

OFFICE OF THE ASSISTANT SECRETARY – INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR REORGANIZATION
TRIBAL CONSULTATION

Four Winds New Buffalo Casino Resort
11111 Wilson Road
New Buffalo, MI 49117

Tuesday, June 19, 2018
9:00 a.m. to 1:00 p.m.

APPEARANCES:

JOHN TAHSUDA, III, Principal Deputy Assistant Secretary (PDAS) – Indian Affairs
JOHN WARREN, Chairman
FRANK CLOUTIER, Secretary, Saginaw Chippewa Indian Tribe
AARON PAYMENT, Chairman, Sault Ste. Marie Chippewa Tribe
LEWIS TAYLOR, Chairman, St. Croix Chippewa Indians
ELIZABETH APPEL, Acting Chief of Staff, Office of the Assistant Secretary – Indian Affairs
HARRY CHESNIN, Lead Counsel, Confederated Tribes of Chehalis Reservation
WARREN CHARLES SWARTZ, JR., Chairman, Keweenaw Bay Indian Community
LISA SUMMERS, Secretary, Oneida Nation
STELLA KAY, Vice Chairman, Little Traverse Bay Band of Odawa Indians
DOUGLAS COX, Tribal Chairman, Menominee Nation
TIM LAPOINTE, Bureau of Indian Affairs Regional Director – Midwest Region
KEVIN DUPUIS, Chairman, Fond du Lac Band
ROGER RADER, Elected Official, Pokagon Band of Potawatomi Indians
EUGENE MAGNUSON, Treasurer, Pokagon Band of Potawatomi Indians
CATHERINE HOLLOWELL, Councilmember, Sault Ste. Marie Chippewa Tribe
PHYLLIS DAVIS, Councilmember, Match-E-Be-Nash-She-Wish Band of Potawatomi (Gun Lake Tribe)
MARK PARRISH, Secretary, Pokagon Band of Potawatomi Indians
STEVE WINCHESTER, Councilmember, Pokagon Band of Potawatomi Indians
BECKY PRICE, Councilmember, Pokagon Band of Potawatomi Indians
LANA CAUSLEY-SMITH, Councilmember, Pokagon Band of Potawatomi Indians
KIMBERLE GRAVELLE, Councilmember, Pokagon Band of Potawatomi Indians
ALEX WESAW, Councilmember, Pokagon Band of Potawatomi Indians
DENISE CHASE, Councilmember, Sault Ste. Marie Chippewa Tribe

Reported by:

Elizabeth K. Appel, Office of the Assistant Secretary – Indian Affairs

1 (Principal Deputy Assistant Secretary – Indian Affairs (PDAS) John Tahsuda opened the
2 session at 9:30 a.m.)

3 CHAIRMAN WARREN: (Introduced himself, welcomed everyone, and asked an elder
4 councilwoman to say a blessing.)
5 (A blessing was provided).

6 PDAS TAHSUDA: Thank you councilwoman and chairman. So, to start off, good to
7 see you everybody. My name is John Tahsuda, Principal Deputy Assistant Secretary for
8 Indian Affairs at Department of the Interior. With us here, we have Liz Appel, who is our
9 chief of staff, and Annette Romero, our other staff. Thank you for joining us. As I'm sure
10 you got from the Dear Tribal Leader letter, the topic on which we want to consult with you
11 today is on the Department-wide Reorganization.

12 So I hope that we will have an opportunity for everybody to get a chance to speak
13 but I would like to have the opportunity for Tribal leaders in the audience to speak first. I
14 hope everybody signed in. I'll go through and ask, I'll go down the list I have of Chairman
15 first and make sure they get a chance to speak and then we'll go down the list of other
16 council members, et cetera.

17 We do have a certain period, a few hours. I hope we can get a chance of everybody
18 to say their peace and just ask that we all be mindful of that. We have a Powerpoint. I'll try
19 to work through it, but I also don't want it to inhibit the discussion. So if you want, at any
20 point, want to interrupt, and ask a question about the Powerpoint – I know for me,
21 sometimes it's best to ask when it's fresh in my mind, otherwise it's lost, so I'm happy to try
22 to accommodate that as well.

23 So, last thing is, I want to make sure that nobody's offended, I have my iPad here, I
24 actually use this to take notes during the meeting. This computer is just for the overhead.

25 So back in March of last year, following quickly on the heels of the turnover of the
26 administration and the Trump Administration coming in. President Trump put forth an
27 executive order asking for each agency, each Department, to establish a plan on how to
28 reorganize itself to improve its efficiency. The Department requested [inaudible] May of
29 last year, and we since have held six or seven listening sessions, last year, through this year
30 as well.

1 I'll get more into detail into the plan put forward by the Secretary. At this point,
2 there's a draft plan, so there's not really a comprehensive plan together yet, but there are, I
3 would say, goals that the Secretary seeks to accomplish out of this reorganization. So what
4 we have so far is sort of the skeleton of how to, or a potential roadmap to [inaudible]. So,
5 remember this is a Department-wide reorganization. So, the first step the Secretary
6 [inaudible] was bureaus, and take a look at their regions. So, just to give you an idea how
7 important, of the importance of the Department to the country at large. In some ways, we
8 are the largest civilian agency in that we touch more people than any other agency. We
9 have over 2,400 operating locations spread across 12 time zones, we have over 70,000
10 employees, and we actually have over 46,000 volunteers assisting the Department with its
11 mission. Obviously millions of surface acres and subsurface acres we're responsible for
12 administering.

13 Some fundamental goals the Secretary had, one, reorganize the Department for the
14 next hundred years. It's been, really, well over one hundred years since the Department,
15 you can't even say reorganized, since the Department was organized. So the Department of
16 the Interior is the fourth oldest Cabinet-level agency for our government and it was
17 founded in 1849. Indian Affairs was actually created in the Department of War and was
18 moved over to the Department of the Interior. Over time, the mission of the Department
19 expanded and grew as the need for the country grew and the need for management of the
20 growing number of public lands that the Federal government was responsible for. So
21 bureaus were added on over time, there were different needs as I said.

22 So the bureaus either expanded their portfolios or new bureaus were added. Much
23 of this was done sort of ad hoc as a need was perceived for a new bureau or new services.
24 So there hasn't really been a comprehensive plan to look at the Department now as it exists
25 and to say how [inaudible] investment in its obligations and services. So, some of the
26 primary goals of this of reorganization, again, sort of lines up under the President's
27 executive order on reducing administrative redundancies and maximizing the use of this
28 Department and improving services for the American people. And that includes improving
29 our communication, how we coordinate across the different agencies on behalf of the
30 American people, and, really importantly for our purposes, is increasing joint problem-
31 solving across the different bureaus so we can make more effective decisions.

1 So, as it exists now, I believe there are, in the nine bureaus, there are nine bureaus
2 and other offices, in the Department, there are nearly 60 different regions, if you go across
3 the Department and look at all the different bureaus and offices. So, a primary goal or
4 function of bringing everybody together in a more comprehensive, unified way within the
5 Department, would be to make unified regions, so instead of having multiple overlapping
6 and different regions, which creates a lot of inefficiencies, for our internal decision-making,
7 bring them together, into unified regions. These regions would have sort of three primary
8 functions. And as the Secretary was looking at the various functions that the Department
9 performs in pursuit of its missions, three things stand out as sort of the largest functional
10 areas in which we have to have interagency cooperation amongst the different bureaus and
11 other offices within the Department. These are recreation, conservation, and permitting.
12 But, the ultimate mission of the Department and the ultimate mission of Indian Affairs stays
13 the same. In this context, which is respecting and supporting Tribal sovereignty.

14 There's my slide - 9 bureaus in 61 regions. So, when the Secretary was first looking
15 at how we could reorganize the Department, and how we could structure our unified
16 regions, he thought well, if we were going to start this agency over with all of its functions,
17 with all of its responsibilities, how would we best do that? And he turned to, we have the
18 US Geological Survey, which is one of the agencies within the Department, and really
19 they're kind of like a bunch of scientists and a lot of what they do provides scientific
20 research and scientific basis for decisions the Department makes. So he went to them and
21 said, hey, a lot of what we do has to do with watersheds and has to do with animal
22 pathways, et cetera, and even if you look at maps of the country of how people are settled,
23 how Indian people are settled, how as the United States grew, how people settled across
24 the West, they all fall on these sort of same systems, right, so people systems, waterways,
25 you have animal pathways, et cetera, you have geological formations, mountains, et cetera,
26 right. And so he saw the impact on how people have settled, so if you were going to redo
27 this Department, keeping in mind its functions, where would you start?

28 [Unidentified Speaker]: Do you consider Lake Superior as one watershed?

29 PDAS TAHSUDA: I'm not sure how they...

30 [Unidentified Speaker]: [Inaudible]

31 PDAS Tahsuda: What's that?

1 [Unidentified Speaker]: [Inaudible]

2 PDAS TAHSUDA: I'm not sure. I assume it is, but I'm not sure.

3 [Unidentified Speaker]: The line is right down the middle of the 1842 treaty area.
4 You can go back to that and you see that line going right down Lake Superior. So that was
5 my question, do you think Lake Superior is one watershed?

6 PDAS TAHSUDA: I'm not sure how would the lines break out is what the scientists
7 said. We can, for administrative purposes, we can break these out. No, I'm not saying... we
8 can have one watershed and follow the Missouri River all the way down, you can keep it
9 consolidated but you might have to for administrative purposes, make that into two
10 regions.

11 [Unidentified Speaker]: How about Lake Michigan?

12 PDAS TAHSUDA: I'm not sure. I'm not a scientist. Unfortunately, I'm just a lawyer,
13 so... So looking at how you can do this on a scientific basis. The first pass they come up
14 with, were based on these overlapping concepts and, not picking one over the other, but
15 using, I don't know, some scientific method, they merged the animal pathways, wildfowl
16 corridors, waterways, et cetera, and came up with regions that sort of would best facilitate,
17 in the mind of the USGS, best facilitate the Department's mission in a regional system.
18 Again, this is to kind of to reach out to each of the functions, or each of the mission, each of
19 the functions that we have to pursue. Yes sir?

20 [Unidentified Speaker]: Is this a listening session, or is it a true consultation?

21 PDAS TAHSUDA: Well, it's a consultation. We sent out a Tribal Leader letter and
22 we've asked to consult and you showed up today so I take it that it's a consultation. If you
23 don't think it is, and you want to submit that as a comment,

24 [Unidentified Speaker]: [Inaudible] This isn't Africa or the Serengeti where you
25 have large... you made a comment based on animal paths... this is really, really concerning
26 to me. You use this term "scientists" but you're the one here talking to us.... This affects
27 our way of life as indigenous people.

28 PDAS TAHSUDA: So, this is what I know. So, say Fish and Wildlife Service, they're
29 responsible for the management of fish and wildlife, generally speaking, in regions of the
30 country. If you follow wildlife in those regions, say um deer, have certain pathways that
31 they follow. It may not be a huge migration area, but there are some. But others, link along,

1 say a waterway, they have certain wildlife that are part of that ecosystem. When you talk
2 about wildlife corridors, you obviously have migratory fowl, and they follow certain
3 pathways. So, those are the things we're talking about, and we have responsibilities around
4 those, Department-wide. So, the idea is, how do we meet those responsibilities, as well as
5 serve the American people, how do we serve Indian Tribes, and Tribes, how do we perform
6 those functions in a way that best enables us to meet our missions.

7 [Unidentified Speaker]: The flight path that you're talking about with fowl has
8 already been established in the United States for many, many years. By putting new
9 borders on a map. I'm really confused what's happening here.

10 PDAS TAHSUDA: So, I'm not sure if this is what you're asking but we're not trying to
11 say we're going to change wildlife corridors, wildlife goes where they want to go. What we
12 do, is we have to manage the public lands that these, this wildlife, including water, water is
13 a big part of it, how do we meet our responsibilities? It's impossible to run, to meet all
14 those responsibilities and perform all those functions in Washington, DC. We have regions.
15 So we have to have people geographically located and the idea is, how can we get people
16 out in the field to meet our responsibilities, to perform the functions and provide services
17 in a way that serves the ultimate goal of the American people.

18 [Unidentified Speaker]: I understand, but these borders are not affecting American
19 people, these borders are affecting us indigenous people. And they're affecting our
20 relationships.

21 PDAS TAHSUDA: I'd be happy to talk about that more. So I have to say, I've heard
22 this comment several times and I'm not entirely sure how to respond to it because, so, I'm a
23 native person, right, my people wandered all the way from Texas into southern Canada and
24 we like to say, oftentimes, that it doesn't matter where the borderlines are, we have
25 traditional relationships and we have traditional territories that we cross. And our
26 relationships with the Crow in Montana aren't affected by State lines or anything else. It's
27 still our relationship with them. I know that Potawatomi folks, you're all the way in
28 Oklahoma, and I grew up next to the Potawatomi in Oklahoma. I would hope that drawing
29 a line on a map to make administrative functions divvy up would not impact your ability to
30 have your relationships with your people. If it is, that's something for us to talk about, how
31 we can, either not get in the way, or how we can better facilitate that because that's part of

1 our function, part of our mission, is to support Tribes where you need it. So, happy to hear
2 that. I'm just, not myself, I don't fully understand how us divvying up staff between one
3 geographic region or another impairs your ability to interact with your Tribal brothers,
4 other Tribes. So, happy to hear more about that. Yes?

5 [Unidentified Speaker]: I have a comment on the watershed approach. I have
6 concerns over the line over Lake Superior. I don't know why scientists would split a major
7 watershed and assign it to another region. It makes no sense. No sense at all. It's
8 embarrassing for them.

9 PDAS TAHSUDA: So, I am not a scientist. I'm not a water scientist. If you are, or you
10 have really good ideas, submit that to us, to the Department. You can. In addition to this
11 consultation, there's a Department process for you to submit comments like those as well.
12 I'm guessing that, again, there's a certain level of trying to follow pure science, and then you
13 have to roll into administrative process, how we administer these things. One of the
14 concepts, if you have a resource... yes?

15 [Unidentified Speaker]: There's too many inconsistencies. I have to think this is a
16 political. If this is science based and wanted to maintain that integrity. [inaudible] I can't
17 but help than think these boundaries are more political than science based.

18 PDAS TAHSUDA: Well, so, maybe I didn't make it clear. So, the foundation, the first
19 look, was to look at science and how we meet those parts of our functions. Obviously we
20 interact with people, right, and so, and we interact with other governments – States, Tribal
21 governments. Being that the Department essentially manages 1/5 of the United States,
22 right, 20% of the land mass of the United States is managed by the Department. We
23 obviously have to take into consideration those relationships as well. So you can start with
24 wildlife, corridors, waterways, then you have to mix in there, again, how do we perform our
25 services, perform the functions to meet our ultimate mission is to serve the American
26 people. You can't just have purely science-based, obviously you can't. There has to be
27 some decisions being made. There's administrative considerations as far as the best way to
28 do it. We have large resource areas. Lakes are a good example. It may be there is an
29 arbitrary line drawn because of other considerations besides science, but part of the goal is
30 to have better communication within our Department so that so functionally that does not
31 impact our ability to provide services.

1 To that... With the unified regions, the Secretary's goal, again with the notion of
2 serving the American people while serving Tribes better, is to allow for more field-based
3 decisions. If there's less inter-bureau conflict for the interagency decisions that we have to
4 make, if those are able to be made more in the field. Right now, those have to come to DC to
5 be resolved. Maybe we can get faster, more efficient decision-making, at least more
6 decision-making in the field, it allows us to keep more resources in the field and ultimately,
7 the three primary functions, for many – conservation and recreation – those decisions can
8 be made far faster.

