

TRIBAL CONSULTATION
POTENTIAL DEPARTMENT OF THE INTERIOR
(DOI) REORGANIZATION

EMBASSY SUITES
1815 SOUTH MERIDIAN AVENUE
IN OKLAHOMA CITY, OKLAHOMA
ON AUGUST 7, 2018

REPORTED BY: DAVID BUCK, CSR

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A P P E A R A N C E S

Speaker:

John Tahsuda, III
Principal Deputy Assistant
Secretary - Office of the
Assistant Secretary -
Indian Affairs

1 (9:12 a.m.)

2 MR. TAHSUDA: Good morning. I guess if we can
3 find a seat and get started. So welcome to this
4 consultation with the Department of Interior and my
5 name is John Tahsuda, I'm the principal deputy
6 assistant secretary for Indian affairs. And we would
7 like to start off with a good heart and a good mind
8 and so I've asked my brother Lonnie here to give us an
9 invocation.

10 (The prayer.)

11 MR. TAHSUDA: Thank you, Lonnie.

12 So let me get started off here. First thing
13 I want to do is thank my staff and some of our bureau
14 staff and others staff that are here. I want to call
15 your names just so everybody can see you're here. Jim
16 Schock, our director in Anadarko, and I think Eddie is
17 here, I thought I saw Eddie running around somewhere.
18 There's Eddie from Muskogee. And then also I want to
19 introduce Jason O'Neal to you. Jason is relatively
20 new as our agent in charge here in the city and to
21 make sure -- with the Office of Justice Services. So
22 make sure you guys know him and I'm sure he has a card
23 or anything if you have anything -- a way to get a
24 hold of him, a contact. I also have Algin somewhere
25 in here. There he is, Algin, one of our other agents.

1 And Algin drove me here this morning. Thank you.

2 Out front Elizabeth and Amanda who you
3 signed in with, they're from our central office staff,
4 they help us handle these regulatory matters, et
5 cetera. Many of you probably know Nedra Darling,
6 she's in here as well. Nedra? Oh, there she is in
7 the back here. And Gina Tydedossa is right over here.
8 I'm sure many of you know her. So, as you might have
9 guessed, I did the best I could to staff the office
10 with Oklahoma people, so I hope you appreciate that.
11 And I know we have some other folks here as well from
12 some of our offices, local offices. So thank you guys
13 for coming and helping out as well.

14 So I'd like to also just give a couple of I
15 won't call them ground rules but pointers or whatever
16 as we get started. So, first of all, this is a
17 consultation, so I would like to make sure that we
18 have the tribal leaders get the first opportunity to
19 speak so that we can get the tribal comments on the
20 record for us and then after that we make available
21 time as we have for other folks. So if we could have
22 you know, governors, chairmen, chiefs, whoever are
23 here representing the tribe or if you're designated as
24 the speaker for your tribe for this meeting please
25 come up first and then, as I said, we can have other

1 folks contribute later. When you do come up we'd
2 greatly appreciate you saying your name and your tribe
3 so that we can get that on the record as well clearly
4 as to what your tribal comments were. Oh, yes. And
5 make sure we have those on the record as well. So I
6 also forgot, we have from the secretary's office with
7 us also Rick May. Rick, you want to wave your hand?
8 So Rick is the czar of recreation at the department.
9 And one of the priorities of the Secretary is opening
10 up the use of public lands for the public for
11 recreation. And one of the things he also wants to do
12 as part of that is give tribes the opportunity to do
13 economic development through recreation as they are
14 near and around and connect to parks, refuges, et
15 cetera. And so Rick is the man if you have any
16 thoughts on that how you'd like to be involved in
17 that. We'll talk a little bit more about that later
18 too because recreation is one of the primary functions
19 that we hope to accomplish through this
20 reorganization.

21 So, I think I've covered everything.
22 Lastly, I think it generally works better for us if
23 you give me the opportunity, I know you will have a
24 lot of questions, but give me the opportunity to run
25 through this PowerPoint real quick and then we can get

1 into more specifics. It's not that long, we can get
2 through it fairly quickly. But also part of what
3 we've been trying to do in these consultations is just
4 give to you some very basic information about what the
5 secretary's ideas on reorganization are, what the
6 basic plan is and then we can talk further about that,
7 talk about how it affects the tribes, affects our BIE
8 regions or doesn't affect them. But if you don't mind
9 I'd like to go through the PowerPoint first and then
10 if you like later I'm happy to flip back through it,
11 if something struck your eye while you're giving your
12 comments we can go back to it and reference it that
13 way. Does that sound good with everybody? All right.

14 So we'll begin our consultation. Actually
15 this part I can probably do standing up. Go back to
16 my teaching days here. So, where did this effort
17 start? Shortly after taking office President Trump
18 issued an executive order to all the cabinet agencies,
19 which really honestly almost every president does when
20 they come in. They issue an order to the cabinet
21 agencies and say how could you do your job better.
22 And so President Trump issued an order asking for a
23 plan from each of the agencies on how they could
24 reorganize their department to achieve more
25 efficiency, effectiveness and accountability. Last

1 year the department requested tribal input by letter
2 and held listening sessions at six locations. Since
3 then we have had a number -- we're on our eighth, I
4 think this is our eighth consultation, no, seventh
5 consultation as well as about four more listening
6 sessions we've had through this year so far on this.

7 Where are we now? So, right now so like
8 we've been going at this almost a month and a half
9 now, so my PowerPoint is probably a little behind
10 time. So the reorganization plan is not final yet.
11 It is being written now. This is part of what we're
12 doing is trying to get some input into the Secretary
13 as he develops it. There is a draft map which I have
14 further on in the presentation which will show you
15 what these unified regions, and I'll explain that
16 more, what these unified regions would be around the
17 country. And so -- and I want to make sure also to
18 let you know, so we're seeking your input through
19 consultation but we also are obtaining input from all
20 of our stakeholders both external and internal, and so
21 the other bureaus, the other Assistant Secretaries in
22 the department have been reaching out to members of
23 Congress, those congressional committees that have
24 oversight over our various bureaus getting their
25 input, talking to state and other local officials that

1 they interact with. We've also been trying to make a
2 big effort to gather input from our employees. So
3 this is a big effort, requires not only, you know,
4 sort of consensus from the outside but consensus from
5 the inside. So we've been trying to at the same time
6 we've been making this external outreach we've been
7 trying to do an internal outreach, get the input, the
8 views of our employees, our career managers and career
9 employees on their views on how this could work.

10 So, to give you an idea where the
11 Secretary's thinking started with this, it started by
12 taking a look at the department. So interior, as you
13 know, is the largest civilian department and if you
14 think about it the Department of Interior stretches
15 around half the globe. We have responsibilities in 12
16 timezones, so literally half the globe. We have about
17 2,400 operating centers or offices in those 12
18 timezones. Here in the mainland U.S. we are
19 responsible for management and other oversight over
20 one-fifth of the United States, one-fifth of the
21 service area, 530 million acres. We're also
22 responsible for 700 million subsurface acres as well
23 as the outer continental shelf and, not to be
24 forgotten, 25 million-acre feet of water a year.
25 Those are a lot of responsibilities. And the

1 department in general the way it's structured has been
2 sort of a haphazard organization. Starting with the
3 first establishment of the department in 1849 the BIA
4 was one of the original bureaus that was created -- or
5 it wasn't created, it was created in the Department of
6 War as you probably know but was moved into the
7 department as one of the original components of the
8 department in 1849. Since that time as the department
9 has been given new and additional responsibilities
10 over time both by the executive and by Congress, new
11 bureaus were created, new offices were created to help
12 administer those responsibilities, et cetera, but
13 nobody took a look at what an overall organizational
14 management plan would be best to serve all of these
15 various responsibilities and needs. So, the
16 Secretary's thought on this is let's take the time
17 now. We're really literally a hundred years into the
18 department sort of as we know it as a large public
19 land management agency with responsibilities for
20 people, wildlife, water, man, minerals, et cetera. So
21 if you go back to the time of Teddy Roosevelt, a
22 little over a hundred years ago, that's when the
23 department was really sort of coming into being as it
24 exists now with all these different bureaus. So,
25 taking a look at it and thinking, okay, now for the

1 next hundred years where do we want to be, obviously
2 fundamentally we want to serve the American people,
3 serve the American public, serve Indian tribes better.
4 And so how is the best way to do that? I actually
5 skipped forward. So, the best way to do that the
6 Secretary as a fundamental thought saying is to get
7 better problem solving, better decision making within
8 the department, that's accomplished through better
9 communication, better coordination across the
10 different bureaus as they interact with each other on
11 decision making and problem solving for the
12 department.

13 So, to accomplish this the basic proposal is
14 to bring all the different bureaus into 13 unified
15 regions. And really for our purposes we're talking
16 12. The 13th region would really be the islands,
17 Hawaii, et cetera, so 12 regions in the continental
18 U.S. including Alaska. Each of these regions would
19 have an overall director who would be responsible for
20 three primary functions in that unified region which
21 would stretch across all the bureaus that operate in
22 that region. The idea behind this is to kind of get
23 out of our silos, reduce the jurisdictional and
24 organizational barriers between the bureaus as they
25 have to work each other on common decisions. Where

1 does that happen the most? These three primary areas.
2 As we think about it, each of the bureaus has missions
3 and goals that are sort of unique to it or that it's
4 sort of primary purposes that it's a government
5 bureau. But in achieving their missions and goals
6 they all do some functions that are common across
7 them. And so if you raise those sort of to a high
8 level the three that the Secretary wants these unified
9 regional organizations to focus on are recreation,
10 conservation and permitting. Recreation is an effort
11 to sort of look at what the department does with
12 public lands for public recreation. It's also a big
13 part of our economy. People don't often think about
14 this, but recreation in the United States, outdoor
15 recreation is almost a \$900 billion a year industry
16 and growing. So, again, the Secretary wants to make
17 sure that the department is an active participant in
18 that and that that is also available to the tribes to
19 be able to take advantage of as well.

20 Conservation, and conservation we kind of
21 roll up a lot of the environmental work, the other
22 sort of biological work that we do and for us in
23 decision making things like biological opinions, NEPA
24 analysis and reviews, et cetera, that kind of rolls up
25 into conservation.

1 Permitting is decisions. So, you need a
2 decision sometimes, governors need a decision, county
3 commissioners need decisions out of the department on
4 projects, et cetera that happen on public lands and in
5 or around our reservations. Right? Those permits get
6 issued by the bureau. So, and all the bureaus do it.
7 We issue permits, BLM, all the bureaus issue them, so
8 that's another common function that we do. It's also
9 one that often happens in isolation until we get way
10 down the road and then we have problems between the
11 bureaus trying to figure out the different views that
12 we have. So, through all this the Secretary said one
13 of our primary missions for Indian Country is to make
14 sure that we respect and support tribal sovereignty
15 through this. So, that's a primary mission and goal
16 that we have. It's also a primary mission and goal
17 for the department. And so through this process
18 that's our hope to continue being fulfilling that
19 mission.

20 The unified regions, why do we need unified
21 regions? Right now we have nine bureaus with 61
22 different regions. It's kind of a nightmare. In
23 fact, when I put the map up in a second you'll see, we
24 had earlier maps as they were being looked at and the
25 USGS, which is sort of our science arm, they had been

1 trying to put together maps with different ideas and
2 they did this map overlay with all the regions for the
3 different bureaus in the department and they ran out
4 of, you know, the distinctions you make between
5 different regions, so crosshatches and dots and all.
6 They literally ran out of those and tried to put
7 together the overall map of the bureau as it exists
8 now.

9 So, how do we get to the unified regions?
10 The Secretary asks again USGS sort of if you were to
11 take this department with all of its responsibilities
12 and say on the basis of science how would you organize
13 geographically the department so that it could
14 administer its responsibilities most effectively. And
15 so they looked at wildlife quarters, watersheds,
16 ecosystems, et cetera and said, okay, these are areas
17 that the department has large responsibilities in,
18 should think about giving some emphasis on how you
19 would manage in that area. Then we overlaid that with
20 tribal areas, overlaid it with the states, et cetera,
21 other considerations that come into it and also we
22 took input from our bureaus in other current regions
23 and how that meets their current -- their current
24 regional organization meets their needs and how that
25 would fit into a larger map if they had to adjust

1 that. So, that's how we came up that. And let me get
2 to the purpose of unified region is so that all the
3 bureaus operating any geographic region will be able
4 to make decisions in that region and not having to
5 come to Washington D.C. all the time. So, each of the
6 bureaus will keep their districts, they'll keep their
7 agency offices, et cetera around the region. There's
8 no intent to impact or take anything away from the
9 fieldwork that goes on on the ground. But the idea is
10 to allow this coordination and communication in this
11 region between the different bureaus to allow them to
12 reach decisions in the region faster, more effectively
13 and without having to come to Washington.

14 So here's the map. So the black lines would
15 outline these new unified regions. We had it overlaid
16 with our current BIA regions so you could see how
17 there would be some adjustment potentially to the
18 unified regions that we -- or the current regions that
19 we have and how they would fit into the new unified
20 regions. So, for example, here we would largely
21 combine Southern Plains and Muskogee into one region
22 for purposes -- and again, I want to keep emphasizing
23 this, this is really reorganizing to accomplish these
24 three functions in this unified region. So, we would
25 combine those. You see like upper what is now Great

1 Plains for us would include part of Rocky Mountain and
2 also include Kansas. So, other parts of the country
3 would see bigger changes particularly on the east. As
4 you know, sort of historically the bureau did a lot of
5 western relationships with tribes and only, you know,
6 really from the '60s on did we add a lot of tribes in
7 the east coast into the work that we did, the tribes
8 that we work with. So the eastern region for us is
9 huge, really big. That would be divvied up into parts
10 of four -- or actually really parts of five other but
11 four, mostly four other regions.

12 What is the interior regional director to
13 do? So they're set up to report directly to the
14 deputy Secretary again in this attempt to facilitate
15 decision making, cut through the bureaucracy. They
16 report to the deputy Secretary. They really oversee
17 the core functions in the region, in this unified
18 region. So we go back to recreation, permitting,
19 conservation, they're going to be really thinking like
20 a project manager, they're going to be responsible for
21 the decisions that fall into those three functions
22 making sure that there is coordination and
23 communication from the very beginning amongst all the
24 bureaus that have input into that decision from the
25 very beginning all the way through and conceptually

1 they will resolve any issues before it gets out of the
2 region and that way the decision making stays in that
3 region. They will also be responsible for enforcing
4 timelines, et cetera to make sure that the decision
5 happens in a timely manner and that there are no sort
6 of out-hanging issues before the region gets to a
7 final decision on that.

8 There are potentially, you know, sort of in
9 a second step for this the opportunity for us
10 internally to do shared services amongst the bureaus
11 then in common, things like IT, HR, et cetera. We do
12 that already in Alaska and in Minnesota and we also do
13 like shared HR services with the bureaus in that
14 region, so it's kind of operating the same way. And
15 so the regional director would also make sure that he
16 facilitates those sort of back office functions.

17 How would this operate? There's been a
18 couple of concepts on basically who this interior
19 regional director would be and there was some thought
20 about bringing in sort of a political level person who
21 come from DC and oversee this and I got to tell you,
22 honestly I think there was a little bit of discomfort
23 from our senior career management with adding another
24 layer of political decision making over that. And as
25 we've had these discussions with our senior career

1 management they suggested that a good way to do it
2 maybe would be to have a rotating directorship amongst
3 the bureaus that are in that region. So like every
4 couple of years our BIA director in that region would
5 be the interior regional director. So in addition to
6 his responsibilities as the regional director for BIA
7 he would also take the lead role in this sort of
8 project manager role in working with the other bureaus
9 to coordinate these regional decisions and it would
10 rotate like every couple of years amongst the
11 different bureaus in the region. That's it largely.

12 So, in addition to your oral comments today,
13 obviously we take written comments. You can submit
14 them to consultation@bia.gov. Going to August 15
15 again, my PowerPoint is slightly dated now. We're
16 doing consultations through the end of the month and I
17 believe the first week of September, so our comment
18 period will probably go to middle of September or end
19 of September, in that range. The sort of end date for
20 us for this sort of preliminary discussion is really
21 October. So, going back to the president's executive
22 order, he gave all the cabinet secretaries 18 months
23 to get this plan together to submit to him. So,
24 that's the deadline the Secretary has in putting his
25 plan together.

1 So, I want to relay to you, I don't have it
2 in the PowerPoint here, but relay to you the
3 Secretary's commitment to Indian Country. So, to
4 respect and support tribal sovereignty he has said
5 that the ultimate decision on whether you want your
6 BIA region to participate in this larger unified
7 region is your decision. It's the decision of the
8 tribes. There's a lot of extra information that
9 you'll want, I know there's more that we will do. In
10 some ways this is still a work in progress as we
11 figure out so what does this mean for us
12 administratively to work in and among the other
13 bureaus. We have regions like California in which
14 they are almost there already, all of the -- in
15 Sacramento, all of the bureaus that operate in the
16 Pacific region all have their head offices there. And
17 so Amy who is our regional director there has a great
18 relationship and the decision making that happens
19 among the bureaus out there happens really quickly and
20 they resolve almost all their issues there in the
21 region because all the regional directors are in one
22 spot and so they sort of accomplish this
23 communication, coordination naturally by having an
24 office across the hallway from each other. So,
25 there's lot of advantage to be had with that but

1 there's a lot of thought to go into it. So this sort
2 of initial discussion, the Secretary wanted to make
3 sure that you understand that this is your decision on
4 behalf of the tribes to decide whether you would like
5 your region to participate in the unified region. And
6 from there then we will have more discussion, we'll
7 have more consultation. There's sort of as I see it
8 two paths that we go down. One, you can say, well, we
9 really don't want our region to participate in that,
10 so we'd like to keep ourselves separate. That's fine,
11 your decision, but we will have to have a conversation
12 then about what that means for our region to still
13 effectively participate with the other now unified
14 regions who are going to be coordinated and, you know,
15 working with each other more closely. We'll have to
16 figure that out and see how that goes. If you decide
17 that we think this is a good idea, we'd like to talk
18 further about how this could work, then we'll have a
19 further discussion, we'll have consultation about how
20 our BIA region can fit in with this unified region and
21 how it will impact you. And one of the other
22 commitments the Secretary has made also is that so
23 this is not a budget exercise, we're not trying to
24 suck money out of the regions, out of the field. In
25 fact, he's hoping more money can go to the field. So,

1 for the tribes this is intended to be at least budget
2 neutral, which means that we will then -- if you want
3 your region to participate in it because of the
4 uniqueness of our budget, now we do tribal shares, et
5 cetera, and divide them up by region, et cetera, we'll
6 have to have an intense accounting discussion about
7 how we accomplish, you know, no harm to your budgets,
8 no harm to our region budget for services to you, how
9 we accomplish that in this new session. If we have
10 to, you know, move some geographical lines, that
11 obviously impacts how we do the budgets, et cetera.
12 But that's on us to accomplish that. Obviously we've
13 got to consult with you and work together to figure
14 that out. But that is the Secretary's commitment as
15 well to the tribes.

