nebraska, southeast South
13 Dakota, and western Iowa. We welcome our
14 Nation-to-Nation consultation as the Department of
15 the Interior prepares to implement the Bipartisan
16 Infrastructure Law.

17 The climate change is real, making
18 inclement weather more severe, more common, and
19 more impactful. Unfortunately, for our people and
20 our land, we have seen what used to be considered
21 a hundred-year rain events occur all too
22 frequently.

1 On our land in Carter Lake, Iowa, along
2 the Missouri River, rain events have caused
3 regular flooding. The effects of the climate
4 change and inadequate municipal infrastructures
5 that cannot handle the volume of stormwater, these
6 weather events (inaudible). The result is that
7 during these events our land, as well as many
8 neighboring non-Tribal properties, are flooded
9 with stormwaters.

10 Our Tribal Nation has had to declare
11 state of emergencies, ironically on March 13,
12 2019, (inaudible) 2020 due to the flooding issue.
13 For our Tribe this infrastructure means our
14 (inaudible) is significantly restricted until the
15 infrastructure is updated to handle these
16 stormwater issue.

17 (inaudible) engineer and have had
18 been in robust discussions with the
19 City of Omaha, Nebraska, which is
20 the levy sponsor. (inaudible)
21 system to capture the water and
22 pump it through the levy into the

1 Missouri River. This one- time
2 investment would unlock our Tribal
3 land benefiting our members, the
4 greater Omaha region, and local
5 private property owners.

6 I thank you for your time and look
7 forward to using funding from the Bipartisan
8 Infrastructure Law to redeem -- to remediate these
9 challenges that we face because of regularly
10 flooding our Tribal lands. Thank you.

11 MR. GARRIOTT: Thank you. Chairwoman
12 Andrew-Maltais.

13 MS. ANDREW-MALTAIS: Thank you. And
14 thank you again for this opportunity, you know, to
15 give comment and have consultation and appreciate
16 everybody's comments ahead of me.

17 And I just wanted to say that, you know,
18 for all non-statutory allocations the Department
19 of the Interior has the ability to determine a
20 fair distribution for all Tribes. Once again, as
21 was previously stated away from any of those
22 flawed figures that have been given to other

1 departments, namely, some of the HUD or NAHASDA
2 figures as well as census numbers. Only tribal
3 governments know who our people are when we're
4 looking population bases. However, population
5 base should not be the only factor or even a
6 determinate factor when it comes to formula-driven
7 allocations.

8 All Tribes are created equal in the eyes
9 of the United States government and therefore,
10 have the expectation that those trusted treaty
11 obligations will be upheld fairly across the board
12 allowing for all Tribes to have at least some sort
13 of base and then a weighted formula with varying
14 factors that have impacts on whether it's
15 population, large scale villages and as well as in
16 the East.

17 The other thing I wanted to make sure is
18 that we stay away from the competitive grants when
19 it comes to these funds. Tribes should not be
20 forced to pit our own challenges against each
21 other to see as who is the most worthy and should
22 never be put in the Department of the Interior or

1 Bureau in the pos to try to determine who is more
2 worthy than another Tribe to be able to receive
3 the support that we all rightfully deserve.

4 We are fortunate that we don't have some
5 of the issues that are identified within these
6 fundings. However, our issues are just as
7 important to us on the other side. With regard to
8 anything that has the ability to sustain us. We
9 are on an island in that there are no other
10 options. There are no places to go. The cost of
11 living is significantly higher here than any place
12 else. And we cannot expect our people to have to
13 bear all of the cost of these infrastructure
14 programs on our shoulders when insufficient
15 funding from the Bureau and/or the United States
16 as no available housing.

17 However, we need to develop our
18 homelands. Wastewater treatment plants and the
19 ability to figure out new ways to create portable
20 water is going to be important to our Tribe as we
21 watch the impacts of climate change.

22 One of the problems that we're also

1 facing is being on an island. We're on a single
2 aquifer. Right now, there are only three towns on
3 the island that have wastewater treatment plants
4 and the Tribe. And at this point, despite the
5 best efforts of our treatment plant operators,
6 we've been able to outlive the life expectancy of
7 our current treatment plant. However, we know
8 that anticipating what our campus outgrow is going
9 to be as well as the need for additional housing
10 for our tribal communities, we are going to need
11 to expand to its fullest capacity. But there is
12 no funding available for that.

13 Two of the island's communities, they're
14 at maximum capacity already and that was
15 established back in 2020 that they were going to
16 be reaching it. And now in 2021, they have
17 reached maximum capacity before one got fully
18 operational.

19 One of the other issues that we face is
20 that is that not only do we not have the capacity
21 for wastewater treatment in near future, never
22 mind the far future, we're also at a point where

1 we're faced with other contaminants that are
2 infiltrating our water supply for portable water
3 as well as because the majority of the houses on
4 the island are septic systems there's no place for
5 this to go. It's impacting our water resources,
6 our fish habitat and our ability to utilize our
7 ponds and our streams as well as flowing out into
8 the ocean. And also, the contaminants that are
9 working its way into our own well systems.