9 [Unidentified Speaker]: The Great Lakes... why wouldn't the scientists engage with
10 our people to if any decisions are made based on their science... our endangered species is
11 taking away from our people, the nets in the waters, the slimes in our waters, and that's
12 from the vessels coming through, the permits being given. Scientists.... [inaudible]

13 PDAS TAHSUDA: I'm not sure of the answer to your question. I know invasive
14 species is a really big issue across the United States. We have a lot ways to --- invasive
15 species. We put a lot of effort into figuring how to deal with this. The notion is that – the
16 scientists didn't see themselves as making decisions, they were just presenting ideas. So,
17 ultimately the decision-making is the Secretary's. In this process here, we're seeking your
18 input in these consultation sessions to further inform us on things that concern you. And
19 that's a great... I would suggest you submit that in comments and we can roll that into the
20 internal discussions that we have as we try to...

21 SECRETARY CLOUTIER: I am Secretary of Saginaw Chippewa and also represent 35
22 tribal communities in Midwest. We have regions throughout the United States. All these
23 regions have Native Americans that have the same natural resources, same issues, same
24 challenges, I would think DOI would be more interested in redistricting based on those
25 people... I believe at consultation like this, these things should be said... and it does come
26 down to regionalism. How can we best serve, you said the American people, how can we
27 best serve the Native Americans and Europeans in those regions.

28 CHAIRMAN PAYMENT: You know how hard it is for me to hold my tongue.
29 Consultation... The States have already weighed in on it, and I have a letter, basically taking
30 credit for having Interior change the proposed boundaries, and I find that to be horribly
31 offensive. We are not subordinate to States. Interior is our trustee. Somehow the States

1 have jumped ahead of us. There isn't a science answer. There's a natural resource answer.
2 Access to our natural resources. With Tribes at the very eleventh hour being asked to
3 provide input. Basically, what appears to be a predetermined outcome. I know you're
4 going to say that the Secretary has said that if the Tribes don't want this, then they may
5 affect the outcome. Well, Tribes don't want this. If there's some way to exclude us from the
6 reorg... government-to-government relations because it should not be the State providing...
7 Maybe make some recommendation that we move to the State Department and true
8 consultation. The States have already weighed in. I have a copy of the letter. And the States
9 have already said we don't like what you're doing, and then Interior redrafted the
10 boundaries. I would like you to [inaudible]

11 CHAIRMAN TAYLOR: We are opposed to the reorganization. You have a trust
12 obligation and trust responsibility because of the treaties. Looking at how this policy will
13 be developed. You've got to understand what happened. It wasn't too long ago, I was
14 invited by the President to the White House. The reason why I say this is because of the
15 Presidential election. President Trump was elected by the White Supremacists, and White
16 Nationalists, and as a result of that, he wants to amend these treaties. You can't... this
17 whole craziness affects me and affects my people. What was given to us. This is our staple,
18 all the bureau responsibilities that the Interior regulates and has some jurisdiction over,
19 land management, and bureau of mining, what the hell they got to do with the Indian
20 people? None. What you're saying is that they're doing this for all American people, well
21 [inaudible], so what's that going to do?

22 PDAS TAHSUDA: Thank you Chair. So, I think it's incumbent upon us, as an official
23 of our government. Every Administration comes in and says they want to take a look at
24 how it conducts business. This Administration said that, the Bush Administration said that,
25 every Administration says that.

26 CHAIRMAN TAYLOR: Well, take a look all this bureaucracy. We don't need three
27 layers of bureaucracy. We don't need three layers of saying yes or no... this whole mess of
28 realignment. You've got to realign, not us.

29 PDAS TAHSUDA: Well, that's the question before us. The Department is realigning
30 itself, the question is would you like the bureau to realign itself, to be part of that process—

31 CHAIRMAN TAYLOR: Would be [inaudible] realign it [inaudible].

1 PDAS TAHSUDA: Here's the map as proposed now. If you look at the map,
2 obviously, a lot of these follow State lines, and even if you're looking at things like
3 watersheds, corridors, this is the part where you have to have some administrative
4 operating room. If you look at our current regions, they follow state lines too. So, I'm not
5 sure Department-wide how we could get away entirely from that.

6 One of the fundamental concepts of this and the unified regions is that with a more
7 unified structure, both within a region and across the regions, there will be better
8 facilitation of communication. So if there's any action that stretches across two regions,
9 those regions have folks who can facilitate that decision-making, if it's a project or
10 whatever decision needs to be made, they're better able to facilitate it, within the regions
11 and also amongst all the bureaus that are operating in those regions and have an impact on
12 that decision. That's how we're trying to address too much bureaucracy. Right now, the
13 bureaucracy, in doing that, that keeps that level of decision-making, most of the time, out of
14 DC. Right now, if there's any question at all as to what happens between bureaus, across
15 different regions, across different regions of different bureaus, those decisions all come to
16 DC. And I'm sure you have experience in knowing that when a decision comes from a
17 region and comes to DC, it doesn't happen very quickly. So, part of the concept is that
18 keeping more of the decision-making and the resources to facilitate those decisions, on the
19 ground, in the regions, then we'll get faster decisions.

20 We been asked this question and, there's no plan yet on how, if, there will be big
21 changes in the regions other than the Secretary making a commitment that there will be no
22 resources pulled out of the regions. And hopefully, with better decision-making, there will
23 be more resources with the folks in the region. So the concept again is to deal with that
24 bureaucracy by keeping the decision-making further down the chain instead of having it
25 come to DC. The ultimate goal of the Secretary, and this could take years to implement, but
26 would be to actually move more people out of DC who do services, provide functions, not
27 necessarily top-level decision-makers, but staff folks who perform day-to-day functions to
28 the regions, so that we have more resources out in the field.

29 [Unidentified Speaker]: I have a question on the slide. It was the slide that relates to
30 your numbers... no it wasn't. I have a question. You said that you had six or seven or eight
31 listening sessions last year?

1 PDAS TAHSUDA: I believe we had six last year.

2 [Unidentified Speaker]: I think BIA should provide detailed support of findings from
3 those sessions. Have you done that yet, John?

4 PDAS TAHSUDA: We have several of them, since I've been in the office, I think we
5 have posted... they're listening sessions so we don't have a court reporter.

6 [Unidentified Speaker]: Was that last year's time?

7 PDAS TAHSUDA: Yes, mostly at different Tribal gatherings. So, we held a listening
8 session. So we try to take notes. Those notes are up on our website, if you go to on the
9 right side of the webpage?

10 [Unidentified Speaker]: What did you learn from the listening sessions?

11 PDAS TAHSUDA: That we need to do a better job of communicating to things, one is
12 about this topic of reorganization, it seems as I came on board and have had listening
13 sessions and heard Tribal leaders speak, we have not done a great job of communicating
14 what the ultimate goals are and how we hope to accomplish those. I think there's a lot of
15 misunderstanding and fear, which I understand. Any change in the status quo, obviously,
16 there's a fear that things are going back. I think we've done a bad job of communication on
17 that level. From the listening sessions, I think that one of the other topics is the level of our
18 communication within us as well. How do we communicate across, with the other bureaus,
19 how we communicate with the Tribes on reorganization, with the Tribes on issues out in
20 the regions.

21 [Unidentified Speaker]: Do you plan on providing Tribes with detailed summaries of
22 those sessions so we can review them, those responses?

23 PDAS TAHSUDA: What we have are notes of them. We don't have a transcript. We
24 only do actual transcripts of consultations and those are, for these, and for fee-to-trust
25 consultations, those transcripts are available in full up on our website. As they will be for
26 these consultations. We have for the listening sessions, since the Fall, notes taken by my
27 staff from the listening sessions, and those are online, is that right?

28 MS. APPEL: I don't think they are right now, but we can get them posted.

29 [Unidentified Speaker]: Yeah, I'd like to hear what other Tribes have to say about
30 this topic and how the Department of the Interior, what they've heard and what they plan
31 to do.

1 PDAS TAHSUDA: Some of those were larger gatherings, some were smaller. I've
2 met with COLT. I've met with Great Plains Tribal Chairman. The Secretary has met with
3 them as well. Those were smaller and more informal so we didn't really take notes down
4 on those; those were just a free kind of give and take. But the ones that we had at larger
5 gatherings we have notes and will have them online.

6 [Unidentified Speaker]: [Inaudible]

7 PDAS Tahsuda: Well, this is a consultation.

8 CHAIRMAN PAYMENT: We did get a report at NCAI and our Midwest Conference
9 and the Great Plains session, the Great Plains leader said the Great Plains is not supportive,
10 that they don't understand it. Some of the same concerns have come up here. It was a
11 member of the Ho-Chunk Nation who attended the one in Great Plains.

12 PDAS TAHSUDA: I would just like to say that, Chairman Frazier and also some of the
13 other chairman who were there, they seemed to be receptive. I'm not saying they endorsed
14 it, but they said that there were ideas here that people could possibly work with, so if
15 that's—

16 CHAIRMAN PAYMENT: I talked to Gay Kingman from that district who gave me
17 direct quotes from Chairman Frazier and they want to make sure that the input they gave is
18 not misinterpreted. The comments they've given is that they absolutely support
19 reorganizing the BIA; however, not at the behest of States – at the direction of Tribes.
20 There isn't going to be anybody... who isn't going to say we don't support the mission and
21 improving the effectiveness but the interpretation of what that actually means and who's
22 driving it. The listening sessions and consultations on FTT, so that resulted clearly in a
23 “no”.

24 And one of the concerns I have about that process, and now this process, is that one
25 of the big goals of Interior was to grant ultimately a veto power to the local governments,
26 townships and governments. The way it was framed was that those would be expedited if
27 you had clarification for the government that there was no opposition. But even inviting
28 local government to have a say over matters of turning land into trust or any matters
29 involving Tribes is to grant some kind of consent to them. And what happens, and we all
30 know what happens, is they negotiate some kind of revenue sharing in order to not oppose

1 our land-into-trust. So, we're hoping that you learn a lesson through that because Tribes
2 would not support that.

3 And so the pattern that I'm seeing now is deference to states who redrew the lines
4 already before they even came to us again, is giving deference to other levels of
5 government and coming to Indian people last. My old Indian grandmother, my full-blood
6 Chippewa grandmother used to say, even an old dog will move if you kick it, meaning that
7 we have the capacity to learn and hopefully we did learn something from these listening
8 sessions. That Tribes don't want it. And then in the reorganization, the efficiencies are
9 going to happen, we're all for it, let us do it, but don't line us up behind States.

10 PDAS TAHSUDA: Alright, so should I finish the slide show or – cause we're kind of
11 getting into—

12 CHAIRMAN PAYMENT: I was just asking questions.

13 PDAS TAHSUDA: No, I appreciate that.

14 MR. CHESNIN: Just a quick question, I'm looking at the slide that talks about the
15 three primary functions in this reorganization, and I wonder how that relates to the trust
16 responsibility and government-to-government, because it seems to relate to all the other
17 organizations that DOI's responsible for, Fish and Wildlife and everything else, and not
18 really to the needs of Tribes.

19 PDAS TAHSUDA: So, let me go back to this slide. The trust responsibility is a core
20 mission of the department. What these are, are functions we perform in meeting our
21 missions. We have a core mission of meeting our trust responsibility to Tribes. Under
22 those missions, we have functions we perform to meet those missions. These are three that
23 very commonly cross bureaus, cross borders, cross bureau borders, just as for more
24 broader purposes, they cross our internal jurisdictions.

25 Recreation is one. At first blush, you might think that recreation is not that
26 important to the Tribes, but if you look around and, again, think about the interactions with
27 other bureaus, a lot of the west in particular, a lot of the parts of the country where the
28 Tribes are, we also have other lands that we manage, parklands, refuges, I'm sure there's
29 other ones but I'm spacing now. Recreation is something, it's an \$8B plus industry and to
30 have an industry, a public industry, that size, means obviously there's a lot of interaction, a

1 lot of that happens on the lands that the Department manages. And there's both impacts to
2 Tribes and there are potentials for Tribes through recreation.

3 So, one of those functions in pursuit of our mission of serving tribal sovereignty is to
4 say, how can we make sure that the impacts are either mitigated or positive, and if there
5 are benefits that are going through that, can the Tribes participate in that. More commonly,
6 I would say, in thought, is conservation and permitting. In conservation, we have things
7 like biological opinions we have to do, you have, obviously the environmental impact
8 statements, etc., that we do. Those cross, if you think about, depending on the action, any
9 action that happens, say in a river, impacts everything that happens up and down that
10 river, and everything that's in that river. So each one of our bureaus that has anything
11 related to that river – whether it's a refuge or park service, whether they're responsible for
12 the fish in the river, whether we're responsible for the wildlife that, that river, whether
13 they're responsible for the trees growing beside the river. Each of those bureaus has input
14 into those decisions. And this is where we often get slowed down. And it's a huge
15 inefficiency internally for us. Each of the bureaus makes their own decision and then later
16 on we need to reconcile them. If we had a more unified decision-making, we could get one
17 decision out faster and more effectively. So that's the idea.

18 Permitting is very much the same, where we're issuing permits for various
19 activities. Again, same idea, all the other bureaus impacted by that, they get a say in that. So,
20 by having a more unified process to get to a decision internally let's us get to that decision
21 faster, more economically. A lot of these decisions have a ton involved. It's dollars too.
22 Tribes, other people outside of the Tribe or the reservation, they often have to expend own
23 money to participate in that, and so keeping those costs down as well is hopefully another
24 benefit.

25 CHAIRMAN LEWIS: I think this. We don't need reorganization. As far as the
26 jurisdiction that you're talking about. The group that elected Trump... This is a racist. Our
27 president is very racist, he's very anti-Indian. He wants to diminish our treaties. He wants
28 to take away our sovereignty. And to make us bugle boys. I ain't no bugle boys. I'm a
29 warrior, and I fight for my people.

30 PDAS TAHSUDA: I appreciate your viewpoint Chairman. I have to say that in every
31 dealing that I've had, we have had the Department ... Tribal sovereignty. We have had

1 initiatives that support Tribal communities. A big part of those is... I understand Chairman.
2 I just wanted to say, from my perspective...

3 CHAIRMAN LEWIS: Budget process. Indian Health Service is [inaudible]. Boy, I
4 mean. Because [inaudible] We protect that [inaudible] for our people. But the Bureau of
5 Indian Affairs [inaudible] by not providing funds to us.

6 PDAS TAHSUDA: I appreciate your viewpoint Chairman.

7 CHAIRMAN LEWIS: I see what's happening. Over at St Croix, we don't like it. As far
8 as, you know, Louisiana or St. Croix, Wisconsin, what the hell do they know about us?

9 PDAS TAHSUDA: I appreciate your viewpoint Chairman. Again, I've got to say,
10 nothing that I do, or any interaction I have with the President's Office or any other
11 Department reflects any kind of bias that way.

12 Different people have different views on how the government should run. Our
13 position and our perspective, and the Secretary has made it very clear to me, he supports
14 Tribal sovereignty and that's one of the core principles in everything that we do. So, do...
15 actually, if I could get through this last slide and that's pretty much the end of the show.

16 Just so you know, so, structurally, the way that the unified regions would operate is
17 to have a director for that unified region. Maybe that director would report directly to the
18 Deputy Secretary. Again, this is all, this is all intended to facilitate faster, more effective
19 decision-making. If you want to think of it in this way, this Regional Director would be
20 more like a project manager. Decisions that need to be made in that region, focused on the
21 three priority functions, decisions that involve all the bureaus that have offices in that
22 region that would impact that decision, would be responsible for getting that decision out
23 of all of them. And either having the decision made, or if there is a policy question, and he
24 needs a higher answer, he brings it to the Deputy Secretary immediately for decision-
25 making. If there is a question of policy coming out of any of those bureaus, the Deputy
26 Secretary then brings them in so they can weigh in with their policy expertise on whatever
27 their area is, and makes that decision. But again, the Deputy Secretary is imposing
28 timelines, to get this decision-making done so that everybody is focused on getting an
29 effective decision done as quickly as possible.