16 I think I have said a lot. The only -- oh,
17 and I forgot to tell you, I want to get your comments
18 started, we have to take a break at about 10:25. I
19 have a conference call that I have to be on. We'll
20 take a break for about twenty minutes probably. It
21 might be a good time to take a coffee and bathroom
22 break anyway and then we can come back to it as soon
23 as my call is wrapped up. So, try to keep an eye on
24 that.

25 I think that I will turn it over now to you.

1 And again, if I could repeat, when you come up to the
2 microphone if you could state clearly your name and
3 your tribe and if you're a tribal leader your position
4 so that we can get those into the record.

5 Thank you. And again, if you have -- want
6 to see something on the map I'm happy to -- I mean on
7 the slide show I'm happy to go back to it. In fact,
8 I'll go back and leave it on the map for now. Thank
9 you.

10 MS. BUTLER-WOLFE: Good morning. Hi, my name is
11 Edwina Butler-Wolfe, governor of the Absentee Shawnee
12 Tribe, and I want to thank you for your presence here
13 to go over this here, but I don't think that our tribe
14 would want to be taking part in this. But my question
15 to you is anything that you want to change or
16 reorganize or anything there's always that thought of
17 funding and it is what it is. My concern is if you do
18 this change is there -- funding will be cut, I know it
19 will be because your regions are unified, but that's
20 my concern as a tribal leader is that I just don't
21 think that -- you know, I'm against it. I don't like
22 this. So, I just wanted to let you know and let
23 everyone know that the Absentee Shawnee Tribe is not
24 for this. I think our comments went in sometime back,
25 so I just wanted to let you know that and let

1 everybody else know that are tribal leaders and their
2 tribes.

3 Thank you.

4 MR. TAHSUDA: Thank you, governor. Let me just
5 respond real quick and say again, I understand the
6 concerns and I know there is a history of
7 reorganizations which have often meant reorganizing
8 resources and in the past that's often meant pulling
9 the resources to DC so they can balance budgets, et
10 cetera. Again, this is not intended to be a budget
11 exercise, this is an exercise in reorganizing the
12 department's basically strategic decision making
13 process. And so it's really about lines of reporting
14 and making sure that we knock down these silos between
15 the different bureaus. It is, again, you know, it's
16 not the intent of this necessarily but it is
17 potentially an opportunity though to increase the
18 resources in the field and not because we would ask
19 for more money, if we get more money we use it the
20 best we can, but our expectation always is that we're
21 not going to get any more money. That's up to
22 Congress, we don't get a say in that. But if we
23 accomplish a couple of things, better communication
24 and coordination, that makes the work done faster and
25 more efficient in the region, that means more work can

1 get done. If there are things like -- say let's use
2 the environmental reviews as an example. So right now
3 each of the bureaus has their own teams that do
4 environmental reviews, they go through them. They
5 don't talk to each other until they're almost done
6 with their own review and then they have a fight over
7 those views and usually what happens is they never
8 agree and it goes to DC and then it sits there and
9 waits for it to be reviewed, et cetera. The concept
10 behind this is that that review would really be done
11 by a team in the region, so each of the bureaus would
12 have participation in the environmental review team
13 for that decision or project that's happening in the
14 region. And not only, you know, would you hopefully
15 see some efficiency by getting it done better and
16 faster, but conceptually then we wouldn't need like
17 three environmental people on each project, we might
18 only need one. That frees them up to do additional
19 work. And so that's also part of the concept, the
20 efficiency side of this that we're hoping with better
21 coordination and communications.

22 MS. DeCAMP: Kathy De-Camp. I represent the
23 Ho-Chunk Nation from the State of Wisconsin. Good
24 morning relatives and friends. This is about the
25 maybe fourth time I appeared at a consultation to

1 represent my tribe and once again I'm here to say
2 representing President Wilfrid Cleveland that we are
3 not for this. We are not for this simply because --
4 and I'm not trying to be radical or a rebel or I'm not
5 trying to speak to everyone with my back towards you
6 because I think that's rude, but anyway, that's how
7 this room is set up. So good morning, Mr. Tahsuda,
8 thank you for coming here to allow us to weigh in on
9 what we want and what we need. I don't think very
10 much that the BIA has been very good to native tribes,
11 native peoples. Don't take that personally. I know
12 that you have a mission and a job to do as well. I
13 don't believe that anything that the U.S. government
14 at this time is good for native nations, especially
15 for our nation, the Ho-Chunk Nation. I know that we
16 started out with a prayer, thank you Mr. Emhoolah for
17 saying that prayer, that was very good. I think that
18 these types of meetings and consultations should start
19 out that way. In this way we have a base of how we're
20 going to go and how the day is going to go.

21 I traveled down here with instruction from
22 my tribe to say that we are not for this, this move.
23 You talk about that it's for efficiency and actually
24 anything that has ever done for us has not been with
25 efficiency or expediency or with effectual response

1 for us. So I firmly say that do not do this.

2 And also when you have something that you
3 want to bring to the table you should also have a
4 suggestion about what to do. Right? I can't stand up
5 here and complain or give you my concerns if I don't
6 have a solution, otherwise I'm part of a problem.
7 Correct? No, thank you. So anyway, my idea is that
8 you need to look at where you can trim the fat, are
9 there staff that are duplicated, are there things that
10 you do that are not necessary. Why are we in the
11 Department of Interior with parks and recreation.
12 We're people. If you're going to reorganize take the
13 BIA and put it out somewhere separately so that way we
14 can be truly sovereign nations.

15 Thank you for listening to me.

16 MR. TAHSUDA: Thank you.

17 So, first off, you made a couple good
18 points. Let me address those. Coming to you with a
19 solution. We have this challenge always in our
20 relationship with you, the federal government's
21 relationship, in which we want to engage in a
22 government to government relationship, we want to
23 respect and engage in consultation. That's a
24 challenge though in this sense, if we come to you with
25 zero information you tell us you haven't even

1 presented us anything, what are we even here for, but
2 if we come to you with a solution and say we want you
3 to accept our solution or even think about it, you
4 tell us wait, wait, wait, you've already made a
5 decision, you're too far down the road. So, I
6 appreciate that thought, but we're trying to hit the
7 sweet spot here in giving you, you know, the basic
8 information about the department wide reorganization
9 and to give you some thought and time to think about
10 it. And I would say honestly we would have loved to
11 have been out months ago doing this, but, you know,
12 it's taken time to get to this point and as soon as we
13 had enough information -- in some ways it's a bigger
14 challenge for us, right, because you're right, in the
15 department the BIA is the people bureau. Right? We
16 do the same things all the other bureaus do, we deal
17 with fish and wildlife and water and all that, but we
18 also have tribes and people. And so making sure that,
19 you know, we had enough information to come to you to
20 at least initiate the discussion took a while. And
21 again, it's kind of a challenge to make sure that
22 we're giving you enough information without giving you
23 the thought that we have pre decided anything. So,
24 that's kind of where we are.

25 And also, and I appreciate the comment that

1 we can do our jobs better and there's no doubt about
2 that, that we could achieve some efficiencies.
3 However, this is not a BIA reorganization, this is a
4 department reorganization. None of the other bureaus
5 are reorganizing their field offices or getting rid of
6 FTEs or firing people and hiring new people. This is
7 not part of that. This is just to affect the decision
8 making within the department amongst the bureaus and
9 that's the hope with this. And through that we will
10 basically all do our jobs department wide better. I
11 think the Secretary has stated to every tribe he's met
12 with, he's talked about this with a number of tribes
13 and has said that, you know, our government to
14 government relationship, our trust responsibilities is
15 not the BIA's, it's the department's. How is the
16 department going to better fulfill that mission, the
17 trust responsibility. The best way for us to do that
18 is have us, who have the longest and closest
19 relationship with you, having better level of
20 communication and coordination with the other bureaus.
21 That's how we think we can best effectuate that.

22 So, thank you for your comments.

23 Sir?

24 MR. MILES: Gilbert Miles, Lieutenant Governor
25 for the Cheyenne Arapaho Tribe. Good morning

1 everybody. Appreciated Lonnie's prayer.

2 The first thing I learned in college was

3 bureaucracy begets bureaucracy. So, I see that a

4 little bit here. You know, the governor and I was

5 saying we're for this as long as you consolidate

6 somebody with us. We don't want to consolidate with

7 somebody else. So, you know, if you bring them to our

8 house that's fine, we just don't want to move to

9 somebody else's house. But, you know, I've seen very

10 few decisions made at the bureaus or even the interior

11 where there wasn't a lawyer involved. Most of the

12 time when there's a decision made, you know, you're

13 talking about we're going to go across the hall and

14 see the interior regional director and a bunch of

15 people are going to make a decision and I've seen very

16 few decisions ever made at the bureau that were made

17 like that. They ended up going to the solicitor and

18 being appealed somewhere down the road. So, the only

19 thing I see about this is that you're asking us to buy

20 into something that we have no guarantee whether the

21 wheels are going to fall off somewhere down the road

22 and then the next thing you know we're gambled and

23 took a decision and made a choice that we had no idea

24 where it was going. So, I think we're kind of flying

25 blind here. And, you know, for us we're asking --

1 we're saying that, you know, we're not in favor of
2 this. We're pretty happy with the way things are
3 right now. I know the decisions are slow and
4 increments, but we've gotten used to that and we've
5 learned how to play the game and we learned the hoops
6 we have to jump through and the decisions -- the
7 directions we have to go. Now, if you change it we're
8 going to have to learn a whole new curve over again.
9 So, Cheyenne Arapaho Tribe of Oklahoma, we're not in
10 favor of it.

11 MR. TAHSUDA: Thank you, Lieutenant Governor.
12 Good points. Always too many lawyers. Right? I call
13 myself a recovering lawyer. So, but that raises a
14 good point, you know, I want to give you and this is
15 purely my perspective having walked in the door just
16 about a year ago. The department gets sued for almost
17 every major decision it makes, regardless of which
18 bureau we get sued by somebody. And one of the --
19 this is not a primary purpose of this, but one of the
20 hopefully positive effects of doing this sort of more
21 coordinated and joint decision making and problem
22 solving among the bureaus is -- let me describe to you
23 right now what happens. As I alluded to earlier, in
24 environmental decisions, right, each bureau works up
25 its own decision. And I can't do it as well, the

1 Secretary has this great story he talks about a river
2 that runs through the west. Right? But most of our
3 western water, and like the wildlife quarters are the
4 same way, they go through and touch almost every one
5 of our bureaus. Right? So like if you're going to
6 repair a bank on a river, if you're going to put a
7 dock in say in a wildlife refuge for people that boat
8 or you're going to repair a bridge, that requires
9 input from fish and wildlife, usually BLM. If there's
10 a national forest there the Department of Ag through
11 Forest Service gets to have some input. You know, we
12 will have input because almost every bit of water in
13 the west involves a tribe at some point, right, so
14 we'll have a say in it. All these different bureaus
15 work up their own environmental views on this decision
16 that has to be made. Right now those decisions are
17 made in a silo until they reach a critical point and
18 then they have the argument. What that means for us,
19 and you talk about lawyers, is that whoever doesn't
20 like that decision and they sue us over it, we've kind
21 of ready made their case for them because we have put
22 on paper the arguments from each of the different
23 bureaus. Rather than them working those views out
24 from the very beginning so that we have one decision
25 to defend when we get to the final decision, we have

1 three or four decisions that we have to defend and
2 then maybe the final one which is a little different
3 than all of those. So, yeah, too many lawyers. Part
4 of this is if we can get better decision making maybe
5 we can cut some of that out. That also weighs in, as
6 you know, into the time it takes us to make decisions
7 because if we have a court case that involves it who
8 knows how long it's going to take for you to get a
9 final decision. And also for us I ultimately view it
10 as part of our trust responsibility that the decisions
11 that we make are not just good decisions or the right
12 decision but they are defensible positions for you.
13 The last thing we want to do is make a decision on
14 your behalf but we haven't provided the solid
15 foundation for it and if we get sued and go to court
16 that decision gets taken back by a court. To me
17 that's in some way a breach of our trust
18 responsibility because we clearly didn't do our job
19 well enough for you in helping get to that decision.
20 So, part of this, you know, decision making process
21 and problem solving is aimed at hitting at, you know,
22 this myriad of ways that we get to decisions and
23 getting them more consolidated into a common core of
24 decisions. Thank you.

25 Ma'am?

1 MS. WATERS: This is kind of high. Good morning.
2 My name is Modina Waters. I am a Kiowa legislator for
3 District 7. And thank you, Mr. Tahsuda, and your
4 support staff for being here today.

5 I support the goals of reorganization,
6 personally I support the goals of reorganization. As
7 I said, personally I support the goals of
8 reorganization if it can improve services. I've
9 written a couple things here I want to read. For
10 example, if you can help with this in some way that
11 would be fantastic. I would say getting very
12 specific, contract with realty offices, of course
13 using the competitive bid, like for a five year period
14 to assist with land acquisitions. And I say this
15 because some tribes have had their applications in to
16 convert fee land into trust status. And for our tribe
17 it's been ten years on one piece of property. So I
18 think there needs to be more help from the BIA to get
19 these through the system more timely.

20 And then create an arm within the BIA to be
21 more interested in tribal economic development where
22 they will assist with things like installation of wind
23 turbines, cellphone towers, water and usage on Indian
24 and tribal Indian owned land. Recently I visited with
25 some non Indian field workers and had fun discussing

1 how to have wind power or cellphone towers and they
2 told me it's political. They said get state
3 legislators involved it to get approval for these type
4 business ventures. For example, on a smaller scale,
5 on my land it's always farming and grazing year after
6 year and I want other types of leases. You mentioned
7 a political person in DOI I believe. Maybe they can
8 require BIA to use a checklist for economic
9 development on individual Indian and tribal lands at
10 lease renewal time. And again, I say this kind of on
11 a personal level because when I look out across my
12 land when I'm way, way out in the country it's like
13 all these wind turbines are 15 miles away, there's
14 three to 500 of them and there's nothing on my land
15 and maybe nothing on the tribal land, I don't know.
16 But, of course, I will check into that a little bit
17 later. But thank you.

18 MR. TAHSUDA: Thank you, councilman. I
19 appreciate the comments, but I do want to reiterate
20 that we're not -- this is not an effort to reorganize
21 the BIA. However, I've gotten as we've done the
22 consultations, I've gotten a lot of good thoughts from
23 tribal leaders in different regions around the country
24 about things we could do in the regions for the BIA as
25 well. And so I would encourage you and one of the

1 things that I would like to do, you know, for us at
2 the BIA is to talk about things that we can improve in
3 the region, in the field that works for you. You
4 know, the Secretary is a career military man and so
5 part of his sort of management philosophy derives from
6 that experience and one of the things that he
7 reiterates all the time is this sort of the military
8 management discipline of you get the right training to
9 people, you give them the resources they need to make
10 decisions and the authority to make them and then you
11 let them run with it. And so, you know, the past
12 history, as you know, in a lot of ways is ultimately
13 the authority keeps pulling back to DC. He wants to
14 reverse that. And that's part of what this effort is
15 at but it's also just part of his philosophy and how
16 he wants the department to run. And so we have an
17 interesting dynamic that we have to work through in
18 which we want to encourage the regions to be creative
19 in addressing the particular issues that arise in
20 their region. At the same time though we do still
21 have to have some common core processes in how we do
22 our work. And so at the end of the day, again, we
23 have decisions that come through a chain, they've been
24 reviewed, analyzed as they need to be so that we can
25 sort of stamp final on the decision. So we have that

1 dynamic that we have to do. You kind of get pulled
2 both ways. But I would like to -- I know that
3 Assistant Secretary Sweeney is very interested in both
4 management of the BIA and economic development and I
5 think we would love to continue that part of the
6 conversation on what we can do specifically with the
7 bureau and with Indian Country.

8 So, thank you.

9 MR. TIPPECONNIE: Good morning to all. My name
10 is Bob Tippeconnie. I'm the Comanche Nation tribal
11 leader. You know, sometimes we are very skeptical of
12 anything that's proposed nationally. I know a few
13 years ago some of us guided DOI in working in
14 consultation policy and we had 22 tribal leaders
15 working on that. Two of us were cochairs, I was one
16 of those. We thought there were going to be grand
17 results in this, as you say, coordinated decision
18 making of U.S. DOI agencies. It has not materialized.
19 And the thing that I see that disappoints is that the
20 solicitors come in after you do all this work and then
21 they change it to say it's not legal that way. And
22 that's what happened in this consultation policy. If
23 you go into the books so to speak, it went through the
24 Federal Register, was approved and very few tribal
25 leaders even know about it. You know, it was to be

1 promoted, was to be something that everyone knew about
2 in Indian Country, especially our federally recognized
3 Indian nations, and that didn't occur. But if you
4 look at it you can see it's very weakened, it is very
5 weakened. Well, when I look at this now I can see
6 some things in this pursuit of being more effective
7 and efficient in you say the three primary areas. I
8 would say one of the most primary areas is the
9 responsibility and duty of the federal government to
10 Indian nations and that is the trust responsibility.
11 And when you look at that, that overrides this
12 recreation and overrides these others. Not to say
13 that they don't prevail and that they're essential,
14 they are, because each of our nations look at that,
15 those primary kind of thoughts within our own nations,
16 within our own lands. But despite it, you know, I
17 think a primary function of DOI until they change and
18 you look at the history of DOI, how they work with
19 Indian nations, you know, going way back even before
20 the establishment of acknowledgment of Indian nations
21 as being nations within nations, well, you can't then
22 put a primary factor in here to say that we aren't a
23 primacy so to speak. We've above it all. Indian
24 nations are nations. So you're working at DOI with
25 two nations outside the federal, that's the state and

1 Indian nations. The Indian nations in my opinion
2 override the states, although the states have been by
3 Congress continually given some of our responsibility
4 taking away sovereignty regularly because it's so
5 political. It's so advantageous to the states to gain
6 some of our assets or gain some of the revenue as an
7 example in gaming and then as we move in Oklahoma to
8 taxing more tobacco and such, you know, the state is
9 still grabbing, still grabbing. Okay, this occurred
10 because of politics and federal government not doing
11 its duty relative to the nations and that
12 responsibility again is over the state. You know, we
13 were nations that were established before states and
14 we had governments. Well, again, going back to this
15 reorganization then, I say a primacy is this duty to
16 sovereign federally recognized Indian nations and it's
17 above recreation. And I don't discount, as I said
18 earlier, any of that.