10 So there's a dire need. And we need to
11 make sure that when we're looking at funding these
12 projects and funding for Tribes we know our need
13 is great. We know that there are other Tribes
14 that have as big and even more significant needs
15 than ours, but we all have to be looked at through
16 lens that, you know, we were at where's the dire
17 need to ensure that we have portable water and
18 that our ability to sustain our communities is
19 being factor into this.

20 And the only way that we know that we'll
21 be able to do that is that if we can't do all of
22 our projects now, if we have sustainable, reliable

1 funding for these infrastructure projects, and
2 particularly when it comes to water, portable
3 water and wastewater treatment that those areas
4 are given real significant and serious
5 consideration. And that we're all given
6 opportunity to if we can't fix it now, that we
7 have sustainable funding to continue to build with
8 that infrastructure needs are. And work
9 collaboratively with other agencies that do have
10 funding that we can coalesce around a project and
11 be able to identify those funds. And as we call
12 it share and or braid that funding so that we're
13 not looking at standalone funding that will just
14 get us a project halfway, no completion and no
15 opportunity for sustained funding to complete the
16 projects and maintain maintenance.

17 With that I'll stop because I know I can
18 go on for the time. And thank you for the
19 opportunity to express our comments.

20 MR. GARRIOTT: Thank you, Chairwoman.
21 Up next is Chairman Attebery.

22 MR. ATTEBERY: (Speaking in Native

1 language). Hello. How are you? Can you hear?

2 MR. GARRIOTT: Yes. Yes.

3 MR. ATTEBERY: Yes. Okay. So thank you
4 for this opportunity. And, Buster Attebery, and
5 the proud chairman of the Karuk Tribe.

6 We're located out here in the northern
7 reaches of California. Special thanks to Madam
8 Secretary, Assistant Secretary. I see some
9 familiar faces. In particular, Director Daryl
10 Conn (phonetic). It is good to see everybody.
11 Wish it could be in -- see everybody in person,
12 but just seeing you on the camera means that you
13 are doing well during these difficult times.

14 Again, thank you for the bipartisan
15 infrastructure law. Out here in northern
16 California, we face the devastating fires that
17 have happened. We're in the process of probably
18 the largest dam and mobile project in the country
19 for dams along the Klamath River, which will free
20 up over 400 miles of spotting grounds for our
21 salmon. I just have everybody keep in mind that
22 is the proverbial tip of iceberg, the dam removal.

1 There are other issues that we need to
2 have funding for so we can have water quality and
3 water quantity in Klamath River. We had in 20002,
4 a 60,000 plus fish kill along the Klamath River.
5 The salmon washup up on the shores due to a
6 disease that was caused by low flows and high
7 temperatures. We need to have funding to work
8 with our local governments on water conservation
9 efforts.

10 There's a big issue with the
11 agricultural production that have dewatered our
12 tributaries to the Klamath River. Major
13 tributaries that served as cold water refuges for
14 fish for thousands of years and those are being
15 severely dewatered.

16 We have been adamant about wanting to
17 work with our agricultural partners. We know that
18 that is a viable commodity out there. We want our
19 fish to be recognized as that also. And so, we
20 are looking for funding to put in some viable
21 water conservation efforts. We have some ideas
22 that the Karuk Tribe Department of Natural

1 Resources have developed probably 10 years ago. A
2 climate adaptation plan that would include a plan.
3 You can find these plans on our Karuk website.
4 And so, that is one of our issues with the water.

5 The other is the fire. We have had
6 drought conditions out here in northern California
7 for several years. We're looking at another
8 drought this year. In 2020, we had a fire, the
9 Slater Fire, that wiped out half the town of Happy
10 Camp, which is the headquarters for the Karuk
11 Tribe. I lost the home that I grew up in when I
12 was a child. And we've had, you know, many of our
13 tribal members displaced. And still trying to
14 rebuild.

15 We have again in our climate adaptation
16 plan plans for fuels reductions. It's in our Good
17 Fire Report. It's something that the indigenous
18 people along the Kalmath River has used for
19 thousands of years. It's approximately 120 years
20 ago those methods were outlawed. The net result
21 is what we have today. We have an abundance of
22 fuels out there for the fires.

1 sustainable economy out there for generations to
2 come that would provide this area with not only
3 the economy, but a co-generational or a biomass
4 project that would support some clean energy
5 projects.

6 So I did support the idea of, you know,
7 direct funding for the Tribes most at risk, but I
8 want to tailgate on Chairwoman Andrews-Maltais'
9 comment that all tribes are at risk. And we're no
10 different than any other Tribe. They have
11 different issues and I think they should all be
12 taken a look at.

13 All tribes have been underfunded for a
14 lot of years. And there was that trust
15 responsibility to fund those Tribes, but I would
16 encourage the Department of Interior to take a
17 look at tribes such as the Karuk Tribe who are in
18 danger of losing their fish. And the fish, the
19 salmon were a sustainable food source. It was a
20 main food source for the Karuk Tribe and the Yurok
21 Tribe. The Yurok Tribe is just down river from
22 us. They're the largest tribe in California. And

1 we depended on these fish for our food sustenance.