30 So, the core functions again, they ultimately, you know, one of the advantages of
31 being able to share services within each unified region, which is the environmental reviews

1 that are done, instead of having each bureau do their own, we could have one done within
2 that region. All of the regional directors get to have input in what, to bring their expertise to
3 whatever that decision is, and again, we have one decision coming out of that region. The
4 current, for the Regional Director, I get asked this a lot, for the Regional Director, there
5 have been several proposals put forward both from the Secretary's Office and also from our
6 Regional Directors. We brought in all of our top-level management across the Department.
7 So, two proposals, if you want to call them that, being considered now, one would be to
8 have each of the bureaus in that unified region, their Regional Director would serve on a
9 rotating basis. Every couple years would be elevated to this project manager-director
10 status, and that way each of the bureaus in the region get their opportunity for their guy to
11 interact with the other bureaus from that level, bringing their expertise and also sharing it
12 with other bureaus in that area.

13 [Unidentified Speaker]: How do you prioritize recreation versus conservation.

14 PDAS TAHSUDA: There's no priority one over the other, those are three primary
15 functions.

16 [Unidentified Speaker]: Some states do. Some states, Wisconsin, will take recreation
17 prior to conservation, which is contrary to—

18 PDAS TAHSUDA: I can't speak for the State. But we have Federal laws, regulations,
19 that we have to follow that deal with all of those. Whether we reorganize and do this in a
20 unified way, or whether we continue down this same path with each of our bureaus making
21 different decisions on these issues. We still ultimately follow the same rules and
22 regulations, it's just that we're not doing it in any organized fashion internally.

23 [Unidentified Speaker]: Lake Superior, Lake Michigan and Wisconsin, to make
24 decisions --- it's going to be a cluster, uh, mess.

25 PDAS TAHSUDA: Last thing, and I'll leave this up here for those of you that are
26 interested. Here's the consultation schedule as we have it now. I'll just say. And I'll take the
27 hit for this. This is largely my decision - I thought it would be an interesting view and
28 maybe look at what would happen if Tribes wanted to look at joining this unified region
29 concept, and so these locations are in what would be in the new regions.

30 These are not the only consultations that we'll have. Obviously, we'll have more,
31 we're already planning additional ones in the Great Plains and in the East. Not to get ahead

1 of ourselves, I'd like to mention we had planned but then sometime, halfway through we're
2 going to start planning additional consultations.

3 CHAIRMAN PAYMENT: I would like to invite Interior to do one during NCAI's
4 annual conference.

5 CHAIRMAN SWARTZ: I would like to invite you to Keweenaw Bay Indian
6 Community.

7 MS. SUMMERS: [inaudible]

8 PDAS TAHSUDA: I want to make sure we have time for Tribal leaders to speak.

9 MS. SUMMERS: I'm the Secretary.

10 PDAS TAHSUDA: Okay.

11 MS. SUMMERS: Thank you. Again, good morning everybody, Lisa Summers,
12 Secretary of the Oneida Nation. Appreciate you having us here. There's just a few things.
13 First I'm going to make a few general comments, then I'm going to talk about some things
14 that you mentioned, John, earlier, that were more specific.

15 The first one is, if you go back to the map that was provided, that we had the
16 opportunity to take a look at, in the last couple weeks or so, Oneida is going to be opposed
17 to having the Great Lakes split down the middle, period. And you know, I think you've
18 heard that quite often this morning. From our perspective we're just saying it absolutely
19 makes no sense for us to have those Great Lakes split, specifically where the bay of Green
20 Bay is going to be split right up the top of our county there, that's important to us. And
21 then you can't have one side impacted under one set of rules and policies and not have the
22 other side of the lake be impacted and have that taken into consideration. So that's one
23 thing.

24 The other thing is, one of the things you had mentioned earlier, you gave your
25 example about the DOI having to have different agencies be able to collaborate and
26 communicate on different issues that might come up specific around fishing or other things
27 that might come up. And I think when the Secretary was visiting Oneida he talked about, he
28 gave an example about the trout and the stream. So I'd like to mention that this morning as
29 well. But one of the things that I noticed here and I can't help but continue to try to figure
30 out what you're striving for here, isn't necessarily a reorganizational regions. To me it's
31 something of a systems thing. And there's no reason for you to reorganize the regions in

1 order to have better internal operating systems, to have that collaboration, to have that
2 internal review system. And I'm going to say that with some experience. Oneida has
3 recently gone through, and is currently going through a reorganization ourselves. And one
4 of the things that was important to that reorganization was a change management plan.
5 That's the other thing that seems to be lacking here and that being something to have us
6 really look at and analyze and provide meaningful input. Having consultation is not enough.
7 We have to have something we can take a look at and say does this mean something. And
8 right now, having a picture on a map, we kind of make assumptions about what that means.
9 I appreciate the fact that the Department has provided some goals about what you're trying
10 to get to - efficiency, and the effectiveness. But there hasn't been any targets included in
11 that. So we don't know what that really means. We can say it will be more efficient, but
12 what does that really mean. Does it mean that you want to be able to provide an approval
13 for whatever that approval is within 30 days within the confines of the current law? Even
14 though the current law says 120 days? And I think as a recent testament to our HEARTH
15 Act application, 120 days, you're going to get these things. How it's interpreted is a process
16 for it, but you don't need to reorganize regions in order to achieve those things. You need
17 to look at your systems internally and your processes internally from a policy perspective.
18 So I think that's a thing that needs to happen.

19 And then there was a mention earlier about how current regions might continue to
20 work together even though lines might be drawn from an administrative perspective, well,
21 right back at you on that comment. Because on of the things that we see, and I'll continue to
22 use [inaudible] as an example, we have land in NY, so there's two different regions that we
23 have to work with now in order to process those things. So we work with the region that
24 services Oneida, in Wisconsin, and then we also have a region that we have to for the lands
25 that we hold in New York. So it is important to have these things to be consolidated
26 whenever possible. And so the way the ... is currently broken up, the way it is now. You're
27 right, change is hard, and I think I understand the intention, and I'm not just really saying
28 that it's a bad thing but when we don't understand. What we're assuming right now and
29 what I've heard other Tribes say, and I can't say that I disagree with it, because that's what
30 it's looking like - it becomes a resource issues. And we all know those resource issues.

1 So I'm going to get to the specific things. The very first thing is that whoever these
2 individuals are going to be that are going to be assigned to the regions, they need to be
3 educated on Indians. That's one of the things that we run into quite often, is that people
4 don't understand the Tribes in their regions, or Tribes – and so that's something that has to
5 be done in the transfer or hiring process for the government, that there has to be somewhat
6 of an emphasis on that. Not just the interior workings of the Department but also Tribes
7 and their area.

8 The second thing is, it is important –question for the region posed by us, because
9 you had mentioned, and correct me if, I just want to reiterate this John, you mentioned that
10 the staff would continue to be deployed into regions and we wouldn't lose staff and hopes
11 to gain staff. And I do question that because right now the way the regions broke out as far
12 as Michigan and Wisconsin is concerned, we're actually losing the 12 tribes in Michigan.
13 And so I don't understand, how us losing 12 Tribes out of our region is not going to result
14 in a decrease in staff for the region. Because we're actually losing so I need to understand
15 that. And I think that if you had a Change Management Plan that we could look at and help
16 us understand where you're attempting to go with this, it would help us get there.

17 And then I think, for the very last thing, it's just important generally to have this
18 collaboration that's going on. The consultation process is good, but again, to close, I
19 reiterate that, we need something else to go off of. The map is useful, also the... are useful,
20 but we really don't have anything to be able to analyze and say is this meaningful at this
21 point. So thank you very much for your time and I appreciate it.

22 PDAS TAHSUDA: Thank you councilwoman. Let me try to respond to your three
23 questions. So, in reverse. The need for more information. I agree, it would be great. Here's
24 the dilemma we often find ourselves when we do consultation. If we come out and don't
25 have enough information, that's a fair criticism, but if we come out with too much
26 information, you tell us, well it's already baked in, you've already made your decision. This
27 is really consultation. So, I try to find the ground there that's sort of not one way or the
28 other. I know Chairman Payment doesn't believe me, but it really is, it's a thought in
29 process for the entire Department. We're still in listening mode. It's not part of the slides
30 but we understand. [clearing throat]. Excuse me. We understand the size of this proposal.
31 At a minimum, to accomplish this unified region and restructuring, which in some ways is

1 not that huge of a huge of a restructuring, we're not really talking about drilling down and
2 changing functions of different bureaus and whatnot, right, we're just talking about trying
3 to increase communication and collaboration across our bureaus in each geographic
4 region. That's really all we're talking about. Even given that, implementing this is going to
5 take 5 years, probably, right? Which means that we have to have buy-in by all of our
6 external stakeholders, which includes States, which includes the Tribes, other people that
7 the Department interacts with. But for us, just as importantly, it takes internal buy-in. And
8 so, we've been having these discussions internally. In fact, tomorrow, I'm going to go speak
9 to our regional staff up in Billings before the consultation there on Thursday and try to get
10 them more information on what we're talking about and hear from them.

11 Early on in the process, back in January this year, the Secretary brought in a
12 majority of our SES, which is our senior-level career management, the top-level career
13 management in the Department and brought them in from around the country, all the
14 different bureaus and all the different regions and we had two days of sit-down and the
15 Secretary said, let me have it, tell me what you think, what you like about it, and just as
16 importantly or more, what you don't like about it. And so, we need to work through this to
17 figure out what can we make work out of this. And, I understand that at the end of the day,
18 even smart people can have great ideas but they end up not being practical for people who
19 are actually on the ground doing it.

20 So that's part of it, so it is a work in progress. We've had listening sessions but, now,
21 I kind of feel like we do have some bones to discuss now. We have at least a proposed
22 unified region map that I can come to you and talk about. Talk about the core. You know,
23 there was a lot of ideas floating around and it took a few months and a lot of interaction to
24 distill down what are these really big core functions that we have trouble with across the
25 bureaus. That's how we got down to the three. So, I have a little bit of information I'm
26 trying to talk with you, consult with you now. So this is also why I think it'll be important
27 for us to have more consultations. As you guys absorb more information, and Tribes absorb
28 more information, internally, we'll have some more information internally that hopefully
29 will be helpful as well. And this will be an ongoing discussion. That's the long way around
30 to answer your last question.

1 So, how do you keep staff and resources in the regions? There's not a management
2 plan in place to implement those, we haven't gotten to that point yet. It's instructive that
3 you look at how, so, the Secretary came out of the military, he was a SEAL, he was also a
4 commander, so he was involved in the actual management in the Department of the
5 Defense. In part his thinking is educated by what the Department of Defense has gone
6 through for several decades now. You have four services and in any particular region, you
7 very likely have all four services. They all have different missions to serve, but they all have
8 common functions each of them perform to meet their mission. So, if they do collaborate on
9 those functions, they can, one get to decisions faster, and two, they can all more effectively
10 meet their missions. So that's kind of the basic idea. So, the answer I think right now, until I
11 have more information, is if you look at how the Department of the Defense has been able
12 to keep and push resources out from headquarters offices – is one way to look at it.

13 So there's nothing in the plan to relocate agency offices or anything like that. There
14 may be in the future if we can figure out how it works and cost-effective and efficient. Right
15 now, we're not even really talking about moving the regional offices into one location,
16 unless it's really easy. We have some situations, so Sacramento is one of them. So, our
17 regional office in Pacific Region, in Sacramento, is in the same building as they are in Fish
18 and Wildlife and BLM I think. And you would think in this modern day when we have all
19 this electronic communication that we wouldn't really need to do that. But I've got to tell
20 you, one of the big things that we heard from the senior, the SES, when they came in was,
21 hey, we need to do more of that because, whether you reorganize us or not, that kind of
22 collocation really helps us a lot. And I can just run across the hallway to my counterpart in
23 BLM, I can say, hey, I'm supposed to get this out in 7 days, you guys haven't moved on it,
24 can't you do it. That helps a lot. So, maybe in the future there'll be more of that but right
25 now we're not focused on that.

26 So, that's part of kind of keeping the resources there, below this functional top-level
27 reorganization. To the extent that the Assistant Secretary's commitment, to the extent that
28 we do bring cost-savings out of this reorganization, those resources will stay in the field. It
29 can either be a budget line, or more importantly, FTEs. And, I've got to tell you, we have
30 regions of the country in which we are very understaffed. These are things that happen
31 over time. There hasn't been as much attention paid as their should have been, particularly

1 with the BIA, I think the Bureau of Indian Ed some as well, but long term, the BIA has gone
2 almost from 15,000 employees down to less than 7,000. A lot of that is a function of Tribes
3 in self-determination, self-governance, taking those functions on, and bringing people over,
4 either bringing our staff over or filling these themselves. What that has meant is that there
5 are functions, there are positions out in the field that have been unfilled for a long time.

6 So if we're able to have staff and know that we're going to have to spend a good deal
7 of time doing something like an environmental review, they have to go out and visit the
8 site, and they have to do it like every 6 months, so if they were relieved of that because we
9 have a joint group doing it in the region, then, they're freed up to perform other tasks. So
10 conceptually there's a number of ways that it could be very beneficial for us in the field.
11 We're not at the point yet where we can say here's the plan, here's exactly how it's going to
12 work, this is how many people will be freed up to do these things, that's still conceptual.

13 Your first question about this inter-regional director having a firm grasp on Indian
14 Affairs – I agree, totally. That's kind of an issue that we have right now. It depends bureau-
15 to-bureau, and region-to-region, in some of the non-Indian bureaus and their regions are
16 good, they work pretty well with the Tribes in their region, and there are regional directors
17 and their staff that are reasonably familiar, and we have a lot of other regions and a lot of
18 other bureaus that are not. So, one of the advantages of this as well, sort of this cross-
19 fertilization communication would be that our regional folks would be able to elevate their
20 decisions and be able to have sort of a full, I would say, a full level of participation in
21 decisions. Particularly in decisions that aren't coming directly out of our bureaus, that are
22 coming out of another bureau, but that we have a lot of interest in. Right now, depending
23 on the region, we sometimes have a hard time getting attention paid by our regional folks
24 with another bureau's region. And that's partly a bureaucratic function of being siloed into
25 your bureau and your region, and right now, the different bureaus and different regions...
26 right now those regional directors or state directors, depending on how they're organized,
27 they have their own priorities, they have their own job assessments related to those
28 priorities. And very likely those assessments don't involve making sure... Indian Affairs.
29 They're sort of siloed in. So part of this would be to sort of formally insert ourselves into
30 more of the decision-making process. But also, that's an opportunity for us, for us the
31 leadership, to be able to say for those regional directors, being able to interact and

1 understand the Tribes and their trust responsibility is an important part of their job
2 assessment and how they perform their job, and ultimately how they get raises and move
3 up in the pay scale. So, those are all really good points and that's conceptually how it could
4 go.

5 [Unidentified Speaker]: With that said, what you have described, what have been
6 the thoughts about actually working with regions that currently exist, and just going with
7 those. Because, you know, you guys aren't the only ones that have to deal with it, we do too,
8 as Tribes, we deal with whatever's going on in the bureau and those things, self-
9 governance, IHS has a different region, [inaudible] has a different region, why hasn't there
10 been consideration to just consolidate this request with the existing regional schematic
11 already. So, EPA has 10 regions. Why aren't we just going with those 10 regions, and then,
12 you know, just doing that? If it's purely administrative like what's being said here, and
13 what we're being told, and it doesn't have to do with that. And I get that there's some things
14 to do with resources, but if it's really truly administrative, and we're looking at mapping
15 out all the lands that have to be comprised, will that be considered.