19 As we got into the consultation policy I'm
20 reminded of all the agencies saying this is our role,
21 this is our role, but one thing I found out in working
22 with all DOI agencies at that time, they had no
23 understanding of the trust responsibility. The trust
24 responsibility is a duty, it's an action and that
25 action has to be safeguarded. That action has to be

1 promoted by DOI. I look at this and I look at the
2 organization that you propose, know they're going to
3 have these regional directors or whatever and they're
4 going to report directly to DC and they're going
5 report to this deputy, which I'm sure is going to be a
6 political appointee. It will be a political appointee
7 and they'll have no regard fully for the duty of their
8 federal government to Indian nations. That has
9 occurred regularly. Political people come in there
10 and they look at it from the advantage of the
11 political spectrum, which is maybe often getting
12 reelected. But the point is DOI in all this, who is
13 that deputy, who will that deputy be? I think it's
14 fundamental to have a very, very important person
15 there. I remember again in a consultation we said we
16 need a Secretary, you know, an Assistant Secretary,
17 maybe even out of DOI as some have proposed, you know,
18 that recognizes the responsibility of the federal
19 government, not just DOI but the federal government to
20 Indian nations. We need to live up to that.

21 You know, we're approaching a new time and
22 we're 2018. We're going to be 21 and when 21 I like
23 to think we've grown up and recognized that Indian
24 nations are sovereign nations and they can run their
25 affairs and they should be given more acknowledgment

1 by the federal government in anything that the federal
2 government does. So, when I see you putting in here,
3 and I know it's proposals, but when you put the
4 primacy look where the Secretary, you just mentioned
5 where he came from, the military. Does the military
6 know anything about the trust responsibility? No.
7 They have no idea of it. And I'd say the deputy would
8 be the same way. Now, you do, Mr. Tahsuda, and I
9 appreciate that, because you come from, you know, I'm
10 Comanche Nation, you come from Comanche Nation as well
11 as Kiowa Nation. So, our two nations know each other
12 and we have a longstanding matter that goes even
13 further. This duty in our case goes back to treaty
14 times. You know, look how we were treated in our
15 treaties. You know, first to be at Fort Laramie,
16 which is, oh, we didn't even come up to it, then the
17 Medicine Lodge and some of our Indian bands in our
18 Comanche Nation didn't even participate in the
19 Medicine Lodge. So I always promote the fact to some
20 of our Comanche people that we have still some of our
21 people, Comanche people who still have never made a
22 treaty with the U.S. government and consequently the
23 U.S. government should be acknowledging them and their
24 territory and all the things that should be reserved
25 for their interests.

1 Well, these points then I think its primary
2 function is off the wall when it comes to Indian
3 nations. Indian nations are nations. They're like
4 states. Are you going to treat the states in the same
5 way? No, you can't, you can't even tamper with the
6 states. Well, I'm glad you're saying that the
7 Secretary says let's listen to the Indian nations,
8 let's hear what they want and I trust that we're given
9 more respect.

10 When it comes to this coordinated effort I
11 believe, yes, we have to do that. You know, as an
12 example, this fee to trust that we talked about. My,
13 we've been pending on years just as the Kiowa Nation
14 has for moving fee lands into trust, then we have
15 someone in the state on the eastern side gets it
16 overnight. How do they do that? How do they do it so
17 quickly? Politics. You know, politics still rides
18 and it's still in place when it should be fair play
19 among all Indian nations relative to fee to trust.
20 But fee to trust, one of the predicaments is OST.
21 Office of Special Trustee should be done away with.
22 You know, at one time the Bureau of Indian Affairs did
23 that very effectively, more efficiently. And even now
24 if you ask the OST Albuquerque about something they
25 don't know anything, they don't go out on the land,

1 they don't know the land, they don't know the people.
2 All they can do is transfer monies on paper back and
3 forth to your account. I mean, that's just created
4 nonsense. So I think the OST should be done away
5 with. Those are some of the kind of things that can
6 be more efficient. The stovepipe of law enforcement,
7 I know Mr. O'Neal is here, but I don't want to say I'm
8 down on anyone, except that why have a stovepipe? Why
9 do law enforcement people report to DC? You're
10 talking about decentralizing decision making and
11 having that at local levels. That's where you best do
12 it. But we have law enforcement that reports, they
13 report to DC. You know, why? I think that's more
14 effective to have law enforcement that coordinates
15 just like in our Indian nation here, our Comanche
16 Nation, they're right there with us. So when we get
17 into things it's integrated very effectively and fast,
18 but with OST like on appraisals and then law
19 enforcement in DC.

20 You know, there's the other thing that I
21 note in here is that -- and I appreciate that the BIA
22 agencies as I understand will not be tampered with,
23 they'll be left alone. So my question would be, you
24 know, we've had problems with the BLM and the BLM's in
25 Denver but the BLM's also in Tulsa and you can't get

1 anything done out of there. And the other one is the
2 Office of Natural Resources, which is Denver, but we
3 have an Oklahoma office. You know, so I'm curious to
4 say -- to think, you know, would those be abandoned
5 and how will those entities that are more local to us,
6 you know, how will they continue because, yes, we do
7 have to work with other federal agencies in our nation
8 to get certain circumstances like the BLM and their
9 responsibility on lands and all these identification
10 of where lands lie, et cetera, and the Natural
11 Resource Agency, you know, relative to matters that we
12 have in oil and gas and such. But at some point I
13 like to think that if we were acknowledged fully as
14 nations and given that understanding -- it's like the
15 Navaho Nation when they moved out to say let us do our
16 own business leases, let us do our own leases on our
17 land. I remember testifying in Congress on that a
18 little. You know, that's a few years ago now. But
19 some of our other nations, we haven't grabbed that
20 yet, we haven't put codes into effect so that we could
21 do this leasing ourselves. So I think one of the
22 things that when it comes to my mind is that we need
23 more circumstances like that to empower our nations to
24 continue our sovereignty. We don't need always these
25 other entities to integrate. We should have them in

1 place and then if we need some expertise or something
2 we should contract that or we should go out with some
3 method of just as the state government does, you know,
4 approach someone. So, I like to think in this
5 reorganization then that you look at things like that.
6 And again, I'm glad that the agencies remain.

7 The point of consultation though is like
8 today, I've gone through and I've participated and
9 I've sat in and listened and listened, you know, and I
10 look around and I hope some young people are here
11 because our young people are the future of our
12 nations. But I know one thing they get so
13 disappointed in us, they get so disappointed in
14 matters that go on in our nations but also that go on
15 federally because it seems that the federal government
16 is always tampering with its duty, its duty of
17 sovereignty. And when you talk about this
18 sovereignty, again, it's beyond DOI, but DOI has not
19 in my book upheld it. It has not upheld it because it
20 looks as a trust responsibility. What you got to
21 understand, what is that? I say it's a trust duty.
22 Duty is an action. You safeguard it, you protect it,
23 you empower it. That's what the federal government
24 and DOI has a primary responsibility to do. So going
25 back to all these primary matters, I think ours is so

1 different and so distinct that you can't put us in
2 there with recreation and conservation. Yes, we do
3 that too, conservation, et cetera. It has to be on an
4 acknowledgment that we are nations, we are
5 governments, our responsibility is to the federal
6 government. And yes, DOI has a role in that, but it's
7 to the whole of the federal government. And it's good
8 to see that some agencies -- I should say departments
9 in the past decade began to understand that. So they
10 put liaisons, you know, in place in their departments
11 to work with Indian nations. And that acknowledgment
12 was a beginning but now it's sort of faded away. Now
13 we're into being economically efficient and effective
14 and that's important, we need employment. But we
15 can't disregard the fact that Indian nations can be
16 more empowered, can employ, can work. Just as it was
17 mentioned here about turbines or economic development,
18 we can do that more and more if we are given more
19 acknowledgment of our status.

20 So, these things I bring out to you. I know
21 one thing again I'd say that really concerns me is who
22 is that deputy. And those deputies are probably a
23 political appointee and they're going to come and go
24 and they're going to come and go with the philosophy
25 of whoever is in administration. And I understand

1 that, that's a fact of life, I see it, but I think we
2 can override that by at this point of time looking at
3 this challenge of organization change to acknowledge
4 the Indian nations as being something very distinct
5 and very different and giving them then special
6 acknowledgment in this effort.

7 And you're going to hear from others so I
8 need to stop talking here so much, but I will say that
9 when we break and get away, you know, many times I
10 come to a consultation, especially the one on the fee
11 to trust, which I thought was terrible, but the fact
12 is every time we make a comment we get a rebuttal. We
13 don't need that. Let the tribal leaders speak, let us
14 all speak and let the words be recorded.

15 Thank you.

16 MR. TAHSUDA: Thank you, Mr. Tippeconnie.

17 So I don't think it was rebuttal. I hope --
18 I'm trying to offer additional information that will
19 be helpful. So, thank you. Let me add, we got a
20 couple minutes and then if you don't mind I'd like to
21 take the break. So first off, those are all great
22 questions and I know sometimes -- so for better or
23 worse, I've been in DC for almost twenty years and
24 sometimes you kind of get into -- it's like being into
25 the matrix, right, kind of -- and when you get out of

1 it you forget that most of the American people, most
2 of Indian Country don't understand how DC works. And
3 so a lot of what you raised are good questions, just I
4 think and maybe I can help answer some of that.

5 But so first off, let me say the Secretary
6 is from Montana if you don't know that. He grew up on
7 the western side around the Salish folks and the
8 Blackfeet and he played football and basketball
9 against the Blackfeet guys and he's very comfortable
10 with tribes, with tribal sovereignty and he will tell
11 you, you know, face to face that he believes that the
12 federal government and the tribes are equals and
13 that's why he respects the tribe sovereignty and
14 ultimately why he wants this decision to be yours.
15 So, I think you should understand that.

16 Also the deputy Secretary, he's from the
17 west, he's from Colorado. He's worked with tribes, he
18 worked for tribes, so this world is not alien to him.
19 Our current -- and the deputy Secretary is a political
20 position. The deputy Secretary is sort of the chief
21 operating officer if you want to think about that for
22 the department. And so the Secretary provides like
23 this leadership and strategic, you know, thinking for
24 the department and the deputy Secretary -- and the
25 deputy Secretary is sort of all of our bosses, right,

1 as the operations officer and so he's responsible
2 ultimately for implementing what the Secretary wants
3 the department to do. And so but that is necessarily
4 a political position, as you note they come and go
5 every few years, political positions do. Mine does,
6 right, every few years.

7 So, I think that I wanted to -- you said a
8 lot. I to try to take notes. Oh yes, I wanted to
9 really respond to and agree with you, this is part of
10 what I was hoping to get across, that the aim for us
11 in particular and for the Secretary in regard to
12 tribes is the trust responsibility. So, trust
13 responsibility belongs to the United States, right, it
14 doesn't belong just to our department even and surely
15 not just to the BIA. But the history is that really
16 interior has been the largest sort of actor on behalf
17 of the federal government, that's the history of it.
18 The other is that, you know, the Secretary only runs
19 this department, he doesn't run ag or commerce or any
20 of the others. So he's intent on doing everything he
21 can in his department to uphold that relationship and
22 to uphold those duties. So, that's part of what this
23 is aimed at. And so interior is an action agency
24 ultimately. Right? You know, some departments like
25 education and commerce, they do a lot of sort of grant

1 making, they don't do a lot of real action stuff. So,
2 that's one of the reasons why this sort of, this
3 strategic decision making reorganization I think is
4 really important for us when you talk about how do we
5 effectuate the trust duty better across the department
6 and maybe across the government better but certainly
7 across our department. And again, because we're an
8 action agency, right, we have to put it into effect in
9 a way that affects action. So, we can have liaisons
10 and the bureaus -- each of the other bureaus in the
11 department has a tribal liaison, some of them have --
12 like BLM I think has one in almost every region,
13 right, but that's different than having somebody who
14 has -- who affects decisions being part of the
15 decision making process and having to respect the
16 views of the tribes. And that is if you affect that
17 change that's how you affect long term change in this
18 action agency. And so when people come and go,
19 politicals come and go, if you've got that embedded
20 into the organizational structure then you've actually
21 accomplished something I think. So, that's the goal
22 with this. And again, you know, it shouldn't depend
23 upon individuals. And, you know, I'm sure some of you
24 do, in other parts of country I've had tribes say, you
25 know, we already have a great relationship with the

1 BLM guy and the fish and wildlife guy and so why do we
2 need this. And that's great that you do now with that
3 guy, but what happens when that guy moves. Right?
4 And then the complaint comes, and I've heard it from
5 Indian Country for years, right, well, then we have to
6 reeducate this guy who's coming in. So that shouldn't
7 be necessary if that position has to interact with you
8 in its decision making and in the decision making of
9 the bureaus in that region. And the analogizing this
10 to the military is to think about it this way, it's
11 not to say we want to impose a military mindset, but I
12 think it's a really good example and again, something
13 the Secretary is familiar with. When they reorganized
14 the Department of Defense, right, they were sort of in
15 the same boat as we are, they had different services
16 spread around the globe and they had different -- but
17 they had different geographic regions that they
18 operated in and they didn't -- I mean, they
19 overlapped, they weren't all in the same regions with
20 the same decision making tree. Right? So, after they
21 had some stumbles and I guess, you know, Grenada was
22 one of those, right, in which the Navy wasn't talking
23 to the Air Force who wasn't talking to the Army, you
24 know. They said that's got to stop. And so they did
25 a lot of thinking, it's been a thirty year work in

1 progress, right, for them, but they've finally gotten
2 somewhere. They have common geographic regions in
3 which they serve the ultimate goal of the United
4 States in that region, national security, et cetera,
5 whatnot. Each of the services still has their
6 missions and goals in that region and they pursue
7 those for themselves, but they have common functions
8 that they each perform in pursuit of their own
9 missions and goals. And so that's the idea for us.
10 That's when we talk about functions I'm talking about
11 the actions that happen, not our missions and goals.
12 And so each of our bureaus have our own missions and
13 goals that we work towards, but when we have these
14 common functions that are part of the decision making
15 process in a region then they should be shared
16 functions so that everybody, every bureau that has
17 input into that has an opportunity to participate in
18 that decision making. And that's how we get the
19 tribal views from the ground floor into this decision
20 making process. And so that's the hope with this.

21 Can I be really rude? I'm really sorry.
22 Can we take this after the break? I have to get on a
23 phonecall. I feel bad, I really do. I'm so sorry.
24 This just came up late last night. Okay. So if we
25 can take like a twenty minute break, I really

1 appreciate it.

2 (A recess was here had 10:28 to 10:59.)

3 MR. TAHSUDA: All right, we'll get started again.
4 Thank you for your patience with me to let me get my
5 call.

6 And start off.

7 MS. PARTON: Good afternoon. Or it's morning
8 still I guess. My name is Terri Parton. I'm the
9 president for the Wichita and Affiliated Tribes. I
10 just want to thank you for being here today. And I
11 also attended the one that was in Kansas City in June.
12 I have a few questions and then just some comments.

13 So, one is how long do you think it will
14 take this final plan to be in place? And two, what
15 happens if this plan isn't in place by the time the
16 Trump administration is over? And three, how long do
17 you think it would take to actually do the
18 reorganization once it's finalized and everything, how
19 long do you think it would take? And then if the
20 tribes decide to opt out now, can they choose later to
21 opt in if, you know, if all the kinks and the chaos
22 and all that stuff is worked out, can the tribes opt
23 in? The only thing about the one danger about opting
24 out now, I'm not for it so just realize that, but the
25 danger about opting out now is then we don't have a

1 say so in how everything gets done. So that's one
2 danger.

3 And so just some comments. As tribes we
4 already have long wait times getting things approved
5 and passed because of all the layers of approvals and
6 reviews in the Department of Interior like trust
7 applications and stuff like that. You'll be putting
8 in new regional directors that possibly don't know
9 Indian policies, understand sovereignty and self
10 determination and self governance and more than likely
11 in their passions or their careers or if they're in a
12 certain field they're going to gravitate toward that
13 focus. And, you know, what they do, you know, what
14 you do is natural, if you're in gaming you gravitate
15 toward gaming, if they're in health you gravitate
16 toward that. So if they're not Indian policy focus
17 then their attention is going to be on other things.
18 And so if they aren't familiar with native issues
19 those issues are going to be set to the side for two
20 years when you're talking about rotating the regional
21 directors out every two years. And so, you know, it's
22 just like now, even in our region we've had different
23 regional directors and stuff than we can't ever get
24 anything done because everybody's rotating, we never
25 have somebody permanently in there. And so the

1 Wichita and Affiliated Tribes would be opposed to
2 this.

3 And then also, just that's on a bigger
4 level, but also what does it do to -- I'm from
5 Anadarko. There's this thing going around about
6 Anadarko being the worst town right now, but we've got
7 the Anadarko Agency and the Southern Plains Regional
8 Office and that employs a lot of our people. That
9 employs my tribal members, you know, and that's -- we
10 have kids that live there and people that work there
11 and stuff, and so what does this reorganization do to
12 affect that? Because we have to think about that.
13 Our tribe, the WCE tribes and the KCA tribes as you
14 know, I think we talked about this before about
15 economic development and stuff, we're strapped down
16 there. You take out the regional office from there if
17 that was something that was to happen in this
18 reorganization then it would have a huge effect on our
19 area in the southwest. And so I think that needs to
20 be taken into consideration. Thanks.