2 It was a healthy food source and it was
3 a few years ago that both the Karuk and the Yurok
4 Tribe put a self- moratorium on the fish. And it
5 was my saddest day as Chairman when I had to tell
6 my elders that they wouldn't have any fish on
7 their dinner table that year.

8 So those -- and the coho salmon on the
9 endangered species list. We've already some of our
10 food source such as the lamprey eel. And again,
11 we do have some projects going on like the dam
12 removal projects, but we really need some help
13 with water conservation and fire resilience and
14 fire prevention. Thank you for your time. Thank
15 you for listening.

16 MR. GARRIOTT: Thank you, Chairman. Mr.
17 Randy King.

18 MS. BROWN: Mr. King, you're muted.

19 MR. KING: Thank you. And we bid you
20 hello from the Shinnecock Indian Nation. My name
21 is Randy King. I'm the vice chairman of the
22 Council of Trustees. Thank you to the

1 administration. Madam Secretary, Assistant
2 Secretary and all of the Tribes on today.

3 So it's a great thing that the Biden
4 administration has come out with these projects,
5 these programs for Indian Country. I think my
6 comments today are noteworthy due to the fact that
7 we have this terrible storm that's barreling down
8 on us. And due to hit Long Island and then Cape
9 Cod.

10 We are at the level land here on
11 Shinnecock. And as chairman back in 2011, I
12 provided testimony to the Senate Committee on
13 Indian Affairs on floods and fires in Indian
14 Country. And with that testimony, we provided
15 maps of hurricane alley as hurricanes make their
16 way up the eastern seaboard.

17 They dramatically impacted Shinnecock.
18 They've dramatically impacted the New England
19 region and we provided testimony that day that key
20 agencies such as Interior, Energy, Agriculture the
21 Army Corps of Engineers, Homeland Security, HUD,
22 Commerce, FEMA, the EPA should establish an

1 interagency standing task force that would greatly
2 assist in facilitating immediately responses to
3 emergencies in Indian County.

4 And I see also that in your, you know,
5 program guidelines here any relocation and climate
6 adaption are noted. We are extremely interested
7 in that because as I said before, as our land was
8 removed from the Nation's holdings through the
9 years, through the fraudulent land transactions,
10 we moved and relegated to the lower level land.

11 So we need to be able to take land into
12 trust immediately and expeditiously due to factors
13 such as this. Our people were farmers, but they
14 were farmers of the sea. They showed the
15 puritans, the pilgrims, you know, how to use the
16 whale. How to work with mother nature. How to
17 harness the ocean's energy. But you can't stand
18 in front of the ocean. You can work with the
19 ocean, but you cannot stand in front of it, and
20 that's what we're facing.

21 We're facing climate change and the real
22 problems with that. So we need to be able to

1 relocate administrative offices. We need to
2 relocate, you know, our schools, our daycare
3 centers, our tribal support buildings to higher
4 ground and be able to work with the administration
5 to do that expeditiously.

6 So I thank you. (Speaking in Native
7 language) for these programs that you're unfolding
8 in front of us now. And my concerns to us as the
9 Tribes of New England with this storm barreling
10 down. Thank you.

11 MR. GARRIOTT: Thank you, Vice Chairman.
12 Chairman Payment. We can't hear you, Chairman.
13 You're on the mute.

14 MR. PAYMENT: Can you hear me now?

15 MR. GARRIOTT: Hear you now.

16 MR. PAYMENT: I thought maybe you just
17 couldn't Ojibwe. (Speaking in Native language).
18 I'm glad to be here.

19 So normally, Chairwoman Andrews-Maltais
20 and I do a one-two punch. And she'll be the one
21 and I'll be the two this time. I want to echo
22 what she said with a fairness formula. You know,

1 when we went to the CARES Act, we emphatically
2 expressed that we needed a fair formula. That
3 didn't happen in the CARES Act.

4 But we were listened to in the Rescue
5 Act and fortunately from really big landmass
6 tribes who are also big population tribes, weighed
7 in on the side of our populations because it could
8 have gone either way.

9 But the if the funding we receive is
10 proportionate to our population then we have a
11 responsibility proportionate to our members so
12 that kind of makes sense. But I do also think
13 that it's not that simple because there are some
14 tribes that are so small that there needs to be a
15 minimum threshold. So we should never fall below
16 that.

17 And I'm talking mostly about our Alaska
18 Native tribes or some tribes on the East that
19 fractionated in their population. And so, we need
20 a fairness formula. And as far as the concept of
21 formula funding relative to the competitive
22 funding. I have been on the scene for the last 10

1 years or so and we had consistently been saying
2 this through all of the advisory.

3 So it's not new information. And in the
4 past, we're always told, well, that's too
5 complicated. We can't do that. But we did. We
6 did this in the Rescue Act. Under Obama, yeah,
7 the American Recovery Reinvestment Act. We got
8 about a half of a percent of the total funding
9 that went out to help save the economy. And then
10 in CARES Act, we got about just a little bit
11 better than a half of a percent.

