



SOUTHERN UTE INDIAN TRIBE

June 27, 2017

Michael S. Black
Acting Assistant Secretary – Indian Affairs
Department of Interior
Via E-mail only: consultation@bia.gov

Re: Southern Ute Indian Tribe comments on Department of Interior Reorganization

Dear Acting Assistant Secretary Black:

The Southern Ute Indian Tribe writes in response to the Dear Tribal Leader letter dated May 16, 2017, in which the Department of Interior sought comments on its reorganization pursuant to Executive Order 13871. Our Tribe generally supports initiatives to make the Department more efficient and responsive to the needs of tribes. As a leader in Indian energy development, the Bureau of Indian Affairs has often hindered our ability to competitively develop our resources. While the Bureau can be inefficient and ineffective, we recognize that the primary source of the Bureau's inefficiency and ineffectiveness is insufficient funding and inadequate staffing. We support reorganizing the Department to the extent that reorganization will address these problems. We appreciate the Department's efforts to seek tribal input on its reorganization and we look forward to additional consultations and discussions, as proposals to reorganize the Department have not been made available to tribes. We respectfully request that the Department consult with tribes before submitting a final reorganization proposal in September.

Comment #1: Department of Interior reorganization should only be undertaken after comprehensive and meaningful consultation with tribes.

The Southern Ute Indian Tribe appreciates the Department's efforts to consult with tribes and seek their input on the Department's reorganization. However, proceeding with reorganization without seeking input on whether reorganization is necessary or ideal in the first place excludes tribes from an integral stage of the decision-making process. Moreover, without a proposal, it is difficult to provide substantive input on a matter that will have a substantial and direct effect on tribes. The Department should give tribes as much notice as possible before consultations are scheduled, and share proposed plans as soon as practicable.

Comment #2: Efforts to reorganize the Department should be undertaken carefully with an eye toward preserving the trust relationship between the federal government and Indian tribes.

The Department of Interior is unique because it is largely responsible for upholding the federal government's trust relationship with Indian tribes and, as a result, tribes rely heavily on the Department. Our Tribe supports a more efficient Department if it results in improved services. The Department has been underfunded, understaffed, and undertrained for years, essentially undergoing a de facto downsizing through attrition and neglect. While a reorganization may be in order, across-the-board downsizing is not appropriate. The Tribe agrees with Secretary Zinke's observation that more staff is needed on the "front lines," but the Tribe questions how that can be achieved with proposed cuts to the Agency's budget. To reemphasize: reorganization may be necessary, but the Bureau cannot endure staffing and budget cuts.

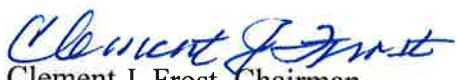
Comment #3: Any reorganization proposal should not be recommended without the Department first making key determinations about its ability to fulfill its trust responsibilities with existing resources and its ability to continue fulfilling its trust responsibilities with significantly less resources.

Before submitting a reorganization proposal, the Department should consider the following:

1. Whether program goals for Indian country are being met with the current federal workforce;
2. Whether existing federal appropriations are adequate;
3. The extent to which chronic funding shortfalls undermine the achievement or limit the achievement of federal and tribal goals for Indian country;
4. Whether 638 contracting and other delegation tools are being used to the fullest extent possible;
5. Whether federal streamlining goals to improve the delivery of services and programs to Indian tribes can be realistically achieved through consolidation of Department offices and the downsizing of the Department's federal workforce;
6. How Department reorganization or a recommendation to reduce the Department's federal workforce may impact program services to tribes; and
7. The logistical and practical impacts to tribes of closing or consolidating field/agency or regional offices and downsizing the Federal work-force.

In sum, tribal comments must be meaningfully considered and their input included in any final plans. Tribes deserve to have thorough explanations of a reorganization plan that could adversely affect the services and programs to their communities.

Sincerely,


Clement J. Frost, Chairman
Southern Ute Indian Tribal Council