21 MR. TAHSUDA: Thank you.

22 So, how long to implement? So there's a
23 couple of guideposts I guess along the way. To
24 reorganize basically these reporting lines doesn't
25 take that long. And really as soon as we roll into --

1 at the end of the day it depends on how significant
2 the change is. If it's just changing the lines of
3 reporting we probably don't need congressional
4 approval because it wouldn't really impact budgets or
5 anything, you know. So if we change office functions
6 and thereby change budgets then sometimes we have to
7 get congressional approval. I don't know exactly
8 where that line is, but anyway, that's what I'm told.
9 So that part of it should be relatively easy.

10 But it's a really good question about long
11 term implementation. And let me answer that by saying
12 this is why we have, the Secretary has really tried to
13 engage all of our stakeholders, external and internal.
14 Because at the end of the day politicals come and go.
15 Right? And the last thing -- you know, he really
16 believes that this is good for the department and good
17 for everybody that the department serves including the
18 tribes. So, his hope is that, you know, this will be
19 seen as good and will get implemented long term and it
20 will change how the department handles its
21 responsibilities. So, but how do you do that? So we
22 have input from -- and there are political weigh ins
23 by external stakeholders, governors, even county
24 commissioners, tribes. Right? You can all play a
25 role in trying to defeat this or trying to promote it

1 or even saying we're neutral. Right? All those
2 players that affect the department get a chance to do
3 that. You can do that directly through the
4 administration, you can also do that through The Hill
5 because The Hill also exerts a lot of pressure on us.
6 So, that's why I was talking about at the beginning,
7 one of the other stakeholders for us is Congress.
8 Right? They control our budgets at the end of the
9 day, they -- you know, and so our hope is that we
10 will have addressed all the concerns, issues and there
11 would be consensus for the majority of the external
12 stakeholders including Congress that this is a good
13 idea for the department. And I think the Secretary
14 has done a pretty good job in general. I think there
15 seems to be a broad level of support in Congress which
16 reflects states, governors, et cetera. Obviously we
17 want any country to be part of that as well, but
18 again, that's your decision. But it's not just enough
19 to have sort of this external body, we need to have
20 internal buy in. So we've been trying to engage our
21 employees as well. We've had several rounds of
22 meetings with our senior executive management and we
23 have had -- I try to meet with our staff as we've gone
24 around the country. We have other department
25 officials who will have, you know, a role in getting

1 all this into place in the Secretary's office.
2 They've gone around the country and met with all of
3 our staff in all the bureaus in a region to try to
4 explain what this means and doesn't mean, et cetera,
5 to them so that we can have internal buy in as well
6 because at the end of the day implementation will not
7 be fully successful if our employees don't have buy in
8 too. Right? So, it's a large scale effort to get buy
9 in from everybody that's involved, everybody that has
10 a stake in the success of the department. So, that's
11 the hope. And if that then gets there, we get that
12 buy in then this will carry us through, you know, over
13 the next couple years as it unfolds. It should only
14 take a couple years really to get, you know, this map
15 and sort of these new reporting lines in place.

16 The larger effort or reorganization that
17 would be part of sort of the talking about these back
18 office functions, et cetera, that could yield more
19 resources in the regions will take more time. You
20 know, getting in place the shared services where we
21 have contracts for telephones and computers, IT,
22 right, we got to get through that, we can't get new
23 ones, you know, like right now. If you talk about
24 combining office space with another bureau, obviously
25 we have office leases, those take time, years

1 sometimes to roll around. So, all that stuff will
2 take time. And so again, to make sure that gets fully
3 implemented, that's why we have to have this large
4 scale buy in.

5 Maybe I didn't explain well. Let me try to
6 impart too. So this interior regional director is not
7 intended to be a subject matter expert. Really
8 they're supposed to be like a project leader in a
9 sense. Right? So they facilitate the decision
10 making. They're not the one who agrees or disagrees
11 with the biological opinion, they're the one that gets
12 the scientists and the staff who are subject matter
13 experts to get together, work on it and come to an
14 agreed position. So, having said that, one of the
15 things that I think was of interest to our regional
16 directors and not just our regional directors but the
17 regional directors from the other bureaus in this sort
18 of rotating directorship was, one, it doesn't really
19 create a new level of bureaucracy, somebody over the
20 top of them, it's one of their own that they will be
21 working with in the region, but if everybody gets a
22 chance at it then two things happen. One, you get to
23 learn more about the other bureaus because you're
24 going to be interacting with them on these decisions
25 and projects. And two is that lessens the incentive

1 of any one director thinking that they will promote
2 the priorities of their bureau over the others because
3 it's going to rotate. Right? And so the idea is that
4 also creates an incentive for the directors to pay
5 attention to all the bureaus in the region. So, you
6 know, that in some ways was a large -- was an input
7 from our senior management, and these are career
8 people who have to work with each other for years.
9 And so I think that's a great idea. And I think that
10 will -- there's probably a good chance that that will
11 be the direction that it goes.

12 And I want to reiterate because we get this
13 question too and I appreciate that, you know, it's
14 hard when you've gotten to know a regional director
15 that we have and then they get moved to another
16 region, but we have a couple of things, you know, sort
17 of responsibilities we have to juggle. One is we're
18 just understaffed at senior management level. That's
19 just a fact of life. Right? And so we have to
20 periodically almost in crisis mode we have to move
21 senior managers to places where they're desperately
22 needed. And maybe they've done a good job where they
23 are and that means then we can move them from that
24 position to another region. Right? So, sometimes
25 that happens and it's sort of an unfortunate reality

1 and until we get to the place where we have a
2 sufficient cadre of our senior management to fill all
3 those slots permanently, then we're going to -- we
4 unfortunately are going to be in that position of
5 having to do that. Having said that, the way that our
6 senior management, which is the same as the senior
7 career management across the department and really
8 across the federal government is intended to be is to
9 be a management expert, not a subject matter expert.
10 And so sometimes that gets misunderstood as well. So,
11 a regional director theoretically doesn't have to know
12 everything about what happens in that region, he just
13 has to know how to provide leadership to his staff for
14 that region so that the responsibilities that they
15 have get done, functions get performed, decisions
16 made, et cetera, projects improve, permits granted, et
17 cetera. He just has to make sure that happens. And
18 so there is intended -- and this was in the beginning
19 of what they call the SES, the senior executive
20 service, that's our top level career management, the
21 creation of that core was with this in mind, that they
22 would be management experts, not subject matter
23 experts and that they could essentially go into an
24 area that needed more management attention, get things
25 operating correctly and then if needed they could be

1 moved to another area, another place around the
2 country, et cetera. That was the idea with the
3 creation of this management core. And so that's the
4 intent of that group and that's -- you know, as a
5 matter of reality that's also how we kind of have to
6 operate.

7 I think I addressed everything you said.

8 MS. PARTON: I've just got one more comment. I
9 don't know how it affects the budgets and stuff like
10 that, but, you know, right now I think there's 24
11 tribes under our region and then you're combining it
12 with another region and stuff, so a lot of our tribes
13 are smaller tribes and we're going to be in with the
14 larger tribes which has it's good and -- pros and
15 cons. It's just a lot of those, and it's not an
16 excuse or anything but it's just how it is, you know,
17 we're smaller, we don't have as much policy people,
18 people working on budgets and stuff like that to speak
19 up for our needs for our tribes. So, that needs to be
20 taken into consideration too.

21 Thank you.

22 MR. TAHSUDA: Thank you.

23 MS. RHOADS: Thank you for being here today to
24 hear our concerns. I'm Kay Rhoads. I'm the principal
25 chief of the Sac and Fox Nation. And I was just

1 reviewing all of your documents and listening to your
2 comments and it created a few more questions for me.

3 First off, you know, you were saying that
4 this is going to create efficiency but when I look at
5 this map as you have up here and we look at the
6 location of the tribes throughout the nations, most of
7 the tribes thanks to the government are west of the
8 Mississippi and you've got all these territories east
9 of the Mississippi, especially the South Atlantic
10 Gulf, and so you're going to set up a DOI office down
11 there. How many tribes are you going to represent?
12 And then we start looking at Oklahoma, our region in
13 particular, and the number of tribes that are going to
14 be there in that particular region, it's going to put
15 more burden on that agency to work with the tribes and
16 just as President Parton just said, you've got a lot
17 of small tribes that don't have those political powers
18 that some of the larger tribes do and I don't know how
19 all of those things are going to be addressed.

20 Anadarko as it is right now doesn't even address our
21 issues, so I don't know how adding more tribes to our
22 region is going to eliminate that problem.

23 The other thing that was said was that they
24 respect the tribal sovereignty. If they're respecting
25 tribal sovereignty don't they realize that these

1 tribes have developed partnerships and relationships
2 with each other in those particular regions and
3 there's a lot of comradery there, there's a lot of
4 traditions that now you're separating them into
5 different regions. I don't know how that respects
6 sovereignty in that regard.

7 The other thing, your three primary
8 functions, where do Native Americans fit in under
9 recreation, conservation and permitting? I assume
10 that we fall under recreation so they can come and
11 watch us dance during our powwows.

12 All right. The other question I have is --

13 UNKNOWN SPEAKER: Casinos.

14 MS. RHOADS: Yeah, casinos, that's right.

15 And then you said that you're concerned
16 about working with these different agencies. You
17 know, under DOI, yes, you have a lot of different
18 departments within that, but in the federal government
19 you have a lot of different divisions as well and all
20 of those DOI offices cross over into those other
21 agencies too. So are other agencies reorganizing?
22 And how is this reorganization in these particular
23 regions going to affect those other departments? Is
24 it going to create more problems for everybody? DOI
25 and Department of Justice, for example, I mean, they

1 have different policies there. And does it make sense
2 for us to look at watersheds as setting up regions in
3 order to deal with people? I don't know. I just
4 don't see the emphasis on tribes and yet we're the
5 only ones of all of these priorities that you're
6 talking about, we're the only ones that have a voice,
7 as native people we're the only ones that have a
8 voice. We're the ones that are protected by those
9 treaties that you have a trust responsibility to and
10 yet the priority is more on let's break up these
11 regions based upon water and rocks and the grass and
12 stuff. I don't know where he's getting opinions from
13 them. I guess they speak to him somehow.

14 If you're dividing these regions up how is
15 that going to actually make a difference? Why can't
16 those departments communicate with each other right
17 now, what's the problem there? I mean, just because
18 you're going to change it into a different watershed.
19 It sounds to me like the problem is communications
20 back there and setting up different boundaries isn't
21 going to improve communications with those regions,
22 it's just going to create even more.

23 The issues about the directors, the regional
24 directors, I think we all have the same concern there.
25 I'm not going to beat that dead horse anymore because

1 you've heard the comments regarding that. But under
2 the administration that is in place now, and I think
3 President Parton asked that question about how long is
4 this going to take to put into place. So, we're going
5 to dismantle a system that's in place right now, we've
6 got an administration that has, what, another year or
7 two left and what happens after that? Do we go back
8 to the drawing table again after we've disrupted
9 everybody and create a new plan? And where is the
10 money going to go in that regard? Again, like I said,
11 you've get the Southern Atlantic Gulf Region and
12 whenever we start looking at monies that are going to
13 be set up over there, how much money is going to be
14 allocated to that region whenever you've got the
15 majority of tribes out west of the Mississippi?

16 And the experts, I understand management
17 experts, I totally agree with what you're saying in
18 that regard, that we do need people that manage, but
19 on subject matters in particular, if you change those
20 directors from every two years it's going to put --
21 it's Washington D.C. They have their priorities.
22 They're going to push their political agenda and very
23 few times is Native American issues going to rise to
24 the top. That's why we're in court half the time on
25 different issues. So, switching those directors

1 around to get communication across the departments in
2 there, you know, I mean, it's a good concept but it's
3 not practical because, again, it's political
4 appointees and they're going to push their political
5 agenda. And you can shake your head as much as you
6 want, but we know.

7 MR. TAHSUDA: No, I do agree, but they're not
8 intended -- they're intended to be career management
9 staff.

10 MS. RHOADS: Excuse me?

11 MR. TAHSUDA: They're intended to be career
12 management staff.

13 MS. RHOADS: But they're going to report to those
14 political powers.

15 MR. TAHSUDA: They all do already.

16 MS. RHOADS: Yeah. And that is exactly what the
17 problem is is that, you know, our priorities as native
18 people aren't going to be addressed. Plus the fact
19 that, you know, again, if somebody is from a different
20 department, you know, they're still going to push
21 their own agendas, their own budgets. I mean, anybody
22 in here that's in politics right now knows that, they
23 do the same kind of thing.

24 So the Sac and Fox Nation, we've sent
25 letters to you, we stand opposed to this.

1 MR. TAHSUDA: So, if I could real quick address.
2 So, we're not moving tribes. We're not moving our
3 agency offices, et cetera. So, all -- in the regions
4 all the services, all the staff, everything stays
5 there. There's no intent to move people around, you
6 know, there's no intent to move offices around. So,
7 you're talking about like in Louisiana the tribes and
8 their agencies there stay there and they keep
9 interacting with them, they keep getting services from
10 them. It will be in an effort or in the effort to
11 keep the budgets harmless basically we'll have to go
12 through, as I said in the beginning, consultation,
13 we'll talk with you, we'll figure out, there will be a
14 lot of accounting I imagine we'll have to do with our
15 budget to make sure that in working in these new
16 unified regions it doesn't impact the way that our
17 current region works, the way that the tribal shares
18 work in that region, et cetera. So, there is not
19 intended to be any impact with that and that also
20 shouldn't affect how -- so that shouldn't affect the
21 tribes getting services regardless of whether in the
22 same region or for purposes of these functions they
23 get moved into a new region. Again, the functions are
24 processes, they're functions that each bureau
25 performs. We perform them, BLM performs them, et

1 cetera. And recreation is one that I know we don't
2 think about it in Indian Country a lot, but it's a
3 really important role that the other bureaus play and
4 one that we're often left out of when a decision is
5 made, when there's opportunities there and the
6 Secretary basically just wanted to say you should be
7 part of that too, you should have both the input and
8 the opportunity as they become available in your
9 region. So, that's where recreation comes from. And
10 it's not intended to be disrespectful to anybody, it's
11 really intended to be an opportunity. So, for us on a
12 day to day basis the other two functions are things
13 that we deal with everyday. Conservation, permitting
14 are sort of the two particularly land based things
15 that we do that we have to interact with the other
16 bureaus and if it's not a primary decision for our
17 bureau then our input comes much further down the line
18 usually. You would like to think that, yeah, we could
19 just say we're just going to communicate better bureau
20 to bureau and that would happen. The problem is that
21 the structures of the bureaus right now are in these
22 silos and, you know, there are some personal
23 relationships between the bureaus in a region
24 sometimes that they communicate well, but again, it
25 shouldn't be dependent upon a person, it should be

1 part of their job. Right now their job is to report
2 straight up the chain and so to break that down that's
3 what the intent of this is.

4 Let me put it kind of bluntly. Right? Each
5 of the bureaus have, as I said, their missions, they
6 have their organizational goals and their employees
7 have assessments and standards and things that they
8 get judged by and ultimately they get pay raises and
9 stuff based upon those. Right now that doesn't
10 include having a great relationship with the BIA if
11 you're in BLM, you just do that because maybe you want
12 to. Right? This is intended to make that part of
13 their job, right, so that this interior regional
14 director will require the bureaus to interact with
15 each other and be part of their assessments and
16 standards as employees. That's how you actually get
17 this to happen. Right?

18 So, again, you know, there's several
19 concepts, ways you could go. You could have this
20 interior regional director be a political, but the
21 strong suggestion of our career staff was that, no,
22 make it one of us and that's where this rotating idea
23 comes from. It's not to rotate our bureau director
24 out of his job, he's still going to do his job in that
25 region, right, but he's going to have this

1 responsibility to enforce the inter bureau
2 coordination and communication. Right? And he's
3 going do it and again by rotating it we get out of the
4 notion that one bureau guy is going to put his ahead
5 of everybody else because if he does that, guess what
6 happens to him two years later? Right? So there's,
7 you know, sort of an incentive going both ways to make
8 it work. That's the idea behind that.

9 I don't know, I think you covered more than
10 that but I tried to cover it. Thank you.

11 Sir?

12 MR. PRATT: Bruce Pratt from the Pawnee Nation.
13 First of all, when I get up and publicly speak for the
14 federal government I'll start off by saying that I
15 want to remind you of your treaty and trust
16 responsibility because all of us here in this room, we
17 uphold that, we honor that, we look at that and so
18 just want to start by saying that.

19 You know, you keep talking about these
20 silos, you know, and you are the ones that created
21 these silos. You're talking about a level up here and
22 we're down here, you know, we're down here but you're
23 talking about up here and, you know, the
24 communication, lack of communication, the lack of
25 working together, you know, that's on you all. I

1 mean, you all should fix that on yourself. It should
2 already be fixed. And you're coming here and you're
3 telling us, you know, that redrawing these lines on
4 had map is going to fix that? You know, as a tribal
5 leader, and all of us here as a tribal people and
6 things, you know, we are always given opportunities
7 and, you know, the business plans come and we look at
8 things, we look at things. And so we study it, we
9 look at it and we say, well, is that good for us or
10 not good for us. You know, what you have brought to
11 us is a huge lack of information. I'll be -- I'm
12 sitting here and I attended the meeting up there at
13 NCAI in Kansas City and I still don't understand how
14 switching these things around is going to fix the BIA.
15 You know, our problem with the BIA is this, is the
16 slowness of everything, the slowness of getting
17 anything done. Is moving lines on a map going to
18 improve this? I don't see how. I mean, we as Indian
19 people are constantly told no or wait or maybe and,
20 you know, there's a tremendous amount of frustration
21 with the BIA and the lack of services and things. You
22 know, if the federal government really wants to do its
23 trust responsibility, uphold the treaty
24 responsibility, put your money where your mouth is and
25 give us more funding and fund the things that we every

1 year bring before TIBC, the committee brings to
2 Congress these priorities that we had and then our
3 president and the administration, they just put it
4 aside and say no, this is what we're going to do. And
5 so, you know, there's a real hesitancy, you know. I
6 speak on behalf of the Pawnee Nation. We haven't
7 officially sent in anything, we were here to listen
8 and these things and so we haven't said yea or nay on
9 any of this.