12 In the Rescue Act, we're edging up.
13 We've got to about 1.6 percent of the total. Our
14 population was understood to be somewhere around
15 2.5 percent of the population before the last
16 census. We're now a lot higher than that. It's
17 probably approaching 8 or 9 percent. But when we
18 were doing the different Native orgs talking about
19 what our need was. We said minimally it should be
20 proportionate to our population.

21 But, you know, there's unique
22 responsibility in the federal government in the

1 treaty and trust obligation. You know, and just
2 -- not to belabor it, but we were for the most
3 part either relocated far away from our homelands.
4 We were prevented from being able to utilize our
5 natural resources the way that we had done for
6 centuries.

7 And because of that the federal
8 government accepted a responsibility to ameliorate
9 those impacts. It's not reparations so let's not
10 go there. It's the federal government accepted
11 the treaty and trust obligation. And so, we
12 estimated that our need is upward of five percent.
13 We didn't get five percent. We got probably
14 around just over a percent maybe a little bit
15 higher with the \$13 billion.

16 So what I want to say is that we should
17 be thinking about formula funding. The sessions
18 that we've had for the last three days are -- I
19 know that you guys got specifics you have to meet
20 for the consultation. And some of the monies that
21 were specific in the legislation for water
22 projects. And some of those don't really apply to

1 some of our tribes.

2 So I'm going to just broadly suggest
3 that some of the water and sewer be pushed up
4 formula based on what we already know our needs
5 are and allowing for modifications of tribes that
6 have needs. Tribes that just get recognized or
7 just acquire land or get land reclamation are at a
8 real disadvantage for being able to use that land
9 for housing if they don't have infrastructure
10 dollars.

11 So some fairness formula there. Roads
12 and bridges. You know, the biggest chunks of the
13 infrastructure dollars are earmarked for those --
14 not earmarked. But we don't use that word
15 anymore. But so making sure that there's a
16 fairness formula for roads and bridges as well.

17 The broadband two billion, I've
18 understood that when the one billion was put out,
19 announced by the budget president that it got
20 oversubscribed and there was five billion that was
21 justified in the applications, which means the one
22 billion, which sounds just like a lot was not

1 enough. And the two billion still not enough.

2 But hopefully, we can backfill some of
3 the need identified in the first round on the one
4 billion for broadband. Try to backfill some of
5 that, but also not at the expense of the tribes
6 that didn't have the wherewithal or ability to
7 pull together their applications for the
8 broadband, the one billion.

9 There should be a big chunk like maybe
10 one billion of that two billion set aside so that
11 the tribes that didn't get the opportunity to
12 submit will still get that opportunity because the
13 tribes that are need the greatest are usually the
14 tribes that are the most rural. And the ones that
15 don't have access to broadband. And just because
16 they don't have sophisticated grant writers
17 shouldn't mean that they should not get funded.

18 So and then also I want to say there's
19 two other things real quick. The three -- so
20 basically, at least this was like three billion
21 dollars and I'm hoping that we have some
22 consultations that will allow us to weigh in on

1 how those dollars could be pushed out to Indian
2 Country. And then also, we pushed really hard
3 during the legislation to include language that
4 says, state territories and tribes.

5 So there's another 149 billion that is
6 available for state, territories and tribes. So
7 when that consultation happens, I'm asking that
8 tribes be specifically invited to weigh in because
9 if we could create incentives in those funds for
10 state to reach out to tribes and collaborate with
11 any money we're going to get out of the three
12 billion or, actually, in the roads or bridges or
13 water and sewer that states get incentives for
14 reaching out and collaborating with tribes.

15 Five or maybe seven years ago, when I
16 testified during the Trump administration on our
17 needs, I had suggested that that we create those
18 kind of incentives. And so, you know, I guess
19 I'll finally just say, you know, you can hear the
20 urgency in my voice and you can hear the
21 frustration in the different tribal leaders that
22 have attended all three of these calls because our

1 needs are so great.

2 Conditions we in as tribes were created
3 conditions not by us. And unfortunately, we've
4 been asking for about 25 years or more in
5 justifying our unmet infrastructure needs and so a
6 lot of our hopes and dreams are hanging in the
7 balance here with these infrastructure dollars.
8 We know it's not enough. And so, my hope is that
9 all of the administrative officials across the
10 agencies that are hearing our testimony realize
11 that we know we're not going to get everything
12 covered in this round. We know it.

13 And so, let's recognize that but let's
14 not forfeit all of those voices and all that
15 listening that you're doing and have that become
16 the impetus to begin another round of budget
17 formulation so that we can get something ongoing
18 in the annual appropriation's process. All of our
19 hopes and dreams are on this infrastructure bill
20 right now, but we know it's not going to be
21 enough.

22 So anything you guys can do as our

1 representatives at the highest level to make sure
2 that we echo those voices and amplify them so that
3 we begin to introduce new streams of funding to
4 get to the backlog of infrastructure in Indian
5 County. And with that (speaking in Native
6 language) for listening to me.