16 PDAS TAHSUDA: At the very beginning, I think, probably, soon after the President
17 issued his executive order, there was discussion. Remember too at that point in time, there
18 weren't a lot, there wasn't a lot of ... in different departments and agencies. But there was a
19 lot of free-flowing discussion about how we do that. Unfortunately, that filters down and
20 it's also hard to get people in different agencies to change their status quo. There was at
21 one point, I understand, before I came in, a discussion about either, that IHS should have
22 the same regions as us, and there was even at the Secretarial level even some discussion of
23 oh, maybe we could share some services, we could both utilize. And then, in time, it just
24 falls out. Unfortunately for us. I thought that Secretary Price and HHS was really great. He
25 was very into meeting with the Tribes and understanding, it's not something he had a long
26 history of, he was very interested in it. It's unfortunate for us that his time was short.

27 The Secretary has proposed some cross-departmental changes that the
28 Administration could make that would help us, so really it's kind of an oddity that we do all
29 this stuff with water, and trees and animals but the Forest Service is in the Department of
30 Ag and that's kind of an oddity that came out over time. To me, what I think is more odd –
31 salmon, right, so if you heard the Secretary and his story about it, salmon and the stream.

1 So we regulate the trout, but NIMS in Department of Commerce regulates salmon. So those
2 proposals are out there, So is the Army Corps of Engineers, they functionally would be so
3 much better to be carried out by the Bureau of Rec., there's stuff that we do, but
4 unfortunately I wouldn't say it's not going to happen, it's a very heavy load to carry. Part of
5 this also is that I think people realize as you get further into this what it's going to take to
6 accomplish this. These kind of major changes. But I appreciate that as a comment. So if you
7 could, for the record also, if you could just state your name for the Tribe and you're
8 chairman or treasurer.

9 CHAIRMAN SWARTZ: [Speaking native language] Good morning. My name is
10 Warren Chris Swartz, My friends know me as Chris, I'm the Tribal President with the
11 Keweenaw Bay Indian Community. The Keweenaw Bay Indian Community is the largest
12 and oldest reservation by land mass in Michigan. Back in 1842, since we're talking about
13 treaties, in 1842 a number of tribes gave away land in exchange for a promised way of life
14 including the ability to hunt, fish, trap and gather those resources.

15 In 1854, another treaty was signed. You had said in 1849 the Department of the
16 Interior was formed. I think Department of Interior was formed because of the finding of
17 minerals in the mineral district in the upper Michigan. With that said, they had to organize
18 the Department of Interior to, I'll read from Wikipedia, the 1854 treaty was put into place.
19 It says, for the U.S., the aim of the treaty was access to resources on the Chippewa land,
20 including copper, minerals, and rich pine forests. With this goal in mind, the Bureau of
21 Indian Affairs agents [inaudible] and David Harriman, traveled to LaPointe, Wisconsin, to
22 negotiate land secessions. I think this is another land grab, not a land grab, but an
23 opportunity for the Bureau to reorganize. And for the record, the Keweenaw Bay Indian
24 Community is opposed to this reorganization. Number one.

25 Number two, the Keweenaw Bay Indian Community is opposed to this
26 reorganization. As I look at the map, John, it makes no sense to me why you guys are
27 proposing these new regions, that's one question I have is why are you proposing these
28 new regions. We can't get any answers now from EPA Region 5, the Michigan DEQ, or the
29 Department of the Interior on who's going to uphold the trust responsibilities to the
30 Indians in our region. We have a number of mining communities that are having an impact
31 on our way of life up there. And if you're going to prepare for the next hundred years, and

1 you say in your goals of reorganization you haven't reorganized in 150 years, it appears to
2 me that one of the reasons why the reorganization is happening now is because Indians are
3 starting to take a look and realize what are our treaty rights all about. Back in the 1840's
4 and 1850's there wasn't a big issue about the number of fish or minerals that were in the
5 ground. There's a big issue about that today, now because of the negative impacts mining
6 has on our water, and the negative impacts others are having on our ability to exercise
7 resources. Currently, we are a fishing tribe, and I've been told that within the next 50 years
8 we won't be able to eat the fish because of the mercury contamination. With all the other
9 impacts to the reservation, it appears that other things may happen that impacts our way of
10 life, including a number of pipelines that come through the upper Midwest, line 3, line 5.
11 And EPA doesn't do a thing for us now.

12 So I'm just opposed to this and I wish I wrote something down, because I get
13 scatterbrained sometimes. But I just wanted to let you know that we're opposed to this, I
14 didn't have anything written down. I may come back to the mic again, because that's the
15 way I am. I'll go back and I'll think about it and I'll go back to the mic again. But I just want
16 to give other people the opportunity to speak why they're opposed to this reorganization
17 by the Bureau. And finally, John, the Keweenaw Bay Indian Community is opposed to this
18 reorganization. Miigwech.

19 PDAS TAHSUDA: Thank you. President Warren?

20 CHAIRMAN WARREN: [Speaking in native language]. Chairman of Pokagon Band of
21 Potawatomi Indians. I apologize up front, I may jump around, sometimes I like to talk a
22 little bit about our people as I get to the subject matter of this reorganization.

23 First of all, John I want to state so that you make no mistake, the Pokagon Band is
24 opposed to this reorganization. Let me say that again, we're opposed to this reorganization.
25 We're standing today in the dust, the blood, and the tears of the Potawatomi ancestors. We
26 were part of the trail of death. We gave up 5.2M acres in the 1933 Chicago treaty because it
27 was a trust responsibility. It wasn't something we wanted to do, but we had to concede to
28 try to make sure we survived and then we looked to the Government, the Great White
29 Father as they used to say, to make sure that the trust responsibility was held up. The
30 Pokagon Band has been signatures of the treaties, of over 40 treaties in this country, and
31 there was all the Tribes that was recognized and we had to fight for our reaffirmation

1 because we were terminated by some bureaucrats sitting in Department of the Interior
2 somewhere so many, many years ago.

3 You know, we've all seen the removal, we've all seen the war on the poor, we've
4 seen the war on drugs, now ultimately in my generation, today as I stand here I feel like it's
5 the war on dark people, and we are part of those dark people. We're the only human beings
6 that's under the Department of the Interior, that we have to really deal with on a daily
7 basis. And anytime the BIA or any kind of Great White Father, or whatever you want to call
8 them, out in Washington, DC, anytime somebody up there thinks they know what's best for
9 us, it's usually chaotic, and that's what brings that blood, that's what brings those tears, and
10 that's what makes that dust for ancestors blow. Because they're not here to speak and
11 address these circumstances because projects like this reorganizing on our behalf, is
12 supposed to be good for us. But it's really chaotic and hurts us in the end. And who does it
13 hurt? It hurts the heartbeat of our people. Who are the heartbeat of our people? That's the
14 next seven generations.

15 About a year ago I went to witness the display of a treaty, and I know our ancestors
16 back then were doing the best they could to ensure the future of their people. And I'm
17 standing here today, at their same voice 200 years ago, say hey, I'm here to advocate for my
18 people and my ancestors and this reorganization is not going to fly for us, it does not work,
19 it's not needed. [Applause] We are a tribe east of the Mississippi that has land in trust in
20 two different regions right now. I have to echo this young lady's words here, a minute ago.
21 It's not a regional problem. It's an accountability and a management problem within the
22 Bureau of Indian Affairs. Anytime it takes a realty office 6 weeks to read something by your
23 attorney, probably take you 45 minutes to read a two page piece of paper and it takes them
24 6-8 weeks to read that, there's an inefficiency there. Not a regional problem, but there's
25 inefficiency there with the workforce that you have in place right now. Not only that, we
26 had to go through duplicate review, because we're a Michigan Tribe and an Indiana Tribe.
27 Indiana falls under Eastern and boy, talk about bureaucratic, that's bureaucratic.

28 We enjoy the relationships we have with Army Corps of Engineers. We enjoy our
29 FEMA district. We enjoy our HHS and also our IHS. I don't want to hear any mention of the
30 reorganization of their offices or their regions. We have come in this Midwest, as sovereign
31 Tribes we have come together as Tribes to give you our concerns. At one time, John, please

1 don't take my words as insulting, because we're all Indian people here, and all they had
2 before was scouts in the past that done the Great White Father's work for him in the past
3 and then they threw him by the wayside. I ask those workers that are Indian, that works in
4 these places. Where's the advocacy for us. Why aren't they speaking up about this? Why
5 did the States get consulted before we do? Where is that government-to-government
6 relationship? I don't want no scientist deciding on migration of animals for my tribe. We
7 know who we are, we're the rocks, we are the trees, we are the minerals, and the minerals
8 in the ground. And every time this reorganization here, if this happens, we know it's all a
9 grab for our resources again. Let me say again, that we are opposed to this reorganization.
10 I don't want you to leave here thinking we have a mixed view here, because we're opposed
11 to this reorganization.

12 I'm also curious, there's a question I have, there's talk of moving Sault Ste. Marie
13 agency that has been here, endured, many, many decades, periods of governance, different
14 administration, why would it be moved into the middle of Ohio where all these Tribes have
15 been moved out west. It makes no sense to me. When we have 12 Tribes here in Michigan
16 and our brothers and sisters all around the Great Lakes region.

17 Again, I'd like to say that we are against this reorganization. I have a quote here
18 from somebody, and it will be in our official letterhead comments. The United States
19 Supreme Court has said, that in dealing with Indians, the government is charged with moral
20 obligations of the highest responsibility of trust, exacting fiduciary standard. The United
21 States must act consistent with this standard. John, we know you're an [inaudible], it's not
22 the region, it's the workforce and management of that workforce, the FTEs that you have in
23 there, that's what we do, engage with the people more efficiently. It's not the regions. I
24 don't think there's one person who would disagree, all the agencies we work with and how
25 we come together is better than it has been in many years. But there is inefficiencies in the
26 bureau and that's with the management of the current staff. Maybe they are overburdened.
27 Maybe some of them need to be exited, I don't know what else to say, some of them just
28 don't do their job. In fact, if you do want them in the reorganization, let us help you, we
29 have experts.

30 Collectively, we could help you, the BIA, do a better job, because we know where the
31 bottlenecks are. Don't force something on us that's going to harm our next seven

1 generations and create opportunities for outside mining companies to come in and take all
2 our resources. You know, I always use the wolf as an example. When the wolf is hunted for
3 its hair, so are we; when the wolf becomes extinct, so will we. When the wolf comes back,
4 so will we. We're together. We're together in the Midwest strong than we ever been, and to
5 me this is just another Jefferson, divide and conquer, remove us from each other and we
6 need each other, we want to be with each other, and we're going to stay with each other. No
7 matter what official line we draw, but we are opposed to this reorganization and miigwech
8 for your time.

9 PDAS TAHSUDA: Thank you, Chairman. So, can I ask one favor, after Chairman
10 Payment, can we take a short break and we can come back.

11 CHAIRMAN PAYMENT: So, first off, [speaking in Native language]. My name is Aaron
12 Payment, I'm the Chairperson for Sault Ste. Marie Tribe [inaudible] and I proudly introduce
13 myself as a person of the three fires, Chippewa, Ottawa, and Potawatomi. So, I want to say
14 very clearly and unequivocal so it can't be misinterpreted, like Mr. Frazier's position was
15 earlier. The Sault Tribe is opposed to this reorganization as it's constituted. And while I also
16 serve as the President for the United Tribes, the Vice President of the Midwest Alliance of
17 Sovereign Tribes, and Vice President of the National Congress of American Indians, we have
18 not passed resolutions at the United Tribes or MAST levels yet, but I can tell you that I don't
19 know of one Tribe or even one Indian who is in support of this proposal at this point, and
20 NCAI has passed a resolution calling for this to be halted until we can have more
21 information and through the consultation process.

22 I want to read to you, real quickly, the Northwest Ordinance, the utmost good faith
23 shall always be observed toward the Indians of their lands. Their property shall never be
24 taken from them. [inaudible] Neither their property nor their liberty shall ever be invaded
25 or disturbed unless [inaudible] by Congress, laws, founded in justice and humanity, shall
26 from time to time be made for the correcting wrongs being done to them and for
27 preserving peace and friendship with them. Now, this is written in the context of land, but
28 since we traded the land and retained the rights of the natural resources, we're talking
29 about territories now. And so in the spirit on the Northwest Ordinance, which was then
30 also included in United States Constitution in Article I, Section 8, Paragraph 3. Congress has
31 the power to regulate commerce for the nations, among the several States and Indian

1 Tribes. That is the premise for the government-to-government relationship and our
2 sovereignty – among several States and Indian Tribes.

3 We are not subordinate to States. I find it patently offensive that we got in line
4 behind the States in redrafting this design, and those State boundaries, so I'm asking for the
5 same consideration now as States. I have a copy of the letter of the Governors Association
6 and Western Governors, where they acknowledge that they gave input it was redrafted at
7 their behest. Also I want to call to your attention Supreme Court precedent that upholds
8 treaty and trust responsibility. One of the famous cases was Cherokee Nation versus United
9 States Government, which they won a Supreme Court case to not be removed. However, as
10 policy ebbs and flows happen with the Presidency, President Jackson flouted the outcome
11 of the Supreme Court, basically he said, well where's your militia, what are you going to do
12 about it. And, so that really feels like a little bit of déjà vu because every time we see the
13 President speak from the Oval Office, there's a picture of his hero, which is Andrew Jackson,
14 the worst president in our history. So, flash forward, there have been some presidents on
15 both sides of the aisle, one of those is President Nixon who started giving language with
16 self-determination to recognize our concept and where we want to go. In 1974, enacted the
17 Indian Self-Determination and Education Act, that is one of the premises and precepts for
18 when President Clinton created his executive order calling for government-to-government
19 relationships with Tribes in 1992, and also George W. Bush who also reinforced and
20 reaffirmed that executive order of government-to-government relations. So it seems it's not
21 a partisan issue, it's back and forth on both sides. And President Obama reaffirmed and
22 expanded it with the White House Council and also the White House Tribal Leaders
23 Summit, which appear to be absolutely defunct at this point under this Administration. We
24 have not have a White House Tribal Leader meeting and as far as I understand no activity is
25 happening with the White House Native Council, and we also lost one of the best possible
26 Republican Natives who would coordinate that is no longer a part of that and as far as we
27 understand is completely defunct and not happening now. Also want to call your attention
28 to the fact that the current President, while he has not issued an executive order or
29 memorandum supporting the executive order on consultation, he has also not repealed it,
30 he has not given any direction to repeal it, so the executive order that calls for the
31 reorganization is 13781, I want to read it is, this is the calling for efficiencies [inaudible], in

1 developing the proposed plan in section C, the Director shall consult with the head of each
2 agency consistent with Federal law and the persons and entities outside of the Federal
3 Government. Also, in the general provisions, nothing in this order shall be construed to
4 impair, otherwise effect, the authority granted by law or affecting an executive agency or
5 head thereof.

6 So this executive order as it's being implemented is not consistent with the
7 executive order calling for government-to-government consultation. Because the plan has
8 been designed, drafted, and Jefferson Keel was mentioning this at a listening session.
9 Ultimately the decision has been made. And if that's not the case, then please bring back to
10 the Secretary and have him make a clear unequivocal statement that the decision hasn't
11 been made, that States are not ahead of Tribes, and that this reorg will happen, if it
12 happens, it will happen with our consultation.