10 You know, the one thing that concerns me,
11 Mr. Tahsuda, is this, is that the Secretary Zinke and
12 President Trump, they have talked from the very
13 beginning about privatization and when they speak of
14 privatization they're talking about our Indian lands.
15 Yes, they are. I mean, you can shake your head and
16 all of that, but --

17 MR. TAHSUDA: I want to interrupt you real quick.
18 What the Secretary has been talking about is turning
19 more decision making over to you and what's the best
20 way to do that. If you're uncomfortable with how long
21 it takes for decisions to be made on trust land, is
22 there a different way to do it so that you don't have
23 to wait around for those or can you just make all
24 those decisions yourself without the federal
25 government being involved? That's what he's talking

1 about.

2 MR. PRATT: All right. Well, that's not what
3 we're hearing. That's not what we're hearing. You
4 know, and I'm not here to go back and forth with you
5 on the policy, I'm just telling -- sharing with you
6 our concerns and where is this going to lead
7 ultimately. Is it going to lead toward the benefit of
8 tribal nations or is it going to lead to the benefit
9 of opening up our lands? And because we are under the
10 DOI and -- I don't know, it's just an
11 uncomfortableness in listening to this. If this
12 business plan come to our tribe like we've got it
13 right here, man, we'd just say there's no details,
14 there's no details in here. Looking at a map and, you
15 know, we're going to do this, we're going to do that
16 without any details. How are you specifically going
17 to do that? What people that's involved? How much
18 money is involved? What are the details of this plan?
19 You say that you're trying to get buy in from the
20 states and from the counties and from all these other
21 things. You know, first of all, you've got buy in
22 from the tribes and if the tribes say no then it
23 stops, there is no buy in from anybody. And so the
24 first buy in has to be with us. And if we say no --
25 and let me hear you again, you said if we don't want

1 it you won't implement it. Is that true? Is that
2 true?

3 MR. TAHSUDA: Yeah.

4 MR. PRATT: Okay. If we don't want it --

5 MR. TAHSUDA: I'm not saying it, the Secretary is
6 saying that.

7 MR. PRATT: Okay. If we don't want it you won't
8 implement it?

9 MR. TAHSUDA: You have to understand though --
10 okay, I'm sorry, I know I keep interrupting you.

11 MR. PRATT: Because I'm hearing you talk about
12 this buy in and what I'm also hearing you is you're
13 speaking like it's already going to be done.

14 MR. TAHSUDA: So let me be clear on this. Right?

15 MR. PRATT: Okay.

16 MR. TAHSUDA: The tribes have the opportunity to
17 say we don't want our BIA region to be part of this.
18 All right? Nobody else gets that. Every other bureau
19 is going to be operating on unified regions, every
20 other bureau in the department. Only the BIA and the
21 BIE because the BIE is different, we don't actually
22 have geographic regions, we are separated out by
23 schools, right, types was schools. But nobody else,
24 the governor, nobody else gets a veto on that, only
25 the tribal leaders get a veto on that. But you have

1 to understand then at the end of that, and this is
2 what I was saying at the beginning, we're going to
3 have a followup conversation regardless of what your
4 decision is. Right? Because at the end of the day if
5 the decision is no, right, then we're going to have to
6 figure out and make sure that our BIA regions and
7 their regional leadership is still able to operate
8 effectively when they're on the outside of this new
9 unified leadership structure. Know what I'm saying?
10 That's happening. Right?

11 MR. PRATT: Okay, all right.

12 MR. TAHSUDA: And as I said, governors, nobody
13 else got -- they didn't get a veto on any of this,
14 they're being told it's happening. You get to have a
15 say as it affects the BIA. The only consequence of
16 that is that we'll then have to figure out, right, how
17 we can continue to have the BIA, well, these guys are
18 going to start operating in a better coordinated
19 fashion, how we're going to try to keep basically from
20 the position that we're in now, separated out in silos
21 from the other groups, and try to make sure that we
22 have an effective level of communication and
23 coordination with these new unified regions. I mean,
24 that's the fact.

25 MR. PRATT: So the big picture, the big plan is

1 it's already going to get done?

2 MR. TAHSUDA: Right, right.

3 MR. PRATT: Okay. And so you're asking us if we
4 want to be a part of that?

5 MR. TAHSUDA: Right. That's your choice.

6 MR. PRATT: And we're saying, well, what's our
7 benefit. I mean, really, what's the benefit to us? I
8 mean --

9 MR. TAHSUDA: So the benefit, you know, maybe
10 this will help a little bit let me say. So, I've
11 talked to our regional directors and stuff and I've
12 tried to kind of suss out so what does this mean on a
13 day to day basis, right, for you, for not just in the
14 region but your agency offices, et cetera. How much
15 interaction do you have on these big decisions that
16 you have to interact with the other bureaus. And sort
17 of the average response I've gotten is maybe
18 ten percent. Right? So, at the end of the day I
19 said, you know, we're not changing what happens in the
20 agency offices, we're not moving staff, you know, Jim
21 is not going to lose his job or have to move to
22 Wyoming or anything. They're going to be there.
23 Right? Ninety percent of what they do will stay
24 exactly the same. The other part in which they
25 already have to have input into these decisions

1 because they affect multiple bureaus, regardless of
2 which is the lead agency, you know, multiple bureaus
3 are involved in that, this is intended to -- and going
4 back, I keep harping on these three functions. Right?
5 Those are the three areas identified that for these
6 multi bureau decisions, those are the three areas that
7 we have the greatest level of crossover if you want to
8 call it that or call it functions. Right? It's a
9 process each of us go through. Those three,
10 permitting, conservation and the recreation are the
11 three that we have the most inter bureau interaction
12 necessarily to get to a final decision. So where it
13 becomes good for the tribes I think is, one, our folks
14 will be involved in the discussion from the ground
15 zero. Right? So, in this decision that will
16 necessarily impact the tribes in that region, right,
17 that's why they have to have this discussion, right,
18 they will have input, or the flip side, if it's a
19 tribal decision but it does impact the other bureaus
20 in the region, then they get the input from them from
21 day one, right, so that everybody is working on this
22 decision from day one. That way the decision is
23 better and it happens faster. Because what happens
24 right now, and I could only tell you how the
25 government operates now, I have no -- you know, a lot

1 of organizational theorists can tell you why
2 government agencies are in silos and this and that but
3 it's a fact that they are. Right? So what happens
4 now in each silo each bureau, and some of the bureaus
5 don't even know that a decision is being worked on in
6 one of the other bureaus until it's half baked, right,
7 and then all of a sudden they're like, oh, my God, so
8 like we're a year behind in working on this because
9 nobody told us. Right? So instead of that being the
10 case they will be told, hey, this decision is
11 percolating in BIA, right, so if you guys want input
12 into it you better start working with them now,
13 otherwise a year from now when you say wait, wait,
14 wait, we never got to say anything, you're going to be
15 told too bad, you're done, you had your chance.
16 Right? So, that's why, you know, this is I think good
17 for Indian Country because these decisions, and again
18 they're big decisions, right, usually they're a permit
19 for something that affects the whole community, Indian
20 and non Indian, et cetera. Right? The tribes will
21 have their input through our guys in that decision
22 making process.

23 UNKNOWN SPEAKER: And why can't that happen now?

24 MR. TAHSUDA: What's that?

25 UNKNOWN SPEAKER: Why can't that happen now?

1 MR. TAHSUDA: If you had an answer to that you
2 could solve a lot of the government's problems I
3 think. It's just -- and it's not just the government.
4 If you think about if any of you have ever worked for
5 a large corporation, that's always the biggest
6 complaint in large organizations, over time people get
7 siloed in and decisions aren't, you know, spread
8 across and that's why there's these management
9 theories about flattening out, you know, management
10 structure, et cetera. I mean, so, this is an attempt
11 to address that. It's not an attempt to affect
12 budgets or anything like that, it's an attempt to get
13 this decision making coordinated at the very ground
14 level as it works its way up through. And again, you
15 talk about delays, et cetera, that's a very common
16 part of our delays particularly on land issues, issues
17 that affect land. Right? At some point one of the
18 other bureaus finds out and they put the brakes on,
19 wait, you know, wait, and right now we have to wait,
20 wait till they get their input and if they disagree
21 with us it doesn't stay in the region, it goes to DC
22 and then it comes to me, right, or the Assistant
23 Secretary and they go to their Assistant Secretary and
24 we have to have a discussion. Ninety percent of the
25 time on that ten percent of the actions that happen

1 they can be resolved in the region. Right? If you
2 just had somebody kind of cracking the knuckles to
3 make sure they were working together from day one they
4 would be resolved, they would never come to DC.
5 That's the concept, to keep the decision making pushed
6 down to the lowest level.

7 MR. PRATT: I agree with Kay. Why don't you do
8 it now? It's a simple question.

9 MR. TAHSUDA: Well, that's part of what I was
10 trying to describe. So, there's not the incentive
11 there now, right, because their assessments and
12 standards, their job doesn't depend on it now. Right?
13 Part of this effort, it's both to encourage people but
14 also to kind of say no, there is an enforcement
15 mechanism here. If you don't do that then you're
16 going to get a bad assessment. Right? And at the end
17 of day that's what this regional director is to do is
18 to force from the top of the region down, if they're
19 not doing it then he tells them there's going to be a
20 consequence for you.

21 MR. PRATT: You know, the only thing -- not the
22 only thing, but the big thing about all of this is the
23 other people, the recreation and, you know, all of
24 that, but, you know, what we're talking about is our
25 people, is our families and our home places and our

1 sacred sites and, you know, all these things that we
2 hold dear. And what I'm trying to wrap myself around
3 and, you know, my council folks that are here is how
4 do we go back and explain this to our people. Well,
5 you know, we went to a meeting, the BIA wants to do
6 this and, you know, they've got these silos, they
7 can't communicate with each other but fixing that, you
8 know, is going to solve everything and they're going
9 to start communicating, everything is going to
10 streamline.

11 MR. TAHSUDA: I didn't say it would solve
12 everything.

13 MR. PRATT: Everything is going to streamline and
14 everything is going to be better.

15 MR. TAHSUDA: I think at the end of the day if
16 you think that the system is not working properly we
17 have a responsibility to try to --

18 MR. PRATT: Then what are we going to do?

19 MR. TAHSUDA: What do you mean?

20 MR. PRATT: You know, if this doesn't work then
21 what are we going to do? If we change this -- and,
22 you know, what I hear, I don't know about the rest of
23 you but this is what I'm hearing, hey, we're going to
24 do this anyway whether you buy into it or not and
25 then, you know, we're going to be on the outside

1 looking in and the slowness of the BIA is going to be
2 your fault, tribes, because you didn't do it. I just
3 don't get it. The federal government has a treaty and
4 trust responsibility to do anyway.

5 MR. TAHSUDA: So let me ask you this though. I
6 appreciate this, I actually enjoy having this
7 discussion with you believe it or not. So, if we told
8 you we're going to do it you'd be mad. Right?

9 MR. PRATT: Well, you just told us you're going
10 to do it.

11 MR. TAHSUDA: No, I -- the other bureaus. Right?
12 The BIA is going there regardless of whether you want
13 it to or not you'd be angry. Right? I'm telling you
14 that it's your decision and now you're telling me you
15 don't like that either. Am I supposed to give you the
16 decision or not?

17 MR. PRATT: No, no. So what I'm saying is how do
18 I explain this to my people, our people? You know, I
19 don't know. I don't know. I'll say this, I want BIA
20 to be more efficient. I want us to when we put a land
21 and would look to get it into trust to let it happen.
22 And like it was said, you know, some tribes have the
23 money and resources and the lobbyists to go and get it
24 done and they get it done really, really soon and then
25 all of us smaller tribes we're waiting years and

1 decades. And, you know, we have economic development
2 that we want to do but we can't because we're never
3 given the okay. And this administration right now has
4 put a stomp down, stomp everything on all of that and
5 none of it's getting freed up, you know. And so, you
6 know, we look at those things and I look at those
7 things and say, you know, I don't know if -- I'll just
8 say it, tribal leader, Pawnee Nation, Bruce Pratt, I
9 don't trust this administration. And, you know, I
10 know you work for them and him and all of that and you
11 have your responsibility, but so do we because at the
12 end of the day when this administration is over we're
13 still here and we still have the same BIA and the same
14 things that we're going to have to deal with. I hope
15 that irregardless of whether you get the unanimous
16 voice of the tribes or unanimous no, yes or whatever,
17 I hope that you all will be better, do better for us
18 because that's your responsibility, that's what you're
19 supposed to do. And however this plays out, you know,
20 and things, I hope it works, I hope it works for us
21 because --

22 MR. TAHSUDA: I hope it works for me because I'm
23 one of you.

24 MR. PRATT: I know you are and we're not here to
25 bash you because, man, I know you've been bashed ever

1 since you've come on and I feel bad for you on that
2 part. But then --

3 MR. TAHSUDA: Don't do that, I asked for it.

4 MR. PRATT: But on your federal side, your job
5 side, come on now. So, anyway, we'll see, I know,
6 we'll see.

7 MR. TAHSUDA: So I appreciate everything you
8 said. And again, you know, this is not -- this is not
9 intended to, you know, reorganize the BIA. I think
10 that's on us and, you know, we have some ideas, we're
11 a trying to do some things that could hopefully
12 improve how the bureau works, get faster decision
13 making, get more authority to Jim and the guys in the
14 regions to do things like categorical exclusions on
15 NEPA. Right? I'm big on that. I think, you know, if
16 a tribe buys farmland and they want to keep farming on
17 it, why do we have to do NEPA on it. Right? Or they
18 bought a gas station and they're going to keep selling
19 gas there, why do we have to do NEPA on it? I mean,
20 so there's things that we are working on and I know
21 some of those are kind of nibbling around the edges
22 but that's kind of on us. But for the department at
23 large and again, you know, the interactions we have
24 the other bureaus, that's what this is intended to
25 have a positive impact on and, you know, I think it

1 will honestly. So, I'm in the department now and I
2 see the interactions. And let me say this. So, I
3 have a great relationship with all the people at my
4 level, the Assistant Secretaries in the different, you
5 know, bureaus and departments, I mean, across the
6 department and they're really great. When the tribe
7 comes and says I'm having to hang out with the BLM guy
8 in my region, I talk to, you know, the assistant
9 secretary or deputy Assistant Secretary over the top
10 of them and they get on it and get it resolved.

11 Right? But it shouldn't depend on that, it shouldn't
12 depend on me or anybody's personal relationships, we
13 need to have a structured process that forces that to
14 happen. So anyway, that's why I think it's a positive
15 thing.

16 MR. PRATT: Well, more power to you. I hope it
17 works.

18 MR. BURCH: If you enjoyed that discussion,
19 you're going to love mine. I'm Melvin Burch. I'm a
20 member of the Chickasaw Nation. I'm not representing
21 the Chickasaw Nation.

22 MR. TAHSUDA: Sir, I'm sorry. Have all the
23 tribal leaders had a chance to speak yet?

24 UNKNOWN SPEAKER: No.

25 MR. TAHSUDA: Okay. Can we make sure we offer

1 again? I want to make sure we get the formal comments
2 from the tribal leaders on the record first. I'm
3 sorry about that.

4 MS. THOMPSON: I'll just hold it.

5 Good morning. I'm Angela Thompson. I'm the
6 treasurer for the Pawnee Business Council, Pawnee
7 Nation. I also serve as the TIBC representative for
8 the Southern Plains Region in Oklahoma and I just have
9 some comments. As our president just spoke and we
10 haven't made a formal decision on whether to opt into
11 this, we're just getting information and I'm sure
12 we'll discuss it as a council and provide the written
13 response whether we agree to it or not.

14 My first comment is will the tribes be able
15 to review the final product? As part of meaningful
16 tribal consultation, you know, going out to the tribes
17 and getting our input but then taking it back and
18 doing the final draft, is it going to be put in the
19 Federal Register for final comments so that we can
20 ensure that our voice was heard and listened to and
21 put into the final draft? So I hope that will be a
22 part of the process.

23 You also spoke about buy ins and you talked
24 specifically about if tribes don't opt in, but what
25 I'm hearing is that there's going to be some type of

1 consequence for the tribes that do not opt in and I'm
2 interested in knowing what those consequences are and
3 how it's going to impact those tribes because I feel
4 like it's going to be by force, a forced acceptance
5 and that's a concern of mine.

6 In one of your goals of reorganization you
7 talk about reducing administrative redundancies and
8 maximize use. I'm sure all tribes will agree with
9 this, we do want the federal government to reduce
10 their administrative redundancies but without reducing
11 funding in tribes or if there's savings transfer the
12 savings to the tribes through the reduction of
13 administrative redundancies. For instance, center
14 office, to me I'm hearing that there's the silos, you
15 speak of the silos within the bureau. To me that's an
16 internal administrative issue and I feel that you all
17 are addressing it and the tribes are bearing the brunt
18 of that internal silos, which is an administrative and
19 a federal government responsibility and it should
20 not -- the tribes should not bear that burden.

21 Another issue I have, it talks about
22 improving communication and coordination across
23 agencies. Well, I serve as the TIBC representative
24 and, Mr. Tahsuda, we came there in March to present
25 our priorities from the 24 tribes that I represent.

1 You were -- hardly any of your staff was there. We
2 worked hard on those surveys and hard on those
3 presentations and we were never able to, you know,
4 deliver those to you as a part of that structure or
5 that process in developing our priorities going
6 forward. So I have a hesitancy on this consultation
7 when we can't even meet and agree to sit down with the
8 Assistant Secretary of Indian Affairs to discuss those
9 federal priorities and then when we do submit that
10 information to you it comes back to us in program
11 eliminations and cuts of those ten priorities in the
12 national roll up that you are supposed to work with us
13 in moving that forward, in moving the agenda forward.
14 You know, because those are all tribal representatives
15 from the 14 regions that go to that meeting, spend
16 money to go to DC and I get to talk to you here in
17 Oklahoma City, I just had to drive a little ways.