7 MR. GARRIOTT: Thank you, Chairman. Up
8 next is Dennis Alex.

9 MR. ALEX: Good evenings. (Speaking in
10 Native language) to my Great Lakes brothers,
11 ancestors. And thank you, Honorable Haaland and
12 Newland for this opportunity.

13 I'm thankful that we have monies
14 available to us. Right now, we're in the process
15 of restoring a little, known historical land where
16 a great massacre had occurred. And it was swept
17 under the rug, I think mostly because of the civil
18 war. In 1863, the Northwestern Band had
19 (inaudible) near Preston, Idaho. Three hundred
20 and 50 Shoshone men, women and children were
21 slaughtered there by the U.S. army.

22 Right now, we're in the process of

1 restoring that area to its natural site in
2 honoring those that were killed there. And I see
3 in the bill here that we have monies available for
4 the ecosystem and the restoration of the invasive
5 plants that we have already started getting rid of
6 the Russian olive. And we've donated that wood to
7 the nearby community.

8 Also, I'm glad to see that we have
9 monies so that we have the opportunity to buy
10 plants and seeds that were native to this area.
11 One last thing and I won't take too much more of
12 your time. We're in the process right now of
13 litigation with the State of Idaho for our hunting
14 rights.

15 And we were waiting for a letter that
16 stated that we had hunting rights on unoccupied
17 lands in 1985 from the BIA. And I would like
18 before this litigation is over to have support on
19 that. We've spoken to the Honorable Newland on
20 this subject and it's very important to us. It's
21 very important to all of us.

22 This is the 21st century and our

1 treaties are still not being honored. I don't
2 remember any of us making a treaty with the any
3 state that we live in. We made it with the
4 federal government. And for a state to say that
5 we don't have those rights that we were given is
6 wrong. And with that I will close and say, thank
7 you very much for this time.

8 MR. GARRIOTT: Thank you. Kelly Dennis.

9 MS. DENNIS: (speaking in Native
10 language). I'm Kelly Dennis with the Shinnecock
11 Indian Nation, Council of Trustees. I serve as
12 secretary and thank you for having us. And I'll
13 just also add to the points that our vice chairman
14 made earlier, Randy King and the importance of
15 this bill.

16 How it really will, if used correctly,
17 be transformative for so many tribes. And for
18 Shinnecock especially we are always concerned
19 about the impacts of climate change. And as one
20 of the more newer recognized tribes, we were fully
21 recognize in 2010.

22 And we believe that we have our lands

1 owned by us and restricted fee. We want to make
2 sure that a lot of what the programs are coming
3 down and available to tribes are not just for
4 tribes that have just specific trust lands even
5 though we do also what to get trust lands. And
6 they are necessary for our housing in the future.
7 We are already at capacity with housing.

8 It's really difficult for anyone, any
9 tribe members to build any new housing on our
10 current territory at Shinnecock now. And in order
11 to do that we also need that access to funding for
12 roads, road building and road repair. So we are
13 happy to see that is one of the big things in the
14 infrastructure law for roads and bridges as well
15 as broadband. And we're really hoping that those
16 things can coincide as we try to redo a lot of our
17 infrastructure on our tribal territory.

18 We do hope that there's also an impetus
19 and support for sustainable materials building
20 given all the different issues that we're seeing
21 with the chain of supply and all of that. You
22 know, there must be ways that we can look to

1 different renewable resources. Things like hemp.
2 Things like kelp. Things like a lot of the
3 different indigenous sources that so many tribes
4 and tribe members are really striving to bring
5 back to our people and to try to, you know, help
6 the world really to be able to face what is coming
7 with climate change and what is already here.

8 And we're really hoping that just to
9 echo that everything is made equitably. Again,
10 for and especially for Shinnecock and other tribes
11 who are new to federal recognition. We've had
12 difficulty again with housing and with the roads
13 that we have. Some tribe members have to, you
14 know, come out of own pockets to pay for a road to
15 be able to access their home. Or, you know, after
16 several times of hitting a pothole, they'll have
17 to put in their own money to fill that pothole and
18 hope that it will hold through the year.

19 So this is so important for emergency
20 response, for community services and things that
21 we're seeing more and more. For ambulances to
22 come to respond to, you know, any kind of

1 emergency situation. For escape routes as where,
2 you know, we're starting to see that we're having
3 a lot more flooding issues and tsunami warnings.

4 So those are just the points that I also
5 wanted to add to our vice chairman earlier
6 comments. Thank you. (Speaking in Native
7 language).

8 MR. GARRIOTT: Thank you. Ms. Margo
9 Gray.

10 MS. GRAY: Good afternoon, Nice to see
11 you, Ms. Wizipan. I know that -- first of all
12 apologies and we have one of our -- we lost a
13 tribal elder in our community who also served in
14 leadership position not only culturally but also,
15 you know, just short of being a mentor to myself
16 and to my brother, who you all would call a Chief
17 Jim Gray. He was his assistant chief.

18 And, you know, as funerals go, you know,
19 I'm sorry that I missed it. I know that some of
20 my colleagues have made some important points
21 about the well plugging money that's available. I
22 just wanted to just briefly support those

1 comments. I know that, you know, just like we
2 were saying.