13 I also want to bring your attention to – you and I both testified in the Senate, we
14 were there at the same time, and while IHS is celebrating increases, but in an era that we're
15 worried about where we're going in this Administration, IHS is seeing increases but there's
16 this big dark cloud over your testimony with significant cuts that are happening in Indian
17 Affairs, Indian Child Welfare, 37% cut, overall Indian Affairs, 27% cuts, and so, trying to
18 save money. And I do appreciate you saying that money will stay in Indian Country. So, I
19 want to mark that down, everybody heard. Any savings that will happen will stay in Indian
20 Country. So hopefully it's not a rob Peter to pay Paul venture. You've heard me say before,
21 that we are clustered in regions and our Tribes in Anishinaabe, Michigan in the Midwest,
22 also the Oneida, the Ho-Chunks, the Shakopee, we've come together, we have formed a
23 coalition of some original design that obviously wasn't driven by us. But we also have
24 overlapping jurisdictions, with IHS, EPA. I can tell you, I'm concerned about this.

25 I also serve on the Secretary, the Secretary of HHS Trump Advisory, as do a couple of
26 other people in the room, and the same type of driver for reorganization that is happening
27 at Interior is not happening at Indian Health. So something is different. And cuts, drastic
28 cuts at Indian Affairs, that's not happening at IHS. Reorg, to this extent, is not happening at
29 IHS. There's something very transparent about that. I'm going to switch because I'd like to
30 talk about the redrawing of the boundary lines. I've got a copy of the letter from Western
31 Governors' Association, basically taking credit for directing Interior to change their

1 boundary lines to fit the State's law. Again, we're behind the States there. So, we know from
2 different sources that senior executives, career executives at Interior, were not involved in
3 any aspect of this discussion. And so, local governments seem to be taking precedence over
4 us. I know that Congressional leaders have very significant questions on what...this is at the
5 planning level, not at the implementation level, so I really think Congress is going to take
6 stronger position. There's a letter from Congress asking for this to stop. To cease and halt
7 until after consultation has happened, until after Congress completely and fully informed of
8 what this plan is because it has not been presented to Congress.

9 So I've already talked about when it comes to historical, linguistic impacts – don't
10 want to break that, we want to keep intact. Interior Regional Directors. I'm going to take a
11 moment to talk about that for a second. There's going to be an inertia and learning curve.
12 Right now, it's tough enough for us to explain to people, bureaucrats, already, their treaty
13 and trust responsibility. Now we're going to have some level regional directors that don't
14 already have Indian Affairs background. It's going to be nearly impossible for them to
15 understand and give fidelity to the treaty and trust responsibility. So I don't see that
16 happening. Acknowledge and ask questions about the BIA, or BIE. There's been no
17 discussion. We just went from restructuring listening sessions and consultations on the
18 BIE, which I helped the Department with. And we don't have any idea of how this change
19 will affect it.

20 We also don't know how it will affect the AS-IA position, the Assistant Secretary
21 position, which is still not filled, yet we're delegating and responsibilities from a person
22 who has not been confirmed by Congress, Mr. Cason. And also, we successfully got some
23 more funding for the position of the Deputy Assistant Secretary, which we already have in
24 Indian Affairs. So we don't know where these positions are in the regions in this
25 reorganization. I'm concerned about the, not because of the reorganization necessarily, but
26 I'm concerned about the Michigan agency not being historically where it's been since the
27 Department moved out of the Department of War.

28 The fee-to-trust consultation sessions should have taught us something, so I'm
29 asking for the full scope of the report on that. As we move forward and have the listening
30 sessions and consultation sessions like this, I'm asking for both a qualitative and
31 quantitative report. I want to see the [inaudible] of Tribal leaders who've said "no." Because

1 so far all I've heard is well I haven't heard anybody give any kind of support. There are
2 some that have framed their comments in terms of, if this is going to happen, that you work
3 with tribes. And so, that's different from saying you want it to happen. We need to be clear
4 on that.

5 Again, other agencies don't appear to be going through this reorg as forcefully and
6 stridently as Interior seems to be going through. And so I want to give you just a couple of
7 quotes, David Hayes, Dr. David Hayes, New York Law School, Energy, Environmental
8 Protection, says that aside from establishing a common regional structure concept, where
9 all of the Department's bureaus of land is mostly ill-advised and does not have clear goals.
10 I'll also read you a quote from Lynn Scarlett, who was the Deputy Secretary of Interior
11 under the George W. Bush Administration, said: the political costs, practical costs, and
12 people costs accompany reorganization as envisioned by the Secretary Zinke range as high
13 as one billion dollars. So when we're talking about the President's executive order to create
14 efficiencies and cost savings - this is anticipated to cost at least a billion dollars or more
15 from somebody who is able to give an expert estimate.

16 NCAI has tried since the administration took over to get answers to these questions.
17 I was one of the few Tribal leaders who did meet with Mr. Cason in February 2017, right
18 after the Administration, and his comments alarmed me. His comments, to me, made me
19 feel like we were going into a new Indian termination era, at worst or a new Federalism
20 era, at best. He asked the question, where do you see Tribes twenty to a hundred or two
21 hundred years from now, and the trust responsibility. My answer, as long as there's Indian
22 people on this earth, there will be a treaty and trust responsibility. The treaties were signed
23 [inaudible] ... mine were in 1836, [inaudible] child education and welfare in perpetuity,
24 there's no expiration date on that. Somebody has to have the responsibility to manage that
25 treaty and trust responsibility. Right now, it's Interior, if Interior doesn't want that
26 responsibility, and can't manage that in a respectful government-to-government
27 relationship, maybe the State Department can do that. I know that's getting attention. The
28 original crafting of the Northwest Ordinance was written by Jefferson. It was our first
29 Secretary of State who understood that government-to-government relationship. It looks
30 like it seems to be lost in this current administration.

1 And so what I'm going to say, is that you repeatedly said several things. That the
2 Secretary supports sovereignty and that ultimately he's not going to do something that's
3 not in line with what Tribes want, but in the same, on the other side of your mouth, you're
4 saying something like this is going to happen and Tribes can either come along, which
5 almost sounds like [inaudible]. What I'd like to ask is, I want a more definitive response
6 from the Secretary. If Tribes universally say no, will the Secretary take notice. Will the
7 Secretary halt?

8 Number two, I would like to invite the Secretary to invite us in a respectful way to
9 help reorganize the BIA. Because there's no argument here that we believe there's
10 inefficiencies, make us wait in line, we're sovereign nations. We've been dealing with a lot
11 of that ourselves to streamline bureaucracy. That could mean eliminating some positions.
12 So I'm going to ask and formalize the request that the Secretary instead of this process, has
13 a respectful process where we can consult with them, give Interior Department an idea of
14 what will work out. So with that I want to say thank you.

15 PDAS TAHSUDA: Thank you.

16 (The consultation went on break.)

17 PDAS TAHSUDA: Are we ready to start again? Real quick, Chairman Warren and
18 Chairman Payment talked about moving this Michigan Agency. That's not even under
19 discussion so, just to put that aside.

20 CHAIRMAN PAYMENT: [Laughing] When he comes back, we'll tell him it's gone.

21 VICE CHAIRMAN: My name is Stella Key, and I'm the Tribal Vice Chairman for the
22 Little Traverse Bay Band of Odawa Indians. Our homelands are located on northern, over
23 Michigan, and on the beautiful waters of Lake Michigan. I want to thank the Department of
24 the Interior for the opportunity to speak. I'm relatively new to Tribal leadership, so I'm not
25 as smooth on my feet as the chairmen who went before me, so I have a prepared speech.
26 I've only been at this for 18 months. I cannot speak to all the good things that happened
27 before then.

28 Instead I want to begin by telling you what I have observed in the short time that
29 I've been in my position. I'm continually shocked by what I see as the lack of real concern
30 by the Federal Government in this Administration and in the relationship between our
31 sovereign nations. From the President's refusal to meet with Indian Country as a body and

1 NCAI, to CMS's proposal to withhold Medicaid benefits on the basis that Indian Tribes are a
2 race, and not a political subdivision, as has been established by the Supreme Court in the
3 Marshall trilogy. I understand the Interior's desire to have a regional map that applies to all
4 bureaus. In a previous life, I was an accountant and a financial planner, so I get the desire
5 for consistent rule and that helps make the parent organization's life easier. But I also
6 understand from my experience that there are things that don't fit nicely into the little
7 buckets we have created. And to force that fit will only cause more problems in the end.
8 That's what you're trying to do by proposing this new regional map for the Bureau of
9 Indian Affairs. Because State and Interior-based regions on science.

10 And your Frequently Asked Questions page, you stated, we want to provide better
11 management on a geographic basis to include critical components, such as all [inaudible],
12 watersheds, and trail systems. Nowhere do you state that you gave any consideration for
13 how Indian Country operates. In fact, you did not give any consideration to the linguistic
14 commonalities between our Tribes. Senior career executives, as Mr. Aaron Payment
15 pointed out, at the Interior Department stated that they had not told and had not been
16 involved whatsoever in the development of this proposal. Interior worked on this when
17 Assistant Secretary of Indian Affairs office was empty. Who championed the needs of
18 Indian Country and Interior with this critical position unfilled.?

19 Your Frequently Asked Questions states that one of the objectives is to improve
20 coordination among Federal, State and local agencies. [Inaudible] might now about them to
21 be considered more all those agencies and Tribal impacts, ignored the impacts to Tribal
22 governments this will have. My Tribe is satisfied with the current structure and the level of
23 service we receive in our regional office. We have those relationships already established. If
24 you had properly consulted with Indian country, you would have heard loud and clear, we
25 did not ask for this reorganization, and we did not want it. With me today, I bring a Tribal
26 resolution in opposition to the restructuring of the Bureau of Indian Affairs Regional Office
27 and agency. As a member of Midwest Alliance of Sovereign Tribes that was founded in 1996
28 and represents a [inaudible] in Wisconsin, Iowa, Michigan. Little Traverse Bay Band of
29 Indians has established good working relationships with other MAST regional Tribes. We
30 are related. We are culturally, historically, linguistically common. Many of the issues faced
31 by my Tribe is the same as the other Tribes. Many of us are closely tied to the waters of the

1 Great Lakes... similar. My tribe sees no advantage in the creating a new region that
2 separates us from our relatives, and we reject any such proposal.

3 In addition to opposing the restructuring, we the Little River Traverse Bay Bands
4 request that the Bureau of Indian Affairs Midwest Region continue to serve the 12 federally
5 recognized tribes in Michigan, and that the Michigan agency continue to be accessible to the
6 Michigan Tribes, and be located in Michigan, not Ohio. There are 12 Tribes in the Great
7 Lakes Region and all 12, in Michigan, It is not logical that the Bureau of Indian Affairs move
8 the regional office to Columbus, Ohio. My Tribe also has requested the possible financial
9 implications to this restructuring. There is another way for bureaucrats to [inaudible]. Has
10 there been an analysis to determine the cost of this restructuring? The funding provided to
11 Bureau of Indian Affairs is already insufficient to address the needs of Indian Country.

12 Will the Tribes—my Tribe is asking for a guarantee that Tribes will be held harmless
13 from the costs of this restructure. I'm sure there are those in the bureau who say that they
14 consulted with Tribes about this reorganization. But I've also heard that an employee of the
15 Bureau appears to derive his consultation with the Tribes as a few phone calls or internal
16 conversations. This is not consultation with the Interior. That same bureau employee in the
17 Tribal-Interior Budget Committee meeting stated that it is not the Bureau's responsibility
18 to understand the needs of Indian Country. Yet one of the Interior's missions was to take
19 care of the trust relationship and meet the treaty responsibilities of the Tribes. At first I
20 was telling myself this type of thinking was only one person and not the entire Department.
21 However, a recent [inaudible] to console myself. This Administration cuts our budgets,
22 ignores our request to be treated as a sovereign nation, and ignores our request for prior
23 informed consent on matters that affect us.

24 So, I will once again remind you, as a representative of this Administration, my
25 Tribe, the Little Traverse Bay Band of Indians, and other Tribes like mine, in the 1836 and
26 1855 treaty, ceded 26 million acres of land and water. Lands that contain our Tribal
27 ancestral homes, treaties that were signed by the U.S. Government. We did this so that we
28 could remain on our land, remain a sovereign government... and [inaudible]. I ask that you
29 remember this. Let me close by saying Little Bay Traverse Bands is opposed to this
30 reorganization.

1 CHAIRMAN COX: [Speaking in Native language]. My name is Doug Cox from the
2 Menominee Nation, Tribal Chairman. Our homelands are located in what is now Michigan
3 and Wisconsin, between [inaudible], we ceded 9 million acres of land in our treaties
4 [inaudible].

5 So, first thing, [inaudible] the executive order that was mentioned, that is driving
6 this effort. There's another executive order that's been mentioned here today and that's
7 the one on consultation and Tribes and the Administration must adhere to it effectively and
8 improve our communications regarding this matter. In the view of the Menominee Nation,
9 that hasn't been done. And one thing we've learned here is the Menominee Nation is
10 opposed to this reorganization. Efficiency and streamlining [inaudible] We can always use
11 in any [inaudible] in this manner, as it's proposed, no, we are opposed to this.

12 We also feel that the consultation that's occurred with States, it's definitely an
13 intrusion on our sovereignty. That consultation offends us greatly. That consultation
14 should have come for Menominee before Governors. The three functions: recreation,
15 permitting. It doesn't make any sense under the government's recent actions. If recreation
16 was a primary function, why would they take the national monument designation of Bears
17 Ears, it doesn't make any sense that that would be the reason you would do something like
18 this. Menominee has no confidence that this Administration is taking the best interest of
19 the Tribes into discussion.

20 Many stories have been told of the past leadership [inaudible] Administrations. In
21 1954, Menominee Nation was terminated, terminated mainly for a land grab, and the
22 administrative cover for that action was nothing but untruths. That action created hardship
23 for Menominee that are still felt today. So it's taught our Tribal members to be careful with
24 these [inaudible] We will continue to assert that the Administration put something forward
25 that appears to be simply a sovereignty erosion for us [inaudible] My Tribe is still suffering
26 from that action. Opposed to implementing some of these programs that Interiors now
27 reorganizing. [inaudible] more a burden on us, more a burden on our administration. Our
28 Tribe has to educate everyone that that's changed, our administration and moving forward
29 in our history. Other bureaus and departments within Department of Interior, USGS, Park
30 Service, Fish and Wildlife Service, Bureau of Land Management, There's many having
31 those conversations [inaudible] about the impacts, how it would occur [inaudible]

1 contracts and agreements, every single one of them. We have very little on BIE. We have a
2 tribal school that's funded through BIE, we also have a Tribal college funded by BIE dollars.
3 There's not any indication or any plan [inaudible] We have nothing about how they will be
4 affected. [inaudible] our education of our children. The split on the map. The Midwest
5 Region currently serves Wisconsin, Michigan, and Sioux Tribes. I'm from the standpoint,
6 this service has been adequate. Albeit, since this Administration, they have not employed a
7 Regional Director. From what I understand, that's been nearly a year since we've had that.
8 Those should be appointments that have already been made. This split that's shown on the
9 map, essentially separates long-standing intertribal relationships that let us protect and
10 manage treat resources. As the Federal Government, you're supposed to assist us in
11 protecting and managing those treaty resources. Earlier, [inaudible] lines didn't mean a lot
12 in those movements. [inaudible] relationships. Well these lines do. There are lines that
13 have already been established [inaudible] ceded territories. From Menominee's case, we
14 have one boundary, one contiguous line. Is there other lines [inaudible] other lines
15 treaties and contracts that's your responsibility to uphold? Those lines don't address those
16 at all. So Menominee's specific question is, [inaudible] Menominee has a trust agreement
17 that is specific to Menominee [inaudible] and those aren't anywhere identified nor
18 [inaudible] how the trust agreement has been [inaudible] consultation with the Secretary
19 on these matters, we request that happens as well. Menominee Nation is opposed to this
20 reorganization and we support everything the previous Nations stated here too.