18 In looking at your three primary functions,
19 I have a question mark by that. Is that a federal or
20 tribal primary functions? Because as a tribal leader
21 I see it as a federal. Those are all federal
22 priorities. I know a lot of the other tribal leaders
23 have questioned, you know, where's the treaties and
24 trust responsibility in those three and I can only see
25 it under permitting, you know, because that's access

1 to our tribal lands for oil, for gas or whatever is
2 involved in this privatization initiative, if you
3 will, by the administration. You know, we have real
4 estate services, our impacted Indian child welfare law
5 enforcement, social services, tribal court, job
6 partnership training, agent tribal government
7 programs, higher ed, adult vocational training and
8 enrollment, these are all people services. That's our
9 business to take care of our people and we need to be
10 in coordination with that. We need to have the same
11 goals and priorities in supporting tribal sovereignty.
12 Those types of things to support tribal sovereignty in
13 a tribal leader's eyes is taking care of our people,
14 not these other, recreation. I was at a TIBC meeting
15 and Cason likened an example of recreation, he was
16 talking about recreation, that they have bathrooms in
17 some of the national park service that don't even
18 work. Well, we have families, we have people that
19 don't have running water, don't even have a bathroom.
20 So that's where we're coming from.

21 The other concern I have is reporting
22 directly to the deputy Secretary. I don't have enough
23 information in here or detailed information to -- even
24 from your examples, I have a little bit more
25 information and insight on how that would work, but I

1 need to see more details to even provide any input to
2 say I would agree to that and to see if it would
3 maximize the fiduciary and trust responsibilities that
4 of the federal government. If it would then I might
5 be a proponent of it, but without the detail I can't
6 even go back to my council and say yea or nay on that
7 piece. So I'd like more information on how that would
8 work, the details, the plan.

9 I guess that's all the comments I have. But
10 as an individual tribal member of the Pawnee Nation I
11 can't support this. Thank you.

12 MR. MOSELY: Good afternoon, Mr. Tahsuda. My
13 name is Palmer Mosely. I'm the undersecretary for
14 self governance for the Chickasaw Nation. And first
15 of all I just want to say thank you for coming today.
16 You're in a very tough position and I appreciate that
17 very much. I also want to say thank you to Lonnie
18 Emhoolah if he's still here. I used to have an office
19 beside Lonnie for about seven years and he is a great
20 public servant to the Indian people.

21 I just have more procedural process
22 questions than I do anything else. I'm looking at
23 this map of Region 7 which we're located in here in
24 Oklahoma. This is the Number 2 map. The first map
25 from my understanding was rejected by the western

1 governors. Is that correct? Or they had strong
2 opposition to that first map that was issued by the
3 BIA or Department of Interior?

4 MR. TAHSUDA: I don't -- I'm not entirely sure.
5 I wasn't part of those. I kind of heard secondhand.
6 I think -- but I think this reflects input from the
7 governors. I wouldn't say western governors, I would
8 just say the governors because I think the map they
9 were originally looking at was one of the early ones
10 much more focused on waterways, you know, in
11 particular, wildlife quarters, but waterways really
12 because, you know, water is life, right, and a lot of
13 the west is, you know, developed around water. Right?
14 Well, I guess the country itself, but in the west it's
15 particularly acute and so that was one of the really
16 sort of big conceptions early on in the maps, but
17 yeah, no, they weighed in and there is -- it wasn't
18 just the governors. So, some of the other bureaus
19 like Bureau of Rec, BLM, they interact really heavily
20 with the governors because they're very involved in
21 the infrastructure of western states. So, you know,
22 they also kind of weighed in and it was kind of a
23 joint I think discussion from the bureau -- well,
24 internal and external, right, from the bureaus as well
25 as from the western states.

1 MR. MOSELY: So this map that we're seeing today,
2 that particular map is what the Western Governors
3 Association has basically agreed to or they're in
4 support of that from my understanding because I have
5 read their letter about the first map and they were
6 not very happy about that. So then the Department of
7 the Interior then changed to this second map.

8 MR. TAHSUDA: I wouldn't call this the second,
9 this is like the tenth iteration. But --

10 MR. MOSELY: Well, this is the second map that
11 we've seen publically.

12 MR. TAHSUDA: Right.

13 MR. MOSELY: I've never seen any -- I've only
14 seen two maps and this is Number 2.

15 MR. TAHSUDA: I think you're correct.

16 MR. MOSELY: Okay.

17 MR. TAHSUDA: We've only had two up on the
18 website.

19 MR. MOSELY: My question is again more procedural
20 and process related. Region 7, which is what we're
21 located in today, it consists of Southern Plains in
22 Anadarko and Eastern Oklahoma in Muskogee. The
23 Chickasaw Nation is located in the Eastern Oklahoma
24 Region. We deal directly with the BIA superintendent
25 there in Ada. We then deal directly with the BIA

1 regional director in Muskogee. If this is fully
2 implemented, which we all know it's going to be, say
3 for example the Chickasaw Nation opts in versus opting
4 out, and again, I'm not going to make a statement
5 about that today, I'll reserve that for our written
6 comments later, but say, for example, we opt into
7 this. What's going to happen -- and again, we all
8 know that no services are going to change, no offices
9 will be removed, we will still have a BIA
10 superintendent. What's going to happen to the BIA
11 regional office in Muskogee if this is fully
12 implemented and say we opt in today? Will the BIA
13 regional director, will we still have two BIA regional
14 directors, one in Anadarko and one in Muskogee?

15 MR. TAHSUDA: So, I would say if this was
16 implemented tomorrow we would have two regional
17 directors because, you know, we would have -- like I
18 said, this would be the conversation we would have as
19 a second step, so what will work for you, what will
20 work for us. Right? What would be the best to come
21 out of that? And I think that's a discussion to be
22 had, how can we -- you know, do we have to call them
23 regional directors, are they -- you know, I mean
24 different regions of the country have things that are
25 bigger or lesser priorities for them. Right? And so

1 for Eddie, you know, self governance is a really big
2 deal for him. Right? Not so much for the regional
3 director in Great Plains. They're not really big on
4 self governance up there. So, you know, these will be
5 region by region discussions really that we will have
6 to hopefully identify with the tribes in that region,
7 you know, how this could work for them, is there
8 restructuring. You know, I think that there is an
9 interest by the Great Plains folks in having a further
10 discussion I think and part of that is around they
11 have specific ideas about changing their region
12 including moving their regional office and they
13 actually I think, I mean, I shouldn't -- I get the
14 impression from them that they actually would like to
15 wrap it up as part of this second discussion we have.
16 So, it's intended to be very flexible going forward
17 and trying to -- and really a lot of this is left up
18 to you, to the tribes to figure this out. The one
19 thing I would say is I have a hard time
20 conceptualizing how we can do it tribe by tribe. I
21 think it's got to be region by region. I don't think
22 we can have one tribe or even, you know, half the
23 tribes in a region, I think it's got to be a consensus
24 of all the tribes in the region, you know, to do this
25 or not.

1 MR. MOSELY: I can tell you probably what the
2 answer is going to be for the Five Civilized Tribes.
3 It's going to -- we want to keep the eastern Oklahoma
4 regional office as is today.

5 MR. TAHSUDA: Well, and that's understandable.
6 So, Navaho has its own region, right, all by
7 themselves. Do you think they want to give up their
8 regional director and their own region?

9 MR. MOSELY: I've already read President Begaye's
10 remarks. No.

11 MR. TAHSUDA: So, you know we'll have to have a
12 discussion. Now, President Begaye is interested
13 though in how he can get better interaction with all
14 the other bureaus he has to interact with. So with
15 EPA he has to interact with three regions. All right?
16 BLM he interacts with two regions.

17 MR. MOSELY: Well, as you know, every Indian
18 tribe is different. Everyone has different
19 priorities, has different issues.

20 MR. TAHSUDA: Right.

21 MR. MOSELY: The second question I have about
22 procedures and process, as I understand it -- and I
23 spent a great deal of time looking at what the BIA has
24 on their website about the reorganization, and I've
25 had a tough time explaining to Governor Anoatubby

1 exactly how this is going to work and I admitted to
2 him that I simply don't know at this time. Region 7
3 on the map will have an interior regional director, an
4 IRD. And then underneath that IRD -- oh, I'm sorry,
5 the IRD will report directly to Deputy Secretary
6 Bernhardt. Correct?

7 MR. TAHSUDA: Yes.

8 MR. MOSELY: Okay. Now, Deputy Secretary
9 Bernhardt stated about four weeks ago to the
10 Albuquerque Journal, we will leave the regions for BIA
11 alone. Is that still the thought today?

12 MR. TAHSUDA: Yeah. I mean, I would say the
13 general -- so this is the seventh or eighth
14 consultation we've done. I mean, I think that the
15 general consensus has been that they don't want to
16 participate. And I think there's a lot of fear about
17 what would it mean for the regions. So, and I didn't
18 address earlier, it's been asked a couple times, you
19 know, what opt in, opt out, whatever. I mean, the
20 Secretary's intent he's expressed both to us and to
21 tribal leaders when he's met with them about this has
22 been to provide great flexibility. So I think he's
23 open. Right? If the tribes want to say I think we're
24 not really on board with this but then later they find
25 out, well, maybe there is a way that this could work

1 well, I think he's open to letting them come in or the
2 opposite. Right? If you decide you want to opt in
3 and then halfway in you decide I don't think we like
4 this, we can back it out, you know, we can try to, you
5 know, get things back to where they were. So, I think
6 it's intended to be a great deal of flexibility. You
7 know, I think underlying a lot of the comments people
8 have said is he fully understands that of all the
9 bureaus we need the greatest flexibility in trying to
10 make this work because we have the most unique
11 responsibilities. Again, we do everything all the
12 other bureaus do, right, minerals and fish and
13 wildlife and water and then we have the ultimate
14 responsibility of people and tribes. Right?

15 MR. MOSELY: I say the BIA, and I say this as a
16 former 15 year BIA employee, that we are a department
17 of human services and it's to front line employees out
18 there in the BIA, which I used to be one for 15 years,
19 how I did my job affected how they graded you and how
20 they graded the Secretary of the Interior. So I
21 simply don't want this proposal to forget about the
22 people out in the field, the people that's actually
23 making things happen in Indian Country because at the
24 end of the day those are the people that's most
25 important. They're the ones that's making and

1 breaking the BIA or Department of Interior. And like
2 I said, I can say that from experience because I did
3 it for 15 years as a law enforcement officer.

4 The second -- or actually the third question
5 is how does the Assistant Secretary of Indian Affairs
6 fit into the chain of command or the process or
7 decision line? How is she going to fit into this in
8 addition to the Interior Regional Director? How are
9 those two positions going to work? And, of course,
10 the ASIA is your boss. How are you going to play into
11 the ASIA, Interior Regional Director and then you and
12 then what these positions that we call today are the
13 BIA regional directors? Because I can tell you the
14 agency superintendent and the BIA regional director
15 are the two people that I deal with on almost a weekly
16 basis, they're the most important people. And I'd
17 just like to see how is ASIA going to fit into this,
18 how are you going to fit into this along with the IED
19 or Interior Regional Director, IRD?

20 MR. TAHSUDA: So, again, so largely our structure
21 stays the same and the regional directors are a direct
22 line of authority coming up through the bureau
23 director to us. And, again, ninety percent of what
24 our field staff -- more than ninety percent of what
25 our field staff do doesn't change and they perform

1 their jobs and their functions, it's only in these
2 larger inter bureau decisions. And that's why -- and
3 the same for the other bureaus. So, you know, like
4 for BLM it's state directors. Right? They're going
5 to stay there. They still have the same line of
6 reporting and everything. That's why this IRD is kind
7 of uniquely situated because he's more like a project
8 manager. Right? And so instead of having the day to
9 day responsibility within the bureau, he's managing
10 decisions like projects so that they get done and
11 that's why his report is to the deputy Secretary so
12 that in the case of conflict that can't be resolved by
13 him in the region, he goes directly to the deputy
14 Secretary. So --

15 MR. MOSELY: But will that go through the
16 Interior Regional Director or through the Assistant
17 Secretary?

18 MR. TAHSUDA: No, hear me out. So, he will then
19 report that directly to the Deputy Secretary. Right?
20 And conceptually there's sort of two things that would
21 be unresolvable conflicts. One is just obstinence,
22 right, in the region. And if for whatever reason he
23 can't resolve that the Deputy Secretary will take that
24 over and resolve it. Right? The other more
25 importantly would be a policy where there's sort of an

1 irreconcilable policy view between the bureaus in the
2 region. And so the Deputy Secretary -- he would then
3 elevate that to the Deputy Secretary who would then
4 bring in the Assistant Secretaries affected by that
5 policy, right, and under the -- sort of under the gaze
6 of the Deputy Secretary, you know, sort of he will
7 convene with the notion that we need quick decisions,
8 right, but then the Assistant Secretaries would
9 resolve the policy conflict that would be there. And
10 conceptually what will come out of that then, this
11 policy issue is resolved and it should not come up
12 again. Right? And so it goes back down to the
13 region, that has been resolved to the satisfaction of
14 the bureaus through their Assistant Secretaries and
15 from that day forward then that shouldn't be a
16 conflict again.

17 MR. MOSELY: So what we're accustomed to
18 currently is the Assistant Secretary of Indian Affairs
19 dealing with a lot of the policy issues that we have
20 going on. So under this new reorg, this proposal, the
21 Interior Regional Director will take care of most of
22 that, those policy issues, those --

23 MR. TAHSUDA: No, he's not a policy person,
24 understand.

25 MR. MOSELY: So say, for example, it's a policy

1 issue, it goes directly to the Assistant Secretary,
2 correct, from a regional director?

3 MR. TAHSUDA: So if it's not one of these inter
4 bureau issues, right, it's just a policy --

5 MR. MOSELY: Let's just say strictly BIA.

6 MR. TAHSUDA: Right. So it's strictly a BIA
7 issue, our guys are not clear on what the policy is,
8 comes right up through the chain like it does now.

9 MR. MOSELY: That's where I'm getting confused is
10 the chain.

11 MR. TAHSUDA: Right.

12 MR. MOSELY: Say, for example, our regional
13 director has an issue that he or she cannot take care
14 of or they need to bump it up to DC. Are they going
15 to bump it up to the Interior Regional Director or are
16 they going to bump it up to the Assistant Secretary?

17 MR. TAHSUDA: Only if it's one of those three
18 primary functions that involve the other bureaus and
19 that's the conflict. If it's purely a BIA issue, then
20 no, he goes right up through us, you know, as it is
21 now. Hopefully we resolve the issue ourselves, right,
22 and we send it back down.

23 MR. MOSELY: Okay. I understand the concept. I
24 have one other thing is how is this going to affect
25 Bureau of Indian Education? Because we have a local

1 Oklahoma City office here and I know, I can't speak
2 for all tribes but I can speak for the Five Civilized
3 Tribes to some degree because they've already passed a
4 resolution in intertribal saying they do not want to
5 lose that Oklahoma City office because we need that
6 local contact. It's just like the agency
7 superintendent or the regional office. We need those
8 local contacts to have a good government to government
9 relationship. And I'd just like to know how is BIE
10 going to be affected by this proposed unified regions
11 if they're going to be affected because, again, we
12 want Oklahoma City office to remain because they've
13 been wonderful to us and it's better to have a contact
14 in Oklahoma City than it is South Dakota.

15 MR. TAHSUDA: Right. So, they're not affected by
16 this geographic regional, you know, change in
17 reporting. And, I mean, they're really unique.
18 Right? The only other federal agency that does actual
19 education. Right? So, they're outside of that. And
20 you probably know, but they're organized now not
21 around regions anyways, they're organized around
22 schools, the bureau schools, tribal controlled schools
23 and then Avilla schools. So they will stay in that
24 fashion. The question that we'll have to work through
25 in the short term would be on the sort of back office

1 side, you know, because they get a lot of their
2 facilities and operational support from the BIE
3 regions. And so we just will have to make sure that
4 they're still fully supported. That will be the only
5 question for them. I don't know, I guess I haven't
6 thought that much about it, but I guess conceptually
7 if the schools geographically end up in a different
8 region then we would just have to make sure that that
9 region would be taking care of them. That would be
10 it.

11 MR. MOSELY: I understand it's complex and,
12 again, I appreciate you being here because you do have
13 a tough job and having worked very shortly in DOI in
14 Washington DC I see how things run sometimes. But as
15 a --

16 MR. TAHSUDA: Or don't run.

17 MR. MOSELY: As a manager now, I just want you to
18 remember, and I know you know this, is the front line
19 people are the most important people. And again, I
20 just don't want this to do no harm with a
21 reorganization because at the end of the day it's
22 about trust federal responsibility and treaty
23 obligations. That's how, you know, how the Indian
24 Country survives. And again, I just don't want
25 anything to be implemented -- and I'm sure that you

1 don't want this either. I'm all for making things
2 more efficient and effective. I mean, who can say no
3 to that? But again, do no harm with this if this is
4 how we go in the future. And just remember that the
5 front line people, the BIA and the BIE, they are the
6 people that make this work at the end of the day and
7 if they need more oversight or more resources or more
8 funding, let's try to give it to them because I know
9 the tribes support them. But again, thank you and
10 appreciate your time.

11 MR. TAHSUDA: Thank you.

12 The Secretary has a favorite saying, of
13 course, coming from his background, but if the front
14 line is not healthy the force is not healthy. And
15 he's firmly of the belief that we have not over the
16 past however many years supported our front line well
17 enough and so that is part of his goal through this
18 effort and through others across the department is to
19 better support our front line people. Thank you.

20 MS. DOTSEN: Hello. Deborah Dotsen, Delaware
21 Nation president.

22 I know that things look great on paper and a
23 lot of times when you implement that it doesn't do
24 what you thought was going to happen. Down in
25 Anadarko we have a unique situation because we share

1 lands with the Wichitas and the Caddos, so every time
2 we regional director comes in we have to educate them
3 as you have said before about our situation. So every
4 two years we're going to be educating them. So, how
5 can that --

6 MR. TAHSUDA: I'm sorry, let me correct that.
7 Regional director does not change under this. Right?
8 The rotating Interior Regional Director is for the
9 unified region and net communication. It would be a
10 Regional Director from the bureau in that region who
11 would take over that responsibility and it would
12 rotate every two years. They don't lose their day
13 job, they just assume this additional responsibility.