3 I heard Aaron discuss, you know, we
4 understand there's not enough money in all these
5 different line items and everyone has done the
6 best they can. But this is something that we've
7 lived with for over a hundred years where our land
8 was just as wild catted. It was all this people
9 if they -- you know, their hazards to not only our
10 groundwater, to our drinking water, to anything
11 that we're doing here.

12 It's a serious safety issue. I know
13 that one of my colleagues at Talee Redcorn makes
14 some comments, I wish I was here to have had some
15 input. But before we close out this meeting, I
16 just want you to know that, you know, any
17 documentation that we need to supply, we've been
18 running a highly successful program. We have a
19 team that is out there doing it. So it's not like
20 we would get money and have to begin something
21 new.

22 We've got a solid program that we've

1 been working through but it takes money to take
2 care of these abandoned orphaned wells because it
3 is a hazard. It's a hazard to the growth. But
4 not only the growth but it's also it keeps things
5 safe. So I just want to make those few comments.

6 I know that Chairman Everett Waller is
7 on our -- came on that meeting as well. And I
8 just wanted to kind of close with those. And
9 thank you all for listening.

10 MR. GARRIOTT: Sure. Good to see you as
11 well.

12 MS. GRAY: Good to see you. Can I send
13 some time over to Chairman Waller for any --
14 because this is -- Osage Nation is a unique and to
15 itself. We're like a quasi-core part government.
16 We have our Office of the Chiefs. Our Osage
17 Nation Congress. We have our courts, but yet we
18 also -- and I think you're familiar with how Osage
19 is set up.

20 We stay in this one lane and it's
21 nothing but minerals and, you know, our natural
22 resources. And so, when this 1.2 trillion came

1 out. There was the opportunity. Number one, to
2 fix what is a 100 year old when, you know, J.
3 Paul Getty was here, Sinclair, Phillips. All the
4 big oil barons had come here.

5 And, you know, there's a -- in fact,
6 there's a movie out later this year about the
7 Osage rein of terror. And it's about how they
8 came and they took the land. And they just left
9 some abandoned wells out there on our land. And,
10 you know, if we have this opportunity to take care
11 of that and start turning this around for our
12 land, it would be great. The other part is we are
13 very rich in minerals, sand, aggregate.

14 That's what's needed for transportation
15 to build new roads, bridges, the infrastructure.
16 And so, we want to be more involved in this
17 conversation as it moves forward. Right now,
18 we're having an evaluation through DEMD on our
19 minerals. What it's worth? Our quality. The
20 quality of what we have. And we're very high in
21 limestone which is it meets federal highway
22 standards as well as ODOC standards.

1 So there's those opportunities for us.
2 I'm just going to turn it over, Chairman. If you
3 have any other comments you would like to add
4 about that. Chairman Waller?

5 MR. WALLER: May I please have a moment?
6 Ladies and gentlemen, I want to thank my council
7 but I want to also reach out to the
8 administration.

9 Secretary Haaland, we had to write you a
10 letter before you even got to sworn in. We need
11 help in the Osage after 123 years. With these
12 orphan wells which my council spoke about. We're
13 given to us by the United States government.

14 What we need to do is look at council
15 has already referred to me on the funding request.
16 This is an initiative that has been under many
17 councils. We were only using certain bond dollars
18 and efforts of this.

19 But this orphan well brought us into a
20 new spectrum and that's where we went into the
21 congressional to request the three million dollars
22 we're using now. The effort is where we're

1 averaging 27,000 to 250,000 declaring well
2 situation. We need to emphasize is that I'll be
3 the first chairman in history to plug more wells
4 than I drill. But I feel that the Osage is
5 definitely administrating our environment.

6 This plugging immediately stops some of
7 your climate change issues with the gases and
8 methane that is released. And we're going to keep
9 moving forward. We're looking at new elements
10 that allow us to protect our land and reservation.
11 And the other issues, I will relay this.

12 We are in Supreme Court case. We've
13 been in eight years. We are in it with our
14 trustee of the United States government. That's
15 number one. Number two is our production has went
16 down due to over regulatory.

17 We need help on a CRF code that has our
18 consultation with it as recommended. All of these
19 tribes are talking about treaties. We understand
20 that very well. We have something here and this
21 anomaly is that we are an identity Osage Mineral
22 Council under CFR code 25, section 226 as amended.

1 We've been amending it since it was
2 developed. We're also going to looking at the new
3 ways of -- we have carbon capture elements. We
4 are looking at the other expansion. I've had
5 calls today to DND. We are looking at also what
6 is the new environment we're looking at? Is there
7 another situation? And we are open suggestion.

8 But most of all I can't thank you all
9 enough for giving me some time. It was a tough
10 day for our families. We lost one of my members
11 of the Tribal Council I sat on in the '90s. The
12 last comment I would like to say is that, I wish
13 everyone on this call, the Lord needs to help you
14 get through this COVID.

15 It's hurting us to put it mildly. But I
16 do a lot of prayer and I want to ask that we have
17 blessings upon everyone. And, the Honorable
18 Secretary, we'll reach out to you. We're going to
19 need your help. We are truly in a position that
20 no one has been in before. And I want to thank you
21 for this time. (Speaking in Native language).