21 PDAS TAHSUDA: You bring up a good point. So, I'm sure most of you know Tim.
22 Tim is our Regional Director here. You want to introduce your other folks.

23 REGIONAL DIRECTOR LAPOINTE: [Inaudible] Jason Overly, Superintendent Scott
24 Sufficool.

25 PDAS TAHSUDA: And let me know if Tim's not meeting your expectations.

26 CHAIRMAN DUPUIS: [Speaking in Native language] First of all, I'd like to thank
27 everybody for being here. I have a couple comments but I'm going to speak as eloquently
28 as a couple of people have. My name is Kevin Dupuis, and I'm the Chairman of the Fond du
29 Lac Band and President of [inaudible].

30 First I want to say in my language [speaks Native language], it means, no more. This
31 cannot happen the way it's been happening. For me to come up here and speak and to

1 listen to all these chair-people, chairmen, Tribal leaders, it's all going to be reiterated and I
2 don't want to do that. So I'm going to keep it brief. In no way shape or form do I understand
3 any of this... That first border was the United States. That's the first border that was put on
4 us. And the second borders was the States and within the confines of our reservation. And
5 now out there and there's other new lines being drawn. We're the most regulated people
6 on the planet. Look to our sister over there, her comment, and what the chairman also said
7 from Potawatomi here. Let us be involved, if this is going to happen, let us be involved. For
8 525 years, somebody's been telling us what's best for us. They pushed us over, walked
9 around us, stepped on top of us, pushed us aside. We have a relationship here with these
10 woodland people, this region.

11 Let us be part of this if there's going to be a reorganization. We're the only ones who
12 are going to do the best for ourselves, nobody else is going to do that for us. And I think
13 that's exactly what she was saying. And our MAST relationship as sovereign Tribes, there is
14 a relationship there, culturally, linguistically, and geographically. There's no reasoning why,
15 what practicality this is going to be good for us. But I'm going to bring something up that
16 the Secretary brought up earlier, about science, and you said it several times. But I need to
17 say this first. The representation that you're supposed to have to the Native people. To be
18 here in this meeting and be prepared, if you think that there was going to be no opposition,
19 then you don't understand us either, that means you have to educate yourself first before
20 you travel the country and go to these different regions. You talked about science. I want to
21 see the science, and I think we have a right to. The State has got to see the science. Where is
22 it? Where is all this information for us to make an informed decision on something? But
23 you represent us. And I need to ask you, do you think you represent us well?

24 PDAS TAHSUDA: I'm trying my best.

25 CHAIRMAN DUPUIS: Then where is the information? Where do we get the
26 information? I asked the question that was asked earlier and you said, it was online, and I
27 raised my voice and asked is it online and it wasn't online.

28 PDAS TAHSUDA: I'm sorry, you were specifically speaking to the discussions of the –
29 if you're talking about the information about the reorg, there is a ton of information that's
30 online and-

31 CHAIRMAN DUPUIS, Chairman, Fond du Lac Band: Is the science online?

1 PDAS TAHSUDA: It would be on the Department's website-

2 CHAIRMAN DUPUIS: Is the science online?

3 PDAS TAHSUDA: I'm assuming it is.

4 CHAIRMAN DUPUIS: These are the information that we need to know as Tribal
5 leaders. So I'm saying this, with no disrespect. If you're going to come to a room with Tribal
6 leaders, be prepared for the questions you're going to be asked. The infringement on
7 sovereignty on our homeland, you have to understand these are questions that are going to
8 be asked from our people.

9 PDAS TAHSUDA: So, if you're asking to have all of the information that the USGS
10 looked at when they looked at wildlife corridors, etc., it's probably pretty large but -

11 CHAIRMAN DUPUIS: Do you think it's our right to look at that information and have
12 that information?

13 PDAS TAHSUDA: Sure, I don't see why not.

14 CHAIRMAN DUPUIS: Okay, then it needs to be dispersed to the Tribes. All this
15 information has to be dispersed to the Tribes.

16 PDAS TAHSUDA: I'll do this. We'll confirm if it's not part of what's online on the
17 Department's website, we'll figure out how to get you access to that.

18 CHAIRMAN DUPUIS: I need to bring up something real quick. A year and half ago,
19 almost two years, at Fond du Lac, there was a flyover by geologists. And they were mapping
20 the land in the Lake Superior Basin. And they went off their flight plan and came across our
21 reservation. So the conversation with them as a former military person, I wanted to know
22 how they go off their flight plan. What they do from the air is a geological testing of the
23 ground to see what minerals are beneath the ground. The answer came back, we don't
24 know. So when we take a look at this and things that happen in this manner, you have to
25 understand where we're coming from. This is a resource issue. And nobody can deny that.
26 Nobody can deny that this is a resource issue. But we're the conservators of this land. We're
27 the experts within our own region. But once again, nobody has come to us. And I'm asking
28 you as a representative of the Native people in this country, was it right for the States to
29 have an input on this on behalf of the indigenous people of this country? [Pause] The other
30 question I have -

31 PDAS TAHSUDA: I'm sorry, I-

1 CHAIRMAN DUPUIS: No that's fine. You didn't want to answer it. The other thing is
2 that at the beginning of this meeting, you said respectfully that you're not going to look at
3 your computer and you're only going to use your computer for notes. The entire time, you
4 have been writing the notes on paper. That's pretty disrespectful to us.

5 PDAS TAHSUDA: My apologies, my iPad for some reason is not working properly, so
6 I've been taking handwritten notes. If you would like me to answer the previous question,
7 I-

8 CHAIRMAN DUPUIS: I don't think there's an answer for it. I'm just speaking how I
9 feel right now. Fond du Lac and the Minnesota Chippewa Tribe completely oppose this. If
10 this is going to happen. We have to be part of this. We have to be part of this. I need to ask
11 you another question. Do you believe with all this consultation prior consent. Do you
12 believe this is an infringement on our sovereignty?

13 PDAS TAHSUDA: I'm sorry, could you restate your question?

14 CHAIRMAN DUPUIS: If States were to be part of this before we were, and the duties
15 of the Secretary of Interior's office and the offices under the Secretary of the Interior, which
16 is the BIA, do you believe this was an infringement on our sovereignty?

17 PDAS TAHSUDA: No, and this probably goes back to your earlier question I think.
18 So, one of the differences and maybe this is something that would be good to flesh out
19 further. So, the other bureaus are going to go through this unification region
20 reorganization. And those impact the States, so sure the governors made some comments. I
21 can't - the Western Governors can say whatever they want, that's their prerogative. But,
22 they don't have the ability to say that this is not going forward. The Secretary has said this
23 is going forward with the other bureaus.

24 What the Secretary has said to Indian Country, and he said it in a number of forums,
25 is this decision is yours - Tribes, Tribal leaders. If you want your Indian bureaus to be part
26 of this reorganization, that decision is up to you. And so, the beginning of this - again, going
27 back to one of the original questions - I think we have some basic information to impart to
28 you now. You can start digesting it. And we can have these discussions, and you can decide
29 whether you want to be part of it or not. The Secretary has said, you know, we will do what
30 we can to accommodate what Indian Country wants to. Meaning this, if all of Indian
31 Country supported it, great, then we can pull it into the reorganization and make sure that

1 we're doing what we need to do on behalf of Indian country. If there are particular regions
2 that want to do it, and other regions that don't, we'll figure out a way to work through that.
3 If all of Indian Country is opposed to it, then we still have to work through that. We still
4 have our trust responsibility. So despite the fact that the rest of the Department may
5 reorganize itself in some fashion. Bureau of Indian Affairs will not. Bureau of Indian
6 Education will not. Bureau of Indian Education is still going through its reorganization
7 anyways, that they started a couple of years ago. And we will, we'll come out and consult
8 with you again, because we'll have to figure out how we can keep doing what we're doing,
9 and I would still hope that we can do it better than we do it now, with Indian Country, in
10 light of the fact that the other bureaus are going to be reorganized and how they're
11 handling the new regions. So, our regions wouldn't match up with theirs, and that would
12 be your decision, and we'll just have to figure out for the interactions that our bureaus have
13 with the other non-Indian bureaus, that we could make sure that those still facilitate what
14 to be done for Indian country.

15 CHAIRMAN DUPUIS: Okay, understandable. For the record then, what you're saying
16 is that if we in this region, if we say we don't - we oppose this, it's not going to happen.

17 PDAS TAHSUDA: For your region.

18 CHAIRMAN DUPUIS: Yes, so you're saying for the record, if we say we don't want
19 this, it's not going to happen.

20 PDAS TAHSUDA: I don't have to say that, the Secretary has said that.

21 CHAIRMAN DUPUIS: I have two other questions or comments. You said that this
22 would take up to five years. The first question I would have for that is what is the budget
23 for this, to initiate it? And then what would be the approximately the operational budget for
24 this per year, going forward and especially within the next five years to fully implement
25 this if the Tribes want it? And how much money of that is going to be deflected from the
26 Tribes because I don't believe it's a cost saving issue. Everybody in this room can believe
27 that, but there's no way. By history, it shows that every time there's money allocated
28 yearly to the Tribes, administrative costs has been taken by a large percent by the Bureau.
29 So for somebody to say this is going to be a cost savings thing, I can't see that right now. I
30 would really like to know what the budget would be for that and the operating per year for
31 that is one of the other questions that we have for that.

1 The other part is the treaties. And we understand that that's been talked about by
2 everybody that came up here. I'd like to know how that is going to be dealt with. Supreme
3 law of the land. It's been upheld by the Supreme Court. I'm speaking for Fond du Lac right
4 now, for this one second. We have the right to hunt, fish, gather from the State of Minnesota
5 to Wisconsin and Michigan. By separating, drawing borderlines, do we still retain that
6 right? Who's going to be in control of that? Other part I have is the national parks. By
7 reducing the national parks, reduce air and water quality, the Class I designation is
8 designated to national parks. The water quality in that manner is above the Federal
9 standard that goes to national parks. Why would that be reduced? It's only reduced for one
10 simple reason – for energy companies.

11 PDAS TAHSUDA: Chairman, there's no reduction to national parks. I'm not clear on
12 what you're –

13 CHAIRMAN DUPUIS: I think there is. If you take a look at this and how it's going to
14 be applied. I think it is.

15 PDAS TAHSUDA: One, we don't have the authority to do that, Congress has to do
16 that. And two, the Secretary is a huge supporter of the parks, and refuges.

17 CHAIRMAN DUPUIS: I'm not saying that he's not. But why would you separate in the
18 manner that's requested, or the idea that it is. Do you have another jurisdiction, why split
19 these areas up? There's only one reason. I wish somebody would tell me what that reason
20 is. Because it's based on resources. You said it yourself, on your slide, it's based on
21 resources.

22 PDAS TAHSUDA: Our resources, the resources we use at the Department's
23 responsibility.

24 CHAIRMAN DUPUIS: Okay, so natural resources. I apologize, I'm not trying to get
25 into an argument, I'm trying to get clarification on different things. I brought up earlier. You
26 said animals, movement, and tracks. Well, if you take a look at us, and I use for example the
27 Ojibwe, Odawa, Potawatomi, the three fires. From moving from the east to the west where
28 the food grows on water, that's where came into this region for wild rice. But we also
29 followed animals, we also did that, and it's our ceded territory and we've been doing it
30 since the dawn of time. All indigenous people in this country have. And to make statements
31 that it was there this morning, to me is absolutely ridiculous because it makes absolutely

1 no sense. There's dead zones in different parts of the Great Lakes, where you don't get no
2 fish. The migration principal, we don't have large herds of animals that migrate. But what
3 we do as gatherers is follow the animals. That is part of our well-being and way of life. To
4 break this up, it's an infringement on our sovereignty. We have the same rights as every
5 other human being on the planet. To drink clean water, right? To breathe fresh air, and to
6 eat. That's what our treaties are based on. So then are questions that I have because I
7 really believe that where we're sitting with this right now, I don't think anybody has a clear
8 mind on what they want to do with this. And when I take a look at a map like that from a
9 former military perspective. That's a military action. Miigwech.

10 MR. RADER: My name is Roger Rader, I'm with the Pokagon Band of Pottawatomi
11 Indians, and also the Midwest Area Vice President for the National Congress of American
12 Indians. Mr. Tahsuda, and representatives of the BIA, I want to thank you all for your time
13 for this consultation.

14 I stand before you today as an elected official for the Pokagon Band of Pottawatomi
15 Indians Council and elected regional counsel representing 35 federally recognized tribes in
16 the Midwest Region for the National Congress of American Indians. I've also lived here all
17 of my life. I stand here very proud of my Great Lakes and my Midwest region and my
18 ancestral homeland. I'm here today expressing deep concerns about the proposed
19 Department of Interior reorganization and respectfully request that the Secretary of the
20 Interior, Ryan Zinke, reconsider the reorganization until true and meaningful consultation
21 is fulfilled, between the Federal Government and every sovereign Tribal nation, not only
22 the Midwest region but every region in this great nation. I am aware of executive order
23 13871, entitled Comprehensive Plan for Reorganization of the Executive Branch, signed by
24 President Trump on March 13, 2017, and I am in support of the spirit of the order to
25 improve the efficiency, effectiveness, and accountability of the Executive Branch.

26 It must also be stated, and it may be standard jargon in every executive order, but it
27 should also hold weight when in section 3 of said order, it says, and I quote from this
28 section entitled general provisions, this order shall be implemented consistent with
29 applicable law and subject to the availability of appropriations. I bring up this standard
30 jargon to reference a previous executive order, signed in November 2000. Executive Order
31 EO 13175, Consultation and Coordination with Indian Tribal Governments, signed by

1 President Clinton, later reaffirmed through memorandum by President Bush, and further
2 strengthened and upheld by President Obama. Section 3A of this executive order clearly
3 states, agencies shall respect Indian Tribal self-government and sovereignty, honor Tribal
4 treaty and other rights, and strive to meet the responsibilities that arise from the unique
5 legal relationship between the Federal Government and Indian Tribal governments. As it
6 also states in section 5, each agency shall have an accountable process to ensure
7 meaningful and timely input by Tribal officials into the development of the regulatory
8 policies that have Tribal implications.

9 So, a few questions pop to my mind. What meaningful and timely input did Tribal
10 governments include when this reorganization plan was drafted? Were Tribal governments
11 considered or even acknowledged in the same respect as State and local governments
12 when these lines were drawn? And aside from the basis of scientific reasoning, was there
13 any consideration at all given to the impacts financially, operationally, or culturally to the
14 sovereign Tribal nations before these proposed changes. I would argue that the answers
15 are none, no and no.

16 We understand Secretary Zinke's desire to improve efficiency within the
17 Department so that it can more effectively fulfill its responsibilities to the United States;
18 however, the desire to improve efficiency alone cannot be the controlling factor when it
19 comes to the Department's responsibility to Indian country. More important principles
20 control, including the United States' solemn obligations to Indian Tribes. The United States
21 has a unique legal relationship with Indian Tribes, who's sovereignty is acknowledged by
22 the U.S. Constitution. By virtue of Tribal sovereignty, the United States entered into
23 numerous treaties with Indian tribes, and these treaties reflect the trust relationship,
24 including but not limited to the United States' obligation to protect our natural resources. It
25 is reaffirmed, through the Supreme Court, that the Federal Government is charged with
26 moral obligations of the highest responsibility and trust when dealing with Indian Country,
27 and the United States must act consistent with this standard. Meaningful and timely
28 coordination of Tribal sovereign nations must be respected with regards to such an
29 impactful implementation as this Interior reorganization plan. It is the United States'
30 obligation to work with Indian Country. Until this is done, the Interior reorganization plan
31 is incomplete and must be reconsidered as stated so eloquently by our Tribal chairman.