14 MS. DOTSEN: Okay. And Delaware Nation opposes
15 this.

16 MR. TAHSUDA: Thank you.

17 MS. PARTON: Terri Parton, president for the
18 Wichita and Affiliated Tribes. I just have a couple
19 of comments. One, when Bruce was up here a while ago
20 reminded me of a general council meeting, so I
21 appreciate your position being on that side and having
22 to put something before people for discussion and
23 stuff. But like I mentioned a while ago, you know,
24 opting out is a danger too because we don't get to
25 have our voices heard. And so just a suggestion, why

1 are we converting to all these other regions, why
2 can't all these other bureaus convert to our regions
3 and that would honor our sovereign nations and our
4 people? It's just a suggestion, you know, as we
5 submit comments and stuff, why do we as tribes have to
6 convert over, why can't they convert to our regions?

7 MR. TAHSUDA: Good comment.

8 So, honestly if you look at the map, our
9 regions probably change the least out of the other
10 bureaus. But it was never an intent to elevate one
11 bureau's preference on regions over another, it was an
12 intent to look at the department top to bottom and all
13 the responsibilities that the department has and try
14 to develop a regional structure from that.

15 MS. PARTON: But I guess that's the thing, why do
16 we get pushed into the chaos, why don't we stay how we
17 are and get imported stuff and make them, you know,
18 they go through their changes and stuff, why do all of
19 our regions have to -- I mean, why do we have to be
20 combined into with the eastern area and stuff like
21 that?

22 Anyway, thank you.

23 MS. BREAD: Hello. I'm Marilyn Bread, speaker
24 for the Kiowa legislature newly elected. And we've
25 been thrown into the fire right now. But I want to

1 commend you, John, for having the bravery to confront
2 us with these issues and we're praying for you.

3 MR. TAHSUDA: I'll take all the prayers I can
4 get.

5 MS. BREAD: As well as for ourselves.

6 I want to say first and foremost to my
7 distinguished tribal leaders and colleagues and the
8 bureau officials who are here working with us in
9 trying to tackle tribal sovereignty and trying to
10 express the passion we have to support our treaty
11 rights and our treaty provisions. And each time that
12 the government takes a step in the wrong direction we
13 have to raise up our hands and say stop. What you
14 hear before you today, John, is this passion to
15 protect our people, our water rights, our sovereignty
16 from the top to the bottom.

17 I have some questions that came out of the
18 discussions at NCAI and that dealt with some of the
19 trust responsibilities issues. I don't know if you'll
20 address them today or in the future, but first and
21 foremost, who has accountability for the tribal
22 consultations? Is it the local level, is it the
23 regional level or is it your level? And then who
24 gives us feedback from all the consultation today and
25 who do we hold accountable if they don't get that

1 done?

2 The second thing is that when we come before
3 you with this proposed regionalization effort in
4 Indian Country, will this dilute trust responsibility?
5 What about the fiduciary responsibility of the bureau?
6 And what will be the safeguards and protections so
7 that that will not be diminished?

8 We also are impassioned with the fact that
9 we are the only DOI agency that represents the people
10 in our trust responsibility duties we took as an oath
11 of office. So knowing that the government does work
12 sometimes in these ways, I would ask that you would
13 definitely look at this proposal with respect and
14 support for tribal sovereignty and protection of
15 treaty rights with funding appropriate for that.

16 The next thing is that on your pages you
17 gave us I'm looking at the proposal for the 13 unified
18 regions when we know, in fact, that state lines
19 sometimes are in conflict with tribal lines. All of
20 their duties and regional boundaries sometimes
21 conflict with different interests. What will you do
22 to ensure that we are heard at that level and that our
23 treaty rights are safeguarded particularly when it
24 comes to land and water?

25 The next thing that we would like to -- I

1 would like to ask you is this question of these
2 boundaries. I support the position that we maintain
3 our boundaries as we have them today, but I look at
4 this Interior Regional Director position for each
5 region and it's somewhat frightening because if you do
6 not have a voice at that level it appears to me that
7 you are giving up a lot of your trust responsibility.
8 So I would like to ask and propose that there be a
9 Deputy Secretary that would allow tribes to select
10 their own Indian Regional Director and give us our own
11 Native American Deputy Secretary for all native
12 tribes. I also would like to see us look at the
13 possibility of looking at Alaska I believe was one of
14 the groups that you said was a model. Where is that
15 report? How is that working as a pilot project of
16 shared services? And would commend you on coming to
17 talk to us today but where will this go is my bottom
18 line question. Thank you.

19 MR. TAHSUDA: Thank you.

20 MR. KOMALTY: Hello, Mr. Tahsuda. My name is
21 Matthew Komalty, Chairman of the Kiowa Tribe.

22 I just had a little confusion here and I'd
23 like for you to explain this to me. Is this
24 considered a listening session or a formal tribal
25 consultation and is it adhering to the Department of

1 Interior policy of a tribal consultation because the
2 leaders and the federal decision makers -- well, the
3 leaders wasn't involved in making the agenda and being
4 part of the policy that we're talking about now. I
5 think that's where a lot of the confusion comes in.
6 Because I'm here as -- I think earlier we were on a
7 talk show together and I said that we can't support
8 this because we don't have enough information on this
9 and my stance is still the same because we're sitting
10 here asking all kinds of questions that we should know
11 as tribal leaders, already know these answers to take
12 back home. And that's just the only question that I
13 had for you, sir.

14 MR. TAHSUDA: Thank you, Chairman.

15 So this is a consultation in compliance with
16 our policies on tribal consultation. And again, I
17 understand, you know, feeling like you don't have
18 enough information. That's part of what this is
19 intended to do is to impart, you know, a base level of
20 information with the intent of having a further
21 discussion. So, and again, trying to hit this sweet
22 spot between giving you enough information to let you
23 know kind of what thinking is going on without being,
24 you know, pre-decisional in getting to you before that
25 but not being too far down the road that you feel like

1 you haven't had any input. So, that's part of the I
2 guess sweet spot we're trying to hit.

3 Real quick I just want to reemphasize so
4 that there's no confusion. The decision making that
5 happens in the regions is part of our normal decision
6 making process, that's what you call a function.
7 Right? It's a process that we perform in pursuit of a
8 decision which is part of our mission in supporting
9 our goal of supporting tribal sovereignty and
10 respecting the tribes. So the functions don't impact
11 tribal sovereignty or our respect for it or anything
12 like that. This effort is intended to improve how we
13 perform those functions so that he we can better meet
14 our ultimate goal of serving tribal sovereignty. So,
15 I just want to emphasize that.

16 Sir?

17 MR. HINES: My name is Charles Hines. I'm the
18 District 5 legislator for the Kiowa Tribe, Lawton,
19 Oklahoma area. And I'm glad that you came down, but
20 just my opinion that this consultation is just a show.
21 The administration is going to do what they want
22 anyway once we're done. We come down here, you know,
23 thinking our input is going to mean something. I'm a
24 21 year BIA employee and I know how the BIA works.
25 I've been around a long time. I've been around. You

1 know, thirty years ago I was a young man on the tribal
2 council and thirty years later I'm an elder on the
3 tribal council again. So, I think this input here is
4 not going to make any difference. And you said Zinke
5 is going to be -- you're talking about Zinke being a
6 good guy and all that, playing ball and all that kind
7 of stuff, but reality, if you go back and say the
8 Indians don't want this and he backs us up he'll be
9 gone tomorrow, he won't be there very long.

10 I see a lavender spot up there on the map
11 for the eastern half of Oklahoma they didn't put the
12 rest of us. There are people in Kansas and Texas and
13 if we don't play ball with you we'll end up with an
14 area office in El Paso or something. But that's just
15 my personal opinion for District 5 is against this
16 proposal.

17 MR. TAHSUDA: Thank you, Mr. Hines.

18 MR. BUNCH: Good afternoon. Or I should say this
19 -- good afternoon. All right. I'm Joe Bunch. I'm
20 chief to the United Keetoowah Band of Cherokee Indians
21 in Tahlequah, Oklahoma.

22 Initially after looking at your presentation
23 here today I was here to fight for my tribe so to
24 speak as well. But as it is we're all fighting for
25 our tribes. We all signed that oath of office that

1 said we fight discrimination and things of this nature
2 on a daily basis that we leap tall buildings for our
3 tribal citizens and receive the different products and
4 services that the federal government has to offer and
5 we are social workers. But I now see that in also
6 talking about some of the early on issues that
7 decisions made thirty and forty years ago that affect
8 our tribes and my tribe in particular, different
9 issues in terms of being a dormant tribe, a mistake on
10 the BIA acknowledgment and those sorts of things that
11 I'm here to clarify. We are here, we've been in
12 existence for 68 years. But I'm glad to see that
13 you're here. Thank you for that opportunity to allow
14 me to discuss this with you and clarifying lot of the
15 things that you've already done today. I know some of
16 the other folks had mentioned things like the
17 political leadership and things of this nature,
18 movements and the various needs, but thank you for
19 that.

20 Additionally, our council meeting, a while
21 ago I mentioned decisions made years ago. At our
22 council meeting this past week one of the plights for
23 this meeting, which is still yet undecided at this
24 point, was yes, let's reorganize based on those issues
25 that happened years ago. And you know what our plight

1 is. We're one of three federally recognized tribes,
2 we're one of the small three federally -- Cherokee
3 Tribes I should say, that we're probably one of the
4 smallest tribes of them all. So we still speak
5 Cherokee, we still do the cultural ways and things of
6 this nature and -- how does -- and I'm glad to hear
7 new comments like the silo effect and things of this
8 nature and the organizational structure and things
9 like that, you're pushing the decision making down to
10 the regional area and things of that nature. Just
11 clarify for me, if a decision goes not in your favor,
12 who do you go to to appeal? Now, keep in mind the
13 financial portion of it all, litigation and things of
14 that nature, some of us don't have that ability, and
15 so what happens then?

16 And thank you again for letting us be here
17 to share our concerns about this.

18 MR. TAHSUDA: So, let me try and understand.
19 You're asking for a decision that goes up through the
20 Interior Regional Director as opposed to a purely say
21 BIA decision, what would be the appeal process for
22 that?

23 MR. BUNCH: Right. In other words, a while ago
24 when you mentioned that I kind of got -- we had
25 Regional Director, an assistant and so on.

1 MR. TAHSUDA: Right. So, the internal conflict
2 is resolved by Deputy Secretary and so the appeal of
3 that decision, again, it probably would be something
4 that would be more likely for you as tribes to have an
5 interest in because that would be more -- usually more
6 of a policy conflict between the bureaus. So, you
7 would have the opportunity through us, through ASIA,
8 you know, to be able to get your tribal views
9 expressed to the Deputy Secretary. At the end of the
10 day the decision I guess would be his at the end of
11 the day because he's the -- since the Interior
12 Regional Director couldn't resolve the issue the
13 Deputy Secretary would be the sort of final decision
14 on that in this process, ultimately the Secretary,
15 yes. But the Deputy Secretary can make it final for
16 the department and you can appeal that. So you would
17 have the normal process internal asking for like
18 reconsideration of the decision of the Deputy
19 Secretary if you wanted to, et cetera, and then you
20 would be able to go directly -- I think conceptually
21 you would then go directly -- you'd be able to go
22 directly to Federal Court because there would be a
23 final departmental decision.

24 MS. HARLAN: I'm Marsha Harlan, chair of the
25 Osage Minerals Council, Pawhuska, Oklahoma.

1 Just a couple of issues to be clarified.
2 When you first started talking to us today you said
3 that this wasn't just the BIA, this is department
4 wide. And so my question for you is this Interior
5 Regional Director, is that going to be a BIA personnel
6 or is that going to be one of the other departments?
7 That's the first question.

8 The second question is -- well, if you could
9 answer that.

10 MR. TAHSUDA: Sure. So, there's not been a final
11 decision, but I think the concept that seems to be
12 appreciated most by our career staff and by the
13 Secretary and the folks working on it from his end is
14 to have the bureau Regional Directors in that region
15 elevate to that position on a rotating basis. And
16 again, not that they would leave their job, they would
17 still have their day job as the Regional Director for
18 their bureau in that region, it's just they would take
19 on this additional responsibility of being this
20 project manager for that unified region.

21 MS. HARLAN: So the Interior Regional Director
22 could be Bureau of Land Management?

23 MR. TAHSUDA: It would rotate amongst all the
24 bureaus.

25 MS. HARLAN: Okay. But it could be at any given

1 time --

2 MR. TAHSUDA: It would be all the bureaus that
3 are in that region. And again, you know, there's a
4 couple of positives out of that. So no bureau
5 director ostensibly would be silly enough to elevate
6 his bureau's decisions over the others because as soon
7 as he steps out of the chair somebody else would
8 elevate theirs, you know. So it creates an incentive
9 for them to give everybody -- make sure that all the
10 bureaus treat each other fairly. Right? So --

11 MS. HARLAN: That's a nice concept but that's not
12 how life works. And I like it that you come from DC
13 where, let me finish, where you come from DC and
14 that's how you view things, but that's not how real
15 life works. If BLM was the regional director you can
16 bet it will affect us in a different way than if it
17 was a BIA employee. That's the first thing.

18 I want to give you a real life example and
19 ask you to tell me and my council members that are
20 present how this would benefit us. We have what is
21 known as the American Burying Beetle on our land, on
22 our billion dollars minerals estate that we cannot
23 drill because of this stupid little beetle. Okay? In
24 Osage County there are a lot of ranchers who have
25 contracted with the United States to run these wild

1 horses. They can trample all over that burying
2 beetle, it doesn't matter. They've got a waiver,
3 they've got an exclusion. We're talking about taking
4 up six feet by five feet space at the max to drill,
5 not including the well, the rig, but just the well at
6 the end of the day and we can't go in and do anything
7 right now. And I'm told just this morning that we're
8 in the season of mating for this beetle, so we sure
9 can't do anything right now. You tell me and my
10 council members how this is going to help us because
11 you said multiple times that it's not the intention to
12 create another level of bureaucracy. You know, the
13 road to hell is created -- is paved with good
14 intentions. But here we are, it is creating a level
15 of bureaucracy for us. We can't get anything through
16 at the local level, so now we're going to go to a
17 Regional Interior Director. And then I just heard you
18 answer Chief Bunch and say that, you know, effectively
19 we could then go to court one would think. Tell me
20 how that's not bureaucracy. That's solving a problem
21 for you but what is it doing for us? It's creating
22 another level for us. And that's my question for you,
23 how can I ask my council to support this when if you
24 have BLM and you're a rancher and you're doing
25 something for the government, well, yeah, you trample

1 all over these little beetles, but if you're doing
2 something for tribal people, absolutely not,
3 absolutely not. We're stuck right now in a holding
4 pattern waiting on these stupid beetles. I'd just as
5 soon call Orkin out and get rid of them. I want to
6 know how this is going to help us because to me it
7 just looks like another level.

8 Thank you.

9 MR. TAHSUDA: Thank you.

10 So specifically on your beetle I think that
11 would be a decision that is purely ours. Unlike a lot
12 of other parts of the country, you know, there's a
13 unique law that applies to Osage. So that is not a
14 decision that requires a NEPA analysis being done.

15 MS. HARLAN: Well, could you pass that on to our
16 superintendent who's got us sitting idle because we're
17 sitting idle wasting on these little beetles.

18 MR. TAHSUDA: So to be fair, there's been a lot
19 of litigation over that. And so we have to make sure
20 that the decisions that we make, you know, are
21 defensible and that's ultimately a part of the process
22 unfortunately. NEPA is pretty complicated. We know
23 that the bureau didn't handle its NEPA
24 responsibilities good in the past and that's part
25 of -- so that's part of it. But for purposes of this

1 discussion, you know, that's a decision then that
2 would not be affected by this really at all I think
3 because that's purely in our lane. Right? So we
4 don't need to get the NEPA views of BLM or any other
5 agency, we've just got to work through them ourselves
6 and --

7 MS. HARLAN: We've been guided in that direction
8 and they are the ones who declined. It's fish and
9 wildlife who won't let us have an exclusion.

10 MR. TAHSUDA: We can have a conversation with
11 about that. I think we can, you know --

12 MS. HARLAN: But see, now you're kind of changing
13 the rules.

14 MR. TAHSUDA: Again though, it just gets
15 complicated because there's so much litigation over
16 it. I think that's, you know -- but I'm happy to --

17 MS. HARLAN: But it changes the rules. That's a
18 real life example for us of how we're in this holding
19 pattern and it's hurting our tribal members. We have
20 billions of dollars in the ground and can't get to it.

21 MR. TAHSUDA: And that is a good example in this
22 case. Right? So, we've been working on this NEPA
23 stuff, right, we've been trying to get around and
24 resolve these issues, the litigation and stuff and I
25 know that our guys went a long ways down the road, our

1 NEPA analysis, and then when we thought we were
2 getting somewhere fish and wildlife jumps into the
3 middle of it. Right? This is exactly the issue that
4 we have. So, under this concept the fish and wildlife
5 would have been told this is going on, if you want to
6 be involved in this decision you can be involved now
7 from the very beginning, we work this issue out over
8 the beetle or whatever else it may be and we work it
9 out now. Right? You don't come in after we've been
10 into this for three years and say, whoa, whoa, whoa,
11 we've got an issue. Right? Because at that point
12 then they're told you had your chance, you know, and
13 you didn't -- it clearly wasn't important enough to
14 you three years ago, why is it important to you now.
15 Right? So maybe this is a good example.

16 MS. HARLAN: Are you saying that we would then
17 take that to the Interior Regional Director and they
18 would work across the board to tell folks, hey, you're
19 coming in too late?