22 MR. GARRIOTT: Thank you, Chairman. And

1 our condolences to you and to the Nation for your
2 loss. I want to -- we'll go back to one other
3 individual. I see Chairman Andrews-Maltais has
4 her hand up again.

5 But before that I just want to make one
6 quick announcement to remind everybody that next
7 Monday on the 31st, the White House Council on
8 Native American Affairs will -- which is cochaired
9 by Secretary Haaland will hold its first ever
10 tribal leader engagement session. And the focus
11 of the session will be on work of the committee's
12 -- several of the committees. And that also
13 include very specific section on implementation of
14 the bipartisan infrastructure law, which of course
15 we're consulting on today.

16 And then the executive order on public
17 safety and criminal justice. Those will be two
18 big topics. And this will be an opportunity for
19 tribal leaders to engage directly with Secretary
20 Haaland and others who are a part of the White
21 House council. And we'll drop information and a
22 link in there where people can register. And

1 again, that's next Monday, January 31st from 1:00
2 p.m. to 3:00 p.m. Eastern.

3 So I just wanted to put that -- remind
4 everyone of that. And then also, you know, in
5 addition folks can always submit written comments
6 to this tribal consultation and we'll be accepting
7 those comments through February 4th. So with
8 that, Chairman Andrews-Maltais.

9 MS. ANDREWS-MALTAIS: Great. Thank you.
10 And thank you for an opportunity to circle back.
11 I just wanted to comment on just how important
12 what Chairman Waller and Councilwoman Gray were
13 saying.

14 You know, I mean every tribe has got all
15 these unique situations. And in this situation
16 that the Osage are facing not only do they need
17 the United States to come to their aid and defense
18 in making sure that what they've received and
19 inherited does not become their problem, their
20 financial burden to bear, but it also articulates
21 the need to have I guess looking at what is the
22 United States as a whole responsibilities to an

1 individual tribe as well as what the United States
2 responsibility is to us as a collective tribes in
3 this funding mechanism.

4 Because, A, it should never put the
5 Osage Nation in a position that they feel that
6 they shouldn't be able to ask for full making them
7 whole because of an impact to the other tribes.
8 And this is something that, you know, I don't
9 think that there's any tribe that would not be in
10 support of ensuring that not only Osage but any
11 Tribal Nation that is impacted by an agreement or
12 something that has been inherited and put upon
13 them by the United States should not be remedied.

14 But certainly not be remedied that if it
15 takes a billion dollars to fix it, the United
16 States needs to give the tribe a billion dollars
17 to fix it. But not say, oh, we gave it all to the
18 Osage. So all of the rest of the tribes be mad at
19 Osage because we only had so much money.

20 You know, and I mean and this is what
21 we're talking about when there's needs graduated
22 fair and weighted for funding that Congress is

1 allocating to all tribes in the aggregate versus a
2 responsibility to an individual tribe that needs
3 the United States' assistance and needs the United
4 States' support and funding to fix something for
5 safety for their community as well as all the rest
6 of the communities that are here.

7 I just wanted to bring that up because
8 it just weighs so heavily that we can't ignore the
9 fact that there are individual circumstances that
10 need specific attention as well as everything else
11 that we're talking about within these allocations
12 and appropriations. Thank you.

13 MR. GARRIOTT: Thank you. I do not see
14 any other hands raised and we can, you know, give
15 a few more moments. I see -- it looks like O.J.
16 Semans.

17 MR. SEMANS: (Speaking in Native
18 language). My name is O.J. Semans. I am the
19 executive director of Coalitional Large Tribes.
20 And there is just a few things that I wanted to
21 put out there and I wanted to make sure that all
22 the tribal leaders were able to speak before I

1 came on.

2 First of all, I hope that the question
3 and feedback that the Bureau has put on or the
4 Interior has put on there is not set in stone in
5 that the tribes can submit additional
6 recommendations as far as the funding.

7 Also, one of the things and I know it's
8 not here, but I'd like to bring it to everybody's
9 attention is the fact is that throughout the
10 funding period for bipartisan package, there's no
11 money in there for BIA road maintenance nor is
12 there any EIE money. I guess what the tribes
13 would like to know is what happened there? There
14 should have been money for both of those.

15 Second or third, I guess is that you
16 don't use NAHASDA or HUD data in order to look at
17 how you're going to disburse the funding if you're
18 going to use population. One of the things that
19 we were very successful in doing is getting
20 Treasury and the ARPA funds in which they allow
21 the tribes to submit their enrollment numbers and
22 utilize those in order to provide the funding.

1 The second one is the matching funds.
2 First of all, because of COVID pandemic hitting
3 all tribes very hard. Harder than most of the
4 states and cities and whatnot. Is the fact that
5 even considering matching funds for these
6 programs. It shouldn't be required at all. And
7 as a matter of fact, I think what Interior and BIA
8 should actually look at is the fact that because
9 of COVID even if there is programs currently out
10 there now that require matching funds that those
11 matching funds be waived.