1 The Pokagon Band is opposed to this reorganization. Midwest Tribal nations in
2 unison are opposed to this reorganization. And the National Congress of American Indians
3 through a unified resolution is opposed to this reorganization. I encourage every Tribal
4 leader here and every tribal leader at home to stand up for meaningful government-to-
5 government communication and collaboration. Until this is had, and the United States
6 upholds its treaty obligations, Tribal nations will forever oppose this reorganization. I
7 thank you for your time Mr. Tahsuda.

8 MR. MAGNUSON: My name is Eugene Magnuson. I'm a member of the Pokagon
9 Band, also the Treasurer for the Tribe and also the Treasurer for MAST, Midwest Alliance of
10 Sovereign Tribes. You know, I've heard a lot of well-spoken people and people that speak
11 from the heart. And I just wanted to give a little reference of where we have come from.

12 Some historical timelines. In 1492 through 1787 we had peaceful relations which
13 suited the interests of the Europeans. Violence increased during that time. Disease
14 introduced by Europeans decimated Indian populations. European populations increased
15 at a great rate. There began a pattern of invading Indian territory and taking possessions.
16 After the Revolutionary War, Americans began the quest for land. In 1787 through 1828,
17 there was agreements between equals. Indian Tribes were viewed as separate nations and
18 most negotiations were done by treaty. Indian Tribes were strong militarily and still
19 [inaudible]. Laws were passed to protect against the taking of Indian land. Unfortunately,
20 few of the laws were actively enforced. And expansion was encouraged. 1828 to 1887,
21 relocation of the Indians. Removal of the Eastern Tribes to the West became the policy. U.S.
22 is stronger and does not need to avoid hostility with Indian Tribes. Indian Removal Act
23 1830 led to treaties that forced most Indian Tribes to the west. Discovery of gold led to
24 further expansion and slaughter of the food source, as an example, our bison. By 1887, 200
25 boarding schools were established with 14,000 Indians forcibly enrolled. Federal courts
26 were authorized to prosecute Indians who committed certain crimes on reservation. In
27 1871, Congress passed a law to stop additional treaties with Indian Tribes. Indian Tribes no
28 longer seen as independent nations. 1887 to 1934, allotment and assimilation started.
29 Which brings us to 1934, 1953, where we had Indian Reorganization. In 1935, the Indian
30 Reorganization Act brought a policy change as this law was enacted for the Indian land
31 base, to encourage Indian Tribes to adopt a constitution, and engage in self-government.

1 IRA has been criticized as insufficient. In 1953 through 1968 termination. The IRA goals
2 were abandoned, and Federal policy changed again. Termination of Federal Government's
3 trust responsibility with Indian Tribes became the new policy with a goal of assimilation
4 again.

5 We're into the present now, and I have a quote from, everyone in this room knows "I
6 believe that one day, we're going to be able to look back on these years and say this was a
7 turning point, this was the moment when we began to build a strong middle class in Indian
8 country, the moment when business large and small began opening up on reservations, the
9 moment when we stopped repeating the mistakes of the past and began building a better
10 future together – one that honors all traditions and welcomes every Native American into
11 the American Dream." That was President Barak Obama, December 2, 2011. I think he did a
12 good job for us. That was yesterday, and today we have the Trump Administration,
13 challenging Native American historical standing. Recently, as we all are aware, Trump
14 administration stated that Tribes are a race, rather than a separate government, and
15 exempting them from Medicaid work-rolls would be illegally preferential treatment. Trust
16 responsibility, treaty rights, self-determination, Tribal sovereignty are all possibilities of
17 solution that will guide my decision moving forward.

18 I, speaking for myself and my tribe, am not in favor of this, no way, no how. I think
19 you need to engage the Tribes. We're very intelligent. I think we can add a lot to the table
20 but we need to be at the seat.

21 MS. HOLLOWELL: Hello my name is Catherine Hollowell, I'm a Tribal Council
22 member from the Sault Ste. Marie Tribe of Chippewa Indians and first I just want to thank
23 you for listening to what we have to say, and I also want to say thank you to all the
24 chairman who have spoken. They tipped off all of the items that I may have wanted to
25 express. But thank you, chairmen. And our hosts here, the chairman from Pokagon and all
26 the chairmen who have spoken. I know that I have somebody right behind me who is here
27 on behalf of their chairman, so I'm going to keep this really short. And I appreciate the
28 historical context that was just provided to you, because it really is important for you to
29 understand and education on this particular area as you're looking at the whole United
30 States. You – as somebody's already said, you know, the first lines were the United States,
31 then the States, then the Treaty lines, and then these different jurisdictions.

1 We are great lakes people and three fires people that rely on each other and work
2 very hard to build coalitions across these jurisdictions. And we are satisfied with our
3 support of each other and don't want to see that change. Michigan going into this region is
4 separating us, isolating us. And so, just for a moment if you could look at the map, where we
5 come from is the upper peninsula, our eastern point of it. Geographically, there's a potential
6 for us to be highly isolated. It's in my lifetime that you couldn't even get to the upper
7 peninsula except by water. That's how important the water is, not only for our sustenance,
8 it's always been our mode of travel and transportation and cultural exchange as well.
9 Especially when our First Nation relatives who are just on the other side or Georgian Bay,
10 and [inaudible] Island, and [inaudible] Island. Those are our connections there. So, it's
11 important that you know that it's very difficult to be taken away socially, culturally, from
12 the association, be it [inaudible] or MAST, that we have worked with together with and
13 developed relationships. One thing I want to say is these lines, it's like slicing and dicing.
14 You've got treaties there, particularly in the upper peninsula, it cuts right through the
15 water. The fish don't know where the lines are. The animals don't know where the lines
16 are. In our heart we don't know those lines are. We overcome them but they're not
17 beneficial to us.

18 And I just want to conclude by saying, that when - there's more than one treaty in
19 Michigan, so I can't speak for any other Tribes, but I know the CORA tribes, we didn't get a
20 land base and we've struggled with that. I think all of us economically to sustain ourselves
21 and support ourselves. We've relied on those waters. We didn't cede the waters. Those
22 waters are ours in the sense that we never ceded then. And if we had known then what we
23 know now, we might not even be having conversations like we are now. But we're still here
24 and we're not going anywhere. So we'll carry on that defending of our inherited rights. One
25 problem that we have right now is our fishery, our usual and customary way of living. We
26 have, CORA Tribes have commercial fishing opportunity that's inherent to us. And we
27 struggle and we're kind of taking a backseat to that recreational objective that's there. I
28 don't mean to disrespect anybody, we have good relationships with the U.S. Fish and
29 Wildlife but we're taking a back seat to trout. You need to know that.

30 I can't imagine being down in Ohio and trying to explain that educational curve to a
31 regional director down there. This is not going to be good for us and any time there's been

1 a change from the 1836 treaty, that was probably based on mining, and no land base for us.
2 But we retained that water. And 1855 when we were allotted land that we actually never
3 got to see, deforested Michigan. By then our grandparents started to realize some of the
4 things that we didn't know then. And we've only built on that to what we know now. And
5 we know that we have rights to travel those waters, but because our usual and customary
6 ways of economically surviving have been decimated under the trust obligation that the
7 Department of the Interior and Bureau of Indian Affairs has for us, even our young people
8 are leaving that little corner that you see up there because there's no way to survive.
9 They're going down into the southeast part of Michigan so they can send home money to
10 their parents or grandparents to pay utility bills or whatever they need. And unfortunately
11 even this current Administration has shut the door in our face. So we have no economy up
12 north because of the degrading of our waters, and you're shutting us out like historical
13 Tribal patterns. And I just wanted to point that out, I think it's maybe unique to us so I just
14 wanted to go on the record with that, the rest we'll submit.

15 MS. DAVIS: [Speaking in Native language] My name is Phyllis Davis and I'm a council
16 member for Match-E-Be-Nash-She-Wish Band of Potawatomi Indians, also known as the
17 Gun Lake Tribe, and we are located in southwestern Michigan. On behalf of my Tribe and
18 my Chairman Scott Sprague, I am officially declaring that the Match-E-Be-Nash-She-Wish
19 Band of Potawatomi Indians do officially oppose the proposed restructure. [Applause]

20 We will be providing to leadership at the Tribal council meeting and will be
21 forwarding that. Historically for our tribe, we have been in this great lakes area forever.
22 Our creation stories tell us that we are part of the Anishinaabe, the three fire society. And
23 we made travels here from down the St. Lawrence Seaway to this place. So historically, we
24 have been here, we are culturally interrelated with Ojibwe and the Odawa people. We're
25 intermarried, we have traded, fished, the sustainability has kept us here and alive. To look
26 at a restructuring proposal. We've been able to maintain those ties and relationships over
27 the hundreds of years. With restructuring, those things will continue. The relationships
28 will continue, but the impact on our ability to maintain the stewardship that the creator
29 gave us will be impacted.

30 For my Tribe we look at this as a way to increase access and reduce the ability for
31 Tribes to weigh in when it comes to the natural resources of the Great Lakes area, which is

1 in abundance and in great demand by big money. We are all aware of that but our
2 responsibility as stewards of this land, is to protect it. And so we're asking that you take
3 another look at this, that you provide a meaningful consultation with every Tribe in every
4 region. And consider what these Tribal leaders have said to you, their commitment to their
5 citizens, our ancestors, to our grandkids and our great-grandkids mean everything to us.
6 And that's what Indian people do. And it doesn't matter where you come from, you know
7 that's a true fact. That the creator instilled those blood memories in you to carry out those
8 inherent rights that the creator gave us, not the Federal government. So let's please
9 continue to do that.

10 One of the questions I did have, you mentioned there was discussion about cost, and
11 for my Tribe, we would really like to know what would the true cost of this would be; a
12 plan in writing. There's been a lack of transparency the way I see it without providing that.
13 To have a draft document that doesn't clearly lay out a plan, gives nobody guidance or
14 direction. And I feel in some way that Tribes come together to offer up our suggestions and
15 proposed request for changes during consultation or listening sessions and the agencies
16 take all that back and look at what we're asking and declaring through consultation, and
17 then they find a way to decimate those plans. So I almost feel like we're telling you what we
18 want and how we feel but we've just laid out a plan for termination sometimes with a lot of
19 things that happen with Indians and the change of Administration how they feel about
20 brown people is paramount and it's very evident and I feel really bad about that. I feel truly
21 bad for my grandkids, and my children, and my great grandkids. I can't bring them into a
22 world like that. We have to teach them how to stand up and to look out for each other. So
23 I'm going to repeat something that a respected Tribal leader from our area has said one
24 time is to not do anything for us, without us. And so we're asking from the Great Lakes
25 area, which we would like to remain our office, we would like to stay in Sault Ste. Marie and
26 not in Ohio, where there are no Tribes, where they have probably not a fairly good opinion
27 of who were are or what we are. So for me, those are very easy requests that can be done.
28 Please fulfill the mission of the Department of the Interior, BIA in respecting and
29 supporting tribal sovereignty. Miigwech.

30 SECRETARY CLOUTIER: Hi Mr. Tahsuda, as stated earlier my name is Frank
31 Cloutier, I'm the Executive Secretary for the Saginaw Chippewa Indian Tribe of Mount

1 Pleasant, Michigan. With me today we have Councilwoman Louanna Bruner, and our
2 Treasurer Craig Graveratte. Miigwech to you for joining. We also have the Executive
3 Director for Midwest Alliance for Sovereign Tribes, Scott Vele. I'm not only here
4 representing my nation but the 35 nations of the Midwest Alliance of Sovereign Tribes as
5 their Acting President. And I'm here today to formally notify you, and resolutions will
6 follow, that the Saginaw Chippewa Indian Tribe and the Midwest Alliance of Sovereign
7 Tribes is vehemently opposed to this reorganization. [Applause]

8 I had many things that I wanted to talk to you about, but many have taken my plan,
9 thanks Eugene. But one thing I want to impress upon you, Mr. Tahsuda, and the folks that
10 you represent is the Saginaw Chippewa Tribe takes personal offense to giving deference to
11 that of States of this effort. To do something without us, is to do nothing at all. We
12 respectfully ask that you folks rethink your approach to this. The Saginaw Chippewa
13 Indian Tribe is very proud of its legislative efforts throughout the years. We've made some
14 very good, solid connections. At this point today, our Tribal Chairman Frederico is in this
15 nation's capital, talking to those legislative partners about the ill effects of these attempts
16 and the implications on our communities. Not just within our communities, but our regions.
17 Your scientists are proposing 13 different regions. The United States is already cut up into
18 7 different regions that in my opinion work quite well for Indian country. That's just a start,
19 but that is a perfect example of what we can do when we work together collaboratively and
20 thoughtfully. With that, I would like to say miigwech for your time, I won't take any more of
21 it. We will be submitting our resolutions here shortly.

22 SECRETARY PARRISH: Thank you, my name is Mark Parrish, I'm the Tribal Council
23 Secretary for the Pokagon Band of Potawatomi Indians. To reiterate our Chairman Warren
24 and our other Tribal leaders, we are opposed to this reorganization. I share the same views,
25 concerns, that everybody has come before me. I've got just a little different approach in
26 terms of, to lay out a plan, I think one of the most critical aspects in making sure that it's
27 going to be effective is to identify some of the unintended consequences. And it's very
28 apparent there from the discussions that we had right here, that there hasn't been a
29 discussion, if there has been some discussions and deliberation of unintended
30 consequences, maybe they're being ignored.

1 One of the unintended consequences that I see, looking at these boundaries, these
2 potential boundaries here regarding the Great Lakes and the Upper Mississippi Basin, the
3 George W. Bush Administration had declared that the Great Lakes are of national
4 significance and there's been a lot of money, organization, cooperation that has taken place
5 to put together this Great Lakes restoration initiative. If you look at again those
6 boundaries, especially in the Wisconsin, Minnesota area, there's a number of Tribes that
7 actually reside within the Great Lakes watershed. The role that the BIA plays in with the
8 Great Lakes restoration activity, this is just one example. The Tribes in the Great Lakes
9 basin receive money to participate and restore their lands, our lands, through the BIA 638
10 process coming through EPA. Now, since there's an artificial line drawn there, I anticipate
11 some bureaucratic red tape by having tribes that have been artificially assigned to a
12 different basin to participate in the Great Lakes basin. Is the Bureau going to allow money
13 for the Great Lakes, Great Lakes restoration initiative money, to go to a Tribe that exists in
14 the upper Mississippi basin, when in reality they don't. And I think this is something that
15 seriously needs to be considered, because this is just one example here. Anywhere along
16 those boundaries that are proposed, you're going to have unintended consequences. We
17 have unintended consequences with the current boundaries, but I just can't subscribe to
18 the method this plan is being drawn up.

19 We have a number of struggles and somebody had mentioned the system. Part of
20 the system that is working against us is quite frankly the U.S. They don't allow us to be
21 involved in the tax overhaul. We're struggling right now to be included in the USDA farm
22 bill so we can feed our people without having [inaudible]. Everyone else has the advantage
23 to be able to feed their people. But we can't, we don't have a level playing field. So, with
24 what we have up here. What you had explained to us. I can't help but be extremely skeptical
25 about the priorities being recreation, conservation, and permitting. Those three – the two,
26 recreation and conservation go together – but permitting into the overall reorganization
27 and intent is, it's incompatible. And because permitting is included as a priority, I don't
28 think there's any way anybody can deny that part of this reorganization is to be able to get
29 Tribal assets through opening up the door to the corporations. It really is right in front of
30 us as plain as day as far as I see it. So, I, again, I think this is very thinly veiled. I know it's
31 easy, it's easy to be critical, easiest thing in the world, but some things are true. I will ask

1 you, will you, when you go back to Washington, stand up for us, and let Secretary Zinke
2 know that we are opposed to this reorganization. The best way to success is to include the
3 end users. So, thank you very much, I appreciate this opportunity.