20 MR. TAHSUDA: Yes.

21 MS. HARLAN: Okay.

22 MR. TAHSUDA: So, the way it will work is so say
23 our guys, and we would be the primary agency on this,
24 right, the lead agency on this, so the notice would go
25 out to the other bureaus, does this in any way impact

1 you, do you have any input for this necessarily.
2 Right? And we're not asking for input if you don't
3 need to give it. Right? And you're on notice.
4 Right? And the Interior Regional Director is the one
5 who makes sure that that word is out and everybody --
6 and there's timelines involved with that, right, and
7 they have to respond they want to be part of the
8 discussion and then they set a schedule for when we're
9 going to accomplish these milestones in this
10 discussion, we're going to resolve this issue by this
11 date, by that date, by that date and that's how it
12 will work in resolving this. So this is an
13 interagency conflict. Right? That's how that would
14 be resolved. If at the end of the day -- and again,
15 there's a deadline of one year now for most of our
16 NEPA analysis. Right? At the end of the day if we're
17 getting close to that year and it's still unresolved
18 the regional director says either you guys resolve it
19 in the next thirty days say or we're going to go to
20 the Deputy Secretary and then they have to go -- and
21 then these two regional directors will have to go to
22 the Deputy Secretary through the Interior Regional
23 Director, right, they'll have to go and explain why
24 they can't resolve this, why is that beetle more
25 important than our trust responsibility to the tribe.

1 I mean, so that's he how it's intended to work.

2 MR. BURCH: Any other tribal leaders want to
3 talk?

4 All right. Melvin Burch. I'm Chickasaw. I
5 retired at the of calendar year from the Office of
6 Special Trustee for American Indians as senior
7 executive service member to the Regional Trust
8 Administrator in OST, Mr. Tippeconnie's favorite
9 agency and office. And Mr. Tahsuda, in retiring I
10 didn't ever think that I would be told by someone at
11 Interior to sit down and shut up again, but that
12 happens.

13 Let me read a few things -- or I'll ask you
14 a question. The nine agencies that you're talking
15 about, National Park Service, USGS, Fish and Wildlife,
16 BLM, Bureau of Reclamation, EPA, Forest Service, USDA,
17 BIA. Are those fairly correct?

18 MR. TAHSUDA: The Forest Service and EPA are not
19 in DOI.

20 MR. BURCH: Okay. Well, I don't have the other
21 two. But my point being that the eight agencies other
22 than the Bureau of Indian Affairs -- well, let me read
23 something to you. Article 1, Section 8 of the U.S.
24 Constitution states that Congress shall have the power
25 to regulate commerce with foreign nations and among

1 the several states and with Indian tribes, in the
2 Constitution.

3 Another is Article 6 of the Constitution.
4 This Constitution and the laws of the United States
5 which shall be made in pursuance thereof and all
6 treaties made or which shall be made under the
7 authority of the United States shall be the supreme
8 law of the land. I want to emphasize supreme law of
9 the land. And the judges in every state shall be
10 bound thereby anything in the Constitution or law of
11 any state to the contrary notwithstanding.

12 So, of the nine agencies, the Bureau of
13 Indian Affairs has responsibility to provide services
14 to a recognized entity in the constitution. None of
15 the other eight agencies do. They have inanimate or
16 land, minerals, those are all important but those
17 provide the services to the Native Americans and the
18 tribes. I think the whole concept here is misguided
19 in putting the BIA even involved in this because the
20 BIA and all resources from each of these organizations
21 or each of these agencies that provide services to the
22 tribes should be at a different level, should be at
23 the level of the states and foreign nations. It's in
24 the Constitution. And by then putting a decision
25 process of your agency, the BIA, in with other

1 agencies, what do you think the vote is going to be
2 when it comes to the beetle that they're talking
3 about? Are they going to recognize the tribes? And
4 you're going to be outvoted pretty much every time
5 when the other things have no relationship to
6 assisting the Indian tribes at the level that your
7 bureau and the other offices that provide services to
8 the tribes.

9 The three priorities, we talked about that,
10 those were talked about. Certainly none of these
11 three priorities are significant to the level of the
12 what the servicing to the Native American tribes, the
13 housing, all of the things that are involved in
14 human -- taking care of human individuals instead of
15 fish, wildlife, these type of things.

16 You talked about silos being an issue.
17 You're not going to change the silos by this
18 organization within any federal agency. For instance,
19 the BIA is still going to have their silos, the USDA
20 is still going to have their silos. All you're doing
21 is putting in a basket hundreds of silos, if not this
22 convincing.

23 So, let's see, and you said the tribes
24 have -- do the tribes have the option -- or the
25 tribal -- do they have the option to opt out

1 completely, is that their right? It's a little
2 confusing because you said they have a say. Do they
3 have a say or do they have a veto in whether they
4 enter into this type of organization? Do the tribal
5 governments have a say or do they have a veto?

6 MR. TAHSUDA: Well, you have a veto as to whether
7 the BIA region that you're located in should
8 participate. And again, you know, it would be most
9 helpful if it was a consensus among the tribes in that
10 region. So, I don't know, I've tried to say that
11 multiple times, I'm not sure why it's not coming
12 through.

13 MR. BURCH: Well, but each time you say then we'd
14 have to have a discussion.

15 MR. TAHSUDA: We do, we do have to have a
16 discussion either way. Right?

17 MR. BURCH: Why?

18 MR. TAHSUDA: Why? Because I think you would
19 like the BIA to still be effective in interacting with
20 the other bureaus. They're going to be -- the other
21 bureaus are going to be -- let me repeat this, the
22 other bureaus, the governors, the state legislators,
23 county commissioners, they don't get a veto over
24 whether BLM, Fish and Wildlife or whatever goes into
25 this. They're going to into it. And so the

1 discussion will necessarily be, you know, how do we
2 keep the BIA effective in working with this now
3 unified region. And again, this is sort of a regional
4 structure, right, in how they will operate in that
5 region. If the tribes want to opt in then we'll have
6 a discussion about how we can make that work best for
7 the tribes and so that they will be integrated into
8 the regional decision making for these three -- and
9 they're not priorities, they're functions. Right?
10 Whether we build a house, whether we drill a well, we
11 have to issue permits, we have to do NEPA analysis.
12 Those are functions and whether BLM allows a house
13 built on public lands or whether they allow drilling
14 on public lands, they do permits, they do NEPA
15 analysis. Those are functions. Every bureau does
16 them. And the point of that is to say can we have
17 coordination if there are multiple bureaus involved in
18 that decision whether it's a permit, biological
19 opinion, NEPA review, those are functions, do all the
20 bureaus who are necessarily involved in that then get
21 a chance to coordinate from the very beginning on that
22 instead of waiting until a decision is three-quarters
23 done and then trying to weigh in. That's -- I want to
24 make that very clear. They're not priorities, they're
25 functions, they're processes on how we do our

1 priorities, how we do our jobs.

2 MR. BURCH: And all of those functions in my
3 opinion should be separate from a group decision and
4 because Indian tribes should have priority over all of
5 these they should be a separate organization to
6 service the Indian tribes. They should get what they
7 need regardless of what the other agencies decide that
8 their priority is.

9 MR. TAHSUDA: I appreciate that viewpoint, but I
10 have to say that we are required by the Constitution,
11 federal laws, Federal Court decisions to make sure
12 that there are -- the lead agencies are involved in
13 the decision and every agency that gets to be
14 involved. No agency in a NEPA analysis gets to
15 exclude the others and there is federal litigation
16 about one agency excluding another as well as outside
17 groups. So, when we do this it would be great, right,
18 if it was a perfect world and the tribes could be
19 international sovereigns, but that's not the case.
20 And one of the things that you have to be comfortable
21 with in this job. It was different when I previously
22 did time working in Congress on The Hill, it's a
23 different perspective from there, but in this position
24 there are bounds to what you can and can't do. We are
25 bound by federal law, we are bound by Federal Courts

1 and at the end of the day we have to find our way
2 through that, make sure that we're meeting our trust
3 responsibilities and that's the challenge that we face
4 and we take it on every day.

5 MR. BURCH: Have the rules and regulations for
6 how this will be managed been propagated?

7 MR. TAHSUDA: No.

8 MR. BURCH: So, everything you're saying today as
9 explanation, that may not be what happens?

10 MR. TAHSUDA: The plan is not finalized yet.
11 Right? And the plan will be a very high level plan
12 that the Secretary will submit to the president.

13 MR. BURCH: Right, but there's going to have to
14 be procedures as to how the process works through all
15 of these agencies?

16 MR. TAHSUDA: And for us what would be part of
17 this second discussion, right, regardless which way
18 the decision goes.

19 MR. BURCH: And they're all going to have to
20 agree on this one procedure. I have been in
21 government. That is very difficult to do between two
22 agencies much less nine. And as I said, any -- and I
23 know you have the responsibility to come out and make
24 this recommendation and attempt to have the tribes buy
25 in to the situation. I would say the same thing about

1 the government leaders. Before I retired I was
2 selected to go to that first group meeting to work on
3 coming up with whether -- what we would do for the
4 reorganization and this was already prepared. So, the
5 people that went to DC had this laid out in front of
6 them and it would have been very difficult in my
7 opinion for anyone to say -- they may have said it,
8 but as you said, they have no choice. So, this was
9 laid out and being a federal senior executive service
10 I would have had to accept that and go out and sell
11 that to the Indian tribes or attempt to that I had.
12 So, I'm not sure we have had all of the exact input
13 that should have been coming from the leaders of the
14 BIA and Interior, but I hear what you're saying. I
15 apologize for saying what I believe is what happened
16 or what is happening in this process. And I would
17 just advise the tribes that they really don't buy into
18 this immediately that you're going to have to do this.
19 I think you need to -- you know, you're sovereign
20 nations, you mentioned that they're not like
21 international sovereign nations, I think that's what
22 you said, but they are sovereign nations and they
23 have -- there was discussion of will a tribe be able
24 to opt out and no individual tribe will be able to opt
25 out of this and if you go along with it the

1 explanations that have been made as to how decisions
2 would be made under this, did you find those simple
3 when they were explained? And you haven't even seen
4 what the end result is going to be on these decisions
5 yet. So, I'd just advise you to be -- and I really
6 applaud all of the tribal leaders that are here today
7 that are evaluating this, this proposal. And one of
8 the comments was made you have a year and a half, two
9 years left in this administration. And if they spent
10 a lot of time and a lot of resources doing this
11 development and then there's a change in
12 administration, this is chunked, this is put in the
13 trash. So, all of the individuals that are now
14 serving you from the Department of Interior, they're
15 going to be spending a lot of time away from serving
16 you working on this reorganization I can tell you,
17 I've done that during my career. So, it's not going
18 to be a slam dunk as to how easy this is going to get
19 done when you have nine different agencies trying to
20 come up with a resolution. So, that's my comment.

21 Thank you.

22 MR. WATKINS: Good morning, Mr. Tahsuda. I'd
23 like to thank you for coming to Oklahoma on behalf of
24 the Delaware Nation in western Oklahoma. I am Matthew
25 Watkins. I'm the treasurer for the Delaware Nation.

1 One of the questions that my president just gave me
2 was how are you guys going to solve the interagency
3 communication between different agencies? For
4 example, we have a lawsuit that we have joined in with
5 other tribes concerning 106 consultation and the rule
6 changes that they've done. Some of the tribes depend
7 upon those fees for their cultural programs as well as
8 their preservation programs. How is the bureau going
9 to recommend solving this problem between -- when one
10 federal agency trumps another, especially when it
11 comes to important programs such as NAGPRA? We have a
12 process in which we have, what is it, 17 states I
13 believe we encompass, 18 different states we've come
14 from. Most of those consultations are in those
15 different states and I think we've added West Virginia
16 to the mix as well. So, our tribes come from the east
17 coast as well and, of course, with the push of
18 manifest destiny we got pushed across the Mississippi
19 and bonded with the Caddos. So the Caddos --

20 MR. TAHSUDA: I'm sorry for that.

21 MR. WATKINS: Yeah.

22 MR. TAHSUDA: Just kidding.

23 MR. WATKINS: But, you know, putting us all into
24 one pickle barrel so to say, it draws some serious
25 complications on our end because we have cojoined

1 lands, we do not have land that we can buy back. You
2 know, those are some of the problems that we have.

3 And getting back to the 106 consultation,
4 you know, if you started taking away those fees away
5 from the tribes, what are they going to have to follow
6 up on? If somebody wants to come and build a
7 cellphone tower on my parents' property, what
8 protections do they have to stop such like that and
9 maybe consult with the owners? We don't have the same
10 consultation rules that are set up with the fee
11 landowners, say the trust responsibilities that you
12 guys have.

13 And looking at your proposal for
14 reorganization, it says the interior mission stays the
15 same respecting supporting tribal sovereignty. I
16 believe your web page says something totally
17 different. The mission statement of the Bureau of
18 Indian Affairs mission is to enhance the quality of
19 life, promote economic opportunity and to carry out
20 the responsibility to protect and improve the trust
21 assets of American Indians, Indian tribes and Alaska
22 natives.

23 So I think your mission is kind of half
24 baked there. It's not really totally what we're
25 looking at. You guys are responsible to uphold our

1 treaty rights. You're getting a percentage of our
2 monies that come from those treaty rights to do those
3 things. We need to see an accountability on DOI's
4 part and the bureau's part as to how those are
5 effectively working for us. That's the biggest
6 problem I see is that there's no accountability. Even
7 after Cobell we haven't seen any accountability. I
8 haven't seen it. And it's not blaming people in OST
9 or anybody else for not doing their job, but we need
10 to have that accountability given to the tribes,
11 especially in our region. We're such a small tribe, I
12 think we number less than 1,400 people, but a lot of
13 our people that come to council they ask us these
14 questions, you know, what's the bureau doing for us,
15 you know, how come we're not getting this, how come
16 we're not getting that. Well, we don't have -- we
17 have an arduous task trying to explain that to them
18 but at the same time we're not getting information
19 from the BIA. So, we need more correlation as far as
20 communication between our departments and anything
21 that has to do with self governance. We're pretty big
22 on self governance right now. I think we're maybe one
23 of the only few tribes that actually have used our
24 self governance. So, what we need is -- I guess what
25 I'm asking for is we need better communication between

1 the tribes and the bureau. I don't see that yet. You
2 have one consultation to do one reorganization, you
3 need to have many more consultations besides just this
4 one. There needs to be more tribal leaders that are
5 probably not present here that can't represent their
6 people, they need to be here as well. So, kind of
7 like I said, we appreciate you guys doing your job, we
8 need something better from the bureau. That's all.

9 MR. TAHSUDA: Thank you.

10 So I'd just point out, I have on the slide
11 show this Interior's mission with respect to tribal
12 sovereignty and the bureau lists its mission which is
13 taking care of tribal assets and the people part of
14 it. Right? Anyway, that's just an aside.

15 I'm not entirely clear, let's talk more
16 about -- you're talking about fees and 106
17 consultation. So, I don't think this should affect
18 your role in that, but, you know, if you think it does
19 that would be something you want to have a further
20 conversation and make sure that we don't impact that
21 negatively. So, yeah.

22 MR. WATKINS: The main thing is just supporting
23 the tribes even when our programs, important programs
24 such as NAGPRA. You know, we don't need the SEC
25 pulling the rug out from underneath us.

1 MR. TAHSUDA: Right.

2 MR. WATKINS: You know, we've already established
3 these things. The companies that actually do business
4 with us, they don't mind paying these fees. It's
5 actually a nominal fee compared to what they're
6 making.

7 MR. TAHSUDA: Right.

8 MR. WATKINS: A drop in the bucket.

9 MR. TAHSUDA: Appreciate that. Unfortunately, I
10 can only provide input back to the Secretary on
11 Interior and not other agencies. I think there was a
12 question asked earlier about other federal agencies
13 doing this. So, just so you know, I mean, the
14 president's executive order went to all the cabinet
15 agencies. And so ostensibly they're all going through
16 the same exercise but I have no clue where they are on
17 that. Again, presumably they will be done and submit
18 their plan by October as well, but, you know, we had
19 some discussion with Department of Ag about Forest
20 Service, et cetera, and we had some discussion with
21 IHS about whether they would want to have similar
22 regions that we do so we could kind of coordinate
23 better and there wasn't a lot of interest on their
24 part unfortunately. And so a lot of our effort is
25 focused just internally within our department.

1 Yes, ma'am? And I would just note we have
2 about five minutes left and I'd love to spend all day
3 with you believe it or not, but I actually have a
4 plane to catch. Thank you.

5 Ma'am?

6 MS. SANDERS: Thank you for the opportunity to
7 speak. What I have to say is going to be very brief.
8 I think my primary concern and what I hear from
9 everybody else is the bottom line, it's economics and
10 it's also trust issues which are very well grounded in
11 history. And I'm happy that you seem to have trust in
12 Mr. Zinke, however it seems to me that every
13 department head that has been appointed has been
14 appointed specifically to destroy that department.
15 So, that is a big concern of mine. And as far as
16 economics go, this really message is for the rest of
17 my brothers and sisters here is the macroeconomic
18 operational reality has been misrepresented to us.
19 Anytime we want funding for the public purpose they
20 ask us how are you going to pay for it. They tell us
21 they're in debt and there's a deficit. It is mandated
22 by the Constitution and the power of the purse has
23 been given to Congress. Our government is the sole
24 owner, creator and issuer of the U.S. dollar. We are
25 not in debt. We do not borrow money. And a deficit

1 at the federal level is a surplus in the private or
2 the foreign sector. So, the only -- we have been
3 undergoing increasing austerity in the last forty
4 years for everybody. Native people have always
5 experienced that and if we don't understand how
6 macroeconomics works -- it is not -- a budget at the
7 federal level is nothing like a household, a business
8 or a state budget because we are currency users and
9 they are the currency issuer. It is Congress that we
10 all need to be addressing because they are the ones
11 who allocate the money. Every time they allocate
12 money to the military industrial complex you never
13 hear our corporate mainstream media ask how are you
14 going to pay for it because Congress creates money
15 every time they allocate for it to be spent. So, if
16 you want any more information I would be glad to give
17 it to you.

18 MR. TAHSUDA: Thank you for that economics
19 lesson, ma'am. You clearly know more about the
20 federal budget than I do. To me it is a bewildering
21 maze, but thank you.

22 So our time is up according to my Apple
23 phone, I think that's accurate. Right? So I
24 appreciate it again. Written comments can be
25 submitted. And I would tell you also as we've done

1 with other consultations, I know we have to put dates
2 up, et cetera, but I'm happy to take your comments on
3 this topic or anything, send letters into us, we'd
4 love to hear, and if you want to speak more about the
5 region and how you think it could work better, happy
6 to get your thoughts and comments on that as well.
7 Thank you.

8 We'll close out this session.

9 (End of Consultation at 1:01 p.m.)

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