12 You know, we are going to be seeking
13 through, you know, additional feedback and stuff
14 more comments. And then finally in closing what I
15 really wanted to say too is I really wanted to say
16 it's really a pleasure to be able to say Madame
17 Secretary to an indigenous woman that has finally
18 been able to take the helm of Interior of lands
19 that matter to tribes the most. I mean it's
20 really an honor to say that and mean it.

21 Also, I really want to thank Wizipan and
22 Mr. Luin (phonetic), the new people that are

1 coming into Interior and BIA. I see young
2 educated former tribal leaders, CEOs. I mean I'm
3 really excited to see what you're going to do. I
4 know that a lot of this stuff has -- that you came
5 into has been set in stone for years upon years.
6 And I really look forward and the tribes look
7 forward of working with you. We may not always
8 agree on things, but I know we can walk the same
9 road trying to accomplish the same things. So
10 with that (speaking in Native language).

11 MR. GARRIOTT: Thank you, O.J. The
12 floor is open. If others want to speak just use
13 the raised hand function and we can call on you.
14 We have a little more time left and it's reserved
15 here in the day. We know that there was a lot of
16 information that was covered in the first part of
17 session. And there's different ways to run
18 consultations.

19 One is to do an introduction and kind of
20 walk everyone through one topic and open it up for
21 comment and then move onto the next. Or you can
22 do it the way we do it, which is we kind of

1 frontloaded a lot of information and then kind of
2 left it open for tribal leadership to comment as
3 they see fit. And, you know, we recognize both
4 ways as being appropriate. And there's benefits
5 to both ways.

6 Also, you know, I wanted to emphasize
7 and I mentioned it earlier, that on the call and
8 listening and participating, you know, has been
9 senior leadership from the department. You know,
10 so again, you know, understanding and hearing that
11 consultations should be meaningful and that
12 consultation should happen with decisionmakers.
13 And so, we feel very confident that we're making
14 good strides in that area. And the -- not able to
15 participate today because he had some obligations.
16 My understanding is directly with the President
17 was.

18 But the last two days, Merrill Andrew
19 (phonetic) participated. And Merrill Andrew has
20 been selected by the President to be the
21 infrastructure coordinator for the entire federal
22 government. So we definitely had some of our top

1 leaders in the meetings and the work that I
2 participated in, I can emphasize, you know, and
3 pass on that intra-agency coordination is
4 something that we're very focused on.

5 And that over and over again today we've
6 heard many times that the needs and the
7 infrastructure needs of Indian Country, you know,
8 are wide and varied and go beyond any one single
9 department. And that we need to find the ways to
10 leverage the resources across the entire federal
11 government. But the floor is open if others want
12 to give comments. We can give it some time.

13 MS. BROWN: We have a couple of people
14 that joining by phone. And so, if you would like
15 to make a comment and you're joining by phone, you
16 can press *9 to raise your virtual hand and then
17 *6 to unmute. So again if you are joining by
18 phone and would like to make a comment, please
19 press *9 to raise your virtual hand and *6 to
20 unmute. Thank you.

21 MR. GARRIOTT: Well, I don't share any
22 further comments. But to give it a little bit

1 more time. Oh, I see a Governor Romero from Taos
2 wanting to make another comment. Governor?

3 MR. ROMERO: Yes, my secretary would
4 like to make a comment on something that was
5 brought up.

6 MR. LEFTHAND: Thank you, Governor.
7 Thank you again for giving us the opportunity. I
8 did put a chart in the inbox, but it was mentioned
9 in discussing about some of the road and
10 infrastructure issues dealing with tribes. Taos
11 Pueblo under (inaudible) Fernandez, a
12 representative for New Mexico was applying for
13 funding on behalf of the tribe to address health
14 and safety issues.

15 We have a four road project that we're
16 working on, but unfortunately that was mentioned
17 earlier. There was no funding that was available
18 for that. So I just wanted to stress that's
19 something of importance for us especially for Taos
20 Pueblo.

21 And as a statement was made earlier,
22 there was no funding that was available through

1 BIA for some of these road projects and the
2 improvements. And that was something that we just
3 wanted to make mention and bring that to light.
4 Thank you.

5 MR. GARRIOTT: Thank you. And of
6 course, the different funding available in
7 different portions of the infrastructure law and a
8 significant portion of funding for transportation
9 went through to the Department of Transportation.
10 And we're looking at a significant amount of
11 funding for bridges, Indian Bridge Program.

12 Also, the Tribal Transportation Program.
13 And then also some discretionary money in there as
14 well. And we at BIA have a coordination with the
15 Department of Transportation. And we anticipate
16 that transportation by BIA will be able to pull
17 together and, you know, distribute more
18 information to the tribes and to the tribal
19 transportation programs on how to access that
20 money and, you know, all the various kind of
21 program requirements around there.

22 So I would say be on the lookout for

1 more information there. I would also open it up.
2 If there are any others from our federal
3 leadership within the Department of Interior. If
4 there's any comments that any of you would like to
5 make or the floor is open.

6 (Whereupon, at 3:58 p.m., the
7 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