4 PDAS TAHSUDA: Thank you.

5 MR. WINCHESTER: [Speaking in Native language]. Pokagon Band of Indiana and
6 Michigan. Our people have been here, always been here. I'm not trying to be mean or upset.
7 I'm here as a messenger from my people to you. You're our messenger back to Mr. Zinke.
8 1934 was when we were terminated. It took 60 years to 1994 for us to be reaffirmed. Some
9 of us are here that were in the Oval Office when the President signed that back into law for
10 us and other Tribes too. We were very happy to be there that day. We were spectators
11 outside the gate. Someone from the office said, who are those people out there. And our
12 leaders said, those are our people, they came here on their own dime. We were invited in.
13 We were welcomed. I don't feel that right now. I don't feel welcomed. And things are going
14 to be proposed to be taken away from us. I look at it that way because I wear black today in
15 mourning for the people that signed those treaties. It's a different type of symbolism. I'm
16 saying different, it's about our people. It's not about me, it's about our people. When you
17 wake up in the morning, the one thing you have to be sure of is you're competent. The
18 creator gave you another day. Next you take care of your family, then your clan, and then
19 your nation. I'm up here for my nation. So I had many things I was going to say but like
20 everyone else here, we all think the same. Everybody has almost said everything.
21 [Inaudible] So the message is the same, we're not in favor of what's going on, what's being
22 proposed. To use a cliché, if it's not broke, don't fix it. So with that, I'm going to sit down
23 and listen to everybody else. And please deliver the message, because you're our
24 messenger, that we are opposed to the reorganization.

25 PDAS TAHSUDA: Thank you.

26 MS. PRICE: Good morning. My name is Becky Price. I'm from the Pokagon Council
27 Band of Potawatomi Tribal Council. And I'm going to make this short. I'm here to ask the
28 questions. I've been listening to everyone but, and I don't want to repeat what's been said,
29 but why the reorganization again? And how does this benefit our Tribes?

30 PDAS TAHSUDA: The President directed all the cabinet agencies to come up with a
31 plan for reorganization.

1 MS. PRICE: Cabinet agencies. And if they came to the States before us, and this is
2 about us? This confuses me. I mean, here we are looking at a change that affects all the
3 Tribes in the United States and we weren't consulted, the States were consulted first? And
4 the only thing I can think of by listening is that it's got to do with the resources. It's got to
5 do with politicians and what the non-Native Americans want. They weren't even thinking
6 about us. This is very bad. Our ancestors would be, oooh, screaming at the top of their
7 longs. Why change something that's been working for us? I just wanted to let you know
8 that we are not – everyone that has come up here to speak, every Tribal member – we are
9 not supporting this reorganization. So, you know it's just, listen to the words, hear our
10 words. Our words say no.

11 PDAS TAHSUDA: To be clear, this is government-wide, Department-wide. This isn't
12 just the BIA. What we're talking about is reorganization Department-wide and how can the
13 BIA fit into that and do tribal leaders want it to. The rest of the Department will be
14 reorganizing.

15 MS. CAUSLEY-SMITH: Bonjour. My name is Lana Causley-Smith from the Sault Tribe
16 and I just want to thank the Tribal chairmen that spoke. I was sitting over here proud of our
17 chairman and the other chairmen that spoke. There was a lot said. We do have a two-page
18 thing here to read, but I'm not going to read it, we're going to file it on behalf of the Tribe.

19 PDAS TAHSUDA: I'm sorry, I need to make sure I say this at the beginning. If you do
20 have something written that you would like submitted, this is a formal consultation with a
21 record, so you can turn that in. You can submit to Liz for the record.

22 MS. CAUSLEY-SMITH: We have at least three. I'm not going to read mine but I just
23 want to speak a little bit. I do want to recognize the grandmas that spoke about the family
24 ties that we have in the Midwest Region. It took a long time to form those bonds that we
25 have. And, I hope you're taking notes there.

26 PDAS TAHSUDA: Yes, ma'am.

27 MS. CAUSLEY-SMITH: Okay. You know, it's scary, I just want to tell a real short story
28 of the effect that this has on Indian people. I have an 11 year old and 13 year old – two
29 stepsons, they're non-Native, and I had to leave town to come down here, to be at this and I
30 said I've got to go on a business trip, I'll be gone a few days. What're you going for Lena? I
31 said, I'm going down because the Administration, the government, has proposed a

1 relocation plan for us Indians again. And I misspoke. He said relocation, didn't they already
2 do that to you once? He's 11 years old. And I said, yeah babe, they already did that to us
3 once it's a reorganization plan. And he said it sounds like the same thing to me. That is a
4 powerful statement from an 11 year old child. I just want to leave you with that. One of the
5 grandmas here today said it doesn't feel good. It doesn't feel good. We've got those kids
6 out there. It took a long time for the leaders, the men, for these grandmas to form what we
7 have in the Midwest. And I feel good about it. It's exciting to watch everybody come
8 together. And I'll just echo what our Tribal chairman said and what the other ones said. We
9 oppose it. And we're not going anywhere. We have people to protect. We have kids to
10 protect. And we have generations to protect. And we will file this with you and do
11 appreciate you coming here and listening to us.

12 MS. GRAVELLE: My name is Kimberle Gravelle, and I'm with the Sault Ste. Marie of
13 Chippewa Indians Tribal Council. And I want to thank everyone that has spoke before me.
14 As you can see we are a unified voice. I too have a paper I was going to read but everything
15 has been touched upon so far. But to kind of follow on to Lena's comments, Zinke said this
16 is the greatest reorganization plan; it sounds more like a dismantling plan. And along with
17 the Chairman of Fond du Lac, he said it sounds a military strategy, that's what you do,
18 attack, divide and conquer. And that's what it appears is happening here today. They're
19 already chipping away at our natural resources. I sat on a consultation for the Waukesha
20 water diversion. It was up to the State that finally made that decision, and it passed. So
21 they're already chipping away at our natural resources in the Great Lakes, which is very
22 dependent for all the three States, for our fisheries. I just want to add my voice to, we
23 totally disagree with this and I want to thank everyone for being here and you too.

24 PDAS Tahsuda: Okay, last one? I just want to make sure we have a couple of
25 minutes to wrap up.

26 MR. WESAW: I'll be fairly quick. My name is Alex Wesaw, I'm the Tribal Council
27 Member Pokagon Potawatomi Indians. In addition to that, I am a PHD candidate at Ohio
28 State University, studying city and regional planning, which is something that's very
29 applicable to what's being discussed today. During my studies, I came across that there is
30 quite an amount of debate about the governance of regions across the United States. I
31 should back up and say, in addition to serving as a Tribal Council Member, I have an elected

1 position at Ohio State, I'm the President of the Council for Graduate Students. So there's
2 about 10,000 young folks that are becoming scientists in each of their respective fields. So I
3 listened to your comment about scientists came up with these suggested regions and from
4 my own experience working with scientists in areas that don't always involve other people
5 or human beings, like fish and water specialists, they don't always think about the human
6 implications of the research being done. So I would ask that you take back the message that,
7 we ask that they think about the human implications of what this reorganization might do,
8 with consideration of reorganization of Bureau of Indian Affairs, of which, I think it's clear
9 of today but just for the record, I think about everyone in this room are opposed to the
10 reorganization of the regions within the Bureau of Indian Affairs in the Department of the
11 Interior. Thank you for your wherewithal in sticking with this and listening to everyone's
12 feedback today. I appreciate it.

13 CHAIRMAN SWARTZ: Good morning, John. I just wanted to wrap it up and say that,
14 as a member of the Great Lakes Indian Fish and Wildlife Commission, I'm confident in
15 saying the Great Lakes Indian Fish and Wildlife Commission is also opposed to this
16 reorganization and that they will be at the next consultation regarding this up in the Upper
17 Mississippi Basin. But, as a member of the Keweenaw Bay and President of Keweenaw Bay
18 Indian Community, I also want to let you know that we also have reserved treaty protected
19 rights in Minnesota, Wisconsin, and Michigan, so this is really going to affect us. And
20 fighting that downhill isn't right. What I did here today is that everyone is opposed to this.
21 Is that what you heard?

22 PDAS TAHSUDA: Yes.

23 CHAIRMAN SWARTZ: Thank you.

24 PDAS TAHSUDA: Great, so lest I also fail to offer comments and be accused of just
25 listening and not having a dialogue. I have a couple of thoughts to add. I hope that - I
26 understand a lot of you had a message today but I would hope that we could continue to
27 talk and continue to think about whether there are aspects of this Departmental
28 reorganization that could be useful to Indian country. And I want to be clear, I still feel like
29 there's some misinformation or misunderstanding about what is sought to be
30 accomplished here. So, one, this is not a reorganization of the BIA; this is a reorganization

1 of the Department of the Interior. And the reorganization of the unified regions is focused
2 on those three primary functions. So that's one thing I wanted to point out.

3 And I heard a lot of you mention something about a regional office in Ohio, and I'm
4 not clear, I don't understand where that came from. But the Secretary's commitment has
5 been that there will be no changes in the regions, I mean in the agency offices. There will be
6 no change for the other bureaus. They're not moving district offices. The field staff that
7 need to be there to do their jobs are going to remain there. So, I just want to make that
8 clear.

9 So, again, there is actually a BIA reorganization, and I suspect that's what you were
10 talking about Chairman Payment, there was legislation passed a couple of years ago that
11 would take Indian Affairs functions in other parts of Interior in the Secretary's Office and
12 move them back to, not necessarily under the BIA, but move them back under the Assistant
13 Secretary for Indian Affairs. That's the Land Buyback and Office of the Special Trustee.
14 Those offices were not originally placed under the Assistant Secretary for other reasons,
15 including litigation, and with the Buyback program the size of the program, etc. So, that is
16 ongoing now.

17 As with this larger reorganization, those things don't happen in a vacuum either.
18 Congress ultimately has a say in this. So the pieces that we, interestingly enough, Congress
19 passed a bill to do these relatively small changes as to how Indian Affairs is handled by the
20 Department – Special Trustee, Land Buyback – Congress passed a bill to do this, and we
21 have put forward a plan as Congress asked on how to accomplish that, and Congress is now
22 holding it saying they're not sure they want us to do that. So that's what happens with us a
23 lot of times, when Congress gets involved. At the end of the day, this larger Departmental
24 reorganization will also ultimately require input from Congress. A lot of these functions
25 impact budget functions for the Department and Congress holds the purse strings. So,
26 before we can ultimately implement this across the Department, we'll have to have support
27 from Congress to do that as well. So, that's outstanding.

28 Also, part of the explanation of how the process works, the governors don't always
29 – and they can take credit as they want – they don't always lobby us, they go to the Hill, and
30 then the Hill hits us over the head, and it's very hard for us to do things when Congress
31 doesn't give us the funds to do them. So, that is also part of the process that we've had

1 going on as far as these external stakeholders. So, what I'm saying is that Congress is one of
2 the external stakeholders as well, ultimately.

3 There was also a question about why some of the other agencies, like HHS and IHS
4 are not doing large-scale reorganizations like this. So one of the answers is to pop out,
5 that's not in my department, I'm exactly not sure what they're doing, but they're all subject
6 to the executive order, and to my knowledge, they're supposed to be doing a reorganization
7 plan. So if they're not, they have to deal with that. I'm not sure where they are. I do know
8 that, early, early on in the process, there was a discussion between HHS/IHS about possibly
9 having similar regions or the same regions as BIA and, it seems like that hasn't really gone
10 anywhere, and so I'm not sure that's even an ongoing discussion at this point. I will close in
11 saying that again I hope that you will keep an open mind. There are, even if you don't want
12 to buy into the full reorganization and unified regions across the regions, that there are
13 aspects of this that might be helpful.

14 So, in addition to, holding out the ultimately for Tribal leadership, whether you
15 would like BIA to participate or not, the Secretary has also stated that we will also try to be
16 as flexible as we can. So, if you look at Regions 3 and 4, Upper Mississippi and Great Lakes
17 Regions, obviously, in the Great Lakes Region, there's not a lot of other Tribes other than in
18 Michigan, so I think there potentially the flexibility for us to say operationally for BIA they
19 would still be one region, right. They'd be able to operate across the Departmental
20 reorganization but functionally for us it would be one region. I'm just throwing it out there.
21 The Secretary certainly wants us to keep an open mind and talk about how we could
22 address the issues of Tribal leadership, talk about how we could be flexible, that specific
23 kind of question came up.

24 There has been changes in the map, in the lines to reflect comments of Tribal
25 leadership. One of the early maps had, say New Mexico, because it was originally following
26 the Rio Grande, had split the pueblos into two regions and, the map was adjusted to keep
27 them all in the same region. Now, the easiest way to do that, of course, is to follow the State
28 lines. So, I just want to convey that we're keeping a very open mind. We want to hear your
29 thoughts. I appreciate the criticism because if this is going to work in any way, and
30 ultimately if BIA as it's currently structured interact with a reorganized Department, we
31 need to hear your criticism and help us think about how we're going to do that. Don't think

1 I don't appreciate all of your comments and even a firm no. I appreciate that. But I would
2 say, we're trying to keep an open mind on how we're going to do this, and I would
3 appreciate if you would continue to have an open mind and think about how, on several
4 levels – one, again, if there was widespread commitment from Indian Country to participate
5 in these unified regions, how would we do that, what would be positives on that. If there
6 was specific aspects that you think. Because I think there are. There are things that we do
7 that we need a lot of interaction with other bureaus, and we don't always necessarily get it.
8 I think it would help us help you if we had better coordination, better decision-making on
9 that front. So think about that.

10 There were several questions asking for your input. I would love to have that. There
11 has been some discussion before, and I think it's a valid point, the most recent report by
12 NCAI I think it was as to whether we could have a Tribal leader, if you want to call it, kind of
13 a sounding board, that we could continue to work through the process, both larger, if there
14 was integration with unified regions, and smaller, as to how can we continue to do these
15 cross-bureau functions on behalf of Indian Country better.

16 So, thank you guys for your participation today. Thank you for your patience with
17 me. I'll let you know I arrived here at 3:30 this morning, so if I was a little doze-y as well, I
18 apologize as well. I always appreciate coming out. Chairman, I appreciate your hospitality
19 while I'm here, I wish I could stay longer. If there are no more comments, I will close the
20 consultation.

21 MS. CHASE: Just on the Great Lakes, the lines that you came up with, you said that
22 other Tribes were allowed to change their lines. We're going into a 2020 consent decree
23 with State, and for me, for the State to be able to make a decision on these lines, it's no good
24 for the Tribes. That doesn't work for our Tribes. I hope you're bringing that opinion. We
25 don't support that reorganization and I definitely don't support those lines. They affect the
26 fisheries.

27 PDAS TAHSUDA; And I know that you have the consent decree discussions. What
28 would be really helpful is if we could have your written comments, both on this, but also on
29 the consent decree and how we could be helpful in that. Thank you guys.

30 [Unidentified Speaker]: One last thing, Pokagon Tribe we are recognized in Indiana
31 and Michigan, keep us together.

- 1 PDAS TAHSUDA: I hear you. Thank you. We'll close this consultation.
- 2 (Consultation closed at 1:30 p.m.)